ZONING REGULATIONS

City of Bristol, Connecticut

EFFECTIVE: December 21, 1990
AMENDED TO: December 5, 2016

Amd. No.	App. No.	Effective Date	Section Amended	Summary of Amendment
001	1296	12/1/91	V.A.3.	adds subsection x. to allow museums, art galleries or similar facilities as a Special Permit use in Single Family Residential zones
002	AZR91-1	2/3/92	IV.D.3.d.	allows the Zoning Enforcement Officer rather than the Zoning Commission to approve changes of non-conforming use
003	AZR91-2	2/3/92	V.A.4.a.	revises the method of measuring the maximum height of garages, sheds and similar detached accessory buildings
004	AZR91-3a	2/3/92	V.B.	permits the establishment of Open Space Developments (OSDs) by Zone Change rather than by Special Permit
005	AZR91-3b	2/3/92	V.A.3.w.	deletes Open Space Developments (OSDs) as a Special Permit use in Single-Family Residential zones
006	AZR91-3c	2/3/92	Table of Contents	revises reference to section re Open Space Developments
007	AZR91-3d	2/3/92	III.A.	adds OSD to the list of zones
008	AZR91-3e	2/3/92	V. [heading]	adds OSD to the list of zones
009	AZR91-4	2/3/92	VI.D.3.	adds subsection k. to allow personal service establishments as a Special Permit use in the Downtown/Neighborhood Transition Zone
010	AZR91-5	2/3/92	VIII.F.	deletes subsection 6
011	AZR92-1	7/1/92	XII.F.4.	deletes exemption of yard variance applications from requirement to post “notice of public hearing” signs
012	AZR91-7	7/13/92	IX.B.4.b.	deletes subsection
013	AZR91-8	7/13/92	IX.B.4. [first ¶]	allows valid earth removal operations as of 12/21/90 to continue operation subject to renewal of Special Permit
014	AZR91-10	7/13/92	IX.B.4.a.(4)	requires cross-sections only for the area of an earth removal operation proposed to be excavated during the term of the permit being applied for
015	AZR91-6	7/13/92	IX.B.4.a.(8)	clarifies need for a concept plan showing re-use of property after completion of certain earth removal operations
016	AZR91-11	7/13/92	IX.B.4.a.	adds subsection (9) to require estimate of amount of material removed under previous Special Permit
017	AZR91-9	7/13/92	IX.B.4.a.	re-numbers subsection as IX.B.4.b.
018	AZR91-12	7/13/92	IX.B.4.	adds subsection c. to allow existing earth removal operations to expand their area of operation
019	AZR91-13	7/13/92	IX.B.5.b.	allows the Zoning Commission under certain conditions to reduce/modify the required buffer area
020	AZR93-1	4/6/93	IX.B.4.a.(2) and IX.B.4.b.(8)	allows a Special Permit for earth removal in any zone in accordance with a concept plan which shows the possible re-use of the site after completion of excavation

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021	AZR94-1	7/1/94	IV.B.2	allows chimneys to project up to 2.5 feet into any required yard
022	AZR94-2	7/1/94	VIII.B.	adds subsection 8. to allow small car parking by Special Permit under certain conditions
023	AZR95-6	9/15/95	XII.F.1.c.	increases the time for posting of “notice of public hearing” signs from 10 days to 12 days
024	AZR95-1	12/1/95	VIII.A.2.b.(8)	revises the definition of temporary signs
025	AZR95-2	12/1/95	VIII.A.6.b. and VIII.A.6.c.	revises the list of prohibited signs to allow certain types of temporary signs
026	AZR95-3	12/1/95	VIII.A.7.b.(2)	deletes temporary sign provisions from existing subsection and adds reference to new subsection
027	AZR95-4	12/1/95	VIII.A.7.	adds subsection i. containing provisions for temporary signs
028	AZR95-5	12/1/95	VIII.A.9.	adds subsection c. to specify the requirements for obtaining a Sign Permit for temporary signs
029	AZR95-7	2/1/96	IX.	adds subsection E. to allow the harvesting of timber in any zoning district by Special Permit
030	AZR96-1	10/1/96	VIII.	deletes subsection F.
031	AZR98-1	4/1/98	VIII.D.4.	allows the width of driveway openings to exceed 30 feet under certain conditions
032	AZR98-2	6/1/98	V.A.12.	establishes area and dimensional requirements for certain SDD zones
033	1628	11/2/98	V.D.3.	adds subsection e. to allow housing for the elderly as a Special Permit use in the A zone
034	AZR99-1	1/31/00	V.A.4.a.	revises the method of measuring the maximum height of garages, sheds and similar detached accessory buildings
035	1689	5/1/00	VI.C.1.	adds the phrase “pedestrian-oriented” to the Purpose section of the BD zone
036	1742	5/28/01	VII.B.3.	adds subsection f. to allow certain types of medical and health care facilities as a Special Permit use in the IP zones
037	1785	5/1/02	VII.A.3.	adds subsection l. to allow health and fitness clubs, gymnasiums, and tennis and racquet clubs as a Special Permit use in the I zone
038	1790	7/29/02	VI.B.3.	adds subsection z. to allow the conversion of one-, two- or three-family dwellings to provide additional dwelling units as a Special Permit use in the BG zone
039	1804	12/2/02	VII.A.3.	adds subsection m. to allow carwashes as a Special Permit use in the I zone
040	1805	12/2/02	VIII.B.2.d.(11)	revises the minimum number of required parking spaces for self-service storage facilities

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041	1836	7/1/03	V.A.5.	adds subsection f. to allow parking structures as an accessory use by Special Permit in Single-Family Residential zones
042	AZR03-1	7/1/03	various	various amendments initiated by the Bristol Zoning Commission
043	1837	7/1/03	VII.A.3.f.	revises subsection to allow medical and dental offices as a Special Permit use in the I zone
044	1842	9/2/03	VII.B.3.	adds subsection g. to allow banks or similar financial institutions as a Special Permit use in the IP zones
045	1843	9/2/03	VI.B.2.t.	allows the provision of landscaping services by Special Permit in the BG zone as an accessory use to nurseries or garden supply stores
046	AZR04-1	10/29/04	VII.A.2.a. VII.A.3.	allows processing of earth and similar materials by Special Permit in the I zone as an accessory use to building or contractors' yards adds subsection n. to allow processing of earth and similar materials as a Special Permit use in the I zone
047	AZR04-2	10/29/04	VIII.A.7.a. VIII.A.7.b.(4)	adds subsection (4) to allow political signs in all zones without a sign permit deletes the permitting process for political signs
048	1908	1/31/05	VI.C.6. VIII.B.2.d.	adds subsection c. to allow the Zoning Commission under certain conditions to modify the "building location and bulk standards" for new buildings on the Bristol Centre Mall property in downtown Bristol adds subsection (15) to specify the minimum number of required parking spaces for business uses in the BD zone
049	AZR05-1	4/4/05	V.A.4.	adds subsection q. to allow the parking/storage of not more than one unregistered motor vehicle in Single-Family Residential zones as an accessory use under certain conditions
050	AZR05-2	5/2/05	VII.A.3.	adds subsection o. to allow primary wood processing as a Special Permit use in the I zone
051	AZR05-4	11/1/05	VI.B.3., VII.A.3., XIII.A	deletes requirement that a Certificate of Approval be obtained from the ZBA for the location of motor vehicle repair facilities, motor vehicle service facilities, and gas stations
052	AZR05-5	11/1/05	VI.D.3.d. and VIII.B.2.b.	deletes rooming houses and boarding houses as a Special Permit use in the BT zone and deletes the parking requirement associated therewith
053	#1940	1/30/06	VI.B.3.	adds subsection cc. to allow helicopter landing facilities as a Special Permit use in the BG zone
Technical Correction		2/15/06	VI.B.3.	re-designate pawn shops as subsection dd. (to eliminate duplicate subsection designation)

Amd. No.	App. No.	Effective Date	Section Amended	Summary of Amendment
054	AZR07-1	5/1/07	II.B. IV.A. IV.B.5.	revises the definition of “fence” and “structure” adds subsection 18. to regulate the installation of fences revises the yard exception requirements for walls and fences
055	1996	2/1/08	VI.B.5.a.	adds subsection 5: accessory buildings, structures and uses allowed in the BG zone by Special Permit; adds subsection a. to allow live entertainment at sit-down and fast-food restaurants as a Special Permit use in the BG zone
056	AZR07-2	2/1/08	VIII.A.7.b.(3)	revises the provision for identification signs for public and semi-public facilities to allow the inclusion of electronic message boards
057	AZR08-1	4/14/08	VI.C. VI.F. II.B. VIII.B.2.	revises the provisions of the BD zone in the BD zone, reduces the minimum side and rear yards abutting a Residential zone to 20 feet adds/defines the term “live/work unit” reduces the amount of off-street parking required in the BD zone for certain uses
058	AZR08-2	7/28/08	XI.A.16.d.(2)	revises the types of performance bonds and maintenance bonds acceptable to the Zoning Commission
059	AZR09-1	4/1/09	V.D.7.a.	allows the Zoning Commission to reduce the minimum lot area requirement in the A zone for development projects owned, operated, or sponsored by a non-profit housing corporation
060	2065	9/1/10	II.B. VII.B.3.	adds/defines the term “environmental services facility” adds subsection h. to allow environmental service facilities as a Special Permit use in the IP zones
061	2067	9/1/10	VI.C.3.	adds subsection f. to allow indoor commercial recreation facilities as a Special Permit use in the BD zone
062	2077	3/28/11	II.B. VII.A.3.	adds/defines the terms “recycling center; recycling facility” adds subsection p. to allow recycling centers and recycling facilities as a Special Permit use in the I zone
063	2084	6/30/11	II.B. VII.B.3.	adds/defines the term “domestic animal day care facility” adds subsection i. to allow domestic animal day care facilities and commercial kennels as a Special Permit use in the IP zones, subject to referral to the Planning Commission for a non-binding recommendation
064	2104	3/1/12	VI.C.2.z.	allows street-level dwelling units in the BD-1 zone under certain conditions

Amd. No.	App. No.	Effective Date	Section Amended	Summary of Amendment
064	2104	3/1/12	VI.C.3.	adds subsection g. to allow Unified Downtown Development Projects as a Special Permit use in the BD-1 zone
			VI.C.5.b.(5)	clarifies that the building fenestration requirement in the BD zone is applicable only to non-residential uses
			VI.C.7.d.(3)(b)	allows the use of “reverse angle” parking spaces in the BD zone
			VI.C.9.	replaces “Modification Process for Unified Developments on Large Sites” provisions with “Unified Downtown Development Projects” provisions
			VI.C.	adds subsection 10. to allow certain modifications in a Unified Downtown Development Project
			VIII.B.2.d.(4)	clarifies the parking standard for hotels, motels, tourist homes
			VIII.B.7.b.	reduces the minimum distance between a freestanding parking structure and the building it serves from 25 ft. to 10 ft.
			X.A.	deletes subsection 15, “Expiration of Special Permits”
065	AZR12-1	5/1/12	VI.E. and VI.F.	re-designates as Section VI.F. and Section VI.G., respectively
			VI.E.	adds a new “BHC – Route 72 Corridor Business” Zone
			VI. [heading}	adds the BHC zone to the list of Business zones
			VI.F.	adds the BHC zone to the table of area and dimensional requirements; reduces the minimum front yard on a state highway in the BN and BG zones from 50 feet to 20 feet
			III.A.	adds the BHC zone to the list of zoning districts
			VIII.A.7.e.	adds the BHC zone to the signage provisions
			IV.C.	adds subsection 4. to prohibit using a limited access highway to meet lot frontage of access requirements
			II.B.	adds/defines the term “specialty trade contractor”
			VIII.	adds subsection F., “Access Management”
066	AZR13-1	2/15/13	VI.	adds subsection H., “Temporary Moratorium on New Drive-Up Facilities in Downtown Bristol”
067	AZR13-2	7/1/13	VIII.B.2.d.	reduces the minimum number of parking spaces required for medical and dental offices from 1 space per 150 sq. ft. of gross floor area to 4.5 spaces per 1,000 sq. ft. of gross floor area
068	2147	12/1/13	II.B.	adds/defines the terms “composting facility,” “renewable energy generation facility,” and “renewable resources”
			VII.A.3.	adds subsections q. and r. to allow composting facilities and renewable energy generation facilities as Special Permit uses in the I zone

Amd. No.	App. No.	Effective Date	Section Amended	Summary of Amendment
069	AZR13-4	12/1/13	II.B.	adds/defines the terms “mixed-use development” and “unified residential development”
			VI.A.3.d. VI.B.3.g, VI.E.3.m.	substitutes the term “mixed-use development” for existing language which allows a mix of dwelling units and permitted non-residential uses in the BN, BG, and BHC zones by Special Permit
			VI.D.1.	updates the Purpose of the BT zone
			VI.D.2.	adds subsection e. to allow new three-family dwellings as a permitted use in the BT zone
			VI.D.3.	deletes subsections a. and f.; adds subsection d. to allow unified residential developments as a Special Permit use in the BT zone; adds subsection i. to allow mixed-use developments as a Special Permit use in the BT zone
			VI.D.	adds subsection 5, Unified Residential Developments and Mixed-Use Developments; subsection 6, Area and Dimensional Requirements; subsection 7, Table of Area, Dimensional, and Amenities Requirements; subsection 8, Table of Building Form Standards; and subsection 9, Table of Off-Street Parking Requirements
070	AZR14-1	1/22/14	VI.C.3.c	deletes drive-up facilities as a Special Permit use in the BD zone
		2/15/14	VI.	deletes subsection H., “Temporary Moratorium on New Drive-Up Facilities in Downtown Bristol”
071	2165	7/28/14	V.A.6.c.	Increases the maximum number of employees allowed in a business or professional office in the R-10 and R-15 zones from three to eight
072	2175	2/2/15	II.B.	adds/defines the term “high-technology business”
			VI.C.2.	adds subsection ee. to allow high-technology businesses without a manufacturing component as a permitted use in the BD zone
			VI.C.3.	adds subsection h. to allow high-technology businesses with a manufacturing component as a Special Permit use in the BD zone
			VII.A.2.	adds subsection v. to allow high-technology businesses as a permitted use in the I zone
			VII.B.2.	revises subsection b. to allow high-technology businesses as a permitted use in the IP zones
073	2200	8/28/15	II.B.	adds/defines the term “kitchen incubator’
			VI.C.2.	adds subsection ff. to allow kitchen incubators as a permitted use in the BD zone

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074	AZR16-1	2/1/16	II.B. VI.C.2. VI.C.2. VI.D.3. VI.D.3.	adds/defines “brewpub” and “microbrewery” adds subsection gg. to allow microbreweries as a permitted use in the BD zone adds subsection hh. to allow brewpubs as a permitted use in the BD zone adds subsection f. to allow microbreweries as a Special Permit use in the BT zone adds subsection m. to allow brewpubs as a Special Permit use in the BT zone
075	AZR16-2	10/15/16	V.A.3. V.A.9.	adds the “principal buildings” and deletes “multi-family residential” in a residential zone. adds and re-numbers several subsections from subsection a through subsection j.
076	2231	12/5/16	VI.B.3.	adds new subsection ee. to allow public warehousing or storage, including self-storage as a Special Permit use in the BG zone

TABLE OF CONTENTS

SECTION I - INTENT AND PURPOSE 1

SECTION II - RULES AND DEFINITIONS 2
A. RULES 2
B. DEFINITIONS 2

SECTION III - ESTABLISHMENT OF ZONING DISTRICTS AND PROVISION FOR OFFICIAL ZONING MAP 11
A. ESTABLISHMENT OF ZONING DISTRICTS 11
B. OFFICIAL ZONING MAP 11
1. Interpretation of Zoning District Boundaries 11

SECTION IV - APPLICATION OF ZONING REGULATIONS 12
A. GENERAL PROVISIONS 12
1. Compliance with Regulations 12
2. Permitted and Prohibited Uses 12
3. Change of Use 12
4. Use of Land for Access 12
5. Yards and Open Space Required for Each Building 12
6. Lots in More Than One Zoning District 12
7. Height Exceptions 12
8. Corner Lots 13
9. Odd Shaped Lots 13
10. Reduction of Lots 13
11. Required Street Frontage 13
12. Accessory Buildings, Structures and Uses 13
13. Rear Lots 13
14. Lot Required for Every Building 14
15. Porches 14
16. Terraces. 14
17. Temporary Structures and Uses 14
18. Fences 14
B. EXCEPTIONS TO YARD REQUIREMENTS 16
1. Lots Adjacent to a Railroad 16
2. Projection of Architectural Features 16
3. Bay Windows 16
4. Stairs and Ramps 16
5. Walls and Fences 16
6. Lots on Narrow Streets 16
7. Lots with a Shared Driveway 16
C. EXCEPTIONS TO FRONTAGE AND AREA REQUIREMENTS 16
1. Reduction of Lot Frontage/Lot Area Requirements in Subdivisions 16
2. Measurement of Lot Frontage on Curved Streets 16
3. Lots with a Shared Driveway 16
4. Lots Adjacent to a Limited Access Highway 17
D. NON-CONFORMING LOTS, NON-CONFORMING USES, NON-CONFORMING STRUCTURES AND NON-CONFORMING SITE FEATURES 17
1. Purpose 17
2. Non-Conforming Lots 17
3. Non-Conforming Uses 17
4. Non-Conforming Structures 18
5. Non-Conforming Site Features 18
6. Repairs and Maintenance 18
7. Uses Under Special Permit Provisions Not Non-Conforming Uses 19

SECTION V - RESIDENTIAL ZONES 20
A. SINGLE-FAMILY RESIDENTIAL ZONES (R-40, R-25, R-15 AND R-10) 20
1. Purpose 20
2. Permitted Uses 20
3. Special Permit Uses 20
4. Permitted Accessory Buildings, Structures and Uses 21
5. Accessory Buildings, Structures and Uses by Special Permit 23

6. Business or Professional Offices 24
7. The Conversion of Existing Historic Dwellings 24
8. Mobile Manufactured Home Parks 24
9. Adaptive Re-use of Existing Non-Residential Buildings to Multi-Family Residential Use 25
10. Home-Based Businesses and Home Offices 26
11. Accessory Dwelling Unit 27
12. Area and Dimensional Requirements 29
B. OSD – OPEN SPACE DEVELOPMENT ZONE 29
C. RM – MIXED RESIDENTIAL ZONE 32
1. Purpose 32
2. Permitted Uses 32
3. Special Permit Uses 32
4. General Requirements in the RM Zone 33
5. Area and Dimensional Requirements 33
D. A – MULTI-FAMILY RESIDENTIAL ZONE 33
1. Purpose 33
2. Permitted Site Plan Uses 33
3. Special Permit Uses 33
4. Permitted Accessory Buildings, Structures and Uses 34
5. Single-Family Subdivisions 34
6. General Requirements in the A Zone 34
7. Area and Dimensional Requirements 35

SECTION VI - BUSINESS ZONES 36
A. BN – NEIGHBORHOOD BUSINESS ZONE 36
1. Purpose 36
2. Permitted Site Plan Uses 36
3. Special Permit Uses 36
4. Permitted Accessory Buildings, Structures and Uses 37
5. Additional Requirements in the BN Zone 37
B. BG – GENERAL BUSINESS ZONE 37
1. Purpose 37
2. Permitted Site Plan Uses 37
3. Special Permit Uses 38
4. Permitted Accessory Buildings, Structures and Uses 40
5. Accessory Buildings, Structures and Uses by Special Permit 40
C. BD – DOWNTOWN BUSINESS ZONE 40
1. Purpose 40
2. Permitted Uses 41
3. Special Permit Uses 42
4. Permitted Accessory Buildings, Structures and Uses 42
5. Building Form Standards 43
6. Applicability of Building Form Standards to Existing Buildings/Developments 45
7. Additional Off-Street Parking Requirements 45
8. Required Approvals 48
9. Unified Downtown Development Projects 48
10. Allowable Modifications in a Unified Downtown Development Project 49
D. BT – DOWNTOWN/NEIGHBORHOOD TRANSITION ZONE 49
1. Purpose 49
2. Permitted Uses 49
3. Special Permit Uses 50
4. General Requirements in the BT Zone 50
5. Unified Residential Developments and Mixed-Use Developments 51
6. Area and Dimensional Requirements 52
E. BHC – ROUTE 72 CORRIDOR BUSINESS ZONE 54
1. Purpose 54
2. Permitted Site Plan Uses 54
3. Special Permit Uses 55
4. Permitted Accessory Buildings, Structures and Uses 56
5. Accessory Buildings, Structures and Uses by Special Permit 57
F. GENERAL REQUIREMENTS FOR ALL BUSINESS ZONES 57
G. AREA AND DIMENSIONAL REQUIREMENTS 57

SECTION VII - INDUSTRIAL ZONES 59
A. I – GENERAL INDUSTRIAL ZONE 59
1. Purpose 59
2. Permitted Site Plan Uses 59
3. Special Permit Uses 60
4. Permitted Accessory Buildings, Structures and Uses 60
B. INDUSTRIAL PARK ZONES (IP-1, IP-3 and IP-25) 61
1. Purpose 61
2. Permitted Site Plan Uses 61
3. Special Permit Uses 62
4. Permitted Accessory Buildings, Structures and Uses 62
C. GENERAL REQUIREMENTS FOR ALL INDUSTRIAL ZONES 63
D. AREA AND DIMENSIONAL REQUIREMENTS 63

SECTION VIII - SUPPLEMENTARY REGULATIONS 64
A. SIGNS 64
1. Purpose 64
2. Classification of Signs 64
3. General Provisions 65
4. Sign Design and Area 65
5. Sign Illumination 66
6. Prohibited Signs 66
7. Permitted Signs 67
8. Alternative Signage Program for Large Developments 70
9. Sign Permits 70
10. Sign Maintenance, Compliance or Removal 70
B. OFF-STREET PARKING REQUIREMENTS 71
1. Purpose 71
2. Amount of Off-Street Parking Required 71
3. Shared Parking 74
4. Future Parking 74
5. Location of Parking 74
6. Layout and Dimensions of Parking 74
7. Parking Structures 76
8. Small Car Parking 77
C. OFF-STREET LOADING REQUIREMENTS 77
1. Amount of Off-Street Loading Spaces Required 77
2. Location of Loading Spaces 77
3. Layout and Dimension of Off-Street Loading 77
D. DRIVEWAYS 78
E. CONSTRUCTION AND DRAINAGE STANDARDS FOR PARKING AND LOADING AREAS 78

SECTION IX - ENVIRONMENTAL AND RELATED REGULATIONS 79
A. SOIL EROSION AND SEDIMENT CONTROL REGULATIONS 79
1. Purpose 79
2. Basic Requirements 79
3. Definitions 79
4. Exemption 79
5. Erosion and Sediment Control Plan 79
6. Issuance or Denial of Certification 80
7. Bond Requirement/Inspection 80
B. REMOVAL OF EARTH MATERIALS 80
1. Purpose 80
2. General Provisions 81
3. Temporary Permit for Earth Removal 81
4. Special Permit for Earth Removal 81
5. Standards for Earth Removal 82
C. FILLING OF LAND 84
1. General Provisions 84
2. Standards for Filling Operations 85

D. ENVIRONMENTAL AND PERFORMANCE STANDARDS 85
1. Particulate Matter and Smoke 85
2. Odors, Gases and Fumes 85
3. Noise 86
4. Water Pollution 86
5. Vibrations 86
6. Hazardous or Toxic Materials 86
E. HARVESTING OF TIMBER 86
1. Purpose 86
2. Definitions 86
3. General Provisions 86
4. Special Permit for Timber Harvesting 86
5. Standards for Timber Harvesting 87
F. ACCESS MANAGEMENT 88
1. Purpose 88
2. Applicability 88
3. Design and Location of Proposed Driveways 89
4. Design and Location of Existing Driveways 90
5. Access Management Evaluation 90

SECTION X - SPECIAL PERMITS 92
A. REQUIREMENTS AND PROCEDURES 92
1. Purpose 92
2. Application Procedure 92
3. Need for Site Plan Approval 92
4. Special Permit Uses Involving High Traffic Generators 92
5. Additional Information 92
6. Referrals 93
7. Procedure 93
8. Standards for Approval 93
9. Conditions and Safeguards 93
10. Limit of Special Permit 94
11. Effective Date 94
12. Duration of Special Permit 94
13. Non-Compliance with Special Permit 94
14. Amendments or Modifications 94

SECTION XI - SITE PLANS 95
A. REQUIREMENTS AND PROCEDURES 95
1. Purpose 95
2. Authority 95
3. Pre-Application Procedure 95
4. Application Procedure 95
5. Site Plan Requirements 96
6. Architectural Plans 96
7. Phasing Plan 96
8. Off-Site Information 96
9. Impact Analysis 96
10. Additional Information 96
11. Referrals 96
12. Procedure 96
13. Standards for Approval 96
14. Conditions and Safeguards 97
15. Phasing 97
16. Bonding Requirements 97
17. Expiration of Site Plan 98
18. Amendments 98
19. Continuance 98
20. Certificate of Zoning Compliance 98
21. Certificate of Occupancy 98
22. As-Built Drawings 98

B. LANDSCAPING REQUIREMENTS 99
1. Purposes 99
2. General Requirements 99
3. Parking Lot Landscaping 100
4. Screening 100
5. Buffers 101
6. Modifications of Landscaping 101
7. Maintenance of Landscaping 101
C. OUTDOOR LIGHTING 101
D. MISCELLANEOUS SITE FEATURES 102
1. Walkways 102
2. Dumpsters 102
3. Mailboxes. 102
4. Shopping Cart Corrals 102

SECTION XII - ADMINISTRATION 103
A. INTERPRETATION OF THESE REGULATIONS 103
B. ENFORCEMENT 103
C. PENALTIES 103
D. ZONING PERMITS 103
E. ZONING AMENDMENTS 104
1. Authority 104
2. Application 104
3. Referrals 104
4. Limitations for Zoning District Change 104
5. Public Hearing. 104
F. POSTING OF PROPERTY 104

SECTION XIII - ZONING BOARD OF APPEALS 106
A. POWERS AND DUTIES 106
1. Appeals 106
2. Variances 106
3. [reserved] 106
4. Use Variances 106
B. GENERAL RULES 106

SECTION XIV - VALIDITY AND EFFECTIVE DATE OF REGULATIONS 109
A. VALIDITY 109
B. EFFECTIVE DATE 109

SECTION I

INTENT AND PURPOSE

A. These Regulations are adopted by the Bristol Zoning Commission under the General Statutes of the State of Connecticut for the following purposes:

1. To promote and to protect the public health, safety, and welfare of the residents of the City of Bristol, Connecticut, and of the public generally;

2. To conserve the value of buildings and to encourage the most appropriate use of land throughout the City of Bristol in accordance with the City's Plan of Development;

3. To lessen congestion in the streets;

4. To secure safety from fire, panic, flood and other dangers;

5. To provide adequate light and air;

6. To prevent the overcrowding of the land and to avoid undue concentration of population;

7. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

8. To protect the character and natural and historic resources of the City and to maintain the stability of residential, commercial and industrial areas;

9. To divide the City into zoning districts and to regulate therein the location, construction, reconstruction, alteration and use of buildings and structures and the use of land for residential, business, industrial and other purposes;

10. To maintain a proper balance of residential, commercial and industrial uses.

11. To protect existing and potential public surface and ground water drinking supplies;

12. To encourage energy-efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation; and,

13. To encourage the development of housing opportunities for all citizens of the City, consistent with soil types, terrain and infrastructure capacity.

SECTION II

RULES AND DEFINITIONS

A. **RULES**

In the construction of these Regulations, the rules and definitions contained in this Section shall be observed and applied, except where the context clearly indicates otherwise.

1. Words used in the singular may include the plural, and the plural the singular; words used in the present tense may include the future tense.

2. The word "shall" is mandatory and not discretionary or directory.

3. The word "may" is permissive.

4. The word "lot" shall include the words "piece" and "parcel".

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

6. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for", and vice versa.

7. The phrase "these Regulations" shall refer to the entire Zoning Regulations of the City of Bristol.

8. The word "Section" shall refer to a section of these Regulations, unless otherwise specified.

9. The word "person" shall include any individual, firm, partnership, corporation, association, organization or other legal entity.

10. The word "building" shall include the word "structure", and any part thereof.

11. The word "built" shall include the words "erected", "constructed", "reconstructed", "altered", "enlarged", or "occupied".

12. The "City" means the City of Bristol, Connecticut.

13. The "State" means the State of Connecticut.

14. The "Commission" means the Zoning Commission of the City of Bristol, unless otherwise specified.

15. Any agency, commission, board or department is that of the City of Bristol, unless otherwise specified.

16. The word "original" means the conditions existing at the effective date of these Regulations.

17. Words which are specifically masculine or feminine shall be interpreted as interchangeable.

B. **DEFINITIONS**

ALTERATION: As applied to a building or structure: (a) a change or rearrangement in the structural parts; (b) an enlargement or reduction, whether horizontally or vertically; or (c) the moving from one location or position to another.

BASEMENT: A portion of a building located partly underground but having less than one-half of its clear floor-to-ceiling height below the average finished grade of the adjoining ground and with a floor-to-ceiling height of not less than seven-and-one-half feet. *[See Appendix A, Figure A-1]*

BREWPUB: A combination sit-down restaurant/brewery which meets both of the following criteria:

- Its beer is brewed primarily for sale in the restaurant and bar.
- Its beer is typically dispensed directly from the brewery's storage tanks.

BUFFER, BUFFER AREA OR BUFFER STRIP: A strip of land free of any building, structure or use other than natural woody growth, landscaping, fencing or screening designed to shield or block noise, lights or other nuisances.

BUILDING: A structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person, animal, process, equipment, goods or materials of any kind or nature.

BUILDING, ACCESSORY: A building, the use of which is customarily incidental and subordinate to that of the principal building, structure or use on the same lot.

BUILDING BULK: The gross volume above ground level of all buildings on a lot, excluding open porches, balconies and permitted height exceptions.

BUILDING COVERAGE: The percentage which the ground floor area of all buildings and structures on a lot bears to the lot area. *[See Appendix A, Figure A-2]*

BUILDING HEIGHT: The vertical distance of a building measured from the average finished grade at the building wall to the highest point of mansard, curvilinear or flat roofs or to the mean level between the eaves and the ridge of gable, hip or gambrel roofs, excluding parapets not more than four feet high. *[See Appendix A, Figure A-3]*

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which it is located.

CELLAR: A portion of a building located partly or wholly underground and having one half or more of its clear floor-to-ceiling height below the average finished grade of the adjoining ground. *[See Appendix A, Figure A-1]*

CHANGE OF USE: Any proposed use which differs from the existing use of a building, structure or lot.

CHILD DAY CARE CENTER: An establishment which offers or provides a program of supplementary care to more than 12 related or unrelated children outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week.

CLUB: A building, structure or use operated by a non-profit recreational, fraternal, political, civic, social or athletic organization on a not-for-profit basis for its members or guests accompanying them.

COMMERCIAL: Relating to or connected with the interchange of goods or commodities, including but not limited to the offering and/or sale of personal or professional services.

COMPOSTING FACILITY: The land, appurtenances, structures, or equipment where organic materials originating from another process or location that have been separated from non-organic material at the point or source of generation are recovered using a process of accelerated biological decomposition of organic material under controlled aerobic or anaerobic conditions.

COURT: An open space, unobstructed from ground to sky, other than a yard, which is on the same lot as and bounded in whole or in part by the walls of a building or buildings.

CUL-DE-SAC STREET: A street with only one means of ingress and egress and ending in a turnaround.

DECK: A porch-like structure or portion of a structure, usually constructed of wood, with structural supports and having a height of more than eight inches above ground level.

DOMESTIC ANIMAL DAY CARE FACILITY: An establishment that provides for the care, grooming, training, exercising, and/or socialization of dogs, cats, or other household pets for all or part of a day, provided that overnight boarding is not permitted.

DRAINAGE: The controlled removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, to maximize groundwater recharge, and to prevent or alleviate flooding.

DRIVE-IN ESTABLISHMENT: An establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles (e.g. restaurants, carwashes, banks, theaters, etc.).

DWELLING: A building or portion thereof which is used exclusively for human habitation.

DWELLING, ATTACHED: A building containing two or more dwelling units attached to each other by continuous vertical party walls, without openings except for utilities, which walls extend from basement or cellar to roof.

DWELLING, DETACHED: A dwelling surrounded on all sides by yards and which does not have any roof, wall or floor in common with any other dwelling unit.

DWELLING, MULTI-FAMILY: A building containing four or more dwelling units, including but not limited to garden apartments and townhouses.

DWELLING UNIT: A room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used, arranged or designed to be occupied for living, sleeping, cooking and eating.

EARTH: Any material of which the ground is composed, including but not limited to soil, loam, sand, gravel, rock, stone, and clay.

ENVIRONMENTAL SERVICE FACILITY: A business that provides maintenance and cleaning services for industrial, municipal and offshore facilities, as well as complete services for the management and disposal of hazardous and non-hazardous waste.

EROSION: The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice or gravity.

EXCAVATION: The digging out, extraction or removal of earth, whether exposed or covered by water, so as to alter its contour.

FAMILY: One person, or a group of two or more persons related by blood, marriage, legal adoption or legal guardianship, or a group of not more than six unrelated persons, living and cooking together as a single housekeeping unit, including domestic help but excluding boarders or roomers.

FAMILY DAY CARE HOME: A private family home caring for not more than six children, including the provider's own children not in school full-time, where the children are cared for not less than three nor more than 12 hours during a 24-hour period, where care is given on a regularly recurring basis, and where the principal provider of the service resides on the premises.

FARM: A parcel of land used principally for agricultural activities, forestry, nursery or truck gardening, or for the raising, keeping or sale of livestock or fowl, but excluding the raising of animals for laboratory use or for their fur.

FENCE: An artificial barrier constructed of any material or combination of materials that is erected to enclose, separate, screen or buffer areas of land.

FILLING: The process of depositing clean fill such as soil, sand, gravel, rock or clay.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of every floor of a building, measured from the exterior face of outside walls or, where appropriate, from the center line of a common wall separating two buildings, and including such features as hallways, stairs, closets, columns and the thickness of walls.

FLOOR AREA, NET: For the purposes of these Regulations, 85 percent of gross floor area.

FLOOR-AREA RATIO: The gross floor area of all buildings on a lot divided by the lot area.

FRONTAGE: The length measured along that side of a lot abutting on a public street. *[See Appendix A, Figure A-4]*

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE, PRIVATE: An accessory building or portion of a principal building used for the parking and storage of motor vehicles and not available to the general public.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage or carport, used for the parking and storage of motor vehicles and available to the general public.

GRADE, FINISHED: The final elevation of the ground surface after the completion of grading.

GRADING: Any excavation, grubbing, filling (including hydraulic fill) or stockpiling of earth, or any combination thereof, which results in a change of contour or elevation.

GROUP DAY CARE HOME: An establishment which offers or provides a program of supplementary care to not less than seven nor more than 12 related or unrelated children on a regular basis for a part of the 24 hours in one or more days in the week.

HIGH-TECHNOLOGY BUSINESS: An establishment engaged in the design, development, and production of new products and/or innovative production processes through the systematic application of scientific and technical knowledge. Such businesses typically use state-of-the-art techniques, devotes a portion of their expenditures to research and development, and employ a number of scientists, technicians, and/or engineers.

Such businesses include, but are not limited to: scientific research and development services; computer and peripheral equipment manufacturing; semiconductor and other electronic component manufacturing; software publishers; computer systems design and related services; Internet service providers and Web search portals; and Internet publishing and broadcasting.

HOME OFFICE, HOME OCCUPATION: A commercial enterprise operated by the resident of a dwelling unit as an accessory use to the residence.

HOTEL OR MOTEL: An establishment offering transient lodging accommodations to the general public and which may provide additional services such as rooms for public assembly, the serving of food, and recreational facilities.

IMPERVIOUS SURFACE COVERAGE: The percentage which the ground floor area of all buildings, structures and pavement on a lot bears to the lot area.

JUNKYARD: Any place in or on which old metal, glass, paper, cordage or other waste or discarded or secondhand material, which has not been a part, or is not intended to be a part, of any motor vehicle, is stored or deposited, but not including recycling centers, transfer stations or other such facilities established by the City or its designee for the purpose of complying with the Connecticut General Statutes regarding solid waste.

JUNKYARD, MOTOR VEHICLE: (a) Any business or any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles, or used parts of motor vehicles or old iron, metal glass, paper, cordage or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles; (b) any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to cut up the parts thereof.

KENNEL: One pack or collection of dogs kept under one ownership on a single premises bred for show, sports or sale.

KENNEL, COMMERCIAL: A kennel maintained as a business for boarding or grooming dogs.

KITCHEN: A room, place or space within a structure equipped for the preparation and/or cooking of food.

KITCHEN INCUBATOR: A shared-use, commercial food preparation facility containing kitchen stations, preparation spaces, baking equipment, and dry/cold/freezer storage that can be rented by the hour or block of time in order to commercially produce food products. In addition, the facility may provide business development and support services to culinary entrepreneurs, offer classroom training, and conduct public or private special events.

LIVE-WORK UNIT: A dwelling unit used jointly for residential and commercial purposes where the commercial use of the space is secondary or accessory to the unit's principal use as a residence.

LOADING SPACE: An off-street area or berth for the loading or unloading of commercial vehicles.

LOT: A parcel of land occupied or capable of being occupied by a principal building, structure or use and the accessory buildings, structures or uses customarily incidental thereto.

LOT AREA: The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT, CORNER: A lot which abuts two or more streets at their intersection, or which abuts two parts of the same street forming an interior angle of less than 135 degrees. *[See Appendix A, Figure A-5]*

LOT, INTERIOR: A lot which abuts only one street. *[See Appendix A, Figure A-5]*

LOT, REAR: A lot located to the rear of another lot and served by an accessway owned in fee by the owner of the rear lot. *[See Appendix A, Figure A-5]*

LOT, THROUGH: A lot which abuts two parallel streets, or which abuts two streets which do not intersect at the boundaries of the lot. *[See Appendix A, Figure A-5]*

LOT LINE: A line bounding the area of a lot.

LOT LINE, FRONT: The lot line separating a lot from a street right-of-way.

LOT WIDTH: The horizontal distance between the side lot lines of a lot, measured in a straight line at but not in front of the required front yard setback line. *[See Appendix A, Figure A-4]*

. MANUFACTURING: The making, processing, fabrication or assembling of goods or wares by manual labor or by machinery.

MICROBREWERY: A brewery that (1) produces less than 15,000 barrels of beer per year with 75% or more of its beer sold off-site, and (2) sells to the public by one or more of the following methods: the three-tier system (brewer to wholesaler to retailer to the consumer), the two-tier system (brewer acting as wholesaler to retailer to the consumer), directly to the consumer through carry-outs and/or at an on-site tap-room.

MIXED-USE DEVELOPMENT: A building or buildings designed and developed on a single parcel of land in a unified manner and containing two or more residential, retail, office, recreational, cultural, institutional, or industrial uses.

MOBILE MANUFACTURED HOME: A detached residential unit having three-dimensional components which are intrinsically mobile with or without a wheeled chassis or a detached residential unit built on or after June 15, 1976, in accordance with federal manufactured home construction and safety standards, and, in either case, containing sleeping accommodations, a flush toilet, tub or shower bath, kitchens facilities and plumbing and electrical connections for attachment to outside systems, and designed for long-term occupancy and to be placed on rigid supports at the site where it is to be occupied as a residence, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and connection to utilities systems.

MOBILE MANUFACTURED HOME PARK: A lot upon which two or more mobile manufactured homes, occupied for residential purposes, are located.

MOBILE VENDING UNIT: Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable and not permanently attached to the ground which is used to sell goods, wares, merchandise or food.

