

City of Ansonia
Connecticut

Zoning Regulations



Planning and Zoning Commission

July 1997

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Zoning Regulations

Ansonia Planning and Zoning Commission

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Contents

Preamble	6
ARTICLE I – PURPOSE, JURISDICTION AND DEFINITIONS	6
Section 100 Purposes	6
Section 105 Jurisdiction	7
Section 110 Definitions	8
ARTICLE II – ESTABLISHMENT OF DISTRICTS AND ZONING ADMINISTRATION	18
Section 205 Zoning Districts Established	18
Section 210 Zoning Map	18
Section 215 – Determination of District Boundaries	18
Section 220 – Flood Plain District	20
Section 222 City Center Zone	33
Section 225 Enforcement	37
Section 230 Permits and Certificates	37
Section 235 Administration	39
Section 240. Amendments	42
Section 245 Nonconforming Uses and Buildings	43
Section 250 Violations and Penalties	46
Section 260 Zoning Board of Appeals	46
Section 270. Zoning Fees	50
ARTICLE III – DISTRICT REQUIREMENTS	51
Section 310. Schedule of Permitted Uses	51
SCHEDULE D – MAXIMUM DWELLING DENSITY	53
Section 320 Lot Area and Dimensions	54
Section 325 – “Rear Lots”	55
Section 330 Yards, Setbacks Heights and Courts	56
Section 330.19 – Temporary Storage Structures (PODs) and Dumpsters	60
Section 345 Improvements Required as Condition of Use of Lot	62
ARTICLE IV – REQUIREMENTS FOR PERMITTED ACCESSORY USES	65
Section 410. Off-Street Parking, Loading and Vehicular Access	65
410.4 Off-Street Parking Requirements	68
Section 420 Sign Regulations	75
Section 420. 8 Administration	81
Section 430 – Customary Home Occupations and Professional Offices	82

Section 440 – Landscaping Standards	83
Section 450.0 – Age-Restricted Multifamily Housing – ARMH	86
ARTICLE V	93
Section 510 – Mandatory Site Plan Approval	93
Section 520. Soil Erosion and Sediment Control	98
ARTICLE VI – SPECIAL EXCEPTIONS/SPECIAL PERMITS.....	105
Section 600. Temporary Special Exceptions - General	105
Section 610- Excavation, Land Filling Grading or Removal	107
Section 620. Commercial Recreation Uses Requiring Temporary Special Exception	113
Section 630. Special Permits-General	118
ARTICLES VII – SUPPLEMENTARY REGULATIONS.....	121
ARTICLES VII – SUPPLEMENTARY REGULATIONS.....	122
Section 720 – Special Requirements and Prohibitions.....	123
720.1 Farming, Truck Gardens, and Greenhouses:	123
720.1.1 Keeping of fancy pigeons and doves, subject to:	123
720.2 Two-Family Conversions	124
720.3 Self-service Car Wash Installations	124
720.4 Camps.....	124
720.5 Outside storage for commercial and industrial uses	125
720.6 Horses and other equines (on other than farms)	125
720.7 Filling Stations and Garages:.....	125
720.8 Minimum Floor Area of Dwellings:	125
720.9 Professional Office – Conversion of Dwelling	126
720.10 Chronic and Convalescent Nursing Homes.....	126
720.11 Division of Lot for Two-Family Dwelling.....	126
720.12 Child Day Care:	128
720.13 Riding Academy:	129
720.14- Accessory Apartments	131
720.15 – Cemetery Standards	134
720.16 – Off-Street Parking Moratorium	135
720.17-Repair and Sale of New or Used Motor Vehicles	136
720.18 – Age-Restricted Housing – Special Exception	137
720.19 – Special Events.....	140
720.20 – Licensed Medical Marijuana Production Facilities;	141

720.21 -Medical Marijuana Dispensary Facilities;	141
720.22 Adult -Use Cannabis and Recreational Marijuana Sales and Facilities.....	141
720.23- Rock Crushing	143
SCHEDULE B-TABLE OF PERMITTED USES	146
SCHEDULE C.....	152
SCHEDULE C-2.....	153
SCHEDULE C-3.....	155
SCHEDULE C-4.....	157
SCHEDULE C-5.....	159
SCHEDULE C-6.....	162
SCHEDULE C-7.....	164
APPENDIX A: ATTACHMENTS.....	166
ZONING TEXT AMENDMENTS.....	169

Zoning Regulations

City of Ansonia, Connecticut

Preamble

Pursuant to the power and authority invested in it by law, the Zoning Commission of the City of Ansonia hereby adopts the following regulations.

ARTICLE I – PURPOSE, JURISDICTION AND DEFINITIONS

Section 100 Purposes

There is hereby established a comprehensive zoning plan for the City of Ansonia, Connecticut (hereinafter referred to as the “City”) which plan is set forth in the text, maps, and schedule, which constitutes this Ordinance. Said plan is adopted for the purposes set forth in Chapter 124 of the General Statutes, more particularly described as follows:

- 100.1 To guide the future growth and development of the City in accordance with a comprehensive plan designed to promote the most beneficial and convenient relationship among the residential, commercial, industrial and public areas within the City, considering the appropriateness of various uses in each area and the suitability of each area for such uses, as indicated by existing conditions and trends in development.
- 100.2 To provide adequate light, air, and privacy; secure safety from fire, flood, and other danger; and prevent overcrowding of the land and undue concentration of population.
- 100.3 To protect the character and the social and economic stability of all parts of the City, and to ensure that all developments shall be orderly and beneficial.
- 100.4 to protect and conserve the value of land throughout the City and the value of buildings appropriate to the various districts established by this Ordinance.
- 100.5 To bring about the gradual conformity of the uses of land and buildings throughout the City to the comprehensive zoning plan set forth in this Ordinance, and to minimize conflicts among the uses of the land and buildings.
- 100.6 To promote the most beneficial relation between the uses of land and building and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and the provision of safe and convenient traffic access appropriate to the various uses of land and buildings throughout the City.

- 100.7 To aid in providing a guide for public policy and action in the efficient provision of public facilities and service, and for private enterprise in building, development, investment, and other economic activity relating uses of land and buildings throughout the City.
- 100.8 To limit development to an amount commensurate with the availability and capacity of public facilities and services, thereby facilitating adequate provision for transportation, water, sewerage, schools, parks, and other public requirements.
- 100.9 To protect conserve, and provide for the wise use and improvement of all of the natural resources of the City, including land, soil air, water, wetlands, marshes, ponds, and lakes, streams and watercourses, shorefront and costal lands, rivers and tidal estuaries, trees and vegetation, forests, aquifers and water tables, wildlife, areas of scenic beauty, and areas of ecological importance – in recognition of the important interrelationships between these resources and a suitable environment for human habitation, their direct influence of the City’s suitability for residential use, and their importance to the health, safety and general welfare of the City and its larger environs.

Section 105 Jurisdiction

- 105.1 General: Within the City of Ansonia no land, building and other structure shall be used and no building and other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with this Ordinance. No lot or land shall be subdivided, sold, encumbered or conveyed except in conformity with this Ordinance and only when such subdivision, sale, encumbrance or conveyance does not make any use, building or structure or any yard, setback, open space, off-street parking and loading spaces or other site development thereon nonconforming or more nonconforming to this Ordinance.
- 105.2 Other Laws: The provisions of this Ordinance are the minimum requirements necessary to carry out the purposes set forth in Sec. 100 and are not deemed to repeal, abrogate or lessen the effect of any other laws, regulations or ordinances, or any covenants or agreements between parties, provided however, that where this Ordinance establishes a greater restriction, the provisions of this Ordinance shall prevail.
- 105.3 Nonconformity: Any use, building, other structure, site development or lot which existed lawfully by variance or otherwise, on the date this Ordinance or any amendment hereto became effective, and which fails to conform to one or more of the provisions of this Ordinance or such amendment, may be continued subject to the provisions and limitations of Sec. 245.

Section 110 Definitions

110.1 General: The words used in this Ordinance shall have the meaning commonly attributed to them. Doubts as to their precise meaning shall be determining by the Zoning Commission in accordance with the purpose and intent of these Regulations. Certain words used in these Regulations, however, are defined and explained in paragraphs which follow:

110.2 General Construction Language: 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 “lot” includes the word “plot” the word building includes the word “structure.” The word “shall” is mandatory and not directory. The word “person” includes a corporation as well as an individual. The word “use” shall be deemed also to include “designed, intended, or arranged to be used.” Unless otherwise specified, all distances and areas shall be measured horizontally. The word “City” or “Ansonia” means the City of Ansonia; the term “Board of Appeals” means the Zoning Board of Appeals of said City; the words “these Regulations,” “this Ordinance” or “this Chapter,” shall be deemed to refer to the “Ansonia Zoning Ordinance.”

110.3 Specific Definitions:

Age-Restricted Housing: Housing designed and built for occupancy by persons of fifty-five (55) years of age or older and that meets the requirements of “Housing for Older Persons” set forth at § 42 USC 3607(b)(2), as amended. (Effective 5/15/07)

Alter: To change or rearrange the structural parts of a building or structure.

Area, Building: Total area taken on a horizontal plane at the main grade level of principal buildings and all accessory buildings, exclusive of uncovered porches, parapets, steps, and terraces.

Attic: Accessible space between top of uppermost ceiling and underside of roof. Inaccessible spaces are considered structural cavities. (See Definition of Story and Half Story to see if an attic shall be counted as a story.)

Basement: The portion of a building wholly or partly underground. To see if a basement shall be counted as a story, see definition of Story and Half-Story.

Billboard: A sign which direct attention to an activity conducted elsewhere than upon the lot which the sign is located.

Building: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, or property of any kind.

Building Accessory: A building detached from the subordinate to the main building on a lot and used for purposes customarily incidental to that of a main building on the same lot. Any building used or designed to be used as a dwelling shall not be considered an accessory building. Detached accessory buildings over fifteen (15) feet in height or one story in height shall observe the same setbacks as for main buildings.

Building Area: See Area, Building

Building Coverage: Same as Building Area. See Area Building.

Building Height: The vertical distance from the mean finished grade surrounding the outside walls of the building to the highest point of flat or mansard roofs, including the top of a parapet, or to the mean level between eaves the ridge of gable, hip and gambrel roofs. Chimneys, spires, towers, and similar projections not intended for human occupancy shall not be included in the height providing that such projections do not exceed twenty-five (25) percent of the roof area. (Effective June 18, 2004)

Building Main: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, or chattels.

Cannabis: Means marijuana, as defined in section 21a-240 of the Connecticut general statutes.

Cannabis Product: means cannabis that is in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption.

Cemetery: Land used for the burial of the dead, and dedicated for cemetery purposes, including columbarium, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery. (Effective 12/15/04)

Child Day Care: Terms “family day care home;” “group day care home” and “child day care center” used in this Ordinance are defined in Section 19a-77 of Connecticut General Statutes as amended 1986 and do not include day care services’ administrated by public and private school systems, public and private recreation operations, informal arrangements among neighbors or relatives in their own I and drop-in supplementary child care operations where parents and on the premises for education or recreational purposes.

Commission: The Planning and Zoning Commission of the City of Ansonia.

Contiguous Non-Vehicular Open Space: This shall refer to an open land area either developed for recreational purposes or undeveloped which is not intersected by roadways the open space shall be in continuous parcels each equal to at least one-fifty of the amount necessary to meet open space requirements or two (2) acres, whichever is less, for any zone which contains this requirement.

Consumer: Means an individual who is twenty-one years of age or older.

Cultivation: Has the same meaning as provided in section 21a-408 of the Connecticut general statutes.

Cultivator: Means a person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.

Dispensary Facility: Means a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under CGS Sec. 21a-408 et seq. as they may be amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended.

Dwelling: A building containing one or more “dwelling units;” the term shall not be deemed to include hotel, motel, rooming house, or tourist home.

Dwelling-one family: A detached building containing one dwelling unit only.

Dwelling-two family: A building containing two dwelling units.

Dwelling-multi-family: A building containing three or more dwelling units which may or may not share a common hall or entry.

Dwelling Unit: A self-contained building or portion of a building containing complete house-keeping facilities for one “family” only, including any domestic servants on the premises.

Districts: The term “Residence District” or “Residential District” shall mean any zoning district with the following prefixes: “AA,” “A,” “B,” “GA,” “MM,” or “BB;” the term “commercial district” or “business district” shall mean any zoning districts with the prefix “NR,” “RR,” “C,” or “SC;” the term “industrial district” shall mean any district with the prefix “LI” or “HI.” A “non-residential district” shall mean any commercial or industrial district as defined in these Regulations.

Dumpsters: Storage container unit designed for waste materials of a size greater than 100 gallons, not including any of the containers provided by or approved for use by any waste disposal company hired by the City for garbage, yard waste or recycling.

Family: A “family” is a person or a group of related persons, plus guests and domestic servants thereof, or a group of not more than five (5) persons who need not be so related, who are living as a single housekeeping unit maintaining a common household. A roomer or boarder to whom rooms are let and/or board is furnished as

permitted by these Regulations shall not be considered a member of a “family” for the purpose of this definition.

Farm: Three acres or more used for the raising of crops or pasture or both. Stock raising, dairying, poultry raising, and kindred activities are to be considered as a part of and included within farming only when carried on in connection with the incidental and subordinate to, the tillage of the soil. (Note Paragraph 720.1)

Fancy Pigeon-means a pigeon which, through past breeding, has developed certain distinctive physical and performing characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club, or the Rare Breeds Pigeon Club. Examples: Fantails, Pouters, Trumpeters.

Flood Plain District: A district established under the provisions of Section 205, 210 and 220 of this Ordinance; see Section 220 for the following special definitions applicable in the Flood Plain District:

Base Flood

Base Flood Elevation

Basement

Development

Flood or Flooding

Flood Proofing

Floodway

Floor

Highest Adjacent Grade

Lower Floor

Manufactured Home

Manufactured Home
Park/Subdivision

Mean Sea Level

National Geodetic Vertical Datum
(NGVD)

New Construction

Special Flood Hazard Areas

Start of Construction

Substantial Damage

Substantial Improvement

Water Surface Elevation

Floor Areas, Gross: The sum 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 buildings. Floor area shall not include that area of basements or attics used for accessory storage, vehicular parking, or housing of mechanical equipment attached to and required to serve the build

Floor Area Ratio: The maximum square footage of total floor area permitted for each square foot of land area.

Frontage: The extent of a building or of land along a street.

Greenhouses: Structures devoted to the production of plants and flowers on a tract of land of 40,000 sq. ft. and including the retail sale of products produced on the site.

Grooming Facility: Any place other than a commercial kennel maintained as a business where grooming of dogs is conducted, Section 22-327, Connecticut General Statutes, as amended.

Historic Structure: the term “historic structure” includes historic building and means any structure or building that is in any of the following categories:

- a. Listed individual in the National Register of Historic Places (a list maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting requirements for individual listing in the National Register;
- b. Certified or preliminarily determined by such Secretary of the Interior contributing to the historical significance of a registered historic District or a district preliminary determined by the Secretary to qualify as a registered historic district;
- c. Listed individual on the Connecticut State Inventory of Historic Places; and/or
- d. Listed individually as contributing to an historic district or as con-d. an historic property, as established by ordinance of the City Ansonia under the provisions of Chapter 97a of the Connecticut General Statutes.

Hybrid Retailer: Means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

Kennel: “One pact or collection of dogs kept under one ownership on a single premise bred for show, for sale. “Section 22-327, Connecticut General Statute, as amended.

Kennel-Commercial: “A kennel maintained as a business for boarding or grooming dogs,” Section 22-327 of the Connecticut General Statutes, as amended.

Licensed Medical Marijuana Dispensary Facility: Means a place of business where marijuana may be dispensed or sold at retail by a pharmacist licensed pursuant to Connecticut General Statutes, Chapter 400j, Sections 1 to 15, inclusive, to qualifying patients or primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit to an applicant under the Act Concerning the Palliative Use of Marijuana, Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies

Licensed Medical Marijuana Production Facility: Means a secure, indoor facility where production of marijuana occurs and that is operated by a person to whom the Connecticut Department of Consumer Protection has issued a producer license under section 10 of "An Act Concerning the Palliative Use of Marijuana and whose purpose is to cultivate marijuana for palliative use, selling, delivering, transporting or distributing such marijuana only to licensed dispensaries under sections 1 to 15, inclusive of the Act.

Loft-means the structure(s) for the keeping or housing of pigeons permitted by this ordinance.

Lot: A parcel of land on an accepted City street or in a subdivision duly approved by the Ansonia Planning Commission, not necessarily coincident with a lot or lot shown on a map a of record of which is occupied or which is to be by a building and its accessory buildings, or by a group of buildings having any land and the buildings accessory to such group together with the required open spaces appurtenant to such building or group.

Lot, Corner: A "corner lot" is a "lot" having lot lines formed by the intersection of two streets, whether public or private, and where the interior angle of such intersection is less than 135 degrees. A "lot" fronting on a curved street shall be considered a "corner lot" if the central angle of the curve is less than 135 degrees.

Lot Width: For the purposes of determining compliance with lot width requirements of Schedule C, the lot width shall be measured along a line parallel to the street line and drawn a distance equal to the minimum required front yard depth from such street line. If the street line is curved, then the line of measurement shall be drawn parallel to the chord or to a line tangent to the midpoint of the curve. For the purpose of determining compliance with lot width required for location of a structure housing a principal use (See Paragraph 320.4 of Section 320), the measurement shall be performed along a line parallel to the above definition. Similarly, for the purpose of determining compliance with countable lot area, as provided in Paragraph 320,5 of Section 320, the measurement shall be performed along a line parallel to the above definition.

Mature Pigeon-means a pigeon aged six months or older, also known as breeding age.

Micro-Cultivator: Means a person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner.

Motor Vehicle Junk Yard: The term “junk yard” shall be construed to include any “junk yard,” “motor vehicle junk-business” and “motor vehicle junk yard” as defined in the General Statutes of the State of Connecticut. The term shall also include any place of storage or deposit, whether *in* connection with a business or not, for one or more used motor vehicles which are either no longer intended or in condition for legal use on the public highways and shall also include any place of storage or deposit of used parts of motor vehicles and old metals, iron, glass, paper, cordage and other waste materials which on any lot have an aggregate bulk equal to one automobile. In Residence Districts the term shall also include both the outside storage of unregistered motor vehicle for periods longer than 30 days and the outside storage or deposit of parts or bodies of motor vehicles, each in such a manner as to be visible from any street or any other lot.

Nursery, Landscape: The production and sale of ornamental plants produced on the site, which site shall consist of three acres or more.

Off-Street Parking and Loading Space: See paragraphs 410.3.2 and 410.3.3 of Section 410 for dimensions.

Pet Shop: Any place at which dogs not born and raised on the premises are kept for the purpose of sale to the public, Section 22-237, Connecticut General Statutes, as amended. Shall also be defined by these Regulations to include the keeping for sale animals customarily defined as house pets, which shall include but not be limited to cats, goldfish and parakeets.

Pigeon-means any member of the family Columbidae, and shall include, but not be limited to, racing pigeons, fancy pigeons, sporting pigeons, or common pigeons for the purposes of these regulations.

Planning and Zoning Commissions: Shall mean the Planning and Zoning Commission of the City of Ansonia

Production Facility: Means a secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended

Professional Office: A professional office shall include a professional office or studio of an architect, artist, engineer, lawyer, musician, registered nurse, physician, surgeon, dentist, teacher or similar professional person, when such activity is the primary activity on subject property.

Residential Density: The number of residential units per acre of land.

Retailer: Means a person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research program

Soil Erosion and Sediment Control Plan: See Sec. 510.2 of Section 520, including related definitions.

Story: That portion of a building included between the surface of any floor and the surface of the floor, ceiling, or roof next above. A basement shall be counted as a story if its ceiling is more than five feet above the elevation from which the height of the building is measured, or if in the case of a multi-family dwelling or non-residential use, at least 50% of the floor area is used for any purpose other than accessory storage, vehicular parking, or housing of mechanical equipment, (such as facilities for heating, plumbing, electrical, water, waste disposal and the like) incorporated within and required to serve the building. Attics not used for human occupancy shall not be considered a story.

Half Story: A story finished as living accommodations having a floor area less than half as large as a contiguous story. Space with less than 5 feet clear headroom not be considered as floor area.

Street: A Street is a public or private thoroughfare which affords the principal means of access to abutting property. The term “street” shall mean and include only:

- 1) any State Highway except limited access State Highway; or
- 2) a street accepted as a City Street; or
- 3) a street whose layout has been approved by the Ansonia Planning Commission and filed in the land records of the Ansonia Town Clerk’s office.

Street Line: The dividing line between the street and a lot.

Structure: Anything constructed or erected, the used of which requires location on the ground, or attachment to something having location on the ground.

Structure Alteration: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Swimming Pool: Any structure capable of containing water and intended for swimming, bathing or recreational use, provided the same has a potential water depth of at least 24 inches or at least 250 square feet or water surface area, or both. (See paragraph 330.15 of Section 330.)

Temporary Storage Units. Also referred to as “PODS”, are hereby defined as any storage device trailer vehicle or other container or receptacle (with or without wheels) designed and used primarily for the temporary storage of building material, household goods, personal items and other material on the limited basis. The term shall not include dumpsters, which are described separately herein.

Tourist Home: A dwelling offering over-night lodging, with or without meals, to transients for compensation.

Townhouse: A multi-family residential structure containing individual housing units complete within themselves separated by fire walls and each having private direct exterior access. No unit may be built on top of another individual unit.

Truck Gardens: The production of vegetables on a tract of three acres or more, and including the seasonal retail sale of materials produced on the site.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

Use, Accessory: A use which is customarily incidental and subordinate to the principal use of a lot or a building and located on the same lot therewith.

Yard: An open unoccupied space on the same lot with a building, extending along the entire length of a street, or rear or interior lot line (as defined by the Connecticut Building Code) except for certain features specified in Section 330.

Yard, Front: That yard between the street line parallel or concentric with the street line as provided in Section 325 and the lot width measurement line as determined in accordance with Schedule C.

Yard, Side: The yard between a side property line and a side yard measurement line drawn parallel to the side property line at a distance therefrom equal to the required side yard depth, extending from the front yard to the rear property line.

Yard, Rear: That yard between the rear property line and a rear yard measurement line drawn parallel to the rear property line at a distance therefrom equal to the

required rear yard depth, extending from one side yard to the other side yard.

ARTICLE II – ESTABLISHMENT OF DISTRICTS AND ZONING ADMINISTRATION

Section 205 Zoning Districts Established

For the purposes of these regulations, the City of Ansonia is hereby divided into the following classes of districts:

District	Map Code
AAA Residence District	AAA
AA Residence District	AA
A Residence District	A
B Residence District	B
GA Multi-Family Residence District	GA
MM Multi-Family Residence District	MM
BB Multi-Family Residence District	BB
RR Multi-Family Residence-Retail District	RR
NR Neighborhood-Retail District	NR
C Central Commercial District	C
SC Special Commercial District	SC
LI Light Industrial District	LI
HI Heavy Industrial District	HI
Flood Plain District	
CP Commerce Park District	CP
CCZ City Center Overlay Zone	CCOZ

Section 210 Zoning Map

The boundaries of the districts specified in Section 205 are hereby established as shown on a map entitled “Official Zoning Map, City of Ansonia”, dated February 1990, including any special maps and boundary descriptions supplementary thereto, adopted and declared to be a part of this Ordinance. In addition, the boundaries of the Flood Plain District are as delineated in Section 220 – Flood Plain District.

Section 215 – Determination of District Boundaries

In determining the boundaries of districts shown on the Official Zoning Map, the following rules shall apply

- 215.1 Unless otherwise shown, the district boundaries shall be construed to coincide with the center lines of streets, alleys, parkways, waterways and main tracks of railroads. -
- 215.2 Where such boundaries are indicated as approximate following the property lines of parks or other publicly owned lands, such lines shall be construed to be such

boundaries.

- 215.3 Except for district boundaries drawn in the center of the street, and unless otherwise shown, all such boundaries running parallel to streets shall be construed to be one hundred feet back therefrom.
- 215.4 In all cases where a district boundary divides a lot in one ownership and more than fifty per cent of the area of such lot lies in the less restricted district, the regulations prescribed by this chapter for the less restricted district shall apply to such portion of the more restricted portion of such lot which lies within thirty feet of such district boundary. For purposes of this section, the “more restricted district” shall be deemed that district which is subject to regulations which prohibit the particular use intended to be made of such lot or which regulations require higher standards with respect to set-back, coverage, yards, screening, landscaping and similar requirements.
- 215.5 In all cases where a district boundary line is located not farther than fifteen feet away from a lot line of record, such boundary line shall be construed to coincide with such lot line.
- 215.6 In all other cases, where dimensions are not shown on the Zoning Map, the location of boundaries shall be determined by the use of the scale appearing on such.

Section 220 – Flood Plain District

220.1 General: The procedures, standards and requirements hereinafter specified are applicable within the Flood Plain District. The Flood Plain District consists of “special flood hazard areas” that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are the result of the cumulative effect obstructions in flood plains causing increases in flood heights and velocities ties, and by the occupancy in flood hazard areas by uses vulnerable to f or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages. The objectives of this Section are as follows:

220.1.1 to ensure continued eligibility of owners of property in the City of Ansonia for participation in the National Flood Insurance Program pursuant to the rules and regulations published in the Federal Register.¹

220.2 Identification of District: The Flood Plain District is that portion of area hereby designated as “special flood hazard area” (SFHA), namely Zone A and AE, as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut dated December 17, 2010, accompanying Flood Insurance Rate Maps (FIRM), dated December 17, 2010 and other supporting data applicable to the City of Ansonia, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. Since mapping is legally adopted by reference into this ordinance it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

220.3 Definitions: Special definitions applicable under this Section are as follows:

Base Flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation is the particular elevation of the base flood as specified on the Flood Insurance Rate Map for Zones AO, AR, and A1-A30.

Basement means any area of tile building having it floor subgrade (below ground level) on all sides.

¹ Federal Register, Vol. 41, Number 207, October 26, 1976; Vol. 44, Ch. 1, Parts 59, 60 and 64 through 77 (10-1-88 Edition); Vol. 54, No. 156, August 15, 1989; Vol. 54, No. 188, September 29, 1989

Cost means, as related to substantial improvements, the cost of any reconstruction, rehabilitations, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimates shall include, but not limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures including heating and air condition and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

Development means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to building or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pour of concrete pads) is completed before June 9, 1981, the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA) means the federal agency that administers the National Flood Insurance Program (NFIP).

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry lands area from a) the overflow of inland waters, and/or b) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means the official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard area (100-year floodplain) and the insurance risk premium zones applicable to a community.

Flood Insurance Study (FIS) means the official study of a community in which the

Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

Floodproofing means any combination of structural and non-structural additions, changed or adjustments to structures which reduce or elimination flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot anywhere in the City.

Floor means the top surface of an enclosed area in a building, including basement, i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Functionally Dependent Use or Facility means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Highest Adjacent Grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure

Lowest Floor means the lowest floor of the lowest enclosed area, including basement.

Manufacture Home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eight (180) consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision means a parcel of contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Market Value means the market value of the structure shall be determined by (an independent appraisal by a professional appraiser; the property's tax assessment, minus land value; the replacement cost minus depreciation of the structure; or the structure's actual Cash Value) prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

New Manufacture Home Park or Subdivision means a manufactured home park or

subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date June 9, 1981 of the floodplain management regulation adopted by the community.

Mean Sea Level (MSL) means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

New Construction means buildings and other structures for which the "start of construction" occurred on or after June 9, 1981 and includes subsequent improvements to such buildings and other structures.²

Recreational Vehicle means a vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towed by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area means the land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year.

Start of Construction includes "substantial improvement" and means the date the building permit, or Zoning permit if not building permit was required, was issued, provided the actual start of construction, repair reconstruction, rehabilitation, addition, or improvement was within one-hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs, or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a "substantial improvement", the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial Improvement means any reconstruction, rehabilitations, additions or other improvements of a building or other structure, the cost of which cumulatively for the life of the building or structure, equals or exceeds 50% of the market value of the building or structure (as determined by the cost approach to value) before the "start of construction" of the improvement. This term includes buildings and other structures which have

² Date of adoption of Flood Damage Prevention Ordinance which preceded this Section 220 as Amended.

incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however include either of the following:

- a. any project for improvement of a building or structure to correct existing violations of State or City health, sanitary or safety code specifications which have been identified by the Building Official and the City of Ansonia and which are the minimum necessary to assure safe living conditions; the floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.
- b. an alteration of an historic structure, as defined in Section 110.3, provided that the alteration will not preclude the structures continued designation as an historic structure.

