



**CITY OF WATERBURY, CONNECTICUT**

**ZONING REGULATIONS**

**WITH AMENDMENTS THROUGH  
November 29, 2007 (Adopted)  
December 22, 2007 (Effective)**

**CITY PLAN DEPARTMENT  
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WATERBURY, CONNECTICUT 06702  
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## ZONING MAP AMENDMENTS

<b>ID</b>	<b>Location</b>	<b>Acres</b>	<b>Old District</b>	<b>New District</b>	<b>Date of Adoption</b>	<b>Date Effective</b>
1	Comprehensive Revision of Zoning Map	Entire City	n/a	n/a	11/29/2007	12/22/2007
2	1387 Watertown Avenue	1.34 Acres	RL	CA	11/29/2007	12/22/2007
3	1 Swift place and 7 Sperry Street	0.64 Acres	IG	CA	2/27/2007	Pending
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**CITY OF WATERBURY**  
**MICHAEL J. JARJURA., MAYOR**

**ZONING COMMISSION**  
**GUISEPPE PISANI, CHAIRMAN**  
**ALDERMAN PAUL PERNEREWski, JR**  
**ERNEST BRUNELLI**  
**JOHN EGAN**  
**JOE D'ORSO**  
**MARIA GIORDANO**  
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**CITY PLANNER**  
**JAMES A,SEQUIN, AICP**

WATERBURY ZONING REGULATION

# The City of Waterbury

## ZONING REGULATION

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## WATERBURY ZONING REGULATION

Editors note – A separate zoning commission supplanting the Board of Aldermen as the zoning authority of the City of Waterbury was created and approved by the electors of the City of Waterbury by referendum vote of November 8, 1966, effective January 1, 1967. On May 19, 1982, the zoning commission adopted an ordinance which repealed the zoning ordinance of April 27, 1972, being Appendix B, and amended and enacted a new zoning ordinance which is set out in lieu thereof. Subsequent amendments to such ordinance are noted by the adoption date parenthetically enclosed following the affected section, and a Zoning Ordinance Comparative table is set forth on page 556.101 of the City Charter. Prior to repeal, former App. B was derived from legislation enacted on the following dates:

April 27, 1972	May 29, 1974
August 17, 1973	October 17, 1975
September 6, 1973	July 16, 1976
April 5, 1974	August 18, 1977

Editors note – On August 31, 2004 the Waterbury Zoning Commission adopted a recodification of this regulation. This action modified several section numbers, corrected several inconsistencies in the text, corrected several typographic errors and incorporated a text modifications adopted through May 27, 2004. This printing also incorporates the text amendments of through July 1, 2005. The following amendments subsequent to July 1, 2005 have been incorporated:

Active Adult Housing	July 27, 2005
Administrative Amendments	September 28, 2005
Fin.Inst. Parking Requirements	November 30, 2005
Earth Extraction/Eliminate Expiration of Variances	January 25, 2006
Elimination of two family dwelling in RL District/Modification of public hearin notification and submission requirements	July 26, 2006
Parking in residential yards	January 24, 2007
Moratoria on group dwelling and designed development special permits	January 24, 2007
Extension of the moratoria on group dwelling and designed development special permits	November 29, 2007
Establishment of RS-12 district and adoption of a comprehensive zoning map	November 29, 2007

Editors note – The March 2007 recodification of this document included a repagination of the entire document. The revised format uses the roman numeral article number and numbers pages consecutively within each article.

WATERBURY ZONING REGULATION

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WATERBURY ZONING REGULATION

# Article I. In General

## 1.1 PURPOSE.

These zoning regulations are adopted under authority of the Zoning Law of the State of Connecticut in accordance with Title 8, Chapter 124 of the General Statutes, as amended and other applicable General or Special Acts for the purpose of promoting, in accordance with a comprehensive plan, the health, safety, morals, and general welfare of the community:

- For encouraging the most appropriate use of land throughout the city;
- For preventing the overcrowding of land and avoiding undue concentration of population;
- To secure safety from fire, panic, flood and other dangers;
- For providing adequate light and air;
- For regulating and restricting the location of trades and industries and the location of buildings designed for specified uses;
- For regulating and limiting the height, number of stories and bulk of buildings;
- For regulating and determining the area of yards and other open spaces for buildings;
- For conserving the value of property;
- For facilitating adequate provisions of transportation, water, sewerage, schools, parks and other public requirements;
- For lessening congestion in the streets;
- For providing for the public health, comfort and general welfare in living and working conditions;
- For encouraging energy-efficient patterns of development, the use of solar and other renewable forms of energy conservation;
- To insure adequate flood protection, that all structures erected are in compliance with the flood boundary and floodway map on file in the building official's office; and
- To minimize soil erosion and sedimentation. (Amend. of 7-17-85)

## 1.2 ESTABLISHMENT OF DISTRICTS.

For all of the purposes described in section 1.1, the City of Waterbury is hereby divided into twelve (12) classes of districts:

- R.S.-12 ⇒ Large Lot Single-Family Residence District
- R.S. ⇒ Single-Family Residence District
- R.L. ⇒ Low Density Residence District
- R.M. ⇒ Moderate Density Residence District
- R.H. ⇒ High Density Residence District
- R.O. ⇒ Residential Office District
- C.N. ⇒ Neighborhood Shopping District
- C.A. ⇒ Arterial Commercial District
- C.G. ⇒ General Commercial District

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- C.B.D.   ⇒   Central Business District
- I.P.     ⇒   Industrial Park District
- I.G.     ⇒   General Industrial District

**1.3   MAP OF DISTRICTS.**

The location and boundaries of said districts are set forth on the map entitled Comprehensive Zoning Map of the City of Waterbury, and dated October 24, 2007 which is filed in the office of the city planner. Such map, with all explanatory matter thereon, is hereby declared to be a part of this ordinance as fully as if set out herein.

(Amendment of 11-29-07)

**1.4.   EXTENT OF DISTRICTS.**

It is the intent of this ordinance that all areas of the City of Waterbury, including all land and water areas, be included in the zoning districts established by this ordinance.

**1.5.   BOUNDARIES OF DISTRICTS.**

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

- (a) District boundaries extend to the center line of any street, road, highway, railroad, stream, river or other natural feature forming a boundary between two different zoning districts on the map at the time of adoption of the map.
- (b) Where district boundaries are indicated as approximately following lot lines of record at the time of adoption of this ordinance, such lot lines shall be construed to be such boundaries.
- (c) Where a question arises and no dimensions or official lot lines of record are shown, then the district boundaries shall be determined by the scaled dimension taken from the atlas, on file in the offices of the city planner.

(Amendment of 11-29-07)

**1.6   REGULATED ACTIVITIES.**

The development to which this ordinance applies includes any of the following activities:

- (a) To erect, construct, reconstruct, move, enlarge or alter any structure or part thereof; or
- (b) To use or occupy, or arrange or design for use or occupancy, any structure or part thereof, or land; or
- (c) To do any grading preparatory to any of the above; or
- (d) To do any extraction of earth products.
- (e) The destruction or removal of the cover on the land thereby leaving it subject to accelerated erosion. (Amend. of 7-17-85)

**1.7   GENERAL PROVISIONS.**

**1.71   Conflicting regulations.** When any provision of this Zoning Regulation imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other ordinance, statute, or law, the most restrictive provisions shall apply and govern. When any provision of this Zoning Regulation conflicts with another provision of this Zoning Regulation, the most restrictive shall apply and govern.

- 1.72 Building permits prior to effective date of this ordinance.** Nothing in this ordinance shall be deemed to require any change in the plans, construction or designated use of any building or structure upon which building permits were lawfully issued prior to the effective date of this ordinance. Such building or structure shall be completed within two (2) years from the effective date of this ordinance. In the event of exceptional hardships such as strikes, severe weather or storm damages or topographical conditions in meeting the above-mentioned deadline, the building official may grant a six-month extension pursuant to the State of Connecticut Building Code following this extension, if satisfactory progress is being made toward completion, the zoning board of appeals may grant one additional six-month extension upon written application.
- 1.73 Permitted uses.** No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or structure or land be used, designed, or arranged for any purpose other than the uses permitted in the district in which the building or structure or land is located, provided that the provisions of this ordinance shall not prohibit the continuance of any use existing at the time of the adoption of this ordinance.
- 1.74 Permitted area.** No structure shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the structure is located.
- 1.75 Permitted height, density, or bulk.** No structure shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit, density provisions, or bulk provision herein established for the district in which the structure is located except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio, television aerials and wireless masts, communication towers, telecommunications antennae, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structures have a total area greater than ten (10) per cent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the principal use of the building. No telecommunications antennae or communication tower shall exceed the height required to satisfy the technical requirements of the user(s). And in no event shall any telecommunications antennae or communication tower exceed the height permitted in Section 2.4.
- 1.76 Usable open space.** There shall be provided in all residential developments such usable open space as is set forth in this ordinance for the zoning district in which said development is located, which open space shall be used for landscaping and/or recreational purposes and which may not be used for off-street parking or loading purposes. The area of the front, side or rear yards which is not used for driveways and parking or loading purposes may be computed in determining the required usable open space.
- 1.77 Projections into yards.**
- (a) Architectural features, not including vertical projections, may extend or project into any required yard not more than two (2) feet. Architectural features do not include those details which are normally demountable.
  - (b) In the case of one, two, and three family homes existing at the effective date of this amendment, uncovered ramps required for handicapped accessibility may project into a required yard. The ramps should be compatible with the architecture of the house and neighborhood and should not adversely affect property values.
  - (c) In the case of one, two, and three family homes, unenclosed stoops or verandas and associated roof overhangs may project not more than six feet into the required front yard.

(Amend. of 12-22-04)

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- 1.78 Substandard lots.** Any lot in single ownership, which ownership was on record at the time of adoption of this ordinance, that does not meet the requirements of this ordinance for required lot width or lot area, may be utilized for uses permitted in the zoning district in which the lot is located, provided all the requirements for such zoning district, except the required lot width or lot area, are met on said lot.
- 1.79 Floor area of dwelling.** Every dwelling unit shall contain not less than eight hundred (800) square feet of floor area if in a detached, single-family residence, not less than six hundred (600) square feet of floor area per family if in a two-family residence or residence converted to two-family use, not less than six hundred (600) square feet of floor area per family in a three-family residence or residence converted to three-family use, and not less than five hundred (500) square feet of floor area per family if in a multifamily residence exclusive of basements, cellars, and unfinished attics. One-room units shall contain not less than two hundred fifty (250) square feet of floor area.
- 1.80 Building grades.** Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building but in such a manner as not to cause run-off of surface water to cause injury to adjacent properties.
- 1.81 Accessory buildings and uses.** No accessory building or structure shall be built on any lot on which there is not a principal building. In addition, accessory buildings to residential uses in all districts shall be subject to the following conditions:
- (a) No accessory building or use shall be permitted in any required front or side yard.
  - (b) Accessory buildings or uses in any rear yard shall not be closer than five (5) feet from any side or rear property line.
  - (c) The total area of all accessory buildings shall not occupy more than twenty-five (25) per cent of the required rear yard wherein they are located.
  - (d) No free-standing accessory building shall exceed fifteen (15) feet in height, unless otherwise permitted.
  - (e) All accessory buildings shall be located at least ten (10) feet from any principal building situated on the same lot.
- 1.82 Second principal building on same lot.** No lot in a residential district shall contain more than one principal building or structure. No building to be used as a dwelling shall be constructed, altered, or moved on, to, or in the rear of any building situated on the same lot. In R.L., R.M., R.H., and R.O. districts, a lot may contain more than one principal building or structure provided it is in accordance with the group dwelling or clustered development provisions of this ordinance.
- 1.83 Outdoor storage and display.** All outdoor storage and display shall be subject to the following conditions:
- (a) Outdoor storage and display of any kind or nature is prohibited in all residence districts.
  - (b) The storage of those items customarily used in conjunction with a residential occupancy such as boats, campers, trailers, vehicles, etc., are considered accessory uses and must conform with subsection 1.81 of this ordinance.
  - (c) In all nonresidential districts, outdoor storage is only permitted in the side and rear yards, as herein regulated. No equipment, supplies or material shall be kept or stored outside the confines of any building unless and until the same is screened by special planting or fencing so that it shall not be visible from any adjacent property or public street. Any fence, required by this section to screen the outdoor storage of flammable material otherwise permitted by this ordinance, shall not be closer than ten (10) feet to

## WATERBURY ZONING REGULATION

any property line of the lot upon which it is erected. Outdoor storage and display shall be subject to submission of a plot plan and approval by the zoning administrator.

- (d) If otherwise permitted by this ordinance, the display for retail sale or rental of new and used motor vehicles, trailers, boats and mobile homes shall not be required to be screened.

**1.84 Dumping of waste materials.** The use of land for the storage or collection or accumulation of used materials, or for the dumping or disposal of rubbish, or other refuse or of ashes, slag, or other industrial wastes or by-products shall be permitted under a temporary certificate from the city engineer which may be issued in appropriate cases upon the filing of an application accompanied by a suitable bond that such dumping or disposal will not pollute the waters or harm the health of the city or cause stagnant water to collect, or leave the surface of the land at the expiration date of such permit in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district in which such dumping occurs. The dumping of dirt, sand, rock, or other material excavated from the earth is permitted provided the surface of such material is graded within a reasonable time in a manner preventing the collection of stagnant water, and which leaves the ground surface in a condition suitable for the growing of turf or for other land uses permitted in a district.

**1.85 Visibility at intersections.** No wall, fence, shrubbery, trees, or obstructions shall be erected, maintained, or planted on any lot which unreasonably or dangerously obstructs or interferes with visibility of drivers or vehicles on a curve or at any street intersection, or where a driveway intersects street. The minimum vision clearance shall require a height not exceeding three (3) feet above street grade within twenty-five (25) feet of the intersection street lines bordering corner lots and at driveway and street intersections.

**1.86 Fences:**

- (a) Any boundary fence in a residential zone shall not be more than six (6) feet above grade.
- (b) The frame or supporting members shall be on the installer's side, the good or finished side shall face the street or the adjoining property owner.
- (c) No person shall use barbed wire in the construction of fences between his property and those of an adjoining property owner in a residential zone.
- (d) A permit must be obtained from the building official before construction of any fence begins.
- (e) All fences and plantings shall adhere to section 1.6 of the zoning ordinance of the City of Waterbury.
- (f) Shrubby, trees, and hedges shall not be subject to the six-foot height requirement and no permit shall be required.
- (g) All fences and plantings shall conform with subsection 1.85 of the zoning regulations of the City of Waterbury regarding visibility at intersections.
- (h) A fence is not to be erected on property demarcation lines unless by agreement of adjoining property owners.

**1.87 Width of private streets.** No private street or easement of access for vehicular traffic, except driveways, providing direct access to or from a public street shall have a width of less than twenty-four (24) feet, and shall be allowed in clustered developments (section 5.14-1), group dwellings (section 5.14-3), or designed developments (section 5.14-11).

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- 1.88 Home trailer or mobile homes.** No person shall park or occupy a home trailer or mobile home for domestic or business purposes within the City of Waterbury, with the following exceptions:
- (a) In a duly authorized and approved trailer or mobile home camp. (See section 5.14-10)
  - (b) In any zone, no person shall occupy a house trailer or mobile home for living purposes except that the owner of land may permit the occupancy of such land by a non-paying guest using a house trailer or mobile home for occupancy for a period not exceeding thirty (30) days in any calendar year. A permit must be obtained by the landowner from the building official within forty-eight (48) hours from the time his land is so occupied. Additional permits for such occupancy shall not be issued during the same calendar year.
  - (c) In any residence zone the parking of a house trailer or mobile home for more than thirty (30) days in any calendar year is prohibited except when the house trailer or mobile home is stored within an approved garage or accessory building on any lot or as provided for in section 1.81 of the zoning ordinance.
  - (d) The use of trailer truck bodies for storage purposes, other than for returnable bottles and cans, in any commercial or industrial zone for a period of more than thirty (30) days in any calendar year is prohibited.
  - (e) These requirements do not apply to approved construction office trailers. Such trailers are allowed for the duration of related work.

- 1.89 Submission requirements.** One mylar and three paper copies of a plot plan, survey, site plan, development plan, grading plan, map or other drawing is required for the Zoning Administrator's approval of a certificate of Zoning Compliance in accordance with Section 7.14 shall be submitted. The aforesaid mylar copy shall be provided for endorsement purposes and shall include all revisions required by the Zoning Administrator as a condition of approval.

One mylar and eleven paper copies shall be submitted when a plot plan, survey, site plan, development plan, grading plan, map or other drawing is required by the Zoning Commission, Zoning Board of Appeals, City Plan Commission and/or the Zoning Administrator for the following purposes:

- (a) A class A-2 survey map for a plot plan approval by the Zoning Administrator in accordance with Section 5-12.
- (b) A class A-2 survey map associated with an application to the Zoning Board of Appeals for a variance in accordance with Section 7.21-3.
- (c) A class A-2 survey map associated with an application to the Zoning Board of Appeals for a special exception in accordance with Section 7.21-4.
- (d) A Connecticut registered land surveyor's map of the lot or parcel proposed for a change of zone associated with an application to the Zoning Commission for a zoning map amendment in accordance with Section 7.33-1.
- (e) Site plans, development plans, grading plans, maps and other drawings associated with an application to the City Plan Commission for special permit site plan approval in accordance with Section 7.44 and/or Section 5.14-8
- (f) Any other plot plan, survey, site plan, development plan, grading plan, map or other drawing which is required to be prepared by a Connecticut registered land surveyor, a professional engineer, a Connecticut licensed architect or a landscape architect and is required by this zoning regulation.

The aforesaid mylar copy shall be provided for endorsement purposes and shall include all revisions required as a condition of approval.

## WATERBURY ZONING REGULATION

When any plot plan, survey, site plan, development plan, grading plan, map or other drawing is required to be prepared by a Connecticut registered land surveyor, a Connecticut licensed professional engineer, a Connecticut licensed architect or a Connecticut licensed landscape architect is required by this ordinance, said plot plan, survey, site plan, map or other drawing shall also be submitted electronically in Autocad compatible format which is geocoded to NAD 83. Exclusive layers shall be provided for property boundaries, building footprints, and zoning district boundaries

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## Article II. Permitted Uses and Development Provisions

### 2.1 GENERAL.

Land, water and buildings may be used only for the principal purposes set forth in section 2.3, Table of Permitted Uses, and only within those districts specified in said table of permitted uses. Symbols used are:

- X means the use is permitted as a matter of right; subject to applicable district regulations;
- S means that the use is permitted in the designated district but subject to both applicable district regulations and the special conditions set forth in section 5.1, Special Conditional Uses.
- A means that the use is permitted only as an accessory use in the designated district.

In the absence of any of the above symbols, the use is prohibited in the subject district.

*Note. The "Refer." column designates the specific subsection which contains the conditions applicable to the special conditional use.*

### 2.2 INTERPRETATION.

In the interpretation of the following table of permitted uses, where a use is not specifically listed in the table, its status under this section shall be determined by the zoning board of appeals, by reference to that listed use, if any, which is so like the use in question in purpose, function, character, and effect as to be substantially similar to said listed use.

If the zoning board of appeals determines that the use in question is substantially similar to a use specifically listed in the table, such use shall be added to the table and permitted in the zoning districts in the same manner as the substantially similar listed use and subject to the same conditions and requirements controlling said substantially similar listed use.

If the zoning board of appeals determines that the use in question is not substantially similar to a use specifically listed in the table, such use may be added to the table only by amending this ordinance, by the zoning commission, to permit such use in the appropriate zoning districts, subject to the appropriate conditions and requirements.

### 2.3 TABLE OF PERMITTED USES.

The table of permitted uses is divided into the following categories:

#### 2.31 Residential:

- 2.31-1 Dwellings and related.
- 2.31-2 Accessory uses.

#### 2.32 Services:

- 2.32-1 Personal and professional.
- 2.32-2 Business, financial and related.
- 2.32-3 Automobile repair and service.
- 2.32-4 Other repairs.
- 2.32-5 Offices.
- 2.32-6 Miscellaneous services.

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**2.33 Commercial:**

- 2.33-1 Convenience goods (retail).
- 2.33-2 General, household and personal merchandise (retail).
- 2.33-3 Miscellaneous retail.
- 2.33-4 Entertainment and recreation.
- 2.33-5 Regional shopping center.
- 2.33-6 Urban shopping center.
- 2.33-7 Adult establishments.

(Ord. of 6-21-89, Ord. of 12-16-92, Ord. of 5-27-04)

**2.34 Heavy commercial, transportation, utilities, etc.**

**2.35 Industrial.**

WATERBURY ZONING REGULATION  
Table of Permitted Uses

PERMITTED USES CATEGORY/USE	RESIDENTIAL						COMMERCIAL				INDUSTRIAL		REFERENCE
	RS-12	RS	RL	RM	RH	RO	CN	CA	CG	CBD	IP	IG	
<b>2.31 RESIDENTIAL</b>													
<b>2.31-1. DWELLINGS AND RELATED:</b>													
One-family detached dwelling	X	X	X	X	X								
Two-family dwelling				X	X								
Three-family dwelling				X	X	X							
Multiple family dwelling				X	X	X				X			
Boarding, rooming, lodging house or group home				S	S	S			S				5.13-1
Convalescent, nursing or rest home				S	S			S					5.13-13
Group dwellings				S	S	S							5.14-3
Group residence	AS	AS	AS	S	S	S							5.13-14
Home occupations	AS	AS	AS	AS	AS	AS							5.12-4
Hotel, motel, or motor inn						X		X	X	X			
Mobile home park								S					5.14-10
Tourist or guest home				S	S	S			S				5.13-5
Clustered development			S										5.14-1
Designed development				S									5.14-11
Active adult housing project	S	S	S	S									5.15-2
High-rise residential and/or office buildings						X		S	S	X			5.14-13
<b>2.31-2. ACCESSORY USES:</b>													
Fallout shelters, private	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	5.12-2
Keeping of livestock or poultry	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	5.12-5
Off-street parking and loading	A	A	A	A	A	A	A	A	A	A	A	A	5.2
Rental Rooms to not more than 2 non-transient roomers or boarders	A	A	A	A	A	A							
Signs	X	X	X	X	X	X	X	X	X	X	X	X	5.4

WATERBURY ZONING REGULATION  
Table of Permitted Uses

PERMITTED USES CATEGORY/USE	RESIDENTIAL						COMMERCIAL				INDUSTRIAL		REFERENCE
	RS-12	RS	RL	RM	RH	RO	CN	CA	CG	CBD	IP	IG	
<b>2.32. SERVICES.</b>													
<b>2.32-1. PERSONAL AND PROFESSIONAL:</b>													
Beauty, barber and hairdressing						A	X	X	X	X			
Diaper services								X			X	X	
Funeral home, mortuary and undertaking establishments	S	S	S	S	S	S	S	S	S				5.12-3
Fur repair and storage service								X	X	X	X	X	
Laundering, dry cleaning and dyeing								X	X		X	X	
Laundry and dry cleaning, self-service						A	X	X	X				
Laundry and dry cleaning (pick-up and delivery only)						A	X	X	X	X			
Linen supply and industrial laundry								X	X		X	X	
Photographic services									X	X	X	X	
Pressing, alteration and garment repair							X		X	X			
Reducing salon or health spa						A		X	X	X			
Rug cleaning and repair services								X			X	X	
Shoe repair and hat cleaning service							X	X	X	X			
Shoe shining						A	X		X	X			
Tailor-made clothes						A			X	X			
Travel agency							X	X	X	X			
Legal services	AS	AS	AS	S	S	X	X	X	X	X			5.12-4 5.13-20
<b>MEDICAL AND OTHER HEALTH SERVICES</b>													
Dental laboratory services								X		X	X		
Dental services	AS	AS	AS	S	S	X	X	X	X	X			5.12-4 5.13-20
Hospital, public or private				S	S	S		S					5.14-9
Medical offices, outpatient	AS	AS	AS	S	S	X	X	X	X	X	X		5.12-4 5.13-20
Medical laboratory services								X		X	X		
Other professional services						X	X	X	X	X			

WATERBURY ZONING REGULATION  
Table of Permitted Uses

PERMITTED USES CATEGORY/USE	RESIDENTIAL						COMMERCIAL				INDUSTRIAL		REFERENCE
	RS-12	RS	RL	RM	RH	RO	CN	CA	CG	CBD	IP	IG	
<b>2.32- 2. BUSINESS, FINANCIAL AND RELATED</b>													
Adjustment and collection services						X			X	X			
Advertising services						X			X	X			
Automobile rental services								X	X	X			
Blueprinting and photocopying services						X		X	X	X	X	X	
Business and management consulting						X			X	X			
Consumer and mercantile credit reporting						X			X	X			
Corporate data processing services/center						X		X		X	X	X	
Delivery service								X	X		X	X	
Detective and protective services						X		X	X	X			
Direct mail advertising services								X	X	X	X	X	
Duplicating and mailing services								X	X	X	X	X	
Dwelling and other building services								X	X				
Employment services						X			X	X			
Office equipment rental and leasing								X	X	X	X	X	
Photofinishing services								X	X	X	X	X	
Research, development and testing											X	X	
Sign painter services								X	X	X			
Stenographic services						X	X	X	X	X			
Truck and trailer rental services								X				X	
Banking and bank related functions						X	X	X	X	X			
Credit services						X		X	X	X			
Holding and investment services						X		X	X	X			
Insurance carriers, agents and brokers	AS	AS	AS	AS	AS	X	X	X	X	X			5.12-4
Real estate and related services	AS	AS	AS	AS	AS	X	X	X	X	X			5.12-4
Other finance, insurance and real estate services						X	X	X	X	X			

WATERBURY ZONING REGULATION  
Table of Permitted Uses

PERMITTED USES CATEGORY/USE	RESIDENTIAL						COMMERCIAL				INDUSTRIAL		REFERENCE
	RS-12	RS	RL	RM	RH	RO	CN	CA	CG	CBD	IP	IG	
<b>2.32-3 AUTOMOBILE REPAIR AND SERVICE</b>													
Automobile service station						S		S	S	S		S	5.13-7
Battery and ignition services								X				X	
Body and paint shop								S				X	5.13-18
Brake shop								X				X	
Car wash								S	S			S	5.12-8
Engine and transmission overhaul												X	
General repair								S	S			S	5.13-19
Muffler installation								X				X	
Radiator repair								X				X	
Tire, batteries and accessories								X				X	
<b>2.32-4. OTHER REPAIRS.</b>													
Personal items								X	X	X			
Household items								X	X	X			

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Table of Permitted Uses

PERMITTED USES CATEGORY/USE	RESIDENTIAL						COMMERCIAL				INDUSTRIAL		REFERENCE
	RS-12	RS	RL	RM	RH	RO	CN	CA	CG	CBD	IP	IG	
<b>2.32-5. OFFICES.</b>													
Charitable and philanthropic						X		X	X	X			
General						X		X	X	X			
Labor unions and associations						X		X	X	X			
Professional	AS	AS	AS	AS	AS	X	X	X	X	X			5.12-4
Professional membership offices						X		X	X	X			
<b>2.32-6. MISCELLANEOUS SERVICES</b>													
Adult day care center			S	S	S	S		S	S	S			5.13-17
Ambulance service								X				X	
Animal hospital or kennel								S				S	5.12-1
Cemetery	S	S	S	S	S								5.13-2
Club, lodge or association				S	S	X		X	X	X			5.13-8
College or university	S	S	S	S	S	S				S			5.14-2
Farm, crop without sales	X	X	X										
Greenhouse or nursery without sales	A	A	A	A				X					
Indoor and outdoor recreation facilities								S					5.14-18
Indoor sports training facilities								S			S		5.14-17
Non-commercial driver training facilities								S	S				5.14-16
Nursery school or day care center			S	S	S	S	S	S	S	S			5.13-11
Place of religious worship	S	S	S	S	S	X		X	X	X			5.12-6
Schools; public, private and parochial	S	S	S	S	S					S			5.14-5
Technical training facilities								S	S	S			5.13-21
Other public buildings and facilities	S	S	S	S	S	S	S	S	S	S	S	S	5.14-6

(Amend. of 4-27-05)

WATERBURY ZONING REGULATION  
Table of Permitted Uses

PERMITTED USES		RESI DENT IAL					COMMERCIAL				INDUSTRIAL		REFERENCE	
							RS-12	RS	RL	RM	RH	RO		CN
<b>2.33. COMMERCIAL.</b>														
<b>2.33-1. CONVENIENCE GOODS, RETAIL:</b>														
Bakeries						A	X	X	X	X		X		
Candy, nuts and confectionery						A	X		X	X				
Cigars, cigarettes and tobacco						A	X		X	X				
Dairy products						A	X	X	X	X				
Delicatessen						X	X	X	X	X				
Drinking places (alcoh. bev.)								S	S	X				5.12-10
Drinking places (alcoh. bev.)						S	S							5.13-6
Drug and proprietary						A	X	X	X	X				
Eating places, with drive-in service								X		X				
Eating places, without drive-in service						A	X	X	X	X				
Egg and poultry							X	X	X					
Fish and seafoods							X	X	X	X				
Florist						A	X	X	X	X				
Fruits and vegetables							X	X	X	X				
Groceries						A	X	X	X	X				
Hardware							X	X	X	X				
Liquor or package store						AS	S	S	S	S				5.13-4
Meats							X	X	X	X				
Newspapers and magazines						A	X	X	X	X				
Parking garage or lot						S	S	S	S	S	S	S		5.14-4
Supermarket							X	X	X	X				

WATERBURY ZONING REGULATION  
Table of Permitted Uses

PERMITTED USES CATEGORY/USE	RESIDENTIAL						COMMERCIAL				INDUSTRIAL		REFERENCE
	RS-12	RS	RL	RM	RH	RO	CN	CA	CG	CBD	IP	IG	
<b>2.33-2. GENERAL, HOUSEHOLD AND PERSONAL MERCHANDISE</b>													
Antiques							X	X	X	X			
Apparel and accessories								X	X	X			
Arts and crafts supplies								X	X	X			
Bicycles								X	X	X			
Books							X	X	X	X			
Cameras and photographic supplies							X	X	X	X			
Department store								X		X			
Dry goods and general merchandise								X	X	X			
Fuel oil												X	
Furniture and home furnishings								X	X	X			
Gifts and novelties								X	X	X			
Hobby supplies								X	X	X			
Household appliances, retail								X	X	X			
Jewelry								X	X	X			
Luggage and leather goods								X	X	X			
Mail order houses								X		X			
Music supplies, retail								X	X	X			
Optical goods								X	X	X			
Paint and wallpaper								X	X	X		X	
Pet shops								X	X	X			
Radio and television, sales and service							X	X	X	X			
Religious articles								X	X	X			
Secondhand merchandise								X	X	X			
Sporting goods								X	X	X			
Stationery stores								X	X	X			
Toys								X	X	X			
Variety store							X	X	X	X			
Warehouse and distribution, retail								X	X	X			

WATERBURY ZONING REGULATION  
Table of Permitted Uses

PERMITTED USES CATEGORY/USE	RESIDENTIAL						COMMERCIAL				INDUSTRIAL		REFERENCE
	RS-12	RS	RL	RM	RH	RO	CN	CA	CG	CBD	IP	IG	
<b>2.33-3. MISCELLANEOUS RETAIL:</b>													
Auto sales, new and used								X				X	
Auto sales, used only								X				X	
Bar and restaurant supplies								X	X	X			
Boat and marine equipment sales								X				X	
Dental, hospital, beauty, barber, store or lab supplies									X	X			
Electrical supplies								X	X	X			
Farm and garden supply								X	X	X			
Farm and other heavy equipment sales								X				X	
Heat, air conditioning, and plumbing equipment -								X				X	
Home improvements								X	X				
Lumber, cabinet, and other building uses								X			X	X	
Mobile home sales								X					
Monument sales								X				X	
Nursery and landscape supply								X			S		5.12-9
Office supply and equipment								X	X	X			
Painting, custom								X	X	X			
Swimming pools and supplies								X				X	
Truck and trailer sales								X				X	

WATERBURY ZONING REGULATION  
Table of Permitted Uses

PERMITTED USES CATEGORY/USE	RESIDENTIAL						COMMERCIAL				INDUSTRIAL		REFERENCE
	RS-12	RS	RL	RM	RH	RO	CN	CA	CG	CBD	IP	IG	
<b>2.33-4 ENTERTAINMENT AND RECREATION:</b>													
Archery range								X					
Art gallery						X		X	X	X			
Billiards, pool hall, bowling								X	X	X			
Country club	X	X	X										
Drive-in theatre								X					
Golf course	A	A	A										
Golf driving range	AS	AS	AS	S									5.12-11
Miniature golf								X					
Ice or roller skating, indoor								X	X	X			
Movie, legitimate theatre (indoor)								X	X	X			
Museum								X	X	X			
Stadium or exhibition hall								S	S	S			5.14-12
Other entertainment assembly								X					
Pinball machines and electronic games							S	S	S	S			5.13-16
<b>2.33-5. REGIONAL SHOPPING CENTER</b>								S					5.14-14
<b>2.33-6. URBAN SHOPPING CENTER</b>										S			5.14-15
<b>2.33-7. ADULT ESTABLISHMENTS</b>												S	5.12-13

WATERBURY ZONING REGULATION  
Table of Permitted Uses

PERMITTED USES CATEGORY/USE	RESIDENTIAL						COMMERCIAL				INDUSTRIAL		REFERENCE
	RS-12	RS	RL	RM	RH	RO	CN	CA	CG	CBD	IP	IG	
<b>2.34. HEAVY COMMERCIAL, TRANSPORTATION, UTILITIES, RELATED:</b>													
Cold storage facilities											X	X	
Concrete services and bituminous asphalt												X	
Corporate industrial or general industrial offices											X	X	
Crane services												X	
Earth excavation, filling and grading <sup>1</sup>												S	5.15-3
Freight terminals												X	
General contractors, service and equipment												X	
Junk, salvage and scrap yards												S	5.13-10
Motor vehicle junk yards—motor vehicle junk business												S	5.15-1
Monument works <sup>2</sup>												X	
Moving and storage											X	X	
Importation of earth material <sup>1</sup>												S	5.15-3
Processing of earth material <sup>3</sup>												S	5.15-3
Removal of earth material <sup>1</sup>												S	5.15-3
Sale of earth material												S	5.15-3
Stockpiling of earth material <sup>1</sup>												S	5.15-3
Stockpiling of imported earth material <sup>1</sup>												S	5.15-3
Scrap metal processing												X	
Truck terminals												X	
Warehousing and storage								S			S	S	5.12-14
Water-well drilling services												X	
Wholesaling and distribution								S			S	S	5.12-14
Bus station or terminal										X		X	
Heliport pad						A				A	A	A	
Rail lines and yards												X	
Rail passenger station												X	
Storage of commercial vehicles												X	
Taxi dispatching station and stands						X			X	X			
Taxi terminal												X	

WATERBURY ZONING REGULATION  
Table of Permitted Uses

PERMITTED USES	RESIDENTIAL						COMMERCIAL				COMMERCIAL		REFERENCE
	RS-12	RS	RL	RM	RH	RO	CN	CA	CG	CBD	IP	IG	
Utility facility, garage, office, storage or distrib. plant								X			X	X	
Utility substations & towers		S	S	S	S	S	S	X			X	X	5.13-12
Broadcasting studio						X		X	X	X			
Communication transmission buildings or towers, wireless telecommunications facilities		S	S	S	S	S		S	S	S	S	S	5.12-12 5.13-9

<sup>1</sup> See section 5.15-3 for de minimus exception and for exceptions in connection with subdivision, building or other site improvements.