MOTEL: *See* HOTEL

MOTOR VEHICLE DETAILING FACILITY: Any building, place or location primarily engaged in the systematic rejuvenation and protection of the various surfaces of a motor vehicle.

MOTOR VEHICLE FILLING STATION: Any building, place or location primarily engaged in the retail sale of vehicular fuels and which may sell other motor vehicle-related merchandise and/or perform minor repair work.

MOTOR VEHICLE REPAIR AND SERVICE FACILITY: Any building, place or location primarily providing motor vehicle repairs or service, or installation of motor vehicle-related components, including but not limited to mufflers, transmissions, brakes, lubrication, body work, and sound systems, but not including motor vehicle detailing.

NURSERY: Land devoted to the commercial raising and sale of trees, plants, flowers or shrubs and which may include greenhouses.

OFFICE: A room, group of rooms, or facilities in which services involving predominantly administrative, professional, or clerical operations are performed.

OPEN SPACE: A space not occupied by a building or structure on the same lot as the principal building or use.

PARKING AREA: Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

PARKING LOT: An off-street, ground level area used for the temporary parking of more than four motor vehicles and available to the general public, whether for free or for compensation, or to accommodate employees, clients, customers or residents, but not including private driveways.

PARKING SPACE, OFF-STREET: The area intended for the temporary parking of a motor vehicle, not including aisles and driveways giving access thereto, located in other than a public street or other public way and having a permanent means of access to a public street without requiring passage through another parking space.

PATIO: *See* TERRACE

PAWN SHOP: An establishment whose business is the taking of goods or property and the payment of money for or advancement of money on such goods or property, with the understanding, agreement or condition, expressed, implied or reasonably inferred from the nature or character of the dealing or the usage in respect thereof, that such goods or property may be afterwards redeemed or repurchased in whole or in part upon any terms whatsoever.

PET: An animal that is domesticated and customarily kept within the home for personal use or enjoyment.

PLACE OF WORSHIP: A building which is intended for the conduct of religious services and which is maintained and controlled by a religious body organized to sustain public worship and recognized as such for non-profit status by the Internal Revenue Service.

PREMISES: A lot, parcel or tract of land together with the buildings and structures thereon.

PRIVATE: Confined to, or intended, only for the persons immediately concerned; not for public or common use.

PRIVATE SCHOOL: Any building or group of buildings the use of which meets the State of Connecticut's requirements for primary, secondary or higher education and which is not operated by the City or State.

PUBLIC: Belonging, or available, to all the people.

PUBLIC SCHOOL: Any building or group of buildings, the use of which meets the State of Connecticut's requirements for primary, secondary or higher education and which is operated by the City or State.

RECREATION FACILITY: A place designed and equipped for the conduct of sports, leisure time activities or other customary and usual recreational activities.

RECREATIONAL VEHICLE: A portable vehicle built on a chassis, which can be towed, hauled or driven and primarily designed to be used as temporary living accommodations for travel, camping and recreational purposes, including but not limited to campers, travel trailers and motor homes but excluding mobile manufactured homes.

RECYCLING CENTER; RECYCLING FACILITY: An establishment whose business is the collection, separation, storage, and/or processing of recoverable resources such as glass, metals, paper, plastics, or similar materials for shipment and re-use elsewhere, but not including junkyards or motor vehicle junkyards.

RENEWABLE ENERGY GENERATION FACILITY: A facility that, through a primary or secondary process, produces energy from renewable resources of sufficient quantity and quality which can be marketed or used to offset, reduce, or eliminate energy acquired from other sources.

RENEWABLE RESOURCES: Water; wind; solar energy; geothermal energy; landfill gas; wave, ocean, or tidal power; gas from sewage treatment facilities; biodiesel; and biomass energy based on processing or composting of organic materials.

RESIDENCE: A dwelling unit or group of dwelling units.

RESTAURANT, SIT-DOWN: An establishment or use whose principal business is the preparation and serving of food and beverages to customers and which meets all of the following criteria:

- Food and beverage orders are primarily taken and served by the restaurant's waitstaff.
- Food and beverages are ordered by customers primarily seated at tables, booths, or similar sit-down accommodations.
- Food and beverages are consumed primarily at the same table, booth or similar sit-down accommodation at which they are ordered.
- Food and beverages are consumed primarily within the restaurant building.

RESTAURANT, FAST-FOOD: An establishment or use whose principal business is the preparation and sale of food and beverages to customers and which meets all of the following criteria:

- Food and beverages are pre-prepared or rapidly prepared.
- Food and beverages are typically ordered by customers at a walk-up window or counter from a permanent menu board.
- Food and beverages are served primarily on or in paper, plastic or other disposable containers.
- Food and beverages are sold in a ready-to-consume state.

RESTAURANT, TAKE-OUT or CARRY-OUT: An establishment or use whose principal business is the preparation and sale of food and beverages to customers and which meets all of the following criteria:

- Food and beverages are typically ordered by customers by telephone, fax or similar means.
- Food and beverages are sold in a ready-to-consume state.
- Food and beverages are typically delivered to or picked up by customers for consumption off the premises.
- Seating for on-premises consumption of food and beverages is incidental to the primary activity.

RIGHT-OF-WAY, STREET: The area of a public or private street, between the two opposing street lines of that street.

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

SETBACK LINE: The line parallel to a street or lot line at a distance established by the minimum yard requirements of these Regulations, behind which buildings and structures may be legally erected. *[See Appendix A, Figure A-6]*

SHOPPING CENTER: A grouping of retail business and service establishments on a single site with common parking facilities and containing at least 25,000 square feet of gross building floor area.

SIGN: Any advertisement, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or on any other structure, or produced by printing on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure, or surface.

SOIL: Any unconsolidated mineral or organic material of whatever origin.

SPECIALTY FOOD OR BEVERAGE ESTABLISHMENT: An establishment or use whose principal business is the retail sale of a limited number and type of food or beverage products for consumption either on or off the premises, including but not limited to baked goods; ice cream and similar frozen desserts; candy and similar confections; and coffee, tea and other non-alcoholic beverages.

SPECIALTY TRADE CONTRACTOR: An establishment or use whose principal activity is performing specific activities involved in building construction (or similar activities for other types of construction) but which is not responsible for the entire project, including but not limited to site preparation, plumbing, painting, and electrical work. Activities may involve new work, additions, alterations, maintenance, or repairs. Work is typically subcontracted from general contractors but, especially in remodeling and repair, may also be done directly for the property owner. Activities are usually performed at the construction site, although the contractor may have a shop where pre-fabrication and other work are conducted.

STABLE: An establishment where horses are kept, ridden, boarded, bred, shown, trained, groomed, housed or sold for commercial purposes.

STOOP: Any raised building entrance platform with one or more steps leading up to it.

STORY: That portion of a building, other than a cellar, between a floor and the ceiling or roof next above it. *[See Appendix A, Figure A-1]*

STORY, HALF: That portion of a building under a gable, hip or gambrel roof, the floor of which is not more than two feet below the roof plate.

STREET: Any right-of-way used as a public thoroughfare or a proposed public thoroughfare shown upon a plan approved by the Planning Commission and for which a bond has been posted with the City guaranteeing construction thereof.

STREET LINE: The common line between a lot and a street right-of-way.

STRUCTURE: Anything constructed or erected, the use of which requires (a) location on, in or under the ground or water or, (b) attachment to something having location on the ground or water, including but not limited to buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicap ramps, signs, permanent awnings, a gas or liquid storage tank which is principally above ground, ground-mounted antennas, ground-mounted solar panels or satellite dishes, or fences or walls.

STRUCTURE, ACCESSORY: A structure, the use of which is customarily incidental and subordinate to that of the principal building, structure or use on the same lot.

STRUCTURE, DETACHED: A structure that does not share a common wall, party wall or roof with another structure.

STRUCTURE, PRINCIPAL: A structure in which is conducted the main or principal use of the lot on which it is located.

SWIMMING POOL: A water-filled structure, permanently constructed or portable, having a depth of more than 24 inches and a water surface area of more than 60 square feet, used for bathing or swimming.

TEMPORARY STRUCTURE: A structure without any foundation or footings erected for a limited period of time and intended to be removed upon the expiration of such time period.

TEMPORARY USE: A use established for a limited period of time and intended to cease upon the expiration of such time period.

TERRACE OR PATIO: A level, landscaped and/or surfaced area located on the ground with no structural supports other than subsurface base material and retaining walls. A terrace or patio located at grade or ground level shall not be deemed a structure.

TRAILER: A structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary field office for a construction project.

UNIFIED RESIDENTIAL DEVELOPMENT: A building or buildings designed and developed on a single parcel of land in a unified manner and containing single-family dwellings, two-family dwellings, three-family dwellings, multi-family dwellings, or any combination thereof.

USE: The specific purpose or activity for which a building, structure or lot is intended.

USE, ACCESSORY: A use which is customarily incidental and subordinate to that of the principal building, structure or use on the same lot.

USE, PRINCIPAL: The primary or predominant use of a building, structure or lot.

VEHICLE, COMMERCIAL: Any motor vehicle with commercial license plates or with lettering, markings, racks or other apparent accessories indicating it is intended for use other than personal and/or recreational transportation.

YARD: An open space between a lot line and the nearest facing wall of a building on the same lot, unoccupied and unobstructed from the ground to the sky by buildings or structures, except as specifically permitted by these Regulations. *[See Appendix A, Figure A-6]*

YARD, FRONT: An open space extending across the full width of a lot and lying between the street line of the lot and the nearest facing wall of a principal building on the same lot. *[See Appendix A, Figure A-6]*

YARD, SIDE: An open space parallel to a side lot line, extending from the front yard setback line to the rear yard setback line and lying between the side line of the lot and the nearest facing wall of a principal building on the same lot. *[See Appendix A, Figure A-6]*

YARD, REAR: An open space extending across the full width of a lot and lying between the rear lot line of the lot and the nearest facing wall of a principal building on the same lot. *[See Appendix A, Figure A-6]*

YARD, REQUIRED: An open space between a lot line and the permitted buildable area within which no structure shall be located except as specifically permitted by these Regulations. *[See Appendix A, Figure A-6]*

SECTION III

ESTABLISHMENT OF ZONING DISTRICTS AND PROVISION FOR OFFICIAL ZONING MAP

A. **ESTABLISHMENT OF ZONING DISTRICTS** – The City is hereby divided into the following Zoning Districts:

R-40	Single-Family Residential Zone
R-25	Single-Family Residential Zone
R-15	Single-Family Residential Zone
R-10	Single-Family Residential Zone
RM	Mixed Residential Zone
A	Multi-Family Residential Zone
OSD	Open Space Development Zone
BN	Neighborhood Business Zone
BG	General Business Zone
BD	Downtown Business Zone
BT	Downtown/Neighborhood Transition Zone
BHC	Route 72 Corridor Business Zone
IP-25	Industrial Park Zone
IP-3	Industrial Park Zone
IP-1	Industrial Park Zone
I	General Industrial Zone

B. **OFFICIAL ZONING MAP –** The boundaries of zoning districts are established as shown on the Official Zoning Map of the City of Bristol entitled "Zoning Map of the City of Bristol, Connecticut", Effective Date: December 21, 1990, as may be amended, and filed in the office of the City Clerk. This map, together with all explanatory matter therein, is hereby adopted by reference and declared to be a part of these Regulations.

1. **Interpretation of Zoning District Boundaries** – In interpreting the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

   a. Boundaries indicated as abutting the right-of-way lines of streets, highways or alleys shall be construed to extend to the center line of such streets, highways, or alleys

   b. Boundaries indicated as approximately following plotted lot lines shall be construed to follow such lot lines as shown on the City Assessor's maps

   c. Boundaries indicated as following railroad lines shall be construed to extend to the center line of the main tracks.

   d. Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of change in the shore line, shall be construed to move with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, or other watercourses shall be construed to follow such center line.

   e. Boundaries indicated as parallel to or extensions of features indicated in Sections III.B.1.a. through d. shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

   f. In cases of uncertainty as to the location of boundaries of zoning districts, the Commission shall determine the location of the boundary.

SECTION IV

APPLICATION OF ZONING REGULATIONS

A. GENERAL PROVISIONS

1. **Compliance with Regulations** – Except as otherwise provided herein, no land, building or structure or part thereof shall be constructed, reconstructed, erected, extended, enlarged, moved, arranged, altered or used, or the use changed, or the dimensional requirements of lots, yards or courts changed, except in conformity with the requirements of these Regulations for the zoning district in which such land, building, structure or use is located.

2. **Permitted and Prohibited Uses** – Any use not permitted by right or by Special Permit in a zoning district by these Regulations shall be deemed to be prohibited within such district. Where the permissibility of a proposed use is uncertain in a zoning district by these Regulations, the Zoning Enforcement Officer shall make the determination as to whether the proposed use is permitted in that district by right, requires a Special Permit and/or Site Plan approval, or is prohibited.

3. **Change of Use** – Any change of use proposed for or within an existing structure, occupied or vacant, or for an existing lot, shall require a Zoning Permit from the Zoning Enforcement Officer in accordance with Section XII.D. of these Regulations. Any proposed re-use which requires more parking than the use it is intended to replace shall not be allowed unless such additional parking shall be provided.

4. **Use of Land for Access** – Access to any use in a Business or Industrial zone shall be prohibited on or across land in a Residential zone.

5. **Yards and Open Space Required for Each Building** – Except as otherwise provided herein, no part of any yard or other open space required around a building or structure shall be included as part of the yard or other open space required for any other building or structure.

6. **Lots in More Than One Zoning District** – Where a lot existing as of the effective date of these Regulations lies in more than one zoning district, a use permitted in one district may be extended on the same lot into the other district, provided that:

   a. Such use shall not extend more than 25 feet into the other district;

   b. Such use shall not occupy more than 25% of the area of that portion of the lot in the other district; and,

   c. The extension of a use from a Business or Industrial zone into a Residential zone shall require a Special Permit from the Commission.

7. **Height Exceptions** – The height limitations of these Regulations shall not be applicable to:

   a. Roof-mounted belfries, spires, steeples, cupolas, domes, ornamental towers, heating or cooling systems, bulkheads or penthouses, provided that such features shall cover no more than 25% of the area of the roof on which they are located;

   b. Flagpoles, chimneys, flues, ventilators, solar panels, skylights, or utility generating, storage or transmission structures; and,

   c. Parapet walls or cornices extending not more than four feet above the height limit of the zoning district in which they are located.

8. **Corner Lots**

   a. Front Yard – Each street line on a corner lot shall be deemed to be a front lot line, and the required yard along them shall be the required front yard. The yard opposite the shortest front lot line shall be considered a rear yard, and the other, or others, shall be considered side yards. *[See Appendix A, Figure A-7]*

   b. Visibility at Intersections – No planting, fence, wall or barrier to vision more than two feet in total height above the street pavement shall be placed or erected on that portion of a corner lot bounded by the intersecting front lot lines and an arc of 25 feet radius from the point of intersection of said lot lines. *[See Appendix A, Figure A-8]*

9. **Odd Shaped Lots** – In cases of uncertainty as to the proper application of any of the requirements of these Regulations to a particular lot because of its peculiar or irregular shape, the Commission shall determine how such Regulations shall be applied.

10. **Reduction of Lots** – No lot shall be so reduced, divided, or created that the area, width or other dimensions of the lot or any of its required yards or required open spaces shall be less than prescribed by these Regulations.

11. **Required Street Frontage** – No Building Permit shall be issued for any building unless the lot upon which such building is to be built shall have the frontage required by these Regulations on a street.

12. **Accessory Buildings, Structures and Uses**

    a. Accessory buildings, structures and uses shall be located on the same lot as the principal building, structure or use to which they are accessory.

    b. Accessory buildings, structures and uses shall not be located on a lot without the prior establishment of a permitted principal use, nor shall any new lot be created that has an accessory building, structure or use without a principal use.

    c. Except as otherwise provided herein, accessory buildings, structures and uses shall not be located within the required front yard or within five feet of the side or rear lot lines of the lot on which they are located. *[See Appendix A, Figure A-9]*

    d. Accessory buildings, structures and uses in the rear yard of a corner lot shall not be located within the required yard of any adjacent street.

13. **Rear Lots** – Rear lots shall be permitted in any Residential zone subject to the following conditions: *[See Appendix A, Figure A-7]*

    a. Each rear lot shall contain a minimum lot area 50% greater than that required for the zoning district in which it is located.

    b. Each rear lot shall have a required front yard setback line 50% farther back than that required for the zoning district in which it is located; the required front yard shall be provided between the lot line to which the accessway leads and the nearest facing wall of the principal building.

    c. Each rear lot shall comply with all other lot and building requirements for the zoning district in which it is located.

    d. Each rear lot shall have an accessway which has a continuous width of at least 25 feet, which is owned in fee simple by the owner of the rear lot, and which has frontage on a street. The width of two adjoining accessways may be reduced to a minimum of 20 feet each, provided that a common driveway shall serve both lots.

    e. There shall be no more than two accessways adjoining one another.

f. The accessway shall not exceed a length of 300 feet.

g. The area of the accessway shall not be calculated as part of the minimum required lot area of the rear lot.

14. **Lot Required for Every Building** – Every building hereafter erected shall be located on a lot. Except as otherwise provided herein, there shall be not more than one principal building on a lot.

15. **Porches** – A porch, whether enclosed or unenclosed, shall be considered a part of the building for the purpose of determining the size of yard or the amount of building coverage. *[See Appendix A, Figure A-2]*

16. **Terraces** – A paved terrace shall not be considered a part of the building for the purpose of determining the size of yard or the amount of building coverage, provided, however, that such terrace shall be unroofed and without walls, parapets, or other forms of enclosure. Such terrace, however, may have an open guard railing not over three feet in height.

17. **Temporary Structures and Uses**

    a. Except for on-site construction trailers associated with an active and ongoing construction project or activity, no temporary structure or use permitted under these Regulations shall remain in place for a total of more than 90 days per calendar year, after which the structure shall be removed or the use shall cease.

    b. Construction trailers associated with an active and ongoing construction project or activity shall be permitted for the duration of the project or activity with which they are associated. At the completion of such project or activity, all construction trailers shall be removed.

    c. Except for greenhouses, the use of fabric shelters, tents or other temporary structures for the storage of goods or materials or for the parking or storage of motor vehicles, boats, recreational vehicles, etc. shall be prohibited.

18. **Fences** – No fence, wall, or other structure in the nature of a fence shall be constructed, installed or maintained except in accordance with the following provisions:

    a. **Fences in Residential zones**

        (1) Fences, walls, or other structures in the nature of a fence located within the required front yard shall have a maximum height of four feet, six inches (4½ ft.) and shall be at least 50 percent open.

        (2) Fences, walls, or other structures in the nature of a fence located within the front yard but beyond the required front yard, within a side yard, or within the rear yard shall have a maximum height of six feet, six inches (6½ ft.).

        (3) Support posts or columns shall be no taller than one foot above the highest part of the fence itself. Pedestrian gates, arbors, and similar structures used as entryway features shall have a maximum height of eight feet.

        (4) Chain link fences shall not be allowed in the required front yard.

    b. **Fences in Business zones**

        (1) Fences, walls, or other structures in the nature of a fence located within the required front yard shall have a maximum height of six feet, six inches (6½ ft.).

        (2) Fences, walls, or other structures in the nature of a fence located within the front yard beyond the required front yard, within a side yard, or within the rear yard shall have a maximum height of ten feet.

c. **Fences in Industrial zones**

(1) Fences, walls, or other structures in the nature of a fence located within the required front yard shall have a maximum height of six feet, six inches (6½ ft.).

(2) Fences, walls, or other structures in the nature of a fence located within the front yard beyond the required front yard, within a side yard, or within the rear yard shall have a maximum height of ten feet.

d. **General Requirements**

(1) The height of a fence shall be measured from the finished grade along the exterior side of the fence to the top of the fence; posts or other supporting members shall not be included in such measurement. If a fence is built on top of a berm or wall, the combined height of the fence and berm/wall shall not exceed the allowable fence height. On sloping ground, the fence shall follow the slope or step with the slope so as not to exceed the allowable height at any point along the fence.

(2) No fence shall be located closer than three feet from the front lot line or closer than six inches from any other lot line.

(3) Except as otherwise permitted by Sections 47-47 and 47-48 of the CT General Statutes, barbed wire fences and fencing materials shall be prohibited as permanent fencing.

(4) All gates shall open onto the lot on which they are located.

(5) All fences shall be uniform in material and color. In the case of a fence with a finished side and an unfinished side, the finished or more decorative side shall face outward toward the adjoining lot or the street.

(6) All fences shall be maintained in good condition, free of significant rust, peeling paint, or other damage. Repairs made to fences shall be of the same material as the existing fence. All fences hereafter erected shall be constructed of new materials only.

e. **Other Fences**

(1) Fences Around Recreation Facilities – On the grounds of a school or on the grounds of a public or private recreation facility, an open fence erected to enclose a playground, playfield, swimming pool, tennis court, golf course, or similar facility may exceed the otherwise applicable height limits, but shall not exceed 12 feet in height.

(2) Temporary Construction Fences – Notwithstanding the provisions of this Section, a temporary fence shall be permitted in any zoning district to enclose a site at which construction activity is underway. Such fence shall be in place only for the duration of the construction activity and shall be removed when construction activity has been completed or has been discontinued for a period of 90 days or more. Such fence shall be located as necessary to protect the public and to secure the construction site, as approved by the Zoning Enforcement Officer.

f. **Fence Permits**

(1) No fence shall be constructed, erected, altered, or otherwise changed unless a Building Permit has first been issued by the Zoning Enforcement Officer.

(2) All applications for a Building Permit shall be signed or countersigned by the owner of the lot on which the fence will be located and shall be accompanied by the following:

i. A plot plan of the premises drawn to scale showing the location of the proposed fence (including any gates) in relation to all lot lines, streets, driveways, sidewalks, and structures within five feet of the lot.

ii. Plans and specifications of the proposed fence, including its type, dimensions, area, height, materials, color, and method of construction.

B. **EXCEPTIONS TO YARD REQUIREMENTS**

1. **Lots Adjacent to a Railroad** – In Business and Industrial zones, that portion of a lot contiguous to a railroad line and served by a railroad siding or spur, shall not require a yard or open space.

2. **Projection of Architectural Features** – Except as otherwise provided herein, pilasters, columns, belt courses, window sills, cornices or similar building architectural features may project not more than one foot into any required yard or open space. Roofs or canopies over entrance doorways may extend not more than three feet into any required yard. Chimneys may project not more than two-and-one-half feet into any required yard.

3. **Bay Windows** – Bay windows, including their cornices and eaves, may project not more than two feet into any required yard or open space, provided that the sum of the lengths of all such bay windows on any wall shall not exceed one-fourth the length of such wall.

4. **Stairs and Ramps** – Entry stairs, fire escapes and access ramps for the handicapped may extend not more than three feet into any required yard or open space but shall not be located within four feet of any lot line.

5. **Walls and Fences** – See Section IV.A.18.

6. **Lots on Narrow Streets** – The required front yard of any lot abutting a street with a right-of-way width of less than 50 feet shall be increased by one-half the difference between 50 feet and the actual width of the street right-of-way.

7. **Lots with a Shared Driveway** – In Business and Industrial zones, the side yard requirements of these Regulations shall not be applicable along the common side lot line which separates two or more adjoining lots containing no residential uses where such lots share a single driveway entrance and exit onto a street, provided that permanent vehicular access shall be provided to the rear of such lots.

C. **EXCEPTIONS TO FRONTAGE AND AREA REQUIREMENTS**

1. **Reduction of Lot Frontage/Lot Area Requirements in Subdivisions** – In residential subdivisions containing more than 10 lots, the Planning Commission may permit the lot frontage and/or lot area of lots in the subdivision to be reduced below the minimum required, provided that:

   a. The shape, topography or other constraints of the site present difficulties in providing the minimum lot frontage and/or lot area for all the lots;

   b. No lot area or lot frontage shall be reduced to less than 90% of the minimum required;

   c. No more than 10% of the lots in the subdivision, or five lots, whichever is less, may be so reduced;

   d. Such reductions shall maintain the intent and purpose of these Regulations; and,

   e. Rear lots shall not be eligible for such reductions.

2. **Measurement of Lot Frontage on Curved Streets** – Except for rear lots, the minimum lot frontage for lots abutting a cul-de-sac or the curvilinear portion of a street may be measured along the required front yard setback line. *[See Appendix A, Figure A-4]*

3. **Lots with a Shared Driveway** – In Business and Industrial zones, the frontage of two or more adjoining lots which share a single driveway entrance and exit onto a street may be considered as a single frontage.

4. **Lots Adjacent to a Limited Access Highway** – A limited access highway shall not be used to meet the frontage or access requirements of adjacent lots.

D. **NON-CONFORMING LOTS, NON-CONFORMING USES, NON-CONFORMING STRUCTURES AND NON-CONFORMING SITE FEATURES**

1. **Purpose** –Within the zoning districts established by these Regulations or by amendments that may later be adopted, there exist lots, uses, structures and site features which were lawful at the time these Regulations were adopted or amended but which would be prohibited, regulated, or restricted under the provisions of these Regulations or future amendments. Such lots, uses, structures and site features are declared by these Regulations to be non-conforming. It is the intent of these Regulations to permit these non-conformities to continue until they are removed but not to encourage their survival. It is further the intent of these Regulations that non-conformities shall not be enlarged upon, expanded or extended if such a change would increase the non-conformity, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

   a. Non-conforming uses are declared by these Regulations to be incompatible with permitted uses in the districts involved. After the effective date of adoption or amendment of these Regulations, a non-conforming use or a non-conforming structure shall not be extended or enlarged by the attachment to a building or land of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

   b. To avoid undue hardship, nothing in these Regulations shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these Regulations and upon which actual construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

2. **Non-Conforming Lots** – In any zone, a principal building and customary accessory buildings or structures may be erected on a lot which exists as of the effective date of adoption or amendment of these Regulations, notwithstanding requirements imposed by other provisions of these Regulations. This provision shall apply even though such lot fails to meet the lot area and/or lot width requirements of the district in which such lot is located, provided that the yard dimensions and requirements other than those applying to lot area and/or lot width shall conform to the requirements of the district in which such lot is located.

3. **Non-Conforming Uses** – Where a lawful use of a structure and/or land exists as of the effective date of adoption or amendment of these Regulations which is no longer permitted under the provisions of these Regulations as adopted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

   a. Such non-conforming use shall not be enlarged or increased, nor extended to occupy a greater floor area or area of land than was occupied by the use as of the effective date of adoption or amendment of these Regulations.

   b. Such non-conforming use shall not be moved in whole or in part to any portion of the land other than that occupied by the use as of the effective date of adoption or amendment of these Regulations.

   c. Any existing structure devoted in whole or in part to such non-conforming use shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner which increases the non-conformity of the use, or except to change the use of the structure to a use permitted in the district in which it is located.

d. Such non-conforming use may be extended throughout any part of an existing structure that was manifestly arranged or designed for such use as of the effective date of adoption or amendment of these Regulations, but no such use shall be extended to occupy any land outside the structure.

e. If such non-conforming use or existing structure devoted in whole or in part thereto is damaged or destroyed by any means, it may be repaired or replaced to an extent which does not increase the non-conforming use. Such repair or replacement shall commence within six months after the damage or destruction occurs and shall be completed within 18 months after commencement. If such repair or replacement is not accomplished within such time periods, the non-conforming use shall not thereafter be resumed.

f. If such non-conforming use is superseded by a permitted use, it shall thereafter conform to the requirements of the district in which it is located, and the non-conforming use shall not thereafter be resumed.

g. Such non-conforming use may be changed to another non-conforming use with the approval of the Zoning Enforcement Officer. In approving such a change, the Zoning Enforcement Officer shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.

4. **Non-Conforming Structures** – Where a lawful structure exists as of the effective date of adoption or amendment of these Regulations which could not be built under the provisions of these Regulations as adopted or amended by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

   a. Such non-conforming structure shall not be enlarged or altered in a manner which increases the non-conformity but may be altered to decrease the non-conformity.

   b. If such non-conforming structure is damaged or destroyed by any means, it may be repaired or replaced to an extent which does not increase the non-conformity. Such repair or replacement shall commence within six months after the damage or destruction occurs and shall be completed within 18 months after commencement. If such repair or replacement is not accomplished within such time periods, the structure shall be reconstructed in conformity with the requirements of the district in which it is located.

   c. Such non-conforming structure shall not be moved for any reason for any distance whatsoever in a manner which increases the non-conformity but may be moved to decrease the non-conformity.

5. **Non-Conforming Site Features** – Where a lawful site feature, including but not limited to parking, loading or landscaping, exists at the effective date of adoption or amendment of these Regulations which does not comply with the provisions of these Regulations as enacted or amended by reason of restrictions as to its location on the lot or other requirements applicable thereto, such feature may be continued so long as it remains otherwise lawful, subject to the following provision:

   a. Such non-conforming feature shall not be enlarged, reconstructed, moved or altered in a manner which increases the non-conformity but may be enlarged, reconstructed, moved or altered to decrease the non-conformity.

6. **Repairs and Maintenance**

   a. Ordinary repairs may be made or remodeling done to any structure devoted in whole or in part to a non-conforming use, provided that such work does not increase the non-conformity.

   b. Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any non-conforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

7. **Uses Under Special Permit Provisions Not Non-Conforming Uses** – Any use which is permitted by Special Permit in a district under the provisions of these Regulations shall not be deemed a non-conforming use in such district.

SECTION V

RESIDENTIAL ZONES

R-40	SINGLE-FAMILY RESIDENTIAL ZONE
R-25	SINGLE-FAMILY RESIDENTIAL ZONE
R-15	SINGLE-FAMILY RESIDENTIAL ZONE
R-10	SINGLE-FAMILY RESIDENTIAL ZONE
RM	MIXED RESIDENTIAL ZONE
A	MULTI-FAMILY RESIDENTIAL ZONE
OSD	OPEN SPACE DEVELOPMENT ZONE

A. **SINGLE-FAMILY RESIDENTIAL ZONES (R-40, R-25, R-15 AND R-10)**

1. **Purpose** – The Single-Family Residential zones are intended to provide suitable areas for appropriate residential development while offering a range of lot sizes that may be served efficiently by municipal utilities and facilities. The zones are also intended to accommodate certain non-residential uses which are compatible with residential uses while preserving neighborhood character and property values.

2. **Permitted Uses** –The following principal uses shall be permitted in all Single-Family Residential zones by right:

   a. Single-family dwellings.

   b. Farms, on a parcel of land containing a minimum of five acres. A farm may include a roadside stand for the sale principally of produce grown on the premises as an accessory use, provided no such stand shall be located within 50 feet of the street line or within 100 feet of the side or rear lot lines.

   c. Public or private parks, open spaces, non-profit recreation areas, conservation areas, nature preserves, wildlife sanctuaries, or watershed areas. However, any building or structure greater than 2,500 square feet in size associated with such uses shall be subject to Site Plan approval in accordance with Section XI.

3. **Special Permit Uses** – Except as otherwise provided for herein, the following principal uses shall be permitted in all Single-Family Residential zones subject to Special Permit and Site Plan approvals in accordance with Sections X and XI:

   a. Seasonal camps; seasonal cottages, provided that such buildings shall not be occupied for a total of more than 30 days between October 1st and the following May 15th.

   b. Nurseries, on a parcel of land containing a minimum of 10 acres, provided that no accessory building shall be located within 50 feet of the street line or within 100 feet of the side or rear lot lines.

   c. Commercial greenhouses for the sale of products principally grown on the premises, on a parcel of land containing a minimum of two acres, provided that no building shall be located within 50 feet of the street line or within 100 feet of the side or rear lot lines.

   d. Public schools, libraries, post offices, administrative offices or other buildings or facilities of the local, state or federal government.

   e. Places of worship, parochial schools or similar facilities of religious organizations or institutions.

   f. Social service agencies; philanthropic, benevolent, or charitable institutions.

   g. Clubs.

   h. Nursing homes or convalescent homes, excluding sanatoriums, psychiatric hospitals and alcohol or drug treatment facilities.

i. Housing for the elderly, including congregate housing and life care facilities.

j. Group day care homes; child day care centers; adult day care centers.

k. Group homes; community residences for more than six mentally retarded persons.

l. Non-profit private schools.

m. General medical or surgical hospitals.

n. Golf courses or country clubs.

o. Cemeteries.

p. Public utility buildings or facilities.

q. Commercial kennels, on a parcel of land containing a minimum of five acres, provided that no dog runs, pens or other structures shall be located within 50 feet of the street line or within 100 feet of the side or rear lot lines.

r. Stables, on a parcel of land containing a minimum of five acres, provided that:

(1) Any barn, shelter, or other buildings used for the housing of animals, the storage of feed and supplies or the storage of waste materials shall not be located within 75 feet of any lot line or watercourse; and,

(2) The area used for grazing, exercising or training shall be securely fenced to prevent straying and to prevent the public from entering the enclosure.

s. Business or professional offices, including medical or dental offices, only in R-15 or R-10 zones, subject to the provisions of Section V.A.6.

t. The conversion, in whole or in part, of existing dwellings listed in the City's Historic Resources Inventory to professional offices and/or additional dwelling units, only in R-15 or R-10 zones, subject to the provisions of Section V.A.7.

u. Mobile manufactured home parks, only in R-25, R-15 or R-10 zones, subject to the provisions of Section V.A.8.

v. The adaptive re-use of existing non-residential principal buildings, subject to the provisions of Section V.A.9.

w. Museums, art galleries or similar facilities of non-profit educational or cultural organizations or institutions.

4. **Permitted Accessory Buildings, Structures and Uses** – The following accessory buildings, structures and uses shall be permitted in all Single-Family Residential zones by right:

a. Private garages, sheds, or similar detached accessory buildings not used for human habitation or for housing animals or fowl, provided that the maximum building height shall not exceed 14 feet.

b. Accessory buildings for housing domesticated animals or fowl permitted under these Regulations, provided that the building shall not be located within the required front yard or within ten feet of the side or rear lot lines.

c. Signs, subject to the provisions of Section VIII.A.

d. The keeping of horses, sheep, cows or similar livestock not otherwise part of a farm, provided that:

(1) A minimum lot area of two acres shall be required for the first animal being kept and one-third acre for each additional animal, with a maximum of five such animals permitted;

(2) Any barn, shelter, or other buildings used for the housing of such animals, the storage of feed and supplies or the storage of waste materials shall not be located within 75 feet of any lot line or watercourse;

(3) The area used for the grazing, exercising or training of such animals shall be securely fenced to prevent straying and to prevent the public from entering the enclosure; and,

(4) The keeping of said animals under this provision shall not be construed as allowing the establishment of any commercial enterprise.

e. The keeping of domesticated animals as pets, provided that a total of no more than four such animals over six months in age shall be kept and no kennel or commercial kennel shall be operated.

f. The keeping of ducks, geese, chickens, pigeons or similar small fowl, provided that a total of no more than 12 fowl shall be kept and no commercial enterprise shall be operated.

g. Residential tag sales, provided that:

(1) Only used goods shall be offered for sale;

(2) No more than two such sales per year shall be permitted at one premises; and,

(3) A tag sale license shall be obtained from the Zoning Enforcement Officer prior to the sale.

h. Off-street parking, subject to the provisions of Section VIII.B.

i. The parking or storage of no more than two recreational vehicles (including boats) on a lot, provided that:

(1) Such vehicles shall not be more than 28 feet in length;

(2) Such vehicles shall either be parked or stored at all times in a fully enclosed structure or, if parked or stored outdoors, shall not be located within the required front or side yards or within five feet of the rear lot line;

(3) Such vehicles shall not be used for living, recreation or business purposes while parked or stored on the lot; and,

(4) Such vehicles shall be directly owned or leased by the owner or tenant of the premises on which they are parked or stored.

j. The parking or storage on a lot of no more than one registered commercial vehicle having a gross vehicle weight of less than 10,000 lbs., provided that such vehicle shall either be parked or stored at all times in a fully enclosed structure or, if parked or stored outdoors, shall not be located within the required front or side yards or within five feet of the rear lot line.

Except as otherwise provided herein, the following shall not be parked or stored on any lot in a Single-Family Residential zone: tractor-trailers in whole or in part; dump trucks or other construction equipment; buses, other than school buses parked temporarily; and commercial vehicles having a gross vehicle weight greater than or equal to 10,000 lbs.

k. The parking or storage on a lot of no more than one registered trailer not otherwise associated with an active and ongoing construction project or activity, provided that such vehicle shall either be parked or stored at all times in a fully enclosed structure or, if parked or stored outdoors, shall not be located within the required front or side yards or within five feet of the rear lot line.

l. Antennae and similar communications structures which do not exceed by more than 10 feet the maximum building height of the zoning district in which they are located, provided that such structures shall not be located within any required yard.

m. Swimming pools, provided that:

(1) Setbacks shall be measured from the nearest lot line to the edge of any deck or platform structure adjacent to the pool, or otherwise to the exterior lip of the pool; and

(2) The pool and any appurtenant structures associated therewith shall not be located within the required front or side yards or closer to the rear lot line than one-half the required rear yard.

n. Tennis courts, paddle tennis courts or similar private recreation facilities, provided that such facilities shall comply with all yard, coverage and other applicable regulations of the zoning district in which they are located.

o. A home office or home-based business located in a dwelling unit also used by the person as his/her own residence, subject to the provisions of Section V.A.10.a.

p. Family day care homes.

q. The parking or storage on a lot of no more than one unregistered motor vehicle, provided that such vehicle shall either be parked or stored at all times in a fully enclosed structure or, if parked or stored outdoors, shall not be located within the required front or side yards or within five feet of the rear lot line.

5. **Accessory Buildings, Structures and Uses by Special Permit** – The following accessory buildings, structures and uses shall be permitted in all Single- Family Residential zones subject to Special Permit and Site Plan approvals in accordance with Sections X and XI:

a. Accessory dwelling units, subject to the provisions of Section V.A.11.

b. A home office or home-based business located in a dwelling unit also used by the person as his/her own residence, subject to the provisions of Section V.A.10.b.

c. Antennae and similar communications structures which exceed by more than ten feet the maximum building height of the zoning district in which they are located, provided that such structures shall not be located within any required yard.

d. Kennels, on a parcel of land containing a minimum of two acres, provided that no dog runs, pens or other structures shall be within 50 feet of a street line or within 50 feet of a side or rear lot line.

e. Parking structures, provided that:

(1) The structure shall comply with the minimum yard requirements for a principal building in the zoning district in which it is located. However, after considering the standards set forth in Section X.A.8. the Commission may reduce the structure's required front yard.

(2) The maximum building height of the structure shall not exceed 35 feet.

(3) The floors in a structure which is part of a principal building shall not be included in calculating the height of the principal building.

(4) The structure shall not be included in calculating the building coverage of the lot on which it is located.

(5) The design, scale and façade materials of the structure shall be compatible with those of the principal building. The Commission shall require the submission of architectural drawings of the structure to determine compliance with this provision.

(6) A landscaped buffer having a minimum width of 20 feet shall be provided along any wall of the structure which is adjacent to or across the street from any residential use. Such buffer shall be landscaped in accordance with the requirements of Section XI.B.5.

6. **Business or Professional Offices** – One office, including a medical or dental office, may be allowed in the R-10 or R-15 zones subject to Special Permit and Site Plan approvals in accordance with Sections X and XI and the following provisions:

   a. The office shall be located at the boundary of an existing R-10 or R-15 residential neighborhood and serve as a transitional use between single- family residential development and either multi-family development or non-residential uses;

   b. The office shall be located in an existing building or, if new construction, the building shall be of residential character in terms of scale, roof line, bulk and other design considerations; and,

   c. The office shall be limited to not more than eight persons.