Variance means a grant of relief by a community from the terms of the floodplain management ordinance that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship

*Date of adoption of Flood Damage Prevention Ordinance which preceded this Section 220 as amended. (refer to Map Amendment Appendix)

Violation means failure of a structure or other development to be fully compliant with the community’s floodplain management Ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required

Water Surfaces Elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

220.4 Requirement: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, site development, excavation, grading, removal or deposit of earth materials, mining, dredging, drilling operations, outside storage of equipment or materials, or paving, may be made within the special flood hazard area only in accordance with the requirements of this Section. The following area also applicable to requirements:

220.4.1 Other Restrictions: This Section is not intended to repeal, abrogate or impair any easements or other laws, regulations or ordinances, and whichever imposes the more stringent restrictions shall prevail.

220.4.2 Interpretation: In the interpretation and application of this Section, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent hereof.

220.4.3 Warning and Disclaimer of Liability: The degree of flood protection established by this Section is considered reasonable for Citywide regulatory purposes and is based on available scientific and engineering studies. Larger floods may occur on rare occasion and flood heights may increase as a result of man-made or natural causes. This Section does not imply that land outside of special flood hazard areas will be free from flooding or flood damages.

This Section shall not create liability on the part of the City of Ansonia, any officer or employee therefore or the Federal Insurance Administration for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

- 220.4.4 Aboveground Storage Tanks – Above-ground storage tanks (oil, propane, etc.) which are located outside or inside the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE and have a screw fill cap that does not allow for the infiltration of flood water.
- 220.4.5 Portion of Structure in Flood Zone – If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA). The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive floor zone will require the entire structure to meet the standards of the more restrictive zone.
- 220.4.6 Structures in Two Flood Zones – If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)
- 220.4.7 No Structures Entirely or Partially Over Water – New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

220.5 Base Flood Elevation and Floodway Data: Elevation and Floodway data applicable under this Section are identified as follows:

- 220.5.1 Map: The following zoning designations are used on the Flood Insurance map:

Zone	Explanation of Zone Designations
A	Areas of 100-year flood; no base flood elevations determined.
AB	Areas of 100-year flood; base flood elevations determined.

X Areas of 500-year flood; areas of 100-year flood with average depths less than one (1) foot or with drain area less than one (10 square mile; and areas protected by levees from 100-year flood.

220.5.2 Base Flood Elevation and Floodway Data: When base flood elevation data or floodway data have not been provided, then the Zoning Enforcement Officer shall obtain, review and reasonably utilize a base flood elevation and floodway data available from a Federal State or other source in order to administer the provisions of Section 220.6. Should the base flood or floodway data be obtained for any special flood hazard area, the Zoning Enforcement Officer shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designated to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one (1) foot at any point.

220.5.3 AE Zone Restriction: In AE Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement or other development (including fill) may be undertaken which would increase base flood elevation more than one (1) foot at any point along the watercourse when an anticipated development is considered cumulatively with the proposed development.

220.6 Standards: The following Standards and requirements are applicable in special flood hazards areas:

220.6.1 Anchoring: All new construction, substantial improvements, and repairs to structures that have sustained damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

220.6.2 Construction Materials and Methods; Service Facilities: All new construction and substantial improvements shall be constructed with materials resistant to flood damage and by using methods and practices that minimize flood damage. Electrical, plumbing, HVAC and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flood.

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

220.6.4 Flood Elevation: New construction and substantial improvement of buildings and other structures shall conform to the following:

- a. Any residential structure shall have the lowest floor, including basement, elevated to a minimum of one (1) foot above the base elevation.
- b. Any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one (1) foot above base flood elevation or shall, together with attendant utility and sanitary facilities, conform to the following:
 - i. be flood proofed so that, from one (1) foot above the b flood elevation and below, the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - iii. be certified by an architect or professional engineer licensed to practice in the State of Connecticut that the above standards are satisfied, which certification shall be provided to the Zoning Enforcement Officer as set forth in Section 220.7.1c.
- c. In Zone AE, the requirement of Section 220.6.4b that any residential structure shall have the lowest floor, including basement, elevated to a minimum of one (1) foot above the base flood elevation shall not apply to the following:
 - i. a one-story attached garage, provided said garage is not an integral part of a residential structure; and
 - ii. accessory buildings, which are less than 400 square feet in floor area and area accessory to the residential structure.
- d. Accessory buildings and attached garages as identified in Section 220.6.4c shall conform to the following:
 - i. shall not be used for human habitation.
 - ii. shall not be located in a floodway and shall be constructed and placed on a building site so as to offer minimum resistance to this flow of floodwaters;
 - iii. shall be firmly anchored to prevent flotation which may result in damage to other structures;

- iv. shall have a minimum of two (2) openings having a combined ratio of area equal to one (1) square inch for every one (1) square foot of enclosed floor area, which will no more than one (1) foot above grade, in a structure which has at least one (1) side with a floor level not below grade.
- v. service facilities, such as electrical and heating equipment, shall be flood proofed or elevated above base flood elevation; and
- vi. there shall be no basement or excavated area below any accessory building or garage

220.6.5 Floodways: Floodways as designated on the Flood Boundary and Floodway Maps are extremely hazardous areas due to the velocity of flood waters which cause erosion and carry debris and potential projectiles. The following additional standards are applicable to development in relation to floodways:

- a. Encroachment: There shall be no encroachments, including fill, new construction substantial improvements, repairs to substantially damaged structures and other development unless certification, with supporting technical data, has been provided by a registered professional engineer demonstrating that hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments will not result in any (0.00) increase in flood levels during the occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.
- b. If the requirement of Section 220.6.5a is satisfied all new construction and substantial improvements shall comply with all other applicable standards of this Section.

220.6.6 Compensatory Storage and Equal Conveyance.

Compensatory Storage. The water holding capacity of the floodplain except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

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

220.6.7 Manufactured Homes: The following standards and requirements are applicable to all manufactured homes located in special flood hazard areas, specifically including manufactured homes outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood:

- a. All manufactured homes (including “mobile” homes placed on site for 180 consecutive days or longer) to be place, or substantially improved shall be elevated so that the lowest floor is above the base flood elevation;
- b. Any such home shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors; and
- c. Any such home shall be installed using methods and practices which minimize flood damage, and shall comply with the following:
 - i. Adequate access and drainage should be provided; and
 - ii. Elevation construction standards include the following:

Piling foundations to be placed no more than 10 feet apart, and reinforcement to be provided for piers more than six (6) feet above ground level.
- d. Recreational vehicles placed on sites within a special flood hazard area shall either (i) be on the site for fewer than 180 consecutive days, and (ii) be fully licensed and ready for highway use, OR (iii) meet all the general

standard of Section 220.6.2 and the elevation and anchoring requirement of Section 220.6.7 a., b. and c. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

220.6.8 Alteration of Watercourse: In a special flood hazard area, when any portion of a watercourse is altered or relocated, the flood carrying capacity shall be maintained.

220.6.9 Existing Structures: A structure already in compliance with this Section shall not be made nonconforming hereto by any alteration, repair, reconstruction or improvement to the structure.

220.7 Flood Hazard Area Permit: Development including new construction, substantial improvement and the placement of buildings and structures, may be made within special flood hazard areas only after a Flood Area Permit therefore has been obtained as follows:

220.7.1 Application: Application for a Flood Hazard Area Permit shall be made to be Zoning Enforcement Officer on forms furnished for the purpose by such Officer and shall include at least a) plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in questions, b) existing or proposed structures, fill, storage of materials and drainage facilities, and c) the location of the foregoing. The following information is required in connection with all applications:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been or will be floodproofed;
- c. Certification demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the floodproofing methods of any nonresidential structure meet the floodproofing criteria in Section 220.6.4b.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, certification by an architect or professional engineer licensed to practice in the State of Connecticut that the flood carrying capacity within the altered or relocated portion will be maintained, and evidence that adjacent towns or cities affected and the Connecticut Department of Energy and Environmental Protection, Water Resource Unit, have been notified;

- e. Plans for any walls to be used to enclose space below the base flood elevation; and
- f. Copies of all necessary permits from those Federal, State or City governmental agencies from which prior approval is required.

220.8 Duties and Responsibilities of Zoning Enforcement Office: Duties and responsibilities of the Zoning Enforcement Officer in the administration of his Section include but are not limited to the following:

220.8.1 Permit Application Review:

- a. Review all Flood Hazard Permit applications to determine that the requirements of this Section have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
- b. Review all development permit applications to assure that the permit requirements of this Ordinance have been satisfied and that all other necessary permits have been received from those Federal, State or City governmental agencies from which prior approval is required;
- c. Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit, provided and maintained on file with the development permit.
Review plans for walls to be used to enclose space below the base flood level in accordance with Section 220.6.4b.

220.8.2 Other Base Flood and Floodway Data: When base flood and floodway elevation or floodway data is not provided on the Flood Insurance Rate Map or in the Flood Study, the Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation or floodway data available from a Federal, State or other source in order to administer the standards of this Section.

220.8.3 Information: The following information shall be obtained from the applicant and maintained on file:

- a. The as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- b. For all new and substantially improved floodproofed structures, the as-built elevation (in relation to mean sea level), to which the structure was floodproofed;
- c. Evidence that adjacent towns and cities and the Connecticut Department of Energy and Environmental Protection , Water Resources Unit, have been

notified prior to any alteration or relocation of a watercourse;

- d. Certification that the flood carrying capacity within the altered or relocated portion of a watercourse will be maintained and
- e. Maintain for public inspection all records pertaining to the provisions of this Section

220.8.4 Reports: The following reports shall be made to the Federal Insurance Administration:

- a. Biennial report; and
- b. Copies of notification to adjacent towns and cities and the Connecticut Department of Energy and Environmental Protection, Water Resources Unit, concerning alteration or relocation of water-courses.

220.8.5 Interpretation of Boundaries: The Zoning Enforcement Officer is authorized to make interpretations where needed, as to the exact location of boundaries of special flood hazard areas, such as where there appears to be conflict between mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 260.8 of this Ordinance.

220.8.6 Alteration or Relocation of a Watercourse:

- a. Notify adjacent towns and cities and the Department of Energy and Environmental Protection, Waters Resource Unit, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and
- b. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

220.8.7 Records on File: All records pertaining to the provisions of this Section shall be maintained in the Office of the Zoning Enforcement Officer.

Section 222 City Center Zone

222.01 – Purpose

The purpose of this regulation is to provide additional controls in the development of new parcels or the improvement of existing developed parcels within the zoning districts encompassed by the City Center Zone.

222.02 – Goals and Objectives.

The goals and objectives of these regulations are:

1. To promote the revitalization of the City enter Area, so as to invite the location of new business activities including professional offices, corporate facilities, retail establishments, restaurants, other supporting facilities as well as other compatible land and buildings uses that would increase ratable and enhance the City’s non-residential tax base.
2. To allow for new development and/or redevelopment to occur while promoting and protecting the physical environment, enhancing business and needed employment opportunities, invigorating the local economy, stimulating quality building architecture and landscaping design;
3. To achieve a suitable and compatible mix of non-residential and residential land uses within the City Center Area. To permit these uses to coexist on the same site and to share limited and/or valuable resources and infrastructure such as a river exposure, vistas and views, parking facilities and city services and, at the same time but, more importantly, promote and encourage human presence and participation.
4. To provide for the protection and enhancement of significant historic sites, buildings and features within City Center Area by:
 - a. Encouraging the retention and the restoration of architectural features that prevail within the City; and by providing graphic and descriptive examples of architectural and landscaping designs and similar elements that are or were present within the area.
5. To encourage desirable building and land uses located within the City Center while, at the same time, protect against traffic congestion, offensive noise and hazardous conditions.
6. To promote pedestrian, bicycle and handicapped use of downtown development safe from unwarranted motorized vehicular intrusion and associated hazards.

7. To Assist the City Center in increasing employment opportunities and in becoming a focal point for civic activities, for entertainment, for unique food serving establishments as well as a forum for cultural activities and enjoyment.

222.03 – Design Guidelines.

The “*Design Guidelines*” adopted by the Commission effective June 1, 2007 are hereby incorporated by reference and are designed to assist applicants, developers, successors and assigns in the preparation of development plans and details for new construction and/or for the substantial improvement of existing development.

222.04 – Application Procedure

Any application for new development and/or the substantial improvement of existing development within the City Center Area shall be the subject of the requirements of the Zoning Regulations except, as noted, and also to the procedures for Mandatory Site Plan Approval or Special Permit as detailed in sections 510 or 630 of said Regulations, respectively. In addition all applications may be the subject of special review as determined by the Commission for each application.

222.05 – Prohibited Land and Building Uses

The following building and land uses shall not be permitted within the City Center Area:

- Foundries and the use of drop forges and metal stamping machines
- Sheet metal, blacksmith, and welding shops
- Building contractors and subcontractors yards
- Rental – heavy equipment
- Kennel-Commercial
- Scrap metal processor.
- Storage of Home Trailers
- Trucking and freight terminals.
- Storage in bulk for other than retail sale.
- Storage of Fuel Oil for Retail Sale...
- Non-Profit Clubs

NOTE: See Schedule B of the Zoning Regulations for detail listing.

Section 222.06 - Permissible Uses

Except for the uses prohibited and listed under Section 222.05, the following uses are permissible within the City Center Zone:

- a). Any other use permissible in the underlining zone;
- b). Mixed residential and retail uses providing that:
 1. the premises is on a site of no less than one half (1/2) acre in size or the existing or proposed structure is at least 3 stories in height and is located entirely within the City Center Zone;
 2. any residential use will be confined to the upper floors and that the street level floor will be used only for commercial retail uses and/or for restaurant and/or office purposes;
 3. the total number of dwelling units shall not exceed a density of one dwelling unit for each six hundred (600) square feet of land area,
 - i. except where an application for a mixed use development includes the adaptive reuse of an existing structure, in which case the total number of dwelling units shall not exceed a density of one dwelling unit for each four hundred thirty (430) square feet of land area on the premises,
 - ii. not less than fifteen percent (15%) and no more than twenty-five percent (25%) of the total number of dwelling units shall contain more than two (2) bedrooms;
 4. that parking can be provided and/or will be available as required by the Zoning Regulations; and that
 5. following special permit applications, the Commission designates the site and approves the special permit application including the accompanying site plan.

The regulation does not prohibit the continuance, as they are of land and building uses that currently exist within the City Center Area. This protection is extended to these uses pursuant To the provisions contained under Section 245.0 of the Ansonia Zoning Regulations and as specifically provided under Section 8-2 of the Connecticut General Statutes.

Main Section 222.0

Public hearing held: January 26, 2009

Adopted by Commission: January 26, 2009

Effective date: February 4, 2009

Subsection 222.06

Public hearing held: April 27, 2009

Revised/Adopted by Commission: April 27, 2009

Effective date:

May 12, 2009

Section 225 Enforcement

- 225.1 Zoning Enforcement Officer: There shall be a Zoning Enforcement Officer who shall be appointed by the Mayor in accordance with the City of Ansonia Charter and Code. The Mayor may appoint Deputy Zoning Enforcement Officer to assist and to act in the absence of the Zoning Enforcement Officer. Zoning Enforcement Officer shall have the responsibility and authority to enforce the provision of this Ordinance, which responsibility and authority shall be carried out in accordance with administrative rules, policies and procedures established by the Commission under § 235.6 of this Ordinance. No Zoning Permit, Certificate of Zoning Compliance, order or other zoning enforcement document shall be issued unless signed or countersigned by Zoning Enforcement Officer or such Deputy Zoning Enforcement Officer.
- 225.2 Inspections: the Zoning Enforcement Officer is authorized to inspect or cause to be inspected any building, structure or premises to determine compliance with this Ordinance. No Zoning Permit and no Certificate of Zoning Compliance shall be issued until the Zoning Enforcement Officer has inspected the building, structure or premises involved to determine that the use and /or the building, other structure and site development conform to this ordinance.
- 225.3 Orders: The Zoning Enforcement Officer is authorized to issue a Stop Work Order if the use of land, buildings and other structures or the construction, reconstruction, extension, enlargement, moving or structure alteration of a building, other structure or site development are not being carried out in compliance with this Ordinance; the Zoning Enforcement Officer shall withdraw such Order when there is compliance with this Ordinance. The Zoning Enforcement Officer is authorized to order in writing the remedying of any condition found to be in violation of this Ordinance.

Section 230 Permits and Certificates

- 230.1 Requirement: No building or other structure, or part thereof, shall be constructed, reconstructed, enlarged, extended, moved or structurally altered and no land, building or other structure, or part thereof, shall be used or occupied, or changed in use, until an Application for a Zoning Permit has been submitted to the Zoning Enforcement Officer and a Zoning Permit therefore has been issued. No land, building or other structure, or part thereof shall be used or occupied, or changed in the use, until a Certificate of Zoning Compliance therefore has been issued by the Zoning Enforcement Officer certifying conformity with this Ordinance. No excavation for any building, other structure or use and no site development that is subject to the provisions of this ordinance shall be commenced or undertaken until a Zoning Permit therefore has been issued by the Zoning Enforcement Officer.
- 230.1.1 It is the declared expressed purposes of these regulations and the following Section 230.1.2 to protect the property values, to ensure public safety and facilitate other public requirements. It is hereby presumed that buildings which have been damaged by fire or other causes which remain uninhabited, or become inhabited whether

secured against internal trespass or not, which remain in an status shall be contrary to these Regulations.

230.1.2 Repairs and Restoration & Uninhabited/Inhabited Buildings:*

On or after the effective date of this Section, all repairs/restorations to be made to building(s) or portion(s) thereof damaged by fire, flooding or other causes or whether inhabited or not and whether secure from internal trespass or not, shall be completed within one (1) year of such destruction or damage. In any case where repairs/restorations cannot be completed within the one (1) year time limit, the Planning and Zoning Commission may grant one or more extensions of time. Consideration of the Planning and Zoning Commission will be focused on such matters as but not limited to: the extent of the work remaining to be completed, the timeliness of the repairs/restorations already completed, the duration of the extension requested, the effect of blighting conditions to the neighborhood.

*Effective February 26, 1990

230.2 Conditions: Any maps, plans, documents, statements and stipulations submitted to and approved by the Commission or the Zoning Board of Appeals in connection with any action of such Commission or Board under this Ordinance, and any conditions of approval attached by the Commission or Board, shall be conditions for issuance of a Zoning Permit and Certificate of Zoning Compliance by the Zoning Enforcement Officer.

230.3 Temporary Certificate: Upon certification by the applicant that the public health and safety will not be impaired and that there will be compliance with all other laws pertaining to health and safety, the Zoning Enforcement Officer may issue a Temporary Certificate of Zoning Compliance having a duration of not more than six (6) months and renewable only for one additional six (6) month period, for the temporary use of land, buildings and other structures in the process of improvement and completion in accordance with an approved Zoning Permit. If any off-street parking and loading, driveways, drainage, sewage disposal, sidewalks, landscaping or similar site development, in connection with a use for which a Site Plan has been approved or Special Exception granted, are incomplete, the Zoning Enforcement Officer may issue such Temporary Certificate of Zoning Compliance only after the applicant has filed a cash or savings account bond, in such amount as the Commission determines to be sufficient to insure the faithful completion of such site improvements and in form acceptable to the Corporation Counsel.

230.4 Other Permits: Issuance of a Zoning Permit or issuance of a Certificate shall not be construed to constitute compliance with any other regulation, ordinance or law to nor to relieve the applicant from responsibility to obtain any permit thereunder. The Zoning Enforcement Officer may at his/her discretion withhold issuance of Zoning Permit for periods not to exceed 12 months, when he/she determines that the use, building and/or site development authorized by the Zoning Permit is not in conformity with this Ordinance and any amendments thereof made subsequent to the date of original issuance of the Zoning Permit.

230.5 Time Limits. Any Zoning Permit issued under this Ordinance shall expire 12 months from the date of issuance a) unless a valid building Permit for the use, construction and site development authorized by the Zoning Permit is in effect or otherwise, b) the Zoning Enforcement Officer renews the Zoning Permit, for periods not to exceed 12 months, when he/she determines that the use, building and/or site development authorized by the Zoning permit is in conformity with this Ordinance and any amendment thereof made subsequent to the date of the original issuance of the Zoning Permit.

Section 235 Administration

235.1 Application: Application for a Zoning Permit shall be submitted to the Zoning Enforcement Officer prior to construction, reconstruction, extension, enlargement, moving or structural alteration of any building or other structure and prior to the use or occupancy, or change in use, of any land, building or other structure. The Application shall be accompanied by fees as specified in Sec. 270 and shall also be accompanied by the following:

- 235.1.1 Plot Plan: a plot plan in triplicate, drawn to scale, showing all of the following information, both existing and proposed:
- a. the area of the lot, and the dimensions, radii and angles or bearings of all lot lines;
 - b. the height, dimension, use floor area, ground coverage and location of all buildings and other structures;
 - c. the location, area and dimension of off-street parking and loading spaces and the means of access to such spaces;
 - d. the location of any existing or proposed on-site sewage disposal system and water supply well;
 - e. signs and other facilities and improvements that are subject to the provisions of this Ordinance;
 - f. in the Flood Plain District, the flood plain boundary and elevation data as specified in Section 220 of this Ordinance.
 - g. such additional information as may be necessary to determine compliance with the provisions of this Ordinance.

For proposed construction involving only minor improvements, interior alterations, or alterations with no enlargement or extension of the building or structure, the Zoning Enforcement Officer may waive the required submission of a plot plan. The Zoning Enforcement Officer may require the applicant to present a plot plan that is prepared and certified by a land surveyor, licensed to practice in the State of Connecticut, if deemed necessary to determine compliance with this Ordinance.

Plot plans accompanying Applications which pertain to a nonconforming building or structure or a nonconforming lot shall be prepared and certified by a land surveyor, unless such requirement is waived by the Zoning Enforcement Officer.

- 235.1.2 Sewage Disposal: copy of a permit issued by the City of Ansonia, authorizing connection to the City sanitary sewer system, or copy of a permit from the District Public Health Department to install an on-site sewage disposal system.
- 235.1.3 Water supply: copy of a letter from the public service agency providing water supply, authorizing connection to the public water supply system, or copy of a permit from the District Public Health Department to install an on-site well.
- 235.1.4 Other Applications: for uses permitted in a district subject to approval of a Site Plan (Sec. 510), approval of a parking layout (Sec. 410) or grant of a Special Exception, the Application for a Zoning Permit shall be accompanied by an application for approval of such Site Plan, parking layout or Special Exception and the maps, plans, documents and data required therefore by this Ordinance.
- 235.1.5 Soil Erosion and Sediment Control Plan: for a use, building or other structure or site development that involves a “disturbed area” of one half (1/2) acre or more, other than a one-family dwelling located on a lot that is not part of a subdivision, the Application for a Zoning Permit shall be accompanied by a Soil Erosion and Sediment Control Plan in accordance with Sec. 520.
- 235.1.6 Application for Flood Hazard Area Permit: When development, new construction, substantial improvement and the placement of prefabricated buildings is to be made within a Special Flood Area, application for a Flood Hazard Area Permit shall be made accordance with Section 220.
- 235.1.7 Additional Information: When requested by the Zoning Enforcement Officer, the Application shall also be accompanied by other drawings, data and documents necessary to determine compliance with the provisions of this Ordinance.
- 235.2 Referral: The following referrals are applicable to particular Applications for Zoning Permit:
 - 235.2.1 When any such application may be approved only after approval of a Site Plan, parking layout, Special Exception or other action of the Commission or Zoning Board of Appeals, a copy of the Application and the other applications and accompanying maps, plans, documents and data shall be submitted to such Commission or Board by the applicant.
 - 235.2.2 A copy of any Soil Erosion and Sediment Control Plan may be referred to the Zoning Enforcement Officer to the New Haven County Soil and Water Conservation District for its technical review and advisory opinion and for certification in accordance with Section 520.

- 235.3 Wetlands and Watercourses. Where an Application for a Zoning Permit involves a proposed use, building, other structure or site development that may affect a wetland or water course and constitute a regulated activity under the *Inland Wetlands and Water Courses Regulations of the City of Ansonia Connecticut*, the Zoning Enforcement Officer shall refer the applicant to the Ansonia Inland-Wetlands Agency and shall, in accordance with Sec. 230.4, withhold issuance of a Zoning Permit until any required permit is obtained from such Agency by the Applicant.
- 235.4 Approval and Issuance: The zoning Enforcement Officer shall issue a Zoning Permit and shall issue a Certificate of Zoning Compliance when such Officer determines that all of the requirements of this Ordinance have been met. No Zoning Permit and no Certificate shall be considered issued unless signed by the Zoning Enforcement Officer. Within 10 days after notification by the applicant that the premises are ready for occupancy, the Zoning Enforcement Officer shall issue or deny a Certificate. One (1) copy of the plot plan shall be returned by the Zoning Enforcement Officer to the applicant. The following additional requirements shall apply to the issuance of Zoning Permits and Certificates:
- 235.4.1 Staking: Prior to issuance of a Zoning Permit for new construction, the Zoning Enforcement Officer may require the applicant to place stakes or markers on the lot indicating the location of proposed construction. The Zoning Enforcement Officer may require the applicant to place stakes or marker on the lot indicating the location of lot lines and may require the placement of any or all stakes or markers to be made and certified by a land surveyor.
- 235.4.2 Measurements and Certifications: If deemed necessary to determine compliance with this Ordinance and before issuance of a Certificate of Zoning Compliance, the Zoning Enforcement Officer shall require the applicant to furnish measurements of any construction features subject to the requirements of this Ordinance, including setback and yard distances, which measurements shall be prepared and certified by a land surveyor. The Zoning Enforcement Officer may require the applicant to present a plot plan, or a Site Plan if applicable, certified by a land surveyor or engineer licensed to practice in the State of Connecticut, showing the construction as built.
- 235.4.3 Soil Erosion and Sediment Control When a Soil Erosion and Sediment Control Plan is required in connection with a proposed use, building or other structure or site development, or otherwise when provision for soil erosion and sediment control is required by this Ordinance, no Zoning Permit shall be Issued until a Soil Erosion and Sediment Control Plan in connection therewith has been certified in accordance with Section 520 and no certificate of Zoning Compliance shall be issued until the soil erosion and sediment control measures have been completed in accordance with the certified Plan.

Records: The Zoning Enforcement Officer shall keep records of all fees, all

Applications, Zoning Permits and Certificates, all identified complaints of any violation of this Ordinance, all inspections made under this Ordinance and all notices of violation served by him and the action taken thereon.

Rules Policy and Procedure: The Commission may from time to time by resolution adopt administrative rules, policies, procedures and forms for the enforcement of this Ordinance.

Section 240. Amendments

240.1 The Zoning Commission may, from time to time, on its own motion, or on petition, amend, supplement, or repeal the regulations and provisions of this Ordinance in the manner provided by State Law.

Any petition for amendment shall be accompanied by the following:

240.1.1 For petitions concerning the text of this Ordinance, fifteen (15) copies of the proposed text shall be submitted, together with a brief description of the change proposed.

240.1.2 For petitions concerning the Zoning Map, twelve (12) copies shall be submitted, drawn to a convenient scale of not less than 100 feet to the inch, covering the area of the proposed changed and all area in the City within 500 feet of the proposed change. And showing for such area the existing and proposed zoning district boundary lines, the existing property lines and the names of the current property owners as indicated in the Ansonia Assessor's records. The applicant shall provide notice to all property owners within five hundred (500) feet of the area or parcel of land which may be affected by the proposed amendment and which notice shall advise of the time and place of the scheduled public hearing so that the property owners may have an opportunity to participate at the hearing or written communications may be received.

240.1.3 **Fees:** The Commission may adopt a schedule of petition fees to cover the costs of legal notices, stenographic reports and other required expenses.

240.2 **Planning Commission Referrals:** No public hearing shall be held and no action shall be taken unless the proposed zoning regulations, boundaries, or changes thereof shall be referred to the Ansonia Planning Commission for its recommendation and report at least 35 days prior to the date assigned for such public hearing.

240.3 **Regional Planning Agency Referral:** In case of any proposed revision to the Zoning Ordinance text or Zoning Map affecting the use of a zone, any portion of which is within five hundred feet (500) of the boundary of another municipality located within the area of operation of a planning agency, the Zoning Commission shall refer the proposed revision to such regional planning agency not later than thirty-five (35) days before the public hearing to be held in relation thereto.