<sup>2</sup> Stone and monument works when immediately opposite or adjacent to a cemetery and located in a commercial zone.

<sup>3</sup> See section 5.15-3 for exceptions in connection with processing for reuse on site in connection with subdivision, building or other site improvements.

WATERBURY ZONING REGULATION  
Table of Permitted Uses

PERMITTED USES CATEGORY/USE	RESIDENTIAL						COMMERCIAL				INDUSTRIAL		REFERENCE
	RS-12	RS	RL	RM	RH	RO	CN	CA	CG	CBD	IP	IG	
<b>2.35. INDUSTRIAL:<sup>1</sup></b>													
Apparel and other finished products <sup>2</sup>											X	X	
Chemicals, plastics, and allied products <sup>3</sup>												X	
Costume jewelry, novelties, buttons and miscellaneous notions											X	X	
Drugs or pharmaceuticals											X	X	
Fabricated metal products <sup>4</sup>											X	X	
Food and kindred products <sup>5</sup>											X	X	
Furniture and fixtures											X	X	
Heat treating											X	X	
Iron and steel foundries												X	
Jewelry, silverware and plated ware											X	X	
Lumber and wood products <sup>6</sup>												X	
Machinery and transportation equipment											X	X	
Metal finishing											X	X	
Musical instruments and parts											X	X	
Nonferrous foundries												X	
Lenses (grinding)									X	X	X	X	
Welding											X	X	
Paper and allied products:													
Building paper and building board												X	
Converted paper and paperboard products												X	
Paper												X	
Paperboard												X	
Paperboard containers and boxes											X	X	
Pens, pencils and other office and artist materials												X	
Photographic and optical goods											X	X	
Printing, publishing and allied industries											X	X	
Prof., scientific and controlling instruments											X	X	

WATERBURY ZONING REGULATION  
Table of Permitted Uses

PERMITTED USES CATEGORY/USE	RESIDENTIAL						COMMERCIAL				INDUSTRIAL		REFERENCE
	RS-12	RS	RL	RM	RH	RO	CN	CA	CG	CBD	IP	IG	
Rolling, drawing and extruding of non-ferrous metals and alloys												X	
Rubber and misc. plastic products												X	
Stone, clay and glass products:													
Abrasive, asbestos and miscellaneous and nonmetallic mineral products												X	
Concrete gypsum and plaster products												X	
Cut stone and stone products												X	
Flat glass												X	
Glass and glassware (pressed or blown)												X	
Pottery, earthenware, porcelain and related products												X	
Structural clay products												X	
Toys and amusement, sporting and athletic goods											X	X	
Watches and clocks											X	X	

(Amends of 5-17-83; 8-17-83; 10-19-83; 4-18-84; 10-21-87; 2-17-88; 4-14-88; 1-16-91; 8-18-93; 6-26-03; 12-18-03; 5-27-04; 8-31-04; 9-22-04, 7-26-06, 11-29-07)

<sup>1</sup> Manufacturing, compounding, processing, assembling, packaging, treatment or fabrication.

<sup>2</sup> Made from fabrics, leather, and similar materials.

<sup>3</sup> Excepting: Corrosive, poisonous, or malodorous acids and chemicals – Glue, size and gelatin – Fertilizer – Fat rendering – Explosives, other than small arms ammunition – Printing ink and carbon black.

<sup>4</sup> Excepting machinery and transportation equipment.

<sup>5</sup> Excepting: Animal and marine fats and oils – Grease and tallow – Sauerkraut – Vinegar – Yeast.

<sup>6</sup> Including sawmills and planing mills.

WATERBURY ZONING REGULATION  
Table of Permitted Uses

2.4 SUMMARY SCHEDULE OF DEVELOPMENT PROVISIONS BY DISTRICT

This summary schedule is for convenience in the use of this ordinance. The specific provisions of the residential, commercial and industrial districts should be referred to in all instances.

Zoning District*	Lot Requirements (min.)		Yard and open Space Requirements (Minimum)				Bldg. Requirements (Max.)			
	Lot Area (square feet)	Lot width (feet)	Front (feet)	Side		Rear	Usable open space	Building Height (Lesser of )	Lot Coverage (Percent)	Parking Req.
Each				Total						
RS -12	12,000	100	25	Not less than 10	30% lot width	25	NR	2½ sty or 35 ft.	30	5.2
RS	7,500	75	25	Not less than 10	30% lot width	25	NR	2½ sty or 35 ft.	30	5.2
RL	6,000 one fam.	60	20 <sup>1,2</sup>	Not less than 6	16	25	800 sq. ft. per D.U.	2½ sty or 35 ft.	30	5.2
RM	6,000 or 1,800 per D.U.	60	15 <sup>1,2</sup>	Not less than 6	16	25	400 sq. ft. per D.U.	2½ sty or 35 ft.	30	5.2
RH	6,000 or 800 per D.U.	60	15 or ⅓ <sup>4</sup>	10 or ⅓ <sup>4</sup>	—	25 or ⅓ <sup>4</sup>	200 sq. ft. per D.U.	12 sty or 150 ft.	30	5.2
RO	10,000 or 400 per bedroom	60	15 or ¼ <sup>4</sup>	10 or ¼ <sup>4</sup>	—	25 or ¼ <sup>4</sup>	100 sq. ft. per bedroom	NR	30	3.56
CN	6,000	60	15 <sup>1</sup>	NR <sup>3</sup>	—	NR <sup>3</sup>		2 sty or 30 ft.	30	5.2
CA	10,000	100	< acre 15 <sup>1</sup> >= acre 50 <sup>1</sup>	NR <sup>3</sup>	—	NR <sup>3</sup>		4 sty or 60 ft. <sup>5</sup>	40	5.2
CG	6,000	60	15 <sup>1</sup> or average	NR <sup>3</sup>	—	NR <sup>3</sup>		5 sty or 60 ft. <sup>5</sup>	50	5.2
CBD	NR	NR	NR	NR <sup>3</sup>	—	NR <sup>3</sup>	NR	NR	NR	4.46
IP	40,000	150	25	Not less than 10	25% lot width	25	NR	3 sty or 60 ft. <sup>5</sup>	40	5.2
IG	20,000	100	15	NR <sup>3</sup>	—	NR <sup>3</sup>	NR	4 sty or 80 ft. <sup>5</sup>	50	5.2

Notations 1,2,3,4 and 5 regarding this table are on the following page.

WATERBURY ZONING REGULATION  
Table of Permitted Uses

Summary Schedule Notations

\* Special conditional uses listed in Section 2.3 – *Permitted Uses by Zoning District*, are subject to both applicable district regulations and the special conditions set forth in Section 5.1.

NR No Requirement

DU Dwelling Unit

1 *Corner Lots*: Only one front yard shall be required on a corner lot; however, the yard adjacent to the other street shall be considered a side yard which shall not be less than the following in the respective districts:

<u>Yard</u>	<u>District</u>
20 feet	R.S. -12
20 feet	R. S.
15 feet	R. L.
10 feet	R. M.
10 feet	C. N.
25 feet	C. A

2 *Front Yards*: Except where the frontage between intersecting streets for 200 feet on each side of the proposed site 50 per cent or more developed with dwellings, the minimum depth need be no greater than the average depth of the front yards of those dwellings.

3 *Side and Rear Yards*: Except where the lot abuts a residential use or district, there shall be the following minimum side and rear yards in the respective districts:

<u>District</u>	<u>Side Yard</u>	<u>Rear Yard</u>
C.N.	10	20
C.A.	15	25
C.G.	8	20
C.B.D.	15	15
I.G.	20	20

4 *High-Rise Buildings*: The fraction refers to that portion of the height of wall of the building adjacent to the subject yard.

5 *High-Rise Buildings in C.A., C.G., I.P. & I.G. Zones*:

C.A.: For high-rise office buildings in a C.A. zone there shall be a maximum of 10 stories or 100 feet, whichever is lesser. Furthermore, where the use relates to telecommunications antennae or communication tower. The maximum allowable height may be 160 feet.

C.G.: For offices listed under 2. 32-5, there shall be a maximum of 10 stories or 100 feet, whichever is less. Furthermore, where the use relates to telecommunications antennae or communication tower, the maximum allowable height may be 160 feet.

I.P. & I.G.: For corporation industrial offices or general industrial offices, there shall be a maximum of 8 stories or 100 feet, whichever is less. Furthermore, where the use relates to telecommunications antennae or communication tower. The maximum allowable height may be 160 feet.

(Ord. Of 2-17-88; amended 4-7-98, amended 7-26-06, amended 11-29-07)

WATERBURY ZONING REGULATION  
Table of Permitted Uses

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## Article III. Residential District Regulations

### 3.0 LARGE LOT SINGLE-FAMILY RESIDENCE DISTRICT (R.S. - 12).

**3.01 Purpose.** The purpose of the R.S. district is to provide for single-family residences sited on lots having a minimum area of twelve thousand five hundred (12,000) square feet. The R.S. - 12 district provisions encourage the future development of these very low density residential areas for strictly residential purposes by discouraging lot splits, prohibiting conversions and nonresidential uses and by permitting related community facilities.

(Amendment of 11-29-07)

**3.02 Permitted uses.** Refer to Article II of this ordinance.

(Amendment of 11-29-07)

### 3.03 Minimum lot requirements.

- (a) Lot area: twelve thousand (12,000) square feet.
- (b) Lot width: one hundred (100) feet.
- (c) Any lot in single ownership in an R.S. – 12 District, which ownership was on record at the time of adoption of this subsection, that does not meet the requirements of this subsection for required lot width or lot area, may be utilized for uses permitted in the zoning district in which the lot is located, provided all the requirements for the R.S. – 12 District, except the required lot width or lot area, are met on said lot.

(Amendment of 11-29-07)

### 3.04 Minimum yard requirements.

- (a) Front yard: Twenty-five (25) feet.
- (b) Rear yard: Twenty-five (25) feet.
- (c) Side yards: Two (2) side yards having a total width of at least thirty (30) per cent of the lot width, neither of which shall be less than ten (10) feet wide.
- (d) Corner lots: Only one (1) front yard shall be required on a corner lot, however the yard adjacent to the other street shall be considered a side yard which shall not be less than twenty (20) feet.

(Amendment of 11-29-07)

### 3.05. Building requirements:

- (a) Height: A maximum of two and one-half ( 2½) stories or thirty-five (35) feet, whichever is less.
- (b) Lot coverage: A maximum of twenty-five (25) per cent.

(Amendment of 11-29-07)

**3.06. Parking requirements.** Refer to section 5.2 of this ordinance.

(Amendment of 11-29-07)

**3.07 Sign requirements.** Refer to section 5.4 of this ordinance.

(Amendment of 11-29-07)

WATERBURY ZONING REGULATION

**3.1 SINGLE-FAMILY RESIDENCE DISTRICT (R.S.).**

**3.11 Purpose.** The purpose of the R.S. district is to provide for single-family residences sited on lots having a minimum area of seven thousand five hundred (7,500) square feet. The R.S. district provisions encourage the future development of these very low density residential areas for strictly residential purposes by prohibiting conversions and nonresidential uses and by permitting related community facilities.

**3.12 Permitted uses.** Refer to Article II of this ordinance.

**3.13 Minimum lot requirements.**

- (a) Lot area: Seven thousand five hundred (7,500) square feet.
- (b) Lot width: Seventy-five (75) feet.

**3.14 Minimum yard requirements.**

- (a) Front yard: Twenty-five (25) feet.
- (b) Rear yard: Twenty-five (25) feet.
- (c) Side yards: Two (2) side yards having a total width of at least thirty (30) per cent of the lot width, neither of which shall be less than ten (10) feet wide.
- (d) Corner lots: Only one (1) front yard shall be required on a corner lot, however the yard adjacent to the other street shall be considered a side yard which shall not be less than twenty (20) feet.

**3.15. Building requirements:**

- (a) Height: A maximum of two and one-half ( 2½) stories or thirty-five (35) feet, whichever is less.
- (b) Lot coverage: A maximum of twenty-five (25) per cent.

**3.16. Parking requirements.** Refer to section 5.2 of this ordinance.

**3.17. Sign requirements.** Refer to section 5.4 of this ordinance.

**3.2 LOW DENSITY RESIDENCE DISTRICT (R.L.).**

**3.21 Purpose.** The purpose of the R.L. district is to provide for one family dwellings sited on lots having minimum areas of six thousand (6,000) and to protect the character of areas developed with a mixture of one-family dwellings.

(Amendment of 7-26-06)

**3.22 Permitted uses.** Refer to Article II of this ordinance.

**3.23 Minimum lot requirements.**

- (a) Lot area: Six thousand (6,000) square feet.
- (b) Lot width: Sixty (60) feet.

(Amendment of 7-26-06)

**3.24 Minimum yard and open space requirements.**

- (a) Front yard: Twenty (20) feet, except where the frontage between intersecting streets for two hundred (200) feet on each side of the proposed site is fifty (50) per cent or more developed with dwellings, the minimum depth need be no greater than the average depth of the front yards of those dwellings.
- (b) Rear yard: Twenty-five (25) feet.
- (c) Side yards: Two (2) side yards having a total width of at least sixteen (16) feet, neither of which shall be less than six (6) feet wide.
- (d) Corner lots: Only one (1) front yard shall be required on a corner lot, however, the yard adjacent to the other street shall be considered a side yard which shall not be less than fifteen (15) feet.
- (e) Usable open space: Eight hundred (800) square feet per dwelling unit.

**3.25 Building requirements.**

- (a) Height: A maximum of two and one-half ( 2½) stories or thirty-five (35) feet, whichever is less.
- (b) Lot coverage: A maximum of thirty (30) per cent.

**3.26 Parking requirements.** Refer to section 5.2 of this ordinance.

**3.27. Sign requirements.** Refer to section 5.4 of this ordinance.

**3.3 MODERATE DENSITY RESIDENCE DISTRICT (R.M.).**

**3.31 Purpose.** The purpose of the R.M. district is to provide for housing at a maximum density of approximately twenty-four (24) dwelling units per acre, allow for new forms of moderate density multiple residences such as town houses and group developments, and to protect, conserve and allow for the private rehabilitation of low density multiple residence areas by limiting the upward conversion of the dwellings to accommodate a larger number of families.

**3.32 Permitted uses.** Refer to Article II of this ordinance.

**3.33 Minimum lot requirements.**

- (a) Lot area: Six thousand (6,000) square feet or one thousand eight hundred (1,800) square feet per dwelling unit, whichever is greater.
- (b) Lot width: Sixty (60) feet.

**3.34 Minimum yard and open space requirements.**

- (a) Front yard: Fifteen (15) feet, except where the frontage between intersecting streets for two hundred (200) feet on each side of the proposed site is fifty (50) per cent or more developed with dwellings, the minimum depth need be no greater than the average depth of the front yards of those dwellings.

WATERBURY ZONING REGULATION

- (b) Rear yard: Twenty-five (25) feet.
- (c) Side yards: Two (2) side yards having a total width of at least sixteen (16) feet, neither of which shall be less than six (6) feet wide, except for group dwellings all side yards fifteen (15) feet minimum.
- (d) Corner lots: Only one (1) front yard shall be required on a corner lot, however, the yard adjacent to the other street shall be considered a side yard which shall not be less than ten (10) feet, except for group dwellings fifteen (15) feet for all front yards.
- (e) Usable open space: Four hundred (400) square feet per dwelling unit.

**3.35 Building requirements.**

- (a) Height: A maximum of two and one-half ( 2½) stories or thirty-five (35) feet, whichever is less.
- (b) Lot coverage: A maximum of thirty (30) per cent.
- (c) Dwelling units: No building shall contain more than twelve (12) dwelling units.

**3.36 Parking requirements.** Refer to section 5.2 of this ordinance.

**3.37 Loading requirements.** Refer to section 5.3 of this ordinance.

**3.38. Sign requirements.** Refer to section 5.4 of this ordinance.

**3.4 HIGH DENSITY RESIDENCE DISTRICT (R.H.).**

**3.41 Purpose.** The purpose of the R.H. district is to provide medium and high-rise multifamily residential structures at a maximum density of approximately fifty-four (54) dwelling units per acre in areas proposed for concentrated multifamily development in areas adjacent to the C.B.D.

**3.42 Permitted uses.** Refer to Article II of this ordinance.

**3.43 Minimum lot requirements.**

- (a) Lot area: Six thousand (6,000) square feet or eight hundred (800) square feet per dwelling unit, whichever is greater.
- (b) Lot width: Sixty (60) feet.

**3.44 Minimum yard and open space requirements.**

- (a) Yards: Each yard shall be equal to at least one-third ( ⅓ ) the height of the wall of the building adjacent to the subject yard. Refer to illustrative sketch. In no case shall the yard be less than the following:
  - Front yard: Fifteen (15) feet.
  - Side Yards: Ten (10) feet each.
  - Rear Yard: Twenty-five (25) feet.
- (b) Usable open space: Two hundred (200) square feet per dwelling unit.

WATERBURY ZONING REGULATION

**3.45 Building requirements.**

- (a) Height: A maximum of twelve (12) stories or one hundred fifty (150) feet, whichever is less.
- (b) Lot coverage: A maximum of thirty (30) per cent.
- (c) Dwelling units: No building which is less than three (3) stories in height shall contain more than twelve (12) dwelling units per floor.

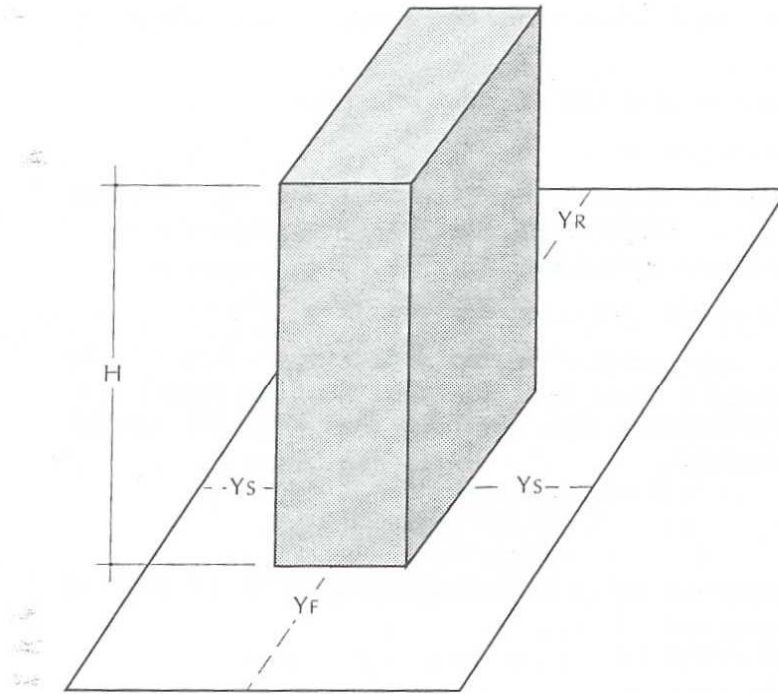
**3.46 Parking requirements.** Refer to section 5.2 of this ordinance.

**3.47 Loading requirement.** Refer to section 5.3 of this ordinance.

**3.48 Sign requirements.** Refer to section 5.4 of this ordinance

**YARD REQUIREMENTS**  
(ILLUSTRATIVE SKETCH)

**RH DISTRICT**



$$\text{ALL YARDS (Y)} = \frac{\text{HEIGHT OF BUILDING (H)}}{\text{DIVIDED BY 3}}$$

MINIMUM FRONT YARD (Y<sub>F</sub>) 15 FEET

MINIMUM SIDE YARD (Y<sub>S</sub>) 10 FEET EACH

MINIMUM REAR YARD (Y<sub>R</sub>) 25 FEET

**3.5 RESIDENTIAL OFFICE DISTRICT (R.O.).**

**3.51 Purpose.** The purpose of the R.O. district is to provide for financial, professional, personal services and other similar offices and/or multifamily residence structures, provided that the maximum number of bedrooms per acre for residential structures shall not exceed one hundred (100). Commercial uses which are accessory to such principal uses are permitted as accessory uses within a principal structure. Thus, such uses as stationery stores, banks, beauty and barber shops, and restaurants required to properly serve offices, as well as grocery stores, delicatessens and tailor shops, etc., required to serve high-rise, multifamily residences are permitted within the principal structure.

**3.52 Permitted uses.** Refer to Article II of this ordinance. Permitted accessory uses, other than parking, restaurants, or lounges shall be located on the ground floor or in the basement of the principal structure.

**3.53 Minimum lot requirements.**

- (a) Lot area: Ten thousand (10,000) square feet or four hundred (400) square feet per bedroom, whichever is greater.
- (b) Lot width: Sixty (60) feet.

**3.54 Minimum yard and open space requirements.**

- (a) Yards: All yards shall be equal to a least one-fourth ( $\frac{1}{4}$ ) the height of the wall of the building adjacent to the subject yard. Refer to illustrative sketch. In no case shall the yards be less than the following:
  - Front yard: Fifteen (15) feet.
  - Side yards: Ten (10) feet each.
  - Rear yard: Twenty-five (25) feet.
- (b) Usable open space: One hundred (100) square feet per bedroom.

**3.55 Building requirements.**

- (a) Height: No requirement.
- (b) Lot coverage: A maximum of thirty (30) per cent.
- (c) Dwelling units: No residential building, excluding a hotel, motel, or motor inn, which is less than three (3) stories in height shall contain more than twelve (12) dwelling units per floor.

**3.56 Parking requirements.** Refer to section 5.2 of this ordinance.

Subject to the following conditions, the city plan commission may waive the minimum off-street parking requirements for any commercial use in a R.O. district, hereafter constructed, reconstructed, or enlarged, if said use can be reasonably served by an off-street municipal parking facility.

The commission shall refer said application to the Waterbury Parking Authority which shall review and report to the commission as to the adequacy of the existing off-street municipal parking facility for contemplated additional users at the time of the application.

Subject to a favorable review from the parking authority, the minimum required off-street parking spaces for the use in question may be reduced by the city plan commission in accordance with the following schedule:

WATERBURY ZONING REGULATION

Walking Distance Reduction Factor

0 – 200 feet	100%
201 – 300 feet	75%
301 – 400 feet	50%
401 – 500 feet	25%
Over 500 feet	0%

The “walking distance” shall be measured in straight lines along public rights-of-way or established pedestrian access ways extending between the nearest entrance of the proposed building and the nearest vehicular or pedestrian entrance to the existing off-street municipal parking facility.

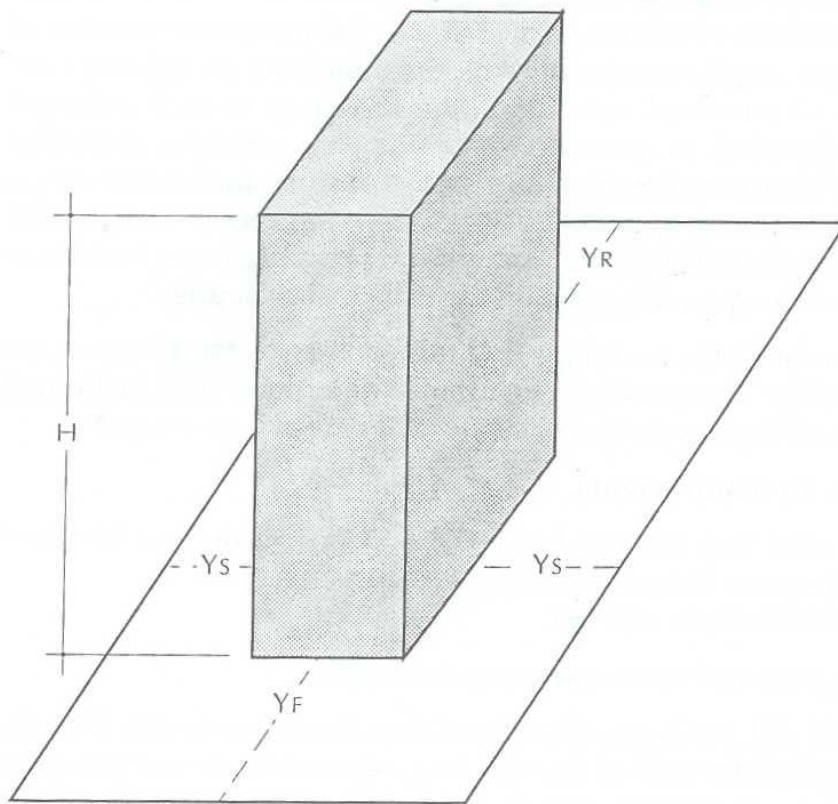
**3.57 Loading requirements.** Refer to section 5.3 of this ordinance.

**3.58 Sign requirements.** Refer to section 5.4 of this ordinance.

## YARD REQUIREMENTS

(ILLUSTRATIVE SKETCH)

### RO DISTRICT



$$\text{ALL YARDS (Y)} = \frac{\text{HEIGHT OF BUILDING (H)}}{\text{DIVIDED BY 4}}$$

MINIMUM FRONT YARD (Y<sub>F</sub>) 15 FEET

MINIMUM SIDE YARD (Y<sub>s</sub>) 10 FEET EACH

MINIMUM REAR YARD (Y<sub>R</sub>) 25 FEET

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## Article IV. Commercial and Industrial District Regulations

### 4.1 NEIGHBORHOOD SHOPPING DISTRICT (C.N.).

**4.11 Purpose.** The purpose of the C.N. district is to provide for retail centers in which can be found the convenience shopping goods and services required to meet the daily needs of residents in the immediate neighborhood. These neighborhood shopping centers will be limited in the number and size of permitted uses.

**4.12 Permitted uses.** Refer to Article II of this ordinance.

### 4.13 Minimum lot requirements.

- (a) Lot area: Six thousand (6,000) square feet.
- (b) Lot width: Sixty (60) feet.

### 4.14 Minimum yard and open space requirements.

- (a) Front yard: Fifteen (15) feet.
- (b) Rear yard: No requirement, except when used for residential purposes or where the lot abuts a residential use or district, there shall be a minimum rear yard of twenty (20) feet.
- (c) Side yard: No requirement, except when used for residential purposes, or where the lot abuts a residential use or district, there shall be a minimum side yard of ten (10) feet.
- (d) Corner lots: Only one (1) front yard shall be required on a corner lot, however, the yard adjacent to the other street shall be considered a side yard which shall not be less than ten (10) feet.

### 4.15 Building requirements.

- (a) Height: A maximum of two (2) stories or thirty (30) feet, whichever is less.
- (b) Lot coverage: A maximum of thirty (30) per cent.
- (c) Floor area: A maximum of five thousand (5,000) square feet per establishment except for a supermarket which shall not exceed twelve thousand (12,000) square feet.

**4.16 Parking requirements.** Refer to section 5.2 of this ordinance.

**4.17 Loading requirements.** Refer to section 5.3 of this ordinance.

**4.18 Sign requirements.** Refer to section 5.4 of this ordinance.

**4.19 Performance standards.** Refer to section 5.5 of this ordinance.

### 4.2 ARTERIAL COMMERCIAL DISTRICT (C.A.).

**4.21 Purpose.** The purpose of the C.A. district is to provide suitable locations for commercial uses which serve the needs of motorists, and business services which function independently from other establishments which usually locate in the central business or neighborhood shopping districts. Multi-use shopping centers

WATERBURY ZONING REGULATION

which serve large segments of the city shall also be permitted. In addition, regional shopping centers shall be permitted subject to section 5.14-14. (Ord. of 5-19-82; Ord. of 6-21-89)

**4.22 Permitted uses.** Refer to Article II of this ordinance.

**4.23 Minimum lot requirements.**

- (a) Lot area: Ten thousand (10,000) square feet. For hotels, motels, and motor inns there shall be four hundred (400) square feet per bedroom.
- (b) Lot width: One hundred (100) feet. (Amend. of 2-17-88)

**4.24 Minimum yard and open space requirements.**

- (a) Front yard: Fifty (50) feet if the lot area is one acre or more, fifteen (15) feet if the lot area is under one acre.
- (b) Rear yard: No requirement, except where the lot abuts a residential use or district, there shall be a minimum of twenty-five (25) feet.
- (c) Side yard: No requirement, except where the lot abuts a residential use or district, the minimum side yard shall be fifteen (15) feet. For high-rise office buildings, the minimum side yard shall not be less than one-third ( $\frac{1}{3}$ ) the height of the buildings.
- (d) Corner lots: Only one (1) front yard shall be required on a corner lot; however, the yard adjacent to the other street shall be considered a side yard which shall not be less than twenty-five (25) feet. (Amend. of 2-17-88)

**4.25 Building requirements.**

- (a) Height: A maximum of four (4) stories or sixty (60) feet, whichever is less. For high-rise office buildings, there shall be a maximum of ten (10) stories or one hundred (100) feet, whichever is less.
- (b) Lot coverage: A maximum of forty (40) per cent. (Amend. 2-17-88)

**4.26 Parking requirements.** Refer to section 5.2 of this ordinance.

**4.27 Loading requirements.** Refer to section 5.3 of this ordinance.

**4.28 Sign requirements.** Refer to section 5.4 of this ordinance.

**4.29 Performance standards.** Refer to section 5.5 of this ordinance.

**4.3 GENERAL COMMERCIAL DISTRICT (C.G.).**

**4.31 Purpose.** The purpose of the C.G. district is to improve older shopping areas which are located along major arterial streets near the central business district by limiting the intensity of development and by providing limited off-street parking

**4.32 Permitted uses.** Refer to Article II of this ordinance.

**4.33 Minimum lot requirements.**

- (a) Lot area: Six thousand (6,000) square feet.  
For hotels, motels, or motor inns there shall be four hundred (400 square feet per bedroom.)
- (b) Lot width: Sixty (60) feet.