7. **The Conversion of Existing Historic Dwellings** – The conversion, in whole or in part, of existing dwellings listed in the City's Historic Resources Inventory to professional offices and/or additional dwelling units may be allowed in the R-10 or R-15 zones subject to Special Permit and Site Plan approvals in accordance with Sections X and XI and the following provisions:

   a. The proposed use shall be in harmony with the character of the surrounding neighborhood;

   b. The applicant shall submit such information as is necessary to demonstrate that, at project completion, the building's exterior and interior shall be in a condition acceptable to the Commission. Any rehabilitative measures undertaken shall be done in conformance with the U.S. Secretary of the Interior's Standards for Rehabilitation;

   c. Any alterations made to the exterior of the dwelling shall not detract from its residential character or from its architectural style;

   d. Any fire escapes or stairways added to the exterior of the dwelling shall not be allowed on any wall facing a street;

   e. All parking requirements shall be in accordance with Section VIII.B. However, the Commission may reduce the number of required parking spaces if, in its judgment, it finds that the proposed use will generate a low volume of vehicular traffic or that such a reduction will allow important existing site features such as large trees, formal gardens, or accessory buildings to be preserved. No new parking spaces or drives shall be located within five feet of any lot line; and,

   f. In order to screen the parking area from view, a landscaped buffer shall be provided in accordance with Section XI.B.

   g. The maximum number and type of dwelling units permitted in the existing dwelling shall be determined by dividing the gross floor area of the existing dwelling (minus the gross floor area of any proposed professional offices) by one or more of the following factors:

      - 600 for one-bedroom units
      - 900 for two-bedroom units
      - 1,200 for three-bedroom units

   h. The proposal shall be referred to the Planning Commission for a binding recommendation in accordance with the provisions of Section X.A.6.b.

8. **Mobile Manufactured Home Parks** – Mobile manufactured home parks may be allowed in the R-25, R-15, or R-10 zones subject to Special Permit and Site Plan approvals in accordance with Sections X and XI and the following provisions:

a. The mobile manufactured home park shall be at least six acres in total area and shall have a minimum of 50 feet of frontage on a street.

b. The maximum number of mobile manufactured homes permitted in the park shall be determined by dividing the total acreage of the site by the minimum lot area of the zoning district in which the park is located and rounding the result to the nearest whole number.

c. The yard requirements of the zoning district in which the park is located shall be applicable only along the perimeter of the site.

d. There shall be a minimum separating distance of 30 feet between mobile manufactured homes.

e. Each mobile manufactured home shall require a Certificate of Occupancy from the Building Official prior to occupancy.

f. The owner, lessee or operator of the mobile manufactured home park shall inform the Zoning Enforcement Officer within 15 days of any mobile manufactured homes which are moved into or removed from the park.

g. No mobile manufactured home park shall be enlarged or expanded, nor shall the number of mobile manufactured home spaces within such park be increased, except by Special Permit. Such provision shall apply to all mobile manufactured home parks in existence as of the effective date of these Regulations.

9. **Adaptive Re-use of Existing Non-Residential Principal Buildings** – The adaptive re-use of existing non-residential principal buildings may be allowed in any Single-Family Residential zone subject to Special Permit and Site Plan approvals in accordance with Sections X and XI and the following provisions:

a. The existing building shall contain a minimum of 1,500 square feet gross floor area.

b. The building shall be re-used for one or more of the following purposes:
(1) Any use allowed by Special Permit in accordance with Sec. V.A.3. hereinabove.

(2) Dwelling units, subject to the provision of subsection h. below.

(3) Business or professional offices, including medical or dental offices.

(4) Arts and craft facilities.

(5) Studios of dance, photography, graphic design, painting or similar artistic endeavors.

(6) Auditoriums or stage theaters.

(7) High-technology businesses without a manufacturing component.

(8) Boutiques or similar specialty retail establishments.

(9) Specialty food or beverage establishments.

(10) Non-profit or for-profit educational institutions.

c. The building shall be served by public sewer and public water systems.

d. The Commission shall determine that the existing building and its environs will be suitable for adaptive re-use and that the proposed use(s) will be in harmony with the character of the surrounding neighborhood and consistent with the goals and policies of the city's Plan of Conservation and Development.

e. Any alterations made to the exterior of the existing building shall not detract from its character or from its architectural style.

f. Where feasible, no fire escape or stairway shall be added to any street-facing exterior wall of the building. If such requirement is not feasible, such fire escapes or stairways shall be architecturally compatible with the building.

g. The Commission may permit an addition to the existing building, provided that:

(1) The addition shall not exceed 50% of the gross floor area of the existing building.

(2) The addition shall conform to all other zoning requirements of the zoning district in which it is located.

(3) The addition shall be architecturally compatible with and in scale to the existing building.

h. The maximum number of dwelling units permitted in the building shall be determined by subtracting the gross floor area of the building's non-residential uses from the total gross floor area of the building, dividing the result by 1,000, and rounding down to the nearest whole number.

[Example: 24,500 sq. ft. (g.f.a. of entire building) – 14,900 sq. ft. (g.f.a. of building's non-residential uses) = 9,600 sq. ft. ÷ 1,000 = 9.6 → 9 dwelling units maximum]

i. All parking requirements shall be in accordance with Section VIII.B.

j. The proposal shall be referred to the Planning Commission for a binding recommendation in accordance with the provisions of Section X.A.6.b.

10. **Home-Based Businesses and Home Offices**

a. A home-based business or home office which meets all of the following provisions shall be permitted as an accessory use in any Single-Family Residential zone by right, subject to the issuance of a Zoning Permit by the Zoning Enforcement Officer in accordance with Section XII.D.:

(1) No person other than a resident of the dwelling unit shall be employed in the home-based business or home office;

(2) The delivery of goods or materials to the premises other than documents shall not be permitted;

(3) The sale of goods or materials from the premises shall be permitted only by computer, fax machine, telephone or mail;

(4) There shall be no display of products or signs in, on or about the premises;

(5) The home-based business or home office shall not involve the use of equipment other than that normally used for household, domestic or general office purposes, such as a telephone, fax machine or personal computer; and,

(6) The home-based business or home office shall otherwise comply with the provisions of Section c. below.

b. A home-based business or home office which meets all of the following provisions may be permitted as an accessory use in any Single-Family Residential zone subject to Special Permit and Site Plan approvals in accordance with Sections X and XI:

(1) Not more than one non-resident of the dwelling unit shall work on the premises at any time;

(2) No more than four deliveries of goods or materials to the premises shall be allowed per day; such deliveries shall be permitted between the hours of 9:00 A.M. and 8:00 P.M. and shall be made by passenger vehicles, mail carriers or single-chassis delivery vehicles only;

(3) The sale of goods or materials from the premises shall be permitted only by computer, fax machine, telephone or mail;

(4) There shall be no display of products or signs in, on or about the premises except as permitted by Section VIII.A;

(5) The home-based business or home office shall otherwise comply with the provisions of Section c. below.

c. All home-based businesses and home offices shall comply with the following requirements:

(1) The home-based business or home office shall not be noticeable from the exterior of the dwelling or change the exterior appearance or the residential character of the dwelling.

(2) There shall be no outside storage of any goods, materials, equipment or supplies.

(3) The home-based business or home office shall not create any electrical, radio, television or similar interference.

(4) Visits by clients, customers and/or associates shall be permitted between the hours of 9:00 A.M. and 7:00 P.M.

(5) The home-based business or home office shall not generate more than ten visits by clients, customers and/or associates per day, and no more than three clients or customers shall be present at any one time.

(6) The home-based business or home office may be located within an accessory building, provided that such building is permanent and complies with all applicable building and fire codes.

(7) The aggregate floor area devoted to the home-based business or home office shall not exceed 25% of the gross floor area of the dwelling unit or accessory building in which it is located.

(8) Parking areas for residents, employees or the general public shall not be permitted within the required front yard, unless located in the driveway.

(9) No more than one home-based business or home office shall be permitted within any dwelling unit.

d. The following uses, by their inherent nature and intensity, shall not be considered home-based businesses or home offices and shall not be permitted as such in Residential zones: barber shops, beauty parlors, animal hospitals, dance studios, mortuaries, restaurants, metal working, and automobile, boat or other vehicle repair or painting.

11. **Accessory Dwelling Unit** – A single-family dwelling may be allowed to accommodate one accessory dwelling unit in any Single-Family Residential zone subject to Special Permit and Site Plan approvals in accordance with Sections X and XI and the following provisions:

a. At least one of the occupants of the dwelling shall be the owner of record of said dwelling or shall have permanent life use residency of said dwelling as evidenced by legal documentation satisfactory to the Commission.

b. Occupancy of the accessory dwelling unit shall be limited to the children, parents, grandparents, aunts, uncles, brothers or sisters of the owner of the dwelling.

c. The accessory dwelling unit shall have a minimum net floor area of 400 square feet, a maximum net floor area of 700 square feet, and a maximum of two bedrooms.

d. No accessory dwelling unit shall be located in a basement or cellar unless one wall thereof opens to grade; no accessory dwelling unit shall be located over or in a detached accessory building.

e. The accessory dwelling unit shall be self-contained, with separate 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 dwelling except for dormers or windows.

g. The Commission may permit the expansion of a dwelling beyond the existing building foundation to accommodate an accessory dwelling unit.

h. A notarized affidavit certifying that the owner or permanent life use resident is one of the occupants of the dwelling shall be submitted to the Commission as part of the application for Special Permit.

i. As a requirement for the continuance of an approved accessory dwelling unit, the owner of the dwelling shall submit a notarized affidavit to the Zoning Enforcement Officer by January 31st of each year certifying conformance to all applicable regulations. If such affidavit is not filed, the accessory dwelling unit shall cease to exist.

12. **Area and Dimensional Requirements** – The following area and dimensional requirements shall be applicable to all developments in the R-40, R-25, R-15 and R-10 zones, as indicated. Except as otherwise provided herein, these requirements shall be deemed to be the minimum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated:

	R-40	R-25	R-15	R-10	SDD*
a. Minimum Lot Area, in square feet	40,000	25,000	15,000	10,000	5,500
b. Minimum Lot Frontage (one street)	150	125	100	85	40
c. Minimum Front Yard	50	40	25	20	25
d. Minimum Side Yard (each)	20	15	10	8	5
e. Minimum Rear Yard	50	40	25	20	20
f. Maximum Building Height	35	35	35	35	35
g. Maximum Building Coverage	20%	25%	30%	35%	40%

*applicable only to SDD zones approved between 9/1/86 and 1/15/88

B. **OSD – OPEN SPACE DEVELOPMENT ZONE**

1. **Purposes** – The OSD - Open Space Development zone is an overlay zone of the R-15, R-25 and R-40 zones intended to accommodate alternative forms of residential development which:

   a. reduce required minimum lot sizes or provide for the clustering of dwelling units while, at the same time, providing for the preservation of land for open space, recreational and/or other public purposes in an amount greater than would occur in a conventional development; and,

   b. through the design and layout of streets, lots, dwelling units and open spaces, accomplish the following purposes:

      (1) conserve and protect natural and scenic features including rivers, streams and lakes, wetlands, forests, historic sites, and ridgetops;

      (2) provide, in appropriate areas of population concentration, land for active recreational use;

      (3) retain fish and wildlife habitat areas and nature observation areas;

      (4) protect natural drainage ways and flood water detention and retention areas; and,

      (5) protect surface and subsurface water supplies.

2. **Permitted Uses** – Except as otherwise provided herein, all uses permitted in the underlying zone shall be permitted in the OSD zone, subject to the same provisions therefor.

3. **General Requirements in the OSD Zone** – The following general requirements shall be applicable to all developments in the OSD zone:

   a. The underlying zone shall be in the R-40, R-25, or R-15 zone.

   b. The site shall be at least ten acres in total area if the underlying zone is the R-40 or R-25 zone, or at least six acres in total area if the underlying zone is the R-15 zone.

c. The development shall be consistent with the intent of planning and zoning to promote the public health, safety, and general welfare.

d. All dwelling units shall be served by public water and/or public sewer service.

e. Where feasible, all electric, telephone and cable television lines shall be placed underground.

4. The maximum number of dwelling units permitted in a development in the OSD zone shall be determined by multiplying the total acreage of the site by the appropriate base density factor of the underlying zone as indicated below and rounding off the result to the nearest whole number:

   - R-40 zone – 1.0
   - R-25 zone – 1.5
   - R-15 zone – 2.5

5. A site in the OSD zone may be developed with or without individual lots.

   a. If a site is developed without individual lots:

      (1) The site shall have a minimum of 50 feet of frontage on a street.

      (2) The yard requirements of the underlying zone shall not be applicable except along the perimeter of the site.

      (3) There shall be a minimum separation of 30 feet between buildings.

      (4) The development shall be subject to Site Plan approval from the Zoning Commission.

   b. If a site is developed with individual lots:

      (1) Each lot shall have the following minimum lot area and lot width:

UNDERLYING ZONE	MINIMUM LOT AREA	MINIMUM LOT WIDTH
R-40	25,000 sq. feet	125 feet
R-25	15,000 sq. feet	100 feet
R-15	10,000 sq. feet	85 feet

      (2) Each lot shall otherwise meet the appropriate area and dimensional requirements of the underlying zone in which it is located.

      (3) The development shall comply in all other respects with the City's Subdivision Regulations and shall also be subject to subdivision approval from the Planning Commission (in lieu of Site Plan approval).

6. The provisions of the underlying zone shall be applicable in the OSD zone except as otherwise provided herein.

7. As part of an application for a zone change to establish an OSD zone, the applicant shall submit such maps, plans and information as the Commission deems necessary to render a decision on the application including but not limited to: existing natural features, topography, wetlands and watercourses, and a conceptual layout of proposed buildings, streets, parking areas, utilities and open space.

8. Any proposed OSD zone shall be referred to the Planning Commission for a report in accordance with the provisions of Section XII.E.3.a.

9. In approving an OSD zone, the Commission shall find that:

   a. The development is designed appropriately in relation to soil types, wetlands, watercourses, topography, scenic vistas, and other natural features; and,

b. The site contains land deemed significant and desirable for open space, recreational, and/or other public purposes, based upon said land's size, shape, natural features, location, and access.

10. **Street Requirements**

a. In a development without individual lots, all streets shall be private streets, designed and constructed in accordance with the following standards:

(1) Streets which provide direct access to more than 16 dwelling units or to public streets shall have a minimum pavement width of 25 feet.

(2) Streets which only provide direct access to no more than 16 dwelling units shall have a minimum pavement width of 22 feet and a maximum length of 600 feet.

(3) Pavement width shall be measured from pavement edge to pavement edge where curbing is not installed and from face-of-curb to face-of-curb where curbing is installed.

(4) Each street shall be contained within a right-of-way 50 feet in width.

(5) Grades shall be a minimum of 1% and a maximum of: 12% for any single street segment not longer than 350 feet; 5% for turnaround areas; and 5% for a minimum of 150 feet from the street's intersection with another street.

(6) Pavement construction shall be in accordance with the City's street construction standards.

(7) Curbing along interior streets shall not be required.

(8) Sidewalks along interior streets shall not be required. However, walkways shall be provided within the development to connect groups of dwelling units with one another and to connect the development with existing or proposed public sidewalks.

b. In a development with individual lots, all streets shall be public streets, designed and constructed in accordance with the City of Bristol's Standard Specifications for the Construction of Streets and Appurtenances, as may be amended.

11. **Open Space Requirements**

a. At least 25% of the total area of a development in the OSD zone shall be reserved for permanent open space, passive or active recreation, and/or other public purposes. Such land shall be of such location, shape, topography and general character as to be consistent with the purposes set forth in Section V.B.1.b. above. Where feasible, such land shall be in one continuous parcel. Only areas containing minimum dimensions of 50 feet by 50 feet shall qualify for the open space requirement. Unless otherwise determined by the Commission, such land shall be accessible to all residents of the development by street or pedestrian way.

b. In determining the need for such land, the Commission shall take into account the size of the development; the City's Plan of Development; the recommendations of other appropriate departments, agencies or officials; and the presence of any existing parks, playgrounds, recreation areas or open spaces in the neighborhood. The Commission may require that such land be located adjacent to existing or potential parks, playgrounds, recreation areas or open spaces adjoining the development.

c. Such land shall be shown and appropriately labeled on the plan.

d. Proper provision, approved by the Commission, shall be made by the developer for the permanent reservation, operation, and maintenance of such land, including but not limited to one or more of the following alternatives:

(1) Establishment of a homeowners' association;

(2) Establishment of suitable restrictive covenants;

(3) Conveyance to a land trust or similar organization, if accepted by such organization; and/or,

(4) Conveyance to the City, if accepted by the City.

e. Unless otherwise approved by the Commission, provisions for the permanent disposition, reservation, operation, and maintenance of such land shall be completed or implemented prior to or simultaneously with the filing of the approved plan in the office of the City Clerk. Disposition of such land shall be by warranty deed, unless otherwise approved by the Commission.

12. **Special Provisions for Sites Over 20 Acres in Size** – In any development containing more than 20 acres:

a. The Commission may permit a one percent increase in the base density for each additional one percent in the amount of open space reserved above the 25% minimum, provided that the maximum density increase shall not exceed 25% of the base density; and,

b. Dwelling units within the development may be attached or detached; if attached, each building shall contain no more than four dwelling units.

C. **RM – MIXED RESIDENTIAL ZONE**

1. **Purpose** – The RM - Mixed Residential zone is an overlay zone of the R-10 and R-15 zones intended to accommodate two- and three-family dwellings in existing neighborhoods designated in the City's Plan of Development as Mixed Residential (MR) and in those neighborhoods elsewhere in the City which contain a predominance of existing two- and three-family dwellings.

2. **Permitted Uses** – The following additional principal uses shall be permitted in the RM zone by right:

a. Two-family dwellings - existing.

b. Two-family dwellings - new construction.

c. The conversion or enlargement of existing single-family dwellings to two-family dwellings, provided that:

(1) Any fire escapes or stairways added to the exterior of the building shall not be allowed on any wall facing a street; and,

(2) Each dwelling unit shall have a minimum gross floor area of 550 square feet.

d. Three-family dwellings - existing.

3. **Special Permit Uses** – The following additional principal uses shall be permitted in the RM zone subject to Special Permit and Site Plan approvals in accordance with Sections X and XI:

a. Three-family dwellings - new construction.

b. The conversion or enlargement of existing single- or two-family dwellings to three-family dwellings, provided that:

(1) Any fire escapes or stairways added to the exterior of the building shall not be allowed on any wall facing a street; and,

(2) Each dwelling unit shall have a minimum gross floor area of 550 square feet.

4. **General Requirements in the RM Zone** – The following general requirements shall be applicable to all developments in the RM zone:

   a. The provisions of the underlying zone shall be applicable in the RM zone except as otherwise provided herein.

   b. No zone change to establish an RM zone shall be considered by the Commission unless such change would be the extension of an existing RM zone.

5. **Area and Dimensional Requirements** – The following area and dimensional requirements shall be applicable to all developments in the RM zone. Except as otherwise noted, these requirements shall be deemed the minimum requirement in every instance of their application.

a. Minimum Lot Area	5,000 sq.ft. for single-family dwellings; 6,000 sq.ft. for two-family dwellings; 7,000 sq.ft. for three-family dwellings
b. Minimum Lot Frontage	50 feet
c. Minimum Front Yard	15 feet
d. Minimum Side Yard (each)	6 feet
e. Minimum Rear Yard	15 feet
f. Maximum Building Height	35 feet
g. Maximum Building Coverage	40%

D. **A – MULTI-FAMILY RESIDENTIAL ZONE**

1. **Purpose** – The A-Multi-Family Residential zone is intended to provide areas appropriate for low- and medium-density multi-family development outside of the downtown, as identified in the City's Plan of Development, including areas along major commercial thoroughfares and on the fringes of single-family neighborhoods to serve as a transitional use between such neighborhoods and non-residential areas.

2. **Permitted Site Plan Uses** – The following principal uses shall be permitted in the A zone subject to Site Plan approval in accordance with Section XI:

   a. Any combination of single-family, two-family, three-family or multi-family dwellings at a maximum density of eight dwelling units per acre.

3. **Special Permit Uses** – The following principal uses shall be permitted in the A zone subject to Special Permit and Site Plan approvals in accordance with Sections X and XI:

   a. Any combination of single-family, two-family, three-family or multi-family dwellings, at a density greater than eight dwelling units per acre up to a maximum of 12 dwelling units per acre, consistent with the recommendations of the City's Plan of Development and subject to referral to the Planning Commission for a binding recommendation in accordance with the provisions of Section X.A.6.b.

   b. Mobile manufactured home parks, subject to the provisions of Section V.A.8., except that the maximum number of mobile manufactured homes permitted in the park shall be calculated based upon the density provisions of this Section.

   c. The adaptive re-use of existing non-residential buildings to multi-family residential use, subject to the provisions of Section V.A.9.

d. Housing developments owned, operated or sponsored by a governmental agency or by a non-profit housing corporation. In those cases where the Commission determines for a specific development that overriding economic or social reasons so warrant, it may permit an increase in the maximum density and/or a reduction in the amount of parking spaces otherwise allowed/required by these Regulations. Whenever such modifications are granted, the Commission shall state the reasons therefor on the record.

e. Housing for the elderly, including congregate housing and life care facilities.

4. **Permitted Accessory Buildings, Structures and Uses** – The following accessory buildings, structures and uses shall be permitted in the A zone:

   a. Private garages.

   b. Maintenance buildings.

   c. Community buildings.

   d. Open space areas.

   e. Off-street parking, subject to the provisions of Section VIII.B.

   f. Signs, subject to the provisions of Section VIII.A.

   g. The keeping of domesticated animals as pets, provided that a total of no more than four such animals over six months in age shall be kept and no kennel or commercial kennel shall be operated.

   h. Swimming pools, subject to the provisions of Section V.A.4.l.

   i. Tennis courts, paddle tennis courts or similar private recreational facilities, subject to the provisions of Section V.A.4.m.

5. **Single-Family Subdivisions** – In order to encourage opportunities for affordable single-family home ownership, single-family dwellings shall be permitted on individual lots in the A zone at a maximum density of six dwelling units per acre, subject to the following provisions:

   a. Each lot shall have a minimum lot area of 6,000 square feet and a minimum lot frontage of 60 feet.

   b. Each lot shall otherwise meet the appropriate area and dimensional requirements of the RM zone.

   c. Single-family dwellings developed under this provision shall not be subject to the provisions of Sections V.D.6.c., d. or e. below.

   d. The development shall comply in all other respects with the City's Subdivision Regulations and shall be subject to subdivision approval from the Planning Commission (in lieu of Site Plan approval).

   e. At the time of subdivision, the developer shall present to the Planning Commission a program for establishing and maintaining the affordability of the single-family dwellings for a period of at least ten years.

6. **General Requirements in the A Zone** – The following general requirements shall be applicable to all developments in the A zone:

   a. All dwelling units shall be served by public water and/or public sewer service.

   b. Where feasible, all electric, telephone and cable television lines shall be placed underground.

   c. There shall be a minimum separation of 30 feet between buildings.

d. No common parking area or access aisle shall be located within twenty feet of any window or door of a dwelling unit.

e. Parking spaces directly behind individual garage entrances shall not be counted as part of the required number of parking spaces.

7. **Area and Dimensional Requirements** –The following area and dimensional requirements shall be applicable to all developments in the A zone. Except as otherwise noted, these requirements shall be deemed the minimum requirement in every instance of their application.

a. Minimum Lot Area	2 acres for sites where the maximum density is 8 units per acre; 4 acres where the maximum density is greater than 8 units per acre In those cases where the Commission determines that overriding economic or social reasons so warrant, it may permit a reduction in the required minimum lot area for housing developments owned, operated or sponsored by a non-profit housing corporation.
b. Minimum Lot Frontage	50 feet
c. Minimum Lot Width	150 feet for sites up to 8 units per acre; 200 feet for sites greater than 8 units per acre
d. Minimum Front Yard	40 feet
e. Minimum Side Yard (each)	25 feet; 50 feet where such yard abuts a Single-Family Residential zone
f. Minimum Rear Yard	25 feet; 50 feet where such yard abuts a Single-Family Residential zone
g. Maximum Building Height	35 feet
h. Maximum Building Coverage	30% for sites where the maximum density is 8 units per acre; 35% where the maximum density is greater than 8 units per acre
i. Maximum Impervious Surface Coverage	40% for sites where the maximum density is 8 units per acre; 50% where the maximum density is greater than 8 units per acre

SECTION VI

BUSINESS ZONES

BN	NEIGHBORHOOD BUSINESS ZONE
BG	GENERAL BUSINESS ZONE
BD	DOWNTOWN BUSINESS ZONE
BT	DOWNTOWN/NEIGHBORHOOD TRANSITION ZONE
BHC	ROUTE 72 CORRIDOR BUSINESS ZONE

A. **BN – NEIGHBORHOOD BUSINESS ZONE**

1. **Purpose** – The BN - Neighborhood Business zone is intended to accommodate but be generally limited to small, convenience-type retail stores and service establishments primarily serving the daily needs of the neighborhood in which they are located.

2. **Permitted Site Plan Uses** – The following principal uses shall be permitted in the BN zone subject to Site Plan approval in accordance with Section XI:

   a. Banks without drive-up facilities.

   b. Grocery stores, convenience stores, or similar food stores, including the service of food only within a building at a counter or tables as an accessory use.

   c. Drugstores or pharmacies without drive-up facilities.

   d. Retail stores which sell one or more types of merchandise for personal or household use, such as books, stationery, clothing, dry goods, hardware, jewelry, flowers, variety merchandise, newspapers, magazines, records, audio and video cassettes, alcoholic liquor, and similar goods.

   e. Personal service establishments such as beauty shops, barber shops, tailor shops, shops specializing in personal adornment or shoe repair shops, but excluding carpet and upholstery cleaning establishments.

   f. Retail dry cleaners or retail laundry establishments.

   g. Coin-operated laundries or laundromats, provided that operation between the hours of 8 P.M. and 7 A.M. is permitted only when attended by an employee continuously.

3. **Special Permit Uses** – The following principal uses shall be permitted in the BN zone subject to Special Permit and Site Plan approvals in accordance with Sections X and XI:

   a. Sit-down restaurants, including catering service or outdoor dining as an accessory use.

   b. Business or professional offices, including medical or dental offices.

   c. Health care clinics, not designed for overnight patient care.

   d. Mixed-use developments containing dwelling units and one or more permitted non-residential uses.

   e. Public schools, libraries, post offices, parks, administrative offices or other buildings or facilities of the local, state or federal government.

   f. Museums, art galleries or similar facilities of non-profit educational or cultural organizations or institutions.

   g. Places of worship, parochial schools or similar facilities of religious organizations or institutions.

h. Social service agencies; philanthropic, benevolent or charitable organizations.[1]

i. Clubs.[1]

j. Other membership organizations such as business or professional associations, labor organizations or political organizations.[1]

k. Public utility buildings or facilities.

l. Child day care centers; adult day care centers.

m. Banks with drive-up facilities.

n. Drugstores or pharmacies with drive-up facilities.

o. Take-out or carry-out restaurants.

p. Specialty food or beverage establishments, with or without entertainment as an accessory use.

4. **Permitted Accessory Buildings, Structures and Uses** – The following accessory buildings, structures and uses shall be permitted in the BN zone:

   a. Any accessory building, structure or use customarily incidental and directly related to the operation of the principal use.

   b. Off-street parking and loading, excluding parking structures, subject to the provisions of Section VIII.B.

   c. Signs, subject to the provisions of Section VIII.A.

5. **Additional Requirements in the BN Zone**

   a. On any lot, the net floor area of each individual establishment shall not exceed 2,500 square feet.

   b. On any lot, the gross floor area of all buildings shall not exceed 12,000 square feet.

B. **BG – GENERAL BUSINESS ZONE**

1. **Purpose** – The BG - General Business zone is intended to accommodate larger retail and service establishments primarily serving the needs of the entire City, including automobile-oriented uses.

2. **Permitted Site Plan Uses** – The following principal uses shall be permitted in the BG zone subject to Site Plan approval in accordance with Section XI:

   a. All Permitted Site Plan uses in the BN - Neighborhood Business zone.

   b. Business or professional offices, including medical or dental offices.

   c. Administrative offices or other buildings or facilities of the local, state or federal government, excluding public schools, libraries and post offices.

   d. Medical or dental laboratories.

   e. Health care clinics, not designed for overnight patient care.

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[1] *Requires referral to the Planning Commission for a non-binding recommendation in accordance with the provisions of Section X.A.6.b*.

f. Business services such as advertising, computer and data processing, public relations, management or personnel supply.

g. Retail stores which sell furniture, appliances, electronic equipment, motor vehicle parts and supplies, or similar goods.

h. Carpet or upholstery cleaning establishments.

i. Pet stores.

j. Sit-down restaurants, including catering service or outdoor dining as an accessory use.

k. Animal hospitals; boarding of animals or birds; commercial kennels.

l. Schools operated for profit; studios of dance, photography, graphic design, painting or similar artistic endeavors.

m. Radio or television broadcast facilities.

n. Caterers.

o. Museums, art galleries or similar facilities of non-profit educational or cultural organizations or institutions.

p. Social service agencies; philanthropic, benevolent or charitable organizations.

q. Clubs.

r. Other membership organizations such as business or professional associations, labor organizations or political organizations.

s. Equipment rental or leasing services, excluding motor vehicles.

t. Nurseries or garden supply stores, including the provision of landscaping services as an accessory use by Special Permit.

u. Lumberyards or building materials suppliers.

v. Printing, lithography, photocopying or similar graphic arts services; publishing facilities.

w. Wholesale businesses.

x. Health or fitness clubs, gymnasiums, tennis or racquet clubs.

y. Motor vehicle detailing facilities, but excluding car or truck washes.

z. Specialty food or beverage establishments without entertainment.

aa. Take-out or carry-out restaurants.

3. **Special Permit Uses** – The following principal uses shall be permitted in the BG zone subject to Special Permit and Site Plan approvals in accordance with Sections X and XI:

a. Funeral homes or mortuaries.

b. Commercial recreation facilities if entirely enclosed, such as ice or roller skating rinks or bowling alleys, but excluding health or fitness clubs, gymnasiums, tennis or racquet clubs.

c. Motor vehicle repair and service facilities.

d. Motor vehicle filling stations, including those with a convenience store and/or a car or truck wash.

e. Cemeteries.

f. Places of worship, parochial schools or similar facilities of religious organizations or institutions.

g. Mixed-use developments containing dwelling units and one or more permitted non-residential uses.

h. Public schools, libraries, or post offices.

i. Public utility buildings or facilities.

j. Child day care centers; adult day care centers.

k. The display or sale of new and/or fully operable used motor vehicles.

l. The display, sale or service of boats or recreational vehicles, including the sale or installation of parts.

m. The rental and/or leasing of automobiles, trucks or other motor vehicles.

n. Fast-food restaurants.

o. Drive-up facilities, including those which are part of a use otherwise permitted by right.

p. Hotels, motels.

q. Commercial parking lots, garages or structures for the parking of motor vehicles, excluding repair services or the sale of fuel, lubricants, or automotive parts.

r. Nursing homes or convalescent homes.

s. Entertainment facilities not enclosed, including drive-in theaters, sports arenas, outdoor amphitheaters or similar uses.

t. Entertainment facilities entirely enclosed, including motion picture theaters, auditoriums or stage theaters.

u. Amusement facilities not enclosed, including miniature golf ranges, amusement parks or similar uses.

v. Amusement facilities entirely enclosed, including pool halls, billiard parlors, pinball or video game arcades, or similar uses.

w. Nightclubs, dance clubs, bars, taverns, cafes or similar establishments, with or without the service of alcoholic beverages.

x. Any use permitted by right in the BG zone which contains, either individually or in combination with other uses, a total of more than 50,000 square feet of gross floor area.

y. The adaptive re-use of existing non-residential buildings to multi-family residential use, subject to the provisions of Section V.A.9.

z. The conversion, in whole or in part, of existing one- , two- or three-family dwellings to provide additional dwelling units, subject to the provisions of Section V.A.9., except for subsections b. and f.

aa. Car or truck washes.

bb. Specialty food or beverage establishments with entertainment..

cc. Helicopter landing facilities.

dd. Pawn shops.

ee. Public Warehousing or storage, including self-storage.

4. **Permitted Accessory Buildings, Structures and Uses** – The following accessory buildings, structures and uses shall be permitted in the BG zone:

   a. Any accessory building, structure or use customarily incidental and directly related to the operation of the principal use.

   b. Off-street parking and loading, including parking structures, subject to the provisions of Section VIII.B.

   c. Signs, subject to the provisions of Section VIII.A.

   d. The outside display of merchandise for sale on premises only, provided that no merchandise shall be displayed within any required yard.

   e. The outside storage of merchandise for sale on premises only, provided that no merchandise shall be stored within any required yard and that the Commission may require appropriate screening in accordance with the provisions of Section XI.B.

   f. The outside overnight parking of vehicles or equipment, provided that no vehicle or equipment shall be parked within any required yard and that the Commission may require appropriate screening in accordance with the provisions of Section XI.B.

5. **Accessory Buildings, Structures and Uses by Special Permit** – The following accessory buildings, structures and uses shall be permitted in a BG zone subject to Special Permit approval in accordance with Section X:

   a. Live entertainment at sit-down restaurants or fast-food restaurants.

C. BD – DOWNTOWN BUSINESS ZONE

1. **Purpose** – The BD - Downtown Business zone is intended to accommodate the major retail, governmental, institutional, office and cultural activities of the City within a concentrated, compact, pedestrian-oriented central business district, as identified in the City's Plan of Conservation and Development. The Downtown Business zone is also intended to accommodate high-density residential development in support of such activities.

   The BD zone shall consist of two mapped sub-districts: the BD-1 zone and the BD-2 zone.

   a. The BD-1 zone shall encompass properties on all or a portion of each of the following streets, as shown on the city's Official Zoning Map: Center St., Church St., Federal St., Foley St., High St., Kelley St., Laurel St., Main Street, Meadow St., Memorial Blvd., North St., North Main St., Pleasant St., Prospect St., Race St., Riverside Ave., School St., South St., Summer St., Upson St., and Valley St.,

   b. The BD-2 zone shall encompass properties on all or a portion of each of the following streets, as shown on the city's Official Zoning Map: Center St., Church St., George St., Laurel St., Myrtle St., North St., North Main St., Peters Ct., Prospect St., Race St., South St., West St., and Valley St.

   Unless otherwise noted herein, the provisions of these Regulations shall be applicable to both the BD-1 and BD-2 zones.

2. **Permitted Uses** – The following principal uses shall be permitted in the BD zone in accordance with the provisions of Section VI.C.5. below:

   a. Banks without drive-in facilities; financial institutions.

   b. Grocery stores, supermarkets, convenience stores, or similar food stores, including the service of food only within a building at a counter or tables as an accessory use.

   c. Drugstores or pharmacies without drive-up facilities.

   d. Retail stores which sell one or more types of merchandise for personal or household use, such as books and stationery, gifts, clothing, dry goods, hardware, jewelry, flowers, variety merchandise, newspapers, magazines, records, audio and video cassettes, alcoholic liquor, furniture, appliances, electronic equipment, motor vehicle parts and supplies, or similar goods; pet stores.

   e. Personal service establishments such as beauty shops, barber shops, tailor shops, repair shops, dry cleaners or laundry establishments, but excluding motor vehicle repair.

   f. Business or professional offices, including medical or dental offices.

   g. Libraries, post offices, parks, administrative offices or other buildings or facilities of the local, state or federal government.

   h. Health care clinics, not designed for overnight patient care.

   i. Business services such as advertising, computer or data processing, public relations, management or personnel supply.

   j. Sit-down restaurants, including outdoor dining as an accessory use.

   k. Fast-food restaurants.

   l. Nightclubs, dance clubs, bars, taverns, cafes or similar establishments, with or without the service of alcoholic beverages.

   m. Schools operated for profit; studios of dance, photography, graphic design, painting or similar artistic endeavors.

   n. Radio or television broadcast facilities.

   o. Museums, art galleries or similar facilities of non-profit educational or cultural organizations or institutions.

   p. Social service agencies; philanthropic, benevolent or charitable organizations.

   q. Places of worship.

   r. Clubs.

   s. Other membership organizations such as business or professional associations, labor organizations or political organizations.

   t. Printing, lithography, photocopying or similar graphic arts services; publishing facilities.

   u. Health or fitness clubs, gymnasiums, excluding tennis or racquet clubs.

   v. Entertainment facilities entirely enclosed, including motion picture theaters, auditoriums or stage theaters.

   w. Amusement facilities entirely enclosed, including pool halls, billiard parlors, pinball or video game arcades, or similar uses.

x. Taxicab service.

y. Coin-operated laundries or laundromats.

z. Dwelling units, including live-work units. In the BD-1 zone, dwelling units shall not be allowed at street level in that portion of a building facing Main Street, North Main Street, Church Street, Riverside Avenue, North Street, South Street, School Street, or Prospect Street. On all other streets in the BD-1 zone, up to 35% of the gross floor area of a building's street level, excluding any street-level floor area devoted to structured parking, may be occupied by dwelling units. Up to five non-residents shall be allowed to work in any live-work unit.

aa. Public utility buildings or facilities.

bb. Child day care centers.

cc. Specialty food or beverage establishments, with or without entertainment as an accessory use.

dd. Take-out or carry-out restaurants.

ee. High-technology businesses without a manufacturing component.

ff. Kitchen incubators.

gg. Microbreweries, including a tap-room as an accessory use.

hh. Brewpubs, with or without entertainment as an accessory use.

3. **Special Permit Uses** – The following principal uses shall be permitted in the BD zone subject to Special Permit and Site Plan approvals in accordance with Sections X and XI:

   a. Hotels.

   b. Commercial parking lots or parking structures, subject to the provisions of Section VIII.B.

   c. [reserved]

   d. Nursing homes or convalescent homes.

   e. Tennis or racquet clubs.

   f. Commercial recreation facilities if entirely enclosed, such as ice or roller skating rinks or bowling alleys, but excluding health or fitness clubs or gymnasiums.

   g. Unified Downtown Development Projects, subject to the provisions of Section VI.C.9.

   h. High-technology businesses with a manufacturing component, provided that the manufacturing component shall occupy no more than 50% of the gross floor area of the business.

4. **Permitted Accessory Buildings, Structures and Uses** – The following accessory buildings, structures and uses shall be permitted in the BD zone:

   a. Any accessory building, structure or use customarily incidental and directly related to the operation of the principal use.

   b. Off-street parking and loading, including parking structures, subject to the provisions of Section VIII.B.

   c. Signs, subject to the provisions of Section VIII.A.

d. Seasonal outdoor dining areas for permitted eating and drinking establishments, subject to the following provisions:

(1) An outdoor dining area less than or equal to 250 square feet in size shall be permitted by right, subject to the approval of a Zoning Permit by the Zoning Enforcement Officer in accordance with Section XII.D.

(2) An outdoor dining area greater than 250 square feet in size shall be permitted subject to Special Permit and Site Plan approvals in accordance with Sections X and XI.

(3) All outdoor dining areas in the BD zone shall comply with the following requirements:

(a) The outdoor dining area may be located entirely or partially on the public sidewalk adjoining the premises, subject to the receipt of all other necessary approvals relative thereto.

(b) The outdoor dining area shall not create interference with, hazards to, or visibility problems for pedestrians on sidewalks or for vehicular traffic.

(c) Any non-vegetative shading devices shall be of a non-permanent type (e.g., umbrellas, retractable awnings) and shall be safely anchored.

(d) The outdoor dining area shall not be located within or interfere with any parking or loading areas.

(e) Adequate trash receptacles shall be provided, and the restaurant shall be responsible each day for the cleanup of all trash (both on-site and off-site) generated by the outdoor dining area.

(f) Tables and chairs in the outdoor dining area shall be so located as to maintain proper access to the building for emergency services.

(g) No outside audio or video systems shall be permitted.

(h) At the end of each outdoor dining season, all tables, chairs, trash receptacles, etc., shall be removed from the outside of the premises.