- 240.4 **List of Amendments:** It shall be the full responsibility of the Commission to keep an accurate and up-to-date list of Zoning Amendments approved subsequent to the adoption of this Ordinance. Upon subsequent amendment of this Ordinance, a copy of this list together with the respective amendment(s) of the text shall hereby be appended to the Zoning Ordinance as Appendix A. A copy of this listing indicating the effective date of each amendment, together with the respective amendment(s) of the text shall be kept on file in the Town Clerk's Office, and shall be incorporated and made available to every purchaser of the Zoning Ordinance. A copy of any Zoning Map amendment(s) also reference in the list shall be on file in the Town Clerk's office.

Section 245 Nonconforming Uses and Buildings

- 245.1 **Continuing Existing Nonconforming Uses:** The lawfully permitted use of land or structures existing at the time of the adoption of the zoning ordinance or any amendment thereto may be continued, although such use does not conform to the standards of the district in which such land or structure is located. Said uses shall be deemed nonconforming uses.
- 245.2 **Nonconforming Use of Land:** Where no structure is involved, the nonconforming use of land may be continued, provided, however:
- 245.2.1 That no such nonconforming use shall be enlarged or increased, nor that it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of the zoning ordinance, unless specifically allowed by other provisions in this ordinance.
- 245.2.2 That no such nonconforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of the adoption of this ordinance.
- 245.2.3 That if such nonconforming use of land, or any portion thereof, ceases for any reason for any continuous period of more than 30 days, or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of these regulations.
- 245.3 **Nonconforming Use of Structures:** A structure, the use of which does not conform to the use regulations for the district in which it is situated, shall not be enlarged or extended unless the use therein is changed to a conforming use.
- 245.3.1 Such nonconforming structure shall not be structurally altered or reconstructed unless such alterations are required by law, provided, however, that such maintenance and repair work as is required to keep a nonconforming structure in sound condition shall be permitted and provided further, that nonconforming structures which are basically sound or historically valuable, shall be permitted to be rehabilitated and improved in a manner which does not enlarge or increase their nonconforming status, but serves to improve the structure and the neighborhood and, if possible, moves toward

conformance with the Regulations.

- 245.3.2 A nonconforming use may be extended throughout any parts of the structure which were manifestly arranged or designed for such use at the time of the adoption of the ordinance, provided this extension was made within one year after the date of such adoption.
- 245.3.3 A nonconforming use, building, or structure may be changed to conform to this Ordinance. In addition, subject to the securing of a Special Permit from the Commission pursuant to Section 630 of this Ordinance, a nonconforming building or structure may be changed to be less nonconforming and a nonconforming use of land, building, or structure may be changed to a use that is less nonconforming than the present use.
- 245.3.4 If any nonconforming use of a structure ceases for any reason for a continuous period of more than one year, or is changed to a conforming use, or if the structure in which such use is conducted or maintained is moved for any distance whatsoever, for any reason, than any future use of such structure shall be in conformity with the standards specified by the zoning regulation for the district in which such structure is located.
- 245.3.5 If any structure in which any nonconforming uses are conducted or maintained is removed, the subsequent use of the land on which such structure was located and the subsequent use of any structure thereon, shall be in conformity with the standards specified by the zoning regulations for the district in which such land or structure is located.
- 245.4 Restoration of Damaged Structures: Any structure legally nonconforming in use which is damaged or destroyed by fire, explosion, act of God or the public enemy may be rebuilt and the use continued, but not to any greater extent than in the previously existing structure.
- 245.4.1 No building or portion thereof shall be permitted to remain in any district after total or partial destruction or damage by fire, action of the elements or any other cause prior to, on or after the effective date of this chapter where the use for which such building was erected or to which it was put prior to such destruction or damage, is forbidden by the any provisions of law, statute or ordinance, or is discontinued by the owner, occupant or lessee thereof unless all necessary building and other permits are obtained and the reconstruction, restoration or repair of such building is fully completed within one (1) year of such destruction or damage.
- In any case where reconstruction, restoration or repair cannot be completed within one (1) year of such destruction or damage, the building inspector, for good cause shown, may grant one or more extensions of time, not exceeding a total of six months.
- 245.5 **Building on Nonconforming Lots:** The minimum lot width or area regulations shall not apply to any lot of record with an area and/or width of less than that prescribed

herein provided that such lot was under different ownership from that of any adjoining land on the effective date of this regulation; and provided, further, that such lot shall be subject to all other applicable requirements prescribed by these Regulations.

Upon receiving a Zoning Permit Pursuant to the Section the applicant shall agree to post a placard furnished by the City of Ansonia with the following wording:

“On (date) the Zoning Officer has received written verification, including a survey map with construction thereon and has ascertained that this lot is a legal non-conforming lot under the provisions of Section 245.5 of the Ansonia Zoning Regulations Documentation is on file at the office.”

The applicant will place this placard on the property in a highly visible location for a period of fifteen (15 days) days.

The day of the posting and the day sign is removed shall not count towards the fifteen full day posting requirement

The applicant shall agree not to commence any site work at the subject site until the full fifteen day posting period has past.

At the end of the posting period the applicant will provide the Zoning Enforcement Officer with a Statement as follows:

“In accordance with Section 245.5, I hereby certify as applicant to the Zoning Enforcement Officer that the required placard has been prominently displayed for a period of fifteen full days from: (date) to (date) at (address).”

Signature of applicant with date

An appropriate fee to defer the cost of printing of the placard will be charged to the applicant.

(Adopted: May 22, 2000, Published: June 3, 2000, Effective: June 13, 2000)

- 245.6 Registration of Nonconforming Use of Land or Structure: Any nonconforming use of land structures shall be registered in the office of the Town and City Clerk within one (1) year after the adoption of the Zoning Regulations. Such registration shall include the identification of the premises, a description of the nature and extent of the nonconforming use and, if necessary to description, a plot plan, drawn to scale, showing property lines, all structures and any other pertinent information, and an affidavit by the owner as to the date since which such nonconforming use has existed. Failure to so register shall place the burden of proof on the property owner that any alleged nonconforming use of land or structures legally existed at the time this ordinance or any amendment thereto became effective.

Section 250

Violations and Penalties

- 250.1 Any owner, lessee, tenant, occupant, architect or builder or the agent of any of them , who violates, or is accessory to the violation of any provisions of these Regulations, or who fails to comply with any of the requirements thereof, or who erects constructs, alters, enlarges, converts or moves, uses any building, or uses any land, in violation of any detailed statement or plans submitted by him and approved under the provisions of this Ordinance shall be guilty of a misdemeanor, and shall be liable to a fine or imprisonment as provided by State Law. Each week's continued violation shall constitute a separate offense. The provisions of this paragraph shall be in addition to, and shall not preclude, enforcement by injunction or other lawful means.
- 250.2 Any building erected, constructed altered, enlarged converted, demolished, moved or removed, or used contrary to any of the provisions of this Ordinance, and any use of any land or any building which is conducted, operated, or maintained contrary to any of the provisions of this Ordinance shall be and at the same is hereby declared to be unlawful. The proper City authorities may institute an injunction, mandamus, abatement, or any other appropriate action, to prevent, enjoin, abate, or remove such erection, construction, alteration, enlargement, conversion, or use, in violation of any of the provisions of this Ordinance. The Zoning Enforcement Officer shall serve notice by registered mail address to the premises of such violation on the person or corporation committing or permitting the same, and if such violation does not cease within such time as proper City authority may specify, and a new Certificate of Occupancy is not obtained, the shall institute such of the foregoing action as may be necessary to terminate the violation. Such notice may also be served by posting on the premises.
- 250.3 The remedies provided for herein are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Section 260 Zoning Board of Appeals

- 260.1 **Powers and Duties:** The Board of Appeals shall have all the powers and duties prescribed by law, and by this Ordinance which powers and duties are summarized and more particularly specified below, provided that none of the following provisions shall be deemed to limit any of the power of the Board of Appeals that is conferred by general law.
- 260.2 **Interpretation:** On appeal from an order, requirement, decision or determination made by an administrative official, or on request from any official or agency of the City, the Board of Appeals may decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary line if uncertainty remains after reference to the rules specified in Article II. No question of hardship is involved in such an appeal, and the action of the Board of Appeals thereon is limited to the question of whether or not, and to what extent, such

order, requirement, decision, or determination was a correct interpretation of the provision that is involved, and does not extend to any variance or modification in the application of such provision or any other provision of this Ordinance.

- 260.3 **Variations:** If a lot is of unusual size, shape, or topography, or if other unusual circumstances pertain to it or to any building that may be situated on it, and if such condition makes it impossible to apply strictly to such lot a specific provision of the Ordinance without resulting in unnecessary hardship, but in no other case, the Board of Appeals shall have the power to vary or adjust the strict application of the regulations or provisions of this Ordinance as will not be contrary to the public interest. A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until the following conditions and procedures govern:
- 260.1.1 A written application is submitted demonstrating:
 - 260.1.1.1 That special conditions and circumstances exist which are peculiar to the land, structure, or buildings involve and which re not applicable to other lands, structures, or buildings in the same district;
 - 260.1.1.2 The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - 260.1.1.3 That the special conditions and circumstances do not result from the actions of the applicant, and
 - 260.1.1.4 That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same district.
 - 260.3.2 Notice of public hearing shall be given as provided by law.
 - 260.3.3 The hearing shall be held. Any person may appear in person, or by agent, or by attorney;
 - 260.3.4 No variance in the strict application of any provisions of this Ordinance shall be granted by the Board of Appeals unless it finds
 - 260.3.4.1 That there are special circumstances or conditions, fully described in the findings of the Board of Appeals, applying to the building or land for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or building in the neighborhood and have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation or deregulations appealed from, whether in violation of the provisions herein or not.

- 260.3.4.2 That, for reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the particular application of the conditions of these Regulations would deprive the applicant of substantial justice in the use of such land or building and the granting of the variance is necessary for substantial justice in the use of the land or building, and that the variance as granted by the Board is the minimum adjustment that will accomplish this purpose.
- 260.3.4.3 That the granting of the variance will be in harmony with the general purposes and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- 260.3.5 With respect to uses of land, buildings, and other structures, this ordinance is declared to be a definition of the public interest by the Zoning Commission, and the spirit of this Ordinance will not be observed by any variance which permits a use not generally permitted in the district involved, or any use expressly or by implication prohibited, by the terms of this ordinance in said district. Therefore, under no circumstances shall the Board of Appeals grant a variance to permit a use not generally permitted in the district involved, or any use expressly or by implication prohibited, by the terms of this ordinance in said district.
- 260.3.6 No similar use of neighboring lands, structures or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

260.8 Appeals and Variances in Flood Plain District: This Ordinance imposes special requirements applicable in the Flood Plain District as set forth in Section 220. The Zoning Board of Appeals shall hear and decide appeals and requests for variances from the Flood Plain District requirements as follows:

- 260.8.1 to hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Enforcement Officer in the enforcement and administration of section 220;
- 260.8.2 to issue variances from the standards of Section 220 taking into account the general considerations and conditions for variance specified in Section 260.9.
- 260.8.3 to issue variances for the repair or rehabilitation of historic structures without regard to the provisions of Section 260.9 upon a determination that i) the proposed repair or rehabilitation will not preclude the structure continued designation as an historic structure, and ii) the variance is the minimum necessary to preserve the historic character and design of the structure.

260.9.1 Considerations and Conditions for Variance in Flood Plain District: The following considerations and conditions are applicable to action on applications for the grant of variances in the Flood Plain District:

Considerations of Variance: When acting on applications for variance of the special requirements of Section 220, the Zoning Board of Appeals shall consider a) the technical evaluations and the studies that are the basis of Section 220, b) the standards of Section 220, and c) the following:

- a. the danger that materials may be swept onto other lands to the injury of others;
- b. the danger to life and property due to flooding or erosion damage;
- c. the susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
- d. the importance of the services provided to the community by the proposed facility;
- e. the availability of alternative locations for the proposed facility which are not subject to flooding or erosion damage
- f. the compatibility of the proposed use with existing and anticipated other development;
- g. the relationship of the proposed use to the plan of development for the City and flood plain management program for that area;
- h. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- i. the exposed heights, velocity, duration, rate of rise, and sediment and transport of the flood waters expected at the site; and
- j. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

260.9.2 Conditions for Variance: The following are conditions applicable to the issuance of variance of the special requirements of Section 220:

- a. No variance shall be issued within a Floodway if any increase in flood levels during the base flood discharge will result.
- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief and provided that the following criteria are met:

- i. a showing of good and sufficient cause, the economic or financial hardship of the applicant is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors;
 - ii. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with other existing City laws, ordinances and regulations.
- c. Otherwise, variances may be issued for new construction, and substantial improvements to be erected on a lot of one-half acre or less in area when the lot is contiguous to and generally surrounded by lots with existing structures constructed below the base flood elevation.

When issuing a variance, the Board may attach such conditions that it deems necessary to further the purpose and intent of this Section.

260.9.3 Notices and Record: The Zoning Enforcement Officer shall notify the applicant for variance in writing that a) the issuance of a variance to construct a structure below the base flood elevation will result in increased premiums for flood insurance, b) such construction below the base flood elevation increases risks to life and property. The Zoning Enforcement Officer shall maintain a record of such notice to applicants, shall maintain a record of all variances actions including the justification for their issuance and shall report such variances in an annual report to the Federal Insurance Administration.

Section 270. Zoning Fees

270.1 Fees: Fees shall be paid to the City of Ansonia for zoning petitions, Zoning Permits, Certificates of Zoning Compliance, applications and other administrative procedures under this Ordinance as set forth in a certain Ordinance entitled "Fees for Municipal Land Use Applications" adopted August 22, 1991 by the Ansonia Board of Alderman pursuant to Sec. 8-1c, CGS, and made effective September 1, 1991, as such ordinance may from time to time be amended.

ARTICLE III – DISTRICT REQUIREMENTS

Section 305. [Reserved]

Section 310. Schedule of Permitted Uses.

“Schedule B – Schedule of Permitted Uses” appended hereto is declared to be a part of this Ordinance. Land, buildings and other structures in any district shall be used for one or more of the uses specified in Schedule B as permitted in the district. Uses listed in Schedule B are permitted or prohibited in accordance with the following designation and procedure.

“P” means a use permitted in the district as a matter of right;

“S” means a use permitted in the district, subject to submission and approval of a site plan in accordance with the provisions of Section 510;

“SP” mean a use permitted in the district, subject to submission and approval pursuant to Section 630;

“T” means a use permitted in the district, subject to submission and approval of a Temporary Special Exception in accordance with the provisions of Article VI;

□ means a use prohibited in the district.

310.1 **Explanation of Designation:** The above designation and procedure appears opposite the use in the columns for the various zoning districts in Schedule B, and such designation and procedure shall determine if a listed use is prohibited or permitted, subject to the various provisions in this Ordinance.

310.1.1 **Site Plans for One-Family and Two-Family Dwellings:** The Planning and Zoning Commission, in connection with approval of a subdivision of lots for one-family or two-family dwellings under the *Subdivision Regulations of the City of Ansonia*, may determine that a site plan is required for the use and development of particular or all lots in the subdivision in order to determine suitable and workable locations or the dwelling, accessory buildings and structures, driveway, parking spaces, utilities, drainage facilities, and other features as well as lot grading and soil erosion and sediment controls. In case of such determination, the requirement shall be noted on the required Record Subdivision Map, and the required Site Development Plan, as approved by the Commission with or without modifications, shall be the required site plan under this Ordinance that accompanies the Zoning Permit and Certificate of Zoning Compliance for the lot.

310.2 **Prohibited Uses:** Land, buildings and other structures shall be used for one or more of the uses specified as permitted in Schedule B, and no other. Any use not specified

in Schedule B as permitted is prohibited. To further assist in the interpretation of Schedule B, the following uses, the listing of which is not intended to be exhaustive, are specifically prohibited:

- 310.2.1 Building materials processing which requires heating and/or prolonged mixing of natural material, e.g. concrete, asphalt.
- 310.2.2 Motor Vehicle Junk Yards – (pursuant to State law this prohibition may not be overridden by the Zoning Board of Appeals in its administration of Certificates of Approval of Location for Motor Vehicle Junk Yards.)
- 310.2.3 No land in a Residence District shall be used for vehicular access to a use permitted only in a Commercial or Industrial District
- 310.2.4 No trailer shall be placed in use in any district in any residential or commercial district for storage purposes except as accessory to construction work. Doors to such trailers shall be located when not in use.
- 310.2.5 The use or occupancy of any house trailer as a dwelling unit. House trailers shall also be defined to include camper trailers, demounted pickup truck camper units, and the pickup truck.
- 310.2.6 Billboards, as controlled by paragraph 420.4.3 of Section 420.

310.1 **Off-Street Parking and Loading.** Off-street parking and loading spaces shall be provided for any use of land, buildings and other structures in accordance with Section 410.

310.2 **Performance Standards.** The use of land, buildings and other structures shall conform to the performance standards specified in Section 355.
(See Section 720 for Special Requirements and Prohibitions.)

Section 315. Yard, Lot, and Bulk Requirements

“Schedule C – Schedule of Yard, Lot, and Bulk Requirements” appended hereto is declared to be a part of this Ordinance. The requirements listed for each district, as designated, reading from left to right across the Schedule, unless otherwise indicated in this Ordinance, shall be deemed to be the minimum requirements in every instance of their application.

Section 316. Maximum Residential Densities.

The land area-dwelling unit ratio detailed in Schedule D appended hereto, shall be the minimum required for each dwelling unit on any new lot within any single-family AAA, AA, A and B zone created as of the effective date of this Section.

SCHEDULE D – MAXIMUM DWELLING DENSITY

Zoning District	Minimum Lot Size (In Square Feet)	Max. Residential Density (Dwelling Units Per Acre)
AAA	60,000	0.59
AA	30,000	1.00
A	12,500	2.40
B	7,500	4.00

Effective: April 25, 2003.

Section 320 Lot Area and Dimensions

- 320.1 **Lot Required for Every Building.** Every building hereafter erected shall be located on a lot as herein defined. There shall be not more than one main building and its accessory buildings on one lot, except in GA, BB, and MM Districts and in non-residential districts.
- 320.2 **Required Street Frontage.** No permit shall be issued for any building unless the lot upon which such building is to be built has the frontage required by this Ordinance on a street as defined herein.
- 320.3 **Yards and Open Space Can Apply to Only One Building.** No yard or other open space provided about any building for the purpose of complying with the provisions of these Regulations shall be included as any part of any yard or open space for any other building; no yard or any other open space on one lot shall be considered as a yard or open space for a building on any other lot. Should a lot hereafter be formed from a part of a lot already occupied by a build, such separation shall be effected in such manner as not to impair conformity with any of the requirements of this Ordinance with respect to the existing building and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with all the provisions of this Ordinance.
- 320.4 **Lot Width Required.** Within any district no part of any dwelling or other structure housing a principal use shall be erected on any part of the lot which has a minimum width of less than eighty percent (80%) of the distance specified in the Schedule of Regulations for the district in which it is location.
- 320.5 **Lot Area Not Count Toward Requirements.** For any lot created by subdivision subsequent to the effective date of this Section, no part of such lot less in width than forty percent (40%) of the minimum lot width required or the district in which it is located shall be counted as part of the required lot area. Nor shall any portion of the lot having slopes greater than twenty-five (25%) percent and consisting of contiguous areas totaling three thousand (3,000) square feet or more be counted as part of the required lot are, nor shall any area having slopes greater than twenty-five (25%) percent be utilized in the computation of the residential density.
- 320.6 **Lots Containing Wetlands.** In calculating minimum lot area, not more than twenty (20%) percent of the area of the lot shall consist of lands designated as wetlands pursuant to the provisions of Chapter 440 of the Connecticut General Statutes. In calculating residential density, lands designated as wetlands under the provisions of Chapter 440 of the Connecticut General Statutes shall not be included in the computation of residential density.

Section 325 – “Rear Lots”.

A “rear lot” consisting of a lot having frontage on a street but not having the lot width requirement in the district and located to the rear of one or more front lots having frontage on the same street, may be established in a Residence District and used for one-family dwelling, subject to the following requirements:

- 325.1 **Access:** The lot shall have an accessway, in the same ownership as the lot, not less than 25 feet in width and having frontage on the street. The accessway shall be improved with a paved or gravel driveway not less than 14 feet in width, not more than 250 feet in length and having a grade of 10% or less to the required parking space for the dwelling. The driveway shall have an alignment and clearances adequate to permit access by fire and other emergency service equipment.
- 325.2 **Lot Area and Shape:** The lot shall have an area of not less than 20,000 square feet, or such greater area as may be specified for lots in the district, and shall be of such shape as to contain a square with 125 feet on each side. No part of the accessway having a width less than the lot width required in the district may be counted to comply with the minimum area for a rear lot.
- 325.3 **Building Location:** The dwelling on the lot, and any buildings or other structures accessory thereto, shall have side and rear yards as specified in the district, but in lieu of a required front yard, such dwelling, buildings and structure shall not extend within a distance of the boundary line of the front lot equal to 50 feet, or the minimum front yard distance specified in the district plus 10 feet, which is less.
- 325.4 **Spacing and Improvements:** No accessway for a rear lot shall be located adjacent to the accessway for another rear lot. In a subdivision of land that is subject to approval by the Commission under the Subdivision Regulations of the City of Ansonia, the following requirements are also applicable to rear lots:
- a. No rear lot accessway shall have frontage on a street within 300 feet of the frontage for a rear lot accessway on the same side of the street, provided however that the Commission may approve a lesser spacing when traffic safety and convenience on the street will be enhanced or significant natural features on the tract will be conserved and the appearance of a multiplicity of driveways to front lots and rear lots is avoided.
 - b. All electric, telephone and cable television lines on the rear lot shall be located underground.
 - c. The Commission may require the installation of storm drainage management systems for the rear lot and its accessway, and may require the driveway in the accessway to be suitably screened, by landscaping, grading or fences, from the side or rear yard of the adjacent front lot or lots.

Section 330 Yards, Setbacks Heights and Courts

- 330.1 **Terraces.** A paved terrace shall not be considered in determination of yard size or Lot coverage, provided, however, that such terrace is unroofed and without walls, parapets, or other forms of enclosure. Such terrace, however, may have an open guard railing not over three (3) feet high, and shall not project into any yard to a point closer than eight (8) feet from any lot line.
- 330.1.1 **Exception:** Unroofed terraces with enclosures up to 4 feet in height in BB and RR Districts shall be permitted to project closer than eight (8) feet from any lot line where necessary to permit “backyard patios”.
- 330.2 **Projections Into Required Yards.** The space in any required yard shall be open and unobstructed except for the ordinary projection of open entries, steps, stoops, or porches, cantilevered roofs, eaves, cornices, chimneys, belt-courses, window sills, balconies, and similar architectural features, provided that such features shall not project more than four (4) feet into any required yard or more than a distance equal to twenty (20) percent of the required yard, whichever is less.
- 330.3 **The Escapes and Stairways.** Open fire escapes and outside stairways may extend not more than six (6) feet into any required rear or side yard; provided that such fire escape or stairway shall not be closer than four (4) feet to any lot line.
- 330.4 **Fences, Walls and Terraces.** General Requirements. As used in this subsection, fences shall include all non-retaining walls, hedges, berms or other barriers intended to provide privacy, security, or separation of properties and/or districts. The required setback distances shall not apply to fences or walls six and one half (6.5) feet or less in height or to necessary retaining walls or to unroofed terraces, subject to the following limitations:
In all districts, the following shall regulate the construction and/or use of fences:
- 330.4.1 No fence, wall or terrace shall be located within the right-of-way easement or taking line of any public or private street;
- 330.4.2 The finished side of all fences shall be placed facing out from the property on which it is erected;
- 330.4.3 Along any boundary between any residence district and any other district the maximum permitted height of any fence or wall shall be eight (8) feet;
- 330.4.4 No fence, wall, hedge or barrier located within the front yard setback or within thirty (30) feet of a street shall be higher than four (4) feet. For purpose of this subsection, fence heights shall be measured from the average grade of front yards.
- 330.4.5 No fence shall be electrified or constructed of or include barbed wire or similarly dangerous material in any district.
- 330.4.6 In order to secure visibility at street intersections, in all districts, all permissible fences and walls shall comply with the requirements of Subsection 330.5 of these regulations.

- 330.4.7 There are no specific setback requirements for fences or walls, except as provided herein, except that no fence or wall shall be located or constructed so that repair and maintenance cannot be completed without encroachment or trespass upon the adjacent property.
- 330.5 **Visibility at Intersections.** No structure, sign, wall, fence, shrubbery, or trees shall be erected maintained, or planted on any lot which interferes with the visibility of drivers vehicles on a curve or at any public or private street intersection. The minimum vision clearance shall require a clear space between the elevations of two and one half (2.5) feet and seven (7) feet above the steel grade (top of curb) within twenty-five (25) feet of the intersecting street lines bordering corner lots.
- 330.6 **Existing Narrow Streets.** On streets with less than a 50 foot right-of-way, the minimum required front yard setback shall be measured from the centerline of the existing street right-of-way. In such instances, twenty-five (25) feet shall be added to the minimum required front yard setback for the applicable zoning district.
- 330.7 **Side Yards for Dwellings.** Wherever practicable, new dwellings proposed without garages shall be located on the lot such that all yard requirements may be complied with if an attached garage is later constructed.
- 330.8 **Waiver of Yards.** In any Non-Residential District, no side or rear yard shall be required where such yard abuts an operating railroad right-of-way.
- 330.9 **Courts.** Notwithstanding other provisions of this Ordinance, the minimum horizontal distance between facing walls of any inner or outer court shall not be less than twice the height of the facing wall having the greatest height, and the depth of any outer court shall not exceed its width. No inner court without direct unenclosed access not less than 10 feet shall be permitted.
- 330.10 **Exception to Height Requirements.** The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes, not used for human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads, or similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are intend to serve, and the total area covered by such features shall not exceed 25% of the roof area.
- 330.11 **Accessory Uses.** All accessory uses shall be located on the same lot with the principal uses to which they are accessory, except as provided in Section 410 (e.g. Joint Use: of Parking Facilities).
- 330.12 **Outside Storage.** Outside storage including storage and display of merchandise, supplies, machinery and other materials and the outside manufacture, processing or assembling of goods but excluding customary sales or display of merchandise during daily operating hours or for special events no more than seven (7) consecutive days in a

calendar month; areas for parking of registered motor vehicles in daily use; or motor vehicles subject to use by a registered, new, used, or franchise motor vehicle dealer, shall be limited as follows:

- 330.12.1 In Commercial Districts, outside storage areas shall not extend into the area required for setback from a street line or Residence District boundary line.
- 330.12.2 In Industrial Districts, outside storage areas shall not extend into the area required for setback from a property line, street line or Residence District boundary line, and shall be enclosed (except for necessary access drives) by buildings and/or by fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other lot or from any street.
- 330.13 **Corner Lots** A building erected on a corner lot shall be required to have on each street a yard equal in depth to the required front yard on such streets. (See definition of Corner Lot.)
- 330.14 **Exception for Existing Alignment of Buildings.** If on one side of a street within a given block and within 150 feet of any lot there is pronounced uniformity of alignment of the fronts of existing buildings and of the depths of front yards greater than the depths specified in the Schedule of Regulations, a front yard shall be required in connection with any new building which shall conform as nearly as practicable with those existing on the adjacent lots, except that no such building shall be required to set back from the street a distance greater than 50 feet, provided the requirements of Section 320.4 and 325 are complied with. If on one side of a street within a given block and within 150 feet of any lot there is a pronounced uniformity of alignment of the fronts of existing buildings and of the depths of front yards less than the depths specified in Schedule C. a front yard shall be permitted in conjunction with any new building which shall conform as nearly as practicable with those existing on the adjacent lots.
- 330.15 **Swimming Pools.** Swimming pools and appurtenances may not be installed within the required front, side, or rear yards, nor in any even except as an accessory use to residentially used structures.
- 330.16 **Exceptions for Preservation of Natural Features in Subdivisions.** Where the Planning Commission shall find, in acting on any proposed plan of subdivision or resubdivision, that there exist on the site significant natural or man-made features – such as streams, water bodies, wetlands, rock ledges, steep hillsides, major trees, waterfalls, distant view, forest, wildlife habitats, stone walls, historic sites or unusual landscaping – the preservation of which would contribute significant to the livability and values of the general area, and thus promote the purposes of this Ordinance the minimum lot width, lot depth and building setback (front yard, side yard or rear yard) requirements specified by this Ordinance may be reduced to the degree necessary to achieve such preservation, not not by more than twenty-five percent (25%), provided the Planning Commission approves the plan showing such reduction and further provided that:

- 330.16.1 The features to be preserved shall be clearly and accurately shown on the subdivision plan, and their significance describe in writing on the application or in attachments thereto;
- 330.16.2 The precise extent of the area within which such features lie shall be accurately delineated on said plan, and this area restricted by notation on the plan providing that such area shall be preserved in a natural or undisturbed condition,
- 330.16.3 The reduced lot width, lot depth and building setback requirements shall be shown on the said plan and reference made to this Section by notation thereon.