**4.34 Minimum yard and open space requirements.**

- (a) Front yard: Fifteen (15) feet, or the minimum depth equal to the average set back of buildings within the block, but need not exceed fifteen (15) feet.
- (b) Rear yard: No requirement, except where the lot abuts a residential use or district, there shall be a minimum rear yard of twenty (20) feet.
- (c) Side yard: No requirement, except where the lot abuts a residential use or district, there shall be a minimum side yard of eight (8) feet. For high-rise office buildings, the minimum side yard shall not be less than one-third ( $\frac{1}{3}$ ) the height of the buildings. (Amend. of 2-17-88)

**4.35 Building requirements.**

- (a) Height: A maximum of five (5) stories or sixty (60) feet, whichever is less. For high-rise office buildings there shall be a maximum of ten (10) stories or one hundred (100) feet, whichever is less. Only those offices listed under section 2.32-5 shall be allowed.
- (b) Lot coverage: A maximum of fifty (50) per cent. (Amend. of 2-17-88)

**4.36 Parking requirements.** Refer to section 5.2 of this ordinance.

**4.37 Loading requirements.** Refer to section 5.3 of this ordinance.

**4.38 Sign requirements.** Refer to section 5.4 of this ordinance.

**4.39 Performance standards.** Refer to section 5.5 of this ordinance.

**4.4 CENTRAL BUSINESS DISTRICT (C.B.D.).**

**4.41 Purpose.** The C.B.D. district is the “downtown” area of Waterbury which contains intensive development of a wide range of uses serving the entire city and the region. The purpose of the C.B.D. district is to encourage intensive development of a diversity of land uses within the area.

**4.42 Permitted uses.** Refer to Article II of this ordinance.

**4.43 Minimum lot requirements.** No requirements.

**4.44 Minimum yard and open space requirements.**

- (a) Front yard: No requirement.
- (b) Side yard and rear yard: No requirement, except when used for residential purposes, or where the lot abuts a residential use or district, there shall be a minimum side or rear yard of fifteen (15) feet.

**4.45 Building requirements.**

- (a) Height: No requirement.
- (b) Lot coverage: No requirement.

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- 4.46 **Parking requirements.** Refer to section 5.2 of this ordinance. The total number of required parking spaces can be a combination of spaces provided by the builder and/or parking authority, upon certification by the parking authority, in writing, verifying the number of spaces the parking authority can absorb.
- 4.47 **Loading requirements.** Refer to section 5.3 of this ordinance.
- 4.48 **Sign requirements.** Refer to section 5.4 of this ordinance.
- 4.49 **Performance standards.** Refer to section 5.5 of this ordinance.

**4.5 INDUSTRIAL PARK DISTRICT (I.P.).**

- 4.51 **Purpose.** The purpose of the I.P. district is to provide locations for activities such as light industry, wholesaling, warehousing, transportation and distribution facilities in a low density, park-like atmosphere.
- 4.52 **Permitted uses.** Refer to Article II of this ordinance.
- 4.53 **Minimum lot requirements.**
  - (a) Lot area: Forty thousand (40,000) square feet.
  - (b) Lot width: One hundred fifty (150) feet.
- 4.54 **Minimum yard requirements.**
  - (a) Front yard: Twenty-five (25) feet.
  - (b) Rear yard: Twenty five (25) feet.
  - (c) Side yards: Two (2) side yards having a total width of at least twenty-five (25) per cent of the lot width, neither of which shall be less than fifteen (15) feet.
- 4.55 **Building requirements.**
  - (a) Height: A maximum of three (3) stories or sixty (60) feet, whichever is less.  
For corporate industrial offices or general industrial offices, there shall be a maximum of eight (8) stories or one hundred (100) feet, whichever is lesser.
  - (b) Lot coverage: A maximum of forty (40) per cent.
- 4.56 **Parking requirements.** Refer to section 5.2 of this ordinance.
- 4.57 **Loading requirements.** Refer to section 5.3 of this ordinance.
- 4.58 **Sign requirements.** Refer to section 5.4 of this ordinance.
- 4.59 **Performance standards.** Refer to section 5.5 of this ordinance.

**4.6 GENERAL INDUSTRIAL DISTRICT (I.G.).**

- 4.61 **Purpose.** The purpose of the I.G. district is to provide for the location of the intensively developed, older, heavier types of industry. Open storage and heavy commercial types of uses which are essential to the local economy are also permitted.

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**4.62 Permitted uses.** Refer to Article II of this ordinance.

**4.63 Minimum lot requirements.**

- (a) Lot area: Twenty thousand (20,000) square feet.
- (b) Lot width: One hundred (100) feet.

**4.64 Minimum yard requirements.**

- (a) Front yard: Fifteen (15) feet.
- (b) Rear and side yards: No requirement, except when used for residential purposes, or where the lot abuts a residential use or district, there shall be a minimum rear or side yard of twenty (20) feet. Any side yard adjacent to a street shall be a minimum of fifteen (15) feet.

**4.65 Building requirements.**

- (a) Height: A maximum of four (4) stories or eighty (80) feet, whichever is less. For corporate industrial offices or general industrial offices, there shall be a maximum of eight (8) stories or one hundred (100) feet, whichever is lesser.
- (b) Lot coverage: A maximum of fifty (50) per cent.

**4.66 Parking requirements.** Refer to section 5.2 of this ordinance.

**4.67 Loading requirements.** Refer to section 5.3 of this ordinance.

**4.68 Sign requirements.** Refer to section 5.4 of this ordinance.

**4.69 Performance standards.** Refer to section 5.5 of this ordinance.

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## Article V. Supplementary Regulations

### 5.1 SPECIAL CONDITIONAL USES.

**5.11 General.** Each of the special conditional uses (S) listed in section 2.3 is permitted in each zoning district to the extent indicated for that use and district, subject to all provision of the applicable zoning district except as specifically provided for in this section.

Every application for the use of property subject to conditions set forth herein shall be filed with the zoning administrator, city plan commission, zoning board of appeals or zoning commission, in accordance with the provisions of this ordinance and shall be subject to approval by the zoning administrator and any other commission, board, or agency stipulated in this section.

If the development of land is going to disturb an area of land of more than one-half acre, and the development is not for the construction of a single-family house that is not part of a subdivision, measures must be taken to prevent soil erosion and sedimentation in accordance with the provisions of this ordinance.

A soil erosion and sediment control plan shall be submitted with each application for a special conditional use under this section when the disturbed area of such development is more than one-half acre. A soil erosion and sediment control plan drawn to a scale of not less than one hundred (100) feet to the inch containing proper provisions to adequately control erosion and sedimentation and reduce the danger from storm water runoff on the proposed site shall be submitted. The plan shall show existing and proposed topography, disturbed areas, proposed area alterations, and the location of and detailed information concerning erosion and sediment measures and facilities. A narrative concerning erosion and sediment measures and facilities shall describe the project, the schedule of major grading, and construction activities on the land, the application of conservation practices, design criteria, construction details and the maintenance program for the installed erosion and sediment control facilities. Five (5) copies shall be submitted. The erosion and sediment control plan shall be prepared by, and bear the seal and signature of a professional engineer, architect, landscape architect, or surveyor, licensed to practice in the State of Connecticut. (Amend. of 10-19-83; Amend. of 7-17-85)

**5.12 Zoning administrator; plot plan.** The following uses may be permitted subject to submission of a plot plan and approval by the zoning administrator, and the condition set forth herein:

**5.12-1 Animal hospital, kennel.** Animal hospitals and kennels may be a permitted use in the C.A. and I.G. districts, subject to submission of a plot plan and approval by the zoning administrator, and the following conditions:

- (a) When such a use is located in a C.A. district, all activities must be confined to enclosed buildings which are sufficiently soundproof in design to comply with the performance standards for noise.
- (b) Open exercise areas are permitted only in the I.G. district. Such areas must be enclosed by a wall, at least five (5) feet in height. In addition, such areas must be maintained in a sanitary and odor free condition at all times.
- (c) All exercise areas shall have a floor made of concrete or other impervious material which shall contain adequate drainage facilities connected to a sanitary sewer for proper washing and maintenance.

**5.12-2 Fallout shelter.** A fallout shelter may be a permitted accessory use in all districts. Shelters erected above ground or partly above ground and below ground shall be subject to submission of a plot plan and approval by the zoning administrator, and the following conditions:

- (a) The shelter shall be located only in the rear half of the lot and at least two (2) feet from any property line.

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- (b) On corner lots the shelter shall be located in the rear quarter of the lot farthest removed from any street line and at least two (2) feet from any property line.
- (c) On an interior lot fronting on two (2) streets, the shelter shall be located in that fourth of the lot farthest removed from any street, and at least two (2) feet from any property line.

**5.12-3 Funeral home, mortuary, or undertaking establishment.** Funeral homes, mortuaries and undertaking establishments may be a permitted use in the RS-12, RS, RL,R.M., R.H., R.O., CN, C.A., and C.G. districts, subject to submission of a plot plan and approval by the zoning administrator and the following conditions:

- (a) One (1) parking space shall be provided for each one hundred (100) square feet of gross floor area.
- (b) One (1) hearse loading space shall be provided for each assembly room.
- (c) An area for at least three (3) vehicles waiting for a procession shall be provided.

(Amend of 8-31-04, 11-29-07)

**5.12-4 Home occupations.** Customary home occupations may be a permitted accessory use in the RS-12, R.S., R.L., R.M., R.H., and R.O. districts subject to submission of a plot plan and approval by the zoning administrator and the following conditions:

- (a) The home occupation shall not occupy more than twenty-five (25) per cent of the gross floor area of the dwelling unit.
- (b) The home occupation shall not change the exterior residential character of the dwelling in any visible manner.
- (c) The home occupation shall be clearly incidental to the residential use of the dwelling and may involve only a member of the immediate family residing in the dwelling unit and two (2) nonresident persons.
- (d) The home occupation shall not display or advertise any commodity or service for sale on the premises, nor shall it store any materials or products outside of a building.
- (e) The home occupation shall not create any noise, traffic, odor, dust, vibrations, smoke, gas, fumes, radiation, electromagnetic interference or unsightly conditions noticeable off the lot.

(Amendment of 11-29-07)

**5.12-5 Livestock or poultry.** The keeping of livestock or poultry may be permitted as an accessory use in all districts, subject to submission of a plot plan and approval by the zoning administrator and the following conditions:

- (a) There shall be a minimum lot area of one (1) acre.
- (b) All buildings or structures used for livestock or poultry shall be set back from every adjacent property line a minimum distance of fifty (50) feet.
- (c) All fenced enclosures which permit livestock or poultry to roam shall be set back from every adjacent property line a minimum distance of twenty-five (25) feet.
- (d) Manure shall be kept in a covered watertight pit or chamber and shall be removed at intervals sufficiently frequent to maintain a sanitary condition.
- (e) The reasonable number of livestock and poultry shall be determined by the zoning administrator.

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- 5.12-6 Place of religious worship.** Churches, synagogues, temples and other places of worship may be a permitted use in the RS-12, R.S., R.L., R.M., and R.H. districts, subject to submission of a plot plan, approval by the zoning administrator, and the following conditions:
- (a) There shall be a minimum lot area of forty thousand (40,000) square feet.
  - (b) No place of religious worship, including accessory structures, shall occupy more than twenty (20) per cent of the area of the lot.
  - (c) All yards shall be a minimum of twenty-five (25) feet, with a minimum setback of fifty (50) feet from all adjacent residential properties.
  - (d) No place of worship shall exceed a height of fifty (50) feet except for a bell tower or steeple which may reach a height of one hundred (100) feet.
  - (e) Entrances and exits to the parking lot shall be located, where possible, on collector or arterial streets.
  - (f) Off-street parking shall be provided in accordance with the provisions of section 5.2 and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening.
  - (g) All exits and entrances shall be located a minimum of fifty (50) feet distance from any street intersections.
  - (h) There shall be no exit or entrances located within a designated bus stop.
  - (i) Residential structures and accessory uses such as meeting rooms, and classrooms shall be provided in accordance with all other applicable provisions of this ordinance.

(Amendment of 11-29-07)

- 5.12-7 Outdoor storage and display.** Outdoor storage and display may be a permitted use subject to submission of a plot plan, approval by the zoning administrator, and the provisions of section 1.83.

- 5.12-8 Automobile car wash.** Automobile car washes may be a permitted use in the C.A., C.G., and I.G. districts, subject to submission of a plot plan, approval by the zoning administrator, and the following conditions:

- (a) Floor drains or similar receptacles shall be provided on site to collect and remove water and detergents used in washing automobiles.
- (b) Parking spaces shall be provided in accordance with section 5.2. "Stack up" spaces shall be located in such a way as not to interfere with on-site traffic circulation or other activities such as the pumping of gasoline.
- (c) Every automobile car wash shall be screened from any adjacent residential property by a planting screen or suitable fence not less than six (6) feet in height and providing year-round screening.
- (d) The premises shall be properly lighted with particular attention to the proper shielding thereof in order to prevent any direct illumination of any adjacent residential property.
- (e) Entrance and exit to the premises shall be from and to a major street.
- (f) Vehicular entrance to the car wash structure shall be from the rear of said structure in order that vehicles will exit from said structure toward the street.

- 5.12-9 Nursery and landscaping supply.** Nursery and landscaping supply is a permitted use in the C.A. district. It may be a permitted use in the I.P. district, subject to submission of a plot plan, approval by the zoning administrator, and the following conditions:

- (a) There shall be a minimum lot area of two (2) acres

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- (b) Equipment and stock must be adequately screened or housed.
- (c) Wholesaling shall be the primary function, with retail sales as an accessory use.
- (d) Warehousing and wholesale distribution are allowed.

**5.12-10 Drinking places (alcoholic beverages).** Drinking places (alcoholic beverages) may be a permitted use in the C.A and C.G. districts, subject to submission of a plot plan, approval by the zoning administrator, and the following conditions:

- (a) No business premises with a liquor permit which will allow the on-premises consumption of alcoholic liquor, the main use being a tavern or cocktail lounge, shall be permitted if the entrance to such premises is within a radius of five hundred (500) feet, measured in a direct line of any entrance to the following uses:
  - (1) A public library, a public school, or a duly organized school other than a public school, conducted for children under sixteen (16) years of age and giving regular instruction at least five (5) days a week for eight (8) or more months a year.
  - (2) A hospital maintained as a charitable institution or private hospital maintaining at least fifteen (15) beds for patients.
  - (3) A place of worship with a seating capacity for two hundred fifty (250) persons or more.

**5.12-11 Golf Driving Range.** Golf driving ranges may be a permitted use in the R.M. district and as an accessory use in RS-12, R.S. and R.L. districts, subject to submission of a plot plan and approval by the Zoning Administrator, and the following conditions:

- (a) Such use shall be on a site having a minimum of 15 acres, and frontage of at least 400 feet.
  - (b) The range shall be enclosed on three sides by 6 foot high fencing to protect against accidental access to the range. The range shall further be enclosed with protective screening to prevent golf balls from leaving the site. Such protective screening shall comply with yard setbacks for structures within the district.
  - (c) Off-street parking shall be provided in accordance with the provisions of Section 5.2 of this Ordinance and shall be located a minimum distance of 15 feet from any adjacent property and shall be screened by a planting screen sufficiently landscaped with continuous evergreens having a minimum height of 4 feet at the time of planting.
  - (d) Any lighting used to illuminate buildings, structures, range stalls, etc., shall be shielded and so arranged as to reflect the light away from adjoining properties and public rights-of-way.
  - (e) All buildings and structures shall be set back a minimum distance of 25 feet from any adjoining property and, in addition, not closer than 50 feet from any residential property. No building or structure shall be within 50 feet of any street right-of-way.
  - (f) Plans for soil erosion and sediment control shall be developed in accordance with the provisions of Section 5.11 of this Ordinance.
  - (g) The total lot coverage for all buildings and structures shall be not more than 10 percent of the area of the lot.
  - (h) One ground sign shall be permitted for identification providing it does not exceed a height of 6 feet nor an area of 25 square feet.
  - (i) Accessory uses shall be limited to such golf-related activities as the sale of golf equipment, apparel and accessories, golf instruction, and the sale of refreshments.
- (Amend. of 3-15-95, 11-29-07)

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**5.12-12 Wireless Telecommunications Facilities.** Wireless telecommunications facilities may be a permitted use in the IP and IG districts, subject to submission of a plot plan, approval by the zoning administrator, and the following conditions:

- (a) Applicant shall provide a map showing the planned coverage within the city of Waterbury, the location and service area of the proposed telecommunications site and the search radius for the proposed telecommunications site.
- (b) Applicant shall submit a plan detailing where and how a proposed telecommunications antennae will be affixed to a particular building or structure, an elevation of all proposed equipment buildings/structures with details of all fencing and all proposed landscaping.
- (c) Each telecommunications building structure shall not contain more than seven hundred and fifty (750) feet of gross floor area nor be more than twelve (12) feet in height.
- (d) For a communications tower, the applicant shall include a site plan showing the height of the proposed communication tower, nature of adjacent uses, proximity to residential structures, or zoning districts, design of the communication tower (including cross section and elevation of proposed tower), and proposed driveway(s).
- (e) Communication towers shall not exceed a height of one hundred and sixty (160) feet, shall be a monopole and shall be located a minimum of one hundred and sixty (160) feet or the height of the tower from the property line of the nearest residential property. (Distance shall be measured from the base of tower to property line.)
- (f) If roof mounted, telecommunications antennae shall not exceed a height of fifteen (15) feet above the highest part of the structure or building.
- (g) If facade mounted, telecommunications antennae shall project no more than five (5) feet above the cornice line and not more than two (2) feet beyond the wall or facade of the structure.
- (h) Each applicant shall provide a site justification statement detailing why proposed site was selected.
- (i) A wireless telecommunications facility not used in six (6) months shall be removed by the owner. This removal shall occur within ninety (90) days of the end of such six (6) month period. Upon removal, the site shall be restored to its previous appearance and where appropriate, re-vegetated.
- (j) Applicant shall co-locate telecommunications antennae as a first choice. Where such co-location is not possible, the applicant shall demonstrate why co-location is not possible.
- (k) Provisions of section 5.13-9 must also be met.
- (l) The city of Waterbury reserves the right to co-locate, for municipal purposes on any wireless telecommunication facility free of charge from the facility owner.

**5.12-13 Adult establishments.** Adult establishments are a permitted use in the IG zone subject to submission of a plot plan and approval by the zoning administrator and the following conditions:

- (a) No building or premises shall be used, and no building shall be erected or altered, which is arranged, intended or designed to be used for an adult establishment if any part of such building or premises is situated on any part of a lot within a seven hundred fifty (750) foot radius in any direction of any property zoned for single-family or multiple-family residential use; nor any lot used for, or upon which is located any building used for:
  - (1) any public or private school, or any other facility regularly attended by persons under the age of eighteen (18), including, but not limited to, after

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school programs, children's museums, camps and athletic leagues;

- (2) any church or other religious facility or institution;
- (3) any public park; or
- (4) any other adult establishment. (Ord. of 5-27-04)

**5.12-14 Wholesaling, distribution, warehousing and storage facilities.** Wholesaling, distribution, warehousing and storage facilities are permitted uses in the C.A., I. P. and I.G. districts subject to submission of a plot plan, approval by the zoning administrator, and the following conditions:

- (a) In the C.A. District, there shall be a minimum lot area of two (2) acres for wholesaling, distribution, and storage facilities.
- (b) In the C.A. District, there shall be a minimum lot area of ten (10) acres for warehousing facilities.
- (c) Outside storage must comply with the provisions of Section 1.83 and Section 5.12-7.
- (d) The wholesaling, distribution, warehousing and storage of trash, garbage or other discarded materials intended for disposal and/or recycling is not allowed.

(Ord. of 9-22-04)

**5.13 Zoning board of appeals; special exceptions.** The following uses may be permitted subject to a public hearing, approval of a special exception by the zoning board of appeals, and the conditions set forth herein:

**5.13-1 Boarding, rooming, lodging house or group home.** A boarding, rooming, lodging house or group home may be a permitted use in the R.M., R.H., R.O. and C.G. Districts, subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) A boarding, rooming, lodging house or group home is permitted only as a substitute for dwelling units permitted by applicable district regulations. The number of sleeping rooms, boarders, roomers or lodgers must not exceed two (2) for each permitted dwelling unit on the subject lot.
- (b) The total number of sleeping rooms, boarders, roomers or lodgers shall not exceed twelve (12) on any lot in any district.
- (c) Off-street parking shall be provided in accordance with the provisions of section 5.2 of this ordinance, and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening.

**5.13-2 Cemetery.** A cemetery may be a permitted use in the RS-12, R.S., R.L., R.M., and R.H. districts, subject to a public hearing, approval of a special exception by the zoning board of appeals, provided that all buildings, structures, monuments and markers shall be set back a minimum distance of twenty-five (25) feet from all lot lines.

(Amendment of 11-29-07)

**5.13-3 Conversion of existing structures.** The conversion of any existing structure to a use permitted in the district in which said structure is located may be permitted subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) The conversion will conform to the use, lot area, usable open space, building height and lot coverage requirements of the applicable district.

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- (b) The conversion will conform to the floor area and applicable parking requirements of this ordinance.
- (c) Primary access to a kitchen, living room or bedroom shall not be from a bathroom or other bedroom.
- (d) No dwelling shall be so converted unless in connection therewith it is placed in a reasonable state of repair and modernization.
- (e) The dwelling shall conform to the requirements of the housing code of the City of Waterbury.

**5.13-4 Package store, retail.** A retail package store may be a permitted use in the R.O., C.N., C.G., C.B.D., and C.A. districts subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) No building or premises shall be used, and no building shall be erected or altered, except as herein mentioned, which is arranged, intended or designed to be used, either in whole or in part, for the sale of alcoholic liquor at retail under a retail package store permit as the term "alcoholic liquor" and "retail package store permit" are defined in these requirements, if the entrance of such building or premises is within a radius of one thousand five hundred (1,500) feet in a direct line with the entrance to any other building or premises which is used for the sale of alcoholic liquor at retail under a retail package store permit.
- (b) Nothing herein contained shall prohibit or prevent any established retail package store permit business from moving to another location when the entrance to the new location is within a radius of five hundred (500) feet in a direct line from the entrance of its previous permit business premises. Where such removal, however, is occasioned by a taking or demolition of the premises because the same are required or taken under an act of eminent domain, by public authority, the permissible distance of the entrance to the new location shall be within a radius of one thousand (1,000) feet in a direct line from the entrance of its previous permit business.
- (c) Where, as a result of condemnation proceedings for a public or semipublic use, there are exceptional difficulties or unusual hardships in the way of carrying out the provisions of these regulations concerning the removal of any such premises, the zoning board of appeals may, after public notice and hearing, in a specific case, waive the provisions of these regulations by a vote of not less than four (4) of its members, but in no case shall any such premises be allowed to remove to within a radius of less than seven hundred (700) feet of the entrance to any location operating under a like permit, and provided, also, that sufficient evidence shall be presented to prove that no suitable location is available within a radius of one thousand (1,000) feet of the entrance to the original location and provided also, that said removal shall be in accordance with the Liquor Control Act or any rules and regulations issued thereunder.
- (d) The provisions of these regulations shall not be deemed retroactive, provided, however, that where the use of any such building or premises used for the sale, exchange or storage of alcoholic beverages as specified in (a) above has been discontinued or has been inoperative for a period of thirty (30) days, such use shall not be resumed except in conformity with the provisions of (a) above. Discontinuance shall not include bona fide vacation periods, bona fide periods of mourning or sickness, time required for actual repair of premises or replacement of stocks where the loss or injury is occasioned by fire, hurricane or other act of God and such repairs or replacements have actually commenced within sixty (60) days from the time of loss or injury, or suspension of operations, short of revocation, under order of the Liquor Control Commission of the State of Connecticut.
- (e) At a regularly called meeting, the zoning board of appeals when, in its judgement, the public convenience and welfare will be substantially served, and the appropriate use of

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neighboring property will not be substantially or permanently injured, after public notice and hearing and subject to appropriate conditions and safeguards, and except as herein before specifically provided, may vary the requirements of these regulations by a vote of not less than four (4) members in harmony with their general purpose and intent, so that substantial justice may be done, exercising such authority in a manner to secure the public health, safety and welfare solely in instances where there are exceptional difficulties or unusual hardships in the way of carrying out the strict letter of the regulations.

**5.13-5 Tourist home or guest house.** A tourist home or guest house may be a permitted use in the R.M., R.H., R.O. and C.G. districts, subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) A tourist home or guest house is permitted only as a substitute for dwelling units permitted by applicable district regulations. The number of guest rooms must not exceed two (2) for each permitted dwelling unit on the subject lot.
- (b) The owner or lessee of the property shall reside on the premises and such occupancy shall be considered a dwelling unit.
- (c) The total number of guest rooms shall not exceed twelve (12) on any lot in any district.
- (d) Off-street parking shall be provided in accordance with the provisions of section 5.2 of this ordinance, and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planning screen or suitable fence providing year-round screening.

**5.13-6 Drinking places (alcoholic beverages).** Drinking places (alcoholic beverages) may be a permitted use in the C.N. and R.O. districts, subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) There shall be a minimum lot area of twenty-two thousand five hundred (22,500) square feet.
- (b) There shall be a minimum lot width of one hundred fifty (150) feet.
- (c) Entrance and exit to the premises shall be directly to and from a principal arterial street as defined in the comprehensive plan of Waterbury.
- (d) Each entrance and exit shall be at least twenty (20) feet distant from any adjacent residential district or use.
- (e) The premises shall be properly lighted with particular attention to the proper shielding thereof, in order to prevent any direct illumination of any residential district or use.
- (f) Off-street parking shall be provided in accordance with the provisions of section 5.2 of this ordinance and shall be located a minimum distance of twenty (20) feet from any adjacent residential district or use and shall be screened by a planting screen or suitable fencing providing year round screening from a residential district or use.
- (g) No business premises with a liquor permit which allows the on-premises consumption of alcoholic liquor, the main use being a tavern or cocktail lounge, shall be permitted if the entrance to such premises is within a radius of five hundred (500) feet, measured in a direct line of any entrance to the following uses:
  - (1) A public library, a public school, or a duly organized school other than a public school, conducted for children under sixteen (16) years of age and giving regular instruction at least five (5) days a week for eight (8) or more months a year.
  - (2) A hospital maintained as a charitable institution or private hospital maintaining at least fifteen (15) beds for patients.

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(3) A place of worship with a seating capacity for two hundred fifty (250) persons or more.

(h) These conditions are mandatory and not subject to change.

**5.13-7 Automobile service station.** Automobile service or gasoline stations may be a permitted use in the R.O., C.A., C.G., C.B.D., and I.G. districts, subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) There shall be a minimum lot area of fifteen thousand (15,000) square feet.
- (b) There shall be a minimum lot width of one hundred twenty (120) feet.
- (c) Lot coverage shall not be more than fifteen (15) per cent of the lot area.
- (d) No building shall have a height of more than one and one-half ( 1½) stories or twenty-five (25) feet, whichever is lesser.
- (e) All buildings shall be set back from any public street a minimum distance of thirty-five (35) feet.
- (f) All buildings shall be set back from every adjacent property a minimum distance of ten (10) feet and not closer than twenty (20) feet from any adjacent residential property.
- (g) There shall be a minimum distance of forty (40) feet between any two (2) curb cuts and a minimum distance of twenty-five (25) feet between any curb cut and the corner of any lot which is adjacent to two (2) streets.
- (h) There shall be no products displayed in front of the building line.
- (i) A landscaped area at least three (3) feet in width shall be provided between the pump area(s) and the front lot line and side street lot line (if any) for the full length of the frontage(s) excluding the area required for curb cuts.
- (j) There shall be no streamers or fin signs on the lot or structure.
- (k) Every auto service or gasoline service station shall be screened from any adjacent residential property by a suitable opaque fence (which shall bear no advertising) or planting screen, not less than six (6) feet in height and providing year-round screening.
- (l) A trash or garbage area shall be provided for the temporary storage of trash, garbage and unusable automotive parts. Except for tires, all trash shall be stored in tight containers. The area shall be enclosed by a suitable opaque fence not less than six (6) feet in height and shall be designed so that the trash shall not be seen from adjoining properties or a public street.
- (m) All entrances and exits shall be approved by the city engineer.
- (n) There shall be no outside storage of inoperable motor vehicles.
- (o) No automobile service station shall be located within a radial distance of five hundred (500) feet from the following uses:
  - (1) A public school, or a duly organized school other than a public school, conducted for children under sixteen (16) years of age and giving regular instruction at least five (5) days a week for eight (8) or more months a year.
  - (2) A hospital maintained as a charitable institution or private hospital maintaining at least fifteen (15) beds for patients.
  - (3) A place of worship with a seating capacity for two hundred fifty (250) persons.

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- (p) In the event that the automobile service station is located on a lot which contains more than one principal building (land use), the above conditions shall apply solely to the automobile service station building.

**5.13-8 Club, lodge or association.** Membership clubs, lodges, and associations may be a permitted use in the R.M. and R.H. districts, subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) There shall be a minimum lot area of twenty thousand (20,000) square feet.
- (b) No club, lodge, or association shall occupy more than twenty-five (25) per cent of the area of the lot.
- (c) No building shall exceed a height of two and one-half (2½) stories or thirty-five (35) feet, whichever is lesser.
- (d) All yards shall be a minimum of twenty-five (25) feet, with a minimum setback of fifty (50) feet from adjoining residential properties.
- (e) Every club, lodge, or association shall be screened from adjoining residential property by a planting screen or suitable fence not less than six (6) feet in height and providing year-round screening.
- (f) One ground sign shall be permitted for identification providing it does not exceed a height of six (6) feet nor an area of twenty-five (25) square feet.

**5.13-9 Communication transmission building or tower or wireless telecommunication facility(ies).** Communication transmission buildings or towers or wireless communication facility(ies) may be a permitted use in the RS-12, R.S., R.L., R.M., R.H., and R.O., and wireless telecommunication facility(ies) may be permitted use in the C.G., C.A. and C.B.D. districts, subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

The City of Waterbury reserves the right to co-locate, for municipal purposes on any wireless telecommunication facility free of charge from the facility owner.

- (a) There shall be a minimum lot area of six thousand (6,000) square feet.
- (b) The total lot coverage of all buildings and structures shall be not more than twenty-five (25) per cent of the area of the lot.
- (c) All buildings and structures shall be set back from every adjacent property a minimum distance of twenty-five (25) feet and, in addition, not closer than fifty (50) feet from any adjacent residential property, except that any non-wireless telecommunications facility tower shall be set back a minimum distance of that equal to the height of said tower from any adjacent residential property, unless properly guyed to assure the spiralling of said tower, should it fall, to fall completely within the property line.
- (d) Transformers shall be located within buildings.
- (e) The lines between the station and the street shall be underground.
- (f) The station shall be suitably screened from any adjacent residential property by a solid fence or planting screen which shall provide year-round screening.
- (g) For wireless telecommunications facilities the requirements of sections 5.12-12 must also be met.
- (h) Wireless telecommunications facility(ies) may be a permitted use in the CBD district provided the telecommunication antennas are mounted only on existing structures and screened from view using stealth materials, painted to match the structures upon which

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they are located, and facade mounted in a fashion which does not exceed the roofline of the existing structure.

(Amendment of 11-29-07)

**5.13-10 Junk, salvage or scrap yard.** Junk, salvage or scrap yards may be a permitted use in the I.G. district, subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) There shall be a minimum lot area of forty thousand (40,000) square feet.
- (b) All structures shall occupy not more than a total of forty (40) per cent of the area of the lot and the total lot coverage of all structures and material shall exceed not more than eighty (80) per cent of the area of the lot.
- (c) The property shall be completely surrounded by a solid fence not less than eight (8) feet in height which shall bear no advertising other than the name of the owner and the use of the premises, with a suitable gate which shall be closed and locked except during the working hours of such junk yard. All used parts, iron, scrap metal, glass, paper, rags and any other material shall be enclosed within this location. Any dismantling of material or cutting up of parts must be carried on within this enclosure.
- (d) All material shall be stored or piled in such a manner that the material shall not be seen from adjoining properties or a public street.
- (e) All salvaging operations and retail sales shall be conducted entirely within a structure, which structure shall be of such a nature to screen said operation or operations from public view.
- (f) There shall be no burning of any materials on the property unless carried out in a properly designed incinerator as approved by the director of health and the city fire marshal, and all goods shall be stored in such a fashion as to avoid the inviting of rodents.
- (g) Heavy machinery, compacting and shearing machinery shall be located on a solid foundation to avoid vibration.
- (h) Off-street parking shall be provided entirely upon the property.

(Amend. of 10-19-83)

**5.13-11 Nursery school or day care center.** Nursery schools and day care centers may be a permitted use in the R.L., R.M., R.H., R.O., C.A, C.G., C.N. and C.B.D. districts, subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) There shall be a minimum lot area of twenty thousand (20,000) square feet.
- (b) There shall be a minimum lot area for each child of five hundred (500) square feet.
- (c) There shall be provided a minimum of one hundred (100) square feet of open play space on the lot for each child.
- (d) The total lot coverage of all structures shall be not more than twenty-five (25) per cent of the area of the lot.
- (e) Every building shall be set back a minimum distance of twenty-five (25) feet from any adjacent residential property located in an R.L. or R.M. district.
- (f) Off-street parking shall be provided in accordance with the provisions of section 5.2 and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening. (Amend. of 4-14-88)

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**5.13-12 Public utility substation or tower.** Public utility substations, including electrical stations, water pumping stations and storage towers and tanks may be a permitted use in the RS-12, R S., R.L., R.M., R.H., R.O., and C.N. districts subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) There shall be a minimum lot area of six thousand (6,000) square feet.
- (b) The total lot coverage of all buildings and structures shall be not more than twenty-five (25) per cent of the area of the lot.
- (c) All buildings and structures shall be set back from every adjacent property a minimum distance of twenty-five (25) feet and, in addition, not closer than fifty (50) feet from any adjacent residential property, except that any tank or tower shall be set back a minimum distance of that equal to the height of said tower from any adjacent residential property, unless properly guyed to assure the spiralling of said tank or tower, should it fall, to fall completely within the property line.
- (d) Transformers, pumps, and other equipment shall be located within buildings.
- (e) The lines or pipes between the substation and the street shall be underground.
- (f) The substation shall be suitably screened from any adjacent residential property by a solid fence or planting screen which shall provide year-round screening.