(i) Any signs placed on outdoor umbrellas, awnings or chairs shall be limited to the name of the establishment, products sold by the establishment, or services offered by the establishment.

(j) The outdoor dining area may be located in the front or on the side of the building but shall not be located at the rear or on the roof of the building.

e. The outdoor display of merchandise for sale on premises only.

5. **Building Form Standards** – In addition to other applicable requirements of these Regulations, buildings and developments in the BD zone shall comply with the “building form” standards specified in Section VI.C.5.b. below, which have been established in furtherance of the purposes of the BD zone.

a. For the purpose of applying these standards, the following terms shall have the meanings specified below:

(1) Street-facing building wall – any building wall or portion thereof to which a straight line can be projected perpendicularly from the front lot line without first intersecting any other building wall.

(2) Projected length of a street-facing building wall – the straight-line distance between two lines projected perpendicularly from the front lot line to the farthest corners of a street-facing building wall, measured at the front lot line.

(3) Build-to line – a line parallel to the front lot line at or in front of which all of the street-facing walls of a building shall be located.

b. Table of Building Form Standards:

Building Element	Standard		Explanatory Notes
	BD-1 zone	**BD-2 zone**	
(1) floor-area ratio	minimum of 0.6		• The gross floor area of all buildings on the lot and the lot area of all contiguous lots expressly devoted to the development (e.g., for off-street parking) shall be included in this calculation.
(2) build-to line	maximum of 10 feet		• At least the first two building stories shall comply with this standard. • In developments containing two or more principal buildings, each such building shall comply with this standard independently of any other building on the lot. • The Commission may allow a build-to line as far back as 25 feet for up to 50% of the projected length of the building's street-facing walls if an outdoor dining area, an outdoor merchandise display area, or a public plaza or similar public space is created between the front lot line and the greater build-to line.
(3) building height	minimum of 18 feet		• Building height shall be measured from the first-floor elevation of the building or the average elevation of the adjoining public sidewalk, whichever is greater. • The building's basement or cellar (if any) shall not be included in this calculation. • In developments containing two or more principal buildings, each such building shall comply with this standard independently of any other building on the lot.
(4) number of building stories	minimum of 2 full stories	minimum of 2 full stories, for buildings designed to accommodate one occupant minimum of 1 story, for buildings designed to accommodate two or more occupants	• For buildings with two or more stories, the gross floor area of the second story shall be equal to at least 75% of the gross floor area of the first story in order for it to be counted as a full story. • The building's basement or cellar (if any) shall not be included in this calculation. • In developments containing two or more principal buildings, each such building shall comply with this standard independently of any other building on the lot.
(5) area of street-level, street-facing walls consisting of windows and public entrance/ exit doors ("building fenestration")	minimum of 65% of such wall area devoted to non-residential uses	minimum of 50% of such wall area devoted to non-residential uses	• The wall area shall be measured between 2 and 10 feet above the top of the building foundation. • Windows and public entrance/exit doors shall contain clear or tinted glass capable of providing an unobstructed view from the outside into the building. • In developments containing two or more buildings, each building shall comply with this standard independently of any other building on the lot.
(6) projected length of all street-level, street-facing building walls as a percentage of total lot frontage ("building frontage-lot frontage ratio")	minimum of 65 percent		• The frontage of all contiguous lots expressly devoted to the development (e.g., for off-street parking) shall be included in this calculation.
(7) orientation of building entrances	Each street-level business shall have at least one entrance on a public street. No more than two businesses in the same building shall share the same building entrance unless the entrance also provides an entry to uses above or below the street level.		

c. The building form standards specified above shall be applied to corner lots in the BD zone as follows:

(1) Buildings shall comply with the standards for building height, number of building stories, and build-to line on <u>each</u> street on which the lot has frontage.

(2) Buildings shall comply with the standard for building fenestration on <u>all</u> street level, street-facing building walls.

(3) Buildings/developments shall comply with the standard for building frontage-lot frontage ratio as follows:

(a) If the lot has frontage on two streets in the BD-1 zone, the standard shall be met along <u>each</u> street.

(b) If the lot has frontage on a street in the BD-1 zone and a street in the BD-2 zone, the standard shall be met along both the street in the BD-1 zone and along the total lot frontage.

(c) If the lot has frontage on two streets in the BD-2 zone, the standard shall be met along the total lot frontage.

(4) Building entrances shall be oriented to the street corner, or to the street having the higher functional classification (per the city's Plan of Conservation and Development) along which the lot has frontage.

6. **Applicability of Building Form Standards to Existing Buildings/Developments**

a. Existing buildings or developments in the BD zone shall comply with the building form standards specified in Section VI.C.5.b. above. Existing buildings or developments in the BD zone that do not comply with one or more of such standards shall be considered non-conforming relative to such standard(s). Additionally, for the purpose of determining such non-conformities:

(1) An existing building shall be considered non-conforming relative to the standards for minimum height and/or minimum number of stories if less than 50 percent of its street-level, street-facing walls are located at or in front of the 10-foot build-to line, even if the building otherwise complies with such standards.

(2) A development shall be considered non-conforming relative to the standard for building frontage-to-lot frontage ratio if the total projected length of all street-level, street-facing walls located at or in front of the 10-foot build-to line is less than 50 percent of the length of the frontage of the lot(s) on which the development is located.

b. Additions/alterations to existing buildings in the BD zone shall not increase an existing non-conforming condition nor create a new non-conforming condition. Such additions/alterations may maintain or decrease the non-conforming condition or bring the condition into conformity, and shall also be subject to the following provisions:

(1) A second-story addition to a building shall be set back from the front lot line no further than any portion of the first story, unless both stories comply with the build-to line standard.

(2) Building additions shall be at least the same height as the lowest existing height of the building.

(3) Building additions shall not create a new street-level, street-facing building wall located behind the build-to line; building additions shall be allowed to extend a non-conforming street-level, street-facing wall only to or in front of the 10-foot build-to line.

7. **Additional Off-Street Parking Requirements** – Off-street parking in the BD zone shall be subject to the following additional provisions:

a. “Baseline” Number of Off-Street Parking Spaces

(1) In the BD zone, the “baseline” number of off-street parking spaces shall be the sum of the required parking for each separate use in the proposed development, in accordance with Section VIII.B.2. Except as approved by the Commission in accordance with the provisions of this section, no more or fewer off-street parking spaces than this “baseline” number shall be provided for a proposed development.

b. Reducing the “Baseline” Number of Off-Street Parking Spaces

(1) By Special Permit, the Commission may allow the number of off-street parking spaces provided for a development to be reduced by up to 35 percent of the “baseline” number, provided that the development contains at least two uses that, because of significantly different peak parking characteristics which vary by time of day, day of week, and/or season of the year, are able to utilize some or all the same spaces throughout the day. If one of the uses in the development is residential, the Commission may allow the number of off-street parking spaces that must be provided to be reduced by up to 45 percent of the “baseline” number.

(2) By Special Permit, the Commission may allow the number of off-street parking spaces provided for a development to be reduced to less than the “baseline” number in return for a payment by the developer to the City of a per-space “fee-in-lieu of parking spaces”, which fee shall be applied to the difference between the “baseline” number of off-street parking spaces and the lesser number of such spaces approved by the Commission.

(a) In approving such a Special Permit, the Commission shall determine that the “baseline” number of parking spaces would result in an excess number of off-street parking spaces for the development or in the area surrounding the development, or could not be physically constructed on the lot on which the development is located. Where such fee is proposed because of the latter circumstance, a two-thirds affirmative vote of the Commission shall be necessary to approve such Special Permit.

(b) The per-space amount of such fee shall be fixed by the Commission, based upon 50 percent of the per-space land, design, and construction costs associated with the construction of structured parking in the Downtown Business zone. The per-space amount of such fee may be adjusted by the Commission from time to time, to reflect current land, design, and construction costs.

(c) Such fee shall be paid by the developer to the City prior to the issuance of any building permit for the development. If a development does not require a building permit, the fee shall be paid before the approved Site Plan for the development is signed by the Chairman or Secretary of the Commission. If a development is phased, payment of such fee may be similarly phased in a manner approved by the Commission.

(d) Such fee shall be deposited in a dedicated fund established by the City solely for the following purposes: the acquisition, development, expansion or capital repair of municipal parking facilities; traffic- or transportation-related capital projects; the provision or operating expenses of transit facilities designed to reduce reliance on private automobiles; and capital programs to facilitate carpooling or vanpooling. The proceeds of such fund shall not be used for operating expenses of any kind, except operating expenses of transit facilities, nor be considered a part of the City’s general fund. Expenditures from such fund shall be authorized in the same manner as any other capital expenditure of the City. Any income earned by any moneys on deposit in such fund shall accrue to the fund.

(3) Unless otherwise waived by the Commission, an application for a Special Permit under this section shall include a parking analysis conducted by a qualified traffic/transportation consultant.

c. Increasing the “Baseline” Number of Off-Street Parking Spaces

(1) By Special Permit, the Commission may allow the number of off-street parking spaces provided for a development to be increased by up to 35 percent of the “baseline” number, provided that:

(a) the developer shall incorporate a public amenity such as a public plaza, “vest pocket” park, or sculpture into the development; and/or

(b) the developer shall provide, construct, and contribute to the maintenance of one or more internal vehicular and pedestrian connections between the development and developments on adjoining properties.

(2) By Special Permit, the Commission may allow the number of off-street parking spaces provided for a development to be increased by up to 45 percent of the “baseline” number if the development includes dwelling units.

(3) By Special Permit, the Commission may allow the number of off-street parking spaces provided for a development to be increased by up to 40 percent of the “baseline” number if all or a portion of such spaces are located between the front of a building and the street in accordance with Section VII.C.7.d.(3) below.

(4) Unless otherwise waived by the Commission, an application for a Special Permit under this section shall include a parking analysis conducted by a qualified traffic/transportation consultant.

d. Location of Parking Spaces

(1) Where feasible, parking spaces shall be located to the rear of a building.

(2) Parking spaces may be located along the side of a building, provided that such parking area does not occupy more than 45 feet or 35 percent of the frontage of the lot on which it is located, whichever is less.

(3) Parking spaces may be located between the front of a building and the street, subject to the following provisions:

(a) Such parking spaces shall be directly accessible via the street right-of-way.

(b) Such parking spaces shall be: separated from the building by a sidewalk having a minimum width of 8 feet, arranged in a single row located adjacent to the sidewalk, and arranged in one of the following configurations:

(i) Angled diagonally toward the general direction of the adjoining travel lane of the street. Such spaces shall have a minimum depth of 19 feet and a minimum back-up area of 9 feet, exclusive of the adjoining travel lane of the street.

(ii) Angled diagonally away from the general direction of the adjoining travel lane of the street. Such spaces shall have a minimum depth of 19 feet and the adjoining travel lane shall have a minimum width of 11 feet.

(c) Depending upon the width of the street right-of-way, such parking spaces may be located entirely within the right-of-way, partly within the right-of-way and partly on the lot, or entirely on the lot. Notwithstanding any other provisions of this section, the Commission may allow all or a portion of the building to have a build-to line as far back as 25 feet in order to accommodate such parking spaces.

(d) Such parking spaces shall be available for use by the public at all times.

(e) The property owner shall grant to the city such easements as are necessary to allow such parking to be utilized for public purposes in return for the city’s maintenance of the parking spaces.

e. Miscellaneous Parking Requirements

(1) Additional off-street parking shall not be required for changes of use within an existing building or for building additions less than or equal to 500 square feet of gross floor area.

8. **Required Approvals**

a. The following activities in the BD zone shall be subject to only Site Plan approval from the Zoning Commission, in accordance with Section XI:

(1) The construction of new buildings.

(2) Additions or alterations to an existing building that already complies with all of the building form and location standards specified in Section VI.C.5.b. above.

(3) Additions or alterations to an existing building that is non-conforming relative to the standards for minimum building height, minimum number of building stories, maximum build-to line, and/or building frontage-lot frontage ratio, if such addition or alteration would make at least one of these non-conforming conditions fully conforming.

(4) The construction of new parking lots; the expansion of or improvements to existing parking lots.

b. All other activities in the BD zone shall be subject to Special Permit and Site Plan approvals in accordance with Sections X and XI.

9. **Unified Downtown Development Projects** – The Commission recognizes that, to encourage better urban design on large parcels in the BD-1 zone, additional flexibility in the location and design of new buildings may be necessary and appropriate due to one or more of the following factors: the unique characteristics of the parcel such as its size and shape; its significant frontage along major streets in downtown Bristol; the existence of easements or similar encumbrances that might otherwise restrict the development of the parcel; and the city's desire to encourage the development of such parcels with multiple buildings and multiple uses in a unified manner. As such, a Unified Downtown Development Project (UDDP) may be allowed in the BD-1 zone subject to Special Permit and Site Plan approvals in accordance with Sections X and XI and the following provisions:

a. The total size of all parcels in the UDDP shall be at least 12 acres.

b. As part of the application for a Special Permit to allow a UDDP, the applicant shall submit such maps, plans, narratives, and information as the Commission deems necessary to render a decision on the application, including but not limited to the following:

(1) an existing conditions map that shows topography, site utilities, easements, and significant natural or built features;

(2) a conceptual site plan of the project that shows the location and layout of existing and proposed buildings, parking areas, streets (both public and private), sidewalks, and public spaces;

(3) a narrative description of the project's components including the total number of buildings, the type and mix of land uses, the total number of dwelling units, the gross floor area of non-residential uses, and the number and location of parking and loading spaces;

(4) a phasing plan for the development/construction of the project;

(5) conceptual drawings that illustrate the proposed architectural character of the project's buildings; and

(6) a list of requested modifications pursuant to Section VI.C.10.

c. The application for a Special Permit to allow a UDDP shall require a referral to the Planning Commission for a non-binding recommendation in accordance with the provisions of Section X.A.6.b.

10. **Allowable Modifications in a Unified Downtown Development Project**

a. If the Commission approves a Special Permit for a Unified Downtown Development Project, it shall allow the following modifications:

(1) The maximum percentage of gross floor area of a building's street level that may be occupied by dwelling units shall be increased from 35 percent to 50 percent in the BD-1 zone on streets other than Main Street, North Main Street, Church Street, Riverside Avenue, North Street, South Street, School Street or Prospect Street (Section VI.C.2.z.).

(2) The maximum 10-foot build-to line shall be applicable to only a building's street-level story (Section VI.C.5.b.(2)).

(3) The minimum building height of any one-story building approved under Section VI.C.10.b.(2) shall be reduced from 18 feet to 14 feet (Section VI.C.5.b.(3)).

(4) The minimum required size of the upper stories of any building that contains at least three full stories shall be reduced from 75 percent to 60 percent of the gross floor area of the building's first story (Section VI.C.5.b.(4)).

(5) The location requirements for parking spaces shall not be applicable during interim phases of development/construction. Such requirements shall be complied with no later than the completion of the final phase of development/construction (Section VI.C.7.d.).

b. If the Commission approves a Special Permit for a Unified Downtown Development Project, it may allow the following modifications:

(1) Outdoor dining areas may be located at the rear of a building if the rear of the building abuts a public plaza or similar public space (Section VI.C.4.d.(3)(j)).

(2) One-story buildings may be permitted within the project, provided that the gross floor area of all such buildings shall neither be greater than 7.5% of the total gross floor area of the project nor included in the calculation of the project's floor-area ratio (Section VI.C.5.b.(4)).

(3) Private streets may be used within the project to comply with the provisions of the building form standards and parking requirements. Such private streets shall adequately provide for vehicular and pedestrian access and circulation (Section VI.C.5. and Section VI.C.7.d).

(4) Two-way access aisles may be used to serve parallel and angled parking spaces (Section VIII.B.6.c.).

c. A Special Permit for a Unified Downtown Development Project shall benefit and be binding upon all phases of the project, subject to the applicable provisions of Section X.14.

D. **BT – DOWNTOWN/NEIGHBORHOOD TRANSITION ZONE**

1. **Purpose** – The BT - Downtown/Neighborhood Transition zone is an overlay zone of the R-10 and R-15 zones intended to accommodate a transition of uses and residential densities between downtown Bristol and its adjacent residential neighborhoods, as identified in the City's Plan of Conservation and Development, while maintaining the existing character of the area.

2. **Permitted Uses** – The following additional principal uses shall be permitted in the BT zone by right:

a. Two-family dwellings - existing.

b. Two-family dwellings - new construction.

c. The conversion or enlargement of existing single-family dwellings to two-family dwellings, provided that:

(1) Any fire escapes or stairways added to the exterior of the building shall not be allowed on any wall facing a street; and,

(2) Each dwelling unit shall have a minimum gross floor area of 550 square feet.

d. Three-family dwellings - existing.

e. Three-family dwellings - new construction.

3. **Special Permit Uses** – The following additional principal uses shall be permitted in the BT zone subject to Special Permit and Site Plan approvals in accordance with Sections X and XI:

a. [reserved]

b. The conversion or enlargement of existing single- or two-family dwellings to three-family dwellings, provided that:

(1) Any fire escapes or stairways added to the exterior of the building shall not be allowed on any wall facing a street; and,

(2) Each dwelling unit shall have a minimum gross floor area of 550 square feet.

c. Emergency housing shelters.

d. Unified residential developments containing efficiency units, one-bedroom units, two-bedroom units, or any combination thereof, subject to the provisions of Section VI.D.5.

e. Business or professional offices, including medical or dental offices, provided that the office shall be located in an existing building or, if new construction, the building shall be of residential character in terms of scale, roof line, bulk and other design considerations.

f. Microbreweries, including a tap-room as an accessory use.

g. Boutiques or similar specialty retail establishments; arts and crafts facilities.

h. Sit-down restaurants, including outdoor dining as an accessory use.

i. Mixed use developments containing dwelling units and one or more permitted non-residential uses, subject to the provisions of Section VI.D.5.

j. Funeral homes or mortuaries.

k. Personal service establishments such as beauty shops, barber shops, tailor shops, shops specializing in personal adornment or shoe repair shops.

l. Specialty food or beverage establishments, with or without entertainment as an accessory use.

m. Brewpubs, with or without entertainment as an accessory use.

4. **General Requirements in the BT Zone** – The following general requirements shall be applicable to all developments in the BT zone:

a. The provisions of the underlying zone shall be applicable in the BT zone except as otherwise provided herein.

b. No zone change to establish a BT zone shall be considered by the Commission unless such change would be the extension of an existing BT zone.

5. **Unified Residential Developments and Mixed-Use Developments**

a. Unified residential developments and mixed-use developments may be allowed in the BT zone subject to Special Permit and Site Plan approvals in accordance with Sections X and XI and the following provisions:

(1) The project's maximum density shall be 22 dwelling units per acre, except as otherwise provided herein.

(2) The project shall comply with the "base density" requirements specified in Section VI.D.7. below.

(3) The project shall comply with the "building form" standards specified in Section VI.D.8. below.

(4) The number of off-street parking spaces provided shall be in accordance with the provisions of Section VI.D.9. below.

b. By Special Permit, the Commission may allow the maximum density of a unified residential development or mixed-use development in the BT zone to be greater than 22 dwelling units per acre, subject to the following provisions:

(1) A project that complies with all of the "Level 1" requirements specified in Section VI.D.7. below shall be eligible for a maximum density of 32 dwelling units per acre.

(2) A project that complies with all of the "Level 2" requirements specified in Section VI.D.7. below shall be eligible for a maximum density of 36 dwelling units per acre.

(3) A project that complies with all of the "Level 3" requirements specified in Section VI.D.7. below shall be eligible for a maximum density of 40 dwelling units per acre.

c. Existing non-residential buildings may be rehabilitated and re-used as part of a unified residential development or mixed-use development in the BT zone.

(1) All rehabilitative work of such buildings – including alterations or additions thereto –shall be subject to the Secretary of the Interior's Standards for Rehabilitation.

(2) A project incorporating such buildings shall be eligible for the maximum density of the next highest level; for example, a project that complies with all of the "Level 1" requirements and incorporates and re-uses an existing non-residential building shall be eligible for the maximum density established for "Level 2."

A project that complies with all of the "Level 3" requirements and incorporates and re-uses an existing non-residential building shall be eligible for a maximum density of 55 units per acre.

d. In its consideration of a Special Permit for a unified residential development or mixed-use development in the BT zone, including any proposed density bonus associated therewith, the Commission shall consider the following factors in addition to the standards for approval contained in Section X.8.:

(1) The project's impact on historic and architecturally significant properties and buildings, including but not limited to those listed on the city's Historic Resources Inventory and/or those located within a National Register Historic District; projects that protect/enhance/maintain the character of such properties and buildings will be given more favorable consideration than those that do not.

(2) The proximity of the project to neighborhood retail and service establishments; projects that are within a ¼-mile walking distance of one or more of such establishments will be given more favorable consideration than those that do not.

(3) The quality of the project's building design; buildings that incorporate architectural features which complement and are compatible with the architectural characteristics of neighboring buildings will be given more favorable consideration than those that do not.

(4) The use of shared parking (on-site and/or off-site) to reduce the number of parking spaces that needs to be provided.

(5) The relationship and appropriateness of the project's proposed site and building amenities to the surrounding neighborhood.

6. **Area and Dimensional Requirements** – The following area and dimensional requirements shall be applicable to all projects in the BT zone. Except as otherwise noted, these requirements shall be deemed the minimum requirement in every instance of their application.

a. Minimum Lot Area	5,000 sq.ft. for single-family dwellings 6,000 sq.ft. for two-family dwellings 7,000 sq.ft. for three-family dwellings
b. Minimum Lot Frontage	50 feet
c. Minimum Front Yard	5 feet
d. Maximum Front Yard	15 feet
e. Minimum Side Yard (each)	6 feet
f. Minimum Rear Yard	15 feet
g. Maximum Building Height	35 feet
h. Maximum Building Coverage	40%

7. Table of Area, Dimensional, and Amenities Requirements

	Base Density	Level 1	Level 2	Level 3	Notes
a. minimum lot area, in square feet	8,500	10,000	15,000	20,000	
b. minimum lot frontage	50	50	65**	85**	** requirement must be met on at least one of the following streets: Center St., High St., Main St., North St., Race St., School St., South St., Summer St., and West St.,
c. minimum side yard (each)	6	6	6	6	
d. minimum rear yard	15	15	15	15	
e. maximum building height	35	35	35	45	
f. maximum building coverage	40%	50%	65%	75%	
g. minimum number of site and building amenities to provide	1	3	4	6	see list of amenities below

Site and Building Amenities:

- Publicly available street furniture, e.g., benches, trash receptacles
- Energy-efficient site lighting on building exteriors, along walkways, and within parking lots
- Low-impact stormwater management techniques, e.g., rain gardens, bio-retention swales
- One publicly available bicycle parking space per 2,000 sq. ft. (g.f.a.) of commercial floor space; one covered/sheltered bicycle parking space for residents and guests per 10 motor vehicle parking spaces
- "Pocket" park, plaza, or similar publicly available space
- At least one Level 2 electric vehicle charging station
- At least one on-site source of renewable energy, e.g., solar panels
- More than 50% of the total number of dwelling units are efficiency and/or one-bedroom units
- Use of two or more access management techniques specified in Section IX.F.5.

8. Table of Building Form Standards			
Building Element	**Standard**		**Explanatory Notes**
	Unified Residential Development	**Mixed-Use Development**	
a. minimum front yard **b. maximum front yard**	5 ft. 15 ft.	5 ft. 15 ft.	• At least the first building story shall comply with these standards.
c. area of street-level, street-facing walls consisting of windows and public entrance/ exit doors ("building fenestration")	n/a	minimum of 50% of such wall area devoted to non-residential uses	• The wall area shall be measured between 2 and 10 feet above the top of the building foundation. • Windows and public entrance/exit doors shall contain clear or tinted glass capable of providing an unobstructed view from the outside into the building. • Each mixed-use building shall comply with this standard independently of any other building on the lot.
d. orientation of buildings and building entrances	All buildings shall have at least one primary entrance facing a public street.	Each street-level business shall have at least one entrance facing a public street. No more than two businesses in the same mixed-use building shall share the same building entrance unless the entrance also provides an entry to uses above or below the street level.	• Where a development contains multiple buildings and has insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to a common green, plaza, courtyard, or similar open space. When so oriented, the primary entrance(s) and green, plaza, or courtyard shall be publically accessible and connected to the street by a pedestrian walkway.
e. articulation of building facades	Where possible, buildings shall be no more than 40 feet wide. Buildings more than 40 feet wide shall be divided into smaller increments, between 20 and 40 feet wide, through the use of one or more façade articulation techniques.	Where possible, buildings shall be no more than 40 feet wide. Buildings more than 40 feet wide shall be divided into smaller increments, between 20 and 40 feet wide, through the use of one or more façade articulation techniques.	• Acceptable façade articulation techniques include: - stepping back or extending forward a portion of the façade (façade modulation) - division of the façade into storefronts, with separate display windows and entrances. - variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the articulation or modulation interval - arcades, awnings, window bays, arched windows, or balconies at intervals equal to the articulation interval • On upper stories, at least 50% of the building's street-facing façade shall comply with the minimum and maximum front yard setback requirements. The balance of the facade may be located up to an additional 5 feet behind the maximum front yard setback line
f. ground-floor residential uses	Ground-floor residential uses at street level shall generally be separated from the street by steps, landscaping, porches, grade changes, or low ornamental fences or walls in order to create a yard area between the sidewalk and the front building wall.	Ground-floor residential uses at street level shall generally be separated from the street by steps, landscaping, porches, grade changes, or low ornamental fences or walls in order to create a yard area between the sidewalk and the front building wall.	

9. Table of Off-Street Parking Requirements			
a.	Single-, Two- and Three-Family Dwellings		2 per dwelling unit
b.	Unified Residential Developments (up to 25 units)	**Unit Type**	**Requirement**
		Efficiency Units	.75
		1-Bedroom Units	1.25
		2-Bedroom Units	1.75
		Visitor Parking	1 for every 4 residential parking spaces (or fraction thereof)
	Unified Residential Developments (more than 25 units)	**Unit Type**	**Requirement**
		Efficiency Units	.75
		1-Bedroom Units	1.0
		2-Bedroom Units	1.5
		Visitor Parking	1 for every 3 residential parking spaces (or fraction thereof)
c.	Mixed-Use Developments	**Unit Type**	**Requirement**
		Efficiency Units	.75
		1-Bedroom Units	1.25
		2-Bedroom Units	1.75
		Non-Residential Uses	1.5 per 1,000 sq. ft. g.f.a

E. BHC – ROUTE 72 CORRIDOR BUSINESS ZONE

1. **Purpose** – The BHC – Route 72 Corridor Business zone is intended to accommodate retail, service, office, and residential uses in a manner consistent with, and in furtherance of, the goals, policies and recommendations contained in the "Route 72 Corridor Land Use and Transportation Master Plan", adopted by the Bristol Planning Commission on April 28, 2005.

2. **Permitted Site Plan Uses** – The following principal uses shall be permitted in the BHC zone subject to Site Plan approval in accordance with Section XI:

   a. Grocery stores, convenience stores, or similar food stores, including the service of food only within a building at a counter or tables as an accessory use.

   b. Retail stores which sell one or more types of merchandise for personal or household use, such as books, stationery, clothing, dry goods, hardware, jewelry, flowers, variety merchandise, newspapers, magazines, audio and video recordings, alcoholic liquor, furniture, appliances, computer hardware or software, electronic equipment, and similar goods, but excluding motor vehicle parts and supplies.

   c. Drugstores or pharmacies without drive-up facilities.

   d. Banks without drive-up facilities.

   e Pet stores.

f. Personal service establishments such as beauty shops, barber shops, tailor shops, and shoe repair shops, but excluding pawn shops and shops specializing in personal adornment (e.g., tattoo studios).

g. Retail dry cleaners; retail laundry establishments.

h. Business or professional offices, including medical or dental offices.

i. Business services such as advertising, computer and data processing, public relations, management or personnel supply.

j. Medical or dental laboratories.

k. Health care clinics, not designed for overnight patient care.

l. Sit-down restaurants, including catering service or outdoor dining as an accessory use.

m. Specialty food or beverage establishments without entertainment.

n. Take-out or carry-out restaurants.

o. Caterers.

p. Museums, art galleries or similar facilities of non-profit educational or cultural organizations or institutions.

q. Clubs.

r. Other membership organizations such as business or professional associations, labor organizations or political organizations.

s. Animal hospitals; boarding of animals or birds, but excluding commercial kennels.

t. Schools operated for profit; studios of dance, photography, graphic design, painting or similar artistic endeavors.

u. Radio or television broadcast facilities.

v. Printing, lithography, photocopying or similar graphic arts services; publishing facilities.

w. Carpet or upholstery cleaning establishments.

x. Reupholstery or furniture repair shops.

y. Commercial recreation facilities if entirely enclosed, such as ice or roller skating rinks or bowling alleys.

z. Health or fitness clubs, gymnasiums, tennis or racquet clubs.

aa. Administrative offices or other buildings or facilities of the local, state or federal government, but excluding public schools, libraries and post offices.

3. **Special Permit Uses** – The following principal uses shall be permitted in the BHC zone subject to Special Permit and Site Plan approvals in accordance with Sections X and XI:

a. Banks with drive-up facilities.

b. Drugstores or pharmacies with drive-up facilities.

c. Fast-food restaurants.

d. Specialty food or beverage establishments with entertainment.

e. Drive-up facilities, including those which are part of a use otherwise permitted by right.

f. Motor vehicle filling stations, including those with a convenience store.

g. Nurseries or garden supply stores.

h. Building services (e.g., pest control service, building maintenance service).

i. Specialty trade contractors.

j. Entertainment facilities entirely enclosed, including motion picture theaters, auditoriums or stage theaters.

k. Amusement facilities entirely enclosed, including pool halls, billiard parlors, pinball or video game arcades, or similar uses.

l. Public schools, libraries, post offices.

m. Mixed-use developments containing dwelling units and one or more permitted non-residential uses.

n. The adaptive re-use of existing non-residential buildings to multi-family residential use, subject to the provisions of Section V.A.9.

o. The conversion, in whole or in part, of existing one- , two- or three-family dwellings to provide additional dwelling units, subject to the provisions of Section V.A.9., except for subsections b. and f.

p. Nightclubs, dance clubs, bars, taverns, cafes or similar establishments, with or without the service of alcoholic beverages.

q. Social service agencies; philanthropic, benevolent or charitable organizations.

r. Child day care centers; adult day care centers.

s. Places of worship, parochial schools or similar facilities of religious organizations or institutions.

t. Hotels, motels.

u. Public utility buildings or facilities.

v. Commercial parking lots, garages or structures for the parking of motor vehicles, excluding repair services or the sale of fuel, lubricants, or automotive parts.

w. Any use permitted by right in the BHC zone which contains, either individually or in combination with other uses, a total of more than 50,000 square feet of gross floor area.

4. **Permitted Accessory Buildings, Structures and Uses** – The following accessory buildings, structures and uses shall be permitted in the BHC zone:

a. Any accessory building, structure or use customarily incidental and directly related to the operation of the principal use.

b. Off-street parking and loading, including parking structures, subject to the provisions of Section VIII.B.

c. Signs, subject to the provisions of Section VIII.A.

d. The outside display of merchandise for sale on premises only, provided that no merchandise shall be displayed within any required yard.

e. The outside storage of merchandise for sale on premises only, provided that no merchandise shall be stored within any required yard and that the Commission may require appropriate screening in accordance with the provisions of Section XI.B.

f. The outside overnight parking of vehicles or equipment, provided that no vehicle or equipment shall be parked within any required yard and that the Commission may require appropriate screening in accordance with the provisions of Section XI.B.

g. The outside storage of goods or materials, provided that no goods or materials shall be stored within any required yard and that the Commission may require appropriate screening in accordance with the provisions of Section XI.B.

h. A dwelling unit of the manager or caretaker of the premises.

i. The display or sale of goods made, processed, or assembled on premises.

5. **Accessory Buildings, Structures and Uses by Special Permit** – The following accessory buildings, structures and uses shall be permitted in a BHC zone subject to Special Permit approval in accordance with Section X:

   a. Live entertainment at sit-down restaurants or fast-food restaurants.

F. GENERAL REQUIREMENTS FOR ALL BUSINESS ZONES

1. Except as otherwise provided herein, all uses shall be conducted entirely within a building.

2. All uses shall conform to the Environmental and Performance Standards of Section IX.D and to the requirements of all other applicable City regulations.

3. Except as otherwise provided herein, all production, repair, treatment, storage or display of goods shall be accessory to the principal use of the premises.

4. No goods, wares, merchandise or food shall be sold or offered for sale from a mobile vending unit situated on private property, unless such unit vacates the property at the end of each business day.

G. AREA AND DIMENSIONAL REQUIREMENTS

The following area and dimensional requirements shall be applicable to all developments in the BN, BG, BD, and BHC zones, as indicated. Except as otherwise provided herein, these requirements shall be deemed to be the minimum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

	BN	BG	BD	BHC
1. Minimum Lot Area, in square feet	15,000	15,000	*NA*	15,000
2. Minimum Lot Width	100	100	*NA*	100
3. Minimum Front Yard on a State highway	20	20	*NA*	20
4. Minimum Front Yard on a City street	20	20	*NA*	20
5. Minimum Front Yard on a City street opposite a Residential zone	25	25	*NA*	25
6. Minimum Side Yard (each)	15	15	*NA*	15
7. Minimum Side Yard abutting a Residential zone	25	25	20	25
8. Minimum Rear Yard	15	15	*NA*	15

	BN	BG	BD	BHC
9. Minimum Rear Yard abutting a Residential zone	25	25	20	25
10. Maximum Building Height	35	35	*NA*	35
11. Maximum Building Coverage	35%	50%	*N*A	50%

NA – Not Applicable

SECTION VII

INDUSTRIAL ZONES

I	GENERAL INDUSTRIAL ZONE
IP-1	INDUSTRIAL PARK ZONE
IP-3	INDUSTRIAL PARK ZONE
IP-25	INDUSTRIAL PARK ZONE

A. **I – GENERAL INDUSTRIAL ZONE**

1. **Purpose** – The General Industrial zone is intended to accommodate older industrial uses and heavy commercial operations and is intended to be less restrictive than the Industrial Park zones.

2. **Permitted Site Plan Uses** – The following principal uses shall be permitted in the I zone subject to Site Plan approval in accordance with Section XI:

   a. Building or construction contractors' yards. By Special Permit, the Commission may allow the temporary or permanent use of equipment on the premises to process sand, gravel, rock or other such minerals or reclaimed/recycled aggregate material as an accessory use. Such processing shall include but not be limited to washing, crushing, sifting, screening, classifying or mixing of materials.

   b. Landscape contractors.

   c. Trucking terminal facilities.

   d. Public warehousing or storage, including self-storage.

   e. Trucking or courier services.

   f. Bus terminal/service/storage facilities, including school buses.

   g. Fuel oil dealers.

   h. Sanitary services (e.g., trash haulers, septic tank cleaners).

   i. Building services (e.g., pest control service, building maintenance service).

   j. Lumberyards or building materials suppliers.

   k. Equipment rental or leasing services, excluding motor vehicles.

   l. Electrical repair shops.

   m. Reupholstery or furniture repair shops.

   n. Manufacturing facilities.

   o. Wholesaling or distribution facilities.

   p. Printing, lithography, photocopying or similar graphic arts services; publishing facilities.

   q. Industrial laundries or dry cleaners.

   r. Carpet or upholstery cleaning establishments.

s. Public utility buildings or facilities.

t. Buildings or facilities of the local, state or federal government.

u. Motor vehicle detailing facilities, but excluding car or truck washes.

v. High-technology businesses.

3. **Special Permit Uses** – The following principal uses shall be permitted in the I zone subject to Special Permit and Site Plan approvals in accordance with Sections X and XI:

   a. Motor vehicle repair and service facilities.

   b. The display or sale of new and/or fully operable used motor vehicles.

   c. The display, sale or service of boats or recreational vehicles, including the sale or installation of parts.

   d. The rental and/or leasing of automobiles, trucks or other motor vehicles.

   e. Motor vehicle filling stations, including those with a convenience store and/or a car or truck wash.

   f. Business or professional offices, including medical and dental offices, and business services such as advertising, computer and data processing, public relations, management or personnel supply.

   g. Child day care centers.

   h. Sit-down restaurants.

   i. Removal of earth materials, subject to the provisions of Section IX.B.

   j. Junkyards; motor vehicle junkyards.

   k. The adaptive re-use of existing non-residential buildings to multi-family residential use, subject to the provisions of Section V.A.9.

   l. Health or fitness clubs, gymnasiums, tennis or racquet clubs.

   m. Car or truck washes.

   n. The processing of sand, gravel, rock or other such minerals or reclaimed/recycled aggregate material; such processing shall include but not be limited to washing, crushing, sifting, screening, classifying or mixing of materials.

   o. Primary wood processing, including but not limited to cutting, splitting, de-barking, wood chipping, sawmilling, and the production of firewood.

   p. Recycling centers; recycling facilities.

   q. Composting facilities.

   r. Renewable energy generation facilities.

4. **Permitted Accessory Buildings, Structures and Uses** – The following accessory buildings, structures and uses shall be permitted in the I zone:

   a. Any accessory building, structure or use customarily incidental and directly related to the operation of the principal use.

b. Off-street parking and loading, including parking structures, subject to the provisions of Section VIII.B.

c. Signs, subject to the provisions of Section VIII.A.

d. A dwelling unit of the manager or caretaker of the premises.

e. The display or sale of goods made, processed or assembled on premises only, provided that:

(1) Such use shall be clearly accessory to the principal use;

(2) Such use shall take place entirely within the confines of the principal building;

(3) Such use shall occupy no more than 2,500 square feet or 10% of the gross floor area devoted to the principal use, whichever is less;

(4) No goods shall be displayed outside; and,

(5) There shall be at least one parking space provided for every 250 square feet of floor area devoted to such use.

f. The outside storage of goods or materials, provided that no goods or materials shall be stored within any required yard and that the Commission may require appropriate screening in accordance with the provisions of Section XI.B.

g. The outside overnight parking of vehicles or equipment, provided that no vehicle or equipment shall be parked within any required yard and that the Commission may require appropriate screening in accordance with the provisions of Section XI.B.

B. **INDUSTRIAL PARK ZONES (IP-1, IP-3 and IP-25)**

1. **Purpose** – The Industrial Park zones are intended to provide a favorable and stable environment for the growth of new industry to strengthen Bristol's employment opportunities and economy. The Industrial Park zones, and the controls so designed in each zone, are intended to foster coherent development of manufacturing, warehousing, distribution plants, research and development offices, and supporting private and public facilities at modern site development standards, while minimizing disturbances to residential areas.

2. **Permitted Site Plan Uses** – The following principal uses shall be permitted in the IP-1, IP-3 and IP-25 zones subject to Site Plan approval in accordance with Section XI:

a. Manufacturing facilities.

b. Research or development facilities; high-technology businesses.

c. Printing, lithography, photocopying or similar graphic arts services; publishing facilities.

d. Business or professional offices, excluding medical and dental offices, but including business services such as advertising, computer and data processing, public relations, management or personnel supply.

e. Radio or television broadcast facilities.

f. Trucking terminal facilities.

g. Public warehousing or storage, excluding self-storage.[1]

h. Trucking or courier services.[1]

[1] *Requires minimum lot area of 3 acres in IP-1 zone*.

i. Wholesaling or distribution facilities.[1]

j. Public utilities buildings or facilities.

k. Buildings or facilities of the local, state or federal government.