310.17 **Yard Requirements for Buildings Other than Dwellings in Residential Districts.** In Residential Districts in the case of all buildings other dwellings and buildings accessory thereto, the front, side, and rear yard requirements shall be double those specified in Schedule C.

310.18 **Sidewalks and Walkpaths.** To promote pedestrian safety and circulation, the Commission may required that any proposed non-residential or residential development be provided with sidewalks and/or walkpaths. When required, sidewalks and/or walkpaths shall be designed and built in accordance with the design standards under Section 3.7 and Schedule C of the Ansonia Subdivision Regulations.
Adopted: March 25, 2013 Effective: April 5, 2013)

Section 330.19 – Temporary Storage Structures (PODs) and Dumpsters

For the purpose of these regulations the following definitions shall apply:

Temporary Storage Units. Also referred to as “PDS”, are hereby defined as any storage device, trailer, vehicle, or other container or receptacle (with or without wheels) designed and use primarily for the temporary storage of building material, household goods, personal items and other material on the limited basis. The term shall not include dumpsters, which are described separately herein.

Dumpsters. Storage container units designed for waster materials of a size greater than 100 gallons, not including any of the containers provided by or approved for use by any waster disposal company hired by the City for garbage, yard waste or recycling.

310.19.01 Temporary Storage Structures of PODs³ are allowed in all residential zoning districts and may remain on site providing that (a) the proposal has been registered with the Zoning Enforcement Officer and the registration is displayed on a location visible from the street; (b) that the POD remains on site for a period not to exceed thirty (30) calendar days) and for not more than two (2) times within a calendar year, and (c) the unit is placed so as not to interfere vehicular and/or pedestrian traffic, displace required parking spaces or obstruct sight lines. The registration is not transferable and only valid for the property owner registered.

Temporary storage trailers or containers may be allowed in commercial and industrial districts providing that (a) a special permit or site plan approval has been granted by the Commission and (b) that the storage trailer or container will remain on site for a period not to exceed three (3) months and only when in conjunction with a bona fide commercial and/or industrial use.

310.19.02 Dumpsters including construction dumpsters may be allowed in all zoning districts providing that: (a) construction, re-construction, alterations and/or repairs are taking place within the premises and that a proper zoning and/or building permit for said work has been issued; (b) the dumpster is placed so as not to interfere with vehicular and pedestrian traffic, displace required parking spaces or obstruct sight lines; (c) that no dumpster shall be used for the disposal of any hazardous material as defined by Conn. DEEP; (d) the dumpster will be on site for a period not to exceed two (2) months and which period may be extended for additional two (2) months periods.

310.19.03 Refuse disposal dumpsters. The use of commercial dumpsters as opposed to typical garbage cans, for refuse collection may be permitted outdoors on a lot in any zoning district provided that (a) such commercial dumpster shall not be located within any required setback area in a residential district nor within any

³ PODs – Portable on Demand containers are also know as “portable storage units”.

required landscaped area or buffer strip in any other district; (b) shall be covered with a lid or roof structure and (c) dumpsters shall be placed over an impervious surface or containment area and shall be adequately screen from view
The placement of dumpsters shall make allowance for loading, removal, and access to the dumpsters taking into account the traffic flow, the surround parking spaces and the available turning radii. The size and number of the dumpsters shall adequately handle the refuse and recyclable products generated on site. Dumpsters shall not be located within any required landscaped area in any district.

- Notes:
1. Except as otherwise specified, the Zoning Enforcement Officer shall have the right to extent the time period to maintain temporary storage trailers or dumpsters on site.
 2. Federal and/or State mandated storage enclosures shall be temporarily exempted of the time periods in this Section until a permanent enclosure is provided.

(Adopted: March 25, 2013 Effective: April 5, 2013)

Section 345 Improvements Required as Condition of Use of Lot

- 345.1 **Safe Access Required for Zoning Permit.** No zoning permit shall be issued or any residence or other structure until safe and completely adequate all-weather access to the site has been provided for the use of fire and other emergency vehicles, and for essential service vehicles, from the nearest public street or street intended as the means of access to the property. For the purpose of this section, such safe and completely adequate all-weather access shall mean and include only: (1) a completed paved roadway; or in the alternative (2) a roadway under construction which has been completed at least with respect to proper sub-grade and proper sub-base in accordance with a plan approved by the Planning and Zoning Commission, which construction has been properly installed and graded with all debris removed, has all required underground utilities installed, and extends at least to the point of entrance to the lot.
- 345.2 **Completion of Improvements Required for Certificate of Occupancy.** No certificate of occupancy shall be issued for any residence or other structure intended for human occupancy located on a lot which requires the construction of a new roadway or utilities to serve it as shown by any subdivision or site plan approved by the Planning and Zoning Commission until the Zoning Enforcement Officer has determined that all utilities, drainage and street improvements required to be installed to serve the lot have been satisfactorily installed in accordance with the said plan, except for the following
- 345.2.1 final surface treatment (wearing surface) of the road-way and sidewalks;
 - 345.2.2 standard street signs;
 - 345.2.3 curbs and guard rails (as required);
 - 345.2.4 topsoil, seeding, trees and other required planting;
 - 345.2.5 such other minor installations as will not interfere with proper access and drainage and are best deferred to final completion of all required construction.

Section 355. Performance Standard

The following performance standard shall apply to all uses of land, buildings, and other structures wherever located.

- 355.1 **Dust, Fly Ash, and Smoke:** No dust, dirt, fly ash or smoke shall be emitted into the air from any lot so as to endanger the public health and safety, to impair the safety, value and enjoyment of other property or to constitute a critical source of air pollution.

- 355.2 **Odors, Gases and Fumes:** No offensive odors or noxious, toxic, corrosive fumes or gases shall be emitted from any lot so as to impair the value and reasonable use of any other lot.
- 355.3 **Noise:** With the exception of time signals, fire, police, or ambulance sirens and the noise customarily involved in the use of home improvement equipment and the noise necessarily involved in the construction or demolition of buildings and other structures, no noise which is objectionable due to volume, intermittence, beat, frequency, or shrillness shall be transmitted outside the property where it originates.
- 355.4 **Wastes:** No offensive wastes shall be discharged or dumped into any river, stream, watercourse, or storm drainage.
- 355.5 **Vibration:** With the exception of vibration necessarily involved in the construction or demolition of buildings and other structures, no vibration shall be transmitted outside the lot where it originates so as to impair safety on or the value and reasonable use of any other lot.
- 355.6 **Danger:** No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed, assembled, or disposed of except in accordance with applicable codes and regulations of the City, the State of Connecticut and the Federal government.
- 355.7 **Radio or Television Interference:** No use of land, buildings, or other structures on any lot shall create interference with radio or television reception on any other lot.
- 355.8 **Glare:** All external illumination shall be directed or shielded in such a manner that the source (bulb, tube, etc.) of light will not be visible from any street or from any adjoining lot in a residential district, and that the illuminated areas shall be confined essentially to the property where the illumination originates.
- 355.9 **Drainage:** No structure shall be used, erected or expanded, and no land shall be graded or hard surfaced unless provisions have been made for the proper disposal of drainage water particularly from parking areas and driveways, from areas contiguous to property lines and from low areas which tend to collect water.
- 355.10 **Heat:** Heat from any process or operation shall not be felt from any street or from any adjoining lot in a residential district.
- 355.11 **Hazardous Substances:** The storage, use and handling of toxic and other hazardous substances, as defined in the list of priority pollutants by the Federal Environmental Protection Agency, in Section 3001 of the Resource Conservation and Recovery Act or State of Connecticut Hazardous Waste

Regulations, shall be conducted in accordance with applicable Federal, State and local regulations and under permits in effect as may be required by such regulations.

355.12 The regulations, prohibitions and standards of performance herein set forth are expressly declared to be of continuing application.

ARTICLE IV – REQUIREMENTS FOR PERMITTED ACCESSORY USES⁴

Section 410. Off-Street Parking, Loading and Vehicular Access

410.1 **General:** It is the intention of these Regulations that all structures and land uses be provided with a sufficient amount of off-street motor vehicle parking to meet the needs of persons employed at or marking use of such structures or land uses, and sufficient off-street loading and unloading facilities to meet the needs of such structures or land uses.

Overall objectives of the parking, loading and access requirements include safety, efficiency, environmental quality, and responsiveness to technological change.

410.2 **Existing Buildings, Structures and Uses:** Any building, structure or use existing on the effective date of this Sec. 410.2, or for which a Zoning Permit has been issued and is in effect, shall conform to the standards of this Section to the extent that it conforms on such effective date. If any such existing use of land, building or other structure is changed to a use requiring additional off-street parking or loading spaces to comply with this Section, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. Any such existing building, structure or use which fails to conform to the standards of this Section shall not be changed to a use which would need additional off-street parking or loading spaces to comply with the standards of this Section unless such additional spaces are provided for the new use as required by this Section. If application is made to the Zoning Board of Appeals for variance of the requirements of this Section in connection with such existing building, structure or use, any variance granted shall not authorize reduction in the number of existing off-street parking or loading spaces to less than is required by this Section nor any reduction in the number of spaces required for an extension or enlarged portion the building, structure or use.

410.3 **Required Space to be Shown on Plan:** The plans for any new building or any expansion of an existing building, when submitted for a zoning or building permit, shall show specifically the location and use, and, in the case of multi-family uses and non-residential uses, the type of improvement of the off-street parking or loading space required to comply with the Regulations and the means of access to such space from the public streets or highways, except for one- and two-family residence, no zoning or building permit shall be issued until such plan for parking and loading space, and access thereto, is approved by the Planning and Zoning Commission, which shall determine that traffic access, traffic circulation, lighting, screening and general layout of the parking and loading facility and required improvements, are planned with regard to safety to traffic on the public streets , and safety and adequacy of access for cars and pedestrians using the facility. No certificate of occupancy shall be issued for any building or land use until the

⁴ In addition, this Article shall include off-street parking and loading facilities as a principal use (Schedule B – Page 11)

required off-street parking and loading space has been established. Where calculations result in a fraction it shall be rounded off to the nearest whole number.

- 410.3.1 Architectural drawings shall be submitted for the purpose of computing the parking and loading requirements for the proposed development. On the plan or attached sheets, the applicant shall indicate his calculations for determining the number of parking and loading spaces required. The plot plan and architectural drawings shall constitute an official part of the application for a zoning permit. One and two-family dwelling are exempt from the plot plan and architectural drawings requirements under this Section.
- 410.3.2 Each parking space shall contain a rectangle having the following minimum dimensions and having such vertical clearance, access and slope as to accommodate motor vehicles as follows:
- a Nine (9) feet by eighteen (18) feet to accommodate an automobile eighteen (18) in length.
 - b Fifteen (15) feet by eighteen (18) feet to accommodate an automobile eighteen (18) feet in length and reserved for use by physically handicapped persons, which width may be reduced to 12.0' when the space is at the end of a row of spaces or is one of two or much such spaces side by side in a row.
 - c Such greater dimensions as may be determined by the Commission, in connection with the approval of a Site Plan, for the parking of other types of motor vehicles regularly visiting the premises.
- 410.3.3 One (1) off-street loading space shall be provided on the lot for each building, other than a dwelling, having a floor area of 4,000 square feet or more and for each forty-thousand (40,000) square feet of floor area or fraction thereof, excluding basements on a lot, the Commission, in connection with approval of a Site Plan, may authorize establishment of common loading spaces serving such buildings, in number based on the aggregate of floor area of such buildings. Each loading space shall contain a rectangle not less than twelve (12) feet by forty (40) feet, or such greater dimensions as may be necessary to accommodate the type of trucks regularly visiting the premises, and shall have a vertical clearance of fourteen (14) feet, access and slope as to accommodate a truck having an overall length of forty (40) feet.

- a in CP Districts, the minimum number of off-street loading spaces shall determined as follows:

<u>Require</u> <u>Spaces</u>	<u>Per Gross</u> <u>Floor Area Each Building</u>
1	<15,000 sq. feet
2	15,000 to 30,000 sq. feet
1	each full additional 30,000 square feet.

- 410.3.4 The owner of the property used for parking shall maintain said parking area in a well drained condition free from litter and pot-holes.
- 410.3.5 The maximum grade of parking areas shall not exceed five percent (5%) and the minimum grade shall not be less than one-half percent (0.5%).
- 410.3.6 Gross floor area is included in Section 110. Definitions. Patron floor area shall be that portion of gross floor area available for customers and patron use in a retail establishment serving food and/or drinks.
- 410.3.7 Each off-street parking space shall be provided with adequate area on the lot for approach, turning and exit of an automobile having an overall length of eighteen (18) feet without need to use any portion of a public street right-of-way, except that this provision shall not apply to one-family and two-family dwellings.
- 410.3.8 No off-street parking spaces required in connection with or provided accessory to a dwelling shall be located within the required minimum front yard on the lot, provided however, that a driveway from the street into the lot, crossing such front yard area as near as practical to 90 degrees and having a width not exceeding twelve (12) feet, may be used for off-street parking spaces in connections with a one-family or two-family dwelling.

410.4 Off-Street Parking Requirements

Except as provided by Sections 410.7, 410.8, 410.9 and 410.10, off-street motor vehicle parking facilities shall be provided as follows:

<u>410.4.1</u>	<u>Type of Building or Use</u>	<u>Minimum Required Parking Spaces</u>
410.4.2	Two Family and Single Family Dwellings. Permitted non-housekeeping units accessory to a dwelling.	2 spaces for each dwelling unit. Once Space per non-housekeeping unit in addition to spaces required for the principal use.
410.4.3	Dwellings In housing projects designed and intended To be subsidized for lower income elderly families or individuals.	One space for every two dwelling units
410.4.4	Dwellings in adopted urban Renewal project areas or housing projects in other areas designed and intended to be subsidized for lower income persons or families.	1.5 spaces per dwelling unit.
410.4.5	Other Multiple Dwellings	2 spaces for each dwelling unit and one visitor space for every 3 dwelling units
410.4.6	Offices, Professional Offices, Financial institutions, Retail Stores, Personal Services, Business Repair Services	4.0 spaces for each 1000 sq. ft. of gross floor area on the ground floor and 1 space for each 300 sq. ft. of other gross floor area, except in the RR District where 3.0 spaces for each 1000 sq. ft. of gross floor area on the ground floor and 1 spaces for each 300 sq. ft. of other gross floor area is applicable
410.4.7	Permitted Home Occupations.	4 spaces In addition to spaces required for residential units.

	<u>Type of Building or Use</u>	<u>Minimum Required Parking Spaces</u>
410.4.8	Restaurants (not a drive-in and containing no provision for a dance floor)	1 space for each 75 sq. ft. of patron floor, area including outdoor service areas, if any, where customers may consume food on the premises at outside tables and benches.
410.4.9	Drive-in Restaurants where the patron receives food at the counter, and consumes the food on the premises either at an In-side or outside table or bench or in the car.	1 space per each 20 sq. ft. of gross floor area exclusive of the area within the building devoted to the receipt of and consumption of food by the patrons.
410.4.10	Nightclubs (restaurants having provisions for a dance floor. and/or live entertainment	1 space for each 50 sq. ft. of patron floor area
410.4.11	Taverns	1 space for each 50 sq.ft. of patron floor area.
410.4.12	Hotels, hotels, and Boarding, Lodging and Rooming Houses	1 space for each rooming unit, 1 space for each 75 sq. ft. of patron floor area of restaurant or banquet area 1 space for each 50 sq. ft. of patron floor area of nightclub or lounge area.
410.4.13	Bowling Alley.	5 spaces for each alley in addition to spaces required for other related facilities (restaurants, etc.)
410.4.14	Theaters and Assembly Halls Having Fixed Seats	1 Spaces for each 3 seats.
410.4.15	Assembly Halls and Other Places of Assembly not Having Fixed Seats.	1 space for each 50 sq. ft. of gross floor area

	<u>Type of Building Or Use</u>	<u>Minimum Required Parking Spaces</u>
410.4.16	Churches and Funeral Parlors	1 space for every 4 seats of capacity, as defined by the State Fire Marshal or as otherwise approved by the Commission.
410.4.17	Hospitals Sanitariums, Nursing Homes	1 space for every 4 beds, excluding bassinets, plus 1 space per employee during the maximum work shift.
410.4.18	Appliance, Carpet Furniture, Electrical, Heating and Plumbing Retail Sales	1 space for each 500 feet of gross floor area.
410.4.19	Automotive services including but not limited to gas stations, auto dealers, auto accessories, auto repair, auto body and paint shop, muffler installation, tire shops and engine and transmission overhaul shops.	1 space for each 250 sq. ft. of gross floor area; or 3 spaces per bay, lift or equivalent for customer and employee parking only; or at least 10 spaces plus 1 space for each 2 persons working in such establishment; whichever is greater.
410.4.20	Open or outdoor businesses including but not limited to those which sell new and used; motor vehicles, trailers, mobile homes building supplies, machinery, equipment, swimming pools, nurseries and garden supplies.	1 space for each 1,000 sq. ft. of lot area, for customer and employee parking only

	<u>Type of Building</u> <u>Or Use</u>	<u>Minimum Required</u> <u>Parking Spaces</u>
410.4.21	Self-service (or *.robot") type car wash (and wax) installations	1 space for each ten feet of washing operation length as measured along the center line of the washing operation, plus one or more waiting lanes ten feet wide shall be provided on the site in such A manner as to provide for continuous movement of vehicles into the wash structure. The minimum total length of the required lane or lanes shall be equal to 20 feet for each 10 feet, or fraction thereof, of washing operation. In addition, drying and customer pickup area, accommodating at least one space for each 20 feet of washing operation shall be provided. on the site. In no case shall the off-street parking requirement be satisfied by space provided in any area normally utilized for the servicing, repair mg, washing, drying, or waxing of motor vehicles, including ingress and egress thereto.
410.4.22	Manufacturing Plants	1 space for every 2 Persons employed at any one time but not less 500 sq. ft. of gross floor spaces than 1 space for each 500 sq. ft. of gross

	<u>Type of Building or Use</u>	<u>Minimum Required Parking Spaces</u>
410.4.23	Wholesale Distributing Plants, Trucking Terminals	1 space for every 2 persons employed at any one time but not less than 1 space for each 1,000 sq. ft. of gross floor area.
410.4.24	Golf Course	4 off-street parking spaces per hole (additional parking space required for pro shop, restaurants)
410.4.25	Storage Warehouse	1 space for every 2 persons employed at any one time, but not less than 1 space for each 1,500 sq. ft. of gross floor area.
410.4.26	Outdoor Amusement Areas Outdoor Sales Area, Outdoor Storage Areas, or Outdoor Industrial Operations	Parking facilities as determined by the Zoning Commission.
410.4.27	Reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed above shall be determined in each case by the Commission.	
410.4.28	<u>Mixed Occupancies:</u> In the case of two or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified in Section 410.7 and 410.8.	
410.4.29	<u>Improvement of Parking Facilities:</u> Required off-street parking facilities may be enclosed in a structure or may be open, provided that all required parking facilities for multi-family developments and non-residential uses shall be graded, surfaced, drained and suitable maintained to the satisfaction of the City Engineer and the Superintendent of Public Works to the extent necessary to avoid nuisances of dust, erosion, surface icing, inadequate drainage, or excessive water flow across public ways, or adjacent lands. In appropriate situations, the plan shall provide for suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.	

- 410.4.30 Operation and Maintenance of Off-Street Parking Facilities: required off-street parking facilities shall be maintained as long as the use of structure exists which the facilities are designed to serve. Required parking areas developed for specific structures and uses shall be reserved at all times to those persons who are employed at or make use of such structures and land uses, except when dedicated to and accepted by the City as public parking areas.
- 410.7 Joint Use:
- 410.7.1 The Commission may approve the joint use of parking space by two or more establishments on the same lot, on contiguous lots, or on lots within 300 feet minimum walking distance, the total capacity of which space is less than the sum of the spaces required for each, provided said Commission finds that the capacity to be provided will meet the intent of the requirements by reason of the applicant showing that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed and;
- 410.7.1.1 a property drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the Corporation Counsel filed with the Commission. Joint use parking privilege shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, than such approval of such joint use shall be automatically terminated and parking shall be provided as otherwise required by Section 410.4 Off-Street Parking Requirements.
- 410.7.2 The Commission may authorize up to a fifty percent (50%) reduction in parking spaces required for a nighttime use such as a theaters, bowling alley, bar, or other similar nighttime use when part of the required spaces are supplied by facilities for day-time uses such as banks, business offices, retail stores, manufacturing or wholesale uses, or vice versa (but not for both).
- 410.7.3 The Commission may authorize up to 100% reduction of the parking space requirements for a church or auditorium – incidental to a public or private graded school which may be supplied by daytime uses similar to the above.
- 410.8 Cooperative Parking Facility: Grouping of stores in conjunction with common parking facilities tends to enhance the potential for “one-stop shopping.” In recognition of the parking benefits obtainable in such cases the Commission may authorize up to 15% reduction in the number of required parking spaces for 4 or more separate uses; 10% reduction for 3 separate uses; and 5% reduction for 2 separate uses following approval of a site plan(s) which meets the following conditions:
- 410.8.1 The plan(s) shall be for a collective parking facility serving 2 or more uses or buildings developed through voluntary cooperation; and

410.8.2 Such collective parking facility shall occupy an area of no less than 20,000 square feet.

410.9 Modification: in the central business district, lots are small, ownership is fragmented, and little private off-street parking facilities have been provided. Public action to treat the problem as a whole has been required because individual action would tend to diminish the range of commercial facilities available, as well as hamper the continuity of concentrated pedestrian flow.

The objective of the following relief from the parking and loading requirements is to serve as one technique in carrying out overall City parking policy. City parking policy involves positive action substantially more than Zoning.

410.9.1 Accordingly, off-street parking and loading resources within the central business district are best provided by central parking facilities. Therefore, off-street parking and loading facilities are not required for uses permitted in the Commercial “C”, HI and LI Districts when such uses are on lots located entirely within 300 feet of a municipal parking facility. For uses permitted in the Commercial “C”, HI and LI Districts and located on lots within less than six-hundred (600) feet but more than three hundred (300) feet of a municipal parking facility, the Commission may reduce the parking and loading requirements provided that the Commission finds that such reduction will meet the intent of the parking and loading requirements and the following conditions.

410.9.1.1 The capacity of the municipal lot is sufficient to meet the intent of the parking requirements;

410.9.1.2 That the reduction will not interfere with the proper development of the area or district in which it is located.

410.9.1.3 That it is impractical to provide such parking or loading on the same lot as the building.

410.9.1.4 In conjunction with the above conditions, the applicant may demonstrate compliance by entering into an appropriate agreement with the Parking Authority or a private party for parking or a transportation provider for service.

Section 420 Sign Regulations

- 420.1 **General.** Notwithstanding other provisions of this section no sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until a Zoning Permit therefore has been approved as for buildings and other structures. All signs shall conform to the provision hereinafter specified.
- 420.2 **Definition**
- 420.2.1 **Premise.** The area occupied by a business or other public enterprise. When more than one business occupies a single building in the ground floor, each business shall be considered a separate premises. Businesses or other public enterprises which occupy other floors shall be considered separate premises.
- 420.2.2 **Roof Sign.** Any sign erected and maintained upon or above the roof of any building.
- 420.2.3 **Shopping Center.** A cohesive unit of three or more stores and other commercial businesses arranged and constructed according to a plan and contained within a separate parcel of land.
- 420.2.4 **Sign.** Any device for visual communication which is designed to inform or attract the attention of persons not on the premises on which the sign is located.
- 420.2.5 **Sign Area.** The area of a sign shall be deemed to be the area of the panel or background on which the letters or other devices of such signs are painted or mounted. In the case of letters or other devices painted or mounted directly on a wall without distinctive background or letters or other devices which are free-standing, the area of such sign shall be deemed to be the area enclosed by straight lines connecting the outermost points of all letters or other devices.
- 420.2.6 **Temporary Sign.** A sign, constructed of cloth, paper, canvas, fabric, paper, wood fiber, or other similar material, with or without a structural frame, and intended for a limited period of displayed.
- 420.2.7 **Wall Sign.** A sign which is attached directly to or painted upon a building wall, and which does not extend more than one (1) foot therefrom, nor extend above the roof line.
- 420.3 **Exceptions** The following signs shall not be included in the application of the regulations herein:
- 420.3.1 Signs not exceeding a total of three (3) square feet in area and bearing only property numbers, post box numbers, memorial sign, tablets, or names of occupants of premises. Except that in Residence Districts the total sign

area for such signs shall not exceed two (2) square feet.

420.3.2 Legal Notices identification information, or directional signs erected by or according to the direction of governmental bodies.

420.3.3 Integral decorative or architectural features of buildings, except letters, trademarks, moving part, or moving lights.

420.3.4 Signs directing and guiding traffic, parking, or other functional activity on private property, when less than five (5) square feet in area and bearing no advertising matter.

420.3.5 Customary flying of flags, badge or insignia of any governmental unit, a recognized organization, or company, but not when used in connection with commercial promotion.

420.3.6 Political signs displayed during election campaigns, provided such signs are no larger than thirty-two (32) square feet when displayed within Residence Districts, and provided all political signs are removed within five (5) days after an election.

420.3.7 Except as provided in the following paragraph, a temporary sign no larger than five (5) square feet in area, advertising auctions or “tag-sales” provided that no premises or residence shall display any such sign more than four (4) days in any twelve month period.

420.3.8 Temporary signs no larger than a total of fifty (50) square feet for the advertisement of special events of charitable, or religious or public service organizations which are located at the place where the special events will be conducted provided such signs shall not be displayed more than thirty (30) days prior to the event, and not more than five (5) days after the event.

420.3.9 No trespassing signs or other such signs regulating the use of a property, such as no hunting, no fishing, etc., of no more than two (2) square feet in sign area in a residential zoning district and five (5) square feet in commercial and industrial and other zoning districts.

420.3.10 Temporary sign no larger than ten (10) square feet in area advertising the sale of edible farm products on the premises, provided that no premise or residence shall display any such sign more than ninety (90) days in any twelve month period.

420.3.11 Temporary signs for the purpose of parades, holiday street decorations and related memorabilia.

420.3.12 Display of stock in trade.

420.3.13 Searchlights, pennants, spinners, banners, and streamers, when used only for special occasions, such as grand openings or special events sponsored by charitable organizations, use shall be limited to a fifteen (15) day period in any nine month period.

420.4 **Standards for All Districts:** Signs shall conform to the following standards applicable in all Districts:

420.4.1 **Total Area:** The aggregate area of onsite wall signs and other signs may not exceed 15% of that same wall area which supports the wall sign. and/or overlooks the same yard.

420.4.2 **Accessory Use:** No sign shall be permitted except as accessory to a permitted use on a lot.

420.4.3 **Purpose:** All signs shall pertain only to goods sold, services rendered and establishments, enterprises, activities, persons, organizations and facilities on the lot where the sign is located.

420.4.4 **Location:** No sign shall be located within or hang over the right-of-way of any street, except that a sign attached to a building may project into such right-of-way.

420.4.5 **Projecting and Hanging Signs:** No sign shall project over or hang over any sidewalk, driveway, walkway, roadway or accessway, except that signs attached to the wall of a building may project not more than twelve (12) inches there from, if no portion is less than nine (9) feet above such public way.

420.4.6 **Obstructions** No sign shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system or fire escape or exit or to cause any other hazard to the public health or safety.

420.4.7 **Light and Motion.** No sign which moves or rotates mechanically or is illuminated by a light source which visibly flashed, oscillates or otherwise automatically changes in intensity or color or so as to cause radio or television interference shall be permitted.

420.4.7.1 **Exemptions:** Clocks and time and temperature signs and barber poles shall be exempted provided they comply with all other provisions of these Regulations.