(Amendment of 11-29-07)

**5.13-13 Convalescent, nursing, or rest home.** Convalescent homes, rest homes, and nursing homes may be a permitted use in the R.M., R.H., and C.A. districts, subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) A convalescent, nursing, or rest home is permitted only as a substitute for dwelling units permitted by applicable district regulations. The number of beds for occupants must not exceed two (2) for each permitted dwelling unit on the subject lot.
- (b) There shall be a minimum lot area of forty thousand (40,000) square feet.
- (c) The total lot coverage of all structures shall be not more than thirty (30) per cent of the area of the lot.
- (d) There shall be a minimum side and rear yard of twenty-five (25) feet.
- (e) In addition to the yard requirements above, every building shall be set back a minimum distance of fifty (50) feet from any adjacent residential property which is located in an R.S. or R.L. district.
- (f) Usable open space shall be provided in the minimum amount of two hundred (200) square feet per bed in the R.M. and C.A. districts and one hundred (100) square feet per bed in the R.H. district.
- (g) Off-street parking shall be provided in accordance with the provisions of section 5.2 of this ordinance and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening.

**5.13-14 Group residence.** A group residence, including any dormitory, fraternity or sorority house, convent or nurses residence, may be a permitted use in the RS-12, R.S., R.L., R.M., RH and R.O. districts subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) A group residence is permitted only as a substitute for dwelling units permitted by applicable district regulations. The number of rooms providing living or sleeping accommodations must not exceed two (2) for each permitted dwelling unit on the

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subject lot nor shall the number of persons accommodated exceed four (4) for each permitted dwelling unit.

- (b) A group residence is permitted only as an accessory use on the same property of a college, university, hospital, church or school in the R.S. and R.L. district.
- (c) There shall be minimum side and rear yard of twenty-five (25) feet.
- (d) Off-street parking shall be provided in accordance with the provisions of section 5.2 of this ordinance, and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening.

(Amendment of 11-29-07)

**5.13-15 Wind energy conversion system (WECS).** Wind energy conversion systems may be permitted as an accessory use in all districts, subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) The maximum allowable tower height shall not exceed one hundred (100) feet in a residential zone. Tower heights of one hundred (100) feet or greater may be allowed in commercial and industrial zones when in the judgement of the zoning board of appeals a taller tower is necessary to obtain adequate wind access, and is designed by a qualified licensed engineer.
- (b) The minimum distance between the ground and any protruding blades on a WECS shall be fifteen (15) feet as measured at the lowest point of the arc of the blades.
- (c) Climbing access to the WECS tower shall be limited either by means of a fence six (6) feet high around the tower base with a locking portal or by limiting the tower climbing apparatus to no lower than twelve (12) feet from the ground.
- (d) The minimum setback from property lines and utility easements shall equal the height of the unit (tower plus rotor). Additional setbacks may be required, if in the judgement of the zoning board of appeals the rotor diameter could increase the maximum distance travelled by a thrown blade.
- (e) In the judgement of the zoning board of appeals adequate landscaping to buffer ground level equipment and structures from adjoining properties may be required wherever a WECS is installed within one hundred (100) feet of an adjoining property line.
- (f) In determining the merits of an application for a WECS, the zoning board of appeals shall take into consideration the effects of the expected energy generated on the energy self reliance of the applicant and other beneficiaries. Every WECS used for the generation of electricity shall have a generator with a minimum rated capacity of 2,000 watts per hour. In addition, any applicant who intends to return or sell excess electricity to the utility company shall install a synchronous inverter or similar device. Where battery storage systems are used the applicant shall provide for their safe protection and storage in an enclosed accessory building on the lot.
- (g) Contiguous property owners may jointly construct a WECS for their common use. If property held by more than one (1) single owner is used to meet setback requirements, a plot plan must be submitted for approval.
- (h) The zoning board of appeals may grant a special exception if the applicant demonstrates that the installation will be properly maintained and will not cause excessive noise, interference with local television and radio reception or otherwise adversely affect the public health, safety, and general welfare.
- (i) In granting a special exception for a WECS, the zoning board of appeals shall have the power to impose such additional standards and requirements with respect to setbacks,

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height limitations and tower location as it deems necessary to carry out the purpose of these regulations.

**5.13-16 Pinball machines, video and electronic games.** Pinball machines, video and electronic games may be a permitted use in the C.N., C.G., C.A. and C.B.D. districts subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) Submission of a floor plan, drawn to scale, showing the square foot area of the proposed use, location of machines, isles, entrances and exits, number of machines the approval is requested for, the name and address of the owner and applicant, address of the proposed use, other uses in the building, and number and location of off-street parking spaces.
- (b) The use shall conform to all state and local ordinances.
- (c) Placement of any machines shall not obstruct any entrance or exit.
- (d) All isles shall not be less than five (5) feet in width.
- (e) Noise or objectionable sounds from said machines shall not be heard on either side of a party wall, or above or below any floor where the activity is carried on.
- (f) Approval shall be subject to adequate police supervision as determined by the superintendent of police as outlined under section 7-284 of the Connecticut General Statutes.
- (g) A placard indicating the number of machines approved and licensed by the police department shall be visibly posted within the establishment.
- (h) The proposed use will not be detrimental to the public health, safety, welfare, comfort and convenience of the public in general and in particular the residents of the immediate neighborhood.
- (i) One parking space for every four (4) machines shall be provided on the lot.

**5.13-17 Adult day care center.** Adult day care centers may be a permitted use in the R.L., R.M., R.H., R.O., C.A., C.G., and C.B.D. districts, subject to a public hearing, approval of a special exception by a zoning board of appeals, and the following conditions:

- (a) There shall be a minimum lot area of eight thousand (8,000) square feet.
- (b) There shall be a minimum lot area for each adult of eight hundred (800) square feet.
- (c) The total lot coverage of all structures shall be not more than thirty (30) per cent of the area of the lot.
- (d) The use in an R.L. zone shall not exceed twelve (12) adults.
- (e) Off-street parking shall be one (1) space provided for each employee, plus the required off-street parking per dwelling unit or one (1) space for each 250 square feet of gross floor area.
- (f) The proposed use shall comply with all the requirements by state and local agencies.
- (g) Any outdoor activity area, if provided, shall be screened by a planting screen or a six-foot high opaque fence providing year-round screening.
- (h) The center shall not provide overnight sleeping accommodations for the clients.
- (i) "Stack up" spaces for drop off and pick up shall be provided and shall be located on the premises in such a way as not to interfere with ingress and egress from the parking area.
- (j) A portico or canopy shall extend over the entrance ways of a building, including any steps or handicap access ramps.

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(Amend. of 5-17-83)

**5.13-18 Body and paint shop.** A body and paint shop may be a permitted use in the C.A. district, subject to a public hearing, approval of a special exception by the zoning board of appeals, and the following conditions:

- (a) No body or paint shop shall be located within a radial distance of five hundred (500) feet from any of the following uses:
  - (1) A public school, or a duly organized school other than a public school, conducted for children under sixteen (16) years of age and giving regular instruction at least five (5) days a week for eight (8) or more months a year.
  - (2) A hospital maintained as a charitable institution or private hospital maintaining at least fifteen (15) beds for patients.
  - (3) A place of worship with a seating capacity for two hundred fifty (250) persons.
- (b) Every body and painting shop shall be screened from any adjacent residential property or use by a suitable opaque fence, which shall bear no advertising or planting screen, not less than six (6) feet in height and providing year-round screening.
- (c) All used automotive parts and junk shall be stored and piled in such a manner that the materials shall not be seen from adjoining properties or a public street.
- (d) All parking, loading, and storage of motor vehicles must be entirely upon private property.
- (e) All other requirements of the C.A. zone must be met.
- (f) The proposed body and paint shop must be in an area built up with existing service stations, automotive repair and services auto sales (new and used) or other automotive related uses. (Amend. of 8-17-83)

**5.13-19 General Auto Repair Service.** General Auto Repair (Car Care Centers) may be a permitted use in the C.A., C.G., and I.G. districts, subject to a public hearing, approval of a special exception by the Zoning Board of Appeals, and the following conditions:

- (a) There shall be a minimum lot area of fifteen thousand (15,000) square feet.
- (b) There shall be a minimum lot width of one hundred twenty (120) feet.
- (c) Lot coverage shall not be more than twenty-five (25) percent of the lot area.
- (d) No building shall have a height of more than one and one-half (1½) stories or twenty-five (25) feet, whichever is lesser.
- (e) All buildings shall be set back from any public street a minimum distance of thirty-five (35) feet.
- (f) All buildings shall be set back from every adjacent property a minimum distance of ten (10) feet and not closer than twenty (20) feet from any adjacent residential property.
- (g) There shall be a minimum distance of forty (40) feet between any two (2) curb cuts and a minimum distance of twenty-five (25) feet between any curb cut and the corner of any lot which is adjacent to two streets.
- (h) Every auto service shall be screened from any adjacent residential property by a suitable opaque fence (which shall bear no advertising) or planting screen, not less than six (6) feet in height and providing year-around screening.
- (i) A trash or garbage area shall be provided for the temporary storage of trash, garbage and unusable automotive parts. Except for tires, all trash shall be stored in tight

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containers. The area shall be enclosed by suitable opaque fence not less than six (6) feet in height and shall be designed so that the trash shall not be seen from adjoining properties or a public street.

- (j) All entrances and exits shall be approved by the City Engineer.
- (k) No automobile service shall be located within a radial distance of five hundred (500) feet from the following uses:
  - (1) A public school, or a duly organized school other than a public school, conducted for children under sixteen (16) years of age and giving regular instruction at least five (5) days a week for eight (8) or more months a year.
  - (2) A hospital maintained as a charitable institution or private hospital maintaining at least fifteen (15) beds for patients.
  - (3) A place of worship with a seating capacity for two hundred fifty (250) persons.

**5.13-20 Legal Services, Dental Services and Outpatient Medical Services.** Legal Services, Medical Services and Outpatient Medical Services may be a permitted use in the R.M. and R.H. districts, subject to a public hearing, approval of a special exception by the city zoning board of appeals and all provisions of the applicable zoning district.

**5.13-21 Technical Training Facilities.** Technical Training Facilities may be a permitted use in the CA, CG, and CBD districts, subject to a public hearing, approval of a special exception by the zoning board of appeals.

**5.14 City plan commission; special permit.** The following uses may be permitted subject to a public hearing, approval of a special permit and site plan approval by the city plan commission, and the conditions set forth herein:

**5.14-1 Clustered development.** Clustered development, utilizing one-and two-family detached dwellings, may be a permitted use in the R.L. district, subject to a public hearing, approval of a special permit, site plan approval by the city plan commission, and the following conditions:

- (a) Clustered development shall be permitted only when it has been demonstrated that it is impractical to develop the property in accordance with the minimum lot requirements of the R.L. district (section 3.23) because of difficult topographic or soil conditions.
- (b) Within a clustered development only those residential structures and accessory uses which are permitted as a matter of right in the R.L. district shall be permitted. In addition, any combination of the permitted dwellings may be erected as long as they meet the requirements set forth herein.
- (c) Each individual lot associated with an individual dwelling (attached, semi-detached, etc.) shall not have requirements for area and width, provided that each such individual lot shall front onto a public street, private street, driveway, or pedestrian way having a permanent hard surface finish with minimum width of twenty-four (24) feet. The development lot, rather than the individual lot, shall be used in applying the provisions set forth below.
- (d) There shall be a minimum development lot width of one hundred (100) feet.
- (e) The development lot shall have a minimum area of five (5) acres.
- (f) The development lot shall contain a minimum of five thousand (5,000) square feet of lot area for each proposed dwelling unit.
- (g) Any arrangement of structures is permitted provided that the minimum distance between principal structures shall be equal to the average height of the affected structures and provided the yards and total amount of usable open space within the

WATERBURY ZONING REGULATION

clustered development are equal to or greater than the requirements for the R.L. district.

- (h) Storm sewers, sanitary sewers and water pressure and supply facilities adequate to serve the development shall be available or provided.
- (i) Clustered development proposals shall be in accordance with all other applicable provisions of the R.L. district.

**5.14-2 College or university.** Colleges and universities may be a permitted use in the RS-12, R.S., R.L., R.M., R.H., and R.O. districts, subject to a public hearing, approval of a special permit, site plan approval by the city plan commission, and the following conditions:

- (a) There shall be a minimum lot area in the R.S., R.L. and R.M. districts of twenty-five (25) acres.
- (b) There shall be a minimum lot area in the R.H. and R.O. districts of ten (10) acres.
- (c) The total lot coverage of all structures shall be not more than thirty (30) per cent of the area of the lot.
- (d) All buildings shall be set back from every adjacent property a minimum distance of twenty-five (25) feet and, in addition, not closer than fifty (50) feet from any adjacent residential property.
- (e) Any building used for musical instruction shall be located a minimum of one hundred (100) feet from any adjacent residential property.
- (f) Any power house or heating plant shall be located not less than one hundred (100) feet from any adjacent residential property.
- (g) All playfields or stadia must be located a minimum of one hundred (100) feet from any adjacent residential property.
- (h) Accessory uses may include, but are not limited to, a book store, restaurant or dining room within the interior of a building only, but there shall be no exterior show windows or exterior signs advertising such use.
- (i) Off-street parking shall be provided in accordance with the provisions of section 5.2, and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening.
- (j) Before a building permit is issued, the city engineer shall certify that sewer and water facilities in the area are adequate to meet the needs of the educational institution.
- (k) Dormitories and fraternity and sorority houses shall be provided in accordance with group residence and other applicable provisions of this ordinance.
- (l) Colleges and universities may be a permitted use in the C.B.D. district subject to a public hearing, approval of a special permit and site plan approval by the City Plan Commission. Within the CBD District, the lot, yard, building, parking, loading and sign requirements as well as the performance standards shall be those applicable to such district.

(Amendment of 11-29-07)

**5.14-3 Group dwellings.** Group dwellings may be a permitted use in the R.M., R.H. and R.O. districts, subject to a public hearing, approval of a special permit, site plan approval by the city plan commission, and the following conditions:

- (a) Within a group dwelling development only those residential structures which are permitted as a matter of right in the zoning district in which such development is

## WATERBURY ZONING REGULATION

located shall be permitted, in addition to such accessory uses as are permitted in the zoning district in which the development is located. Any combination of the permitted dwellings may be erected as long as they meet the requirements set forth herein.

- (b) There shall be a minimum development lot area of forty thousand (40,000) square feet in the R.M. district and a minimum development lot area of twenty thousand (20,000) square feet in the R.H. and R.O. districts for a group dwelling development.
- (c) Each individual lot associated with an individual dwelling (attached, semi-detached, etc.) shall not have requirements for area and width provided that each such individual lot shall front onto a public street, private street, driveway, or pedestrian way having a permanent hard surface finish with minimum width of twenty-four (24) feet. The development lot, rather than the individual lot, shall be used in applying provisions set forth below.
- (d) There shall be a minimum lot width of one hundred fifty (150) feet in the R.M. district and a minimum lot width of one hundred (100) feet in the R.H. and R.O. districts.
- (e) There shall be a minimum of two (2) principal residential structures within a group dwelling development. No principal residential structure which is equal to or less than two and one-half ( 2½ ) stories or thirty-five (35) feet in height shall contain more than twelve (12) dwelling units.
- (f) Any arrangement of structures is permitted, subject to the grouping provisions set forth below, and provided the yards and total amount of usable open space within a group dwelling development are equal to or greater than the requirements for the zoning district in which the group dwelling development is located, and as long as adequate light and air are provided each dwelling.
- (g) In the R.M. district, structures shall be so grouped that the minimum distance between principal structures shall be equal to the average height of the affected structures.
- (h) In the R.H. and R.O. districts, structures shall be so grouped that the minimum distance between principal structures shall be equal to one-third (3) the sum of the heights of the affected structures.
- (i) In the R.M., R.H., and R.O. districts, structures shall be so grouped that the minimum distance between all structures shall not be less than ten (10) feet.
- (j) Every dwelling unit within a group dwelling development shall meet the requirements of floor area per unit as set forth in the general provisions section of this ordinance.
- (k) Group dwelling developments shall provide suitable planting and screening of structures and landscaping as its perimeter so as to provide protection for adjacent properties on a year-round basis.
- (l) Off-street parking shall be provided in accordance with the provisions of section 5.2 of this ordinance and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening.
- (m) Group dwellings shall be in accordance with all other applicable provisions of the district in which it is located.

**5.14-4 Parking garage or lot.** A parking garage or lot may be permitted as a principal use in the C.N., C.A., C.G., R.O., R.H., C.B.D., I.P. and I.G. districts, subject to a public hearing, approval of a special permit, site plan approval by the city plan commission and the following conditions:

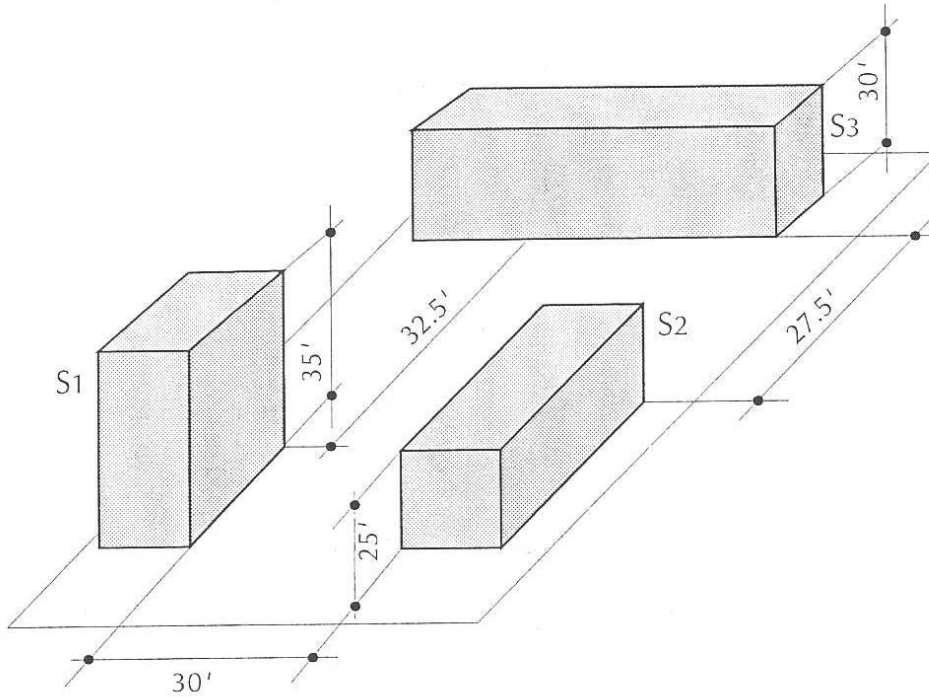
- (a) Parking garages shall conform to all standards required for structures in the zoning district in which they are located.

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- (b) All exits and entrances shall be on predominantly nonresidential streets, except where this is not possible, on the streets having the higher residential density.
- (c) Each entrance and exit shall be at least twenty (20) feet distance from any adjacent residential property or residential district.
- (d) Every exit and entrance shall be located a minimum distance of fifty (50) feet from any street intersection.
- (e) No exit or entrance shall be located within designated bus loading or unloading zones.
- (f) Parking garages or lots shall be used solely for the parking of passenger vehicles.
- (g) There shall be no commercial repair work or service of any kind and no display of vehicles for purposes of sale or rent on such premises.

DISTANCE BETWEEN STRUCTURES  
(ILLUSTRATIVE SKETCH)

RM DISTRICT



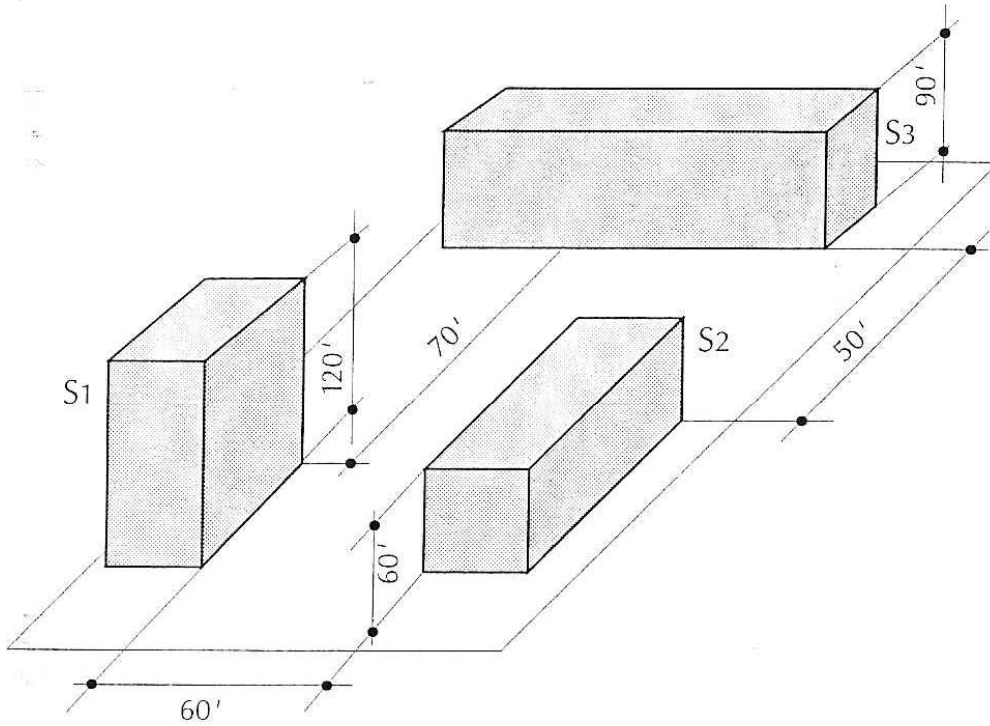
$$S1 \text{ DISTANCE TO } S2 = \frac{S1 \text{ HEIGHT} + S2 \text{ HEIGHT}}{2} = \frac{35' + 25'}{2} = \frac{60'}{2} = 30'$$

$$S1 \text{ DISTANCE TO } S3 = \frac{S1 \text{ HEIGHT} + S3 \text{ HEIGHT}}{2} = \frac{35' + 30'}{2} = \frac{65'}{2} = 32.5'$$

$$S2 \text{ DISTANCE TO } S3 = \frac{S2 \text{ HEIGHT} + S3 \text{ HEIGHT}}{2} = \frac{25' + 30'}{2} = \frac{55'}{2} = 27.5'$$

**DISTANCE BETWEEN STRUCTURES**  
(ILLUSTRATIVE SKETCH)

**RH & RO DISTRICTS**



$$S1 \text{ DISTANCE TO } S2 = \frac{S1 \text{ HEIGHT} + S2 \text{ HEIGHT}}{3} = \frac{120' + 60'}{3} = \frac{180'}{3} = 60'$$

$$S1 \text{ DISTANCE TO } S3 = \frac{S1 \text{ HEIGHT} + S3 \text{ HEIGHT}}{3} = \frac{120' + 90'}{3} = \frac{210'}{3} = 70'$$

$$S2 \text{ DISTANCE TO } S3 = \frac{S2 \text{ HEIGHT} + S3 \text{ HEIGHT}}{3} = \frac{60' + 90'}{3} = \frac{150'}{3} = 50'$$

(Amend. 2-17-88)

- 5.14-5 School, public, private and parochial.** Public, private and parochial elementary schools and special education, middle and high schools may be a permitted use in the RS-12, R.S., R.L., R.M., and R.H. districts, subject to a public hearing, approval of a special permit, site plan approval by the city plan commission, and the following conditions:
- (a) There shall be a minimum lot area of:
    - Five (5) acres for elementary and special education schools.
    - Ten (10) acres for middle or intermediate schools.
    - Fifteen (15) acres for high schools.
  - (b) All yards shall be a minimum of fifty (50) feet.
  - (c) In addition to the yard requirements above, every building shall be set back a minimum distance of one hundred (100) feet from any adjacent residential property which is located in a R.S., R.L. or R.M. district.
  - (d) The total lot coverage of all structures shall be not more than twenty-five (25) per cent of the area of the lot.
  - (e) Playgrounds shall be separated from any adjacent R.S., R.L. or R.M. districts by a planting strip not less than twenty (20) feet in width.
  - (f) All off-street parking shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening.
  - (g) If the school is located adjacent to or with a public park, the area of such park may be counted toward a maximum of fifty (50) per cent of the minimum lot area requirement set forth above.
  - (h) Public, private and parochial elementary schools and special education, middle and high schools may be a permitted use in the C.B.D. district, subject to a public hearing, approval of a special permit, site plan approval by the City Plan Commission. Within the CBD District, the lot, yard, building, parking, loading and sign requirements as well as the performance standards shall be those applicable to such district.

(Amendment of 11-29-07)

- 5.14-6 Park, playfield, playground, library, community center, Jewish community center, and other public buildings and facilities.** Public buildings and facilities may be a permitted use subject to a public hearing, approval of a special permit, site plan approval by the city plan commission, and all provisions of the applicable zoning district.

- 5.14-7 Public housing, urban renewal and redevelopment projects.** Public housing, urban renewal projects, and redevelopment projects may be a permitted use subject to a public hearing, approval of a special permit, site plan approval by the city plan commission, and all provisions of the applicable zoning district.

- 5-14-8. Reserved for future use**  
(Amend 1-25-06)

- 5.14-9 Hospital, public or private.** Public and private hospitals may be a permitted use in the R.M., R.H., R.O., and C.A. districts subject to a public hearing, approval of a special permit, site plan approval by the city plan commission, and the following conditions:

- (a) There shall be a minimum lot area of fifteen (15) acres.

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- (b) The total lot coverage of all structures shall be not more than thirty (30) per cent of the area of the lot.
- (c) All buildings shall be set back from every adjacent property a minimum distance of twenty-five (25) feet and, in addition, shall be no closer than fifty (50) feet from any adjacent residential property.
- (d) Off-street parking shall be provided in accordance with the provisions of section 5.2 of this ordinance and shall be located a minimum of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening.
- (e) The emergency entrance shall be approached through a major street.
- (f) The power plant shall be located a minimum of one hundred (100) feet from any adjacent residential property.
- (g) The hospital laundry, if located in a separate building, shall be located a minimum of one hundred (100) feet from any adjacent residential property.
- (h) In addition to customary accessory uses, the following accessory uses shall be permitted within the hospital complex: Drugstore, gift shop, restaurant, snack bar, cafeteria, florist shop, optician, and sale of orthopedic equipment.

**5.14-10 Mobile home parks.** Mobile home parks may be a permitted use in the C.A. district, subject to a public hearing, approval of a special permit, site plan approval by the city plan commission, and the following conditions:

- (a) Any mobile home park shall have a total area of not less than five (5) acres.
- (b) Each mobile home shall have a site having an area of not less than three thousand five hundred (3,500) square feet and a width of not less than fifty (50) feet. Each site shall be clearly defined by markers at each corner.
- (c) Each mobile home shall be placed at least fifty (50) feet from any adjacent residential property and at least one hundred (100) feet from any adjacent commercial property.
- (d) Parking shall be provided in the amount of one and one-half (1½) spaces per mobile home. All spaces shall be located within three hundred (300) feet of the mobile home served.
- (e) The entrance road connecting the park with the public street shall have a minimum pavement width of thirty-four (34) feet. Internal roads shall have the following minimum pavement widths: No on-street parking: Twenty-four (24) feet. Parking limited to one (1) side: Twenty-eight (28) feet. Parking on both sides: Thirty-two (32) feet.
- (f) Each mobile home park shall provide at least one (1) equipped playground having an area of fifty (50) square feet for each mobile home. No playground shall be less than four thousand (4,000) square feet.
- (g) A mobile home park shall comply with the sanitary code of the State of Connecticut and be approved by the board of health of the City of Waterbury.

**5.14-11 Designed development.** Designed development, which combines a variety of housing types, recreation facilities and convenience shopping facilities in a unified development, may be a permitted use in the R.M. district, subject to a public hearing, approval of a special permit, site plan approval by the city plan commission, and the following conditions:

- (a) A designed development shall be located in a R.M. district which abuts one of the following plan elements as identified in the comprehensive plan of the City of Waterbury:

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- (1) A major commercial center as shown on the Land Use Plan Map.
  - (2) An industrial area as shown on the land use plan map.
  - (3) A high density residential area as shown on the land use plan map.
  - (4) A middle-high school or higher education complex as described in the public school plan.
  - (5) An expressway as shown on the circulation plan map.
- (b) The development lot shall have a minimum area of five (5) acres.
- (c) There shall be a minimum of one thousand eight hundred (1,800) square feet of net lot area for each proposed dwelling unit. Net lot area shall be equal to the area of the development lot minus any land area devoted to commercial or office use including related parking and other accessory use areas.
- (d) High-rise buildings designed for and occupied by the elderly may substitute bedrooms for dwelling units in determining permitted density. Instead of one thousand eight hundred (1,800) square feet of lot area per dwelling unit, the developer may substitute one thousand (1,000) square feet of net lot area for each proposed bedroom for the elderly.
- (e) No building shall have a height of more than eight (8) stories or one hundred (100) feet, whichever is less.
- (f) Buildings over three (3) stories in height shall not be restricted to twelve (12) dwelling units each.
- (g) Each yard shall be equal to at least one-half ( $\frac{1}{2}$ ) the height of the wall of any building adjacent to the subject yard. In no case shall the yards be less than those set forth in section 3.34 of this ordinance.
- (h) A designed development shall be in accordance with all other applicable provisions of the R.M. district. Developments of more than one (1) building also shall be subject to the applicable requirements for group dwellings.
- (1) Recreation facilities including appropriate equipment and structures shall be provided to serve the residents of the designed development. A minimum of one hundred (100) square feet of lot area per dwelling unit shall be developed for recreation facilities which may be counted towards the required open space in the R.M. district.
- (j) Commercial uses may be included in a designed development under the following conditions:
- (1) The commercial uses shall be accessory to the residential uses and designed as an integral part of the overall development.
  - (2) Commercial uses shall be limited to those permitted in the C.N. district and subject to the applicable provisions of that district.
  - (3) A maximum of ten (10) per cent of the lot area may be devoted to commercial and related accessory uses.
  - (4) Commercial floor area shall not exceed ten (10) per cent of the gross floor area of all residential buildings in the development.
- (k) Storm sewers, sanitary sewers and water pressure and supply facilities adequate to serve the development shall be available or provided.

**5.14-12 Stadium or exhibition hall.** Stadiums or exhibition halls may be a permitted use in the C.A., C.G., and C.B.D. district, subject to a public hearing approval of a special permit, site plan approval by the city plan commission, and the following conditions:

- (a) The following principal uses shall be permitted within the stadium or exhibition hall principal structure: concerts, conventions, meetings, civic events, sports and athletic events, exhibits, expositions, and circuses.
- (b) There shall be a minimum lot area of ten (10) acres.
- (c) All entrances and exits, except emergency exits restricted as such, shall be located a minimum of one hundred (100) feet from a residential district.
- (d) Any stadium or exhibition hall facility including but not limited to principal structure, parking areas, accessory buildings, entrance and exit roads, used to provide gaming activities or permitting the sale of alcoholic liquor shall be full enclosed by fencing at least ten (10) feet high and adequate to prohibit pedestrian or vehicular traffic except through designated entrances or exits.
- (e) If any portion of a stadium or exhibition hall principal structure is within one thousand five hundred (1,500) feet of a residential district, such structure shall be fully covered by a roof and sufficiently soundproof in design to comply with the performance standards for noise.
- (f) No portion of a stadium or exhibition hall principal structure shall be located within four hundred (400) feet of a residential district lot with a dwelling thereon.
- (g) No accessory building or use, including parking areas, shall be permitted within one hundred fifty (150) feet of a residential district.
- (h) Suitable planting and year-round screening of structures, parking areas, and landscaping shall be provided, at least fifteen (15) feet in height, within ten (10) feet of the lot line where such lot line borders or is within two hundred (200) feet of a residential district.
- (i) Minimum footage or acreage conditions specified herein shall not be varied by more than ten (10) per cent.
- (j) Because of the unique nature of the use under this section, the applicable zoning district requirements regarding minimum yard and open space, building, loading, parking, signs and landscaping do not apply. Instead, such requirements shall be established, where applicable, by the city plan commission as part of its site plan review for approval under this section.