3. **Special Permit Uses** – The following principal uses shall be permitted in the IP-1, IP-3 and IP-25 zones subject to Special Permit and Site plan approvals in accordance with Sections X and XI:

   a. Vocational schools operated for profit.[1, 2]

   b. Health or fitness clubs, gymnasiums, tennis or racquet clubs.

   c. Child day care centers.[2]

   d. Sit-down restaurants.[2]

   e. Hotels.[1, 2]

   f. Medical or dental offices; medical or dental laboratories; health care clinics not designed for overnight patient care.

   g. Banks or similar financial institutions, with or without drive-up facilities.

   h. Environmental service facilities, excluding the storage or on-site disposal of hazardous or non-hazardous waste.

   i. Domestic animal day care facilities; commercial kennels.[2]

4. **Permitted Accessory Buildings, Structures and Uses** – The following accessory buildings, structures and uses shall be permitted in all Industrial Park zones:

   a. Any accessory building, structure or use customarily incidental and directly related to the operation of the principal use.

   b. Off-street parking and loading, including parking structures, subject to the provisions of Section VIII.B.

   c. Signs, subject to the provisions of Section VIII.A.

   d. A dwelling unit of the manager or caretaker of the premises.

   e. The display or sale of goods made, processed or assembled on premises only, provided that:

      (1) Such use shall be clearly accessory to the principal use;

      (2) Such use shall take place entirely within the confines of the principal building;

      (3) Such use shall occupy no more than 2,500 square feet or 10% of the gross floor area devoted to the principal use, whichever is less;

      (4) No goods shall be displayed outside; and,

---

[1]*Requires minimum lot area of 3 acres in IP-1 zone.*

[2]*Requires referral to the Planning Commission for a non-binding recommendation in accordance with the provisions of Section X.A.6.b*.

(5) There shall be at least one parking space provided for every 250 square feet of floor area devoted to such use.

f. The outside storage of goods or materials, provided that no goods or materials shall be stored within any required yard and that the Commission may require appropriate screening in accordance with the provisions of Section XI.B.

g. The outside overnight parking of vehicles or equipment, provided that no vehicle or equipment shall be parked within any required yard and that the Commission may require appropriate screening in accordance with the provisions of Section XI.B.

C. GENERAL REQUIREMENTS FOR ALL INDUSTRIAL ZONES

1. All uses shall conform to the Environmental and Performance Standards of Section IX.D and to the requirements or all other applicable City regulations.

2. Waste or scrap materials, debris, discarded or used materials, non-registered or non-operable motor vehicles or parts, or other unsightly material, whether or not part of a junkyard or motor vehicle junkyard, shall be stored within a structure at least six feet in height which shall not be located within any required yard, or shall be screened in accordance with the provisions of Section XI.B.

D. AREA AND DIMENSIONAL REQUIREMENTS

The following area and dimensional requirements shall be applicable to all developments in the I, IP-1, IP-3 and IP-25 zones, as indicated. Except as otherwise provided herein, these requirements shall be deemed the minimum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

	I	IP-1	IP-3	IP-25
1. Minimum Lot Area	25,000 s.f.	50,000 s.f.	3 ac.	25 ac.[1]
2. Minimum Lot Width	100	160	250	500
3. Minimum Front Yard on a State highway	50	50	75	125
4. Minimum Front Yard on a City street	15	35	60	100
5. Minimum Front Yard on a City Street opposite a Residential zone	15	60	90	150
6. Minimum Side Yard (each)	15	15	25	50
7. Minimum Side Yard abutting a Residential zone	25	50	75	150
8. Minimum Rear Yard	15	15	25	50
9. Minimum Rear Yard abutting a Residential zone	25	50	75	150
10. Maximum Building Height	35	40	50	60
11. Maximum Building Coverage	50%	40%	30%	20%

[1]*Minimum 25-acre lot may be subdivided into lots each containing a minimum lot area of five acres and which otherwise shall meet the minimum area and dimensional requirements of the IP-3 zone and shall also be subject to subdivision approval from the Planning Commission (in lieu of Site Plan approval).*

SECTION VIII

SUPPLEMENTARY REGULATIONS

A. SIGNS

1. **Purpose** – These sign regulations are intended to address the need for adequate business identification, advertising and visual communication within the City through the display of attractive, well-designed signs, while recognizing the City's responsibility to promote public safety, protect property values, minimize visual clutter and enhance the physical appearance of the City.

2. **Classification of Signs** – Signs shall be classified by structural type and by functional type.

   a. **Signs by Structural Type** *[See Appendix A, Figure A-10]*

      (1) Freestanding sign: a sign placed on the ground or supported by one or more uprights, poles or other supports placed in or upon the ground.

      (2) Wall sign: a sign attached to the exterior wall of a structure in such a manner that the wall becomes the support for, or forms the background surface of, the sign and which does not project more than 15 inches from the structure.

      (3) Projecting sign: a sign which is wholly or partly dependent upon a building for support and which projects more than 15 inches from the building.

      (4) Roof sign: a sign mounted on, against or directly above the roof or on top of or above the parapet of a building or structure.

      (5) Canopy sign: a sign which is part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, walkway or outdoor service area; a marquee is not a canopy.

      (6) Marquee sign: a sign attached to or made part of the vertical face of a building marquee.

      (7) Portable sign: a sign which is not permanently affixed to a building, structure or the ground.

   b. **Signs by Functional Type**

      (1) Identification sign: a sign, located on the premises, which indicates the name, address and/or identifying symbol of (i) a development containing two or more occupants such as a professional office building, a residential development, an industrial park or commercial shopping center; or (ii) a school, park, church, hospital, or other public or semi-public facility.

      (2) Nameplate sign: a sign, located on the premises, which indicates the name and occupation or profession of each occupant of the premises.

      (3) Real estate sign: a sign which pertains to the sale, lease or rental of the premises, or a portion of the premises, on which the sign is located.

      (4) Construction sign: a temporary sign, located on the premises on which construction is taking place during the period of such construction, which may indicate the names of the design professionals, contractors, owners, financial supporters, sponsors, and/or similar individuals or firms having a role or interest with respect to the structure or project.

      (5) Billboard: a sign which directs attention to a business, commodity, service or entertainment conducted, sold, offered or manufactured at a location other than the premises on which the sign is located.

(6) Business sign: a sign which directs attention to a business, commodity, service or entertainment conducted, sold, offered or manufactured on the premises on which the sign is located. Such signs shall include those of individual retail, wholesale, industrial or commercial establishments.

(7) Directional sign: a sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance" or "parking".

(8) Special event sign: a sign or banner intended for a limited period of display which announces a business opening, a festival, a bazaar, a sale or a similar special event of limited duration.

(9) Noncommercial sign: a sign which does not contain information or advertising for or about any business, commodity, service, entertainment, product, or other attraction.

(10) Political sign: a sign which identifies and/or urges voter support for a particular election or ballot measure, political party, or candidate for public office.

3. **General Provisions**

a. Signs shall not conflict with the corner visibility requirements of Section IV.A.8.b.

b. Signs shall be so located as to not obstruct or interfere with the visibility of vehicular or pedestrian traffic.

c. Signs shall be so located as to not obstruct or interfere with the view of any traffic control sign, signal or device.

d. These Regulations shall not prohibit or regulate the installation by the City, State or federal government of street signs, emergency signs, traffic control signs, warning signs or directional signs.

e. Nothing in these Regulations shall be construed as prohibiting signs intended for viewing principally from within a building and not visible from the exterior thereof.

f. The area of all existing signs on a lot shall be counted toward the maximum sign area allowable on that lot by these Regulations. The number of existing signs on a lot shall be counted toward the maximum number of allowable signs on that lot.

g. Directional signs shall contain no advertising.

h. The price sign at motor vehicle filling stations shall not be counted toward the maximum number of signs allowed on the premises, provided that the total area of such sign shall not exceed 36 square feet.

4. **Sign Design and Area**

a. **Computation of Sign Area**

(1) The area of a sign shall be computed from the outer dimensions of the frame, trim or molding by which the sign is enclosed.

(2) When a sign consists of individual letters, symbols or characters, its area shall be computed as the area of the smallest rectangle which encloses all of the letters, symbols or characters.

(3) When a sign consists of two or more faces, only one face of the sign shall be used in computing the sign area if the faces are parallel to and within 12 inches of each other. Otherwise, all faces of the sign shall be used to compute the sign area.

b. **Standards for Wall Signs**

(1) No wall sign shall extend beyond the outer edge of any wall of the building to which it is attached.

(2) A marquee sign may extend the full length of the marquee but shall not extend beyond the ends of the marquee.

(3) A wall sign shall be parallel to the wall to which it is attached and shall not project more than 15 inches therefrom.

(4) No wall sign shall be painted directly upon any wall.

(5) No wall sign shall extend above the eaves of the building to which it is attached.

c. **Standards for Freestanding Signs**

(1) In Residential zones, the height of any freestanding sign shall not exceed six feet. In Business and Industrial zones, the height of any freestanding sign shall not exceed the height of the building to which it relates or a height of 16 feet, whichever is less. If the premises on which the sign is located does not contain a principal building, the sign shall not exceed a height of six feet. The height of the sign shall be measured from the ground to the top of the sign.

(2) No part of any freestanding sign shall be located within five feet of any lot line.

(3) Except as otherwise provided for herein, only one freestanding sign shall be permitted on a lot for each street from which the lot has vehicular access, even if there is more than one building or use on that lot.

d. **Standards for Projecting Signs**

(1) The bottom edge of a projecting sign shall be at least seven feet above ground level when located in an area where the public walks.

(2) No projecting sign shall extend more than six feet from the wall to which it is attached.

5. **Sign Illumination**

a. When a sign is internally illuminated, the light source shall be completely covered.

b. When a sign is externally illuminated, the light source shall be shielded so that the beams or rays of light do not shine or reflect directly onto adjacent properties or streets.

c. Any illuminated sign located on a lot adjacent to, or across the street from, a Residential zone shall not be illuminated between the hours of 10:00 P.M. and 7:00 A.M.

d. Signs shall not contain flashing or moving lights, except such portions thereof which display the time, temperature and/or date.

e. In Residential Zones, no sign shall be internally illuminated.

6. **Prohibited Signs** – The following signs shall be prohibited in all zones:

a. Rotating, moving or animated signs. However, electronic or manual message boards shall be permitted, provided that such devices shall be subject to the provisions of this Section.

b. Signs affixed to any portion of the exterior of a parked vehicle, if such vehicle is not regularly and customarily used by the business it advertises to transport persons, goods or materials.

c. Attention-getting devices such as pennants, valances, flags (except governmental flags), streamers, searchlights, string or festoon lights, flashing lights, balloons or similar devices designed for purposes of attracting attention, promotion or advertising.

d. Roof signs.

e. All signs not expressly permitted by these Regulations.

f. Any sign which could be mistaken for or confused with a traffic control sign, signal or device.

g. Signs permanently painted, posted or otherwise attached to any rock, fence, tree or utility pole.

h. Building murals or wall art.

7. **Permitted Signs**

a. **Signs Permitted in All Zones Without a Sign Permit**

(1) One real estate sign for each street frontage of the lot on which the sign is located, such sign not to exceed six square feet in Residential zones or 18 square feet in Business or Industrial zones.

(2) Directional signs, such signs not to exceed three square feet.

(3) Noncommercial signs, such signs not to exceed 32 square feet.

(4) Political signs.

b. **Signs Permitted in All Zones With a Sign Permit**

(1) Signs pertaining to service club meetings, such signs not to exceed six square feet.

(2) One construction sign for each street frontage of the lot on which the sign is located, such sign not to exceed 18 square feet in Residential zones or 32 square feet in Business or Industrial zones.

(3) One identification sign, not to exceed 18 square feet, to identify a public or semi-public facility.

(a) As part of its sign area, the identification sign for a church, school, museum or similar institution may include a manual message board on which to display messages and announcements of activities and programs.

(b) As part of its sign area, the identification sign for a church, school, museum or similar institution may include an electronic message board on which to display messages and announcements of activities and programs, subject to the approval of the Commission.

(4) Portable special event signs, provided that:

(a) A sign permit indicating the purpose, size, location and tenure of the sign shall be obtained from the Zoning Enforcement Officer prior to its installation;

(b) The permit shall be valid for a period not to exceed 30 days;

(c) The sign shall be removed within five days after the event;

(d) No more than four such permits shall be issued to any establishment in any calendar year;

(e) The sign shall not exceed 32 square feet; and,

(f) The sign shall be permitted in addition to any other sign otherwise permitted by these Regulations.

(5) One portable business sign per establishment, provided that:

(a) A permit indicating the purpose, size, and location of the sign shall be obtained from the Zoning Enforcement Officer prior to its installation;

(b) The permit number shall be displayed upon the face of the sign nearest the street in lettering not less than one inch high;

(c) The sign shall not exceed eight square feet;

(d) The sign may be displayed only during the normal hours of operation of the establishment and shall be taken down and stored indoors when the establishment is not open;

(e) The sign shall be permitted in addition to any other sign otherwise permitted by these Regulations;

(f) The sign shall not be illuminated;

(g) Only one portable sign may be displayed at any one time;

(h) No home-based business or home office shall display a portable sign; and,

(i) The sign shall comply with all other applicable provisions of this Section.

c. **Additional Signs Permitted in the R-10, R-15, R-25, R-40, A and BN Zones**

(1) One identification sign, not to exceed 18 square feet, to identify a unified development.

(2) One nameplate sign, not to exceed one square foot, per building occupant; a nameplate sign greater than one square foot may be permitted subject to the approval of a Sign Permit by the Commission.

d. **Additional Signs Permitted in the BN and BT Zones**

(1) Two business signs per building occupant, provided that:

(a) No freestanding sign shall exceed 18 square feet;

(b) No projecting sign shall exceed eight square feet;

(c) No wall or marquee sign shall exceed one square foot for each linear foot of the face of the building (or, if the building contains two or more occupants, the portion thereof allocated to the occupant) to which the sign will be attached; and,

(d) No canopy sign shall exceed one square foot for each linear foot of the face of the canopy to which the sign will be attached.

e. **Additional Signs Permitted in the BG, BD, BHC and I Zones**

(1) One identification sign, not to exceed 24 square feet, to identify a unified office or mixed-use development.

(2) One identification sign, not to exceed 48 square feet, to identify a unified business or industrial development.

(3) Two business or nameplate signs, as applicable, per building occupant, provided that:

(a) No freestanding sign shall exceed 24 square feet;

(b) No projecting sign shall exceed 16 square feet;

(c) No wall or marquee sign shall exceed one square foot for each linear foot of the face of the building (or, if the building contains two or more occupants, the portion thereof allocated to the occupant) to which the sign will be attached; and,

(d) No canopy sign shall exceed one square foot for each linear foot of the face of the canopy to which the sign will be attached.

f. **Additional Signs Permitted in the I Zone**

(1) Billboards, subject to the approval of a Sign Permit by the Commission and subject to the following conditions:

(a) Only one billboard shall be allowed per lot, provided that the lot has a minimum lot frontage of 100 feet.

(b) Billboards shall not contain more than two signboards per face.

(c) Billboards shall not exceed 30 feet in length

(d) Billboards shall not exceed 32 feet in height, measured from the ground to the top of the sign.

(e) No billboard shall project into a required front yard unless attached to a building wall already existing in such yard. No part of a billboard attached to a building wall shall project more than 18 inches into a required side yard, other than the illuminating apparatus.

(f) Billboards shall be separated from one another by a distance of at least 500 feet.

(g) Billboards shall not be permitted within 100 feet of any public park, school, playground, cemetery or Residential zone.

(h) Billboards shall be so constructed as to be capable of withstanding wind loads of 30 pounds per square foot.

g. **Additional Signs Permitted in the IP-1, IP-3 and IP-25 Zones**

(1) One identification sign, not to exceed 32 square feet, to identify a unified office, industrial or mixed-use development.

(2) Two business or nameplate signs, as applicable, per building occupant, provided that:

(a) No freestanding sign shall exceed 32 square feet;

(b) No projecting sign shall exceed 16 square feet;

(c) No wall or marquee sign shall exceed one square foot for each linear foot of the face of the building (or, if the building contains two or more occupants, the portion thereof allocated to the occupant) to which the sign will be attached; and,

(d) No canopy sign shall exceed one square foot for each linear foot of the face of the canopy to which the sign will be attached.

h. **Signs in Developments Containing Two or More Occupants**

(1) A unified commercial, industrial, office or mixed-use development containing two or more occupants may have an identification sign which identifies the development, and each of the occupants thereof may have two nameplate or business signs, as applicable.

(2) Except as otherwise provided for herein, each sign within a unified development shall be subject to the individual signage requirements of this Section.

(3) The design and placement of signs within a unified development shall be harmonious with one another.

(4) The total sign area of all the nameplate or business signs on each freestanding sign for a unified development shall not exceed four times the maximum allowable sign area for the identification sign in the zoning district in which the development is located. No individual nameplate or business sign on such freestanding sign shall exceed 50 percent of the actual sign area of the identification sign.

8. **Alternative Signage Program for Large Developments** – Due to the complexities of site design and occupancy associated with large developments such as shopping centers, office parks and mixed-use facilities, the owner of a unified non-residential development containing more than 40,000 square feet of gross floor area may submit to the Commission, for approval of a Sign Permit, an "alternative signage program" differing from the standards contained in this Section.

   a. Such signage program shall, at a minimum, contain the information required by Section VIII.A.9.b. below for the issuance of Sign Permits.

   b. In issuing such a Sign Permit, the Commission shall find that:

      (1) Such signage program would be consistent with the purpose of this Section and these Regulations, and

      (2) Such signage program would result in a more comprehensive and attractive arrangement and display of signs than could otherwise be accomplished under the standards of this Section.

9. **Sign Permits**

   a. Except as otherwise provided herein, no sign shall be constructed, erected, altered or otherwise changed unless a Sign Permit has been issued by the Zoning Enforcement Officer.

   b. All applications for a Sign Permit shall be signed or countersigned by the owner of the lot on which the sign will be located and shall be accompanied by the following:

      (1) For freestanding signs, a plot plan of the premises and, for any signs attached to structures, a measured elevation drawing of the building facade, each drawn to scale, showing the location, dimensions and area of all existing and proposed signs on the premises; and,

      (2) Plans and specifications of the proposed sign, including its dimensions, area, maximum and minimum height, proposed message and design, materials, colors, method of construction and method of illumination.

   c. All applications for a Sign Permit for portable signs shall be signed by the owner of the lot, or the owner of the establishment, at which the sign will be located and shall be accompanied by a drawing showing the dimensions, area, height, materials, colors, method of construction, method of illumination and approximate location on the lot of the sign.

10. **Sign Maintenance, Compliance or Removal**

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

   b. The owner of the lot on which the sign is located shall be directly responsible for keeping such sign, including its illumination sources, in good working order and safe condition.

   c. Unsightly, damaged, deteriorated signs or signs in danger of falling shall be put in order or removed within 30 days following written notice to the sign owner by the Zoning Enforcement Officer.

   d. Any sign which pertains to a business no longer conducted on the premises where such sign is located shall be removed by the owner of the lot on which the sign is located within 30 days following cessation of the relevant activity.

e. Any sign which replaces an existing non-conforming sign shall comply with this Section.

B. **OFF-STREET PARKING REQUIREMENTS**

1. **Purpose** – These requirements are intended to ensure that:

   a. An adequate supply of off-street parking spaces is provided for all new buildings and uses, for the expansion of existing buildings and uses, and for changes of use when such change would result in a use whose parking requirements would be greater than those of the use it is replacing;

   b. The safe and convenient use of off-street parking areas is provided for through the layout, construction and maintenance of parking spaces, driveways, access aisles and islands of suitable and sufficient dimensions and alignment; and,

   c. The appearance of off-street parking areas is enhanced through the installation and maintenance of appropriate and suitable landscaping materials.

2. **Amount of Off-Street Parking Required**

   a. The amount of parking provided for each use shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers and visitors normally at the premises at any one time. The following shall be considered the minimum number of parking spaces required for each use:

b. **RESIDENTIAL USES; PUBLIC AND SEMI-PUBLIC USES**	
(1) Single-, two- and three-family dwellings	2 per dwelling unit, plus 1 per 2 resident domestic employees, roomers or boarders
(2) Multi-family dwellings	2.5 per dwelling unit in the BD zone: 1.5 per dwelling unit
(3) Housing for the elderly	1 per dwelling unit
(4) [reserved]	[reserved]
(5) Home offices	2 per dwelling unit
(6) Home-based businesses	1 per employee
(7) Group homes	2 per home, plus 1 per 2 employees
(8) Hospitals	as determined by the Commission
(9) Nursing or convalescent homes	1 per 3 beds
(10) Clubs	as determined by the Commission
(11) Public or private schools, non-profit	as determined by the Commission
(12) Places of worship; funeral homes	1 per 3 seats, plus additional spaces as may be required by the Commission (one seat = 18 linear inches of pew bench)
(13) Child day care centers; group day care homes	1 per employee, plus 1 per 10 enrollees, plus 5 in a clearly delineated drop-off/pick-up area

(14) Public or semi-public buildings not otherwise listed	as determined by the Commission
(15) Museums, art galleries, or similar cultural facilities	1 per 500 s.f. of gross floor area

c. **AGRICULTURAL AND RECREATIONAL USES**	
(1) Roadside farmstands	1 per 5 linear feet of frontage used for sheltered display or for sales
(2) Nurseries; commercial greenhouses	1 per 100 s.f. of sales gross floor area
(3) Seasonal camps	as determined by the Commission
(4) Country clubs; golf courses	as determined by the Commission
(5) Commercial recreation facilities, enclosed, such as skating rinks; health and fitness clubs, gymnasiums, tennis or racquet clubs	as determined by the Commission
(6) Bowling establishments	3 per bowling lane
(7) Commercial recreation facilities, not enclosed	as determined by the Commission

d. **BUSINESS USES, EXCEPT AUTOMOTIVE USES**	
(1) Amusement and entertainment facilities with fixed seats, such as theaters, auditoriums or sports arenas	1 per 3 seats, plus additional spaces as may be required by the Commission in the BD zone: 1 per 5 seats
(2) Amusement and entertainment facilities, not enclosed and without fixed seats, such as amusement parks or miniature golf ranges	as determined by the Commission
(3) Amusement and entertainment facilities, enclosed but without fixed seats, such as dance halls or billiard parlors	1 per 200 s.f. of gross floor area plus additional spaces as determined by the Commission
(4) Hotels, motels, tourist homes	1.5 per room or suite of rooms, plus additional spaces as may be required by the Commission
(5) Restaurants or similar eating or drinking establishments	1 per 3 seats or 1 per 100 s.f. of gross floor area, whichever is greater
(6) Retail stores not otherwise listed; personal service establishments not otherwise listed	1 per 250 s.f. of gross floor area first floor; 1 per 300 s.f. of gross floor area other floors; minimum of 4 spaces in the BD zone: 3 per 1,000 s.f. of gross floor area

(7) Business or professional offices, excluding medical or dental offices	1 per 300 s.f. of gross floor area in the BD zone: 1 per 500 s.f. of gross floor area
(8) Banks or other financial institutions	1 per 200 s.f. of gross floor area in the BD zone: 3.5 per 1,000 s.f. of gross floor area
(9) Medical or dental offices or clinics	4.5 spaces per 1,000 s.f. of gross floor area in the BD zone: 3.5 per 1,000 s.f. of gross floor area
(10) Schools operated for profit	as determined by the Commission
(11) Self-service storage facilities	as determined by the Commission
(12) Furniture or carpet stores	1 per 500 s.f. of gross floor area
(13) Shopping centers	1 per 225 s.f. of net floor area
(14) Studios of dance, photography, graphic design or similar artistic endeavors	1 per 400 s.f. of gross floor area

e. **BUSINESS USES, MOTOR VEHICLE-RELATED**	
(1) Carwashes	3 per facility, plus adequate stacking room to accommodate 5 cars per stall
(2) Display, sale or rental of motor vehicles, boats or recreational vehicles	as determined by the Commission
(3) Motor vehicle filling stations • with service bays • with sale of convenience items/food products/snacks	4 per facility • plus 2 per bay • plus 1 per 300 s.f. of gross floor area devoted to such use
(4) Motor vehicle repair and service facilities	3 per bay

f. **INDUSTRIAL USES**	
(1) Manufacturing or research facilities; wholesaling or distribution facilities	1 per 500 s.f. of gross floor area
(2) Lumberyards; building materials suppliers	1 per 400 s.f. of gross floor area of buildings, plus 1 per 1,000 s.f. of outdoor storage area
(3) Building, construction or landscape contractors' yards	as determined by the Commission
(4) Bus facilities; trucking terminals; trucking or courier services	as determined by the Commission
(5) Public warehousing and storage, excluding self-storage	1 per 1,000 s.f. of gross floor area

g. The minimum number of parking spaces required for other uses not listed above shall be as determined by the Commission.

h. Where the minimum number of parking spaces required for a particular use is to be determined by the Commission, the Commission shall be guided by the nature, intensity and/or mix of the proposed use, including projected attendance, the number of employees, visitors and/or customers, and the experience of similar facilities elsewhere.

3. **Shared Parking**

a. Except as otherwise provided herein, joint or common use of off-street parking shall be permitted provided that the number of spaces provided shall not be less than the sum of the parking required for each separate use.

b. By Special Permit, the Commission may allow up to 50% of the required parking spaces for a use which operates primarily during the evening or on weekends to be counted toward the parking requirements of a use which operates primarily during the daytime or on weekdays, and vice versa. All of the shared parking spaces shall be located within 500 feet of the main building entrance of the recipient use. In approving such a Special Permit, the Commission shall determine that there shall not be a substantial overlap of peak parking periods for the uses and that arrangements satisfactory to the Commission have been made to guarantee long-term access to and use of the shared parking spaces by the recipient use.

4. **Future Parking** – Depending upon the parking needs of a particular use, the Commission may allow up to 50% of the required parking spaces for a use to be designated as "future parking" and not constructed in the short term, provided that:

a. Parking spaces so designated shall be labeled as "Future Parking" on the Site Plan; shall be properly designed and located on land suitable for parking area development; and shall be shown as an integral part of the overall parking layout.

b. If at any time the Commission determines that all or a portion of such "Future Parking" spaces is needed, it shall direct the Zoning Enforcement Officer to so notify the property owner in writing and shall provide the property owner a reasonable time period in which to construct such spaces. Failure to construct such spaces when so ordered shall constitute a violation of these Regulations.

5. **Location of Parking**

a. Except as otherwise provided herein, all parking spaces shall be located on the same lot as the principal use they are designed to serve.

b. By Special Permit, the Commission may allow all or a portion of the required parking spaces to be located either on a separate lot under the same ownership as the use being served or on a separate lot under a different ownership than the use being served, provided that arrangements satisfactory to the Commission have been made to guarantee long-term access to and use of such spaces. All spaces approved under this provision shall be located within 500 feet of the main building entrance of the use being served.

c. No parking area which serves a use in a Business or Industrial zone shall be permitted on land in a Residential zone; no access to such parking area shall be permitted across land in a Residential zone.

6. **Layout and Dimensions of Parking**

a. No parking area or portion thereof, including parking spaces, driveways or access aisles, shall be located as follows:

(1) In all zones:

(a) Within ten feet of any front lot line, except for driveways directly from the street or parking spaces in driveways which serve single- or two-family dwellings. However, in Business zones, no parking space which directly utilizes a driveway from a public street as its access aisle shall be located within 30 feet of any front lot line. *[See Appendix A, Figure A-14]*

(b) Within five feet of any side or rear lot line, except for shared driveways, shared access aisles or joint parking between adjoining lots.

(c) Within six feet of any portion of a building, except for garage entrances or loading area aprons. The Commission may allow a lesser distance in order to accommodate drive-up windows, canopy support posts, vestibules or similar building features that otherwise extend out from the wall of the building.

(2) For Special Permit uses in Residential zones: within ten feet of any side or rear lot line.

(3) For multi-family dwellings: within ten feet of any side or rear lot line.

(4) In Business or Industrial zones: within ten feet of any side or rear lot line which abuts a Residential zone

(5) For residential uses in Single-Family Residential zones: within the required front yard, except for driveways directly from the street.

The areas between parking areas and lot lines shall be suitably landscaped in accordance with the requirements of Section XI.B.

b. Except as otherwise specified herein, the minimum dimensional requirements for parallel, angled and perpendicular parking spaces shall be as follows *[See Appendix A, Figure A-11]*:

(1)	parking angle (degrees)	0	45	60	90
(2)	curb length per space (feet)	23	13	10	9
(3)	space depth (feet)	9	18	19	18
(4)	access aisle width (feet)	15	15	18	25
(5)	space width (feet)	9	9	9	9

c. Parallel and angled parking spaces shall be served by one-way access aisles only.

d. Perpendicular (90 degree) parking spaces shall be served by two-way access aisles only, unless otherwise approved by the Commission.

e. Where necessary to control traffic flow, directional arrows shall be painted on the surface of access aisles or driveways, and directional signs shall be installed.

f. No parking space shall be designed or constructed in a manner that would require a vehicle to use any part of a public street to enter, back into and/or exit from such space, except for parking spaces in driveways which serve single- or two-family dwellings.

g. Except for parking spaces in driveways which serve single- or two-family dwellings, the perimeter of all parking areas, islands and driveways shall be curbed, to prevent damage to landscaping and lighting and to prevent interference with pedestrian use of walkways.

h. All parking spaces shall be delineated by painted lines, except for parking spaces in driveways which serve single- or two-family dwellings.

i. Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways, and building entrances. Parking spaces shall be so arranged as to eliminate or minimize the need for physically handicapped persons to wheel or walk behind parked cars to reach entrances, ramps and walkways. The number, size, designation, location, and markings of parking spaces for the handicapped shall be as per the Connecticut General Statutes.

j. Parking areas containing 10 or more parking spaces shall be suitably landscaped with appropriate trees, shrubs and ground cover, in accordance with the requirements of Section XI.B.

k. In parking areas containing 10 or more parking spaces:

(1) Curbed islands shall be provided at each end of each row of parking spaces;

(2) Curbed islands designed to interrupt excessively long rows of interior and perimeter parking spaces shall be provided in an arrangement acceptable to the Commission;

(3) Such end and interior islands shall be a minimum of 9 feet wide by 17 feet long for a single row of spaces and 9 feet wide by 34 feet long for a double row of spaces;

(4) Such end and interior islands shall be landscaped in accordance with the requirements of Section XI.B.

l. In parking areas containing 100 or more parking spaces, curbed planting strips shall be provided along every other set of interior parking spaces between abutting rows of spaces. Such strips shall be a minimum of 10 feet wide and landscaped in accordance with the requirements of Section XI.B.

m. [Reserved]

n. [Reserved]

o. Where provided, motor vehicle wheelstops shall be a maximum of six inches in height and shall be placed a maximum of 30 inches from the front of the parking spaces in which they are located.

p. Access aisles that do not directly serve any parking spaces shall be a minimum of 15 feet wide for one-way traffic and a minimum of 20 feet wide for two-way traffic.

7. **Parking Structures** – Parking spaces may be located within underground or aboveground parking structures. Such structures may be part of the principal building they are intended to serve or freestanding structures which may or may not be connected to a principal building.

a. A parking structure shall be considered an accessory use unless it is the only use on the lot, in which case it shall be considered a principal use.

b. A freestanding parking structure which is accessory to a principal building shall not be located within 10 feet of the principal building.

c. The floors used for parking within an aboveground parking structure which is part of the principal building shall not be included in calculating the building's height.

d. The floors used for parking within a freestanding parking structure which is accessory to a principal building shall not be included in calculating building coverage or floor-area ratio of the lot.

e. In the BD zone, the street-level frontage of any freestanding parking structure located on Main Street, North Main Street, Church Street, North Street, Riverside Avenue or School Street shall be devoted to permitted retail, personal service, convenience or entertainment uses, except for the structure's entrance and exit ramps and service doorways.

8. **Small Car Parking** – By Special Permit, the Commission may allow parking areas containing 30 or more parking spaces to include small car parking, provided that:

   a. The parking area to be set aside for small car parking spaces shall be controlled through the assignment of such spaces to individual parkers.

   b. Each small car parking space shall be a minimum of 8 feet wide by 16 feet long.

   c. The small car parking spaces shall be arranged in a group and clearly designated as such on the site through the use of pavement markings and raised signage. For every six small car parking spaces, there shall be a minimum of one directional sign which so identifies the spaces.

   d. The Commission may allow access aisles which directly serve two rows of small car parking spaces to be reduced in width by a maximum of two feet.

C. **OFF-STREET LOADING REQUIREMENTS**

1. **Amount of Off-Street Loading Spaces Required**

   a. For each non-residential use involving the receipt or shipment of goods or materials by motor vehicle, there shall be provided a minimum of:

      (1) One loading space for each 15,000 square feet gross floor area or major fraction thereof, up to 30,000 square feet gross floor area; and,

      (2) One additional loading space for each 30,000 square feet gross floor area or major fraction thereof in excess of 30,000 square feet gross floor area.

   b. The Commission may modify the number of loading spaces required if, in its judgment, the use of the building does not necessitate the provision of such spaces and the movement of goods or materials would not otherwise be adversely affected.

2. **Location of Loading Spaces** – All loading spaces shall be located on the same lot as the principal use they are designed to serve.

3. **Layout and Dimension of Off-Street Loading**

   a. No off-street loading space or maneuvering area shall be located as follows:

      (1) In all zones: within the required front yard.

      (2) For Special Permit uses in Residential zones: within 15 feet of any side or rear lot line.

      (3) In Business or Industrial zones: within the required side or rear yards of a lot which abuts a Residential zone.

   b. Each loading space shall be a minimum of 10 feet wide by 25 feet long, exclusive of access drives and maneuvering areas. Such spaces shall be unobstructed to a height of at least 14 feet.

   c. No loading space, including any loading bay, ramp or dock, shall be designed or constructed in a manner that would require a vehicle to use any part of a public street to enter, back into and/or exit from such space.

   d. No loading space, access drive or maneuvering area shall be arranged in such a manner as to block the use of parking spaces or traffic circulation within parking areas when such loading space is in use.

D. **DRIVEWAYS** *[See Appendix A, Figure A-12]*

1. No lot shall have more than one driveway opening per each 85 feet of street frontage or major fraction thereof. The Commission may require that a lesser number of driveway openings serve a lot regardless of the amount of street frontage, if deemed necessary for public safety purposes.

2. Driveways serving the same lot shall be at least 100 feet apart (measured center line to center line), unless they are one-way driveways.

3. For corner lots, driveway openings shall be located as far from the intersection of the street lines of the lot as is practical, but in no case shall any driveway opening be located within 50 feet of such intersection.

4. Except as otherwise provided herein, the maximum driveway opening width - including all entrance lanes, exit lanes and lane dividers (e.g., pavement markings or median strips) - shall be 30 feet, measured at and parallel to the street line.

   The Commission may allow a driveway opening width greater than 30 feet, provided that:

   a. The greater width is recommended or required by the Connecticut Department of Transportation or the State Traffic Commission; or,

   b. The applicant shall demonstrate to the satisfaction of the Commission that the greater width is necessary in order to accommodate delivery and service vehicles, maintain an adequate level of safety or improve vehicular access into or out of the lot, based upon accepted traffic engineering standards.

5. Driveways shall cross the street line so that the angle between the center line of the driveway and a line perpendicular to the street right-of-way line, measured at such street line, does not exceed 30 degrees.

E. **CONSTRUCTION AND DRAINAGE STANDARDS FOR PARKING AND LOADING AREAS**

1. Except for those which serve single- or two-family dwellings, all driveways, parking areas and loading areas shall have a surface of permanent bituminous or concrete paving, with an adequate base course to support the volume of vehicular traffic anticipated.

2. That portion of all driveways within the street right-of-way shall be constructed in accordance with the specifications of Chapter 21 of the City's Code of Ordinances.

3. The stormwater runoff system for all driveways, parking areas and loading areas shall:

   a. Be sized to accommodate runoff from a 25-year design storm;

   b. Be designed so as to prevent runoff from flowing into the street or onto adjacent properties;

   c. Where feasible, be tied into the City's drainage system.

4. Finished grades for parking areas shall not exceed three percent.

SECTION IX

ENVIRONMENTAL AND RELATED REGULATIONS

A. SOIL EROSION AND SEDIMENT CONTROL REGULATIONS

1. **Purpose** - This Section is designed to further the purposes set forth in Section 22a-326 of the Connecticut General Statutes relative to soil conservation in the State of Connecticut.

2. **Basic Requirements** – No development the disturbed area of which is cumulatively more than one-half acre in area shall be undertaken in any zoning district unless certification therefor in compliance with the provisions of this Section has first been obtained from the Commission or its designated agent.

3. **Definitions** – The words and terms hereinafter listed are defined as follows:

   a. Certification: A signed, written approval from the Commission or its designated agent that a Soil Erosion and Sediment Control Plan complies with the applicable requirements of this Section.

   b. Development: In connection with a Soil Erosion and Sediment Control Plan, any construction or grading activities to improved or unimproved real estate.

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

4. **Exemption** – A single-family dwelling that is not part of a subdivision of land shall be exempt from this Section.

5. **Erosion and Sediment Control Plan** – A Soil Erosion and Sediment Control Plan (hereinafter referred to as a "Control Plan") shall contain proper provisions to adequately control accelerated erosion and sedimentation and to reduce the danger from storm water runoff on the proposed site based on the best available technology. For methods and practices necessary for certification, the "Connecticut Guidelines for Soil Erosion and Sediment Control (1985)" as amended, published by the Connecticut Council on Soil and Water Conservation shall be utilized. However, alternative principles, methods and practices may be used with the prior approval of the Commission. Said Control Plan shall include, but not be limited to:

   a. A narrative which describes:

      (1) The development;

      (2) The schedule for grading and construction activities including:

         (a) Start and completion dates;

         (b) The sequence of grading and construction activities;

         (c) The sequence for installation and/or application of soil erosion and sediment control measures; and,

         (d) The sequence for final stabilization of the site.

      (3) The design criteria, construction details, installation and/or application procedures, and the operations and maintenance program for the proposed soil erosion and sediment control measures and storm water management facilities.

   b. A development plan (which may be included on or as part of a required Site Plan) prepared, signed and sealed by an engineer registered and licensed to conduct business in the State which shows:

(1) The location of the proposed development and adjacent properties;

(2) Existing and proposed topography; soil types, wetlands and watercourses;

(3) Proposed site alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new lot lines;

(4) Any existing structures on the site;

(5) The location and details of all proposed soil erosion and sediment control measures and storm water management facilities;

(6) The sequence of grading and construction activities;

(7) The sequence for installation and/or application of soil erosion and sediment control measures; and,

(8) The sequence for final stabilization of the site.

c. Any other information deemed necessary and appropriate by the applicant or required by the Commission or its designated agent to determine compliance of the Control Plan with these Regulations.

6. **Issuance or Denial of Certification**

a. The Commission or its designated agent shall either certify that the Control Plan, as filed, complies with the requirements and objectives of this Section or shall deny certification when the development proposal does not comply with this Section.

b. Nothing in this Section shall be construed as extending the time limits for the approval of any application under Chapters 124 or 126 of the Connecticut General Statutes.

c. The Commission may forward a copy of the Control Plan to other agencies and/or advisors for review and comment, provided such review shall be completed within 30 days of receipt of such plan.

7. **Bond Requirement/Inspection**

a. Site development shall not begin unless the Control Plan has been certified and those control measures and facilities in the plan scheduled for installation prior to site development have been installed and functional and a bond therefor has been posted and accepted in accordance with Section XI.16.

b. Inspection shall be made by the Commission or its designated agent during the development to ensure compliance with the certified Control Plan. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified Control Plan.

c. Upon completion of all work specified on the certified Control Plan, the applicant shall notify the Commission thereof and submit a report, including maps as necessary, certifying that the soil erosion and sediment control measures have been completed as approved or as may have been modified with the prior approval by the Commission or its designated agent. Following receipt of the report and inspection of the site by the Commission or its designated agent, the Commission shall release any bond posted if it finds that the provisions of the certified Control Plan have been complied with.