420.4.7.2 All lighting of signs in Residence Districts shall be indirect with the source of illumination not visible from any street or from any lot other than the lot on which the sign is located. In districts other than Residence Districts, the

sources of illumination, if any, shall not be exposed to view on a public way or in any room used for sleeping purposes.

420.4.8 **Roof Signs:** No roof signs shall be permitted.

420.4.9 **Multi-Faced Signs:** Dual faced signs shall be permitted, but no other multi-faced signs.

420.4.10 **Temporary Signs:** No temporary signs made of paper, cardboard, canvas, or similar material shall be permitted on the exterior of any building, except in permanent frames especially provided for the purpose.

420.4.11 **Extension of Signs Above Ground Floor:** No sign affixed to a wall shall extend above the ground floor of a build.

420.4.12 **Limitation on Sign Placement:** Signs shall be limited to signs directly facing an abutting street, and/or free standing signs. Free-standing signs may be permitted in advance of the front building line, but shall not project over any street right-of-way.

420.4.13 **Limit on Content of Total Sign Surface Area:** Except for signs for gas stations, auto dealers, and indoor theaters (Marquees), the surface area of exterior product promotion sign (i.e. sign specifying major classes of goods, facilities) or shall not exceed twenty-five (25%) of the total existing or, exterior sign surface area overlooking any single yard.

420.5 **Residence Districts:** In this subsection, signs denoted by an asterisk (*) shall be exempt from obtaining a zoning permit. In addition to the standards specified in Section 420.4. signs in Residence Districts shall conform to the following standards:

420.5.1 On premises which are for sale, lease or rent, not more than two (2) signs which shall advertise only the premises, provided that each such sign shall have an area not exceeding six (6) square feet and is not illuminated.

420.5.2 One sign not over 1 1/2 square feet in area identifying a permitted professional office or home occupation.

420.5.3 One sign, not over 16 square feet in area identifying a permitted use other than a professional office or home occupation.

420.5.4 One bulletin board for public charitable, or religious institution, when located on the real estate thereof, with a sign area of no more than twenty square feet, and if used exclusively for non-commercial announcements.

420.5.5 Multi-family dwelling: One sign per building, not to exceed three (3) square feet.

420.5.6 One temporary sign per lot containing the name and address of a business involved in building construction, renovation or repair and the name of a construction related product, provided such sign 1) is directly related to and located within fifty (50) feet of a building which is in the process of construction, repair or renovations; 2) shall not be displayed in excess of thirty (30) days; 3) shall not exceed twenty (20) square feet in size; 4) shall be removed prior to issuance of any certificate of occupancy.

420.5.7 **Location:** No sign in any Residence District shall extend to within ten (10) feet of any street line or property line, and no sign attached to A building shall project above the top of the wall of the building.

420.5.8 **Height:** No ground sign shall exceed a height of eight (8) feet.

420.6 **Neighborhood Commercial Districts:** In this District no sign intended to be read from off the premises shall be permitted except:

420.6.1 One wall sign per street side for each ground floor establishment not to be directly illuminated and not exceeding one square foot of sign area for each one lineal foot of building frontage. No illumination for any sign or premises shall be directly visible in any portion of a residential district after 10:00 p.m. or shall the source of Illumination be visible in any room used for sleeping in any district.

420.6.2 One non-illuminated ground sign, for identification only, may be erected provided:

- a. All buildings are set back a minimum of 50 feet from the public right-of-way.
- b. No portion of the sign is located in or overhangs any required yard area or right-of-way
- c. The sign area does not exceed 12 square feet.

420.7 **Other Districts:** In addition to standards specified in Section 420.4, and to sign standards for permitted uses in Residence Districts specified in Paragraphs 420.5.1 through 420.5.6 inclusive, signs in other than Residence and Neighborhood Commercial Districts shall conform to the following standards:

420.7.1 **Direction:** No sign shall face any side lot line of any adjoining lot in a Residence District.

420.7.2 **Setbacks:** General signs shall observe all setbacks required for buildings and other structures except that signs attached to buildings may project not more than 12 inches from the building.

420.7.3 **Freestanding Signs:** Notwithstanding the following two exceptions, in Paragraphs 420.7.3.1 and 420.7.3.2., there shall be permitted not more than one free-standing sign on any one lot. The total area of such free standing sign shall not exceed 50 square feet or one square foot for every 5 linear feet of frontage of such lot, whichever is smaller. No free-standing sign shall exceed a total height of 20 feet, measured above the ground. No such sign shall be located nearer to the side lot line than the width of the required side yard.

420.7.3.1 **Exception, “Corner Lot”** A corner lot having a public entrance to at least two public ways may have one (1) additional freestanding sign erected for and toward one other public way.

420.7.3.2 **Exception, “Identification Signs”:** Two identification signs shall be permitted for a planned shopping center comprising fourteen or more stores, with one sign permitted for each frontage of the lot adjacent to a public street. The total area of each such sign shall not exceed sixty (60) square feet or one square foot for every five (5) linear feet of frontage whichever is less. Otherwise such signs shall conform with the provisions for freestanding signs.

420.7.3.3 **Exception.** A “Complementary Free-Standing Sign”, with changeable copy, not exceeding thirty-two (32) square feet in total area and designed to call the attention to a use complementary to an existing major land use on the same premises, may be permitted provided that (a) that the premises is seven (7) acres or larger and has three-hundred (300) feet or more of frontage on a public highway; (b) that said sign shall not exceed the height limitations of subsection 420.7.3; (c) that the use to which the sign relates is at a distance of two-hundred (200) feet or more from the front property line of the public highway; and (d) that there shall not be closer than seventy-five (75) feet from another freestanding sign on the same premises; and (e) providing that an application has been approved by the Commission. *(Added effective 2/14/2014)*

420.7.4 **Measurements:** Any sign may be double facing, and only one face shall be counted in determining conformity to sign area limitations. All dimensions for signs shall be based on measurements to the outside edge of the sign excluding any structure accessory to support the sign.

420.7.5 **Site Plans and Special Exceptions:** Limitations on signs which may be imposed in connection with the approval of a site plan or the granting of a Temporary Special Exception under these Regulations are in addition to the provisions of this Section.

Section 420.8 Administration

420.8.1 **Maintenance:** All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive conditions.

420.8.2 **Nonconforming Signs:** Signs existing at the time of the enactment of this regulation and not conforming to its provisions shall be regarded as non-conforming signs which may be continued if property repaired and maintained as provided in this regulation if such signs continued to be in conformance with other ordinances and regulations of this City.

420.8.3 **Permit Requirements** No sign included in the application of these regulations shall be erected, altered or relocated without a permit issued by the Zoning Enforcement Officer. Any sign existing in violation of this regulation shall be removed, altered, or repaired in accordance with the provisions of said section. Non-conforming signs which are structurally altered, relocated, or replaced shall comply with all provisions of this regulation.

420.8.4 **Permit Exceptions** The following operations shall not be considered as creating, altering or relocating a sign and, therefore, shall not require a sign permit:

420.8.4.1 **Replacing Copy:** The changing of the advertising copy or message on an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

420.8.4.2 **Maintenance:** Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

420.8.5 **Abandoned or Obsolete Signs:** A sign shall be removed by the owner or lessee of the premises or land upon which the sign is located when the business or product which it advertises is no longer conducted or sold on the premises.

420.8.5.1 **Exemptions:** Where a successor to a defunct business agrees to maintain the signs as provided in this regulation, this removal or requirement shall not apply.

Section 430 – Customary Home Occupations and Professional Offices

430.1 Home Occupations:

- 430.1.1 **Definition.** Any use customarily conducted entirely within a dwelling and carried on solely by and employing only a person or persons resident in the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
- 430.1.2 **Floor Area Requirements.** Such use shall occupy not more than twenty-five percent (25%) of the ground floor area of the structure.
- 430.1.3 **Specific Exclusions.** Such uses as the operation of a clinic, hospital, tea room, tourist home, rooming house, animal hospital, or any similar activity, shall not be deemed to be a home occupation for purposes of these Regulations.
- Specifically excluded is the storage, display, or sale of merchandise not produced by such home occupation, any activity involving any building alterations, window display, construction features, equipment, machinery or outdoor storage, any of which is visible from off the lot on which located.
- 430.1.4 **Specific Inclusions.** Customary home occupations include uses such as dressmaking, millinery, laundering, preserving and home cooking conducted solely by and employing only a person or persons resident on the premises and not in any accessory building, using only customary home appliances, and having display of goods visible from the street.
- 430.1.5 Also, specifically included is the care by the day of not more than four children unrelated to the head of the household, telephone answering service, and secretary services which may include the following equipment: collating machines, mimeograph machines, copying machines, and custom dress-making.

430.2 Professional Office:

- 430.2.1 **Definition.** “professional office” shall include a professional office or studio of an architect, artist, engineer, lawyer, musician, registered nurse, physician, surgeon, dentist, teacher or similar professional person, when conducted in the dwelling by the inhabitants thereof. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof.
- 430.2.2 **Floor Area Requirement.** Such use shall occupy no more than twenty-five percent (25%) of the floor area of the dwelling unit.

Section 440 – Landscaping Standards

Preface. Trees are recognized as a valid asset to communities as they assist in providing a healthful and attractive environment in which to live. Trees and other similar material provide shade, protection from the wind, glare and noise, and can act as visual barriers. Landscaping and landscaping features and amenities are effective in attracting new residents and visitors and contribute in enhancing the economic activity of business districts. Proper landscaping adds to the value of properties and enhances its marketability while it promotes neighborhood stability and prosperity.

440.1 Intent and Purpose. It is the intent and purpose of this Section to provide minimum standards for the installation and maintenance of plant material, landscaping and landscaping features in developments within non-residential districts so as to contribute in creating attractive and aesthetically pleasing environments that attract visitors and promote economic vitality and prosperity.

440.2 Landscaping required in parking areas.

(1) Parking areas shall be planted with trees a minimum of two and one half (2.5) inches in caliper measured six (6) inches above ground level, so that there is at least one tree per ten (10)-parking spaces within the parking lot. Such trees must be staked with two (2) three (3)-inch diameter stakes and protected by curbing against damage by vehicles. A minimum planting area, equivalent to one hundred eight (180) square feet per tree shall be provided.

(2) Required parking areas shall have a landscaped island at each end of each row of vehicle spaces and an intermediate island for every fifteen (1) or fewer vehicle spaces. Such planting islands shall be not less than nine (9) feet long in the direction parallel to the row and not less than twenty (20) feet long in the direction perpendicular to the row. Each such island shall have a suitable curb of stone or poured-in-place concrete, and shall be planted with grass or ground cover. All hydrants shall be located in such islands.

440.3 Landscaped buffer between residential and nonresidential uses. Nonresidential vehicular areas shall be set back at least fifteen (15) feet from any property line abutting land used for residential purposes or located in a residential zone. Such setback areas shall be provided with screening along each side of the property line abutting such residential zone or use. Such screening shall be in the form of evergreen trees; a minimum of eight (8) feet high planted not more than ten (10) feet apart, along the extent of the vehicular area facing a residential zone or use. Where circumstances warrant, the Commission or its authorized agent may require additional screening.

440.4 Protection of existing trees. Where required, significant existing trees⁵ shall be clearly marked for preservation on the site plan and in the field. Such trees shall be protected during construction by cribbing. Cribbing shall consist of a six-foot (6-foot) high snow fence, which shall surround the tree(s) trunk(s) at a distance not closer than five (5) feet from it, and which shall be braced and held in position by four-by-four-inch wood posts set at least two (2) feet in the ground. The Commission retains the right to increase these cribbing requirements when the circumstances warrant it. Damaged trees shall be required by a reputable tree surgeon. Any tree marked for preservation which is removed or damaged beyond satisfactory repair shall be replaced with the same or similar species, six (6) inches in caliper as measured at six (6) inches above ground level, which shall be balled, burlapped and platformed.

440.5 Utility lines. All utility lines and equipment shall be placed underground.

440.6 Screening of security fences. When the proposed site plan includes the installation of security fences necessary for the operation and maintenance of permissible uses, the Planning and Zoning Commission, or its authorized agent, may require that such fences be adequately screened from public view.

440.7 Pedestrian crosswalks. Pedestrian crosswalks shall be constructed of brick, concrete, Belgian block, or similar material contrasting in color and texture to the surround paving.

440.8 Lighting standards. The maximum allowable height of any light fixture shall be twenty (20) feet from the ground to the highest point of the fixture. The Planning and Zoning Commission, or its authorized agent, shall reserve the right to (a) lessen the standards herein to adjust for special circumstances, and (b) further regulate the height, number and location of light fixtures, where necessary to provide for the safety of pedestrians or motorists, or to meet topographic constraints and adjacent land uses. Light sources shall be so shielded so as not to glare onto public highways or residential structures.

440.9 Sidewalks and walkpaths. To provide safe pedestrian accessibility, sidewalks and walkpaths shall be constructed in locations as may be required by the Planning and Zoning Commission or its authorized agent. When required, sidewalks shall be (a) five (5) feet wide and walkpaths shall be two (2) feet, six (6) inches wide, and shall be built in accordance with designs as may be approved by the Commission or authorized agent.

440.10 Additional screening, landscaping, buffering. The Commission shall retain the right to require additional screening, landscaping or buffering as deemed necessary to achieve the intent and purpose of this section.

(Note that Page 73 and 74 of the PDF document are duplicates)

⁵ Trees 18 inches in diameter or greater, and trees of special or rare species.

440.11 Landscaping Features. The Commission may authorize and/or require the installation of additional landscaping features and amenities such as park benches, sculptures, kiosks, clock towers, and similar outdoor accessories that may contribute in creating focal points and in enhancing landscaping arrangements.

Adopted 11/16/98

Section 450.0 – Age-Restricted Multifamily Housing – ARMH

450.01 – General

The Commission may, of its own initiative or in response to an application hereunder, establish Age-Restricted Multifamily Housing sites within certain zoning districts and on parcels that meet the criteria specified below. Following designation of a specific site, a special permit application for development meeting the requirements of this Section and other applicable sections of the Zoning Regulations shall be submitted and a public hearing in connection thereto shall be held.

450.02 – General Procedure and Eligibility Criteria for Site Designation

The Ansonia Planning and Zoning Commission may, from time to time, at its discretion and after holding a public hearing in connection thereto, designate specific parcels within the City of Ansonia as suitable for development for housing for older persons. TO designate a parcel as suitable the applicant must submit a written petition to the Commission together with the information described below. The Commission shall hold a public hearing and, prior to designation, it shall find that:

- A. The parcel is no less than the minimum size prescribed for the district where located; it is served by municipal sewers and public water supply system; and that at least fifty (50%) percent of the parcel has not been the product of assemblage within the past ten (10) years preceding application;
- B. The parcel has frontage on a municipal or state roadway that may be improved, if required, to accommodate additional development traffic;
- C. That soils designated as wetlands pursuant to Section 22a-36 to 22a-45 of the Conn. General Statutes do not exceed twenty (20) percent of the total area of the parcel;
- D. The site can accommodate, with limited land alteration, the proposed development including buildings, sidewalks, walk paths, roadways and all other needed amenities associated with projects for older persons;
- E. The parcel by virtue of its location and buffering would not have a detrimental impact on nearby properties; and that
- F. The overall development will not exceed the density limitations specified hereunder for the underlying zoning district.
- G. In determining lot area and acreage, reference is made to the definition of “building area” in Section 110.3 of these regulations specifically excluding man-created horizontal surfaces such as floors, uncovered porches, parapets, steps and terraces.

450.03 – Information Required for Site Designation

All petitions requesting designation shall be accompanied by the following maps, information and fees:

1. A map of the property showing survey parcel boundaries and zoning district; topographic features including contours, man-made and natural features, water bodies, stone walls, soil designations, abutting highways, abutting properties and location of improvements thereon;
2. An overall development plan showing dwelling units, parking areas, recreational amenities, sidewalks, indoor and outdoor parking areas, meeting rooms, etc.
3. Schematics of the type and size of dwelling units contemplated;
4. A statement certifying that at least fifty (50) percent of the parcel has not been the subject of "assemblage" within the last ten (10) years;
5. A statement from the Water Pollution Control Authority and the corresponding Water Supply Company that the parcel is served or is likely to be served by municipal sewer systems and public water supply;
6. Application fees in the amount of seven-hundred (700) dollars plus cost of the required legal notice publications, and any other required land use application fees.
7. Proof of documentation filed (or to be filed) pursuant to the applicable provisions of Section 47-200 to 47-299, Chapter 828 of the Connecticut General Statutes entitled "Common Interest Ownership Act".

450.04 – Project Planning and Generalized Design Guidelines

In planning and designing for restricted-age housing projects and related accessory uses, consideration must be given to the following minimum design guidelines, criteria and standards:

- A. That the project is designed to accommodate the specific needs of older persons including width and grades of sidewalks and walk-paths, rest areas, benches, proximity of outdoor and indoor parking areas to dwelling units, provide easy of ingress and egress from buildings and related facilities. Reference is made to publications entitled "Architectural Graphic Standards" and "Planning & Urban Design Standards" for design details and standards.⁶ Reference is also made to the Local Building Code.
- B. The outdoor recreation space provided shall be at the rate of one-hundred and fifty (150) square feet per dwelling unit but, in no event, shall the area thus provided be less than three-thousand (3,000) square feet and which area may be provided with recreational equipment as deemed appropriate.
- C. That the indoor recreational space to be provided shall be at the rate of fifty (50) square feet per dwelling unit but in no event shall the space provided be less than one-thousand (1,00) square feet, its access should be under cover and be located in a centralized area. The indoor recreational space may be provided within an independent building or as part of another structure, however it should be in a centralized location.
- D. Off-street parking facilities shall be designed for easy access and adequately distributed within the project and shall include parking specifically designated

⁶ "*Architectural Design Standards*", Ramsey & Sleeper Editors; and "*Planning & Urban Design Standards*", Emma Sendich, Graphics Editor; both published by Wiley & Sons, NJ.

for recreational vehicles, boat trailers and similar equipment.

- E. The design of buildings shall be compatible with surround development; shall take into account the purposes of the development; and that is shall not be detrimental to nearby properties and the community as a whole. Reference is made to the “Design Guidelines” adopted by the Commission effective June 1st, 2007.
- F. Except in districts where non-residential uses are not permitted, the first floor level of all buildings, exclusive of basement and lower level floors, shall be designed for the exclusive occupancy by retail stores, professional offices and service facilities.

450.05 – Development Standards and Controls

450.05.01. Permissible Uses.

- (a). Structures consisting of dwellings designed for use as elderly housing only not to exceed two (2) bedrooms each;
- (b). Accessory uses, buildings and structures including parking areas and garages, maintenance buildings, and recreational uses and buildings and facilities when said uses are built and maintained for the exclusive use of residents and, if applicable, tenants and patrons, within the project and their guests. At the Commission’s discretion and within residential districts only, accessory uses may include retail/service store not to exceed three thousand (3,000) square feet in total floor area designed to provide for the immediate needs of residents within the complex.
- (c). All structures and uses under this Section shall be designed to meet the definition of “Housing for Older Persons” set forth at § 42 USC 3607 (b)(2), as amended.

Maximum Densities

zoning district	D/U ACRE	MIN LOT AREA	MIN LOT SIZE	
		PER D/U	ACRES	SQ. FEET
(1)	(2)	(3)	(4)	(5)
A	3.5	12,500 sf	5.00 ac.	(217,800 sf)
B	6.0	7,260 sf	4.00 ac.	(174,240 sf)
BB	34.8	1,250 sf	0.68 ac.	(30,000 sf)
C	13.6	3,200 sf.	0.68 ac.	(30,000 sf)
C/CCOZ		750 sf	0.27 ac.	(12,000 sf)
GA	12.1	3,600 sf	0.68 ac.	(30,000 sf)
GA/CCOZ	43.6	1,000 sf	0.27 ac.	(12,000 sf)
SC	12.1	3,600 sf	0.68 ac.	(30,000 sf)
MM	24.9	1,750 sf	0.68 ac.	(30,000 sf)
RR	34.8	1,250 sf	0.27 ac.	(12,000 sf)

CCOZ = City Center Overlay Zone

For the purposes of determining dwelling unit densities, fifty (50) percent of the lot area designated as “wetlands: pursuant to the Conn. General Statutes shall be deducted from the total area of the parcel.

450.05.02. Minimum Lot Area and Frontage.

- (a). The minimum lot area shall be as per § 450.05.02 above.
- (b). The lot shall have frontage of no less than fifty (50) feet on a municipal or state highway. Where warranted, secondary means of access for emergency vehicles from a public highway shall be provided.

450.05.04 Setbacks, Coverage, Building Height and Buffers

Zoning District	Min. Setbacks			Max. lot Coverage		Building Height	
	In feet front	sides	% of lot area rear	blds	total	stories	feet
A	25	25	25	25	50	(2-1/2)	(35)
B	25	25	25	25	50	(2-1/2)	(35)
BB	-	-	30	35	70	(3)	(40)
C*	6	5	12	90	90	(3)	(42)
C	6	5	12	-	-	(3)	(42)

Zoning	Min. Setbacks	Max. lot coverage	Building Height	Zoning	Min. Setbacks	Max. lot coverage
GA	10	-	-	15	40	(3) (35)
GA*	10	-	-	90	90	- -
SC	-	-	-	30	60	(4) (85)
MM	6	-	-	8	20	- (96)
RR	-	-	-	35	85	(3) (40)

Asterisked districts are within the City Center Overlay Zone

Buffer Areas

When specified, setback areas shall be planted with suitable year-round plantings consisting of evergreen trees (white pine, hemlocks, spruce, or similar) having a minimum of two and one-half (2-1/2) inches in caliper at initial planting which shall be placed at no less than ten (10) feet apart on two staggered rows. The Commission may waive any part of this required planting when topographic circumstances or existing vegetative cover warrants it.

450.05.05 Building Separation

For the purpose of emergency vehicular access, buildings and structures shall be separated as may be prescribed by prevailing local fire or building codes and regulations but in no event shall be closer than thirty (30) feet from another building or structure. Exempted from this requirement are buildings not designed for human occupancy.

450.05.06 Maximum Size of Build.

No structure shall contain more than three (3) dwelling units.

450.05.07 Off-Street Parking.

Off-street parking shall be provided at the following rates:

<u>UNIT TYPE</u>	<u>OFF-STREET PARKING SPACES</u>
Efficiency Unit	One (1) space
One Bedroom	One-(1) space
Two Bedrooms	One and one-half (1-1/2) space

In addition, one (1) space for visitors shall be provided for each four (4) dwelling units within the complex.

Off-Street parking for recreational vehicles shall also be provided at the rate of one-half (0.5) spaces per dwelling unit. These parking areas shall be screen from public view and enclosed by protective fences.

The Commission, at its discretion, may exempt in part the provision of all the parking required as per the above schedule when non-coincidental uses such as residential and non-residential building uses warrant it. In no event, however, shall the number of parking spaces exempted be greater than fifty (50) percent of the number of parking spaces needed to meet the non-residential parking spaces required.

450.05.08 Storage Space

Indoor storage space shall be provided at the rate of forty-eight (48) square feet for each efficiency or one-bedroom unit; and ninety six (96) square feet for each two-bedroom unit.

450.05.09 Landscaping

Landscaping shall conform to the requirements of Section 440 of these regulations.

450.05.010 Outdoor Recreational Space.

Outdoor recreation space shall be provided at the rate of one-hundred and fifty (150) square feet per dwelling unit but, in no event shall the area thus provided be less than three-thousand (3,000) square feet and which area may be furnished with recreational equipment as deemed appropriate.

450.05.011 Indoor Recreational Facilities

Indoor recreational space shall be provided at the rate of fifty (50) square feet per dwelling unit but in no event shall the space provided be less than one-thousand (1,000) square feet; its access shall be under cover and be located a centralized area. Indoor recreational space may be provided within an independent building or as part of another structure in a centralized location.

450.05.012 Open Space

Permanent open space to be set aside within the development parcel shall be ten (10%) percent of the gross area of the parcel and shall be on locations as approved by the Commission

450.06 – Design Compatibility

Applicants are encouraged to review the “Design Guidelines” adopted to guide development within the “City Center Overlay Zone”.

The development plans and designs of all buildings, including the site layout and landscaping plans for projects within the boundaries of the “City Center Overlay Zone”, when referred by the Commission, shall be forwarded for review and comments by the Project Review Team designated pursuant to the recommendations in Ansonia’s “City Center Plan-2005”. The Project Review Team shall meet promptly and invite applicant attendance; it shall formulate its comments and submit same along with appropriate recommendations to the Commission prior to the date of the schedule public hearing on

the special permit application. The written comments and recommendations shall be incorporated into the project proceedings.

450.07 – Maintenance and Occupancy

450.07.01 - Maintenance

All common project facilities or systems shall be maintained by the owners, applicant or residents association in perpetuity. Such project facilities shall include but are not limited to the following:

- a. Project utilities, lighting, electricity, telephone, cable television and similar TV distribution systems.
- b. Roadways, drives and parking areas, sidewalks, walk-paths.
- c. Drainage systems, piping, catch basins, manholes, cleanouts, rip-raps;
- d. Indoor and outdoor recreation areas and furnishing;
- e. Landscaped and buffer areas.
- f. If required, a maintenance plan shall be submitted for review and approval by the Corporation Counsel and the City Engineer.

450.07.02 – Occupancy

Project occupancy standards and requirements shall be maintained and enforced by the applicant, owners, or residents association in perpetuity.

The Commission shall be provided with actual copies of project regulations governing building occupancy; age restrictions; re-occupancy of vacated units; termination procedures and sharing of maintenance costs.

Once every two (2) years from the date of approval, the Commission shall be provided with a certified residential occupancy report to ascertain compliance with the requirements of this Section as set forth at § 42 USC 3607 (b) (a) as amended.

Adopted by the Planning and Zoning Commission: July 30, 2007
Effective Date: Day after publication of legal notice.

ARTICLE V

Section 510 – Mandatory Site Plan Approval

Required by Permitted Uses subject to Site Plan Approval (Schedule B), by certain Temporary Special Exceptions (Schedule B, Section 620.4).

510.1 **Requirements.** Prior to issuance of a Zoning Permit and prior to commencement of any site development or any use of land, buildings and other structures, or change in use, that is subject to this Section, Site plan shall be submitted to the Commission for consideration and approval in accordance with the provisions specified in this section.

510.1.1 **Site Plan for Change in Use:** A Site Plan is required to be submitted for any change iii use of an existing premises only when the result of the change would a) invoke standards for parking, loading or other requirements of these Regulations different from those applicable to the previous use, b) modify the physical development of the site, including but not limited to features such as access, parking, loading, screening and buffer areas or c) introduce, increase or re-establish the storage, use and handling of toxic and other hazardous substances (See Sec. 355.11).’

510.1.2 All site plans of S C Special Commercial Districts shall be subject to approval by the Commission after public hearing and notice as set forth in Section 8-3c of the General Statutes, as the same may be amended from time to time. In considering and acting upon such site plan, the Commission shall have the authority to approve, approve with conditions, or disapprove as the Commission may deem appropriate to further the general purpose and intent of these Regulations.

510.2 **Intent.** It is the intent of this Section to provide for administrative site plan review in order to achieve the following objectives:

510.2.1 To determine compliance with all appropriate regulations, and where non-residential use is involved, apply the more stringent site plan standards.

510.2.2 To regulate vehicular and pedestrian access to the property in such a manner as to avoid undue hazards and undue traffic congestion of any public or private street.

510.2.3 To determine whether or not the proposed use will be of such a nature, character, and intensity as to harmonize with the neighborhood, accomplish, where applicable, a transition in character between areas of unlike character, protect nearby residential areas and property values, and preserve and enhance the appearance and attractiveness of the community.

510.2.4 To determine whether or not off-street parking and loading will be suitably designed, paved and drained in such a manner as to promote traffic safety and to protect public health.

510.2.5 To determine that potential nuisances, including outdoor lighting and noise, will be minimized.

510.3 **Application.** Prior to approval of any application for a zoning permit for a use for which a site plan must be approved, four copies of a site plan, in accordance with this Section together with any applicable fee, as determined by the Commission, shall be submitted to the Commission for its consideration. All site plans submitted to the Commission shall be used on an accurate survey of the property, and shall bear the seal and name of either an architect, a professional engineer or land surveyor, all of which must be registered by the State of Connecticut. All drainage on any site plan must be prepared by and bear the seal and name of professional engineer by the State of Connecticut.