**5.14-13 High-rise office buildings.** High-rise office buildings may be a permitted use in the C.A. and C.G. districts, subject to a public hearing, approval of a special permit, site plan approval by the city plan commission, and the following conditions:

- (a) A high-rise office building shall be located in a C.A. or C.G. district which abuts one of the following plan elements as identified in the comprehensive plan of the City of Waterbury:
  - (1) A major commercial center as shown on the land use plan map.
  - (2) An industrial area as shown on the Land Use Plan Map.
  - (3) A high density residential area as shown on the Land Use Plan Map.
  - (4) A middle-high school or higher education complex as described in the Public School Plan.

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- (5) An expressway as shown on the Circulation Plan Map.
- (b) There shall be a minimum lot area of five (5) acres.
- (c) No building shall have a height of more than ten (10) stories or one hundred (100) feet, whichever is lesser.
- (d) Each yard shall be equal to at least one-half (1/2) the height of the wall of any building adjacent to the subject yard. In no case shall yards be less than those set forth in section 4.24 (C.A.) or 4.34 (C.G.) of this ordinance.
- (e) Storm sewers, sanitary sewers and water pressure and supply facilities adequate to serve the development shall be available or provided. (Amend. of 2-17-88)

**5.14-14 Regional shopping center.** A regional shopping center shall be a commercial development consisting of permitted uses in C.A. district, subject to a public hearing, approval of a special permit, site plan approval by the city plan commission, and the following conditions:

- (a) A regional shopping center shall contain a minimum of four hundred thousand (400,000) square feet of building area and a minimum seven hundred thousand (700,000) square feet of floor area.
- (b) A regional shopping center shall be located in closed proximity to a limited access highway.
- (c) A regional shopping center shall have a minimum total lot area of fifty (50) acres, however, the lot comprising the regional shopping center may be divided into separate parcels of land containing a minimum of five (5) acres each.
- (d) The minimum front yard shall be seventy-five (75) feet.
- (e) There are no requirements for a side yard except where the lot abuts a residential use or district, there shall be a minimum of seventy-five (75) feet from such use or district.
- (f) There are no requirements for a rear yard except where the lot abuts a residential use or district, there shall be a minimum of seventy-five (75) feet from such use or district.
- (g) The parking requirements shall be one (1) space for each two hundred (200) square feet of gross leasable area, excluding theaters, and the parking requirement for theaters shall be one (1) space for each four (4) seats in excess of the first seven hundred fifty (750) seats. These requirements are in lieu of the number of spaces that would be required under section 5.26.

Gross leasable area is the total floor area permanently constructed for the exclusive occupancy and use of tenants, including basement, mezzanine, and upper floor areas. Gross Leasable Area does not include areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, utility rooms, lobbies, enclosed malls and parking garages.

- (h) The loading requirements shall be those as contained in section 5.34, however, the number of spaces shall be calculated based on gross leasable area.
- (i) The sign standards specified in section 5.4 shall apply except as follows:
  - (1) Wall signs on any building face shall not exceed ten (10) percent of the building face where the sign is located.
  - (2) One (1) ground sign at each point of ingress from public street.
  - (3) Directional signs not to exceed one hundred (100) square feet at each point of ingress from a public street.

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- (4) Directional signs not to exceed fifty (50) square feet within the property at each point of intersection.
- (j) A regional shopping center shall be allowed to have one (1) business premises with a liquor permit, wherever located, for each fifty thousand (50,000) square feet of floor area. The provisions of section 5.12-10 shall not apply to a regional shopping center.
- (k) A special permit for a regional shopping center may be amended to permit a division or divisions of the land comprising the regional shopping center provided that all of the parcels continue to function as integrated parts of the approved regional shopping center.
- (l) For purposes of compliance with the zoning ordinance including this section, and regardless of ownership, all land comprising the regional shopping center, including any portions located in an adjoining town, shall be considered as if all of such land was entirely located within the City of Waterbury.
- (m) To the extent that any other provisions of the zoning ordinance may be inconsistent with these conditions, these conditions shall apply. (Ord. of 6-21-89)

**5.14-15 Urban shopping center.** An urban shopping center is a group of commercial establishments under one (1) roof, or interconnected by walls, roofs, enclosed malls, parking lots and/or parking structures or walkways, planned and developed as a unit and consisting of a minimum of seven hundred fifty thousand (750,000) square feet of gross leasable area, together with ancillary shopping centers on contiguous parcels, if any. Urban shopping centers are permitted in the C.B.D. subject to a public hearing, approval of a special permit, site plan approval by the city plan commission, and the following conditions:

- (a) Commercial establishments include, without limitation, retail shops, department stores, membership club stores, banks and other financial institutions, offices, theaters, personal service shops, restaurants, including food for consumption outside a building, automotive drive through facilities, alcoholic liquor sales, wholesale stores and sample rooms, indoor recreation facilities, automotive service and repair facilities which are accessory to or which are affiliated with one of the other permitted uses listed herein, and such other accessory uses which are incidental to and customary with any aforesaid permitted use.
- (b) Gross leasable area (GLA) is the total floor area permanently constructed for the exclusive occupancy and use of tenants including basement and upper floor area, but does not include mezzanine, outdoor sales and storage areas, public toilets, corridors, stairwells, elevators, machine and equipment rooms, loading docks and refrigeration units, vestibules, utility rooms, lobbies, enclosed malls, on-grade parking areas and parking structures.
- (c) Parking requirements shall be four and one-half (4.5) spaces for each one thousand (1,000) square feet of GLA. This requirement is in lieu of the number of parking spaces that would otherwise be required pursuant to section 5.26. Notwithstanding the provisions of section 5.25 and the schedule of parking standards, parking spaces shall not be smaller than eight and one-half (8.50) feet wide. Parking will be permitted at any angle between forty-five and ninety (90) degrees. The minimum parking module (two (2) spaces and aisle) shall be:

45 degrees	44 feet
60 degrees	51 feet
75 degrees	57 feet
90 degrees	60 feet

Aisles less than 60' wide shall be for one way travel and aisles less than 54' wide shall be designated for compact cars.
- (d) The lot upon which an urban shopping center is constructed may be subdivided into individual lots under separate ownership. Notwithstanding anything in these zoning

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regulations to the contrary, although the complex of structures comprising an urban shopping center taken as a whole must comply with frontage area, shape, size, setback, coverage and other requirements of this zoning ordinance, individual lots within said complex need not so comply.

All parcels within an approved urban shopping center, regardless of legal demarcation, shall be obliged to conform to the standards established in the approved site plan.

- (e) In urban shopping centers, in lieu of a hedge or fence under section 5.27-3, a ten-foot wide landscaped berm may be used along the street line. Landscape treatment which may include trees, shrubs, lawns, flowers, ornamental fencing, walls, brick, stone, cobbles, gravel and the like shall be provided to enhance architectural features and screen service yards, refuse storage areas and other places that tend to be unsightly. Section 5.27-4(a), notwithstanding, due to the urban nature and large scale of the “urban shopping center” use, trees shall be required at only a ratio of ten (10) percent of required parking, with a landscaping concept plan to include information on tree types and sizes as well as illustrating location and the final plan requiring city plan commission approval.
- (f) Notwithstanding the off-street loading requirements contained in section 5.3, the number of spaces required for an urban shopping center shall be not less than two (2) loading spaces per anchor store plus one (1) additional space per each eighty thousand (80,000) square feet of the remainder gross leasable area.
- (g) The sign standards of section 5.4 apply to urban shopping centers except as follows:
  - (1) One (1) freestanding double-sided sign is permitted for each entrance from a private or public street, each of which shall not exceed five hundred (500) square feet in an area per side exclusive of support materials, nor exceed sixty (60) feet in height above grade. However any signs over thirty (30) feet shall be set back from all street lines a distance of fifteen (15) plus one (1) additional foot for each foot over thirty (30) feet in height and such signs shall only be used for center/occupant identification and only along interstate highway frontage.
  - (2) Wall signs shall be permitted on any building face, but shall not exceed twenty-five (25) percent of the area of the building face on which the sign is located.
  - (3) Directional signs not to exceed one hundred (100) square feet shall be permitted within an urban shopping center at each point of intersection.
- (h) Notwithstanding the provisions of sections 7.43 and 7.44, the special permit/site plan process with respect to an urban shopping center shall consist of two (2) steps. An applicant seeking a special permit shall file conceptual plans, elevations and renderings delineating the general size, shape, design and location of buildings, driveways, entrances, parking areas, signs, lighting and landscaping on the proposed site but need not file the development plan denoted in section 7.45, except that said conceptual plan shall include items in section 7.45-1. Said plans shall be drawn at a scale no less than one (1) inch to one hundred (100) feet; a traffic engineer’s report shall be submitted and regulated wetlands and watercourses [shall] be identified. The concept plan shall be submitted in six (6) copies plus one (1) photo reduced to eight and one-half (8.5) inches by eleven (11) inches. The city plan commission shall hold a public hearing on said special permit request and render its decision pursuant to Connecticut General Statute 8-3(c). In rendering its decision on the special permit, the city plan commission shall apply the standards set forth in section 7.46. The city plan commission may approve such a special permit subject to conditions. Subsequent to the receipt of a special permit, an applicant shall file a development plan as required by section 7.45. In rendering its decision on the site plan submittal the city plan commission shall comply with the provisions of Connecticut General Statutes Section 8-3(g). Prior to

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approving said site plan, the city plan commission must find that it is in substantial conformity with the conceptual plan, and any deviation from the approved site plan which requires a curb cut or building permit shall require a ruling from the city plan commission that such change remains in conformity with the conceptual plan, prior to issuance of such permit. In the event such change is a substantial change in the concept, a new (revised) special permit shall be required. Section 7.46 of these zoning regulations shall not apply to site plan reviews nor shall a public hearing be required.

- (i) To the extent that any other provisions of this zoning ordinance may be inconsistent with these conditions, these conditions shall apply. (Ord. of 12-16-92)

**5.14-16 Non-commercial Driver Training Facilities.** Non-commercial Driver Training Facilities may be a permitted use in the CA and CG districts, subject to a public hearing, approval of a special permit, site plan approval by the city plan commission, and the following conditions:

- (a) There shall be a minimum lot area of twenty thousand (20,000) square feet.
- (b) "Training" spaces for driver education purposes shall be located on the premises in such a way not to interfere with on site traffic circulation and ingress and egress from the parking area.
- (c) The total lot coverage of all structures shall not be more than twenty-five (25) percent of the total area of the lot.
- (d) Every Non-commercial Driver Training Facility will be screened from any adjacent residential property by a suitable fence not less than six (6) feet and providing year-round screening.

**5.14-17 Indoor Sports Training Facilities.** Indoor Sports Training Facilities may be a permitted use in the CA and IP districts, subject to a public hearing, approval of a special permit, site plan by the city plan commission, and the following conditions:

- (a) There shall be a minimum lot area of forty thousand (40,000) square feet.
- (b) The total lot coverage of all structures shall not be more than forty (40) percent of the total area of the lot.
- (c) Every Indoor Sports Training Facility will be screened from any adjacent residential property by a suitable fence not less than six (6) feet and providing year-round screening.
- (d) All sports training operations shall be conducted entirely within the structure.
- (e) Accessory uses will be limited to the sale of refreshments and shall be conducted entirely within the structure.

**5.14-18 Indoor and Outdoor Recreation Facilities.** Indoor and Outdoor Recreation Facilities may be a permitted use in the CA district, subject to a public hearing, approval of a special permit and a site plan by the city plan commission, and the following conditions:

- (a) There shall be minimum lot area of ten acres.
- (b) The total lot coverage of all structures and recreation areas or playing fields shall not exceed forty (40) percent of the total area of the lot.
- (c) Outdoor paintball playing fields shall be located two hundred (200) feet from any adjacent property and/or street line.
- (d) Outdoor speedball playing fields shall be located fifty (50) feet from any adjacent property and/or street line.

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- (e) Any lighting used to illuminate any buildings, structures or outdoor recreation are shall be shielded and arranged as to reflect the light away from adjoining premises and public rights of way.
- (f) Any outdoor paintball or speedball playing field shall be enclosed with protective screening surrounding the playing field twenty (20) feet in height to prevent capsules from leaving the site.
- (g) The operator is required to maintain membership in the American Paintball League (or similar reputable national organization) and enforce their operating rules.
- (h) Warning signage shall be place every 100 feet along the property lines and be visible from a distance of 50 feet.
- (i) Parking shall not take place in any required yards.
- (j) No paintball or speedball games shall be played before sunrise or after sunset.
- (k) A copy of the current liability policy of not less than one million dollars for bodily injury or death shall be maintained in the corporation counsels office.

(Amend. of 4-27-05)

**5.15 Zoning commission; special permit.** The following uses may be permitted, subject to a public hearing, approval of a special permit by the zoning commission, and the conditions set forth herein:

**5.15-1 Motor vehicle junk yard—Motor vehicle junk business.** Motor vehicle junk yards and motor vehicle junk businesses may be a permitted use in the I.G. district, subject to a public hearing, approval of a special permit by the zoning commission, and the following conditions:

- (a) There shall be a minimum lot area of forty thousand (40,000) square feet.
- (b) All structures shall occupy not more than a total of forty (40) per cent of the area of the lot and the total lot coverage of all structures and material shall exceed not more than eighty (80) per cent of the area of the lot.
- (c) The property shall be completely surrounded by a solid fence not less than eight (8) feet in height which shall bear no advertising other than the name of the owner and the use of the premises, with a suitable gate which shall be closed and locked except during the working hours of such junk yard. All unregistered motor vehicles, used parts, iron, scrap metal, glass, paper, cordage and any other material shall be enclosed within this location. Any dismantling of material or cutting up of parts must be carried on within this enclosure.
- (d) All materials shall be stored or piled in such a manner that the materials shall not be seen from adjoining properties or a public street.
- (e) All salvaging operations and retail sales shall be conducted entirely within a structure, which structure shall be of such a nature to screen said operation or operations from public view.
- (f) There shall be no burning of any materials on the property unless carried out in a properly designed incinerator as approved by the director of health and the city fire marshal, and all goods shall be stored in such a fashion as to avoid the inviting of rodents.
- (g) Heavy machinery, compacting and shearing machinery shall be located on a solid foundation to avoid vibration.
- (h) All parking, loading and storage of motor vehicles must be entirely upon private property.

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- (i) A Connecticut Registered Surveyor's map of the boundary of the parcel and any other information required by the zoning commission shall be provided by the applicant.  
(Amend. of 10-19-83)

**5.15-2 Active Adult Housing Project.** An Active Adult Housing Project may be a permitted use in the RS-12, RS, RL and RM Districts, subject to a public hearing, approval of a special permit by the Zoning Commission, and the conditions contained within this section.

- (a) General.  
An Active Adult Housing Project is one in which the housing development fully complies with the provisions of the United States Fair Housing Act, as amended, and Connecticut General Statutes Section 46a - 64b, as amended as it pertains to "Housing for older persons." This includes compliance with any and all rules promulgated by the United States Department of Housing and Urban Development which govern the implementation of such act.

- (b) An application for a special permit for an Active Adult Housing Project shall be made on a form provided by the Zoning Commission and shall include a site plan approved by the City Plan Commission under Section 5.16 and such other information to enable the Zoning Commission to determine conformance with of this section.

- (c) Special Permit Requirements and Review.

In determining the suitability of an Active Adult Housing Project, the Zoning Commission shall consider the following factors:

- (1) The need within the town for Active Adult Housing.
- (2) Accessibility to major roads and proximity to community services.
- (3) Physical characteristics of the lot(s) contained within the proposed Active Adult Housing Project.
- (4) Infrastructure's capability to support the Active Adult Housing Project.
- (5) Compatibility of the proposed Active adult Housing Project with the surrounding neighborhood.
- (6) The applications conformance to all of the provisions of Section 5.15-2.

In addition, the Zoning Commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular.

- (d) Bond Requirements.  
Before approval, applicant shall file a performance bond in the form of a certified check or letter of credit, payable to the City of Waterbury, in the amount to guarantee completion of all public improvements within an existing street and right-of-way, including but not limited to utility extensions, drainage improvements, soil erosion and sedimentation control activities, curbing and sidewalks and in addition thereto 10% thereof for contingency. Such bond will not be released by the Commission until the city engineer has received an "as built" plan and has submitted a certification letter to the commission stating that all provisions of the special permit have been met.

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(e) Occupancy Restrictions.

The occupancy requirements of this section may not be waived by the Zoning Commission under section 5-12 (h). No variance of these occupancy requirements may be granted.

- (1) Each of the units shall be occupied by at least 1 person who is 55 years of age or older, so as to comply with the Housing for Older Persons Act of 1995, as it may be amended from time to time.
- (2) A spouse, companion or relative of an occupant pursuant to Section 5.15-2 (d) (1) above.
- (3) A person pursuant to section 5.15-2 (d) (2) above who survives his or her spouse, companion or relative or whose spouse, companion or relative has entered into a long-term care facility. Any remaining parties who remarry, co-habitant must meet all occupancy requirements.
- (4) Employees of the dwelling unit owner who perform substantial duties related to the care of the owner.
- (5) All occupants must be at least 21 years of age.
- (6) The total number of occupants per unit shall be limited to the approved number of bedrooms in the unit plus one, provided that the minimum number of permitted occupants for any unit shall not be less than two.

(f) Development Standards.

An Active Adult Housing Project shall conform to the following standards:

- (1) The proposed development shall be a "Common Interest Ownership Community" as defined in Chapter 828 of the Connecticut General Statutes.
- (2) The purchase of a dwelling unit for the purpose of investment shall be prohibited. Nothing herein shall be deemed to prevent title to a dwelling unit from being held by a person or entity related to an occupant who meets the occupancy requirements set forth in section 5.15-2 (d) hereof for estate planning purposes.

(g) Verification.

Annually, the community association or property manager shall verify compliance of the development with state and federal requirements as set forth in the provisions of the Housing for Older Persons Act of 1995 to the Zoning Enforcement Official, to provide assurance that the community is in compliance with the age requirements of this section and applicable law.

(h) Waivered Sections.

Requirements of this special permit may be waived upon a two-thirds ( $\frac{2}{3}$ ) vote of the commission. Provided the commission states its reasons for the waiver of each requirement it its approval.

(Amend. of 07-27-05 11-29-07)

**5.15-3. Earth excavation and related activity**

- (a) Earth excavation and related activities permitted without review  
Earth excavation, filling and/or grading, processing of earth material for reuse on site, stockpiling of earth material, importation of earth material, stockpiling of imported

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earth material and/or removal of earth material of fifty (50) cubic yards or less in volume on any one property in any one calendar year are permitted in all zoning districts.

- (b) Earth excavation and related activities permitted by Zoning Administrator approval. Earth excavation, filling and/or grading, processing of earth material for reuse on site, stockpiling of earth material, importation of earth material, stockpiling of imported earth material and/or removal of earth material, are permitted in all zoning districts, subject to approval of an excavation plan as defined by section 5-15-3 (d) by the zoning administrator or his/her designee and if part of one or more of the following activities:
  - (1) Normal foundation, trench excavation, grading and landscaping in connection with work on the premises for which a building permit is obtained.
  - (2) Normal agricultural operations.
  - (3) Normal paving or landscaping operations for an existing structure or parking lot otherwise allowed by these regulations.
  - (4) Construction related to an approved subdivision, site plan or special permit provided all items included in section 5-15-3 (e) Earth excavation and related activities special permit application requirements were submitted for the record of a public hearing concerning said subdivision, site plan or special permit.
  - (5) Construction related to an approved subdivision, site plan or special permit which involves quantities of earth material less than seven thousand (7,000) cubic yards per acre in volume, less than 15 truck arrivals per day, less than 15 truck departures per day, a duration of excavation activities in not in excess of 180 days or does modify existing contours by 10 feet or more vertically within 20 feet horizontally of any property line shall be permitted in all zoning districts.
  - (6) Environmental remediation activities endorsed or ordered by the Connecticut Department of Environmental Protection.

The zoning administrator shall not approve an excavation plan if the scope of the excavation and related activities exceeds that which is reasonably required to achieve the stated purpose of the permitted activity.

- (c) Earth excavation and related activities requiring special permit approval. The following activities shall be permitted subject to a public hearing and special permit approval by the zoning commission, and any and all conditions imposed by the zoning commission in addition to those hereinafter set forth.
  - (1) An activity described in section 5-15-3 (b) (1) through (3) which involves quantities of earth material equal to or more than seven thousand (7,000) cubic yards per acre in volume, more than 15 truck arrivals per day, more than 15 truck departures per day, a duration of excavation activities in excess of 180 days or modify existing contours by 10 feet or more vertically within 20 feet horizontally of any property line shall be permitted in all zoning districts subject to a public hearing and special permit approval by the zoning commission, and any and all conditions imposed by the zoning commission in addition to those hereinafter set forth.
  - (2) Construction related to an approved subdivision, site plan or special permit which can not be approved by the zoning administrator under the provisions of section 5-15-3 (b) (4) or (5) shall be permitted in all zoning districts subject to a public hearing and special permit approval by the zoning commission, and any and all conditions imposed by the zoning commission in addition to

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those hereinafter set forth.

- (3) Earth excavation, filling and/or grading, processing of earth material for reuse on site, stockpiling of earth material, importation of earth material, stockpiling of imported earth material and/or removal of earth material, when part of normal site preparation and grading for future development is provided the city plan commission makes a determination that such site preparation is in the best interests of the city shall be permitted in all zoning districts subject to a public hearing and special permit approval by the zoning commission, and any and all conditions imposed by the zoning commission in addition to those hereinafter set forth.
  - (4) Any such activity involving earth excavation, filling, grading, stockpiling of earth material, importation of earth material, stockpiling of imported earth material and/or removal of earth material involving quantities over fifty (50) cubic yards of earth material in any one calendar year that is not part of an activity described in section 5-15-3 (b) or subsections 5-15-3 (c) (1) through (3), inclusive shall only be permitted in an IG district subject to a public hearing and special permit approval by the zoning commission, and any and all conditions imposed by the zoning commission in addition to those hereinafter set forth.
  - (5) Sale of earth material shall only be permitted in an IG district subject to a public hearing and special permit approval by the zoning commission, and any and all conditions imposed by the zoning commission in addition to those hereinafter set forth.
  - (6) Except in connection with filling and grading provided for in section 5-15-3 (a), (b) and (c) (1) through (3), inclusive, importation of earth material or stockpiling of imported earth material shall only be permitted in an IG district subject to a public hearing and special permit approval by the zoning commission, and any and all conditions imposed by the zoning commission in addition to those hereinafter set forth.
- (d) Excavation plan
- All earth excavation and related activity involving in excess of fifty (50) cubic yards in volume on any one property in any one calendar year shall require the submission of an excavation plan. The excavation shall state the purpose of the excavation activity and shall reference the subsection number of section 5-15-3 (b) or (c) under which the activity is permitted. The grading plan shall be prepared by a engineer licensed by the State of Connecticut and include the following information:
- (1) A map showing the boundaries of the entire property, the zoning classification of the property, the zoning classification of all adjacent property, the location and extent of the operation involving earth material, identified wetlands, watercourses, rock outcrops, wooded areas and intersecting streets within 200 feet of the property.
  - (2) Grading plans, showing existing and proposed grades, at 1" = 40' with two (2) foot contours, including the surrounding area within 40 feet. (Existing contours shall be based upon actual field survey.)
  - (3) The amount of earth material (in cubic yards) involved. This shall detail the amounts of earth material imported to the site, exported from the site, processed for reuse on site, regraded on site and the total amount involved
  - (4) Existing and proposed drainage.
  - (5) Proposed truck access route to the property, the number and types of trucks to be used on the site and the location-of a 50-foot anti-tracking pad on the site, as well as the number and types of trucks for hauling earth material to or from

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the site (including a "not-to-exceed" number of trucks entering and exiting the property on a daily basis).

- (6) The number and types of machinery to be used on the site and the proposed areas for stockpiling of earth material.
- (7) Erosion and sedimentation control plan per section 5.11 of this ordinance, including plans for dust control and temporary erosion stabilization.
- (8) A site restoration plan
- (9) The period of time required to commence and complete all excavation and related activity.
- (10) Payment of a inspection fee sufficient to allow a minimum of one inspection per week by the zoning administrator or his/her designee for the entire period the permit is valid.

(e) Earth excavation and related activities special permit application requirements

The filing of an application for a special permit hereunder shall be accompanied by the following items and information:

- (1) An Excavation Plan as defined in Section 5.15-3 (d) Subsections (1) through (9), inclusive.
- (2) Location of any test pits or borings.
- (3) Depth of the water table.
- (4) Evidence by way of an insurance binder that the applicant has sufficient liability insurance for any liability resulting from the permitted operations as determined by the City Engineer and which names the City of Waterbury as an additional insured. Such evidence shall be reviewed and approved by Corporation Counsel prior to the issuance of a special permit and site plan approval.
- (5) A performance bond, in the form of a certified check, in an amount acceptable to the City Engineer to be sufficient to cover final stabilization and interim erosion and sedimentation controls and to secure compliance with the City of Waterbury zoning regulations, which bond shall be posted prior to commencement of the operation. Such bond will not be released by the zoning commission until the City Engineer has submitted a certification letter to the zoning commission stating that all provisions of the special permit have been met.
- (6) Payment of a fee as reasonably determined from time to time by the city plan commission to cover third party costs, including, without limitation, the cost of advertising the application for special permit and site plan approval, and, including, without limitation, the cost of professionals and experts utilized by the zoning commission in evaluating an application hereunder.
- (7) Payment of a inspection fee sufficient to allow a minimum of two inspections per week by the zoning administrator or his/her designee for the entire period the permit is valid. The zoning commission may require more frequent inspections if it determines such inspections are necessary to protect the surrounding properties.

(f) Decisionmaking factors.

Before granting a special permit approval under this section, the zoning commission shall consider factors including, but not limited to, the following:

- (1) Whether the proposed activity would convey the problems of the property

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involved to any adjoining property or create a negative impact to existing or anticipated traffic;

- (2) Whether the landform would be changed in such a way as to degrade ground or surface water quality, or to increase the risk of flooding to any adjoining property;
- (3) Whether the proposed operation can result in a landform than can, in the future, be put to a use or uses permitted in the zone in which the parcel or parcels lie;
- (4) Potential erosion and sedimentation problems inherent with the proposed operation, including dust control; and
- (5) Whether the proposed activity would be consistent with patterns of development in the general area and consistent with the City's comprehensive plan of conservation and development.
- (6) The zoning commission shall not approve a special permit if the scope of the excavation and related activities exceeds that which is reasonably required to achieve the stated purpose of the permitted activity
- (7) In addition, the Zoning Commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular.

(g) Additional conditions.

If, following a public hearing and consideration of all relevant matters, the zoning commission decides to grant a special permit and site plan approval, it may also attach conditions and safeguards beyond the requirements of this § 5.15-3.as may be required to protect public health, safety and general welfare and to ensure continued compliance with these regulations.

(h) Operational standards

If granted an approval hereunder, an applicant shall adhere to the following standards and conditions:

- (1) No fixed machinery shall be erected or maintained within 100 feet of any lot line or street right-of-way.
- (2) Final grade of all slopes shall not be steeper than two (2) feet horizontal to one (1) foot vertical.
- (3) Reverse slope benches, at least 8 feet wide, shall be provided whenever the height of a 2:1 to 5:1 slope exceeds 15 feet. Benches shall be located so as to divide the slope faces as equally as possible and shall convey the water to a stable outlet. Benches shall have a minimum depth of one (1) foot. Bench gradient shall be between one percent (1 %) and two percent (2%).
- (4) Diversions shall be required at the top of all cut and fill slopes as per the Connecticut Guidelines for Soil Erosion and Sediment Control.
- (5) Dust controls shall be utilized. Without limitation, use of mulches, spray adhesive, water and calcium chloride, shall be utilized whenever winds are forecast to exceed 10 miles per hour.
- (6) Four (4) inches of topsoil and appropriate seed mix shall be required as final cover as per the Connecticut Guidelines for Soil Erosion and Sediment Control.
- (7) No more than 2,500 cubic yards of earth material shall be stockpiled on a site at a given time.
- (8) Compliance with any and all other applicable laws, regulations, ordinances,

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policies and procedures.

- (9) Other provisions to minimize nuisance as may be required by the City Plan Commission.
- (10) Applicant shall provide the City Plan, engineering and building departments an annual review and report relative to any activity permitted hereunder.
- (11) Except as otherwise provided in the special permit and site plan approval, hours of operation shall be between 8:00 a.m. to 5:00 p.m., Monday through Friday. No work shall be conducted on municipal legal holidays.

In addition, if the excavation and related activity is permitted by section 5-15-3 (c) (4), (5) or (6) the following conditions shall apply

- (1) No activities, including tree cutting shall take place within 100 feet of a residential zone or property line, 50 feet of a business zone or property line, 50 feet of a stream or watercourse or 20 feet of an industrial zone or property line. (The city plan commission may waive any of these requirements by a two-thirds (2/3) vote, based upon topography, land use and zoning.)
- (2) No excavation shall be permitted within 50 feet of any street line if below the established grade of the street.
- (3) A fence (constructed at the interior edge of the buffer line) shall be erected prior to commencement of proposed operations at the buffer line whenever grading occurs adjacent to a residential property or residential zoning district. The zoning commission shall determine the type of fence applicant shall provide.
- (4) No more than 1/2 acre shall be exposed at one time.

- (i) **Maximum duration**  
The maximum duration of a special permit and site plan approval hereunder shall be two (2) years and extensions may be approved as permitted by Connecticut General Statutes §8-3, as it may be amended or replaced.
- (j) **Basis for denial**  
Without limiting the discretion and authority of the zoning commission, failure to comply with application requirements and/or adopted administrative procedures shall be grounds for denial of an application. Failure to comply with any of the terms and conditions of a special permit or site plan approval and/or adopted administrative procedures shall be grounds for revocation of a special permit and site plan approval.
- (k) **Waivers**  
Upon the recommendation of the City Engineer and City Planner, requirements for a special permit approval otherwise specified in this Section 5-15-3 may be waived upon a two-thirds (2/3) vote of the zoning commission.
- (l) **Blasting**  
Any blasting associated with earth materials excavations under this §5-15-3. of these regulations must be specifically authorized by the special permit and other governmental and regulatory approvals required to authorize blasting.

(Amend. 1-25-06)

**5.16 City Plan Commission Site Plan Approval.**

The applicant shall submit an application for a site plan approval on a form provided by the City Plan Commission. All plans, reports and other information required for submission by the provisions of sections

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7.44, and 7.45 of these regulations shall be submitted unless the City Plan Commission waives the submission requirement by a two-thirds ( $\frac{2}{3}$ ) vote of its membership. In addition, the applicant shall submit site plans, elevations, sample floor plans, renderings, and such other information to enable the City Plan Commission to determine conformance with of this section. The City Plan Commission may deny any application deemed incomplete.

The City Plan Commission may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the objectives found in the provisions of section 7.46.

The City Plan Commission shall approve, deny or modify a site plan within 65 days from the meeting at which the site plan application was received.

**5.16-1 Active Adult Housing Project.** All development within an Active Adult Housing Project shall be constructed in accordance with a site plan approved by the City Plan Commission, and the conditions contained within this section.

- (1) Through roads shall be public, interior roads shall be private. All units shall front on a hard paved surface at least 24 feet in width.
- (2) A walking trail system and/or sidewalks shall be provided within the community in the RS-12, RS and RL Districts. In the RM District a walking trail system and/or sidewalks shall be provided if the project area is one acre or more or if more than one principal structure is provided.
- (3) A hard surface walkway between parking space(s) serving a dwelling unit and the primary entrance to the unit.
- (4) The primary entrance to every dwelling unit shall be on the ground level or a floor level serviced by an elevator.
- (5) The master bedroom shall be on the same level as the primary entrance in at least 80 percent of the units.
- (6) There shall be sufficient noise attenuation between dwelling units.
- (7) Each dwelling unit shall contain an attic or basement for storage.
- (8) The maximum building height shall be 2.5 stories or 35 feet, whichever is less
- (9) Any arrangement of structures is permitted, subject to the provisions set forth below, and provided the yards and total amount of usable open space within an Active Adult Housing Project are equal to or greater than the requirements for the zoning district in which the group dwelling development is located, and as long as adequate light and air are provided each dwelling.
- (10) The maximum number of dwelling units shall be 10 percent above the maximum permitted per gross acre in the underlying District, rounded up to the next whole number.
- (11) There shall be sufficient street and site lighting.
- (12) Recreational facilities, open spaces, and facilities suitable for active and/or passive recreation shall be provided to serve the community.
- (13) The minimum cumulative lot area of the entire community shall be at least 5 acres in the RS-12, RS and RL Districts and at least 40,000 square feet in the RM District.
- (14) No more than 35% of the lot area shall be covered with impervious surfaces.
- (15) A minimum of 35% of the lot area shall be Usable Open Space.
- (16) Development near the perimeter of the property shall be designed to be harmonious with

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neighboring land uses. In the RS and RL Districts, a continuous buffer strip of at least 50 feet, planted with a mixture of evergreen and deciduous shrubs and trees shall be provided and maintained to protect the visual appearance from the adjacent properties and public ways. Existing natural trees and shrubs, if attractive in appearance, may be accepted as all or part of the required buffering.