B. **REMOVAL OF EARTH MATERIALS**

1. **Purpose** – This Section is intended to regulate the removal of certain earth materials from the ground and from the property on which they are located in a manner that will not adversely affect the surrounding neighborhood; that will not result in unsafe, unsightly or unsanitary conditions; that will result in land which in

the future can be put to a use permitted by these Regulations; and that will protect the land from erosion and sedimentation.

2. **General Provisions**

   a. Except as otherwise provided herein, there shall be no removal of earth materials from any property in any zoning district.

   b. Nothing in this Section shall prevent the grading of property or the moving of earth materials entirely within the lot lines of a single parcel, provided that no earth materials shall be removed from such parcel to any other property.

3. **Temporary Permit for Earth Removal**

   a. Where a bonafide construction project, as evidenced by an approved Site Plan, an approved subdivision plan or a valid Building Permit, requires the removal from the property of not more than 400 cubic yards of earth materials, the Zoning Enforcement Officer may issue without a bond a temporary permit for earth removal. Such permit shall be valid for a period of 60 days. Such time period may be extended once by the Zoning Enforcement Officer for an additional period of 60 days.

   b. The Zoning Enforcement Officer may issue without a bond, a temporary permit to excavate and move up to 1500 cubic yards of earth materials in any zoning district to an adjacent property, provided public roads shall not be used. Such permit shall be valid for a period of 60 days.

4. **Special Permit for Earth Removal**

   a. Except as otherwise provided herein and subject to Special Permit approval in accordance with Section X and with the requirements of this Section, the removal of earth materials shall be permitted by Special Permit in:

      (1) the I - General Industrial zone;

      (2) any zoning district where an approved Site Plan, an approved subdivision plan, a concept plan submitted in accordance with Section IX.B.4.b.(8) below or a valid Building Permit requires the removal from the property of more than 400 cubic yards of earth materials; or,

      (3) any zoning district by the renewal or re-permitting of any earth removal operation for which a valid Special Permit was in effect on December 21, 1990.

   b. As part of the Special Permit application, the applicant shall submit maps, plans and cross-sections prepared, signed and sealed by a surveyor and an engineer registered and licensed to practice in the State which, at a minimum, contain the following information:

      (1) The boundaries of the entire property, the location and extent of the earth removal operation, any wetlands and watercourses, any wooded areas (denoted by foliage lines), and all intersecting streets within 200 feet of the property.

      (2) Existing contours of the entire property and for 20 feet beyond, and proposed final contours of the area of the earth removal operation. Contours shall be based on U.S. Coastal and Geodetic datum and drawn at intervals of not more than two feet in the area of the earth removal operation and five feet elsewhere. Existing contours shall be based upon an actual field survey or an aerial survey with established ground elevations.

      (3) The amount of material, in cubic yards, proposed to be removed from the area of the earth removal operation.

(4) Longitudinal and transverse cross-sections of the area of the earth removal operation at intervals of not more than 50 feet, showing existing contours and proposed final contours. Such cross-sections may be limited to the area of the operation proposed to be excavated during the term of the Special Permit being applied for, renewed or re-permitted.

(5) A soil erosion and sediment control plan.

(6) The location, surface treatment and grading of truck access to the property.

(7) The location, type, size and purpose of any existing and proposed buildings, structures or equipment proposed to be used for the storage or processing of earth materials on the property; proposed areas for the stockpiling of materials.

(8) For an earth removal operation not associated with an approved Site Plan or an approved subdivision plan, a timetable for the completion of the earth removal operation and a concept plan showing the possible re-use of the property after completion of the earth removal operation. At a minimum, the concept plan shall show existing natural features such as wetlands and watercourses, wooded areas and rock outcroppings; existing contours and proposed final contours at intervals of not more than five feet; and a preliminary layout of proposed streets, lots, open spaces, buildings, parking areas, site access and utilities, as may be applicable to the proposed development. A determination by the Commission that the concept plan is acceptable shall not constitute approval of the plan by the Commission, nor shall it constitute an obligation on the part of the applicant to construct the proposed development shown on the plan.

(9) For an earth removal operation being renewed or re-permitted, the location and extent of the existing operation and the estimated amount of material, in cubic yards, removed from the operation during the most recent term of the Special Permit being renewed or re-permitted.

c. The renewal or re-permitting of an existing earth removal operation for which a valid Special Permit was in effect on December 21, 1990, may include an expansion of the area of the operation, but in no event shall such renewal or re-permitting include any adjoining lot not already subject to the Special Permit.

5. **Standards for Earth Removal** – The removal of earth materials under this Section shall comply with the following standards:

a. Excavation and grading shall provide for proper drainage of the property during the earth removal operation and after its completion.

b. Buffer Areas

(1) There shall be no excavation within 100 feet of any lot line which abuts a Residential or Business zone, or within 20 feet of any lot line which abuts an Industrial zone. Such buffer area shall remain undisturbed for the duration of the earth removal operation and shall not be used for any purpose, including but not limited to:

(a) vehicular access to other portions of the site, except as otherwise approved by the Commission;

(b) the parking or storage of equipment, machinery or vehicles;

(c) the location of any buildings or structures such as sanitary facilities or temporary field offices; or,

(d) the excavation, processing, stockpiling or storage of any earth materials.

(2) If the Commission finds that the existing vegetation or topography within such buffer area will not effectively screen the earth removal operation from adjoining properties, the Commission may require the installation of additional screening materials such as evergreen plantings or fences.

(3) If the Commission finds that the existing vegetation or topography within a lesser buffer area will effectively screen the earth removal operation from adjoining properties; or that the adjoining property owners have consented in writing to a lesser buffer area; or that a lesser buffer area is warranted in order to match proposed contours to the existing contours of adjoining land or that fencing, plantings or a combination thereof proposed by the applicant will effectively screen the earth removal operation from adjoining properties, the Commission may reduce the required buffer area. In reducing the required buffer area, the Commission shall consider the proximity of adjoining uses; the type and quantity of existing or proposed vegetation; the relative elevations of the operation and adjoining properties; and the proximity of the operation to the street. Such reduction shall be the minimum necessary to accomplish the purposes of these Regulations.

(4) In order to allow the final grade of the earth removal operation at the street line to conform to the grade of the street along which the property has frontage, the Commission may allow excavation up to the street line.

c. The final grade of any excavated slope shall not exceed one foot of vertical rise per three feet of horizontal distance. Where ledge rock or similar geological conditions are encountered, the Commission may approve a steeper grade but may require fencing or other protective measures to control hazardous conditions.

d. Unless otherwise approved by the Commission, the maximum depth of excavation shall be:

(1) No greater than ten feet below the grade of the street along which the property has frontage or, if the property has no street frontage, no greater than ten feet below the grade of that side of the property through which access to the site is provided; and,

(2) No closer than five feet to the maximum ground water level on the property.

e. In addition to other applicable requirements of this Section, removal of more than 400 cubic yards of earth materials from any property in connection with a bonafide construction project shall also comply with the following standards:

(1) The natural topography of the property shall be preserved to the maximum extent possible.

(2) No trees five inches or greater in caliper measured three feet above ground level shall be removed unless so approved by the Commission.

(3) The proposed excavation shall be certified by the City Engineer as being the minimum depth of excavation necessary to accomplish the proposed project.

f. The processing of earth materials shall be allowed only by Special Permit as part of the original Special Permit application, as a subsequent Special Permit application on its own, or as part of a renewal application for a previously approved Special Permit.

g. The use of buildings or structures for storing earth materials shall be allowed only by Special Permit as part of the original Special Permit application, as a subsequent Special Permit application on its own, or as part of a renewal application for a previously approved Special Permit.

h. Upon completion of the earth removal operation all disturbed areas of the property, except rock exposed by excavation, shall be covered with a minimum of four inches of topsoil. Such topsoil shall be evenly spread over the disturbed area, fertilized and planted with a cover crop suitable to prevent erosion and to hold all slopes. At any time prior to the completion of the earth removal operation, the Zoning Enforcement Officer may require that those areas of the property where excavation has been completed be final graded, covered with a minimum of four inches of topsoil, and seeded to establish a cover crop.

i. Prior to the renewal of a Special Permit for earth removal, the Commission may require that those areas of the property where excavation has been completed be final graded, covered with a minimum of four inches of topsoil, and seeded to establish a cover crop.

j. A Special Permit for earth removal shall be granted for not more than two years. Such Special Permit may be renewed by application to, and approved by, the Commission in accordance with the provisions of this Section.

k. In granting or renewing a Special Permit for earth removal, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations, including but not limited to:

(1) The days and hours of operation;

(2) The area of the property to which the earth removal operation shall be confined;

(3) The extent of stockpiling of materials on the property;

(4) Protective measures to minimize the nuisance of noise, dust and flying rock; and,

(5) The location of vehicular access into and out of the property.

l. A Special Permit for earth removal shall not become effective until the applicant posts a bond with the Commission in accordance with Section XI.16. Such bond shall ensure completion of the earth removal operation in accordance with the requirements of the approved Special Permit. Such bond shall permit the City to finish any uncompleted or required work covered by said bond if the Special Permit expires or is revoked for failure to comply with the requirements of the Special Permit. Such bond shall not be released by the Commission until it has received a report by the City Engineer that all conditions of the Special Permit covered by the bond have been complied with and that the required cover crop is growing in healthy condition.

m. Every 12 months after the approval of a Special Permit for earth removal, the applicant shall submit to the Commission information prepared, signed and sealed by a surveyor and an engineer registered and licensed to practice in the State regarding the progress of the operation, including the amount of material removed, existing contours and cross-sections in the area excavated during the preceding six-month period. Failure of the applicant to provide the Commission with such information within 30 days after the end of the 12-month period shall be deemed sufficient cause for the Commission to revoke the Special Permit.

n. If, at any time, the Commission finds that the earth removal operation is not being conducted in accordance with the Special Permit as approved, the Commission shall order the applicant to cease the operation and, following a duly noticed public hearing, may revoke the Special Permit.

C. **FILLING OF LAND**

1. **General Provisions**

a. The filling of land shall require the approval of the Commission unless the filling shall be for the express purpose of preparing the land for immediate development in accordance with an approved subdivision plan or an approved Site Plan, or the amount of fill to be deposited shall be less than 400 cubic yards in any 12-month period, or the deposit shall be one of topsoil for the purpose of improving an agricultural use.

b. Except as otherwise provided herein, the filling of land shall be subject to Site Plan approval in accordance with Section XI and with the requirements of this Section.

c. In granting or renewing a filling operation, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations, including but not limited to:

(1) The days and hours of operation;

(2) The extent of stockpiling of materials on the property;

(3) The location of vehicular access into and out of the property;

(4) A date of expiration of the operation; and,

(5) Soil erosion and sediment control measures in accordance with the provisions of Section IX.A.

d. An approved filling operation shall not become effective until the applicant posts a bond with the Commission in accordance with Section XI.16.

e. An approved filling operation may be renewed by application to the Commission in accordance with the provisions of this Section. The Commission may require an amended Site Plan showing topographical changes to date or any other information necessary for further review of the operation.

2. **Standards for Filling Operations** – The filling of land under this Section shall comply with the following standards:

a. Provision for adequate drainage shall be made for storm drainage control.

b. The fill material shall consist of earth fill, woody vegetation and masonry only. No trash, garbage, building materials, or junk of any nature shall be permitted.

c. Trees, stumps, logs and woody vegetation shall not be nested but shall be distributed throughout the area in layers, alternating with layers of suitable material, in such a manner that all voids shall be filled. Where practical, woody vegetation shall be reduced by chipping or other approved methods.

d. Dust shall be kept at a minimum at all times by the use of calcium chloride or other acceptable means.

e. The filling of the site shall be carried out in a safe and orderly manner. All fill shall be compacted to provide stability of material and to prevent undesirable settlement. The City Engineer may require tests or other information to verify the placement and cover of filled materials.

D. **ENVIRONMENTAL AND PERFORMANCE STANDARDS** – The use of land, buildings, and other structures shall be conducted in accordance with the following performance standards. All applicants for Site Plan approval under these Regulations shall demonstrate that the use they propose shall conform to the following standards:

1. **Particulate Matter and Smoke** – No offensive dust, dirt, fly ash or smoke shall be emitted into the atmosphere. In no case shall dust be emitted in excess of one cubic centimeter of settled matter per cubic meter of air. Smoke or other air contaminants shall not be discharged into the atmosphere from any single source of emission for a period or periods aggregating more than three minutes in any one hour which is (1) as dark or darker in shade than that designated as No. 2 on the Ringleman Chart as published by the United States Bureau of Mines; or (2) of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke designated as No. 2 on the Ringleman Chart.

2. **Odors, Gases and Fumes** – No noxious, toxic, or corrosive fumes or gases shall be emitted. Offensive odors noticeable off the premises where the use is located shall not exceed the standards established as a guide by Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual" Copyright 1951, as amended, by the Manufacturing Chemists Association, Inc., Washington, D.C.

3. **Noise** – Any noise emitted outside the property from which it originates shall comply with the provisions of Secs. 22a-69-1 to 22a-69-7.4 of the Regulations of the Connecticut Department of Environmental Protection ("Control of Noise").

4. **Water Pollution** – No discharge into any watercourse, wetlands or storm sewers shall be permitted except in accordance with applicable local, State and federal requirements.

5. **Vibrations** – No vibrations noticeable outside the property from which it originates shall exceed the standards of the U.S. Bureau of Mines, Bulletin No. 442.

6. **Hazardous or Toxic Materials** – No hazardous or toxic material including but not limited to explosives, flammable materials or radioactive materials, shall be permitted except in accordance with applicable local, State and federal requirements.

E. HARVESTING OF TIMBER

1. **Purpose** – This Section is intended to regulate the harvesting of timber from forest land in a manner that will promote the sound, long-term management of such land and forest resources; that will maintain the productivity of forest land for forest crops; that will not adversely affect the surrounding neighborhood; and that will protect the land from soil erosion, sedimentation and other negative environmental impacts.

2. **Definitions** – For the purpose of this Section, the word "timber" shall mean growing or standing trees, and the word "harvesting" shall mean the cutting of standing trees.

3. **General Provisions**

   a. Except as otherwise provided herein, there shall be no timber harvesting operations conducted on any property in any zoning district.

   b. Nothing in this Section shall prevent the following activities:

      (1) cutting of fuel wood and other forest products for personal, non-commercial use;

      (2) routine maintenance of roads, easements, firebreaks, trails, campsites and rights-of-way;

      (3) removal of trees for construction of site improvements and buildings associated with an approved Site Plan or a valid Building Permit, such removal not to exceed two acres per lot;

      (4) removal of trees for construction of approved subdivision roads and related infrastructure improvements;

      (5) cultivation of Christmas trees; growing of nursery stock; orchards; and,

      (6) management of water company watershed lands and public and private non-profit land trust holdings.

4. **Special Permit for Timber Harvesting**

   a. Except as otherwise provided herein, the harvesting of timber shall be permitted by Special Permit in all zoning districts subject to Special Permit approval in accordance with Section X and with the requirements of this Section.

   b. As part of the Special Permit application, the applicant shall submit the following:

      (1) A boundary map of the entire property drawn at a scale no greater than 1" = 200' which, at a minimum, contains the following information:

- the extent of all forest types and open areas;
- the location and extent of the proposed operation;
- the names of abutting property owners;
- any wetlands and watercourses on or within 100 feet of the property, as shown on the city's Designated Inland Wetlands and Watercourses Map;
- all streets within 200 feet of the property;
- existing contours of the entire property, based on U.S. Coastal and Geodetic datum, and based upon an actual field survey or an aerial survey with established ground elevations;
- the location, dimensions, surface treatment and proposed grading of logging (haul) roads and landing areas; and,
- the nature and extent of any crossings of watercourses, as shown on the city's Designated Inland Wetlands and Watercourses Map.

(2) A narrative of the proposed operation which, at a minimum, contains the following information:

- a description of the existing forest, including the mix of tree species;
- a description of the operation;
- a forest management plan, if appropriate;
- the name, address and telephone number of the person or firm who will conduct the operation;
- duration of the operation, including approximate start and completion dates;
- the number, type and purpose of vehicles and equipment necessary to conduct the operation;
- a description of the method for disposing of logging slash and the location of the disposal area(s);
- a plan for re-vegetating those areas of the property where large expanses of bare ground may be created as a result of the operation; and,
- a description of how access to the property will be closed off after completion of the operation to prevent its unauthorized use.

(3) A soil erosion and sediment control plan, prepared in accordance with the standards of "A Practical Guide for Protecting Water Quality While Harvesting Forest Products", prepared by the Connecticut RC&D Forestry Committee, 1990.

5. **Standards for Timber Harvesting** – In reviewing and acting upon a Special Permit application for timber harvesting, the Commission shall take into consideration the Standards of Approval for Special Permits as outlined in Section X, as well as the following standards:

   a. Proper drainage of the property shall be provided for during the timber harvest and after its completion.

   b. A Special Permit for timber harvesting shall be granted for not more than one year. Such Special Permit may be renewed by application to, and approved by, the Commission in accordance with the provisions of this Section.

c. In granting or renewing a Special Permit for timber harvesting, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations, including but not limited to:

(1) the days and hours of operation;

(2) protective measures to minimize the nuisance of noise; and,

(3) the location of vehicular access into and out of the property.

d. If, at any time, the Commission finds that the timber harvesting operation is not being conducted in accordance with the Special Permit as approved, the Commission shall order the applicant to cease the operation and, following a duly noticed public hearing, may revoke the Special Permit.

F. **ACCESS MANAGEMENT**

1. **Purpose** – These access management regulations are intended to facilitate the safe and efficient movement of vehicles, provide safe and convenient access to adjacent development, and minimize the number of potential conflict points along major road corridors in Bristol by managing the number, location, and design of driveways within such corridors.

2. **Applicability** – These access management regulations shall apply to any project that is proposed on a lot located within an area designated on the city's Zoning Map as an "Access Management Overlay Zone" <u>and</u> that involves one or more of the following proposed uses or activities:

a. Uses which utilize a vehicular stacking lane (e.g., for a drive-up window) as part of their operation, such as pharmacies, banks, fast-food restaurants, and donut shops.

b. Uses designed to accommodate rapid sales to their customers, such as convenience stores, liquor stores, dry cleaners, and take out/carry-out restaurants.

c. Motor vehicle fueling stations.

d. The construction of a new principal building or the construction of a new accessory building containing 500 square feet or more of gross floor area, except for one- , two- , or three-family dwellings.

e. The conversion/adaptive re-use of an existing building (in whole or in part):

(1) from an industrial use to a non-industrial use;

(2) from a residential use to a non-residential use; or

(3) from a non-residential use to a multi-family residential use containing four or more dwelling units.

f. The construction of an addition to an existing principal or accessory building that increases the gross floor area thereof by more than 1,000 square feet or 25 percent, whichever is less.

g. The construction of a new parking area/parking lot.*

h. The expansion of an existing parking area/parking lot.*

i. The relocation or modification of an existing driveway opening or the establishment of a new driveway opening.*

**except for parking areas/parking lots/driveways for one- , two- , or three-family dwellings*

j. Any use or activity that, in the opinion of the Commission, might have a significant impact on vehicular traffic flow and/or turning movements within the corridor, based upon consideration of the following factors:

(1) the size, nature, and/or intensity of the use or activity;

(2) the manner in which the use or activity typically operates;

(3) the size, location, or configuration of the site;

(4) the layout of existing and proposed driveways, parking areas, and loading areas on the site;

(5) the location of existing driveways across from or adjacent to the site;

(6) the amount of traffic typically generated by such use or activity; and

(7) the traffic patterns typically generated by such use or activity relative to the background traffic within the corridor (e.g., peak hour(s), 24-hour volumes, etc.)

Site Plan approval for any project which is subject to these access management regulations shall be obtained from the Zoning Commission in accordance with Section XI.

3. **Design and Location of Proposed Driveways** – Proposed driveways associated with a project subject to these access management regulations shall comply with the following requirements:

a. Each driveway shall be provided with a clearly defined and properly sized opening, clearly delineated and properly marked/signed entrance/exit lanes, appropriate turning radii, driveway apron and curbing in accordance with Section VIII.D.4. of these Regulations and Section 21-53 of the Bristol Code of Ordinances.

b. Each driveway opening shall have an unobstructed sight distance of at least 415 feet, measured at a height of 3.5 feet from a point on the exit lane 10 feet behind the curb line of the street with which it intersects. If such distance is not attainable because of on-site or off-site conditions (e.g., road geometry, topography), the sight distance shall be as great as is feasible.

c. For un-signalized driveways that serve corner lots:

(1) The primary driveway shall be located on a local/side street, where feasible.

(2) The driveway shall be located as far as possible from the adjoining street intersection, based upon the following standards:

(a) If the adjoining street intersection is *signalized*: at least 150 feet from the intersection, measured along the centerline of the affected street from the stop bar to the nearest edge of the driveway. *[See Appendix A, Figure A-17a]*

(b) If the adjoining street intersection is *un-signalized* and the affected street has a “stop” bar at the intersection: at least 75 feet from the intersection, measured along the centerline of the affected street from the “stop” bar to the nearest edge of the driveway. *[See Appendix A, Figure A-17a]*

(c) If the adjoining street intersection is *un-signalized* and the affected street does not have a “stop” bar at the intersection: at least 100 feet from the intersection, measured along the centerline of the affected street from the centerline of the intersecting street to the nearest edge of the driveway. *[See Appendix A, Figure A-17a]*

If such distance is not attainable because of insufficient lot frontage, topography, building location, or other site condition, the Commission may allow a lesser distance.

(3) The provisions of this subsection shall supersede the requirements of Section VIII.D.3. of these Regulations.

(4) Compliance with the standards of Sections VIII.F.3.c.(2)(a) through (c) above shall be worth 4 "access management" points under the "Access Management Scoring System" specified in Section VIII.F.5. below.

4. **Design and Location of Existing Driveways** – Existing driveways associated with a project subject to these access management regulations shall be subject to the provisions of Section VIII.F.3. above.

5. **Access Management Evaluation**

   a. Using the "Access Management Scoring System" contained in the table below, the Commission shall evaluate each project subject to these access management regulations by awarding points thereto based upon the extent of compliance with each of the access management standards contained in the table. The Commission's evaluation shall take account of existing site driveways proposed to remain unchanged, existing site driveways proposed to be modified, and proposed new site driveways.

ACCESS MANAGEMENT SCORING SYSTEM		
Access Management Technique	**Standard**	**Points**
• Reduction in the number of driveways accessing the same street (existing vs. proposed)	*two or more driveways eliminated*	5
	one driveway eliminated	3
	no driveways eliminated	0
• Separation distance between driveway openings on the same lot (measured in a straight line between the nearest edges of each driveway) *(See Appendix A, Figure A-17b)*	*150 ft. or more*	6
	more than 100 ft. but less than 150 ft.	3
	less than 100 ft.	0
• Common/shared driveway(s) used by two or more adjoining lots *[must be built, or agreed to in writing by all affected lot owners]*	*Yes*	4
	No	0
• Interior vehicular connection(s) between two or more lots *[must be built, or agreed to in writing by all affected lot owners]*	*Yes*	3
	No	0
• Separation distance between driveway openings on adjoining lots (measured in a straight line between the nearest edges of each driveway) *(See Appendix A, Figure A-17b)*	*50 ft. or more*	3
	less than 50 ft.	0
• Setback of parking spaces from front lot line (driveway provides direct access to spaces)	*30 ft. or more*	2
	more than 10 ft. but less than 30 feet	1
	less than 10 ft.	0
• Alignment of driveway opening(s) with driveway opening(s) on the opposite side of the street (centerlines)	*Yes*	2
	No	0
• Alignment of driveway opening(s) with traffic signal	*Yes*	6
	No	0

b. Depending upon the total number of “access management” points scored by a project, the Commission shall or may require the applicant to submit additional traffic impact information and, if so required, shall specify the type of information to be submitted.

(1) If a project scores between 0 and 5 points (inclusive), the Commission shall require the applicant to submit either a Traffic Impact Study or a Site Access Analysis.

(2) If a project scores between 6 and 9 points (inclusive), the Commission may require the applicant to submit either a Traffic Impact Study or a Site Access Analysis.

(3) If a project scores 10 or more points, the Commission may require the applicant to submit an Site Access Analysis.

c. In determining the need for a Traffic Impact Study, the Commission shall consider the following:

(1) whether the site driveway is on a State road or major arterial;

(2) whether the site driveway could create traffic impacts that negatively affect intersecting State roads or major arterials or their intersections; and

(3) whether the site driveway could result in traffic impacts that are considered to be potentially significant enough to warrant a detailed engineering evaluation.

d. A Traffic Impact Study submitted under this Section shall:

(1) conform to professionally accepted traffic engineering practices;

(2) account for the site driveway(s) and all nearby streets, driveways, and intersections reasonably impacted by the project; and

(3) include estimates of existing and future traffic volumes; a trip-generation and distribution analysis that includes turning movements into and out of the site’s driveway(s); a capacity analysis for both the site’s driveway(s) and the adjacent street network; an accident history/safety analysis; an engineering design review; an internal site circulation review; and identification of improvements and recommended strategies intended to mitigate negative traffic impacts of the project.

e. If the Commission determines that a Traffic Impact Study is not required or warranted but has concerns about the design of the site driveway, it may require the applicant to submit a Site Access Analysis of the project. Such analysis shall include some or all of the elements of a Traffic Impact Study as determined by the Commission but shall be limited in its scope to the project itself and shall not be required to take into account the surrounding roadway network. In determining which elements shall be included in a Site Access Analysis, the Commission shall consider:

(1) the design aspects of the site driveway in question;

(2) the professional judgment of the City Engineer in consultation with the City Planner, and

(3) professionally accepted traffic engineering practices.

SECTION X

SPECIAL PERMITS

A. REQUIREMENTS AND PROCEDURES

1. **Purpose** – Uses for which conformance to additional standards is required by these Regulations shall be deemed to require a Special Permit from the Commission, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of these Regulations. Uses requiring a Special Permit are declared to possess characteristics of such unique and special form that each specific use shall be considered on its individual merits on a case-by-case basis.

2. **Application Procedure**

   a. All applications for a Special Permit shall be submitted in writing to and in a form prescribed by the Commission. The Commission shall adopt administrative procedures therefor, including but not limited to application forms, fees, map submission requirements, number of copies, and filing deadlines. Failure to comply with the application submission requirements of these Regulations shall be grounds for the Commission to deny such application.

   b. The application submission shall address all off-site and on-site impacts, requirements, improvements and considerations including but not limited to: building location, traffic, storm drainage, sanitary sewerage, water supply, parking and circulation, landscaping, and environmental and aesthetic considerations. Sufficient information to address these major impacts shall be provided by the applicant, but such information may be generalized or shown in preliminary form except as hereafter noted. Detailed plans for facilities, structures and improvements shall not be required at this time.

3. **Need for Site Plan Approval** – Any Special Permit approved by the Commission shall require a Site Plan application to be submitted and approved in accordance with the provisions of Section XI prior to the issuance of a Building Permit. The applicant may choose to submit the Site Plan application concurrently with or subsequent to the Special Permit application.

4. **Special Permit Uses Involving High Traffic Generators**

   a. All applications for a Special Permit involving the construction of more than 50 dwelling units, 100 parking spaces, or 25,000 square feet of gross floor area, or any development which, in the Commission's judgment, would generate high levels of traffic, shall be accompanied by a traffic study evaluating the impact of the proposal on streets serving and/or affected by the development.

   b. At a minimum, the study shall include data and information on existing and projected average daily vehicle trips on nearby roads, peak hour traffic, adequacy of rights-of-way and travelways, existing roadway capacity, traffic accidents, the traffic impact of the proposed development, traffic generation data, the location of existing roads within 300 feet of the development site, traffic lights and intersections, and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.

5. **Additional Information** – At any time during its consideration of an application for a Special Permit, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance of the proposed use with these Regulations, including but not limited to information regarding soils, storm drainage, sanitary sewerage, water supply, streets or traffic circulation.

6. **Referrals**

   a. To assist with its consideration of an application for a Special Permit, the Commission may refer such application to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

   b. Where so indicated in these Regulations, a Special Permit use shall be referred to the Planning Commission for a report and recommendation at least 35 days prior to the date assigned by the Zoning Commission for a public hearing to be held thereon. A recommendation indicated herein as "non-binding" shall be only advisory to the Zoning Commission and shall not otherwise affect its vote on the application. A recommendation indicated herein as "binding" shall, if negative, necessitate a two-thirds affirmative vote of the Zoning Commission for approval of the application.

7. **Procedure** – The Commission shall hold a public hearing on an application for a Special Permit in accordance with the provisions of the Connecticut General Statutes.

8. **Standards for Approval** – Except as otherwise provided herein, a use allowed by Special Permit shall conform to all requirements of the zoning district in which it is proposed to be located and the standards contained herein. The Commission may grant a Special Permit after considering the health, safety and welfare of the public in general and the immediate neighborhood in particular, as well as the following factors:

   a. The location and size of the proposed use; the nature and intensity of the operations associated with the proposed use; the size, shape and character of the site in relation to the proposed use;

   b. The location, type, size and height of buildings and other structures associated with the proposed use in relation to one another and in relation to neighborhood development;

   c. The impact of the proposed use on traffic safety and circulation on neighborhood streets; the ability of such streets to adequately accommodate the traffic to be generated by the proposed use;

   d. The existing and future character of the neighborhood in which the use is proposed to be located, and the compatibility of the proposed use with the neighborhood;

   e. The impact of the proposed use on the natural characteristics of the site and the surrounding environment;

   f. The adequacy of water, sewer, drainage and other public facilities to accommodate the proposed use; and,

   g. Where the proposed use involves the conversion of a structure designed and built originally for other uses, the adaptability of the structure to the proposed use, particularly in relation to the public health and safety.

9. **Conditions and Safeguards** – In granting a Special Permit, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations. Such conditions and safeguards may include, but shall not be limited to:

   a. A maximum number of employees;

   b. Hours of operation;

   c. Periodic review and renewal of the Special Permit by the Commission to determine continuing compliance therewith;

   d. A date of expiration of the Special Permit;

   e. Improvements to existing public facilities to accommodate the use allowed by the Special Permit;

f. Conservation restrictions necessary to protect and permanently preserve unique natural site features;

g. Soil erosion and sediment control measures in accordance with the provisions of Section IX.A; or,

h. A bond in accordance with the provisions of Section XI.16.

10. **Limit of Special Permit** – A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.

11. **Effective Date** – No Special Permit shall become effective until it has been filed in the City land records in accordance with the provisions of the Connecticut General Statutes.

12. **Duration of Special Permit** – Unless otherwise established by the Commission, a Special Permit, along with any conditions and safeguards attached thereto, shall remain with the property as long as the use allowed by the Special Permit remains in operation. Such conditions and safeguards shall continue in force regardless of any change in ownership of the property.

13. **Non-Compliance with Special Permit** – Failure to strictly comply with the documents, plans, terms, conditions and/or safeguards approved by the Commission as a part of the Special Permit shall be a violation of these Regulations. The Zoning Enforcement Officer shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period, the Commission may, following a duly advertised public hearing, rescind and revoke such Special Permit.

14. **Amendments or Modifications** – An approved Special Permit may be amended or modified, provided that application shall be made in the same manner as the original application and subject to the same procedures for approval. Amendments to the Special Permit found to be of a minor nature or which would not substantially alter the Special Permit as determined by the Zoning Enforcement Officer may be approved by the Commission without another public hearing. Amendments to the Special Permit which would substantially alter the Special Permit or increase the existing building coverage or gross floor area of the use by 10% or more may be approved by the Commission only after a public hearing.

SECTION XI

SITE PLANS

A. REQUIREMENTS AND PROCEDURES

1. **Purpose** – The Site Plan approval process is intended to assure that all aspects of industrial, commercial and multi-family residential development in the City, as well as other specialized uses, comply with the requirements and standards of these Regulations and that adequate provision is made in such developments for vehicular and pedestrian access and circulation, parking, landscaping, buffers, signage, lighting, drainage, utilities, and other aspects of the proposed development and use of the land.

2. **Authority**

   a. Site Plan approval shall be obtained from the Zoning Commission prior to the establishment, expansion or change of any use of land and/or structure which requires a Special Permit. Such Site Plan approval shall be obtained concurrently with or subsequent to the granting of the Special Permit.

   b. Site Plan approval shall be obtained from the Planning Commission prior to the establishment, expansion or change of any use of land and/or structure which is permitted by right and requires Site Plan approval. Such Site Plan approval shall be obtained prior to the issuance of a Building Permit, including a permit for a building foundation.

   c. References to "Commission" in the remainder of this Section shall mean the applicable Commission as determined by paragraphs a. and b. immediately above.

3. **Pre-Application Procedure**

   a. Pre-Application Conference – Prior to submission of a formal Site Plan application, the applicant may meet with City staff to discuss the application requirements and review pre-application plans.

   b. Pre-Application Plan – A pre-application plan may be submitted to the Commission and/or to City staff for the purpose of preliminary discussion. The plan may be general in nature but should be sufficiently clear to indicate all proposals. Any comments or suggestions on the pre-application plan by the Commission or City staff shall not be construed as a form of approval and shall not be binding upon the Commission should a subsequent application for the site be officially filed.

4. **Application Procedure**

   a. All applications for Site Plan approval shall be submitted in writing to and in a form prescribed by the Commission. The Commission shall adopt administrative procedures therefor, including but not limited to application forms, fees, map submission requirements, number of copies, and filing deadlines. Failure to comply with the application submission requirements of these Regulations shall be grounds for the Commission to deny such application.

   b. Exceptions – Upon written request by the applicant, the Commission may waive or modify one or more of the map submission requirements of the Site Plan application if:

      (1) The proposed improvement or development will not affect existing parking, circulation, drainage, building relationships, landscaping, signs, lighting or any other consideration of Site Plan approval; or,

      (2) The information required is unnecessary for the particular application and the lack of such information would not impair the Commission's determination as to the Site Plan's conformance with these Regulations.

5. **Site Plan Requirements –** All Site Plans shall be prepared in accordance with the following general requirements:

   a. The Site Plan shall be based upon an accurate and up-to-date Class A-2 survey of the property prepared in accordance with the standards as defined in the Code of Recommended Practice for Standards of Accuracy of Surveys and Maps, as prepared and adopted by the Connecticut Association of Land Surveyors, Inc., on September 13, 1984, as may be amended. The survey map shall be certified, signed and sealed by a registered land surveyor licensed to conduct business in Connecticut. If a separate survey map is used, a copy shall be attached to the Site Plan.

   b. The Site Plan shall be prepared, signed and sealed by an engineer, architect and/or landscape architect, whichever shall be appropriate. Each such professional shall be registered and licensed to conduct business in Connecticut.

   c. The Site Plan shall indicate all existing and proposed features of the property and shall contain such information as required by these Regulations and by the Commission. The Commission shall establish administratively a checklist of information to be included on all Site Plans, including but not limited to the following: general information concerning the property and the Site Plan; topography and other natural features; buildings, structures and uses; parking, loading and circulation; utilities; signs and lighting; and landscaping.

6. **Architectural Plans –** The Commission may require the applicant to submit preliminary architectural drawings which show exterior wall elevations, roof lines, and facade materials of proposed buildings and structures.

7. **Phasing Plan –** In cases where the development of the property is proposed to be undertaken in stages, the applicant shall submit a phasing plan which indicates the extent of each phase of the development.

8. **Off-Site Information –** The Commission may require the applicant to submit off-site information including but not limited to the location of: buildings, parking areas and curb cuts on adjoining properties, including those across the street; traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets; and zoning district boundary lines.

9. **Impact Analysis –** In those cases where the Commission believes that public facilities or the environment may be adversely affected by the proposed development, the Commission may require the applicant to submit an impact analysis of the development upon storm drainage, sanitary sewerage, traffic, site conditions and/or water, air or noise pollution.

10. **Additional Information –** During its consideration of an application for Site Plan approval, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance of the proposed Site Plan with these Regulations.

11. **Referrals –** To assist with its consideration of an application for Site Plan approval, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

12. **Procedure –** The Commission may hold a public hearing on an application for Site Plan approval in accordance with the provisions of the Connecticut General Statutes.

13. **Standards for Approval –** In reviewing and acting upon an application for Site Plan approval, the Commission shall take into consideration the health, safety and welfare of the public in general and the immediate neighborhood in particular, as well as the following factors:

    a. The general conformity of the Site Plan with the intent of the City's Plan of Development; however, the Plan of Development shall not take precedence over specific provisions of these Regulations;

    b. The arrangement of buildings, structures and uses on the site;

c. The adequacy of design of the interior vehicular circulation system to provide safe and convenient access to all structures, uses, parking spaces and loading spaces;

d. Provision for safe pedestrian movement within and adjacent to the site;

e. The adequacy of access for fire, police and ambulance services;

f. The adequacy of design of the storm drainage system to accommodate any increase in storm water runoff and to minimize soil erosion and sedimentation;

g. The adequacy of water, sewer and other public facilities to accommodate the development;

h. The location, intensity and direction of outdoor lighting and the proposed times for its use;

i. The size, location and type of any outdoor storage facilities, including dumpsters;

j. The size, location and type of signs, and their appropriateness to the neighborhood; and,

k. The adequacy of the landscaping treatment, including any buffers and other screening.

14. **Conditions and Safeguards** – In granting Site Plan approval, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations.

15. **Phasing** – In cases where the development of the property is proposed to be undertaken in phases, the Commission may grant Site Plan approval limited to each phase of development. Each phase shall be capable of independent existence without the completion of succeeding phases. Buffer and setback requirements shall not apply to the common line between phases of development.

16. **Bonding Requirements**

a. Posting of Performance Bond

(1) As a condition of Site Plan approval, the Commission may require that the applicant post with the City a performance bond to guarantee satisfactory completion of all proposed site improvements (excluding buildings) shown on the approved Site Plan.

(2) An itemized estimate of the cost of the site improvements shall be prepared by the applicant, including a separate inflation factor for the estimated construction period, and shall be submitted to the City Engineer and the City Planner for approval.

(3) The bond shall be posted with the City for an initial period of 18 months unless an extension of time shall be requested by the applicant and granted by the Commission.

b. Reduction of Performance Bond – Upon the completion of at least 25%, 50% and/or 75% of the cost of the bonded site improvements, the applicant may request in writing a reduction of the bond. The Commission shall cause the site to be inspected by the Zoning Enforcement Officer, the City Engineer, and/or other appropriate City officials to determine if the portion of the required site improvements for which the reduction is being requested has been satisfactorily completed in accordance with the approved Site Plan. Based upon these findings, the Commission may authorize the reduction of such bond.

c. Release of Performance Bond/Posting of Maintenance Bond – Before the release of a performance bond, the Commission:

(1) Shall require the applicant to submit "as-built" drawings in accordance with Section XI.A.22;

(2) May require that the applicant post a maintenance bond to be retained for a period of one year after vegetative cover and plantings have been installed in order to guarantee the survival of landscaping and to ensure any other relevant improvements.

d. Form of Bond – Performance and maintenance bonds required under this Section shall:

(1) Be in a form and with surety satisfactory to the Commission; and,

(2) Be in the form of: cash, or a check a payable to the City of Bristol, to be placed on deposit with the City; a surety bond from a surety company licensed to conduct business in the State of Connecticut; or an irrevocable letter of credit from a bank chartered to conduct business in the State of Connecticut.

17. **Expiration of Site Plan** – All site improvements in connection with an approved Site Plan shall be completed within the time period specified in the Connecticut General Statutes. Failure to complete all site improvements within such period shall result in automatic expiration of the approval of such Site Plan.

18. **Amendments** – All site improvements shall be carried out in strict compliance with the Site Plan approved by the Commission. Minor amendments to the approved Site Plan may be approved only in writing by the City Engineer and the City Planner upon the written request of the applicant. All other amendments or modifications to the Site Plan shall require the approval of the Commission.

19. **Continuance** – All conditions and improvements shown on the approved Site Plan shall remain with the site and continue in force as long as the use indicated on the approved Site Plan shall be in operation, regardless of any change in ownership of the property.