510.3.1 **Application Review.** For review of the Site Plan Application, the Commission may request the applicant to submit additional information that it deems necessary in order to decide on the Application. The Commission, upon request by the applicant, may a) determine that the required submission of all or part of the information specified in Sec. 510.3 and 510.4 is not necessary in order to decide on the Application and need not be submitted or b) determine that such information is deferred for submission and decision at a later date.

510.3.2 **Statement of Use:** The Commission may require that the Site Plan Application be supplemented by a written statement describing the proposed use in sufficient detail to determine compliance with the provisions of these Regulations. The statement required shall include no less than the following as deemed necessary by the Commission:

- a. clarification of the use or uses from SCHEDULE B – PERMITTED USES and identification of any applicable special standards such as under Sec. 720;
- b. data concerning required off-street parking and loading spaces, building coverage, floor area and the permissible number of dwelling units, as applicable;
- c. disclosure of any toxic and other-hazardous substances to be stored, used or handled on the premises (Sec. 355.11); and
- d. how the performance standards of Sec. 355 are to be met.

510.4 **Site Plan Elements.** Site plans submitted shall show all proposed uses including all intended operations and outdoor equipment, and shall be accompanied by the following where appropriate:

- 510.4.1 A site plan drawn to a scale no smaller than one (1) inch to forty (40) feet or no larger than one (1) inch to twenty (20) feet.
- 510.4.2 The name and address of the owner or owners of land to be developed, the name and address of the developer, if other than the owner and the applicant's telephone number.
- 510.4.3 A key map at a scale of one (1) inch equals five-hundred (500) feet, showing the existing Zoning Districts and street pattern within five-hundred (500) feet of the site.
- 510.4.4 The location and names of owners of record of all abutting property and developments.
- 510.4.5 Existing and proposed buildings showing location and existing buildings to be removed.
- 510.4.6 Contours shown at the 2-foot contour interval and all proposed grading.
- 510.4.7 The location of existing and proposed waterbodies, watercourses, swamps, marshes and wetlands, with the direction of flow as well as other significant physical features such as wooded areas and rock outcrops.
- 510.4.8 The purpose, location, dimensions and areas of all existing and proposed rights-of-way, easements, reservations and open space areas to be set aside.
- 510.4.9 A complete outline of existing and proposed deed restrictions or covenants applying to the premises.
- 510.4.10 Road, bridges, walls, walks, sidewalks, culvert, curbs, steps, paths, and ramps.
- 510.4.11 Location of all utility lines and utility structures proposed storm water drainage; power, light and telephone line locations; water lines, water source (if on site), sewage systems, manholes, inlets, pipe sizes, including all grades and inverts plus direction of flow.
- 510.4.12 All means of vehicular ingress and egress to and from the site onto public roads and streets showing size and location of roads and driveways, curb cuts, and curbing.
- 510.4.13 Location and layout of all parking stalls and areas, the size of these areas, location of internal circulation, traffic patterns, aisles, driveways, curbing, barriers, and surface finishes.

- 510.4.14 Location and dimensions of all service areas (loading and unloading platforms, docks, etc.) and provisions for screening these areas from public view.
- 510.4.15 Locations and dimensions of the area or areas for refuse and garbage disposal; provisions for screening from public view.
- 510.4.16 Location of equipment storage and methods of screening where needed.
- 510.4.17 Existing and proposed exterior lighting (free standing and on buildings), showing location and height and design of illumination.
- 510.4.18 Existing and proposed signs, showing location.
- 510.4.19 All fences, buffer areas; trees placements, screening, landscaping and planting plan;
- 510.4.20 An elevation plan of the proposed buildings, showing number of stories and height of structures, methods of screening roof top equipment where exposed to public view.
- 510.4.21 Preliminary floor plans, showing proposed uses, and where applicable, calculations for determining number of off-street parking spaces.
- 510.4.22 A Soil and Erosion Control Plan as provided by Section 520.
- 510.4.23 A Public Sewer Permit from the Ansonia Sewer Commission or a Septic System Permit from the Valley Health Department ; where applicable.
- 510.4.24 A letter from the Ansonia-Derby Water Company stating acceptance of the right to tie into their facilities Or a Well Permit from the State Health Department, where applicable.
- 510.4.25 In the case of activities, uses or facilities (such as Inland Wetlands and Watercourses) requiring approval by a City Agency, the approval of said Agency shall be submitted with the application, where applicable.
- 510.4.26 The provision to be made for storage, use or handling of any toxic and other hazardous substances, including written reports from the Lower Naugatuck Valley District Public Health Department, and the City of Ansonia Fire Marshal and the Fire Chief, together with a copy of any application for permit for storage, use or handling of such substances under Federal, State and local regulations.
- 510.5 **Site Plan Review:** The site plan submitted for review by the Commission shall include provisions to be made on the site for utilities and storm drainage. In each case the Commission shall require (a) that electric and telephone lines on the site will be installed underground wherever possible; (b) that necessary above ground utility features

(loading and unloading platforms, transformers, refuse containers, etc.) will be fenced or screened from view; and (c) that such other provisions for utilities and drainage will be made as are necessary to prevent hazards or to protect the public safety and convenience.

- 510.5.1 Front landscape areas where required by these Regulations shall extend to the depth required by these Regulations across the full width of the lot along the interior side of the front lot line, except where driveway entrances and exits, and buildings are located, and except where parking lots are separated from adjoining sidewalks by retaining walls.
- 510.5.2 All of the foregoing features shall be accurately shown on the site plan, and necessary supplementary information provided in the form of notes, detail drawings, or attached schedules.
- 510.5.3 The Commission shall find that all details of the site plan are designed and arranged to achieve proper health, safety, comfort and convenience, are planned to conserve as much of the natural terrain and vegetation on the site as possible, are planned to achieve development objectives and regulations and will be in harmony with the surrounding area and with protection of nearby residential areas. The Commission, after review, shall require such modifications of the site plan as it finds necessary to achieve these objectives.

510.6 **[Reserved]**

510.7 **Site Plan Action. Approval and Expiration.** The Commission shall act on each site plan within sixty-five (65) days of its official submission date. Each site plan, with receiving final approval by the Commission shall be endorsed by the Commission with its date of approval. The permission thereby given shall expire five (5) years of following the date of approval, unless a certificate of occupancy shall have been granted therefore by the Zoning Enforcement Officer, provided, however, that the Commission may grant one or more extensions of the time to complete all or part of the work in connection with the site plan and further provided that (a) the total extension or extensions shall not exceed ten (10) years from the date such site plan is approved; and that (b) the applicant, successor or assign has submitted a written application prior to the expiration date adequately setting forth the justification for requesting such extension. “Work” for purposes of this subsection mean all physical improvements required by the approved plan. (Effective June 18, 2004)

510.8 **Amendment as to Approved of Plan:** Approved plans may be amended pursuant to the same procedure and subject to the same limitation and requirements by which such plans were originally approved.

510.9 **Qualifications as to Approval of Plans.** The approval of plans shall not be construed as relieving the owner, or his successors in title, from strict compliance with and liability under the provisions of the Zoning Regulations.

Section 520. Soil Erosion and Sediment Control

- 520.1 **General.** This Section 520 establishes minimum standards for soil erosion and sediment control for all developments within the jurisdiction of these Regulations. Soil erosion and sediment control plans and/or measures are required as follows:
- 520.1.1 A certified soil erosion and sediment control plan shall be in effect when any use, building or other structure, or site development that is subject to these Regulations involves a) “disturbed area” of one half (1/2) acre or more but also b) when soil erosion and sediment control is specifically required under Sections 510, 610 or 630, regardless of the size of the “disturbed area.” A Control Plan certified by the Commission or its authorized agent in connection with approval of a subdivision under the *Subdivision Regulations of the City of Ansonia* and in effect for the tract or lot where the “disturbed area” is located, may constitute the Control Plan required by these Regulations.
- 520.1.2 When the “disturbed area” is less than one half (1/2) acre, a soil erosion and sediment control plan or measures, which need not be so certified, shall be in effect a) in connection with construction of any single-family or two-family dwelling, or additions or buildings accessory thereto, and b) otherwise when erosion or sedimentation from a “disturbed area” may, as determined by the Zoning Enforcement Officer or City Engineer, have an effect on a wetland, water course, drainage system, building, structure or street or on property adjoining the lot where the “disturbed area” is located.
- 520.1.3 The required Control Plan, whether certified or not, shall be in effect prior to, during and upon completion of construction. The required Control Plan shall be prepared and/or control measures shall be installed in accordance with the *Connecticut Guidelines for Soil Erosion and Sediment Control*.
- 520.1.4 A Control Plan may be integrated with plot plans, site plans, other maps and plans and Statements of Use required by these Regulations and shall cover all construction, clearing, grading and site development locations that constitute a “disturbed area.”
- 520.2 **Special Definitions:** Certain words used in this Section are defined as follows:
- 520.2.1 “Distributed area” means an area where the cover is destroyed or removed leaving the land subject to accelerated erosion.
- 520.2.2 “Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice and gravity.
- 520.2.3 “Inspection” means the periodic review of sediment and erosion control measures shown on the certified Control Plan.

- 520.2.4 “Soil Erosion and Sediment Control Plan” means a plan for minimizing soil erosion and sedimentation, consisting of no less than a map and narrative as follows:
- a. a narrative describing the project, the schedule of conservation practices, design criteria, construction details and the maintenance program for any erosion and sediment control facilities that are installed; and
 - b. a map showing topography, cleared areas and graded areas, proposed area alterations and the location of and detailed information concerning erosion and sediment measures and facilities.
- 520.2.5 “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.
- 520.2.6 “Soil” means any unconsolidated mineral and organic material of any origin.
- 520.3 **Control Plan:** To be eligible for certification, a Soil Erosion and Sediment Control Plan shall contain proper provision adequate to control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the lot based on the best available technology. Such principles, methods and practices necessary for certification are found in the *Connecticut Guidelines for Soil Erosion and Sediment Control* (1985), as amended, published by The Connecticut Council on Soil and Water Conservation. Alternative principles, methods and practices may be used with prior approval of the Commission, or the Zoning Enforcement Officer. The Control Plan shall contain the following to the extent applicable to the particular use, building or other structure and site development,
- 520.3.1 **Narrative:** narrative describing elements such as the following:
- a. the use, building or other structure and site development;
 - b. the schedule for grading and construction activities including i) start and completion dates, ii) sequence of grading and construction activities, iii) sequences for installation and/or application of soil erosion and sediment control measures, and iv) sequence for final stabilization of the project site;
 - c. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
 - d. the construction details for proposed soil erosion and sediment control measures and storm water management facilities.
 - e. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities; and

- f. the operation and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

520.3.2 **Map:** a site plan map at a sufficient scale to show the following:

- a. the location of the proposed use, building or other structure and site development and adjacent properties;
- b. the existing and proposed topography including soil types, wetlands, water courses and water bodies;
- c. the existing structures on the lot, if any;
- d. the proposed area alterations including cleared, excavated, filled or graded areas and proposed buildings, structures, utilities, roads and, if applicable, new property lines;
- e. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
- f. the sequence of grading and construction activities;
- g. the sequence for installation and/or application of soil erosion and sediment control measures; and
- h. the sequence for final stabilization of the development site.

Any other information deemed necessary and appropriate by the applicant or requested by the Commission or the Zoning Enforcement Officer may be made part of the Control Plan.

520.4. **Guiding Criteria:** The following are guiding criteria for Soil Erosion and Sediment Control Plans:

- 520.4.1 Wherever feasible, natural vegetation should be retained and protected.
- 520.4.2 Only the smallest practical area of land should be exposed at any one time during development.
- 520.4.3 When land is exposed during development, the exposure should be kept to the shortest practical period of time.
- 520.4.4 Where necessary, temporary vegetation and/or mulching should be used to protect areas exposed during development.

- 520.4.5 Sediment basins (debris basins, desilting basins or silt traps) should be installed and maintained to remove sediment from run off waters and from land undergoing development.
- 520.4.6 Provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- 520.4.7 The permanent final vegetation, control measures and structures should be installed as soon as practical in the development.
- 520.5 **Minimum Standards:** The following are minimum standards applicable to Soil Erosion and Sediment Control Plans required by this Ordinance:
- 520.5.1 Plans for soil erosion and sediment control shall be developed using the principles as outlined in Chapter 3 and 4 of the *Connecticut Guidelines for Soil Erosions and Sediment Control* (1985), as amended. The Soil Erosion and Sediment Control Plan shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed, and does not causes off-site erosion and/or sedimentation.
- 520.5.2 The minimum standards for individual measures shall be those in the *Connecticut Guidelines for Soil Erosion and Sediment Control* (1985), as amended. The Zoning Enforcement Officer or the New Haven County Soil and Water Conservation District may approve alternate standards when requested by the applicant if technically sound reasons are presented.
- 520.5.3 The appropriate method from Chapter 9 of the *Connecticut Guidelines for Soil Erosion and Sediment Control* (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative.
- 520.6 **Certification:** The Soil Erosion and Sediment Control Plan shall be in effect when certified as follows:
- 520.6.1 The Zoning Enforcement Officer, or the New Haven County Soil and Water Conservation District if so requested, shall certify that the Soil Erosion and Sediment Control Plan, as filed, complies with the requirements and criteria of this Section or shall deny certification when the Control Plan does not comply. Certification, however, may otherwise be made or denied by the Commission as part of its action on a site plan, parking layout, special exception or other application. The certification, however made, shall be incorporated in the issuance of a Zoning Permit by the Zoning Enforcement Officer.
- 520.6.2 The Commission or the Zoning Enforcement Officer may request the advice of the Ansonia City Engineer concerning the Control Plan and may request the

City Engineer to certify the Plan on their behalf. The Zoning Enforcement Officer shall coordinate certification of the Control Plan with related actions of other agencies, such as the Commission, the Zoning Board of Appeals and the Ansonia Inland Wetlands Agency.

520.7 **Conditions:** The Soil Erosion and Sediment Control Plan shall be certified subject to the following conditions and requirements:

520.7.1 The estimated cost of measures and facilities to control erosion and sedimentation shall be guaranteed by cash or savings account bond in form acceptable to and in amount deemed sufficient by the Commission in connection with its actions under these Regulations or otherwise acceptable to and deemed sufficient by the Zoning Enforcement Officer. It is not intended, however, that such bond duplicate similar bonds required by other agencies.

520.7.2 No site development shall commence unless the Soil Erosion and Sediment Control Plan is certified, the bond has been posted and the control measures and facilities in the Plan, scheduled for installation prior to site work, have been installed and are functional.

520.7.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified Control Plan.

520.7.4 All control measures and facilities shall be maintained in effective condition to ensure compliance with the certified Control Plan.

520.8 **Inspection and Orders:** Soil Erosion and Sediment control measures of the certified Control Plan are subject to inspection as provided in Sec 225.2 and orders as provided in Sec. 225.3. The Zoning Enforcement Officer may require the applicant under these Regulations to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed in accordance with the certified Control Plan and are being operated and maintained.

THE PLANNING ZONING COMMISSION

CITY OF ANSONIA, CONNECTICUT

SOIL EROSION AND SEDIMENT CONTROL STATEMENT

(Attached to and part of all Zoning Permits)

Dwelling Construction on all lots requires soil erosion and sediment control measures.

The ABSOLUTE MINIMUM requirement for construction of a single-family or two-family dwelling, or additions or buildings accessory thereto, are a construction entrance, hay bales or filter fence down slope from all “distributed areas” and all stockpiled materials protected by a filter fence or hay bales. All measures are to be installed in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control.

Detailed requirements of soil erosion and sediment control plans are found in Section 520, Ansonia Zoning Ordinance.

Failure to install and maintain required control measures is a violation of the Zoning Ordinance and may result in an order to cease and desist from all construction until the violation is corrected.

The Zoning Enforcement Officer is to be notified 48 hours in advance of construction to allow inspection of installed soil erosion and sediment control measure.

CERTIFICATION:

I have read and understand the above, and I hereby accept the obligation to provide proper soil erosion and sediment control measures and maintain such until the “disturbed area” has been fully stabilized.

Signature_____Telephone_____

Prepared by : Don Smith, City Engineer

March 8, 1993
Rev. March 29, 1993

ADMINISTRATIVE POLICY #1 accompanying the Zoning Ordinance of the City of Ansonia, Connecticut

EROSION CONTROL: Single-Family and Two-Family Dwellings.

- 1-1 This Administrative Policy #1 is applicable when a Certified Soil Erosion and Sediment Control Plan is not required under Section 520. Soil Erosion and Sediment Control in connection with construction of a single-family or two-family dwelling.
- 1-2 Under the provisions of Section 235.6 Rules, Policy and Procedure a “Soil Erosion and Sediment Control Statement”, copy attached, dated March 8, 1993 pertaining to control measures in connection with construction of a single-family or two-family dwelling is adopted as an administrative requirement in connection with Section 520. Soil Erosion and Sediment Control and shall be signed by the owner of the lot, or by the person, firm or corporation engaged in any construction or other site disturbance activity on the lot, and a copy shall be attached to the Zoning Permit issued under the Zoning Ordinance of the City of Ansonia

Adopted: June 28, 1993

Effective: *July 15, 1993*

ARTICLE VI – SPECIAL EXCEPTIONS/SPECIAL PERMITS

Section 600. Temporary Special Exceptions - General

- 600.1 **General Provision:** The type of uses for which conformance to additional standards is required by this Ordinance shall be deemed to be permitted uses in their respective districts subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of these Regulations. All such uses are declared to possess characteristics of such unique and special forms that they would not be generally appropriate within a district but might be allowable if specific requirements were met. Furthermore, each specific use permitted under this section shall be considered as an individual case.
- 600.2 **Plan Required:** A plan for a proposed development of a site for a permitted use shall be submitted with an application for a temporary special exception, and shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information.
- 600.3 **Application for Temporary Special Exception:** Application for required Temporary Special Exception shall be made to the Zoning Commission in a form prescribed by the Commission.
- 600.4 **Basic Requirements:** The Commission may, after public notice and hearing, in the same manner as required by law for special exceptions, authorized the issuance of a Temporary Special Exception provided it shall find that:
- 600.4.1 Specific written requirements and standards with regard to any permitted use requiring a temporary special exception have been adequately drafted and made a part of this Article prior to action on a specific case,
 - 600.4.2 The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is location;
 - 600.4.3 The location, nature and height of buildings, walls and fences, and the nature and extent of landscaping, screening, lighting and signs, shall be such that the use will not hinder or discourage the appropriateness of adjacent land and buildings or impair the value thereof; and
 - 600.4.4 The proposed Temporary Special Exception will not adversely affect the natural resources of the City, their wise use, or the environmental

character of the surroundings of the site.

600.5 **Conditions and Safeguards:** In granting a Temporary Special Exception, the Commission shall attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to insure continued compliance with these Regulations.

600.6 **Amendments to Uses Under Temporary Special Exceptions:** Any use authorized under the provisions of this Section, relating to Temporary Special Exceptions may be modified in accordance with a new plan showing such modification submitted to and approved by the Commission, subject to compliance with the procedures described above.

Where the Commission finds that such modification will not permit any intensification or change in the nature of the use authorized under the Temporary Special Exception presently in effect, it may, within its own discretion, waive the specified requirements for public hearing.

600.7 **Expiration of Approved Temporary Special Exception:** The site plan for each Temporary Special Exception, when receiving final approval by the Commission, shall be endorsed by the Commission with its date of approval. The permission thereby given shall expire one (1) year subsequent to such date, unless a certificate of occupancy shall have been granted therefore by the Zoning Enforcement Officer, provided, however, that an extension of not more than six (6) months may be granted by the Commission on written application to it adequately setting forth the justification for such extension.

Section 610- Excavation, Land Filling Grading or Removal

- 610.1 **General:** On any lot, there shall be no excavation, grading, or removal of topsoil, clay, sand, gravel, rock or other natural material (including the slashing of trees), or filling of land by blasting or by use of power assisted machinery or equipment except as authorized under Paragraphs 610.2 and 610.10 or as authorized under an application for a Temporary Special Exception approved by the Zoning Commission under the provisions of these Regulations. Any person, firm or corporation who shall violate any provisions of this Section shall be subject to penalties in accordance with the General Statutes of the State of Connecticut.
- 610.2 **Exemptions:** The provision of this Section and the requirement to obtain approval of an Application for a Temporary Special Exception shall not apply to the following cases, when such excavation, land filling, grading or removal is conducted and completed in such a manner as to cause no danger to the public health or safety, including stagnant water, soil erosion, water pollution or excessive drainage run off:
- 610.2.1 Necessary excavation, land filling, grading or removal, in direct connection with the lawful construction, on the lot, of buildings, foundations, roads, driveways, storm drainage, utility services, fences, walls, swimming pools, or other bona-fide construction project and for which any required Application for a Zoning Permit has been approved, and which involves no more than four hundred (400) cubic yards of earthen material;
- 610.2.2 Necessary excavation, land filling, grading or removal, in connection with improvements on the lot solely for farming or landscaping purposes, provided that no more than 100 cubic yards of earthen materials are involved and/or that no more than two feet in elevation of land contours are involved on any single parcel of land recorded as such in the office of the Town Clerk, and further provided that no Regulated Inland Wetlands and Watercourses are disturbed;
- 610.2.3 Necessary excavation, land filling, grading or removal in connection with the construction of improvements and the changing of contours in an approved subdivision in accordance with construction plans and contour plans approved by the Planning Commission under the *Subdivision Regulations of the City of Ansonia*, provided that on any lot no material is excavated or removed to an elevation less than two (2) feet above the center line grade of the Street on which the lot has frontage, which elevation is to be measured at the required setback line from the street; and provided that the excavation, land filling, grading or removal authorized under Paragraphs 610.2.1 and 610.2.2 shall be deemed to permit the excavation, grading, land filling, or removal of only the quantity of material which is necessary to make the lot more suitable for the proposed use, and provided further that excavation, land filling, grading or removal authorized under Paragraphs 610.2.1 and 610.2.2 in connection with a project for which an Application for a Zoning Permit has been approved shall be contingent upon

completion of such project within two (2) years after commencement, and in the event of failure to complete such project, as evidenced by failure to obtain a Certificate of Occupancy for such project, that such excavation, land filling, grading or removal shall be deemed a violation of these Regulations unless an Application for a Temporary Special Exception for the excavation, land filling, grading or removal has been approved by the Commission in accordance with this Section.

610.3 **Application:** Application for a Temporary Special exception under this Section shall be submitted in writing to the Zoning Commission together with an application fee of \$500.00. The application shall be accompanied by maps and plans, prepared by and bearing the seal of a land surveyor or engineer licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut, showing the following:

610.3.1 The location and exterior limits of the area to be excavated, land filled, or graded, property lines and streets adjoining the lot and the names of owners of property adjoining the lot;

610.3.2 Existing contour lines on the lot to be excavated, land filled, or graded, drawn to a scale of one-inch to forty-feet (1" - 40') and with a contour interval not exceeding two (2) feet;

610.3.3 Proposed contour lines within the area to be excavated, land filled or graded, drawn to a scale of one-inch to forty-feet (1" - 40') and with a contour interval not exceeding two (2) feet;

610.3.4 Existing and proposed drainage on the lot and existing rivers, streams, water courses, ponds and swamps on or within 200 feet of the lot;

610.3.5 Proposed vehicular access to the lot and any proposed work roadways;

610.3.6 The location on the lot of any wooded areas, rock outcrops and existing and proposed buildings and structures; and

610.3.7 An estimate of the number of cubic yards of material to be excavated and filled, graded or removed.

610.4 **Procedure;** Procedure for a complete Temporary Special Exception Application shall conform to the procedure indicated in Section 600, Temporary Special Exception. Requirements in this Section shall be in addition to the requirements of Section 600, Temporary Special Exceptions. The Commission may request the applicant to submit additional information. Failure to submit additional information requested by the Commission shall be grounds for disapproval of the Application.

- 610.5 **Standards and Conditions:** The excavation, land grading or removal authorized under this Section, shall conform to the following standards and conditions, and before approving a Temporary Special Exception the Zoning Commission shall find that the following standards and condition will be met:
- 610.5.1 The excavation, land filling, grading or removal shall be carried out in accordance with the maps and plans as approved by the Commission and within the exterior limits shown thereon:
 - 610.5.2 The excavation, land filling, grading or removal shall not result in sharp declivities, pits or depressions, soil erosion, drainage or sewerage problems or conditions which would impair the reasonable reuse and development of the lot for purposes permitted under these Regulations as a matter of right in the District where the lot is located;
 - 610.5.3 At all stages of the work, proper drainage shall be provided to avoid stagnant water, soil erosion problems, excessive runoff, silting of streams, and damage to public property. streets or drainage facilities. A Soil Erosion and Sediment Control Plan shall be submitted in accordance with Section 520.
 - 610.5.4 Truck access to the lot and the work area shall be so arranged as to minimize traffic hazards on streets and to avoid nuisance to residents of the neighborhood;
 - 610.5.5 If required by the Commission, that the area to be excavated or a portion thereof, shall be enclosed within a fence of such type, height and location as the Commission may specify;
 - 610.5.6 No land fill shall make use of decomposable or other unstable material likely to cause future land subsidence, nor of material likely to cause pollution of soil or ground water;
 - 610.5.7 No excavation, land filling, grading or removal which is below the elevation of any abutting street or property line shall occur within fifty (50) feet of such line, except that excavation, grading, filling or removal below the elevation of an abutting property line may be permitted if written approval from the adjoining owner is received by the Commission;
 - 610.5.8 No processing, sorting, crushing, grading, mixing, fabricating or similar machinery shall be erected or maintained on the lot;
 - 610.5.9 The work shall be limited to the hours and days of the week that may be specified by the Commission;
 - 610.5.10 Proper measures shall be taken to minimize noise, dust, vibration and flying debris;

- 610.5.11 Upon completion of the work authorized, the area of excavated or otherwise disturbed ground shall be prepared or restored as follows:
- 610.5.11.1 Such area shall be evenly graded to slopes not exceeding one for two (2) feet of horizontal distance or to such lesser slope necessary for soil stability, safety and reasonable reuse and development of the lot; in addition, construction period and a 15% retention for a period of one year after the allotted construction period to guarantee the proper condition of the work;
 - 610.5.15 The Commission and Zoning Enforcement Officer, or their authorized agents, shall at all times have reasonable access to the lot for the purpose of inspection and determination of compliance with this Section; the Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or engineer, showing the status and progress of the work.
- 610.6 **Time Limit:** Each Application for a Temporary Special Exception granted under this Section shall be valid for a period of two (2) years or for such shorter period requested by the application or fixed by this Commission. Upon application made at least 14 days before the regular meeting of the Commission preceding the expiration of a Temporary Special Exception Application, the Commission may extend the time period for periods of not more than one (1) year, provided that there exists no violation of the terms of the current Temporary Special Exception Application.
- 610.7 **Inspection Fee:** At the time of issuance of a Zoning Permit authorized by a Temporary Special Exception Application approved under these Regulations, the applicant shall pay to the City of Ansonia an inspection fee equal to \$2.00 for each 1,000 cubic yards of material, or fraction thereof, to be excavated, graded or removed.
- 610.8 **Existing Operations:** Any existing operation, involving the excavation or grading, or removal from any lot, of any earth, loam, topsoil, sand, gravel, clay or stone and authorized by a permit issued under Zoning Regulations in effect previous to these Regulations, may continue for the term of such permit and subject to all of the requirements of such permit, but upon expiration of such permit the existing operation shall cease unless an Application for Temporary Special Exception therefor is approved.
- 610.9 **Return of Bond:** No permittee(s) shall be released from their bonded obligation to the City until the area shall be evenly graded with sufficient slopes to assure adequate drainage of the area, so that stagnant pools of water will be avoided;
- 610.5.11.2 Adequate drainways of gradual slope shall be provided to assure drainage;
 - 610.5.11.3 There shall be no excavation, grading or: removal below an elevation of three (3) feet above any ledge;

- 610.5.11.4 No loose debris such as rocks, stumps, brush, junk or other foreign material shall be permitted to remain exposed on the finished surface of the ground.
- 610.5.11.5 The top layer of any arable topsoil, to a depth of six (6) inches shall be retained on the lot, carefully stockpiled, and replaced over the entire disturbed area with any large stones removed, and the area shall be seeded, with a perennial grass and maintained until the ground shall be completely stabilized with a dense cover of grass and there exists no danger of erosion but this provision shall not apply to the area of ponds nor to exposed areas of ledge existing prior to the work.
- 610.5.12 In connection with inspection, the Commission retains the right to require that an “as-built” topography map and plan of the site, comparable in detail and certification to that required by this Section hereof and showing the completed project, be submitted to the Zoning Commission by the applicant;
- 610.5.13 The owner, or applicant, if acting as agent for the owner, shall obtain and maintain liability insurance with a limit of not less than \$300,000 as to personal injury and \$100,000 as to property damage and shall furnish a certificate of insurance to the Commission, and in the event of cancellation of such insurance, the Temporary Special Exception Application shall terminate;
- 610.5.14 The applicant shall file with the Commission a cash, savings account or surety bond, in form and with surety acceptable to the Corporation Counsel, and in an amount approved by the City Engineer, to insure the faithful performance of all required work and site restoration. The said bond shall provide for forfeiture to the City of Ansonia of such sums as are necessary to complete the work at the expiration of the allotted
- a. after any area of the lot required to be seeded has grown in a second growing season a dense cover of grass as required under this Section and
 - b. the Commission certifies in writing that the required work has been satisfactorily completed.
- 610.10. **City Operations** The Zoning Commission may waive or modify the required application fee and requirements of 610.3, the procedure set forth in Paragraph 610.4, the bond requirements of Paragraph 610.5.14 and the inspection fee required in Paragraph 610.7 in connection with the excavation, grading, or removal from any lot of any earth, loam, topsoil, sand, gravel, clay, or stone when the excavation, grading or removal on such lot is conducted by or on behalf of the City of Ansonia. The excavation, grading or removal, however, shall meet all of the other standards and conditions of Paragraphs 610.5.1 through 610.5.10.