- (17) The minimum distance between structures shall be 20 feet.
- (18) Garage space or off-street parking space for not fewer than 1.5 vehicles shall be provided for each dwelling unit.
- (19) Permitted Uses Within an Active Adult Housing Project shall be as follows:

In the RS-12 District and the RS District:

- (1) Single family detached dwelling units.
- (2) Recreation facilities, community centers, parks, gardens or other accessory uses customary and incidental to any permitted use.
- (3) Home occupations subject to the provisions of Section 5.12-4
- (4) Signs as provided for in Section 5.4.

In the RL District:

- (1) Single family detached dwelling units.
- (2) Two Family dwelling units.
- (3) Recreation facilities, community centers, parks, gardens or other accessory uses customary and incidental to any permitted use.
- (4) Home occupations subject to the provisions of Section 5.12-4
- (5) Signs as provided for in Section 5.4.

In the RM District:

- (1) Single family detached dwelling units.
- (2) Two Family dwelling units.
- (3) Multiple family dwelling units.
- (4) Recreation facilities, community centers, parks, gardens or other accessory uses customary and incidental to any permitted use.
- (5) Home occupations subject to the provisions of Section 5.12-4
- (6) Signs as provided for in Section 5.4.

(Amend. of 07-27-05, 11-29-07)

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**5.2 OFF-STREET PARKING REQUIREMENTS.**

**5.21 General.** There shall be provided at the time of the erection of any principal building or structure or at the time any principal building or structure is altered, enlarged or increased in capacity by adding dwelling units, guest rooms, floor areas, or seats, not less than the parking space in the amounts given below. Such space shall be maintained and shall not be encroached upon so long as said principal building or structure remains, unless an equivalent number of such spaces is provided elsewhere in conformance with this ordinance.

**5.22 Obligation.** The requirement for off-street parking space and off-street loading space shall be a continuing obligation of the owner of the real estate on which any such structure or use is located as long as the structure or use is in existence and its use requiring vehicle parking facilities continues. It shall be unlawful for an owner of any structure or use affected by this section to discontinue, change or dispense with, or to cause the discontinuance or change of the required vehicle parking or loading space apart from the alternative vehicle parking space which meets with the requirements of and is in compliance with this section. It shall be unlawful for any firm or corporation to use such structure without acquiring such land or other suitable land for vehicle parking space which meets with the requirements of and is in compliance with this ordinance.

**5.23 Collective parking.** Nothing in this section shall be construed to prevent collective provision of off-street parking facilities for two (2) or more structures or uses, provided that the total of such off-street parking spaces supplied collectively shall be not less than the sum of the requirements for the various uses computed separately.

**5.24 Location of parking.** The parking spaces required for all residential dwellings shall be located on the same lot as the dwelling and the parking spaces required for other uses shall be located on the same lot as the principal use or on a lot in a C.N., C.A., C.G., C.B.D., I.P. or I.G. district which is within five hundred (500) feet of the principal use, such distance to be measured along lines of public access to the property, subject in all cases to special permit approval and site plan approval by the city plan commission.

Such space shall not occupy any part of any required residential front yard or any part of any required usable open space as set forth in this ordinance. On residential corner or through lots, parking space may not be included as part of required yards lying adjacent to either street. On all lots, there must be a four foot landscaped strip between the street and parking areas. (Amend. 2-23-04, Amendment of 1-24-07)

**5.25 Size of spaces and aisles.** A parking space as used herein shall be a space at least nine (9) feet wide and eighteen (18) feet long; provided, however, that not more than twenty-five percent (25%) may be compact spaces. Such compact spaces shall be at least eight (8) feet wide and eighteen feet (18) long and shall be indicated by signage or pavement markings. Such compact spaces shall also, to the greatest extent possible be grouped and located on the perimeter of a site or in areas designated for employee parking. Parking spaces and aisles, depending on their layout, shall be in accordance with the "Schedule of Parking Standards" hereinafter set forth. Nothing in these regulations shall prohibit aisles or spaces wider or longer than the minimum requirement. All parking spaces shall be marked out by appropriate striping or lines.

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	Schedule of Parking Standards		
	90°	60°	45°
A. Double Parking Bay	60 ft.	58 ft.	53 ft.
B. Depth of Bay	18 ft.	20 ft.	19 ft.
C. Width of Aisle	24 ft.	18 ft.*	15 ft.*
D. Width of Space	9 ft.**	9 ft.**	9 ft.**
E. Depth of Space	18 ft.	18 ft.	18 ft.

Aisles for 90° parking are for two way circulation and aisles for 60o and 45o are for one way circulation.

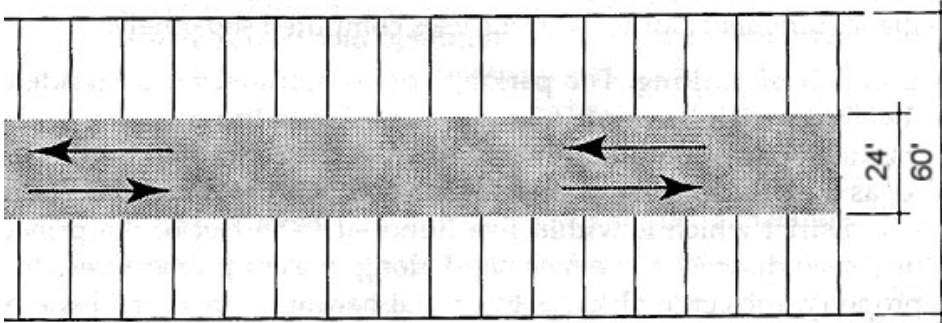
\*provided that if the aisle is also functioning as a fire lane, then the width shall be 20 ft.

\*\* for compact spaces, the width shall be 8 ft.

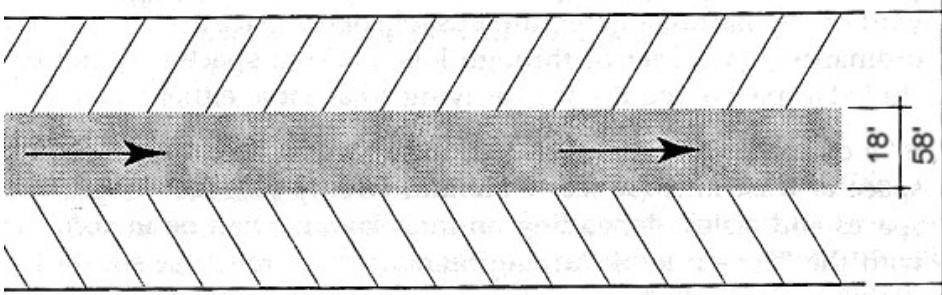
(Amend. 2-23-04)

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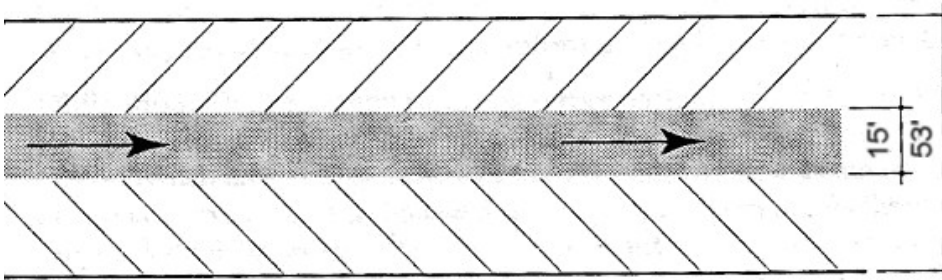
### SCHEDULE OF PARKING STANDARDS



90° PARKING



60° PARKING



45° PARKING

MINIUMUM PARKING SPACE = 9' WIDE BY 18' LONG  
COMPACT SPACE WIDTH = 8'

(Amend. 2-23-04)

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**5.26** **Number of spaces.** Off-street parking spaces shall be provided for all new uses or buildings hereafter constructed, reconstructed, or enlarged in accordance with the following schedule of requirements:

Adult Day Care	1 for each employee, plus the required off street parking per dwelling unit or 1 for each 250 square feet of gross floor area
Appliance, carpet, furniture, hardware, heating and plumbing, retail sales	1 for each 500 square feet of gross floor area
Automobile or car wash	1 for each 100 square feet of gross floor area, but not less than 12 spaces per bay.
Automotive services including but not limited to auto accessories, auto repair, auto body and paint shop, muffler installation, tire shops and engine and transmission overhaul shops	1 for each 300 square feet of gross floor area but not less than 3 spaces per bay
Bowling Alley	5 for each alley
Clubs (public and private) including but not limited to fraternal organizations, lodges and halls	1 for each 100 square feet of gross floor area
Child Day Care Center or Nursery School	1 per employee, 1 per ten students or enrollees, plus adequate drop off and pickup area as determined by the Zoning Board of Appeals, City of Waterbury
Community Shopping Center	1 for each 200 square feet of gross floor area
Dwellings	1.5 for each dwelling unit, except in the case of dwellings constructed and used specifically for the elderly where 1 space shall be provided for every 3 bedrooms

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Eating and drinking establishments including but not limited to restaurants, refreshment stands, cafeterias, soda fountains, cocktail lounges luncheonettes	1 for each 100 square feet of gross floor area
Eating and drinking establishments with service to automobiles	1 for each 50 square feet of gross floor area, but not less than 25 spaces
Golf Driving Range	1.5 for each range stall
Group residence, tourist home, guest, boarding, rooming or lodging house	1 for each guest room or 1 for each 2 beds accommodated, whichever is greater
Hospitals, convalescent, nursing and rest homes	1 for each 2 beds
Hotels and motels	1 for each guest room plus required parking for facilities used for eating, drinking, and places of assembly
Indoor and outdoor recreation facilities	10 spaces for each paintball or speedball playing fields, either indoor or outdoor  10 spaces for each skateboard or BMX bicycle plying field or course  1 space for each 100 square feet of structure containing any recreation facilities except an indoor speedball playing field in which case there shall be a requirement of 10 spaces for the portion of the structure containing the playing field  1 space for every four spectator seats provided for either outdoor or indoor playing fields  1 space for each hole of miniature golf
Indoor Sports Training Facilities	1 for each 1,000 square feet of lot area
Manufacturing and industrial establishments	1 for each employee on the maximum work shift or 1 for each 500 square feet of gross floor area, whichever is greater

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Medical and dental offices	1 for each 100 square feet of gross floor area
Non-commercial Driver Training Facilities	1 for each two students, plus one space per employee in addition to those spaces designated for the storage of training vehicles and/ or used for training purposes.
Offices and financial institutions including but not limited to general offices, public offices, professional offices (other than medical or dental), banks, insurance and finance companies	1 for each 250 square feet of gross floor area
Offices, financial establishments, and commercial establishments with service to automobiles	1 for each 250 square feet of gross floor area, plus 5 stacking spaces for each drive-in window or bay. Stacking spaces shall be within the property boundary of the lot, a minimum of 3 parking spaces shall be provided (Amend of 11-30-05)
Open or outdoor businesses including but not limited to those which sell new and used: Automobiles, trucks, truck bodies, trailers, mobile homes, building supplies, lumber, farm machinery, heavy equipment, swimming pools, nurseries, garden supplies and monuments	1 for each 1,000 square feet of lot area
Places of assembly including but not limited to theaters, auditoriums, churches, temples	1 for each 4 seats or 7 feet of benches, pews, etc.
Retail and commercial sales and service not otherwise specified herein	1 for each 200 square feet of gross floor area
Technical Training Facilities	1 for each 100 square feet of gross floor area
Warehousing and other enclosed storage uses	1 for each employee on the maximum work shift or 1 for each 1,000 square feet of gross floor area whichever is greater

Note:-When units of measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions

WATERBURY ZONING REGULATION

over one-half (½) shall require one parking space. (Amend. 2-23-04), (Amend. 4-27-04)

- 5.27 Development specifications.** All off-street parking areas, whether or not required by this ordinance and whether accessory to another use must comply with the following specifications:
- 5.27-1 Design.** Parking facilities shall be designed to provide for safe circulation of vehicular and pedestrian traffic within the parking area and in relation to adjacent street and shall be laid out so that vehicles shall enter and leave the public street or right-of-way only at the approved entrances and exits.
- 5.27-2 Surface.** Any off-street parking area or access way to said area or any driveway shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
- 5.27-3 Screening.** If more than ten (10) parking spaces are provided on any lot, they must be separated by a suitable fence, wall or compact hedge, at least four (4) feet in height, from every front lot line (except for permitted access driveways) and from every other lot line that separates the lot from adjoining property in a residential district.
- 5.27-4 Landscaping.** If twenty-five (25) or more surface parking spaces are provided on a lot, the area or areas containing those spaces must be landscaped as follows:
- (a) Trees suitable to the location and at least two (2) inches in diameter and equal in number to not less than twenty (20) per cent of the number of parking spaces, must be planted. Insofar as practicable, these trees should be distributed throughout the parking area.
  - (b) Provision shall be made to prevent vehicles from overhanging any walkway and from damaging trees or other landscaping materials.
  - (c) Any portion of a parking area not used for parking space or circulation must be landscaped.
  - (d) Notwithstanding the forgoing, in connection with the expansion or redevelopment (including demolition and reconstruction) of buildings on a developed site, the requirement for a certain number of trees based on a percentage of parking spaces shall be fifty percent (50%) of that set forth in (a) above, provided, however, that if the demolition involves more than (50%) of the building square footage of the developed site or within the development, then the forgoing percentage reduction in the required landscaping shall not apply and the redevelopment shall meet the requirement set forth in (a) above. When buildings on a developed site are expanded or redeveloped the new required landscaping may be spread throughout the existing and newly constructed parking area so as to provide for a uniform landscape treatment. (Amend. 2-23-04)
- 5.27-5 Lighting.** Any lighting used to illuminate any off-street parking area shall be shielded and so arranged as to reflect the light away from adjoining premises and public rights-of-way.
- 5.3 OFF-STREET LOADING REQUIREMENTS.**
- 5.31 General.** On the same premises with every building, structure, or part thereof, erected and occupied for manufacture, storage, warehouse, goods display, department store, wholesale store, market, offices, hotel, hospital, mortuary, laundry, dry cleaner, multiple dwelling or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services in order to avoid interference with public use of the streets and alleys.

WATERBURY ZONING REGULATION

- 5.32 Location.** Except for access drives, no off-street loading area is permitted in any required front yard or any required yard adjacent to a public highway or major artery.
- 5.33 Size of spaces.** The first loading space required for a building shall be at least twelve (12) feet in width, thirty-five (35) feet in length and have a minimum vertical clearance of fourteen (14) feet. All additional required spaces shall be at least fourteen (14) feet in width, fifty-five (55) feet in length and have a minimum vertical clearance of fourteen (14) feet.
- 5.34 Number of spaces.** Loading and unloading space, unless otherwise adequately provided for, shall be provided according to the following schedule:

<i>Gross Floor Area</i>	<i>Spaces Required</i>	
	<i>Commercial and Industrial Uses or Buildings</i>	<i>Multiple Residences, Group Dwellings, Offices, Hotels, Motels, Hospitals and Other institutional and Public Uses, Buildings</i>
0 - 2,000	0	0
2,001 - 15,000	1	0
15,001 - 25,000	1	1
25,001 - 50,000	2	1
50,001 - 75,000	3	2
75,001 - 100,000	4	2
Over 100,000	plus 1 for each additional 50,000 square feet	plus 1 for each additional 100,000 square feet

- 5.35 Development specifications.** All off-street loading areas, whether or not required by this ordinance, must comply with the following specifications:
  - 5.35-1 Design.** Loading facilities shall be designed in order to avoid interference with public use of streets, sidewalks and other public rights-of-way.
  - 5.35-2 Surface.** Any off-street loading area shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
  - 5.35-3 Lighting.** Any lighting used to illuminate any off-street loading area shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way.
  - 5.35-4 Driveway or accessway.** Any driveway or accessway leading into a commercial or industrial use will not be permitted to pass through an R.S., R.L. or R.M. district.

**5.4 SIGN REQUIREMENTS.**

**5.41 General.** Every sign permitted by this ordinance must comply with the following:

**5.41-1 Sign area.** The area of a sign shall include all faces of a sign measured as follows:

- (a) When such sign is on a background or framed or outlined, all of the area of such background or the area enclosed by such frame or outline shall be included; and
- (b) When such sign consists only of letters, designs or figures projected or in any manner affixed on a wall, said wall being of the same material as the entire face of the building, the total area of such sign shall be considered to be the area of the smallest rectangle or triangle which encloses all letters, symbols, designs, or devices which constitute such a sign.

**5.41-2 Painted signs.** All painted signs shall be on a background material affixed to a wall. Signs painted directly on a wall shall not be permitted in any district.

**5.41-3 Moving signs.** No outdoor sign, or any part thereof, shall be permitted to be mechanically moved, rotated, or revolved. Energy saving signs, such as solar and wind signs will be permitted subject to approval by the building official. Strings of lights, pennants, ribbons, or flags shall not be permitted for the purpose of advertising or attracting attention.

**5.41-4 Illumination.** A sign may be illuminated, provided all light sources shall be designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the sign and away from adjoining properties.

Light sources shall not be visible from the street or adjoining properties, except for signs with exposed neon tubes which shall be permitted in all commercial and industrial districts.

Animation of a sign through the use of flashing or blinking lights shall not be permitted. Intermittent variation in the illumination of a sign or its lettering shall be permitted provided that the illumination of any portion of the sign shall not change more often than once in any five second period.

**5.41-5 Traffic safety.** No sign shall, by reason of its size, location, content, coloring or manner of illumination, constitute a detriment to traffic safety by: obstructing the vision of drivers, or detracting from the visibility of traffic-control devices or closely resembling any official traffic control device.

**5.41-6 Sign permit.** Before any sign listed in sections 5.44, 5.45, 5.46 and 5.47 is erected or relocated in the R.O., C.N., C.A., C.G., C.B.D., I.P. and I.G. districts, a sign permit issued by the building official shall be required.

**5.41-7 Maintenance.** All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

**5.41-8 Removal of sign.** The building official may order the removal of any sign erected or maintained in violation of this code [ordinance]. He shall give thirty (30) days' notice, in writing, to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or bring it into compliance. The building official may remove a sign immediately and without notice, at cost to the owner, if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.

**5.41-9 Abandoned signs.** For all abandoned signs except as otherwise provided in these regulations, any sign which is located on property which becomes vacant and unoccupied for a period of six (6) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed

abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner of the premises. If the owner fails to remove it, the building official shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the building official or his duly authorized representative may remove the sign at cost to the owner. Where a successor to a defunct business agrees to maintain the sign as provided in this code [ordinance], this removal requirement shall not apply.

**5.42 Signs permitted in all districts.**

**5.42-1 Signs permitted.** The following signs are permitted in all districts:

- (a) Official government notices.
- (b) Government signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger.
- (c) Signs that warn of danger, prohibit trespassing or direct traffic on a lot. Such signs shall not exceed a total area of two (2) square feet each.
- (d) Signs of public service companies to warn of danger.
- (e) Temporary signs for public, political and charitable purposes, provided they are removed within seven (7) days after the publicized event.
- (f) Religious symbols attached to buildings and not extending within a required yard.
- (g) Signs that can be seen only from the lot where the sign is located.

**5.42-2 Signs permitted subject to conditions.** The following signs are permitted in all districts subject to the conditions contained herein:

- (a) A construction sign that gives information about construction work on the same lot shall be permitted until construction is completed and shall not exceed thirty-two (32) square feet in area.
- (b) A real estate sign that gives information about the availability (for sale or rental) of the premises (in whole or in part) on which the sign is located shall not exceed six (6) square feet in area. Any sign larger than six (6) square feet in area requires a sign permit and is subject to the conditions of commercial or industrial districts.
- (c) A real estate development sign that gives information offering lots, homes or apartments, for sale or lease on the premises on which the sign is located shall not exceed thirty-two (32) square feet in area, shall not be displayed for more than twelve (12) months and shall be subject to a sign permit.

**5.43 Signs permitted in residence districts.** In the R.S., R.L., R.M., R.H. and R.O. districts, the following permitted signs shall give only the name of the occupant(s) on the premises and the address thereof and subject to the following conditions:

- (a) An announcement sign not exceeding two (2) square feet in area.
- (b) An identification sign for a home occupation in accordance with all other applicable provisions of this ordinance and not exceeding two (2) square feet in area.
- (c) For other uses permitted in these districts, such as schools, churches and public buildings, signs are permitted. The total area of all signs shall not exceed thirty-two (32) square feet.

**5.44 Signs permitted in residential office districts.** In addition to the signs permitted in residence districts, wall signs shall be permitted on nonresidential buildings in the R.O. district subject to the conditions contained in section 5.45.

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**5.45. Signs permitted in commercial and industrial districts.** The following signs are permitted in the C.N., C.A., C.G., C.B D., I.P. and I.G. districts and subject to the following conditions:

**5.45-1 Wall signs.** All wall signs shall comply with the following requirements:

- (a) Each sign must be attached to a wall or facade of a building fronting on a public street.
- (b) No sign shall project beyond the sides of the front of the building or above the top of any parapet or wall.
- (c) A wall sign may extend forward as much as twelve (12) inches from the wall to which it is attached. No part of such sign shall project in front of the building setback line except that if the face of the wall is coincident with the building setback line, such sign may extend not more than twelve (12) inches beyond such line if placed ten (10) feet, and three (3) inches if placed not less than eight (8) feet [in] height above ground level.
- (d) On high-rise buildings, wall signs may be permitted near the top of any wall provided the lowest point of the sign is at least seventy-five (75) feet above finished grade and not more than twenty (20) feet below the top of the parapet or wall. Such signs shall be above the top of all windows in the wall to which they are attached.
- (e) The area of 811 wall signs shall not exceed two (2) square feet for each lineal foot of building frontage on a public street or forty (40) per cent of the area of the facade of the building fronting on a public street, whichever is greater.

**5.45-2 Ground signs.** All ground signs shall comply with the following requirements:

- (a) The sign shall be supported by a freestanding, self-supporting structure that is erected on the ground and is not attached to a building.
- (b) No ground sign shall extend or project beyond any property or street line.
- (c) No ground sign shall be located within fifty (50) feet of the boundary of any residential district.
- (d) All signs shall be at least fifteen (15) feet from any lot line fronting on a street.
- (e) The area of all ground signs shall not exceed one (1) square foot for each lineal foot of lot frontage.
- (f) There shall not be more than one (1) ground sign for each street frontage.
- (g) No ground sign shall exceed a height of thirty (30) feet above grade.

**5.45-3 Marquee signs.** All marquee signs shall comply with the following requirements:

- (a) The sign must be attached to a vertical edge of a marquee that lawfully extends forward from a front wall of a building.
- (b) No sign shall extend or project beyond any edge of the marquee.
- (c) No sign or any part thereof shall be located closer than two (2) feet from the curb line.
- (d) No sign or any part thereof shall be less than ten (10) feet or more than twenty (20) feet above the sidewalk or other surface over which the marquee extends.

**5.45-4 Mobile signs.** All mobile signs shall comply with the following requirements:

- (a) A mobile sign is a transportable sign which may be towed on its own running gear and which may be temporarily affixed to real estate.
- (b) All mobile signs shall be located at least fifteen (15) feet from any lot line fronting on a street.
- (c) No mobile sign shall project or extend beyond any property or street line.

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- (d) The area of all mobile signs shall not exceed forty (40) square feet.
- (e) No mobile sign shall exceed a height of ten (10) feet.
- (f) There shall not be more than one (1) ground sign or mobile sign for each lot frontage.
- (g) No mobile sign shall be allowed on a lot having an existing ground sign, except under a temporary sign permit issued by the building official for not more than thirty (30) days in any calendar year.
- (h) No mobile sign shall be located within fifty (50) feet of the boundary of any residential district.

**5.46 Signs permitted in the general industrial district.** In addition to the signs permitted in commercial and industrial districts, roof signs shall be permitted in the I.G. district subject to the following conditions:

- (a) Supporting members of a roof sign shall be an architectural and integral part of the building. The sign shall be free of cables, guy wires and extra bracing, and shall be so constructed as to withstand a wind load of thirty (30) pounds per square foot.
- (b) No roof sign shall be more than twenty (20) feet in height above the roof of the building.
- (c) The area of all roof signs shall not exceed two (2) square feet for each lineal foot of lot frontage.
- (d) There shall be no more than one (1) roof sign for each principal building on the lot.

**5.47 Billboards.** A billboard shall be permitted in the C.A., C.G., I.P. and I.G. districts.

**5.48 Outdoor advertising.**

- (a) Advertising signs shall only be permitted uses in the following zones: C.A., C.G., I.P. and I.G. In no manner shall said signs be permitted in residential zones.
- (b) No advertising signs shall exceed an area of nine hundred (900) square feet, as per state regulation.
- (c) Advertising signs shall not be erected nearer to the street line than the established setback line and side yards for that zone.
- (d) Advertising signs shall be so constructed as to withstand a wind load of thirty (30) pounds per square foot.
- (e) Advertising signs shall be separated from each other by a distance of at least two hundred (200) feet, except that two (2) or more such signs may be arranged to form a continuous face, either in a straight line, on an angle, or back to back. Faces which are separated by no more than two (2) feet shall be considered continuous for the purpose of this section.
- (f) Advertising signs shall not be displayed within one hundred (100) feet of any public park, playground or cemetery; nor shall said sign be displayed within one hundred (100) feet of an adjoining residential district if designed to face directly into such district and be visible therefrom.
- (g) A sign may be illuminated provided all light sources shall be designed, shielded, arranged and installed to confine or direct all illumination to the surface of the sign and away from adjoining properties. Light sources shall not be visible from the street or adjoining properties, except for signs with exposed neon tubes which shall be permitted in all commercial and industrial districts. Animation of a sign through the use of flashing or blinking lights shall not be permitted. Intermittent variation in the illumination of a sign or as lettering shall be permitted provided that the illumination of any portion of the sign shall not change more than once in any five-second period.

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- (h) Traffic safety. As determined by Connecticut State Police, no sign shall by reason of its size, location, content, coloring or manner of illumination constitute a detriment to traffic safety by obstructing the vision of drivers, or detracting from the visibility of traffic-control devices or closely resembling any official traffic-control device.
- (i) Advertising signs shall not be attached to or located on any building or property used in whole for residential purposes regardless of what [how] such property is zoned. This section also requires that all painted signs shall be on a background affixed to a surface and not painted directly on such surface.
- (j) Before any sign described in this section is erected or relocated, a sign permit issued by the building official shall be required and accompanied by a detailed blue line drawing.

**5.5 PERFORMANCE STANDARDS.**

**5.51 Objective.** No commercial or industrial use shall create or cause any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard, noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electromagnetic or other disturbance; glare; liquid or solid refuse or waste; or other substance, condition or element in such a manner or in such amount as to affect adversely the reasonable use of the surrounding area or adjoining premises (referred to herein as “dangerous or objectionable elements”), such determination to be made in accordance with the standards set forth hereinafter.

**5.52 General**

- (a) Performance standards shall apply to all business and industrial uses, whether located in a commercial or industrial district or located in a residence district as a nonconforming use or special conditional use.
- (b) Measurements to determine present compliance and estimates to determine future compliance may be made by the zoning administrator, or any other public or private agency, firm or person competent to make such measurements or estimates. The zoning administrator may require the owner or user of property to furnish such measurements or estimates in appropriate cases.
- (c) New construction, new facilities and new activities shall not be permitted except in compliance with these standards.
- (b) Existing uses shall not be required to reconstruct or rearrange their facilities and activities to provide compliance with these standards unless the same can be accomplished without undue cost, as determined by the zoning administrator, or unless such reconstruction or rearrangement is required through some regulation other than the zoning ordinance. Where existing uses do comply with these standards they shall not be altered so as not to comply, and where existing uses do not comply with these standards they shall not be altered so as to increase any noncompliance except under the conditions of section 6.5, Structural expansion; nonconforming uses. Any existing machine, structure or other facility which does not comply with these standards shall not be replaced with a similar noncomplying facility unless: a. the facility is essential to the operation of the business or industry, and b. the zoning administrator determines that replacement with a complying facility be impractical.

**5.53 Standards for dangerous or objectionable elements.**

**5.53-1 Fire and explosion hazard.** All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices. The relevant provisions of state and local laws and regulations shall also apply.

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- 5.53-2 Radioactivity or electromagnetic disturbance.** No activities shall be permitted which emit dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- 5.53-3 Noise.** The maximum sound pressure level radiated by any use or facility (other than transportation facilities) at the property line shall not exceed the values tolerable in a residential neighborhood except by specific review and approval by the zoning administrator.
- 5.53-4 Vibration.** No vibration shall be permitted which is detectable without instruments at the property line.
- 5.53-5 Smoke.** No emission shall be permitted at any point from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954, being a direct facsimile reduction of the standard Ringlemann Chart as issued by the United States Bureau of Mines, except that visible grey smoke of a shade equal to No. 2 on said chart may be emitted for four (4) minutes in any thirty (30) minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color but with an apparently equivalent opacity.
- 5.53-6 Odors.** No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable at the property line.
- 5.53-7 Fly ash, dust, fumes, vapors, gases, and other forms of air pollution.** No emission shall be permitted which can cause damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point.
- 5.53-8 No direct or sky-reflected glare.** No glare shall be permitted whether from floodlights or from high-temperature processes such as combustion or welding or otherwise. This restriction shall not apply to signs otherwise permitted by the provisions of the ordinance.
- 5.53-9 Liquid or solid wastes.** No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground of any materials of such quantity, nature, or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.

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## Article VI. Non-conforming Uses

### 6.1 DECLARATION.

Any lawful use of the land, building, or structures existing at the date of passage of this ordinance and located in a zoning district in which it would not be permitted as a new use under the regulations of this ordinance, is hereby declared to be a nonconforming use, and not in violation of this ordinance at the date of adoption of the ordinance, provided, however, a nonconforming use shall be subject to, and the owner shall comply with, the following regulations.

### 6.2 CERTIFICATION OF NONCONFORMITY.

The owner or petitioner of the subject property shall submit to the zoning administrator documents and other forms of evidence establishing that the use existed legally prior to the adoption of this ordinance. The evidence shall be satisfactory to the zoning administrator.

### 6.3 CHANGE IN USE.

A nonconforming use may be changed to another nonconforming use in the same zoning district providing that the new use will have a lesser impact upon the surrounding area than the old one and subject to the granting of a special exception by the zoning board of appeals.

Whenever a nonconforming use has been changed to a conforming use or to a use permitted in the same zoning classification, it shall not thereafter be changed to a nonconforming use.

### 6.4 EXTENSION OF USE.

Where no structure is involved, a nonconforming use of land may be continued but no such nonconforming use shall be increased or extended to occupy a greater area of land.

### 6.5 STRUCTURAL EXPANSION.

#### 6.51 General Provisions

Any existing legal nonconforming use of a building or structure may be expanded to not more than fifty (50) per cent of its gross floor area on the existing lot area at the date of the adoption of this ordinance, (June 20, 1979), provided that the proposed extension does not violate height, yard, parking, and lot coverage requirements of the existing zoning district and subject to the approval of the Zoning Board of Appeals as a Special Exception. These conditions are mandatory and not subject to variance. (Amendment of 7-26-06)

#### 6.52 Nonconforming Two Family Residential Structures

In the RL District, any dwelling unit in an existing legal two family residential structure at the date of the adoption of this ordinance, October 1, 2006, may be expanded on the existing lot provided that the proposed expansion does not violate height, yard, parking, and lot coverage requirements of the RL District and provided that no additional dwelling unit is created. The provisions of Section 6.51 shall not apply to any dwelling unit in an legal nonconforming two family residential structure in the RL District. (Amendment of 7-26-06)

### 6.6 ABANDONMENT.

Any nonconforming building or structure, the use of which has been abandoned for any reason for a continuous period of six (6) months, shall thereafter conform to the provisions of the ordinance. A nonconforming use of land not involving a building or structure, or involving a building, structure, or improvement of less than one thousand dollars (\$1,000.00) assessed value which has been abandoned for any reason for a continuous period of three (3) years from the date of the adoption of this ordinance or three (3) years from the date when the value of the building, structure or improvement is assessed at less than one thousand dollars (\$1,000.00) shall thereafter conform to the provisions of this ordinance.

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# Article VII. Administration and Enforcement

## 7.1 THE ZONING ADMINISTRATOR.

This ordinance shall be administered and enforced by the zoning administrator who shall be the city planner, or his designated assistants.