20. **Certificate of Zoning Compliance**

a. A Certificate of Zoning Compliance shall be issued by the Zoning Enforcement Officer after all the site improvements have been completed in accordance with the approved Site Plan.

b. If the site improvements cannot be completed because of weather, or if an alteration does not require the vacating of the premises, or if a portion of a building or development is ready for occupancy before the completion of the entire building or development, or for other pertinent reasons, a conditional Certificate of Zoning Compliance may be issued by the Zoning Enforcement Officer for a period not to exceed 180 days, provided that a portion of the posted bond shall be retained in an amount sufficient to cover the cost of completing the remaining site improvements or, if necessary, a new bond shall be posted. Upon satisfactory completion of the remaining site improvements and the written request of the applicant, the Commission shall the release the bond.

21. **Certificate of Occupancy** – A Certificate of Occupancy shall not be issued by the Building Official until the Zoning Enforcement Officer has determined that the site improvements have been completed in accordance with the approved Site Plan and has issued a Certificate of Zoning Compliance.

22. **As-Built Drawings**

a. No Certificate of Zoning Compliance or Certificate of Occupancy shall be issued until "as-built" drawings have been submitted to the Zoning Enforcement Officer and City Engineer and are determined by them to be in substantial compliance with the approved Site Plan.

b. The "as-built" drawings shall:

(1) Be prepared at the same scale as the Site Plan by an engineer and/or surveyor, as appropriate, registered and licensed to conduct business in Connecticut;

(2) Show the actual installation of all site improvements, the exact location of buildings, and other required items at a level of detail at or exceeding that of the approved Site Plan;

(3) Include a certification as to substantial compliance with the approved Site Plan; and,

(4) List or show all deviations from the approved Site Plan.

c. The Zoning Enforcement Officer shall submit all "as-built" drawings which substantially deviate from the approved Site Plan to the Commission for its determination of acceptance or need for plan amendment.

B. **LANDSCAPING REQUIREMENTS**

1. **Purposes** – All disturbed portions of multi-family and non-residential developments not otherwise used for buildings, structures, parking areas, loading areas, walkways or similar purposes shall be suitably landscaped and permanently maintained with trees, shrubs and other landscape materials, as approved by the Commission as part of the Site Plan.

   These landscaping and screening requirements are intended to accomplish the following purposes:

   a. To provide natural visual screening of parking and loading areas;

   b. To reduce surface water runoff and minimize soil erosion through the natural filtering capability of landscaped areas;

   c. To minimize environmental nuisances such as glare and noise;

   d. To moderate the microclimate of parking areas by providing shade, by absorbing reflected heat from paved surfaces and by creating natural wind breaks;

   e. To ensure public safety by using landscaping materials to define parking and loading areas and to manage internal vehicular and pedestrian circulation; and,

   f. To enhance the overall appearance of new development by providing a variety of landscaping materials that are consistent and compatible with the existing natural vegetation in the area.

2. **General Requirements**

   a. The development of the site shall conserve as much of the natural terrain and existing vegetation as possible, shall preserve sensitive environmental land features such as steep slopes, wetlands and large rock outcroppings, and shall preserve public scenic views and historically significant features.

   b. Major trees shall include any of the appropriate varieties of shade trees, flowering trees or evergreens.

   c. Shrubs shall include any of the appropriate varieties of evergreen or deciduous bushes.

   d. All plant material shall be nursery grown and conform to the standards of the American Association of Nurserymen.

   e. At the time of planting, trees shall be of the following minimum size:

      (1) Shade trees: 2 1/2 inch caliper

      (2) Evergreen trees: 6 foot height

      (3) Flowering trees: single stem - 2 inch caliper clump form - 8 foot height

f. Trees and shrubs within five feet of any paved areas shall be of such varieties capable of withstanding damage from salt.

g. Mulched planting beds of an appropriate size shall be placed around all trees and shrubs to retain moisture. Acceptable mulching material shall be shredded bark, woodchips or other organic substitute, at least four inches in depth.

h. Suitable ground cover shall be placed on all disturbed site areas not covered by paving, buildings or mulching for trees and shrubs. Suitable ground cover shall be grass, turf, myrtle, pachysandra, stone, gravel or an appropriate substitute.

i. No stone or gravel shall be used for ground cover within four feet of walkways unless the material is suitably contained within its area.

j. Where feasible, existing trees shall be saved; if grading is required in their vicinity, trees shall be appropriately welled or mounded to protect them from damage.

k. No trees five inches or greater in caliper as measured three feet above ground level shall be removed unless so approved by the Commission.

3. **Parking Lot Landscaping**

a. Parking areas containing 10 or more parking spaces shall contain at least one major tree and two shrubs per ten parking spaces or major fraction thereof, planted within and along the perimeter of the parking area.

b. Parking areas containing between 20 and 99 parking spaces shall contain a minimum of 15 square feet of interior landscaping area per parking space, distributed among the end islands, interior islands and planting strips required by Section VIII.B.6.

c. Parking areas containing 100 or more parking spaces shall contain a minimum of 20 square feet of interior landscaping area per parking space, distributed among the end islands, interior islands and planting strips required by Section VIII.B.6.

d. Trees within and along the perimeter of parking areas shall be of such varieties which provide shade or are capable of providing shade at maturity.

4. **Screening**

a. Screening shall be provided for parking areas which are adjacent to residential properties or visible from the street. Acceptable screening materials shall include:

(1) Evergreen hedges having a minimum height of four feet at the time of planting;

(2) Solid fences or walls, if approved by the Commission;

(3) Earthen berms; or,

(4) Any combination of the above materials.

b. Screening shall be provided for any objectionable areas or views which are adjacent to residential properties or visible from the street, including but not limited to loading areas, dumpsters, storage areas and ground-fixed mechanical equipment. Acceptable screening materials shall include:

(1) Evergreen hedges having a minimum height of six feet at the time of planting;

(2) Solid fences or walls having a minimum height of six feet, if approved by the Commission;

(3) Earthen berms; or,

(4) Any combination of the above materials.

5. **Buffers** *[See Appendix A, Figure A-13]*

   a. A landscaped buffer shall be provided for any use in a Business or Industrial zone which is adjacent to or across the street from a Residential zone, for any multi-family use, or for any non-residential use in a Residential zone.

   b. The buffer shall be a minimum of 20 feet in width.

   c. The buffer shall be of evergreen plantings of such species, height and spacing as, in the judgment of the Commission, will effectively screen the use from the view of adjoining properties.

   d. No structures or paving shall be permitted within the buffer.

   e. The Commission may allow a wall or fence of appropriate location, height and design to be substituted for all or a portion of the landscaped buffer if, in its judgment, such wall or fence would provide comparable screening of the use from the view of adjoining properties.

6. **Modifications of Landscaping** – Where existing topography and/or existing vegetation provides adequate landscaping, ground cover, screening and/or buffers, the Commission may modify the landscaping requirements of this Section.

7. **Maintenance of Landscaping**

   a. All landscaping shall be maintained in a healthy growing condition in accordance with acceptable horticultural practices. Landscaping which dies or becomes unhealthy because of accidents, drainage problems, disease or other causes shall be replaced with appropriate new landscaping during the following planting season.

   b. All landscaping shall be controlled by pruning, trimming or other suitable methods so as not to interfere with public utilities, restrict vehicular or pedestrian access or otherwise constitute a traffic hazard.

   c. All landscaped areas shall be maintained in a relatively weed-free condition and kept clear of undergrowth.

   d. Required fences or walls shall be maintained in good condition.

C. **OUTDOOR LIGHTING**

1. Outdoor lighting of parking areas and loading areas shall be provided by luminaires mounted on lamp posts and/or by floodlights mounted on the building.

2. Luminaries shall be of a design appropriate to the use and the area, and shall be subject to the approval of the Commission.

3. Lamp posts shall be the minimum height necessary to provide adequate illumination, but in no case shall they exceed a height of 30 feet.

4. Lamp posts in parking areas shall be placed within planting areas (i.e., end islands, interior islands, planting strips) and shall be recessed at least three feet from curbs.

5. Light intensity at ground level shall be a minimum of three foot-candles and a maximum of six foot-candles.

6. Walkways shall be adequately lighted; the use of bollard lighting for such purpose is encouraged.

7. Lighting shall be so designed that the filaments, light sources, reflectors or lenses are shielded with opaque material such that the light shall be directed down and shall not be visible at a height greater than six feet above the ground level at any lot line.

D. **MISCELLANEOUS SITE FEATURES**

1. **Walkways**

   a. Walkways shall be provided in such locations as to separate pedestrian movement from vehicular movement wherever feasible.

   b. Walkways shall facilitate pedestrian movement between parking areas and building entrances, between the development and the street, and between buildings in a multi-building development.

   c. All walkways within parking areas and along the perimeter thereof shall be a minimum of five feet in width.

2. **Dumpsters**

   a. No dumpster shall be located within the front yard or within the required side or rear yards adjacent to any Residential zone.

   b. Dumpsters shall be screened in accordance with the requirements of Section XI.B.

   c. No dumpster shall be so located as to interfere with normal vehicular movement.

   d. In multi-family developments, suitable area shall be set aside within the dumpster screening area to accommodate recycling bins.

3. **Mailboxes** – In multi-family developments, group mailboxes shall be so located as to not interfere with normal vehicular movement.

4. **Shopping Cart Corrals** – The Commission may require the installation of shopping cart corrals within the parking lot of supermarkets, shopping centers and other large commercial developments.

SECTION XII

ADMINISTRATION

A. **INTERPRETATION OF THESE REGULATIONS**

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare. These Regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to law, relating to the use of lots, buildings or structures; nor are these Regulations intended to interfere with, abrogate or annul any easements, covenants or other agreement between parties, provided, however, that where these Regulations impose a greater restriction upon the use or height of buildings or structures, or require larger yards, courts, or other open spaces than are imposed or required by existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of these Regulations shall control.

B. **ENFORCEMENT**

These Regulations shall be enforced by the Building Official or the Zoning Enforcement Officer who is hereby empowered to cause any building, structure, place or premises to be inspected and 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 or, when the violation involves grading of land or the removal of earth, to issue in writing a cease and desist order to be effective immediately.

The owner or agent of a building or premises where a violation of any provision of these Regulations has been committed or exists; or the lessee or tenant of an entire building or an entire premises where such violation has been committed or exists; or the owner, agent, lessee or tenant of any part of a building or premises in which such violation has been committed or exists; or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists shall be subject to penalties in accordance with the provisions of Section 8-12 of the Connecticut General Statutes, as may be amended from time to time.

C. **PENALTIES**

Any person who, (1) having been served by the Zoning Enforcement Officer with an order to discontinue any such violation, fails to comply with such order within 10 days after such service; or, (2) having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately; or, (3) continues to violate any provision of these Regulations in the manner named in such order shall be subject to penalties in accordance with the provisions of Section 8-12 of the Connecticut General Statutes, as may be amended from time to time.

D. **ZONING PERMITS**

1. No building or structure shall be constructed, altered, enlarged or occupied; no Building Permit, including a permit for a building foundation, shall be issued; and no use of an existing building or premises shall be changed until the Zoning Enforcement Officer has issued a Zoning Permit which certifies conformance of the building, structure or use with these Regulations or with a variance granted by the Zoning Board of Appeals.

2. Application for a Zoning Permit shall be made to the Zoning Enforcement Officer at least two business days prior to application for a Building Permit or for a change of use not involving a Building Permit. No Building Permit shall be issued without the prior issuance of a Zoning Permit.

E. ZONING AMENDMENTS

1. **Authority** – The Commission, either on its own initiative or by the petition of others, may amend these Regulations or the Zoning Map, in accordance with the provisions of the Connecticut General Statutes.

2. **Application** – All petitions requesting an amendment to the Zoning Regulations and/or Zoning Map shall be submitted in writing to and in a form prescribed by the Commission. The Commission may deny a zoning petition for incomplete information having been submitted.

3. **Referrals**

   a. Any proposed amendment to the Zoning Map or Zoning Regulations shall be referred to the Planning Commission for a report at least 35 days prior to the date assigned by the Zoning Commission for a public hearing to be held thereon, as required by the Connecticut General Statutes.

   b. Any proposed amendment to the Zoning Map or Zoning Regulations affecting the use of a zoning district any portion of which is within 500 feet of the City line shall be referred by the Commission to the appropriate regional planning agency, as required by the Connecticut General Statutes.

   c. To assist with its consideration of any petition to amend these Regulations or the Zoning Map, the Commission may refer such petition to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

4. **Limitations for Zoning District Change** – Except where a proposed zone change is to extend an existing zoning district, no area of land having less than 300 feet of frontage on one street shall be changed from one zoning district to another zoning district except by the affirmative vote of two-thirds of the Commission.

5. **Public Hearing** – The Commission shall hold a public hearing on all proposed amendments to these Regulations or to the Zoning Map, shall decide thereon, and shall give notice of its decision as required by the provisions of the Connecticut General Statutes.

F. POSTING OF PROPERTY

1. Except as otherwise specified in Section XII.F.4. below, a "notice of hearing" sign or signs shall be posted on any property which is the subject of a public hearing before the Commission or Zoning Board of Appeals.

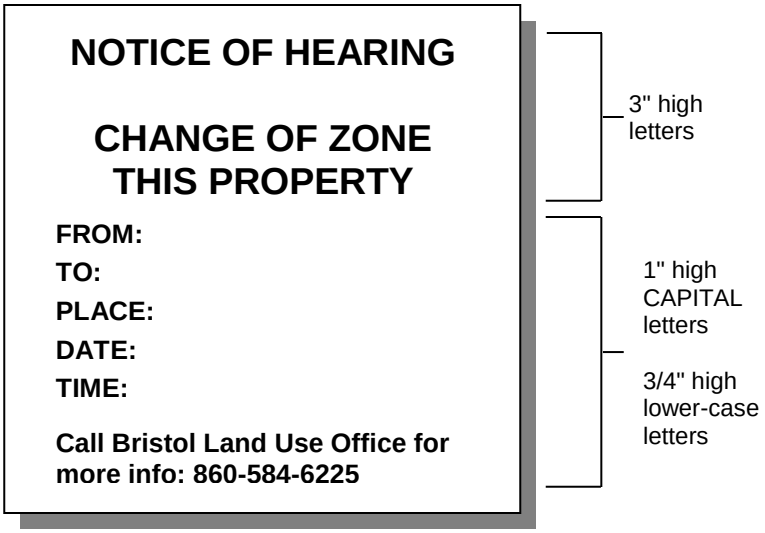
   a. A minimum of one such sign shall be posted facing each street on which the subject property has frontage. Signs shall also be so posted approximately every 200 feet apart along the street frontage of the subject property. There shall be a minimum of two signs posted on corner and through lots, one facing each street. In those cases where the subject property does not have frontage on or is not otherwise readily visible from a street, the sign shall be posted in a location deemed suitable by the Zoning Enforcement Officer.

   b. Such sign or signs shall be posted no more than five feet from the street line and shall be visible and readable from the street for the entire time of the required posting.

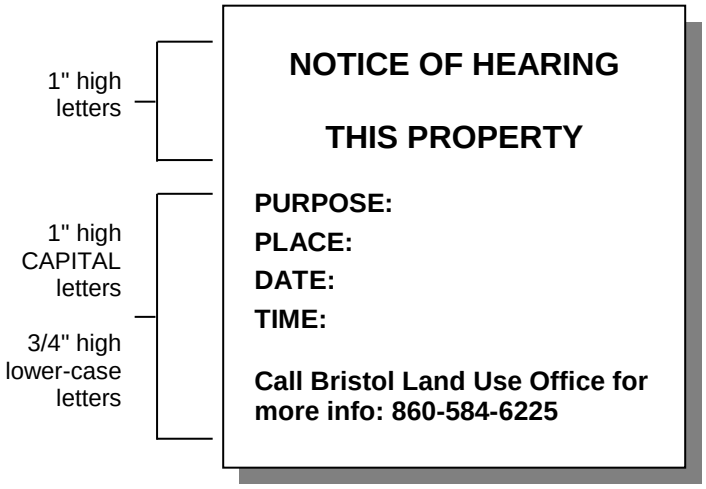
   c. Such sign or signs shall be posted at least 12 days before the hearing and shall be removed within 5 days after completion of the hearing.

   d. Such sign or signs shall be prepared and posted by the applicant, agent, or property owner. The cost of the sign or signs shall be borne by the applicant, agent, or property owner.

2. Signs posted on any property which is the subject of a zone change shall be a minimum size of four feet by four feet. Printed lettering shall be black on a yellow background. The wording and size of lettering shall be as follows:



3. Signs posted on any property which is the subject of an application to come before the Commission or the Zoning Board of Appeals for other than a zone change shall be a minimum size of two feet by two feet. Printed lettering shall be black on a yellow background. The wording and size of lettering shall be as follows:



4. Appeals to the Zoning Board of Appeals in accordance with Section XIII.A.1. shall not require the posting of a sign.

SECTION XIII

ZONING BOARD OF APPEALS

A. **POWERS AND DUTIES**

The Zoning Board of Appeals shall have all the powers and duties prescribed by Chapter 124, Section 8 and by Chapter 250, Section 14 of the Connecticut General Statutes, and by these Regulations, which powers and duties are summarized and more particularly specified below. None of the following provisions shall be deemed to limit any of the authority of the Zoning Board of Appeals that is conferred by general law.

1. **Appeals** – The Zoning Board of Appeals shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision or determination of the Zoning Enforcement Officer. No question of hardship shall be involved in such an appeal, and the action of the Zoning Board of Appeals thereon shall be limited to the question of whether or not, and to what extent such order, requirement, decision, or determination was a correct interpretation of the subject provision of these Regulations.

2. **Variances** – The Zoning Board of Appeals shall have the authority to vary or adjust the strict application of these Regulations in only those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.

3. [reserved]

4. **Use Variances**

   a. No use variance shall be granted by the Zoning Board of Appeals which would permit:

      (1) A use prohibited either implicitly or explicitly by these Regulations;

      (2) The expansion of a non-conforming use;

      (3) The number of dwelling units on a lot to exceed the maximum allowed in the zoning district in which the lot is located; or,

      (4) A use otherwise allowed by Special Permit in the zoning district in which the use is located.

   b. Use variances may be granted by the Zoning Board of Appeals only in the I zone, for lots containing less than one acre.

   c. Prior to a public hearing on any application for a use variance, the Zoning Board of Appeals shall transmit the application to the Planning Commission for its review and comment. Any report submitted by the Planning Commission to the Zoning Board of Appeals shall be read into the record of the public hearing of the subject application.

B. **GENERAL RULES**

1. **Appeals** – All appeals to the Zoning Board of Appeals from an order, requirement, decision or determination of the Zoning Enforcement Officer shall be taken within such time as is prescribed by a rule adopted by the Zoning Board of Appeals. Such appeals shall be made in writing on a form prescribed by the Zoning Board of Appeals and shall be accompanied by a filing fee to cover the cost of processing the appeal.

2. **Application** – All applications for variances shall be submitted in writing in a form prescribed by the Zoning Board of Appeals. The Zoning Board of Appeals may deny an application for incomplete information having been submitted.

3. **Referrals** – To assist with its consideration of an appeal or application, the Zoning Board of Appeals may refer such appeal or application to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

4. **Public Hearing** – The Zoning Board of Appeals shall hold a public hearing on all appeals and applications for variances, shall decide thereon, and shall give notice of its decision in accordance with the provisions of the Connecticut General Statutes.

5. No variance shall be granted by the Zoning Board of Appeals unless it finds:

    a. That there are special circumstances or conditions, fully described in the findings of the Zoning Board of Appeals, applying to the lot or structure for which the variance is sought, which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought, whether in violation of the provisions herein or not;

    b. That, for reasons fully set forth in the findings of the Zoning Board of Appeals, the aforesaid circumstances or conditions are such that the particular application of the provisions of these Regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure, and that the variance as granted by the Zoning Board of Appeals is the minimum adjustment necessary to accomplish this purpose;

    c. That the granting of the variance shall be in harmony with the general purposes and intent of these Regulations and the City's Plan of Development and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare; and,

    d. That the granting of the variance is not based upon the nonconformity of neighboring lots, uses, buildings or structures, nor upon a financial or economic hardship.

6. Whenever the Zoning Board of Appeals grants a variance, it shall include in its minutes as part of the record the reason for its decision, the specific provision of these Regulations which was varied, the extent of the variance and the specific hardship upon which its decision was based.

7. In exercising any of its authority, the Zoning Board of Appeals may attach any conditions and safeguards as may be required to protect the public health, safety and general welfare, and to ensure ongoing compliance with these Regulations. Violation of such conditions and safeguards shall be deemed to be a violation of these Regulations.

8. Any variance granted by the Zoning Board of Appeals shall become effective upon its filing by the applicant in the office of the City Clerk and in the City land records.

9. Any variance granted by the Zoning Board of Appeals which is not recorded within one year from its effective date shall be null and void.

10. If the Zoning Board of Appeals denies a variance, it shall not be required to hear an application for the same variance or substantially the same variance for a period of six months after the data of denial, unless the circumstances associated with the application have substantially changed. A change in ownership of property or any interests therein shall not be deemed a substantial change.

11. No appeal or variance shall be granted that would alter, revise or otherwise change any of the conditions attached to the granting of a Special Permit by the Zoning Commission, if such conditions are more restrictive

than otherwise provided for in these Regulations or if such conditions do not refer to specified standards in these Regulations.

12. Prior to the public hearing for any variance, a "notice of hearing" sign shall be posted on the subject property in accordance with the provisions of Section XII.F.

SECTION XIV

VALIDITY AND EFFECTIVE DATE OF REGULATIONS

A. **VALIDITY**

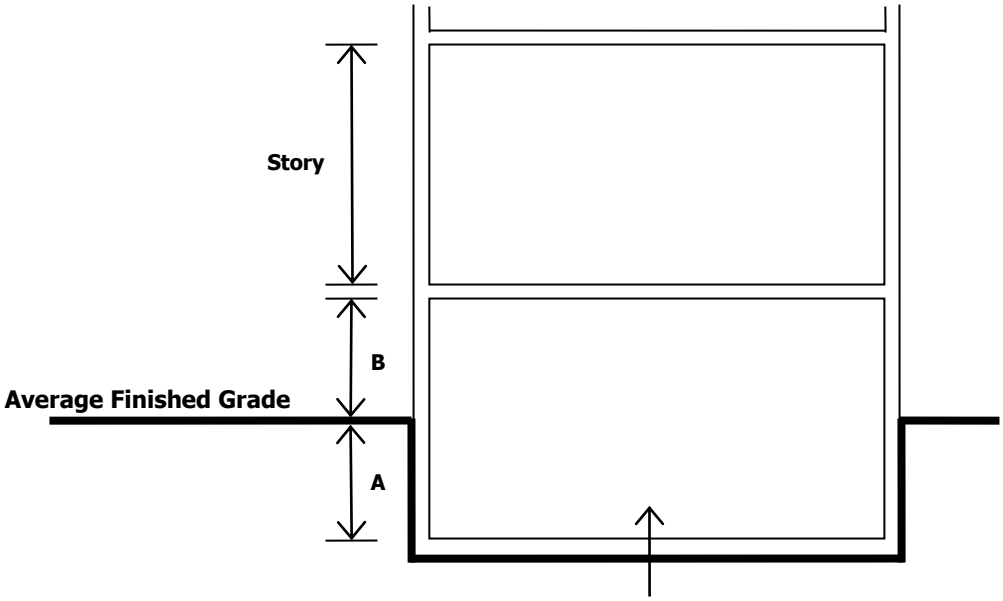
If any section, paragraph, subdivision, clause or provision of these Regulations is adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these Regulations shall be deemed valid and effective.

B. **EFFECTIVE DATE**

The effective date of these Regulations shall be December 21, 1990.

APPENDIX A – ZONING ILLUSTRATIONS

Note: The figures in Appendix A are for illustrative purposes only and shall not be considered an official part of these Regulations.



- **This is a <u>cellar</u> if A is greater than or equal to B.**
- **This is a <u>basement</u> if A is less than B and A+B equals at least 7.5 feet.**

FIGURE A-1: BASEMENT, CELLAR AND STORY

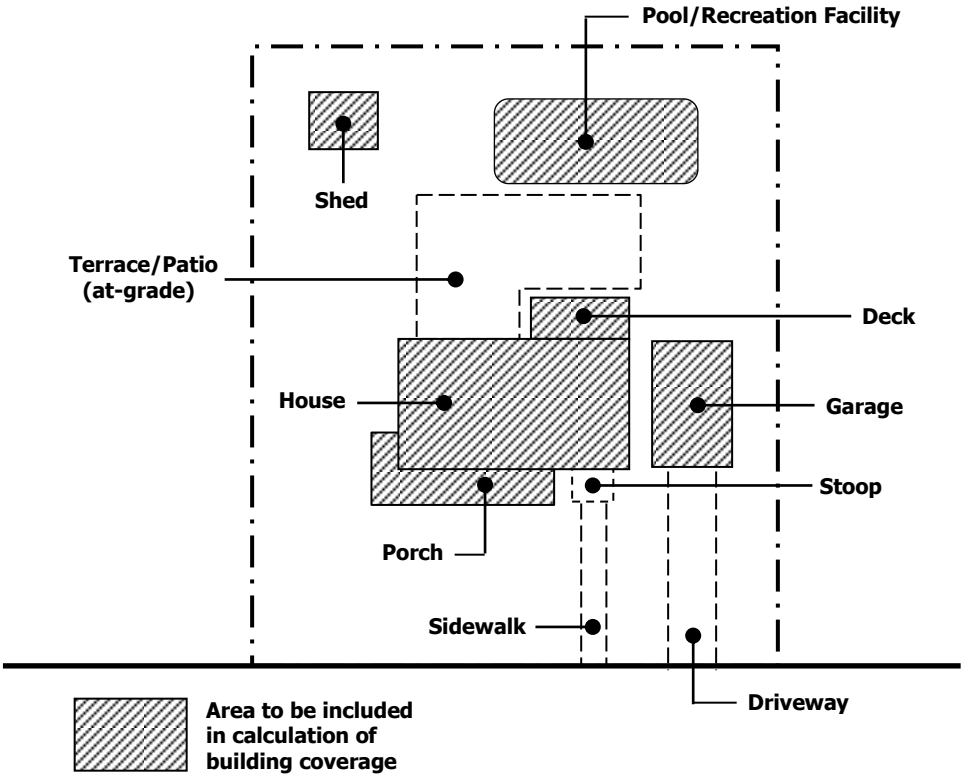


FIGURE A-2: BUILDING COVERAGE

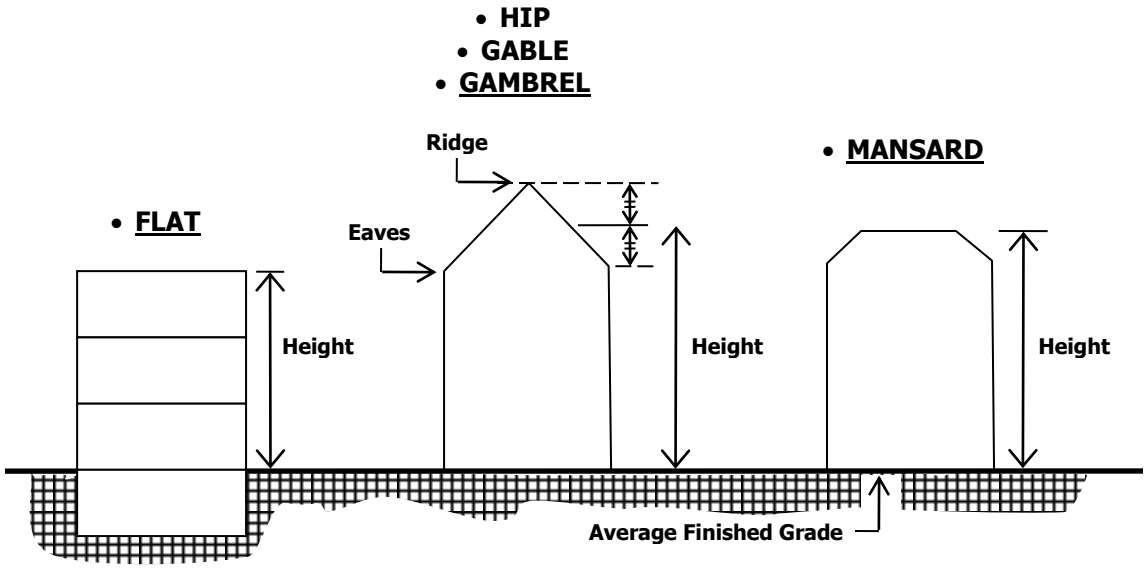


FIGURE A-3: MEASUREMENT OF BUILDING HEIGHT

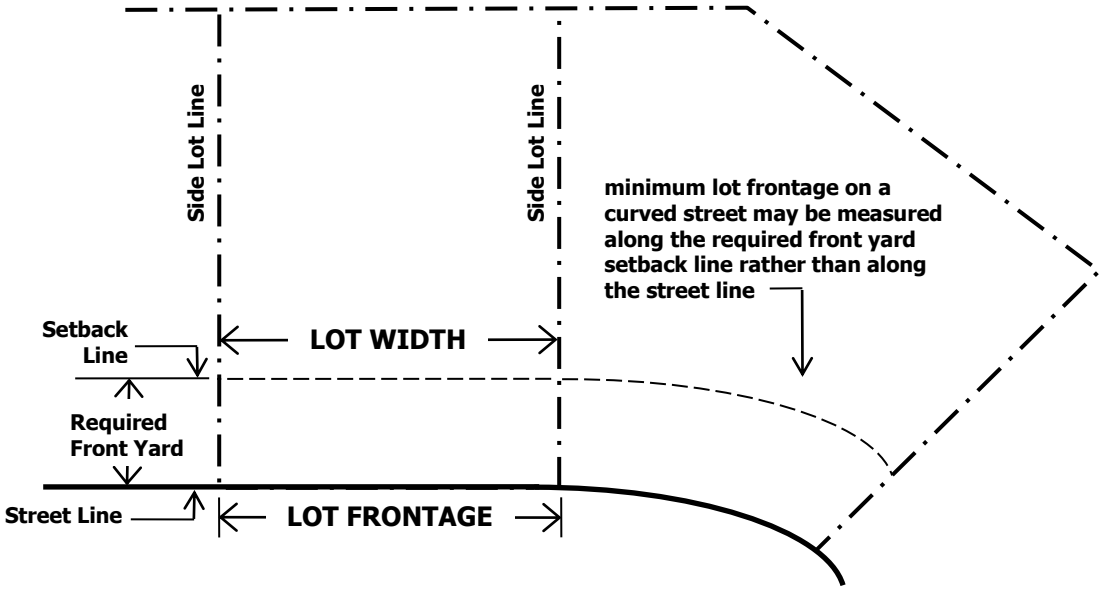


FIGURE A-4: LOT FRONTAGE AND LOT WIDTH

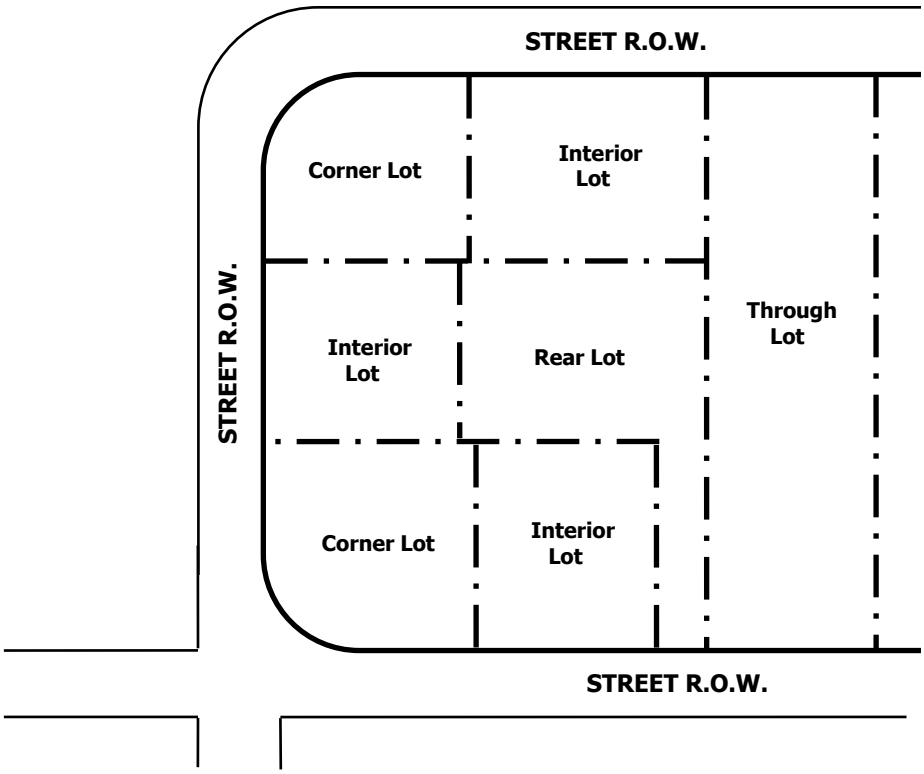


FIGURE A-5: TYPES OF LOTS

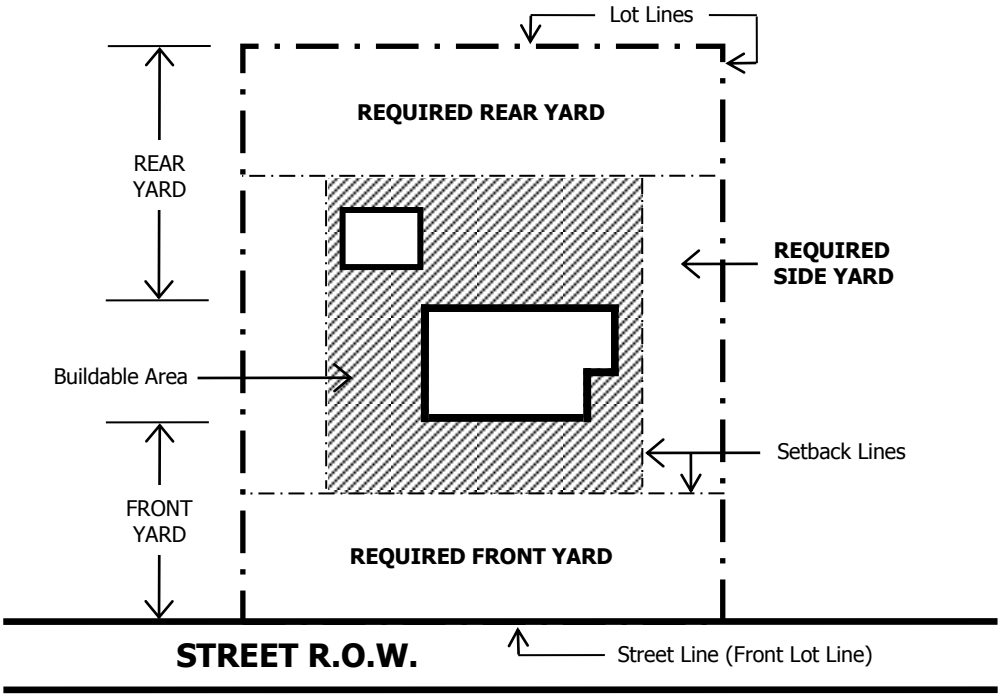


FIGURE A-6: YARDS

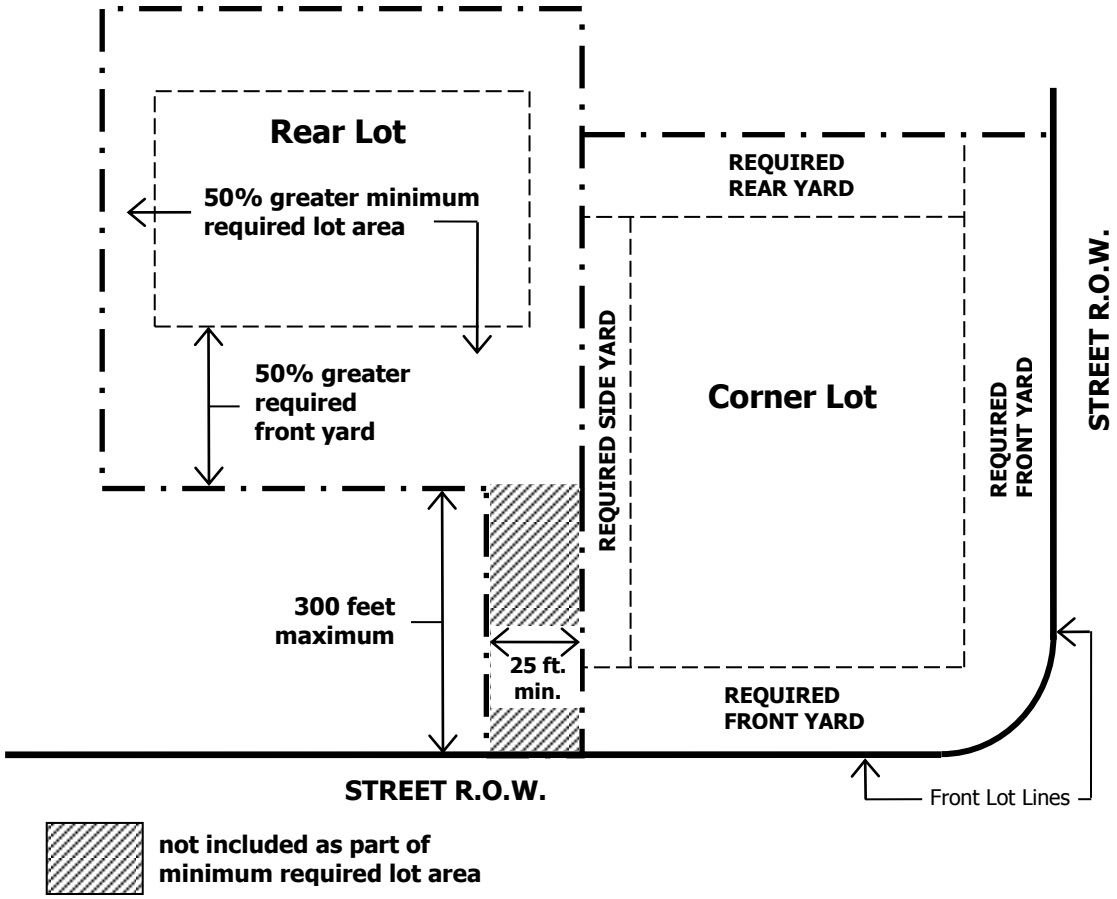


FIGURE A-7: CORNER LOTS AND REAR LOTS

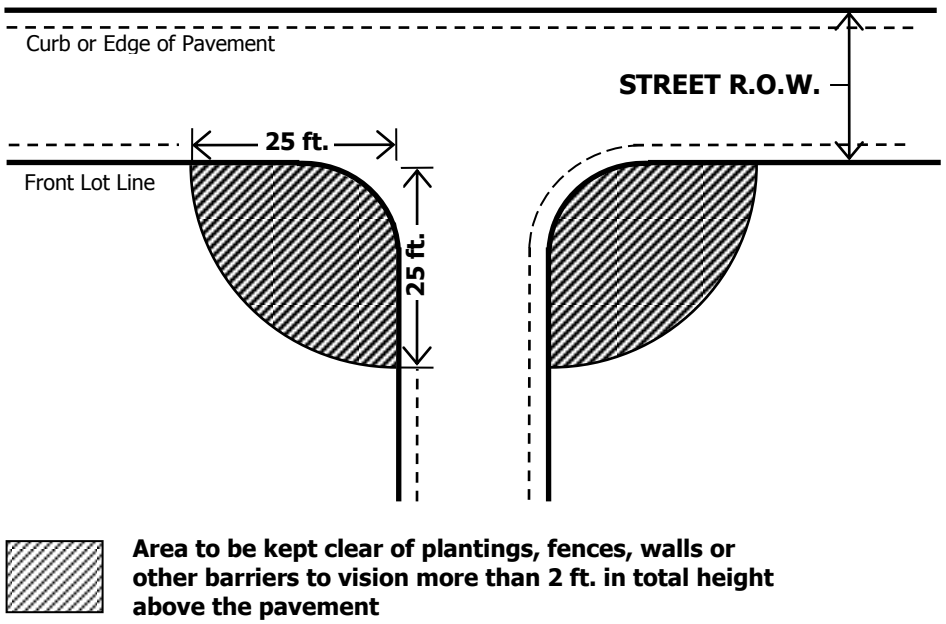


FIGURE A-8: VISIBILITY AT STREET INTERSECTIONS

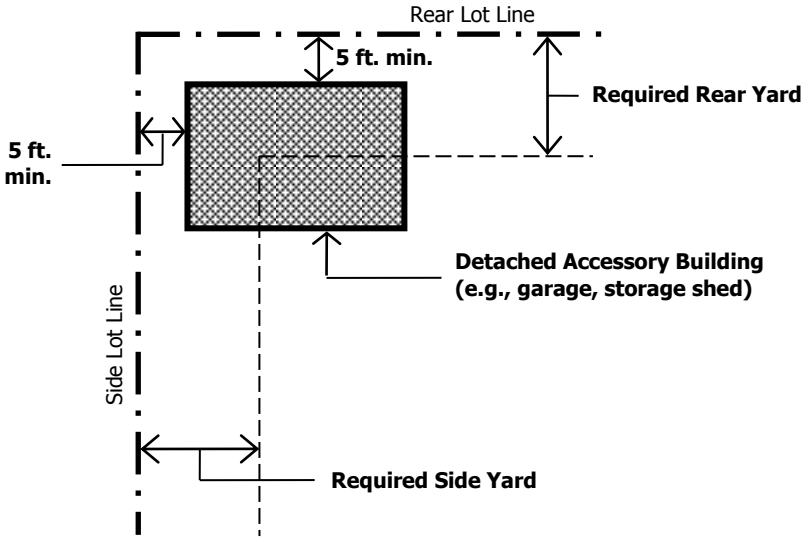


FIGURE A-9: LOCATION OF ACCESSORY BUILDINGS, STRUCTURES AND USES (GENERAL)