610.10 The City landfill operation shall be exempt from the provisions of these Regulations, being under stringent State requirements.

610.10 **Short-cut Procedure for Minor Applications.** Where land filling, excavation, or grading is proposed, subject to Commission approval, which the applicant can reasonably demonstrate would be likely to have no effect or an insignificant effect on its immediate environment and on the natural resources of the City as regulated under law, the applicant may submit a preliminary plan for Commission review. The preliminary plan shall be accurately drawn to scale from a certified survey of the property and shall show existing boundaries, roads, buildings, easements, major structures and development, principal natural features, and sufficient data to adequately describe the proposed work and activities to be carried out. The Commission may require additional data and mapping to be submitted by the applicant where it judges the submission inadequate.

The Commission will then informally review the preliminary plan and proposal at a regularly scheduled meeting of the Commission.

Where the Commission finds from the preliminary submission that the scope of the proposed work or activity is so limited or insignificant that it is unlikely to have any substantial effect on the environment of the site or on the natural resources of the City it may within its discretion waive any of the specified application requirements given in Section 610.3.

A Temporary Special Exception may then be granted by the Commission provided all of the findings required by Section 610.5 are fully established to the satisfaction of the Commission. In the event such findings are not established to the satisfaction of the Commission, or the Commission deems additional information to be necessary the provisions of Section 610.3 shall be fully binding on the application.

Section 620. Commercial Recreation Uses Requiring Temporary Special Exception

- 620.1 **Intent:** It is recognized that commercial open recreational uses have distinct advantages as interim operations in districts or parts of districts which are undeveloped or sparsely developed, and which might be destined in time to be of a general residential nature, but they should be carefully regulated as to character and duration for the good of the community.
- 620.2 **Permitted Uses Requiring Temporary Special Exception:** Land may be used or occupied and buildings and structures, as accessory adjuncts thereto, may be erected or used, for any of the following recreational purposes and no other: Private or public golf course, tennis court, swimming pool, ice skating rink, playing field, camping and picnicking uses, miniature golf courses, “par – 3” golf courses, putting green, driving ranges, trampolines, archery ranges, riding stables, skiing, sledding facilities, and the like; provided that such uses are essentially available to the general public and provided further that such camping and picnicking facilities are conducted primarily out of doors.
- 620.3 **Application:** Application for a Temporary Special Exception under this Section shall be submitted in writing to the Zoning Commission, together with an application fee of \$50.00.
- 620.4 **Site Plan Required for Temporary Special Exception:** The application shall be accompanied by maps and plans drawn up in accordance with Section 510, Mandatory Site Plan Approval.
- 620.5 **Procedure:** The Commission may, after public notice and hearing, authorize the issuance of a Temporary Special Exception, as provided by this Article, and in the same manner as required by law for Special Exceptions.
- 620.6 **Standards and Conditions:** Any commercial recreation use, whether public, private or non-profit, authorized under this Section, shall conform to the following Development Objective, and Development Regulations, and the Zoning Commission shall find the following objectives and Regulations will be met.
- 620.6.1 **Development Objectives.**
- 620.6.1.1 **Location and Access:** The location shall be appropriate to existing development and to development known to be proposed, or likely to be proposed within two years. Access to the site shall neither create nor be exposed to traffic hazards for vehicles or pedestrians.
- 620.6.1.2 **Traffic Access and Capacity:** Traffic access and capacity shall be sufficient to handle anticipated volumes with minimum interference with existing traffic patterns.

- 620.6.1.3 **Traffic Flow:** Traffic flow shall be controlled with regard to maximum protection of existing and potential surrounding land uses, as well as services by public safety units.
- 620.6.1.4 **Parking Layout:** The parking layout shall include adequate space dimension, internal movement patterns and safe access to the central land use.
- 620.6.1.5 **Establishment of Effective Buffer Areas:** Unless the nature of the existing topography and/or vegetation provide otherwise, the site shall be properly landscaped or screened with appropriate walls, fences or shrubbery
- 620.6.1.6 **Control or Excessive Lighting or Glare:** Any operation producing glare shall be performed in such a manner as to be completely imperceptible from any point beyond the lot lines.
- 620.6.1.7 **Control of Noise:** At no point on the boundary of a residential district shall the level of sound from a permitted use be such as to disturb the residential environment of the adjacent residences.
- 620.6.1.8 **Sedimentation, Erosion and Drainage:** The impact of storm- water runoff, so as to not impinge the use of adjacent property or create siltation or soil; erosion problems, shall be evaluated with the intent to prevent adverse effects. A Soil Erosion and Sediment Control Plan shall be required in accordance with Section 520.
- 620.6.1.9 **Protection of Public Streets and Adjacent Property From Potentially Adverse Influences.** As required by existing development and development proposed, or likely to be proposed within two years, the Commission shall establish conditions controlling noise, loudspeakers and public address systems, lights, and other potentially adverse influences. Conditions may be established regarding hours of operation. No portion of any off-street parking shall be within 25 feet of any public street right-of-way.
- 620.6.1.10 **Signs:** The only signs to be permitted in connection with permitted uses in this category shall be not to exceed two directional signs (other than those erected by a public agency) with size and location to be approved by the Commission and not to exceed one (1) sign, six (6)square feet or less in area, for each frontage of the facility on a public street or highway. All such signs shall be removed on termination of the permitted use.
- 620.6.1.11 **Duration:** No Temporary Special Exception for a Commercial Recreation use shall be established for a period of more than five (5) years, and any such establishment may include provisions for termination prior to the expiration of the period for causes specified therein, or for termination by reason of development, use, or operation contrary to the provisions thereof. After termination of the initial period, such uses may be renewed every five (5) years or for lesser periods (unless

changing conditions indicate that renewal would not be in the public interest) with amended conditions and safeguards if circumstances warrant such amendment.

620.6.1.11.1 **Exception:** In certain cases, the Commission may grant such a Temporary Special Exception for a period of longer duration, but in no case shall such duration be indefinite. In any case involving an establishment of longer duration the Commission shall hold a public hearing after the initial five year period of such an establishment for the purpose of reviewing conformity and experience with the conditions of the Temporary Special Exception. The Commission shall reserve the right to amend conditions and safeguards of the Temporary Special Exception, to the extent that the conditions of experience warrant such amendment.

620.6.1.12 Any buildings or other improvements constructed or use in connection with a Temporary Special Exception for a Commercial Recreation Use may be required to be removed on termination of the district and the Commission may require posting of a performance bond to assure such removal.

620.6.1.13 Upon termination of the Special Temporary Exception, the district and any approved site plan shall be null and void.

620.6.2 Development Regulations (Specific)

620.6.2.1 **Minimum Area:** Twenty (20) acres. No area of a width of less than 400 feet shall be included as part of the minimum area requirement.

620.6.2.2 **On-site Parking:** Adequate on-site paved parking shall be provided for the accommodation of all persons and employees using the facilities afforded. The parking standards included in Section 410 may be used as a guide by the Commission in determining the number of required off-street parking spaces.

620.6.2.3 **Parking Reserve:** The Commission may require an additional 10% increment in reserve parking spaces to ensure sufficient off-street parking. The surface of a parking reserve area need not be paved at the commencement of a new use, but it should have a gravel base, drainage and gradient acceptable to the City Engineer. At such time as the City Engineer finds such gravel surface unsatisfactory, the owner shall pay the parking reserve surface according to City specifications.

620.6.2.4 **Access:** All ingress and egress roads shall be paved and have a minimum traveled way of fifteen (15) feet for one-way traffic and twenty-five (25) feet for two-way traffic. The Commission may require more than one access to the public street in order to provide safe and efficient handling of anticipated traffic.

620.6.2.5 **Frontage:** A minimum frontage of fifty (50) feet is required for sufficient right run radius (10 feet minimum on the side of driveway exposed to entry or exit by right turning vehicles) and separation from adjoining properties and drives .

- 620.6.2.6 **Lighting:** Lighting facilities shall be required on all roadways, cartways and pathways; and other areas where deemed necessary for safety and convenience of the users.
- 620.6.2.7 **Convenience Facilities:** Toilet facilities, drinking fountains and seating accommodations shall be provided for accommodation of all persons customarily using the recreation area.
- 620.6.2.8 **Setbacks:** All enclosed buildings shall be a minimum of forty (40) feet from any other building and/or property line. Unenclosed buildings other than stables and the like shall not be located closer than one-hundred (100) feet from a property line and closer than forty (40) feet from another building. No stable shall be within three-hundred (300) feet of any property boundary.
- 620.6.2.9 **Height Restriction:** No building shall be erected to a height in excess of three (3) stories nor more than forty (40) feet.
- 620.6.2.10 **Yards:** A buffer area of a minimum of forty (40) feet shall exist on all boundaries of the property. In this buffer no buildings or parking will be permitted, but distinguishing signs are allowed.
- 620.6.2.11 **Maximum Lot Coverage:** The sum of all areas occupied by parking facilities, access roads, and principal and accessory buildings shall not exceed thirty (30%) percent of the property. Outdoor storage may not be conducted on any part of the property.
- 620.6.2.12 **Off-Street Loading:** All loading and unloading shall take place entirely on the lot.
- 620.6.2.13 **Facilities and Fences:** All courts, paved or surfaced area developed recreation area or facilities, structures of any kind, parking if any, and fences over six and one-half (6 ½) feet in height, shall moreover observe the same setback requirements as those specified thereof.
- 620.6.2.14 **Ownership and Maintenance Responsibility:** Any Commercial Recreation use established under the provisions of these Regulations shall be owned, controlled and maintained by an association, corporation or other legally established entity composed entirely of owners of real property having an undivided interest in said entity. The said Association or other entity shall be organized exclusively for the purpose of owning and maintaining the Commercial Recreation Use and shall be fully responsible for carrying out the terms and provisions of any Temporary Special Exception approved under these regulations. For the said Commercial Exception Use, for supervising its activities and managing its affairs as may be required by law. Legal instrument. establishing the ownership and maintenance responsibility, and regulations concerning the use and activities of the Commercial Recreation Use, shall accompany each application for a Commercial Recreation

Use, and shall be approved by the Zoning Commission as a necessary condition of any Temporary Special Exception approved for the said use.

Section 630. Special Permits-General

- 630.1 **General:** In accordance with the procedures, standards, and conditions hereinafter specified, the Commission may grant a Special Permit for the establishment of one or more of the uses for which a Special Permit must be secured from such Commission as required by these regulations. All requirements of this Section are in addition to other requirements applicable in the District in which the Special Permit use is to be located.
All Special Permit uses for structures are declared to possess such special characteristics that each shall be considered an individual case.
- 630.2 **Application:** Application for a Special Permit under this Section shall be submitted in writing to the Zoning Enforcement Officer on forms prescribed by the Commission together with an Application for a Zoning Permit, a statement of use, and a Site Plan required pursuant to Section 510 of these Regulations. The Commission, however, upon written request by the applicant, may, by resolution, determine that the required submission of all or part of the information specified in Section 510 is not necessary in order to decide on the application and need not be submitted or may be deferred for later submission and action by the Commission.
- 630.3 **Procedure:** Upon receipt, the Zoning Enforcement Officer shall transmit the application and accompanying maps, plans, and documents to the Commission. The Commission may request the applicant to submit such additional information that it deems necessary in order to decide on the application. In acting on any application, the Commission shall hold a public hearing, shall decide thereon, and shall give notice of its decision as required by law. Failure to submit additional information required by the Commission shall be grounds for disapproval of the application.
- 630.4 **Approval:** After the public hearing, the Commission may approve the application to permit establishment of one or more of the users for which a Special Permit must be secured if it shall find that the proposed use and the proposed buildings and structures will conform to the General Standards set forth in Section 630.5, in addition to any applicable Special Standards for particular uses hereinafter specified. the Commission, when granting the Special Permit, may impose modifications, additional requirements, conditions, or other safeguards if the review of the application has shown that such safeguards are necessary to comply with either General or Special Standards or otherwise to protect the public health, safety or convenience or property values. Additional requirements, conditions, and safeguards may include but not be limited to constraints on the extent of the use, greater setbacks, additional landscaping or screening, a greater number of off-street parking spaces, limitations on building height or bulk, drainage, and a modification of the exterior appearance of any structure if needed to ensure compatibility with the

surrounding neighborhood.

630.5 **General Standards:** The Commission may approve the application granting the Special Permit if it shall find that the proposed use and the proposed buildings, structures, and site development conform to the following General Standards:

630.5.1 That the location, type, character, and size of the use and of any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the City and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent property or substantially or permanently impair the value thereof.

630.5.2 That the nature and location of the use and of any building or other structure in connection therewith shall be such that there will be adequate access to it for fire protection purposes.

630.5.3 That the streets serving the proposed use are adequate to carry prospective traffic, that provision is made for entering and leaving the property in such manner that no undue hazard to traffic or undue traffic congestion is created and that adequate off-street parking and loading facilities are provided.

630.5.4 That the lot on which the use is to be established is of sufficient size and adequate shape and dimension to permit conduct of the use and provision of buildings, other structures, and facilities in such a manner that will not be detrimental to the neighborhood or adjacent property.

630.5.5 That the property will be suitably landscaped to protect the neighborhood and adjacent property.

630.5.6 That the Special Permit use and Site Plan will conform to the standards of Section 510 of these Regulations.

630.6 **Special Standards:** The following Special Standards, in addition to the General Standards of Section 630.5, are applicable to particular uses for which a Special Permit must be secured from the Commission:

630.6.1 **Lesser Nonconformity – Residential Districts:** In a Residential District, change of a nonconforming building or structure to be less nonconforming and change of a nonconforming use of land, building or structure to a use that is less nonconforming than the present use, each pursuant to Section 245.3.3, shall also conform to the following Special Standards:

a. It is the intent of this Section 630.6.1 to lessen the amount, degree and intensity of nonconformity in Residential Districts by authorizing, on a case-by-case basis, a nonconforming building or structure to be changed to be less nonconforming and by

authorizing a nonconforming use of land, building or other structure to be changed to a use that is less nonconforming than the present use. This Section is not intended to authorize any increase in the amount, degree, or intensity of conformity in any Residential District. Any such change, including conversion of a commercial use or industrial use to a residential use, is eligible for a Special Permit only when there is a finding that the change results in a lessening of the amount, degree, or intensity of nonconformity.

b. The following shall have special consideration when granting a Special Permit under this Section 630.6.1.

- i. the nature of the lot or site including its size and shape and the arrangement of buildings and structures thereon, and the manner in which the lesser nonconformity would be accommodated on the lot or site;
- ii. the amount, degree and intensity of the nonconformity currently existing on the lot or site and the significance of the amount, degree and intensity of the lesser nonconformity proposed; and
- iii. the consistency of the lesser nonconformity with the neighborhood and the comprehensive plan of zoning, and the proximity of the nonconforming buildings and structures to similar uses, and to dwellings, schools, public buildings, public facilities and places of public gathering.

ARTICLES VII – SUPPLEMENTARY REGULATIONS

Section 700 – Separability Clause.

If any section, subsection, or other part of these Regulations is for any reason held by any court or jurisdiction to be invalid, such decisions shall not affect the validity of the remaining portion of these Regulations. The Commission hereby declares that it would have passed these Regulations including each section, subsection, sentence clause phrase and other parts thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses phrases, or other parts to be declared invalid.

Section 701 – Short Title.

These Regulations shall be known as and may be cited as the Ansonia Zoning Regulations.

Section 702. – Effective Date.

These Regulations and any amendment thereto shall take effect immediately upon adoption, filing, and publication, as provided by State Law.

ARTICLES VII – SUPPLEMENTARY REGULATIONS

Section 700 – Separability Clause.

If any section, subsection, or other part of these Regulations is for any reason held by any court or jurisdiction to be invalid, such decisions shall not affect the validity of the remaining portion of these Regulations. The Commission hereby declares that it would have passed these Regulations including each section, subsection, sentence clause phrase and other parts thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, or other parts to be declared invalid.

Section 701 – Short Title.

These Regulations shall be known as and may be cited as the Ansonia Zoning Regulations.

Section 702. – Effective Date.

This revamped edition of the Zoning Regulations of the City of Ansonia, formerly known as the “Zoning Ordinance”, restates all previous regulations and controls adopted June 1, 1977, amended through the month of August of 2004.

These Regulations and any amendment thereto shall take effect immediately upon adoption, filing, and publication, as provided by State Law.

Section 720 – Special Requirements and Prohibitions

720.1 **Farming, Truck Gardens, and Greenhouses:** All structures for the keeping and feeding of livestock and the open or covered storage of manure, fertilized, lime, or herbicides and pesticides and associated equipment, shall be at least one hundred (100) feet from any property line, and one hundred (100) feet from any residential structure on the same lot.

720.1.1 Keeping of fancy pigeons and doves, subject to:

- (a) Any person seeking to keep doves or pigeons must obtain the approval of Zoning Enforcement Officer, after submission of an application and payment of a fee to the Zoning Department. The Zoning Enforcement Officer, or his/her designee, shall accept an application which shall include minimally the number of birds, the name of the organization in which they are registered, proof of registration of each bird, the name and address of the owner of the birds, the name and address of the applicant if different from the owner, a scaled map of the property indicating where the housing for the birds and the feed containers for the birds will be kept, and documentation from a recognized organization indicating the type of bird, i.e. racing, homing, fancy, competition. The applicant will be required to pay a fee according to the fee schedule at the time the application is submitted. If approved by the ZEO the applicant approval will be good for one year. The applicant shall be required to update the application annually, and pay any renewal cost.
- (b) Only Fancy Pigeons may be permitted by this regulation.
- (c) No lot of one (1) acre or less, shall exceed 30 birds (of breeding age). An additional 30 birds may be permitted for each additional acre. No lot of any size shall exceed 60 birds.
- (d) Fancy pigeons shall be housed in a structure meeting the setback requirements of the principal building in the district in which it is located.
 - i. No structure for housing fancy pigeons shall be located in any front yard
 - ii. No structure for housing fancy pigeons or doves shall be visible from the street
 - iii. The loft shall be of such sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition.
 - iv. For every bird housed in a structure approved under these regulations, there shall be a minimum of one (1) square foot of floor space per bird, in any such housing structure.
 - v. in addition to yard and setback requirements above, no structure shall be located closer than 25' (feet) from any residential dwelling or less than 10' (feet) from the property line

- (e) All fancy pigeons shall be registered with a national pigeon organization and each bird shall be tagged by use of a seamless numbered leg band.
- (f) All grain and food stored for the keeping of fancy pigeons shall be kept in vermin-proof containers as approved by the Zoning Enforcement Officer and the Naugatuck Valley Health District
- (g) All fancy pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition; and at no time shall pigeons be allowed to perch or linger on any buildings, residential structure, exterior fence or property of others.
- (h) No pigeon shall be released to fly.
- (i) At time of application owner shall provide proof of membership in such club, which shall and indicate which type of pigeon is being kept, i.e. fancy, racing, homing, etc.
- (j) Any structure, loft, or keeping area shall be maintained in a sanitary condition and in compliance with all applicable City and State health regulations, and is approved annually by the Naugatuck Valley Health District
- (k) Any portion of the enclosure located closer than ten feet to a property boundary or directly visible from a street line at any distance shall be screened by either a fence or a landscaped buffer of at least four feet in height.
- (l) Waste and Manure shall be handled and disposed of in accordance with the generally accepted agricultural practices per (CGS 19a-341)
- (m) Proposed structure for housing any fancy pigeon reviewed and approved by the Valley Health Department
- (n) A fee shall be collected at the time of permit application in accordance with the fee schedule adopted by the City. [*must add an incremental fee per bird to fee schedule*]
- (o) Shall only be permitted on lot housing a single family home.
- (p) No pigeons or doves of any age shall be butchered or consumed, whether for onsite or offsite uses.

720.2 **Two-Family Conversions:** Conversions to two-family dwellings should provide for a separate outside entrance for the additional dwelling unit if feasible.

720.3 **Self-service Car Wash Installations:** Self-service (or “robot”) type car wash (and wax) installations – the entire use area must be paved, and adequate sub-surface drains must be installed for the purpose of forestalling hazardous driving conditions, especially surface icing, throughout the entire use area. Grades in the use area shall not be greater than four percent (4%) nor less than two percent (2%). The drainage system shall be so designed as to ensure that all surface runoff is directed to subsurface drains on the lot, and further that no surface run-off shall be permitted to flow on to abutting sidewalks or streets.

720.4 **Camps:** Structures shall be seventy-five (75) feet from any property line or street line, parking areas shall be forty-feet (40) from any side or rear property line, and interior driveways shall be at least one hundred (100) feet from any side or rear property line.

720.5 **Outside storage for commercial and industrial uses where permitted:** Said storage shall not extend into the area required setback from a street line, or into a side or rear yard abutting a residentially zoned property. and shall be enclosed by fences, walls, embankments, or evergreen planting so as to screen the storage area from any other lot or street.

720.6 **Horses and other equines (on other than farms):** As all accessory use on lots used for residential use only. The minimum lot size for one, two, or three such equines shall be three (3) acres for single family residential use. For residential uses other than single family the minimum lot size of three (3) acres shall be in addition to that required by these Regulations. For each additional such animal, more than three (3) on a lot, an additional thirty-thousand (30,000) sq. ft. shall be required. The appropriate provisions of Section 720.1 shall also apply.

720.7 **Filling Stations and Garages:** No gasoline filling station or garage with a capacity of more than five (5) motor vehicles shall be erected within a distance of less than two hundred (200) feet of any of the following uses:

- (a) A public school.
- (b) 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 at least eight (8) months a year.
- (c) A hospital for human beings.
- (d) A place of worship.
- (e) A theater or other place of public assembly containing two hundred (200) fifty seats or more, and
- (f) A public library, museum or similar education institution.

No garage or gasoline filling station shall be deemed to become a nonconforming use due to the subsequent erection of any of the aforementioned uses within two hundred (200) feet of such garage or filling station.

720.8 **Minimum Floor Area of Dwellings:** No structure intended for residential use shall be erected in any residence district with a floor area of less than six hundred (600) square feet. For the purposes of this section, the floor area shall be the aggregate area of all floors of a structure enclosed within the outside walls thereof, excluding unenclosed or unheated porches, terraces and steps, rooms for heating equipment, garages or basement and cellar rooms. To qualify for inclusion in the computation of floor area, at least seventy-five percent (75%) of second or higher story space shall have a ceiling height of

not less than seven (7) feet six (6) inches.

720.9 **Professional Office – Conversion of Dwelling.** Professional offices may be established in “B” Residence Districts subject to submission and approval of a site plan in accordance with the provisions of Section 510 and only by conversion of an existing, older dwelling for such use under the following standards:

720.9.1 The dwelling shall have been in existence for fifty 50 years or more, and the site plan shall demonstrate that the conversion will have the effect of conserving the architecture of the building in a manner supportive of historic residential character in the neighborhood.

720.9.2 There shall be no enlargement of the existing dwelling to accommodate the conversion other than to provide building access as required by law.

720.9.3 No off-street parking spaces shall be located within the required front yard on the lot.

720.9.4 One (1) sign identifying the professional office may be established on the lot, and such sign shall be unlighted, shall not exceed an area of nine (9) square feet nor more than three (3) feet in any dimension and, if attached to the ground, shall not exceed a height of four (4) feet.

720.9.5 The arrangement of off-street parking spaces, driveways, landscaping, signs and outdoor illumination shall be designed to maintain the residential character of the premises and the neighborhood and to provide screening and transition to adjoining lots occupied by dwellings.

720.10 **Chronic and Convalescent Nursing Homes.** Chronic and convalescent nursing homes permitted in “A” and “B” Residence Districts shall consist of a facility which is located on a lot of not-less than two (2) acres, provides care for three (3) or more nonrelated persons for a period of more than twenty-four (24) hours and has facilities and personnel to provide skilled nursing care under medical supervision and direction as needed to carry out simple, nonsurgical treatment and dietary procedures for persons with chronic disease or in convalescent stages of acute diseases or injuries. Such nursing home shall be licensed by the State of Connecticut; and any building or structure established in connection with such facility shall have front, side and rear yards with dimension not less than twice those specified in the District where the facility is located.

720.11 **Division of Lot for Two-Family Dwelling** to read as follows:

Division of Lot for Two-Family Dwelling: In “B” Residence Districts, a lot containing a two-family dwelling that has a vertical party wall between the dwelling units may be divided into two (2) parts, whereby each of the units and related lot is owned separately from the other, subject to submission and approval of site plan in

accordance with the provisions of Section 510 and under the following special requirements:

*Effective June 29, 1990.

- 720.11.1 The division shall be made along the vertical party wall and shown on the site plan certified by a Connecticut licensed land surveyor.
- 720.11.2 Any lot created after the effective date of this Section 720.11* and to be so divided shall contain a minimum area of 10,000 square feet and each part shall contain a minimum area of 5,000 square feet. Any lot existing prior to such effective date and to be so divided shall contain a minimum area of 7,500 square feet.
- 720.11.3 Each of the dwelling units shall have separate connections to electric, gas, public water and sanitary sewer utilities in the street and shall have separate heating and ventilating facilities and separate fuel storage therefore, if any.
- 720.11.4 Each dwelling unit and part of the lot shall have a separate driveway to the street and shall have the off-street parking spaces required by the meeting the standards of Section 410.
- 720.11.5 The division shall be subject to a suitable party-wall agreement made a part of the site plan approval and filed in the land records of the City of Ansonia, that includes provisions as follows:
 - a. The exterior finish to the building shall have a unified color and texture throughout, so that the appearance of a single ownership is maintained; and
 - b. No fence or other structure shall be established in the front yard so as to mark the division.
- 720.11.6 The dwelling units so divided are not eligible for establishment of a business or professional office under the provisions of Section 720.9.
- 720.11.7 The party wall construction shall be in compliance with all applicable codes and regulations of the City of Ansonia and State of Connecticut.
- 720.11.8 The yard requirements applicable to accessory buildings in "B" Residence Districts are applicable to lots so divided.
- 720.11.9 Establishment of a two-family dwelling as provided above is considered a use subject to this Section and the provisions of this Section 720.11 are not eligible for variance by the Zoning Board of Appeals.

- 720.12 **Child Day Care:** Group day care homes and child day care centers are permitted in certain Districts subject to submission and approval of a site plan in accordance with the provisions of Section 610 and are subject to the following special requirements.
- 720.12.1 The group day care home and child day care center shall be licensed by the State of Connecticut
- 720.12.2 The maximum number of children to be cared for shall be specific and if located in a Residence District shall not exceed twelve (12) unless the facility is an adjunct to an existing public or private school, place or religious worship, neighborhood facility of the City of Ansonia, nursing home, non-profit membership club or multi-family dwelling.
- 720.12.3 The facility shall be served by public water supply and City sanitary sewers and shall be provided with one (1) off-street parking space for each staff person and each consultative person expected to be on the premises.
- 720.12.4 There shall be safe and adequate provision for boarding and off-boarding children from motor vehicles without hazards to pedestrians and traffic.
- 720.12.5 In addition to the general intent of site plan review under Section 510.2, the use shall be located in a building and on a lot having such size, shape, landscaping, outdoor play yard space and parking as to be in harmony with and conform to the character of the neighborhood.
- 720.12.6 In “CP” Commerce Park Districts, the facility shall be located within a building containing another permitted use and shall be accessory and subordinate to such other use.