## 7.11 **Enforcement.** This ordinance shall be enforced by the zoning administrator and such employees of his department as he may designate. The zoning administrator may 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 thereat in violation of any provision of these regulations. The owner or agent of a building or premises where a violation of any provision of such regulations has been committed or shall exist, or the lessee or tenant of any entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists shall be guilty of a misdemeanor.

Any official having jurisdiction in addition to other remedies may institute an action or proceeding to prevent the unlawful erection, construction, alteration, conversion, maintenance, or use of a building, or to restrain, correct or abate such violation, or to prevent the occupation of buildings, structures or land, or to prevent any illegal act, conduct, business or use in or about such premises.

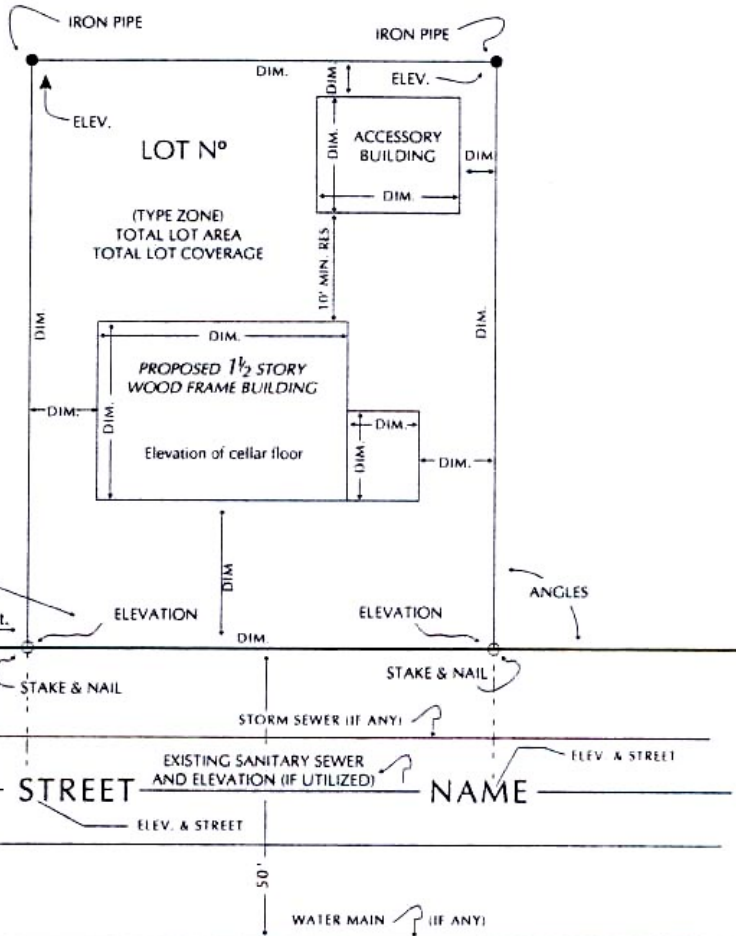
## 7.12 **Violations and penalties.** Violation of any provision or requirement of this Zoning Regulation or violation of any statement, plan, application, permit or certificate approved under the provisions of this Zoning Regulation shall be deemed an offense punishable in accordance with Chapter 8 of the Connecticut General Statutes, as it may be amended.

## 7.13 **Building permit.** It shall be unlawful to commence construction, alteration, or addition of any building, or excavation for any building, structure, or use, until the application and plans therefor have been approved by the building official and a permit therefor has been issued in accordance with Chapter 150 of the Waterbury Municipal Code of Ordinances.

Nothing herein contained shall require any change in the plans, construction, or use of a building for which a building permit has been issued or for which plans were on file with the zoning administrator before the effective date of these regulations.

(Amend. of 7-17-85; Ord. of 7-19-89; Ord. of 5-16-90, Amend of 9-28-05)

# TYPICAL PLOT PLAN



NOTE  
TYPICAL BUILDING INSPECTOR'S  
MAP SHOWING REQUIRED  
INFORMATION WHEN APPLYING  
FOR A BUILDING PERMIT.

Show and dimension all  
applicable requirements in  
accordance with the Zoning  
Ordinance of Waterbury, CT.

NOTE IF ELEVATIONS ARE  
CITY DATUM OR ASSUMED

Show distance to nearest street.

Lot recorded by map or deed in Wtby. Land Records  
Volume \_\_\_\_ Page \_\_\_\_ Date \_\_\_\_ (Date should be prior to  
August 12, 1943)  
Map Book \_\_\_\_ Page \_\_\_\_ Date \_\_\_\_

OR

Lot recorded by map in Wtby. Land Records in an approved subdivision by  
the City Plan Commission Map Book \_\_\_\_ Page \_\_\_\_ Date \_\_\_\_ (Date should  
be prior to  
August 12, 1943)  
Volume \_\_\_\_ Page \_\_\_\_ Date \_\_\_\_  
All others should be referred to the City Plan Office.

The accuracy of the information on  
this map meets the standards for a  
Class A-2 Transit Survey.



BUILDING INSPECTOR'S MAP FOR:  
PROPOSED HOUSE FOR JOE DOAKE ON NOBLE ST.  
FEB. 24, 19XX SCALE 1" = 10' \_\_\_\_\_ SURVEYOR

Approximate total number of cubic yards of earth excavation: \_\_\_\_  
Approximate total number of cubic yards of imported earth material: \_\_\_\_  
(Amend. 6-26-03)

**7.14**

**Certificate of Zoning Compliance.** No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose, until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the premises or building complies with all the provisions of these regulations. Such a certificate is also required for any change, extension, or alteration in a use. Where an as-built certificate is required for construction, a final as-built certification must be submitted prior to issuance of a certificate of zoning compliance.

An application for a Certificate of Zoning compliance must be accompanied by a plot plan containing all the information necessary to enable the Zoning Administrator to decide whether the proposed building, alteration, addition, or use complies with all the provisions of these regulations. The plot plan shall be a Class A-2 survey map made by a Connecticut registered land surveyor, submitted in accordance showing all lot lines accurately indicated by stakes or markers, both on the map and on the ground, in order to determine compliance. The map shall include proposed construction, additions, and renovations with front yard, side yards, and rear yard, off-street parking, and accessory buildings, as required under this ordinance. The map shall also include zoning lot area, lot coverage, first floor elevations, existing sanitary sewer, storm sewer, and water main pipe and elevation if existing or proposed. The plot plan shall indicate whether the land in question is recorded in the Waterbury Land Records in a subdivision approved by the city plan commission or recorded by map or by deed in the Waterbury Land Records prior to August 12, 1943, indicating map book, page and date. The plot plan must also include an as-built certification by a licensed surveyor if a foundation is applied for. Approval by the health department for on-site sewage disposal is also required on the plot plan unless the site can and will be adequately served by the municipal sanitary sewer system. The plot plan include an estimate of quantities of earth material involved in each of the following activities: earth excavation, filling and/or grading, processing of earth material for reuse on site, stockpiling of earth material, importation of earth material, stockpiling of imported earth material and/or removal of earth material.

Notwithstanding the prior paragraph, an A-2 survey map is not required for a wall sign, a structure which is an ancillary to a residential use or an addition to a principal residential structure which increases the area of the footprint by 10% or less provided the following conditions exist:

- (1) The Zoning Administrator has sufficient information to determine zoning compliance.
- (2) Surveyors stakes or pins are visible in the field.
- (3) Any newly constructed, altered or relocated structure which is an ancillary to a residential use or an addition to a principal residential structure which increases the area of the footprint by 10% or less is located such that the zoning administrator can make a determination that said structure which is an ancillary to a residential use or an addition to a principal residential structure which increases the area of the footprint by 10% or less does not violate a required yard, setback or separation distance.
- (4) All earth excavation, filling and/or grading, processing of earth material for reuse on site, stockpiling of earth material, importation of earth material, stockpiling of imported earth material and/or removal of earth material involves a total quantity of no more than 500 cubic yards.

A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

Where the alteration does not require the vacating of the premises or where parts of the premises are finished and ready for occupancy before the completion of the alteration, or, in the case of a new structure, before its completion, a conditional certificate of zoning compliance may be issued.

(Amend. of 7-17-85; Ord. of 7-19-89; Ord. of 5-16-90, Amend of 9-28-05)

**7.2 THE ZONING BOARD OF APPEALS.**

**7.21 Powers and duties.** The zoning board of appeals, hereinafter called the board, as authorized by the zoning law of the State of Connecticut and amendments thereof shall have the following powers and duties:

**7.21-1 Adopt rules.** Adopt such rules and regulations as may be deemed necessary to carry out these regulations.

**7.21-2 Decide appeals.** Hear and decide appeals where it is alleged that there is error in any order or decision made by the zoning administrator.

**7.21-3 Authorize variance.** Authorize upon appeal in specific cases variance from the terms of these regulations where by reason of exceptional shape, size, or topography of the lot or other exceptional situation or condition of the building or land, exceptional difficulty or unusual hardship would result to the owners of said property from a strict enforcement of the regulations; provided that such relief or variance can be granted without substantial impairment of the intent, purpose and integrity of this ordinance and of the comprehensive plan for the City of Waterbury.

A Class A-2 survey map made by a Connecticut registered land surveyor shall be required for any variance.

It is further provided that this provision shall not permit the board to permit a use of land not authorized by the provisions of this ordinance for a specific zoning district or to increase the height or volume of a building or structure or to increase the density of development beyond that permitted by this ordinance for any particular zoning district. Before granting a variance on the basis of unusual difficulty or unreasonable hardship, the zoning board of appeals must make a written finding in its minutes as part of the record in the case that all of the following conditions exist:

- (a) That if the owner complied with the provisions of this ordinance he would not be able to make any reasonable use of his property.
- (b) That the difficulties or hardship relate to the physical characteristics of the land and are peculiar to the property in question in contrast with those of other properties in the same district.
- (c) That the hardship was not the result of the applicant's own action.
- (d) That the hardship is not merely financial or pecuniary.
- (e) Any variance which is not executed within a period of six (6) months shall become null and void, unless an extension of time is applied for and granted by the Zoning Board of Appeals.

**7.21-4 Grant special exceptions.** The zoning board of appeals shall have the power to approve special exceptions in accordance with the special exceptions provision of section 5.13 of this ordinance for the following uses:

- Adult day care centers
- Automobile service station
- Boarding, rooming, lodging house or group home
- Body and paint shop
- Cemetery
- Club, lodge, or association
- Communication transmission building or tower or wireless telecommunication facilities
- Convalescent, nursing, or rest home
- Conversion of existing structures
- Dental Services
- Drinking places (alcoholic beverages)
- Group residence
- Legal Services
- Junk, salvage, or scrap yard
- Nursery school or day care center
- Outpatient Medical Services
- Package store, retail
- Pinball machines, video and electronic games
- Public utility substation or tower
- Technical Training Facilities
- Tourist home or guest house
- Wind energy conversion system

A Class A-2 survey map made by a Connecticut registered land surveyor shall be required for special exceptions involving the construction of any structure or addition to an existing structure. In addition, the board shall have the power to grant a special exception for any change from a nonconforming use to another nonconforming use. Any special exception which is not executed within a period of six (6) months shall become null and void, unless an extension of time is applied for and granted by the zoning board of appeals. (Amend. of 8-17-83)

**7.22 Applications.** Every appeal taken under this section and every application for variance and every request for special exception shall be made only on forms as required and specially provided by the zoning administrator. Such forms shall be filed with the board in duplicate.

**7.23 Public hearing.** The board shall hold a public hearing on all appeals, and applications for special exceptions and variances, and shall publish a notice of said hearing in a newspaper of general circulation within the city in accordance with the Connecticut General Statutes.

**7.24 Board action.** All determinations of the board shall be made in accordance with the Connecticut General Statutes and the comprehensive plan as set forth in these regulations and in harmony with the purpose and intent expressed in Article I, section 1.1, hereof. (Amend. of 5-17-83)

### **7.3 THE ZONING COMMISSION.**

**7.31 Amendment to zoning ordinance.** The zoning commission may, from time to time, amend, supplement, change, modify or repeal the regulations, restrictions and boundaries established by this ordinance. However, no change in the regulations, restrictions or boundaries shall become effective until after a public hearing in relation thereto, held by the commission, at which parties in interest and citizens shall have the opportunity to be heard. The provisions of Sections 1.89, 7.33-1, 7.52 7.53 shall not apply to any amendment, supplement, change, modification or repeal of the regulations, restrictions or boundaries established by this regulation initiated by the Zoning Commission. (Amendment of 7-26-06)

**7.31-1 Application.** An original and six (6) copies of an application for an amendment to the zoning ordinance must be made to the zoning commission, in letter form, and submitted to the city clerk together with the cost of advertising same which shall be borne by the petitioner. (Amend. of 10-21-87)

**7.32 Public hearing.** The commission shall hold a public hearing on all proposed amendments and changes to the zoning ordinance or map and shall publish a notice of said hearing in a newspaper of general circulation within the city in accordance with the General Statutes of the State of Connecticut.

**7.33 Amendment to zoning map.** Any property owner within the City of Waterbury, or his assigned agent, may petition for an amendment to the zoning map, for his own property.

The petitioner for an amendment to the zoning map is subject to the following conditions:

**7.33-1 Application.** An application for an amendment to the zoning map must be made to the zoning commission in accordance with the submission requirements of Section 1.89]and submitted to the city planner together with the cost of advertising same which shall be borne by the petitioner. The application shall include the following information:

- (a) Applicant—Name and address of applicant and applicant’s agent.
- (b) Change requested—Existing and proposed zoning district classifications.
- (c) Location of property—Street address and subdivision lot number(s) as recorded in the town clerk’s office, of all properties within the area proposed for rezoning.

- (d) Property description A metes and bounds description of the area proposed for rezoning prepared by a Connecticut registered land surveyor, and a short description identifying the area and dimensions of the property proposed for rezoning as well as the names of abutting property owners.
- (e) Property map A Connecticut registered land surveyor's map of the lot or parcel proposed for a change of zone showing the owner(s) of record, existing and proposed zoning district classification, subdivision lot number(s) as recorded in the town clerk's office, now or former abutting property owners, north arrow, and the distance in feet from the proposed zone change to the nearest street intersection.

If the zoning petition involves two (2) or more lots or parcels, the surveyor's map may include an accurate boundary survey rather than individual surveys of the lots or parcels involved in the proposed zone change. The map shall show the owners of record, lot numbers, dimensions by map or by deed as recorded in the town clerk's office, existing and proposed zoning district classification, north arrow, and the distance in feet from the proposed zone change to the nearest street intersection. (Ord. of 10-21-87, Amend. of 9-28-05)

**7.33-2 Acceptance of application.** Prior to accepting the application, the city clerk shall refer all applications to the city plan commission office for the purpose of checking the property description and other information required for application.

**7.33-3 Public hearing.** The zoning commission shall fix the time and place of a public hearing on the proposed amendment in accordance with the General Statutes of the State of Connecticut.

**7.33.4 City plan commission action.** The zoning commission shall submit all zoning amendments or changes to the city plan commission which shall report its recommendation concerning such change to the zoning commission prior to the hearing on such request.

The failure of the city plan commission to report prior to or at the hearing shall be taken as approval of such proposals. A statement of the vote of the city plan commission approving, disapproving or proposing a modification of such proposal shall be publicly read at any public hearing held thereon. The full report of the city plan commission regarding such proposal shall include the reasons for the commission's vote thereon and shall be incorporated into the records of any public hearing held thereon.

**7.33-5 Zoning commission action.** A proposal disapproved by the city plan commission may be adopted by the zoning commission by a vote of not less than four (4) members of the commission. Whenever the zoning commission takes any action regarding the regulations or the boundaries of a zoning district, it shall state upon its records the reasons why such action was taken.

**7.33-6 Rehearing of petition.** No petition which has been scheduled for public hearing, but has been subsequently withdrawn either before or after said public hearing or which has been rejected or denied by the zoning commission shall be heard again until the petition has been referred to the city plan commission for a report on the question whether there has been a material change in the situation.

**7.34 Special permit approval.** The zoning commission shall have the power to approve special permits in accordance with the special permit provisions of section 5.15 of this ordinance for the following uses:

Motor vehicle junk yard—Motor vehicle junk business.

(Amend. of 10-19-83)

**7.4 THE CITY PLAN COMMISSION.**

**7.41 Review of zoning ordinance.** The city plan commission and its staff shall carry on a continuous review of the effectiveness and appropriateness of the zoning ordinance and map and recommend such changes as they see fit.

**7.42 Zoning amendments.** The city plan commission shall review all amendments and requests for changes to the zoning ordinance and map and report its recommendation to the zoning commission.

In making such report on a proposed amendment, the city plan commission shall make inquiry and determination concerning the terms specified below:

**7.42-1 Amendment to the text of the ordinance.**

- (a) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular districts concerned;
- (b) Which areas, land uses, buildings and establishments in the city will be directly affected by such change and in what way they will be affected;
- (c) The indirect implications of such change in its effect on other regulations; and
- (d) Whether such proposed amendment is consistent with the aims of the comprehensive land use plan and the comprehensive plan of development of the city.

**7.42-2 Amendment to the zoning map.**

- (a) Whether the uses permitted by the proposed change would be appropriate in the area concerned;
- (b) Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change;
- (c) Whether the proposed change is in accord with any existing or proposed plans in the vicinity;
- (d) The effect of the proposed amendment upon the growth of the city as envisioned by the comprehensive land use plan and the comprehensive plan of development; and
- (e) Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the city and the probable effect thereof.

**7.43 Site plan approval.** The city plan commission shall have the power to approve site plans in accordance with the special permit provisions of section 5.14 of this ordinance for the following uses:

- Clustered development
- College or university
- Designed development
- Earth Excavation, filling and grading
- Group dwellings
- High-rise office buildings
- Hospital, public or private
- Importation of Earth material
- Indoor Sports Training Facilities
- Mobile home park
- Multiple-family dwellings

Non-commercial Driver Training Facilities  
Park, playfield, playground, library, community center, Jewish community center, and other public buildings and facilities  
Parking garage or lot  
Processing of earth material  
Public housing, urban renewal and redevelopment projects  
Regional shopping center  
Removal of earth material  
Sale of earth material  
Stockpiling of earth material  
Stockpiling of imported earth material  
Schools, public, private, and parochial  
Stadium or exhibition hall

(Amend. of 2-17-88; Amend. of 6-21-89)

#### **7.44 Site plan procedure.**

- (a) Uses requiring special permit approval shall be accompanied by a site plan in conformance with section 7.45 of this ordinance which shall be submitted to the city plan commission office, together with a completed site plan application in accordance with the submission requirements of Section 1.89 and all the required fees. (Fees listed on application.)
- (b) The zoning administrator shall certify on each site plan or amendment whether or not the proposed building or facility meets the requirements of all provisions of this ordinance, other than those regarding site plan approval.
- (c) The city plan commission shall approve, modify and approve, or disapprove said site plan. City plan commission disapproval shall include written findings upon any site plan element found contrary to the provisions or intent of this ordinance.
- (d) In all cases where this ordinance requires approval by special permit, no permit shall be issued by the zoning administrator except upon authorization of and in conformity with the site plan approved by the city plan commission.
- (e) City plan commission may attach safeguards and conditions to ensure public safety and welfare, including but not limited to number of employees, hours of operation, periodic review and renewal of special permit, improvements to existing public facilities, conservation restrictions, erosion and sedimentation control plans and a performance bond.
- (f) Before approval, applicant shall file a performance bond in the form of a certified check or letter of credit, payable to the City of Waterbury, in the amount to guarantee completion of all public improvements within an existing street and right-of-way, including but not limited to utility extensions, drainage improvements, curbing and sidewalks and in addition thereto 10% thereof for contingency.  
Such bond will not be released by the commission until the city engineer has received an "as built" plan and has submitted a certification letter to the commission stating that all provisions of the special permit have been met.
- (g) A report from the Fire Marshal on fire fighting feasibility of the proposed plan.
- (h) Approval of any use or activity required from any other state or local department, excluding the Office of Inspections, shall be obtained and provided before any action is taken by the commission.
- (i) Failure to comply with application requirements/adopted administrative procedures shall be grounds for denial.

- (j) Requirements of site plan may be waived upon a two-thirds ( $\frac{2}{3}$ ) vote of the commission. (Ord. of 10-21-87; amended 12-18-97, Amend. Of 9-28-05)

**7.45 Site plan requirements.** Those special conditional uses, including special permits, requiring site plan approval shall be accompanied by a development plan(s) which shall include the following information where appropriate:

**7.45-1 General.**

- (a) Name and address of the applicant, owner of record as listed on the city's tax rolls, and the developer.
- (b) Date, north arrow, and numerical and graphical scale.
- (c) The words "Approved by the Waterbury City Plan Commission," with designated places for the title and signature of the commission chairman and the date.
- (d) Applicant shall provide a written description of proposed use and the estimated amount and type of vehicular traffic to be generated on both a daily basis as well as for peak hours.
- (e) Site plan shall provide a 1" - 1000' scale map showing subject property and all property, zoning and streets within 500 feet.
- (f) All applications involving the construction or expansion of more than 50 dwelling units, 75 parking spaces or 15,000 square feet of gross floor area shall be accompanied by a traffic study. No special permit will be issued unless a level of service "C" or better can be demonstrated according to accepted traffic engineering practices.
- (g) All applications will contain a complete environmental impact analysis of the proposed property and land use and measures to mitigate potential environmental impact.
- (h) All applications shall include a soil scientist statement on map, verifying boundaries or indicating (no) presence of inland wetland soils and/or watercourses.
- (i) All applications involving the construction or expansion of more than 24 dwelling units, 50 parking spaces or 10,000 square feet of gross floor area shall be accompanied by a storm water management plan to accommodate 25 year design storm.
- (j) All applications involving the construction or expansion of more than 24 dwelling units, 50 parking spaces or 10,000 square feet of gross floor area shall be accompanied by architectural plans showing exterior wall elevations, roof lines and facade materials of proposed structures and/or changes to existing buildings.
- (k) A soil erosion and sediment control plan shall be provided per section 5.11 of this ordinance.
- (l) Site plan shall be prepared and signed/sealed by professional engineer, Connecticut licensed architect or landscape architect.

**7.45-2 Development plans.**

- (a) A Class A-2 survey of the property prepared by a Connecticut registered land surveyor at a scale of not more than one hundred (100) feet to one (1) inch showing all lot dimensions, the names of adjacent property owners, and streets.
- (b) Location and dimensions of all existing and proposed buildings (including their height) on the subject lot and within one hundred (100) feet of the subject lot, if required.
- (c) The location and dimensions of all existing and proposed uses and facilities not requiring a building or structure.
- (d) Location of driveways, parking and loading areas showing number of stalls provided.

- (e) Location and type of open space areas, buffer areas and screening.
- (f) All site plans shall be accompanied by topographic map with contours of two (2) feet, showing existing wooded areas, watercourses, wetlands, flood hazard areas, rock outcrops and other significant, physical features, if required.
- (g) Location of curbs, sidewalk, and internal walkways.
- (h) Location of group signs.
- (i) Existing and proposed storm drainage, sanitary sewage, and water supply facilities, water pressure and easements.
- (j) Table showing what is required by zoning ordinance, and what is provided by the applicant, such as zoning, use, number of dwelling units, bedrooms, lot area, setbacks, coverage, floor area, parking spaces, and open space, etc.
- (k) Applicant shall provide cross-sections detailing the construction of all proposed sidewalks, driveways, parking areas and storm drainage structures.

**7.45-3 Open space and landscaping.**

- (a) Size, arrangement, uses and dimensions of open space on the site.
- (b) Location, general layout, type and size of plant material, fencing, screening devices or other materials proposed.
- (c) Location of existing trees over eight (8) inches in diameter on property.

**7.45-4 Signs and lighting.**

- (a) Location, size, height, orientation, and plans of all signs for nonresidential uses and buildings.
- (b) Location, size, height, orientation and design of any outdoor lighting.

**7.45-5 Parking, loading and circulation.**

- (a) Location, arrangement and dimensions of automobile parking stalls, aisles, vehicular drives, entrances, exits and ramps.
- (b) Location, arrangement and dimensions of loading and unloading areas.
- (c) Location and dimensions of pedestrian entrances, exits, walks and walkways.
- (d) Location of fire lanes.

**7.45-6 Staging and other information.** If the site plan only indicates a first stage, a supplementary plan shall indicate ultimate development. Any other information deemed by the city plan commission necessary to determine conformity of the site plan with the intent and regulations of this ordinance.

**7.46 Site plan review.** In granting approval of any site plan, the city plan commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular.

**7.46-1 General.** The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

- 7.46-2 **Comprehensive plan.** The proposed site plan shall be in general conformance with the intent of the comprehensive plan of Waterbury.
- 7.46-3 **Traffic access.** That all proposed traffic access ways are: Adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other places of public assembly; and other similar safety considerations.
- 7.46-4 **Circulation and parking.** That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking.
- 7.46-5 **Landscaping and screening.** That all playground, parking and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and that the general landscaping of the site is in character with that generally prevailing in the neighborhood. Preservation of existing trees over twelve (12) inches in diameter to the maximum extent possible shall be encouraged.
- 7.46-6 **Illumination.** That lighting from the installation of outdoor lighting and illuminated signs will be properly shielded so that such lighting will not adversely affect any abutting property or public street.
- 7.46-7 **Public health.** That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the city.
- 7.46-8 **Public safety.** That all buildings, structures, uses, equipment or material are readily accessible for fire and police protection.
- 7.46-9 **Character and appearance.** That the character and appearance of the proposed use, buildings, and/or outdoor signs will be in general harmony with the character and appearance of the surrounding neighborhood and will not adversely affect the general welfare of the inhabitants of the city.

**7.5 PUBLIC HEARING NOTIFICATION REQUIREMENTS**

- 7.51 **Statutory published notice.** The city shall publish a notice of all public hearings in a newspaper of general circulation within the city in accordance with the General Statutes of the State of Connecticut. (Amend. Of 9-28-05)
- 7.52 **Mailed notice of hearing.** The city planner shall notify the following by mailing postcards, at least fifteen (15) days prior to the public hearing:
  - (1) All property owners who own property which is the subject of a public hearing regarding a proposed zone change or other zoning application.
  - (2) All property owners who own property, in whole or in part, which is located within 500 feet of the boundary of any property subject to a zoning application or a proposed zone change;

Property owners above refers to the owners of the land, not owners of the improvements thereon.

The names and addresses of the property owners above shall come from a list prepared by the petitioner using the assessor’s records and maps. The applicant shall provide said names and addresses both in list form and on mailing labels. In addition the applicant must provide a copy of the map used in obtaining the above information.

No error in the drafting of the map or preparation of the list shall later invalidate any action taken by the zoning commission.

The city planner, or his designee, shall prepare an affidavit that the above notices were sent. No error in the mailing of these notices by the city planner, or his designee, shall invalidate any action taken by the zoning commission, city plan commission or the zoning board of appeals. The requirements of the notice provisions specified above are satisfied upon mailing of the specified notice and submission by the city planner to the zoning commission of the designated evidence of compliance in performing such mailing. (Amend. Of 9-28-05)

**7.53 Notification by posting on subject property.** Sign(s) provided by the city planner shall be posted on every paved street frontage of any property which is the subject of a Public Hearing. Such sign(s) shall indicate a land use public hearing is pending and provide a telephone number for specific information. One sign shall be provided by the city planner upon receipt of the application fee and scheduling of the Public Hearing. Additional signs will be provided subject to the payment a fee determined by the Board of Aldermen.

Said sign(s) shall be located no further than 500 feet apart along any single frontage. Said sign(s) shall be placed in close proximity to the street or highway with a clear and unobstructed visibility to the passing public. If a property has no paved street frontage, signs shall be posted in a location(s) determined by the Commission.

The applicant shall place said sign(s) fifteen full days prior to the day of the Public Hearing commences and reasonably maintain such signs until the day following the close of the Public Hearing. The applicant shall remove required signs after the close of the public hearing.

The applicant shall make a return to the Commission, under oath, indicating compliance with the foregoing requirements regarding sign placement.

Failure to post and/or maintain said signs shall be cause for the Commission to deem an application as incomplete.

(Amend. Of 9-28-05)

## ARTICLE VIII. DEFINITIONS

### 8.1 GENERAL RULES.

For the purposes of this ordinance, all words used in the present tense include the future tense, all words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word “building” includes the word “structure.” The word “lot” includes the word “plot”. The word “shall” is mandatory and not directory. The word “Used” shall be deemed also to include “designed, intended, or arranged to be used.” Unless otherwise specified, all distances shall be measured horizontally.

All definitions shall be placed in alphabetical order.

### 8.2. DEFINITIONS.

#### **Abandonment.**

A nonconforming building destroyed by fire or a cause beyond the control of the owner is not an abandonment. The voluntary demolition of a nonconforming use by the owner or an ordered demolition by the building official shall constitute abandonment and any new construction must conform with the zoning regulations.

#### **Accessory use or building.**

A subordinate use or building or structure customarily incidental to and located on the same lot with the principal use or building or a contiguous lot under the same ownership.

#### **Adult bookstore**

Means an establishment having as a substantial or significant portion of its stock in trade motion pictures, video recordings, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to obscene activities, specific anatomical areas or specified sexual activities for observation by patrons thereof or an establishment with a segment or section devoted to the sale, rental or display of such material.

#### **Adult cabaret**

Means a nightclub, bar, restaurant or similar establishment that regularly features live performances that are characterized by obscene activities, the exposure of specific anatomical areas or by specified sexual activities, or the presentation of films, motion pictures, video, slides or other digital or photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction or description of obscene activities, specified activities or anatomical areas.

#### **Adult day care center.**

A place in which are received three (3) or more adults who are frail, moderately handicapped, slightly confused, or elderly persons, who stay for a period of more than one (1) hour, but not exceeding fifteen (15) hours during any day each week, with no overnight accommodations, irrespective of compensation or reward.

#### **Adult establishment**

Means adult bookstore, adult cabaret, adult hotel/motel, adult modeling studio, adult mini-motion-picture-theater or adult motion picture theater, or any combination thereof or any establishment which defines itself as a adult bookstore, adult cabaret, adult mini-motion-picture-theater or adult motion picture theater, or any combination thereof.

**Adult hotel/motel**

Means any hotel, motel or other business establishment offering public accommodations for any form of consideration which rents leases or lets any room for less than a six hour period or rents, leases or lets any single room more than twice in a 24 hour period.

**Adult mini-motion-picture-theater**

Means an enclosed building with a capacity for less than fifty (50) persons used for presenting films, motion pictures, video, slides or other digital or photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction or description of obscene activities, specified activities or anatomical areas.

**Adult modeling studio**

Means any business which provides, for any compensation, figure or apparel models who, in a private place, and for the purposes of sexual stimulation of patrons, display specified anatomical areas or engage in specified activities or obscene activities to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. The term adult modeling studio does not include any facility licensed, accredited, regulated or operated by the connecticut board of education or the Waterbury Board of Education.

**Adult motion picture theater**

Means an enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video, slides or other digital or photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction or description of obscene activities, specified activities or anatomical areas.

**Alcoholic liquor.** The term shall be construed to mean alcoholic liquor as defined in the Connecticut General Statutes.

**Animal hospital or kennel.**

Any lot on which four (4) or more dogs or cats, six (6) months old or older, are available for sale, boarded for compensation, or kept for medical treatment but not medical or scientific experimentation.

**Automobile service station.**

A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, servicing, or washing of automobiles, but only where no chain conveyor, blower, steam cleaner, or other mechanical device is employed. All other activities are prohibited, including (but not limited to): upholstery work, auto glass work, body repair, refinishing, rustproofing, painting, welding, tire recapping, auto dismantling and the sale or rental of automobiles, trailers and other vehicles and equipment. The storage of any vehicle requiring body work or which is inoperable because of general deterioration shall not be permitted.

**Billboard.**

An outdoor advertising sign, structure or symbol erected and maintained by an individual or corporation engaged in the sale or rental for profit of space thereon to a clientele of manufacturing, service or business enterprises, upon which space there is displayed by means of painting, posting or other method, advertising copy describing a variety of products or services which are not necessarily made, produced, assembled, stored or sold from the lot or premises upon which the advertisement is displayed.

**Block.**

An area bounded by streets, or by a combination of streets, public parks, railroad rights-of-way, rivers, creeks, ponds., or other bodies of water.

**Boarding, rooming, lodging house or group home.**

A boarding, rooming, lodging house or group home is a building other than a hotel or motel where lodging or lodging and meals are provided for three (3) or more persons for compensation pursuant to previous arrangements but not open to the public or transients.

**Building.**

Any independent structure having a roof supported by columns or walls resting on its own foundations and includes shed, garage, stable, greenhouse, or other accessory buildings. When any portion of a building is completely separated from every other portion of a building by a division wall without openings, such separated portions shall be deemed a separate building, however, in the case of a series of two (2) or more attached and/or semidetached dwellings, the building which such dwellings comprise shall be considered to occupy a single lot, regardless of ownership, for purposes of determining lot area, lot width, lot area per dwelling unit, number of parking spaces, and other pertinent requirements.