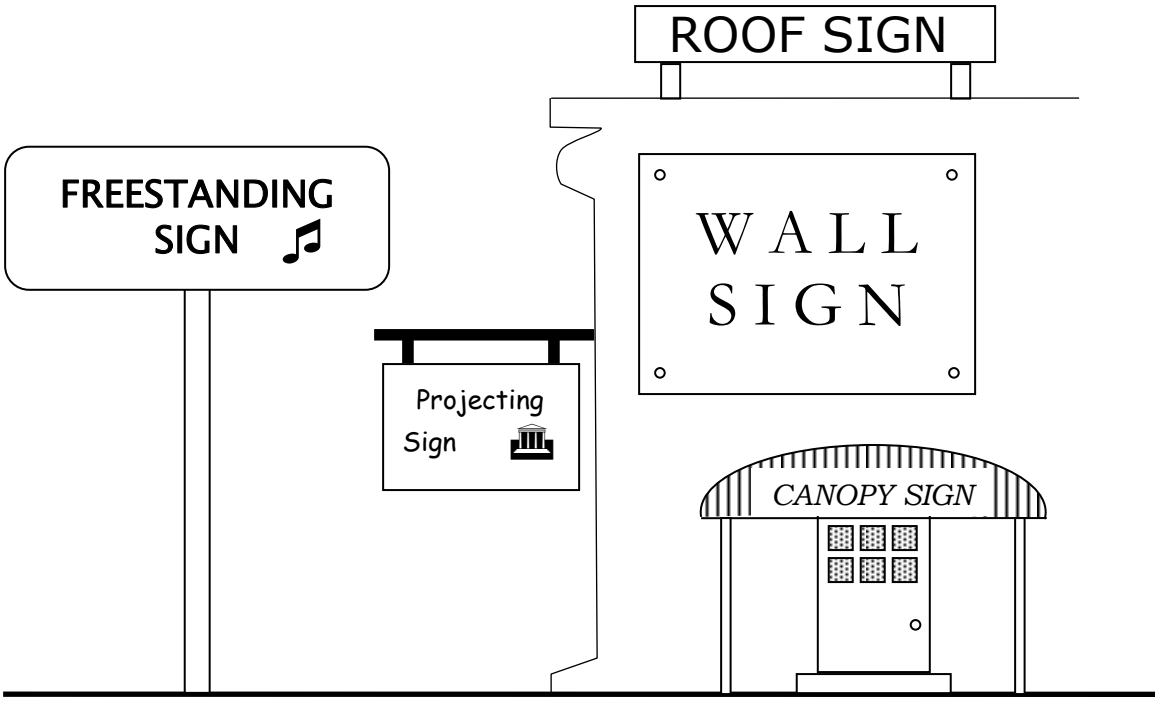
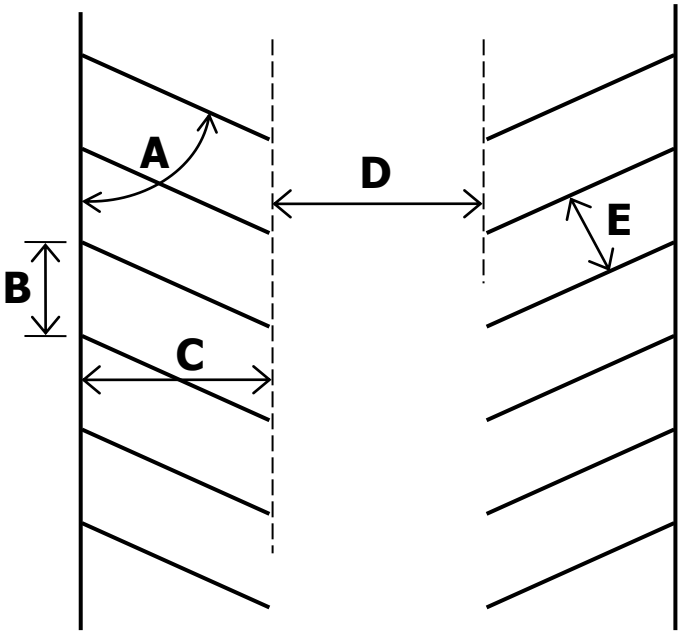


FIGURE A-10: EXAMPLES OF TYPES OF SIGNS



A	**Parking Angle**	**0°**	**45°**	**60°**	**90°**
B	**Curb Length per Space**	**23′**	**13′**	**10′**	**9′**
C	**Space Depth**	**9′**	**18′**	**19′**	**18′**
D	**Access Aisle Width**	**15′**	**15′**	**18′**	**25′**
E	**Space Width**	**9′**	**9′**	**9′**	**9′**

FIGURE A-11: MINIMUM DIMENSIONS FOR PARKING AREAS

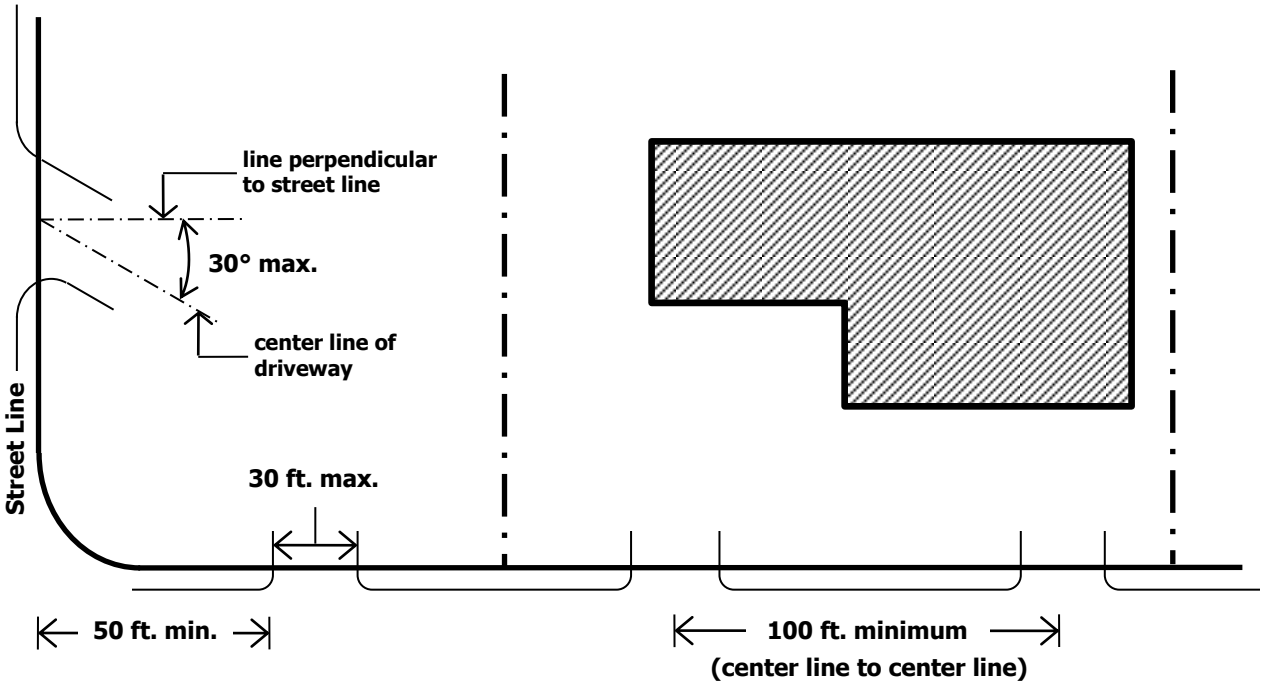


FIGURE A-12: DRIVEWAY REQUIREMENTS

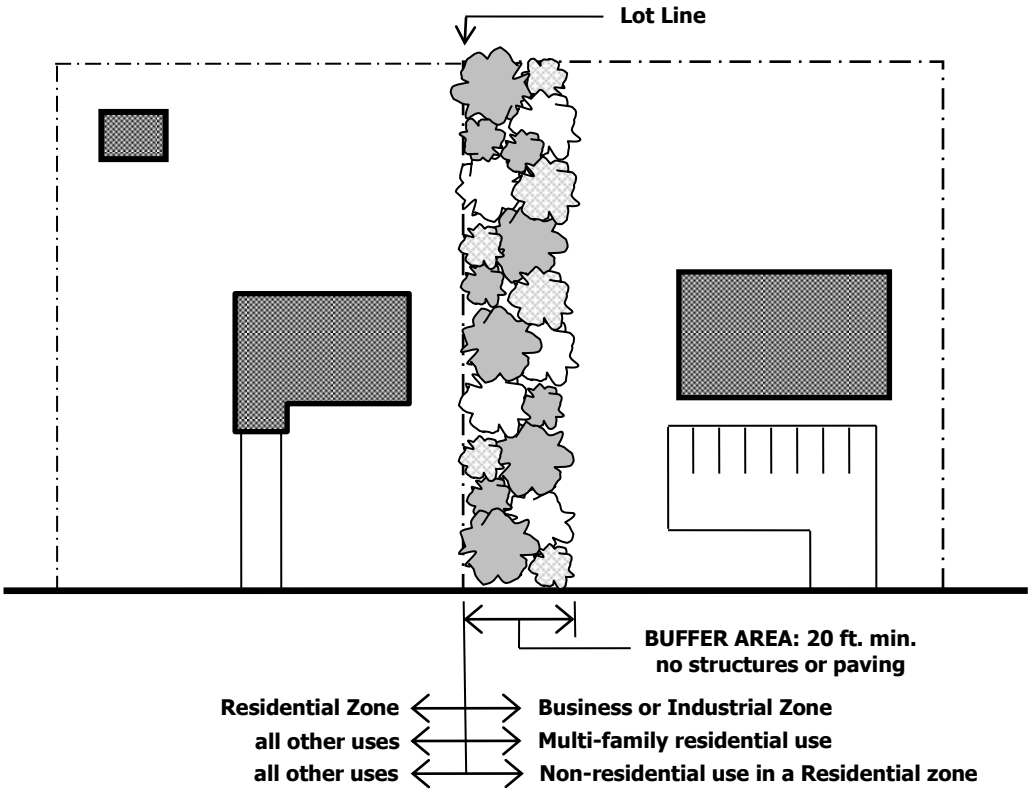


FIGURE A-13: BUFFER REQUIREMENTS

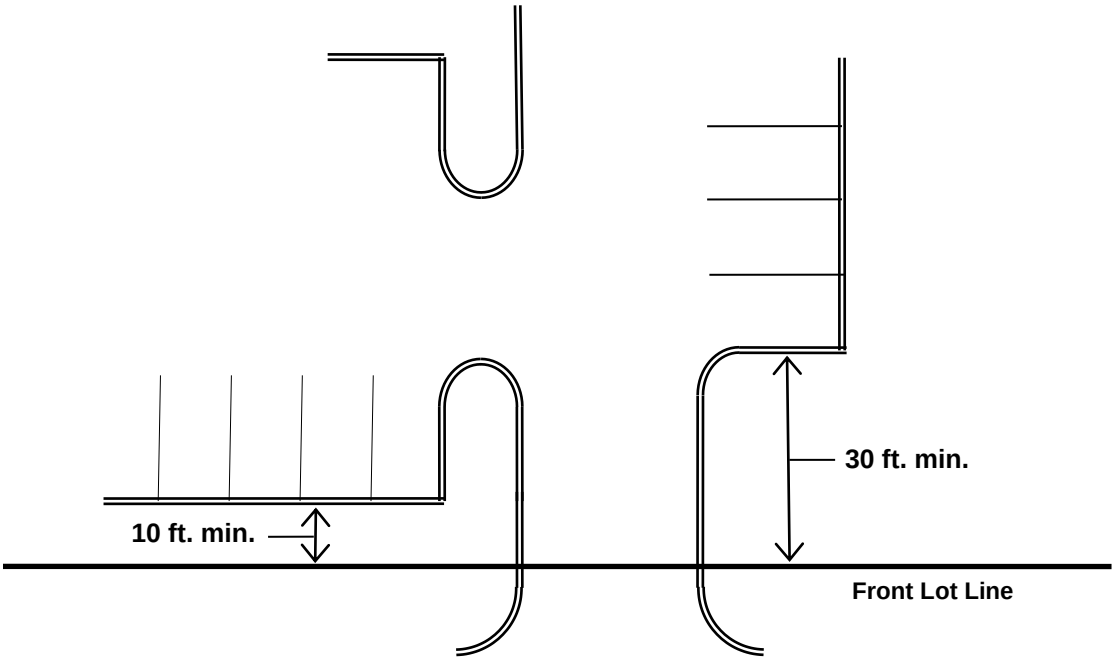


FIGURE A-14: REQUIRED PARKING SETBACKS in FRONT YARD

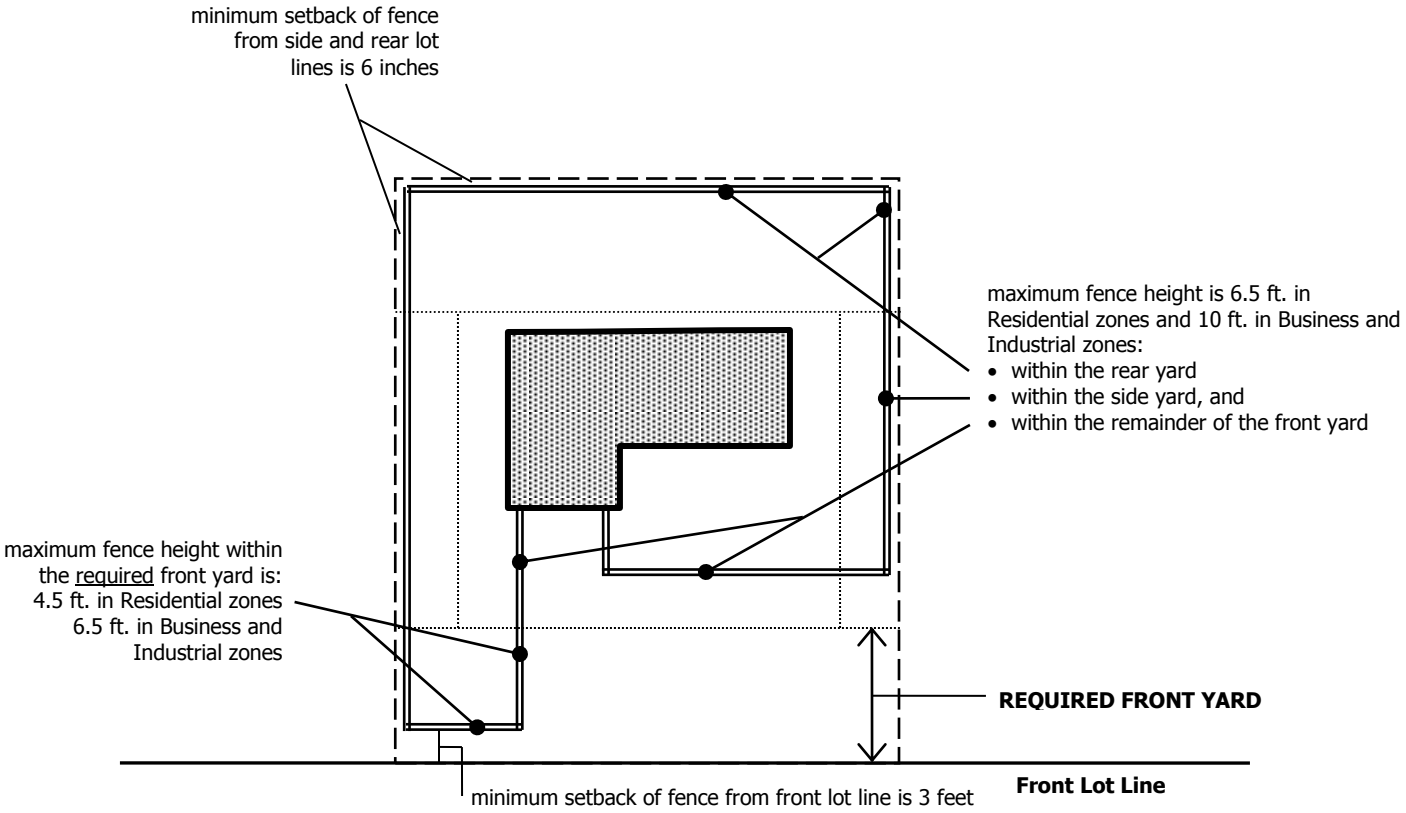


FIGURE A-15a: FENCE SETBACKS AND HEIGHTS

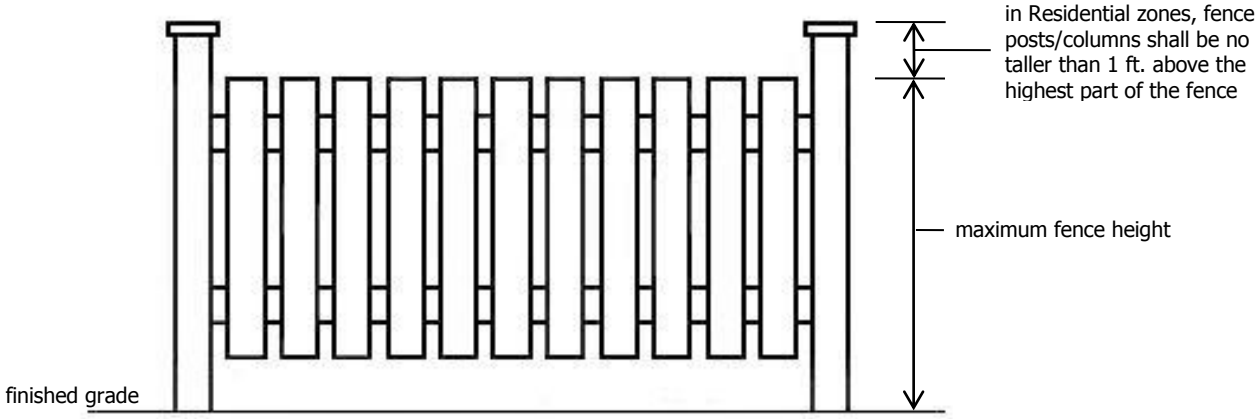
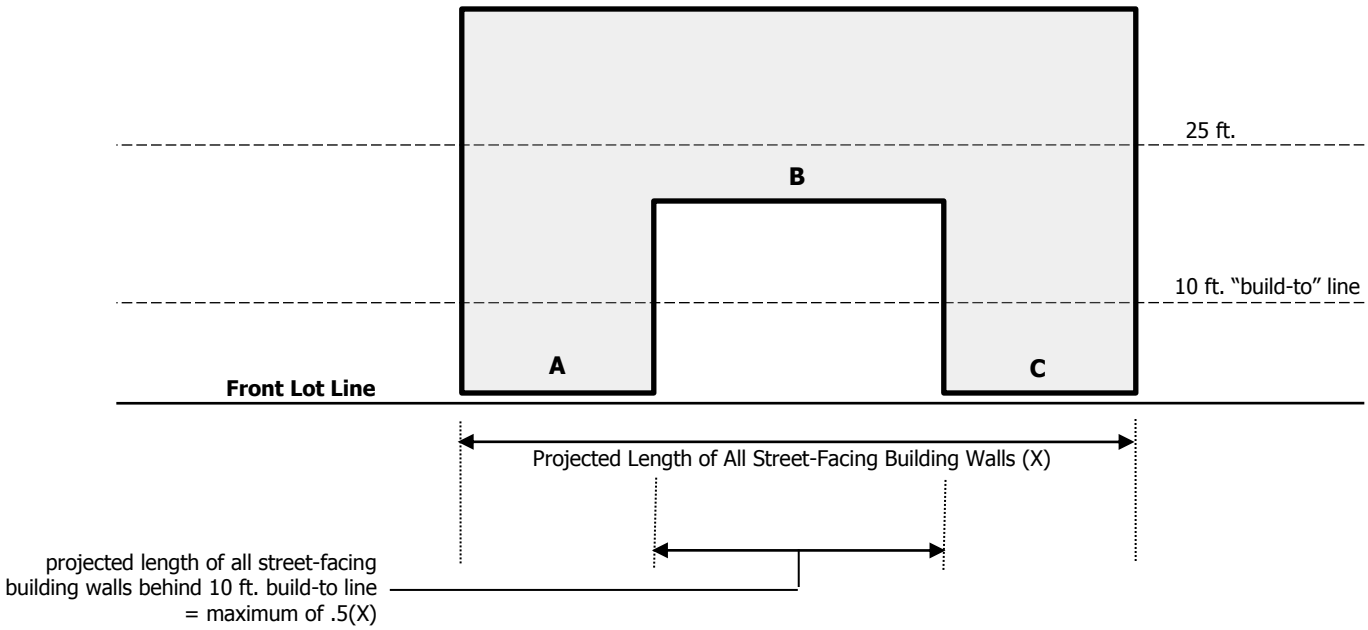
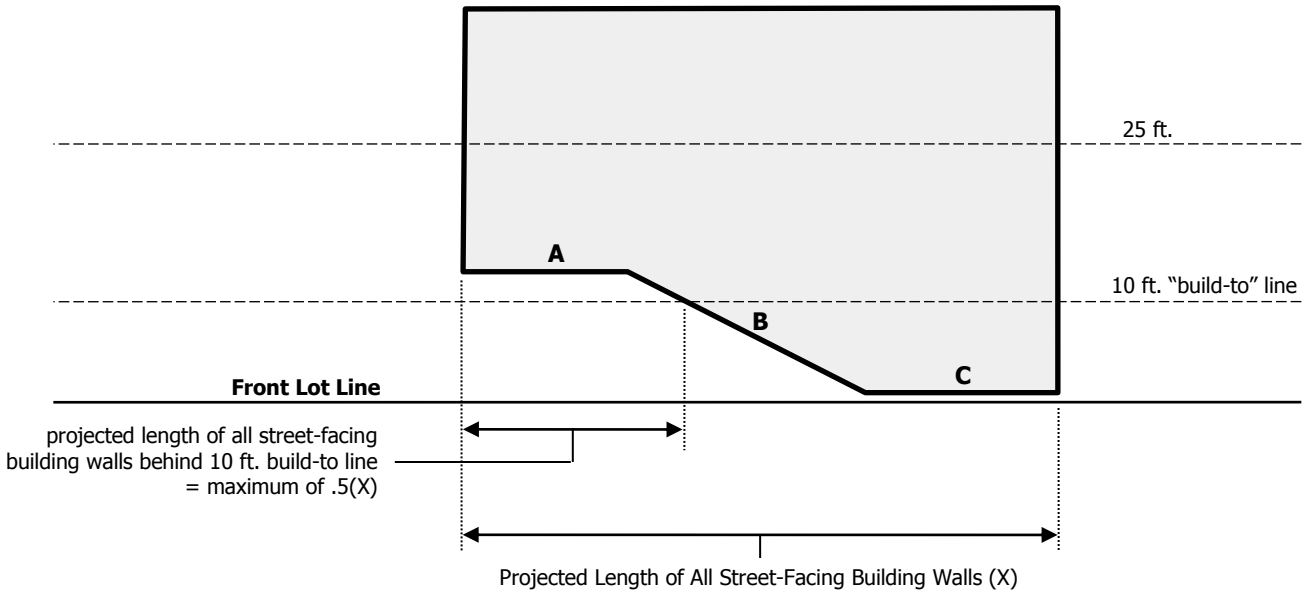


FIGURE A-15b: FENCE HEIGHT



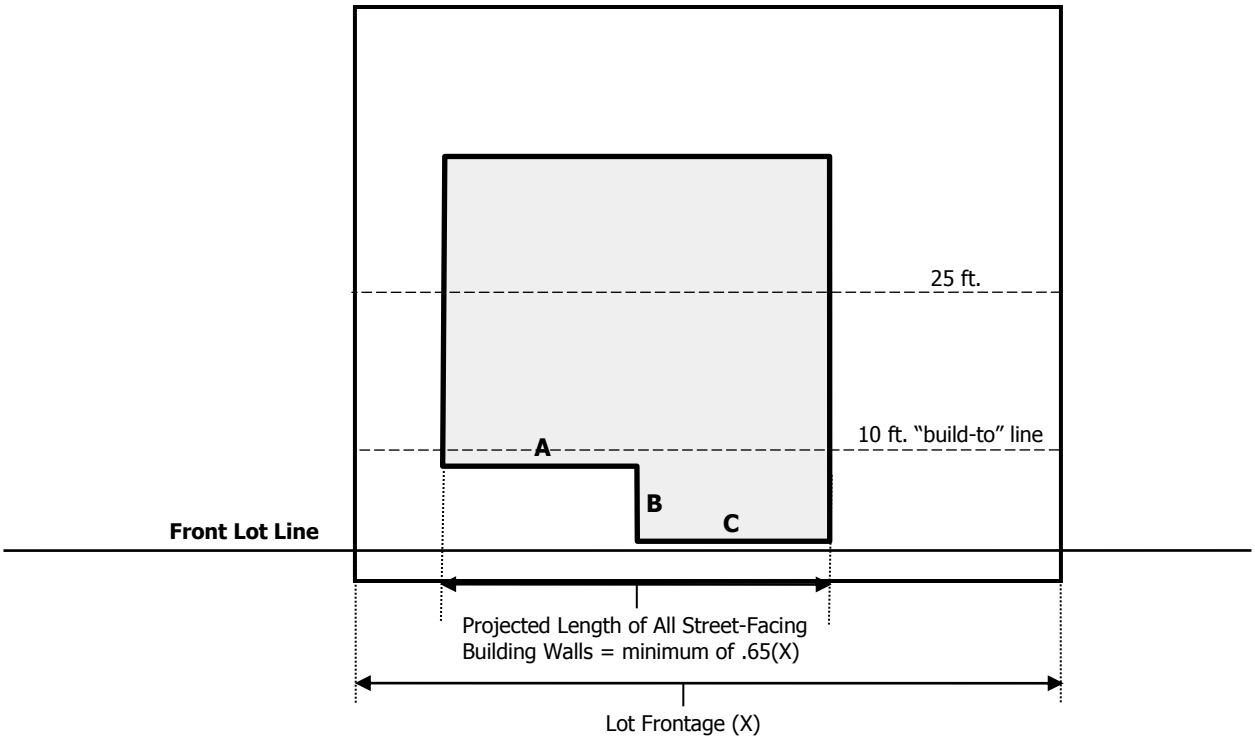
NOTE: For the purpose of calculating building fenestration, the length of the street-facing building wall = A+B+C

FIGURE A-16a: BUILDING FORM STANDARDS in the DOWNTOWN BUSINESS ZONE



NOTE: For the purpose of calculating building fenestration, the length of the street-facing building wall = A+B+C

FIGURE A-16b: BUILDING FORM STANDARDS in the DOWNTOWN BUSINESS ZONE



NOTE: For the purpose of calculating building fenestration, the length of the street-facing building wall = A+C

FIGURE A-16c: BUILDING FORM STANDARDS in the DOWNTOWN BUSINESS ZONE

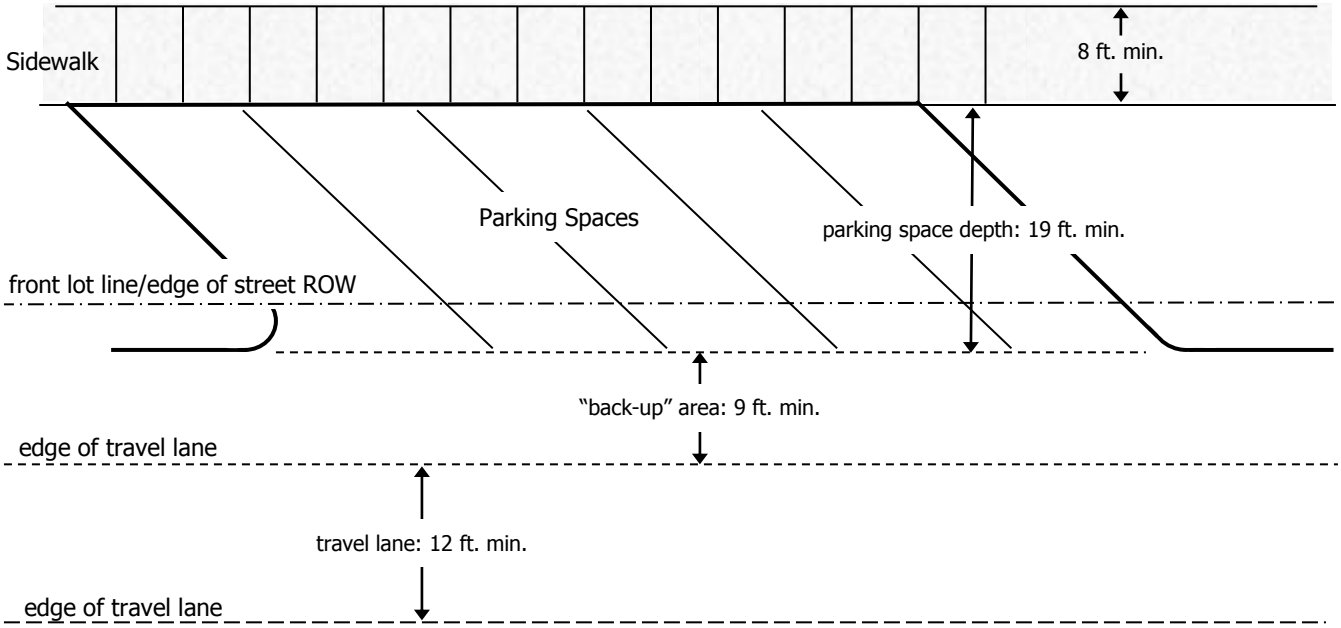


FIGURE A-16d: EXAMPLE of ANGLED PARKING in the DOWNTOWN BUSINESS ZONE

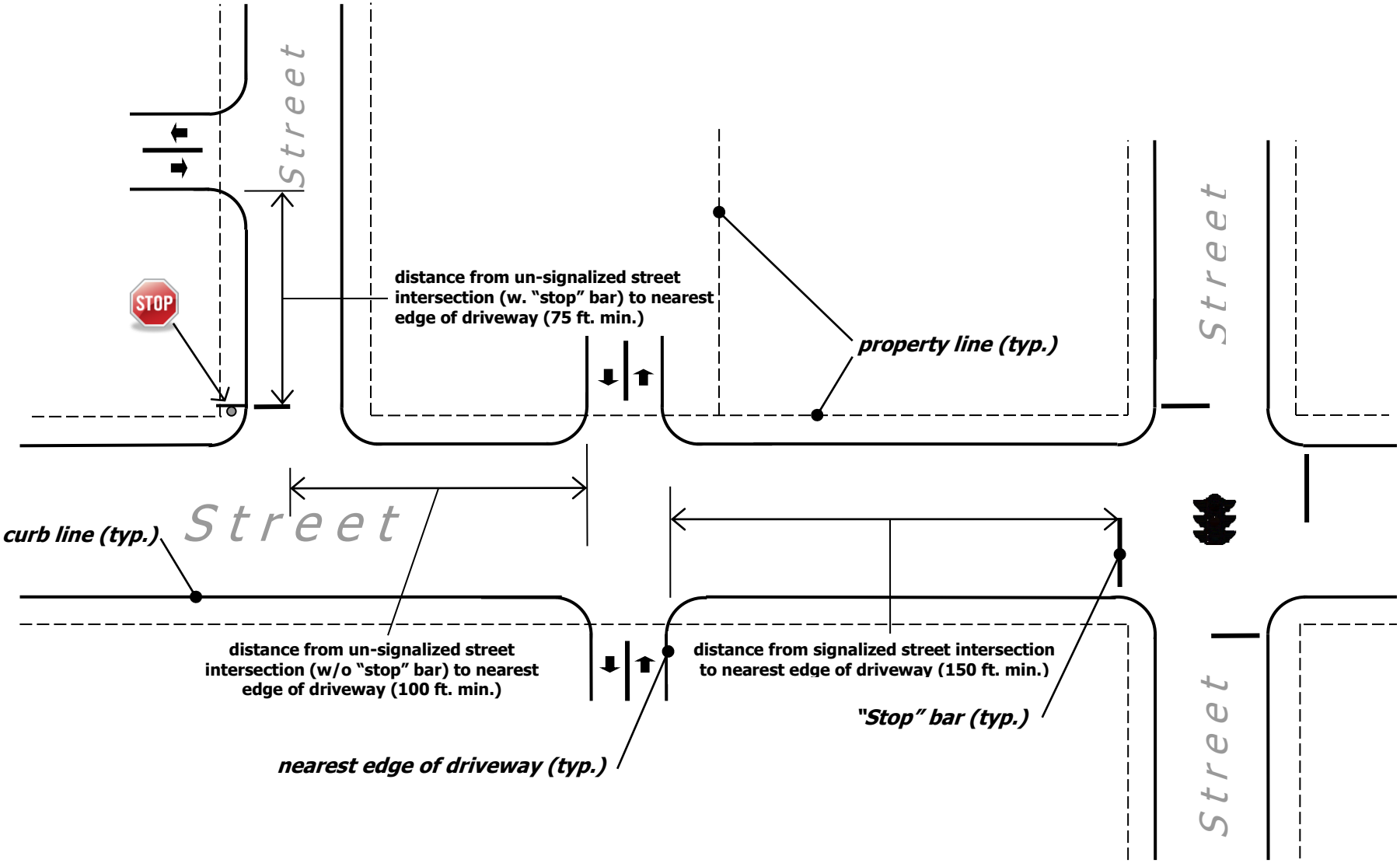


FIGURE A-17a: SEPARATION DISTANCES BETWEEN DRIVEWAYS ON CORNER LOTS AND STREET INTERSECTIONS in the ACCESS MANAGEMENT OVERLAY ZONE

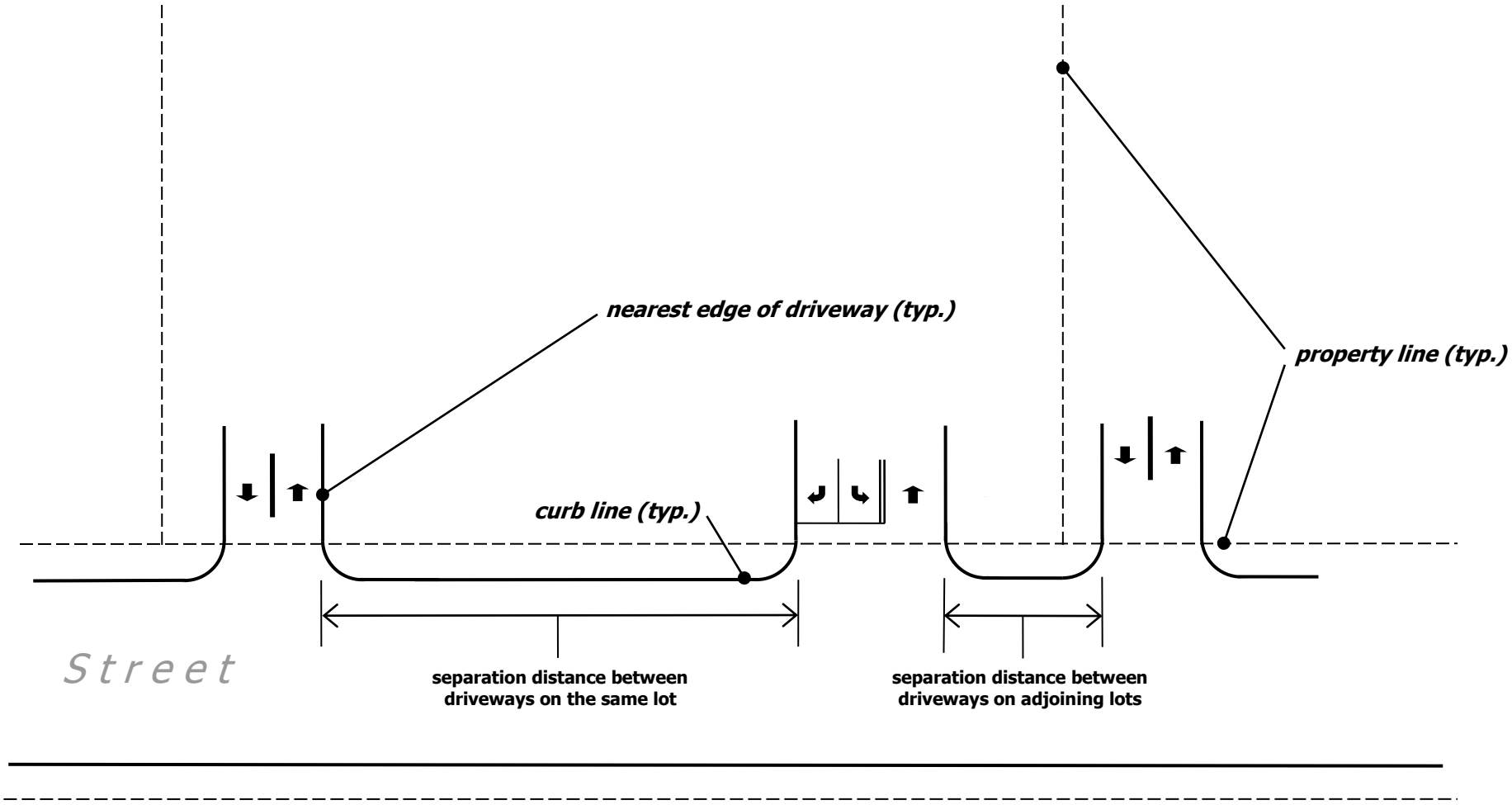


FIGURE A-17b: SEPARATION DISTANCES BETWEEN ADJOINING DRIVEWAYS in the ACCESS MANAGEMENT OVERLAY ZONE