**Building area.**

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

**Building height.**

The vertical distance measured from the average level of the ground along the front wall of the building to the highest point of the roof. Chimneys, spires, masts, elevator penthouses, tanks, and similar projections, shall not be included in the heights, provided that any such projection shall not occupy more than ten (10) per cent of the roof area.

**Building, principal.**

A building in which is conducted the principal use of the lot on which it is situated.

**Certification.**

Certification means approval by the zoning commission that a soil erosion and sediment control plan complies with the applicable requirement of these regulations upon the recommendation of approval by the bureau of engineering of the City of Waterbury.

**Club, lodge or association.**

An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose whose activities are confined to the members and guests, are not extended to the general public, and include the establishment so operated; but does not include such clubs the chief activities of which is a service customarily carried out primarily for business or gain.

**Communication Tower.**

A structure that is intended to support equipment used to transmit and/or receive wireless signals, and telecommunications signals including telecommunications antennae. Examples include monopoles and lattice construction steel structures. The height of the tower shall be the distance from the ground elevation of such tower to the topmost point of the tower, including any antenna or other attachment.

**Community shopping center.**

A commercial development that contains not less than 100,000 square feet of gross floor area and that is primarily retail in nature; provided however that the presence of non-retail uses, such as restaurants, service facilities, entertainment venues, offices and health clubs shall not impact a developments clasification as a community shopping center as long as such uses do not exceed 40% of the gross floor area of the center. A community shopping center may be located on one or more lots under the same or different ownership; provided that if there are multiple lots, then the community shopping center must be subject to a reciprocal easement agreement or similar type of agreement and the bulk and area requirements shall apply to the center as a whole and not to each individual lot.

**Convalescent home, nursing home, or rest home.**

A private home providing lodging, care and treatment for five (5) or more children, aged, or infirm persons or a place of rest for those suffering bodily disorders, and shall conform to Section 19-602 of the General Statutes of the State of Connecticut, as amended.

**Disturbed area.**

Disturbed area means an area where the coverage is destroyed or removed leaving the land subject to accelerated erosion.

**Drive-in establishment.**

A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicle or else intended to permit consumption in the motor vehicle of food or beverage obtained by a patron from said business establishment. (e.g., restaurants, cleaners, banks, theaters.)

**Dwelling.**

A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, three-family, and multiple dwellings, but not including hotels or boarding houses. A one-family dwelling is a detached dwelling accommodating one family unit. A two-family dwelling and a three-family dwelling are dwellings accommodating two family units and three family units, respectively, with one family unit either residing one above the other or residing on either side of a division or party wall in common with the adjacent dwelling. A multiple dwelling is a dwelling accommodating more than two family units.

**Dwelling unit.**

One (1) or more rooms providing complete living, sleeping, and eating facilities for one family, including bathroom and kitchen facilities.

**Dwelling, attached.**

A dwelling having any portion of a wall in common with an adjoining dwelling.

**Dwelling, detached.**

A dwelling which is entirely surrounded by open space on the same lot.

**Dwelling, group.**

A group of two (2) or more detached dwellings occupying a lot.

**Earth Excavation.**

Severance from the earth's surface or removal from the ground of any earth material. The term "excavate" shall have a corresponding meaning.

**Earth Material.**

Natural soil, loam, sand, gravel, rock, clay, silt or any other excavated natural material.

**Erosion.**

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

**Family.**

Any number of persons related by blood or marriage living and cooking together as a single housekeeping unit with a single kitchen in the same dwelling or not more than five (5) persons not related by blood or marriage living and cooking together as a single housekeeping unit with a single kitchen, as distinguished from a group occupying a boarding house, rooming house, tourist home, club, fraternity, hotel or motel.

**Filling.**

To change the existing contours and elevations of land by the addition of earth material. "Filling" shall also mean the addition of earth materials to swamps, wetlands, watercourses or other bodies of water.

**Floor area.**

The floor area of a building or buildings is the sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes but need not include a basement or portion of a basement used for storage or housing of mechanical or central heating equipment.

**Garage, private.**

A detached accessory building or a portion of a main building for the parking or storage of automobiles. One (1) commercial vehicle which does not exceed three-fourths (  $\frac{3}{4}$  ) ton in registered capacity and is used solely by the occupants of the premises may be stored in a private garage.

**Grade, finished.**

The completed surfaces of lawns, walks and roads brought to grades as shown on approved plans or designs relating to the subject property.

**Grading.**

To change the existing contours and elevations of land by the movement of earth material.

**Home occupation.**

Any use customarily conducted entirely within the dwelling unit and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of such dwelling unit for dwelling purposes and does not change the residential character thereof, such as dressmaking and millinery and including consultation by such professions as a physician, dentist, lawyer, clergyman, architect, musician, engineer, teacher, insurance agent or real estate broker, provided no classroom, studio or outdoor teaching activity not normally permitted in the district shall be conducted in connection with such home occupation, and excluding such uses as barber, beautician, tea room and animal hospital.

**Hotel, motel, motor inn.**

A building occupied or used as a more or less temporary abiding place of twenty-five (25) or more individuals with or without board and/or in which there are fifteen (15) or more sleeping rooms and in which no provision is made for cooking in any individual room.

**Importation of earth material.**

Bringing earth material (other than prepackaged earth material customarily sold at retail stores) onto a lot, which earth material was excavated elsewhere.

**Imported earth material.**

Earth material brought on to a lot, which earth material was excavated elsewhere. Imported earth material shall not include prepackaged earth material customarily sold at retail stores.

**Indoor and Outdoor Recreation Facilities**

Private establishments engaged in providing indoor and outdoor recreation including designated areas for paintball, speedball, skateboarding, BMX bikes and similar uses; uses shall include accessory activities such as equipment rental and service.

**Indoor Sports Training Facilities.**

Private establishments engaged in providing instructional services involving training in the fields of baseball, soccer, golf, basketball and other similar uses.

**Inspection.**

Inspection means the periodic review of sediment and erosion control measures shown on the certified plan.

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**Junk, salvage, or scrap.**

A lot, land, or structure, or part thereof, used primarily for the collecting, temporary storage, and sale of waste paper, wood, scrap metal or discarded metal. (Amend. of 10-19-83)

**Lot.**

A parcel of land having the minimum width and area on a city maintained street, occupied or to be occupied by one (1) building and the accessory buildings or uses customarily incidental to it, except as provided for in other sections of this ordinance, including such open spaces as are required by this ordinance, and such open spaces as are arranged and designed to be used in connection with such buildings.

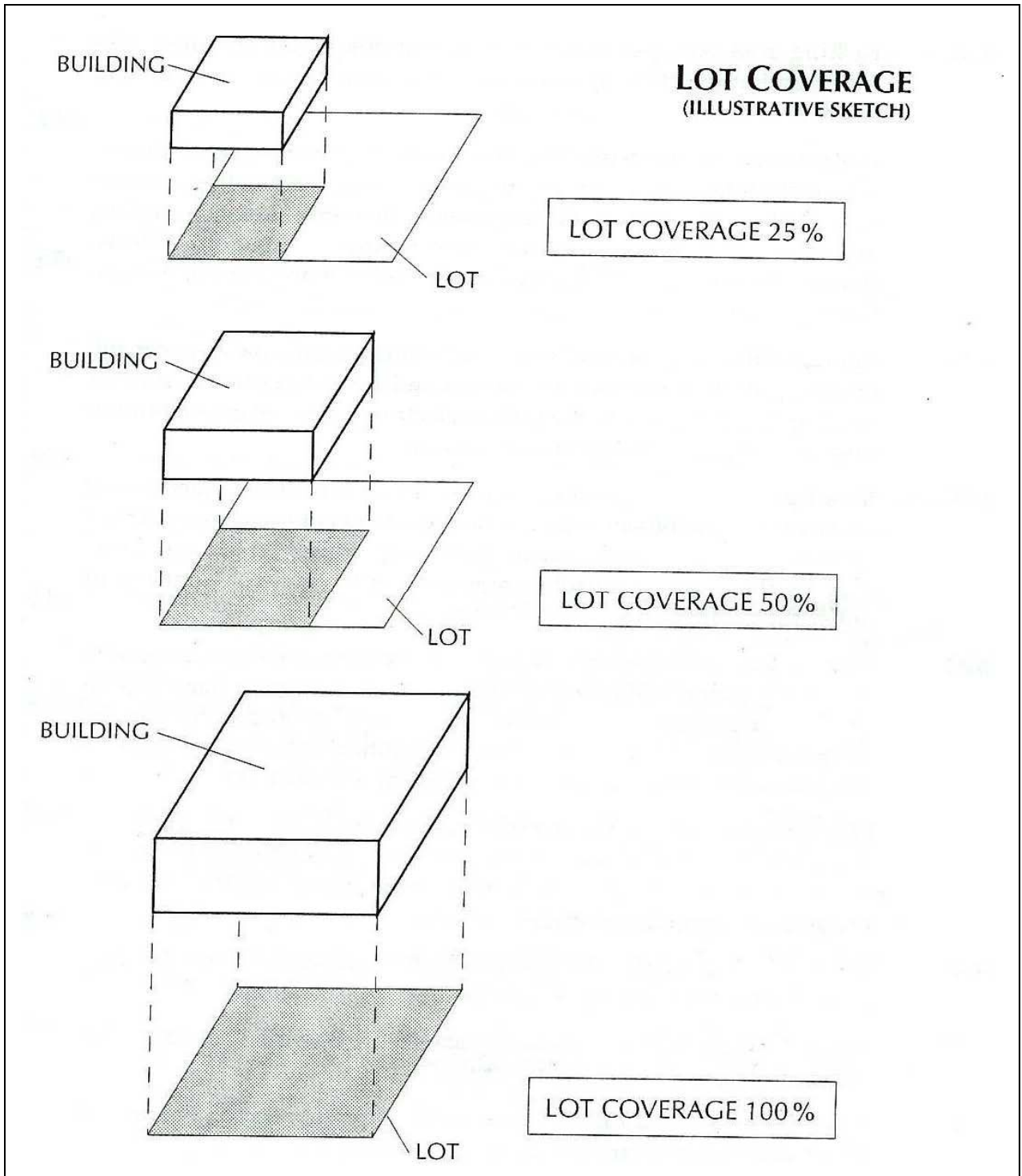
**Lot area.**

The gross horizontal area contained within the property lines of a lot.

**Lot coverage.**

The part or per cent of the lot occupied by buildings or structures, including accessory buildings or structures. (*Refer to illustrative sketch on following page.*)

*Editor's Note: Definitions continue after illustration.*



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**Lot depth.**

The mean distance from the street line of the lot to the rear lot line measured in the general direction of the side lines of the lot.

**Lot interior.**

A lot other than a corner lot.

**Lot line.**

The property line bounding the lot.

**Lot line(s), front.**

The boundary line(s) dividing the lot from the right-of-way of a street or streets.

**Lot line(s), side.**

The boundary line(s) extending from the street which divide separate lots abutting the street.

**Lot lines, rear.**

The boundary line(s) between the side lot lines and generally opposite to the front lot line.

**Lot width.**

The distance between the side lot lines measured along the front lot line.

**Lot, corner.**

A parcel of land at the junction of and fronting on two (2) intersecting streets.

**Lot, through.**

An interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot.

**Mobile home.**

A transportable, single-family dwelling, which may be towed on its own running gear, and which may be temporarily or permanently affixed to real estate, used for nontransient residential purposes, and constructed with the same, or similar, electrical, plumbing, and sanitary facilities as immobile housing.

**Mobile home park.**

A lot, parcel, or area of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use.

**Motor vehicle junk yard—Motor vehicle junk business.**

A motor vehicle junk yard or motor vehicle junk business shall include any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicle or old iron, metal, glass, paper, cordage, or other waste or discarded or second-hand 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 (2) or more motor vehicles. Said terms shall also include 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.

**Non-commercial Driver Training Facilities.**

Private establishments engaged in providing educational services involving training in the field of driver education (Connecticut Driver's License, Class 2).

**Nonconforming building.**

Any building which does not conform to all the applicable provisions of this ordinance at the time of the adoption of this ordinance.

**Nonconforming use.**

Any use of property which does not conform to the use provisions of this ordinance at the time of the adoption of his ordinance.

**Nursery school or day care center.**

A place in which are received five (5) or more children not of common parentage between the ages of two (2) and fourteen (14) who stay for a period of more than one (1), but not exceeding, fifteen (15) hours during any day each week, irrespective of compensation or reward.

**Obscene activities**

Means representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated and/or representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals.

**Open space, usable.**

Usable open space shall consist of that space on the same lot and contiguous to the principal building or buildings which is either landscaped with shrubs, planted with grass, or developed and maintained for recreation purpose, and excludes those portions of the lot which are utilized for off-street parking, driveway, or building purposes and areas which have a slope in excess of ten (10) per cent.

**Paintball.**

Outdoor game played by teams of players on natural terrain of open fields or woods the object of which is to capture the opponents flag; players are eliminated from competition if struck by capsules fired by opponents. Players are required to wear protective gear and clothing.

**Parking area.**

An open space used for parking motor vehicles exclusively, and in which no gasoline or motor vehicle accessories are sold or no other business is conducted.

**Processing of earth material.**

Alteration of earth material, including mixing of different earth material, including but not limited to screening and crushing, but not including the making of concrete, asphalt, or other earth material byproducts.

**Professional office.**

The office of a member of a recognized profession including doctors or physicians, dentists, optometrists, ministers, architects, surveyors, engineers, lawyers, artists, authors, musicians, and other recognized professional occupations. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

**Public utility.**

Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under state or municipal regulations to the public, electricity, gas, steam, communications, telegraph, transportation, or water.

**Removal of earth material.**

Taking or transportation of earth material other than prepackaged earth material customarily sold at retail stores off site.

**Retail package store permit.**

Any permit for a package store permit allowing the sale of alcoholic liquor in containers for consumption off premises and forbidding consumption on premises which may be issued by the Liquor Control Commission of the State of Connecticut under the Connecticut General Statutes.

**Rotor.**

The blades plus the hub to which the blades of a wind energy conversion system tower are attached.

**Sale of earth material.**

The sale of earth material other than prepackaged earth material customarily sold at retail stores.

**Scrap metal processor.**

Scrap metal processor includes any place of business and any place of deposit which has facilities for preparing and processing iron, steel and nonferrous metals into a form unsuitable for remelting by a foundry, steel mill or other remelter, and which does not buy or receive motor vehicles from any person, firm or corporation, except the holder of a motor vehicle junk yard license.

**Sediment.**

The term “sediment” means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

**Sign.**

A sign is defined as any thing or device of any material used to attract the public’s attention to the premises, excepting flags and insignia of a government or governmental agency, and excepting the temporary use of flags and insignia of political, educational, charitable, philanthropic, religious, civic or similar organization. *Outdoor advertising.* A temporary or permanent sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the property and only incidentally upon the property if at all.

**Soil.**

Soil means any unconsolidated mineral and organic material of any origin.

**Soil erosion and sediment control plan.**

The term “soil erosion and sediment control plan” means a scheme that minimizes soil erosion and sedimentation and includes, but is not limited to, a map and narrative. The map shall show topography, cleared and graded areas, proposed area alterations and the location of and detailed information concerning erosion and sediment measures and facilities. The narrative shall describe the project, the schedule of major activities on the land, the application on conservation practices, design criteria, construction details and the maintenance program for any erosion and sediment control facilities that are installed.

**Specified anatomical areas**

Means:

- (a) less than completely and opaquely covered:
  - (1) Human genitals, pubic region;
  - (2) Buttock; or
  - (3) Female breast below a point immediately above the top of the areola; and
- (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified sexual activities**

Means:

- (a) human genitals in a state of sexual stimulation or arousal;
- (b) actual or simulated acts of human masturbation, sexual intercourse or sodomy; oral copulation or
- (c) fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

**Speedball.**

Indoor or outdoor game played by teams of players on open playing fields marked by manmade boundaries and containing manmade obstacles the object of which is to capture the opponents flag; players are eliminated from competition if struck by capsules fired by opponents. Players are required to wear protective gear and clothing.

**Stockpiling of earth material.**

Storing of earth material.

**Stockpiling of imported earth material.**

Storing of imported earth material.

**Story.**

That portion of a building above the basement included between any floor and the ceiling or roof above it.

**Story, half.**

Any place under a gable, hip, or gambrel roof, the floor of which is not more than two (2) feet below the plate.

**Street, paper.**

Any street or highway shown on a map but not actually laid out on the ground, or does not conform with the street requirements of the land subdivision regulations of the city plan commission, or is not maintained or accepted by the municipality.

**Street, private.**

Anything other than the definition of a paper street (8.84) or public street (8.86), and are only allowed under clustered developments (section 5.14-1), group dwellings (section 5.14-3), or designed developments (section 5.14-11).

**Street, public.**

A municipally accepted public way permanently dedicated to movement of vehicles and pedestrians, and maintained under public authority, or shown on a subdivision plan approved by the city plan commission, filed in the office of the town clerk, and constructed in conformance with the land subdivision regulations of the city plan commission.

**Structure.**

Anything constructed or erected, including a building, the use of which requires location on or under the ground, or attachment to something having location on the ground.

**Structure alteration.**

Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams, or girders. or any change in the width or number of exits, or any structural change in the roof.

**Substantial or significant portion of its stock in trade**

With regard to adult establishments means 25 percent or more of its stock is distinguished or characterized by an emphasis upon the depiction or description of obscene activities, specified sexual activities or specified anatomical areas.

**Substantial portion of the total presentation time**

With regard to adult establishments means 25 percent or more of the total running time is distinguished or characterized by an emphasis upon the depiction or description of obscene activities, specified sexual activities or specified anatomical areas.

**Technical Training Facilities.**

Private establishments engaged in providing educational services involving training in the fields of business, health care or the arts such as data processing, computer programming, drafting, design, typing, stenography, sales, medical technician and nurse's aide training, martial arts, cosmetology, fashion design, modeling, dancing, music, painting and other similar uses.

**Telecommunications antennae.**

Devices used to collect or transmit telecommunications or radio signals. Examples include panels, microwave dishes and whips.

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**Telecommunications building/structures.**

The building or structure in which the electronic receiving and relaying equipment for a wireless telecommunications facility is housed.

**Tourist home or guest house.**

A dwelling in which overnight accommodations are provided or offered for three (3) or more transient guests in which the owner or lessee is an occupant.

**Use.**

The “use” of property is the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this comprehensive ordinance.

**Wind access.**

The ability to allow wind to strike a rotor blade of a wind energy conversion system.

**Wind energy conversion system (WECS).**

A device which converts wind energy to mechanical or electrical energy.

**Wireless telecommunications facility(ies).**

Telecommunications antennae, telecommunications equipment, communication tower and/or other buildings and support structures used together in connection with the provision of wireless telecommunication service. These services may include, but are not limited to, cellular communications, personal communications services (PCs) and paging. Wireless telecommunications facilities must meet design and construction standards which adhere to the American National Standards Institute ANSI/EIA-222E manual

**Yard, front.**

An open space on the same lot with the building, situated between the street line and the wall of the building nearest the street line and such wall extended to the side lot lines.

**Yard, rear.**

An open space on the same lot with a building between the rear lot line and the rear wall of the building and such wall extended to the side lot lines.

**Yard, side.**

An open space on the same lot with a building situated between the building and the side lines of the lot.

(Amend. of 5-17-83; Amend. of 10-19-83; Amend. of 7-17-85; Amend.6-26-03; Ord. of 5-27-04; Amend of 2-23-05, Amend.of 9-28-05) *Editor’s note: The amendment of 2-23-05 specified renumbering of the definitions, all definitions were placed in alphabetic order prior to renumbering and the amendment of 9-28-05 eliminated individual section numbers.*

## Article IX. Miscellaneous

### 9.1 INTERPRETATION.

In their interpretation and application, the regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, and general welfare. Where these regulations impose a greater restriction on the use of buildings or land, or on the height of buildings, or require larger yards, or other open spaces, or impose other higher standards than are imposed by the provisions of any law, ordinance, regulation or private agreement, these regulations shall control. When greater restrictions are imposed by any law, ordinance, regulations, or private agreement than are required by these regulations, such greater restrictions shall not be affected by this ordinance.

### 9.2 SEVERABILITY.

If any section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, or unconstitutional, 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.

### 9.3 REPEALER.

The "Building Zone Regulations of the City of Waterbury" approved April 27, 1972, and as amended all other Ordinances or parts thereof in conflict herewith are repealed as of the date this ordinance shall become effective.

### 9.4 EFFECTIVE DATE.

This ordinance shall become effective July 1, 1982.

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## Article X. Noise Control\*

*\*Editor's note—An ordinance adopted July 7, 1986, enacted noise control provisions designated as §§12-1—12-9, to replace the former Ch. 12, §§12-1—12-7, derived from the 1960 Compilation, tit. 8, ch. 2, §§1, 2, which pertained to similar subject matter.*

### 10.1 PURPOSE.

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or degrade the quality of life. This ordinance is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of Waterbury through the reduction, control and prevention of noise.

(Ord. of 7-7-86; 4-20-87)

### 10.2 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this ordinance.

**Ambient noise or background** shall mean noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

**Board of aldermen** shall mean the board of aldermen of the City of Waterbury.

**Construction** shall mean any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition for or of public or private rights-of-way, structures, utilities or similar property.

**Construction equipment** shall mean any equipment or device operated by fuel or electric power used in construction or demolition work.

**Day-time hours** shall mean the hours between 7:00 a.m. and 10:00 p.m. Monday through Saturday, and the hours between 9:00 a.m. through 10:00 p.m. on Sundays.

**Decibel** shall mean a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is DB.

**Demolition** shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right of-way surface or similar property.

**Director of health** shall mean the director of health of the City of Waterbury.

**Domestic power equipment** shall mean, but not be limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

**Emergency** shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

**Emergency vehicle** shall mean any motor vehicle authorized by the city to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

**Emergency work** shall mean work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

**Impulse noise** shall mean sound of short duration (generally less than one (1) second) with an abrupt onset and rapid decay.

**Motor vehicle** shall be defined as per section 14-1(30) of the Connecticut General Statutes (Revisions of 1958 as amended).

**Muffler** shall mean a device for abating sounds such as escaping gases.

**Night-time hours** shall mean the hours between 10:00 p.m. and 7:00 a.m. Monday through Saturday and 10:00 p.m. to 9:00 a.m. Saturday evening through Sunday morning.

**Noise** shall mean any sound, the intensity of which exceeds the standards set forth in section 12-4 of this ordinance.

**Noise level** shall mean the sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated DB(a) or dBA.

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**Person** shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the state or other legal entity of any kind.

**Premises** shall mean any building, structure, land, or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards, and real properties without buildings or improvements, owned or controlled by a person. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way, all road rights-of-way and waters of the state.

**Property line** shall mean that real or imaginary line along the ground surface and its vertical extension which:

- (1) Separates real property owned or controlled by another person; and
- (2) Separates real property from the public right-of-way.

**Public right-of-way** shall mean any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

**Recreational vehicle** shall mean any nonregistered internal combustion engine powered vehicle which is being used for recreational purposes.

**Residential zone:** residential, recreational, or educational uses.

**Sound** shall mean a transmission of energy through solid, liquid, or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in the air evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

**Sound level meter** shall mean an instrument used to take sound level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters Section 1.4—1971 (Type S2A).

**Sound pressure level (SPL)** shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter and is expressed in decibels (dB).

**Vibration** means an oscillatory motion of sound bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

(Ord. of 7-7-86; 4-20-87)

**10.3 NOISE LEVEL MEASUREMENT PROCEDURES.**

For the purpose of determining noise levels as set forth in this ordinance, the following guidelines shall be applicable:

- (a) All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.
- (b) Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this ordinance.
- (c) The general steps listed below shall be followed when preparing to take sound level measurements.
  - (1) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
  - (2) The sound level meter shall be field calibrated before and after each measurement of the noise level.
  - (3) The sound level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four (4) feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.
  - (4) Measurements shall be taken at a point that is at least one (1) foot beyond the boundary of the emitter's premises within the noise receptor's premises. The emitter's premises includes his/her individual unit of land or group of

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contiguous parcels under the same ownership as indicated by public land records.

(Ord. of 7-7-86; 4-20-87)

**10.4 NOISE LEVELS.**

- (a) It shall be unlawful for any person to emit any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.
- (b) Noise level standards.

*Receptor's Zone* ⇒

<i>Emitter Zone</i>	Industrial	Commercial	Residential Day	Residential Night
↓	(dBA)	(dBA)	(dBA)	(dBA)
Residential	62	55	55	45
Commercial	62	62	55	45
Industrial	70	66	61	51

- (c) High background noise levels and impulse noise.
  - (1) In those individual cases where the background noise levels caused by sources not subject to these regulations exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) dBA, provided that no source subject to the provisions of this ordinance shall emit noise in excess of eighty (80) dBA at any time, and provided that this section does not decrease the permissible levels of other sections of this ordinance.
  - (2) No person shall cause or allow the emission of impulse noise in excess of eighty (80) dB peak sound pressure level during the nighttime to any residential noise zone.
  - (3) No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dB peak sound pressure level at any time to any zone.
- (d) Exclusions. These levels shall not apply to noise emitted by or related to:
  - (1) Natural phenomena.
  - (2) Any bell or chime from any building clock, schools or church.
  - (3) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful.
  - (4) Warning devices required by OSHA or other state or federal safety regulations.
  - (5) Farming equipment or farming activity operated within an area strictly for farming.
- (e) Exemptions. The following shall be exempt from these regulations subject to special conditions as spelled out:
  - (1) Noise created as a result of, or relating to emergency.

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- (2) Noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated during day-time hours.
- (3) Noise from snow removal equipment operated by the city or its agents.
- (4) Noise created by an aircraft flight operations which are specifically pre-empted by the Federal Aviation Administration.
- (5) Noise created by any recreational and/or social activities which are permitted by law and for which a license or permit has been granted by the town, including, but not limited to, parades, sporting events, concerts and fireworks displays.
- (6) Noise created by municipal refuse and solid waste collection.
- (7) Noise created by private refuse and solid waste collection provided that the activity is conducted during the hours of 5:00 a.m. to 5:00 p.m.
- (8) Noise generated by any construction equipment which is operated during daytime hours, provided that operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in this section.

(Ord. of 7-7-86; 4-20-87)

**10.5 ENUMERATION OF PROHIBITED ACTS.**

Each of the following acts, among others, is declared unlawful and is prohibited; but this enumeration shall not be deemed to be exclusive:

- (a) Blowing horns, etc. The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and sounding of such device for an unnecessary and unreasonable period of time.
- (b) Radios, phonographs, etc. The playing of any radio, phonograph or musical instrument in such a manner of with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or any person in the vicinity.
- (c) Shouting, singing, etc. Yelling, shouting, hooting, whistling or singing on the public streets particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or in any dwelling, hotel or other type of residence, or of any person in the vicinity.
- (d) Animals. The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort or repose of any person in the vicinity.
- (e) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, or as a warning of fire or danger or upon request of proper city authorities.
- (f) Exhaust discharge. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

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- (g) Building operations. The erection (including excavation), demolition, alteration or repair of any building, or the excavation of streets and highways, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the building official which permit may be granted for a period not to exceed three (3) days while the emergency continues.
- (h) Loading and unloading operations. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (i) Truck idling. No person shall operate an engine or any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten (10) minutes when such vehicle is parked on residential premises or on a city road next to a residential premises.

(Ord. of 7-7-86; 4-20-87)

**10.6 MOTOR VEHICLE NOISE.**

- (a) All motor vehicles operated within the limits of the City of Waterbury, shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.
- (b) No sound amplifying devices on or within motor vehicles shall emit noise in excess of noise levels as specified in section 12-4.
- (c) This section dealing with motor vehicle noise shall be enforced by the superintendent of police and/or his designated subordinates.

(Ord. of 7-7-86; 4-20-87)

**10.7 INSPECTIONS.**

- (a) For the purpose of determining compliance with the provisions of this ordinance, the director of health, superintendent of police or their designated representatives are hereby authorized to make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the director of health, superintendent of police or their designated representatives may seek from the appropriate court a warrant without interference, restriction or obstruction at a reasonable time, for the purpose of inspecting, testing or measuring noise.
- (b) It shall be unlawful for any person to refuse to allow or permit the director of health, superintendent of police or their designated representatives free access to any premises when the director of health, superintendent of police or their designated representatives is acting in compliance with a warrant for the inspection and order issued by the appropriate court.
- (c) It shall be unlawful for any person to violate the provisions of any warrant or court requiring inspection, testing or measurement of noise sources.
- (d) No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this ordinance.

(Ord. of 7-7-86; 4-20-87)

**10.8 VARIANCES.**

- (a) Any person living or doing business in Waterbury may apply to the department of health for a variance from one (1) or more provisions of the chapter, which are more

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stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplies all the following information to the director of health:

- (1) The location and nature of the activity;
  - (2) The time period and hours of operation of said activity;
  - (3) The nature and intensity of the noise that will be generated; and
  - (4) Any other information required by the director of health.
- (b) No variance from these regulations shall be issued unless it has been demonstrated that:
- (1) The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations;
  - (2) The noise levels generated by the proposed activity will not constitute a danger to the public health; and
  - (3) Compliance with the regulations constitutes an unreasonable hardship on the applicant.
- (c) The application for variance shall be reviewed and either approved or rejected within thirty (30) days of receipt by the director of health. The approval or rejection shall be in writing and shall state the condition(s) of approval of the variance.

(Ord. of 7-7-86; 4-20-87)

**10.9 PENALTIES.**

- (a) The director of health or his authorized agent, whenever he finds after investigation that any person is causing, engaging in or maintaining any condition or activity which, in his judgment, constitutes a violation of these regulations may, without prior hearing, issue a cease and desist order in writing to such person to discontinue, abate or alleviate such condition or activity. Upon receipt of such order, such person shall immediately discontinue, abate or alleviate, or shall refrain from causing, engaging in or maintaining such condition or activity. The director of health or his authorized agent, shall within ten (10) days of such order hold a hearing to provide the person opportunity to be heard and show that such condition does not exist. Such order shall remain in effect until ten (10) days after the hearing within which time the director of health or his authorized agent will report to the corporation counsel with recommendations for other appropriate action based on the hearing as it deems necessary. Any and all legal action taken thereafter will be the sole responsibility of the corporation counsel and the City of Waterbury.
- (b) Any person found in violation of any of the provisions of this ordinance shall be upon citation conviction thereof shall be fined in an amount not to exceed one hundred dollars (\$100.00). Each day such violation continues after the time for correction of the violation has been given in an order, shall constitute a continuing violation.

(Ord. of 7-7-86; 4-20-87)

## Article XI. MORATORIA

**11.1 Moratorium on special permit site plan approval for multifamily residential developments.** As of the effective date appearing in section 11.3 (a.) below, the City Plan Commission shall not accept an application for a special permit site plan for Group dwellings under section 5.14-3 nor shall the City Plan Commission accept an application for a special permit site plan approval for a Designed development under section 5.14-11.

**11.2 Purpose of moratorium.**

The reasons for the moratorium imposed in section 11.1 above are as follows:

- (a.) To alleviate the immediate burden placed on the City's current infrastructure, including the local streets, the local sanitary sewer system, the local storm water collection system and local water distribution system, all of which have demonstrated limited capacities which are insufficient to adequately handle further development in the City at the pace demonstrated by the number of units applied for during the last three year period.
- (b.) The Commission, the City of Waterbury City Plan Commission and the City of Waterbury Inland Wetlands Commission, and the City of Waterbury Board of Public Works are currently undertaking a wholesale review of their respective existing regulations or standards in order to amend them to provide a better scheme for regulating the orderly development and use of land within the City in order to promote the health, safety and general welfare of the community including, but not limited to, addressing the issues identified in section 11.2 (a.) above and, accordingly, the moratorium herein implemented will allow the Commission sufficient time to further study its regulations and to recommend and enact the changes in accordance with said review.
- (c.) To allow the Commission time to implement the recommendations made in the City's plan of conservation and development adopted by the Commission on November 9, 2005.

**11.3 Effective date and duration.**

- (a.) The effective date of the moratorium imposed in section 11.1 above shall be February 13, 2007, the date on or after which the City Plan Commission will no longer accept an application for special permit site plan for Group dwellings under section 5.14-3 or an application for a special permit site plan approval for a Designed development under section 5.14-11.
- (b.) The moratorium imposed in section 11.1 above shall expire automatically on the on June 30, 2008.

**11.4 Limitation on effect of moratorium.** This moratorium shall not affect the use of any parcel of land for uses not requiring a special permit site plan approval for Group dwellings under section 5.14-3 or a special permit site plan approval for a Designed development under section 5.14-11 during the limited term of this moratorium.

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