720.13 **Riding Academy:**

A Riding Academy for therapeutic and recreational services shall be permitted in AA District subject to submission and approval of a site plan in accordance with the provisions of Section 610 and subject to the following special requirements:

- 720.13.1 The minimum lot area shall be fifteen (15) acres.
- 720.13.2 Horses and other equines (See Section 720.6)
- 720.13.3 Stables for boarding and rental of horses, including blacksmithing, the number of horses and other equines shall be in compliance with Section 720.6
- 720.13.4 Student dormitory, office and dining facility for use by participants in the riding academy's therapeutic and recreational programs.
- 720.13.5 Individual staff apartments for staff personnel of the riding academy not to exceed 1.5 units per acre.
- 720.13.6 Indoor riding rings not to exceed maximum building heights permitted under Schedule C.
- 720.13.7 Outdoor riding rings, dressage arenas, turn out areas, polo fields and/or livestock pens must be within minimum accessory building requirements as set forth in Schedule C.
- 720.13.8 Recreational facilities including swimming pool and tennis courts subject to site plan approval by the Building Inspector.
- 720.13.9: Off-Street parking shall be designated on the site plan and in conformance with Section 410. Travel by vehicles other than for the transport of challenged individuals and as necessary for the transport of horses, livestock or other equine and/or supplies shall not extend beyond the yarding area.
- 720.13.10: Day Camp for participants in the riding academy's therapeutic and recreational programs. Said camp must be in accordance with the requirements mandated by the State of Connecticut.
- 720.13.11: Day Care for siblings of participants in the riding academy's therapeutic and recreational programs. Said day care must

be in accordance with the requirements mandated by the State of Connecticut.

720.13.12: Horse shows, exhibitions, and competitions shall be permissible in conjunction with the riding academy's therapeutic and recreational programs.

Adopted 2/10/1997

720.14- Accessory Apartments

720.14.1 Authority. The Planning and Zoning Commission is hereby authorized to grant site plan approval under Section 510 of these regulations for an accessory or in-law apartment in AAA, AA, A and B zoning districts in accordance with the provisions of this section in addition to the requirements of other applicable sections of these regulations.

720.14.2 Intent and Purpose. It is the intent and purpose of this section to enable the expansion of housing opportunities by allowing the conversion of new and existing single family structures to contain in-law apartments for the use by home-owners relatives and/or members of his/her immediate family. This section is not intended to allow separate apartments for income purposes only. It is further intended that apartments allowed under this section be so integrated with the host structure that the physical and architectural style of the single family neighborhood is maintained. There shall be no external evidence of an additional apartment.

720.14.3 Definitions

Accessory Apartment. A group of rooms containing at least a kitchen, bedroom and three (3) bathroom located within and clearly subordinate and accessory to a detached single-family dwelling.

720.14.4 Standards

a) An accessory apartment shall be located only in a detached, single family dwelling on an individual lot. No accessory apartment shall be located in any building or structure which is detached from the principal building. There shall be only one accessory apartment per building lot:

b) Occupancy. The following shall apply:

1. Both dwelling units shall be occupied by members of the same family group, all related by blood, marriage or adoption, regardless of age.
2. The accessory apartments shall be connected by at least one common entry way, door, or point of egress to the principal structure, and shall include one door, or entry way, to the outside, or as required by the building code.

c) The accessory apartment shall not occupy more than thirty (30) percent of the gross floor area of the host dwelling or seven-hundred and fifty (750) square feet, whichever is greater.

- d) Exterior alterations are discouraged, but if made shall be so integrated with the original structure that the appearance of a single-family is maintained. No addition shall be permitted which causes the structure to exceed two stories in height, excluding the basement. No additional front entrances are permitted.
- e) At least four (4) off-street parking spaces shall be provided and shall be so located that each space has direct access to the street.
- f) Home occupations shall not be permitted in dwellings containing accessory apartments approved hereunder. The Commission, however, retains the right to allow an existing home occupation to continue if sufficient evidence of its extent and nature is submitted to the Commission at the time of application.
- g) The lot upon which the existing or new structure shall conform to the lot size requirements of the district within its location.

720.14.5 Application Procedures and Requirements.

- a) A letter of application shall be submitted along with the appropriate fee requesting site plan approval under the provisions of Section 510 of this regulation. The letter shall state the manner in which the application meets the occupancy requirements stated in this Section, and shall be accompanied by a duly executed affidavit attesting to compliance with the occupancy requirements;
- b) A site plan shall be submitted showing property lines, principal and accessory buildings, driveways and parking areas and the location of sewage systems and wells as appropriate. The Commission may require that the site plan meet the standards of an A-2 survey;
- c) A floor plan shall be submitted which clearly shows the size and location of the accessory apartment within the host structure;
- d) In the case of new construction or an exterior addition to an existing building, front, side and rear elevations shall be submitted;
- e) A statement by the Valley Health Department shall be submitted stating, if applicable, that the sewage disposal system and well are adequate and of capacity to accommodate the additional use. If the building is connected to the City's sewer system, a letter from the Water Pollution Control Authority shall be submitted approving the additional uses.
- f) Site plan approvals granted hereunder shall be valid for three (3) years. At the end of this period the site plan approval may be renewed for successive three –

year periods by the Commission upon written certification by the applicant that the property continues to be occupied as stated in the letter of application, and any conditions of original approval remain unchanged. Failure to provide such certification shall render the site plan approval granted under the provisions of this Section null and void.

g) Occupancy of the accessory apartment shall not be permitted until notice of the site plan approval is filed in the land records as required by the Connecticut General Statutes. The site plan approval shall state that the right to occupancy the accessory apartment shall terminate upon transfer of ownership unless the new owner certifies in writing within sixty (60) days to the Commission that all conditions upon which the original permit was granted remain unchanged. The site plan approval shall clearly state that transfer of ownership does not give any subsequent owner the right to rent the accessory apartment for income purposes.

h) Neither the renewal of the special permit nor its continuation by a new owner shall require a public hearing, however a hearing may be held at the discretion of the Commission.

Adopted: 11/16/98

720.15 – Cemetery Standards

Cemeteries may be permitted in any zoning district providing that they receive approval pursuant to a special permit application and providing that they meet the following minimum standards:

1. The parcel of land must be at least twenty-five (25) acres in size;
2. The parcel has frontage on a major highway having a right of way of no less than fifty (50) feet along its entire frontage;
3. No burial plot shall be located closer than four (4) feet from any property line, provided sufficient buffer is provided as may be required by the Commission;
4. No structure or building including memorial buildings, mausoleums, chapels, or similar structures be placed closer than seventy-five (75) feet from any property line abutting a residential district;
5. All internally servicing roads shall be no less than eighteen (18) feet in width, and internal pathways shall be no less than forty-two (42) inches in width paved with bituminous material; and if drainage is provided it must first discharge into a detention basin within the confines of the cemetery;
6. There shall be no burial plot or sepulture within less than one-hundred and fifty (150) feet from any wetland; and no less than two-hundred (200) feet of any designated watercourse;
7. The underlying soils within areas destined for burial plots shall be classified as moderately well drained to excessively well drained and having a depth of no less than six (6) feet to the water table as determined by the Soil Survey for New Haven County prepared by the USDA Soil Conservation Service.

Adopted effective: 12/15/04

720.16 – Off-Street Parking Moratorium

As of the effective date of this Amendment, the City of Ansonia Planning and Zoning Commission shall not accept, process or take any action on any application for any premises located within Ansonia non-residential districts⁷ when any such development or substantial modification of an existing development will have to depend on off-street parking modifications authorized under Section 410.0 of the Zoning Regulations.

The reason for this moratorium is to allow the Commission appropriate and reasonable time to engage consultant and to complete a parking study and, if necessary, to enact alternative off-street parking provisions to avoid unwarranted increase in the downtown off-street parking deficit.

This moratorium shall become effective the day after publication of the appropriate legal notice in a newspaper having general circulation within the City of Ansonia, and shall remain in effect for a period of six (6) months thereafter but in no event shall it remain effective beyond May 31st ,2007.

Effective: December 3, 2006

⁷ Commercial "C";HI and LI Districts

720.17-Repair and Sale of New or Used Motor Vehicles

Pursuant to Section 14-54 of the Connecticut General Statutes, the Planning and Zoning Commission is upon application empowered to review and approve, approve with conditions or deny the issuance of certificate of location for the sale of and/or for the repair of motor vehicles within the City of Ansonia. Application hereunder shall meet the requirements for site plan approval under Section 510.0 of these Regulations. In reviewing an application, the Commission shall consider the relationship of the proposed use or operations with respect to schools, churches, theaters or other places of public gathering; traffic conditions, intersecting streets, width of roadway right-of-way, and effect on public travel and, in general, that such use at the proposed location will not imperil the safety and welfare of the public, or have a detrimental effect on the value of adjacent or nearby properties or development thereof. The provisions of this section do not apply to (1) a transfer of ownership to a spouse, child, brother, sister or parent of a licensee, (2) a transfer of ownership to or from a corporation in which a spouse, child, brother, sister or parent of a licensee has a controlling interest, or (3) a change in ownership involving the withdrawal of one or more partners from a partnership.

720.18 – Age-Restricted Housing – Special Exception

720.18.1 – General

The Commission may, of its own initiative or in response to an application hereunder, designate sites within “A” Residence zoning district as suitable for conversion to an age-restricted residential community providing that:

- a. The site is no less than four and one-third (4.3) acres in size; and it is entirely location within an “A” Residence district;
- b. The site is fully developed and improved with residential structures, access roadways, parking areas, drives, etc.
- c. The site has access to and from an existing improved municipal road;
- d. The age-restricted community will be maintained as such and will meet the requirements of subsection 720.18.2 below.

720.18.2 – Requirements

a. Permissible Uses

- 1). Structures consisting of dwellings not to exceed two (2) bedrooms each;
- 2). Accessory uses, buildings and structures including parking areas and garages, maintenance buildings, and recreational uses and buildings and facilities when said uses are built and maintained for the exclusive use of residents and, if applicable, tenants and patrons, within the project and their guests.

b. Minimum Lot Area and Frontage.

- 1). The minimum lot area shall be four and 3/10 (4.3) acres.
- 2). The lot shall have a frontage of no less than fifty (50) feet on a municipal or state highway having a right-of-way of no less than thirty (30) feet. Where warranted, secondary means of access for emergency vehicles from a public highway shall be provided.

c. Density. The dwelling unit density shall not exceed 3.6 dwelling unit per acre or one-dwelling for each 12,155 sq. ft. of gross land area.

d. Setbacks. The existing buildings and structures shall maintain existing setbacks from site or rear property lines.

e. Size of Dwelling Units. No dwelling unit within the community shall exceed two (2) bedrooms in size.

f. Off-Street Parking. Parking shall be provided for each dwelling or group of dwellings at the minimum rate of one and one half (1 1/2) space for each dwelling unit. In addition, off-street parking for visitors shall be provided at the rate of one (1) space for each three (3) dwelling units within the complex.

- g. Buffer Areas. When specified, setback areas shall be planted with suitable year-round plantings consisting of evergreen trees (white pine, hemlocks, spruce or similar) having a minimum of two and one-half (2-1/2) inches in caliper at initial planting which shall be placed at no less than ten (10) feet apart on two stagger rows. The Commission may waive any part of this required planting when topographic circumstances or existing vegetative cover warrants it.
- h. Building Separation. For the purpose of emergency vehicular access, buildings and structures shall be separated as may be prescribed by prevailing local fire or building codes and regulations but in no event shall be closer than thirty (30) feet from another building or structure. Exempted from this requirement are buildings not designed for human occupancy.
- i. Landscaping. Where required. Landscaping shall conform to the requirements of Section 440 of these regulations.
- j. Outdoor Recreational Spaces.
Where required, outdoor recreation space shall be provided at the rate of one-hundred and fifty (15) square feet per dwelling unit but, in no event, should the area provided be less than three-thousand (3,000) square feet and which area may be furnished with recreational equipment as deemed appropriate.
- k. Indoor Recreational Facilities. Where required, indoor recreational space shall be provided at the rate of fifty (50) square feet per dwelling unit but in no event should the space provided be less than one-thousand (1,000) square feet; its access shall be under cover and be located in a centralized area. Indoor recreational space may be provided within an independent building or as part of another structure in a centralized location.
- l. Width of Streets and Driveways. The width of paved travel ways within the complex shall be as follows:

Streets :	Eighteen (18) feet.
Driveways:	Sixteen (16) feet

720.18.3 – Maintenance and Occupancy

- a. Maintenance. All common project facilities or systems shall be maintained by the owners, applicant or residents association in perpetuity. Such project facilities shall include but are not limited to the following:
 - 1). Project utilities, lighting, electricity, telephone, cable television and similar TV distribution systems.
 - 2). Roadways, drives and parking areas, sidewalks, walk-paths, bus shelters and accessory buildings.
 - 3). Drainage systems, piping, catch basins, manholes, cleanouts, rip-raps;
 - 4). Indoor and outdoor recreation areas and furnishing;

- 5). Landscaped and buffer areas.
 - 6). If required, a maintenance plan shall be submitted for review and approval by the Corporation Counsel and the City Engineer.
- b. **Occupancy.** Project occupancy standards and requirements shall be maintained and enforced by the applicant, owner, or resident’s association in perpetuity. The Commission shall be provided with actual copies of project regulations governing building occupancy; age restrictions; re-occupancy of vacated units; termination procedures and sharing of maintenance costs. Once every two (2) years from the date of approval, the Commission shall be provided with a certified residential occupancy report to ascertain compliance with the requirements of this Section as set forth at §42 USC 3607 (b) (a) as amended.

720.18.4 – Information Required for Site Designation and Approval

All petitions requesting designation and approval pursuant to this Section shall be submitted to the Planning and Zoning Commission and shall be accompanied by the following maps, information and fees:

1. A map of the property showing surveyed parcel boundaries; topographic features including contours, man-made and natural features, water bodies, stone walls, soil designations, abutting highways, abutting properties; existing structures, parking areas, recreational amenities, sidewalks, indoor and outdoor parking areas, etc.
2. Schematics of the type and size of the existing dwelling units;
3. A statement from the Water Pollution Control Authority and the corresponding Water Supply Company that the complex is adequately served by municipal sewer systems and public water supply;
4. Application fees in the amount of two-hundred dollars (\$200.00) for each dwelling unit within the complex plus cost of the required legal notice publications, and any other required land use application fees.
5. Proof of documentation filed (or to be filed) pursuant to the applicable provisions of Sections 47-200 to 47-299, Chapter 828 of the Connecticut General Statutes entitled “Common Interest Ownership Act”.

Draft: Nov. 13/14, 2006

Revisions: Nov. 18, 2006
 Dec.7, 2006 (as per 12/4/06 Spec. Meeting)
 April 24, 207 (as per 04/23/07 Spec. Meeting)

Adopted: April 23, 2007

Effective: May 15, 2007

720.19 – Special Events

Nothing in these Regulations shall prevent a municipal agency, fire department, civic association or other recognized non-profit organization from holding a fair, a carnival or a flea market for a period not exceeding seven (7) days once within any calendar year. Seasonal operations such as a farmer's market shall not be limited to seven (7) days. The Planning and Zoning Commission may grant through the Zoning Enforcement Officer temporary approval for all the above described and limited events to any member of the above groups and/or entities registered in the City of Ansonia providing, however, that the Police Department, the Fire Marshal and the Ansonia Board of Alderman has formally authorized the use of municipally-owner premises for such purposes.

(Adopted: March 25, 2013 Effective: April 5, 2013)

720.20 – Licensed Medical Marijuana Production Facilities;

Licensed Medical Marijuana Production Facilities shall be permitted subject to the following:

- i. Any proposed production facility shall meet all criteria as established by any applicable Connecticut General Statute or any applicable regulation of the Department of Consumer Protection pertaining to such facilities.
- ii. Any production facility which is permitted under this Section or any Section of the Connecticut General Statutes existing at the time of approval may not be permitted to produce marijuana for recreational purposes, regardless of any revision to the Connecticut General Statutes permitting such use without first seeking and obtaining a special permit from the Commission for such change of use.

720.21 -Medical Marijuana Dispensary Facilities;

Medical Marijuana Dispensaries shall be permitted subject to the following:

- i. No medical marijuana dispensary facility shall be permitted to be located closer than 200 feet measured closest point of the building housing the use to closest point, in a straight line, from a public or private school or an established place of worship.
- i. Any proposed dispensary facility shall meet all criteria as established by any applicable Connecticut General Statute or any applicable regulation of the Department of Consumer Protection pertaining to such facilities.
- ii. Any dispensary facility which is permitted under this Section or any Section of the Connecticut General Statutes existing at the time of approval may not be permitted to dispense marijuana for recreational purposes, regardless of any revision to the Connecticut General Statutes permitting such use without first seeking and obtaining a special permit from the Commission for such change of use.

720.22 Adult -Use Cannabis and Recreational Marijuana Sales and Facilities

Adult -Use Cannabis and Recreational Marijuana Sales and Facilities shall be permitted subject to the following:

- i. Medical marijuana dispensary facilities and production facilities shall be governed by CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended and permitted in the specified zones, subject to special permit approval in accordance with section 630 and this section, including site plan approval in accordance with Section 510 of these Regulations, and the requirements of this section.
- ii. Cannabis retail and hybrid-retail facilities shall be governed by The Responsible and Equitable Regulation of Adult-Use Cannabis Act (“RERACA”), the Public Act 21-1 / Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and permitted in the specified zone, subject to special permit approval in accordance with section 630 and this section, including site

- plan approval in accordance with Section 510 of these Regulations, and the requirements of this section.
- iii. Adult-use cannabis cultivator and micro-cultivator facilities shall be governed by the RERACA, the Public Act 21-1/ Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and permitted in the specified zones, subject to special permit approval in accordance with section 630 and this section, including site plan approval in accordance with Section 510 of these Regulations, and the requirements of this section.

7.20.22.1-Separation Requirements. Uses identified in this section shall be subject to the following separation restrictions:

- i. No medical marijuana production, adult-use cannabis cultivator, micro-cultivator facility, dispensary, or retail or hybrid-retail facility, shall be allowed within 200 feet of a church, temple or other place used primarily for religious worship, public building, private recreation area, or a school, playground, park or child day care facility;
- ii. No medical marijuana production, adult-use cannabis cultivator, micro-cultivator facility, dispensary, or retail or hybrid-retail facility, shall be allowed on a site that is less than 200 feet from any property that is zoned for single-family residential use as a permitted use;
- iii. No medical marijuana production, adult-use cannabis cultivator, micro-cultivator facility, dispensary, or retail or hybrid-retail facility, shall be allowed within the same building, structure or portion thereof that is used for residential purposes, or that contains another medical marijuana dispensary, production facility, or adult use cannabis retail, hybrid retail, cultivator or micro-cultivator facility;
- iv. No adult-use cannabis retail or hybrid-retail shall be located less than 500 feet from another adult-use cannabis retail or hybrid-retail. Distance shall be measured from the radius of the front door to front door of each establishment.
- v. All distances contained in this section, other than those specified in the subsection “iv” above shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

7.20.22.2-Security Requirements:

- i. All medical marijuana dispensary facilities and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment meeting at least the minimum requirements of Sec.21a-408-62 of the State of Connecticut Regulations;
- ii. The hours of operation for medical marijuana dispensary facilities shall be limited to between 7:00 a.m. and 7:00 p.m., all days of the week;
- iii. There shall be no limitation on the hours of operation for medical marijuana production facilities, all days of the week.

7.20.22.3- Conditional Approval:

- i. Special Permits shall be approved with the condition that the applicant obtain the appropriate license issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur);
- ii. The conditional approval shall become finalized upon the receipt by the Zoning Enforcement Officer of a copy of the Department of Consumer Protection-issued license;
- iii. The conditional approval shall expire if the applicant fails to provide the Zoning Enforcement Officer with a copy of the Department of Consumer Protection-issued license within six months of the date of the Commission's conditional approval;
- iv. A six month extension of such conditional approval shall be granted to the applicant upon written notification to the Zoning Enforcement Officer that an application for a Department of Consumer Protection license has been filed, indicating the expected decision date of the Department of Consumer Protection license.
- v. No entity shall operate without a valid, current license.

720.22.4- Connecticut Department of Consumer Protection Approval:

- i. The applicant shall provide the Zoning Enforcement Officer with a copy of the appropriate license issued by the State of Connecticut Department of Consumer Protection, and any subsequent renewed license.

720.23- Rock Crushing

Subject to the approval of a Special Permit Application pursuant to the Schedule of Permitted Uses (Schedule B), the crushing of rock, stone or road excavated material shall be allowed in a building contractor's and sub-contractor's yard in an HI Zone pursuant to the following conditions:

1. A site plan depicting the rock crushing operation must be submitted with the Special Permit Application and must depict all setbacks provided in this section.
2. Rock crushing shall only be permitted in the HI District on a parcel of not less than ten (10) acres in size.
3. There shall be not more than two (2) rock crushers on any one parcel or special permit, regardless of acreage.
4. Only rock, stone or road excavated material which has been brought to the property and, once crushed, will be removed from the property, and used at another location shall be allowed to be crushed.

5. Rock crushing activities shall be allowed Monday to Friday from 9am – 4pm. There shall be no rock crushing activity on Saturday, Sunday, or any State or Federal holiday.
6. For any operation where a boundary abuts a zone other than HI, all rock crushing equipment and activity shall be at least 250 feet from the boundary.
7. All equipment utilized for rock crushing shall be certified by the property owner to the Planning and Zoning Commission to be in good working order, with maintenance records available upon request by the zoning enforcement officer or their designee. It shall be the responsibility of the property owner to ensure current contact information is maintained with the Special Permit in the Zoning Office.
8. Upon installation of any rock crushing equipment, including any upgrade to the equipment, the property owner shall conduct a baseline noise level test, which test results shall be provided to the Planning and Zoning Commission. Testing shall occur within 50 feet of the equipment, at the boundary of any adjacent residential property and at any street which abuts the property.
9. The property owner shall monitor noise levels on a regular basis and shall comply with all Noise Ordinance requirements as set forth in the Code of Ordinances of the City of Ansonia (Sects.17-11 to 17-22 inclusive).
10. Noise mitigation may include the construction of a suitable noise barrier, including a roofed structure, berms, or other improvements to minimize the offsite effects of any rock crushing activity. Such mitigation efforts shall be shown on the required site plan and be certified by a licensed professional in noise mitigation techniques or a professional engineer with expertise in noise mitigation.
11. The property owner shall provide for adequate dust mitigation from any rock crushing activity. The property owner shall, as part of the site review, provide to the zoning enforcement officer a written copy of the dust mitigation program to be utilized which shall include, but not be limited to, the use of water and water spray to eliminate dust and stone particle debris.

Failure to meet minimum requirements and/or provide immediate corrective action in compliance with the Zoning Code, City Ordinances, DEEP, OSHA or any other regulatory

agency may result in a Cease-and-Desist order by the Zoning Enforcement Officer until the violation is corrected and reinspected. Continued noncompliance may result in the revocation of the special permit.

SCHEDULE B-TABLE OF PERMITTED USES

P= Permitted, S=Site Plan Application, SP=Special Permit Application, T=Temporary Special Exception														
Schedule B - Permitted Uses	AAA	AA	A	B	GA	BB	MM	NR	RR	C	SC	LI	HI	CP
Age-Restricted Housing-Special Exception		SP												
Age-Restricted Multifamily Housing - ARMH		SP	SP	SP	SP	SP	SP		SP	SP	SP			
Ambulance Service (garages, etc).										S				
Amusement Places, Indoors.										S	S			
Amusement Places, Outdoors (including golf-driving ranges, and other commercial recreational facilities, e.g., swim pools, tennis courts).										S	S			
Antiques Sales, of stock owned by the proprietor and articles on consignment.								P	P	P				
Antiques, Sales, Refinishing, including the handling of antiques on consignment for retail sale at auction and the conducting of auctions.										P	P			
Archery Range, Indoor, for supervised archery training, practice and competition, including accessory sales and servicing of archery equipment.												S		
Auto Body Painting and Repair.										S				
Barbering and Hair-dressing.								P	P	P				
Boats, Sales and Rentals.										S				
Body Art Studio including tattooing, body piercing and the sale of related retail merchandise.										S				
Bottling plants for water, and non-alcoholic beverages.												P	P	
Building contractors and sub-contractors yards.												S	S	
Building materials and hardware (excluding bulk storage).									S	S		S	S	
Car-was, self-service (See Sec. 720.3).										S				
Child Day Care as follows: a. family day care home b. group day care home (See Sec. 720.12) c. child day care center (See Sec. 720.12)	P S S	P S S	P S S	P S S	P S S	P S S	P S S	P S S	P S S	P S S	P S S	P S S	P S S	P S S
Clubs, membership, and studios devoted to physical conditioning of the human body, e.g., weightlifting, karate, judo, etc.										P	P	S	S	
Clubs, non-profit membership, and no customarily open to the general public, i.e., Boy Scouts, Patrons of Husbandry, etc.				S						P	P			
Clubs, membership possessing a liquor license.									S	P	P			
Cold Storage Facility.										P		P		
Commercial Picnic Grounds (min. size tract: 20 acres)	T	T									S			
Dental Labs.										P				

1/ **NOTE:** Schedule B is appended as part of Section 310. See Section 310 for information regarding application of Schedule B.

P= Permitted, S=Site Plan Application, SP=Special Permit Application, T=Temporary Special Exception

Schedule B - Permitted Uses	AAA	AA	A	B	GA	BB	MM	NR	RR	C	SC	LI	HI	CP
Depository institutions, non-depository credit institutions, insurance carriers, holding or other investment offices, business management and related services or miscellaneous business services, provided that such uses do not regularly involve direct business with or service to the general public on the premises.														S
Dwelling, One-Family	P	P	P	P					S	S				
Dwelling, Two-Family				P		S			S	S				
Dwelling, Multi-Family										S				
Dwelling, Multi-Family, GA					S						S			
BB						S								
MM							S				S			
RR									S					
Earth Removal, Filling and Excavation.	T	T												
Farming (min. 3 acres)	P	P												
Farm Equipment Sales and Service										S			S	
Funeral Home.				S						S				
Financial Institutions.									S	S				
Foundries and the use of drop forges and metal stamping machines													S	
Gasoline Stations (See Sec. 720.8)										S	S	S		
Grooming Facility/Canine.										S				
Golf Courses	S	S	S											
Horses and other equines (See Sec. 720.6).	P	P	P	P	P									
Hotels, Motels.										S	S			
Hospital Veterinary a. cats and dogs b. All other animals (min. size tract of land of 5 acres)										S	S			
Kennel - Home.	S	S	S											
Kennel - Commercial.										S				
Laundry and dry-cleaning operations.										S			S	
Landscape Nursery (on a tract of land at least three acres in extent).	S	S	S	S										
Licensed Cannabis retail and hybrid-retail facilities										SP	SP	SP	SP	SP
Licensed Adult-use cannabis cultivator and micro-cultivator facilities											SP	SP	SP	SP

P= Permitted, S=Site Plan Application, SP=Special Permit Application, T=Temporary Special Exception

Schedule B - Permitted Uses	AAA	AA	A	B	GA	BB	MM	NR	RR	C	SC	LI	HI	C P
Licensed Medical Marijuana Dispensary Facility													SP	SP
Licensed Medical Marijuana Production Facilities													SP	SP
Machinery and equipment servicing, overhauling or rebuilding, other than on a retail basis and other than motor vehicles for which a license is required from the Connecticut Department of Motor Vehicles.														S
Manufacturing, fabrication, and assembly of metal and plastic objects (excluding, however, the use of drop forges, stamping machines, metal melting casting operations - See "Foundries")												S	S	
Manufacture, processing and assembling of goods.														S
Manufacture, processing and assembling of goods when located within an enclosed building and accessory and subordinate to a retail sales use being conducted in the same building.										S				
Medical and dental clinics for the performance of dentistry and hearing arts for patients not resident on the premises.												SP		
Medical offices - providing for the practice of dentistry and the healing arts as defined by State Law.									S	S				
Motor Vehicle Junk Yards (pursuant to State law, this prohibition may not be overridden by the Zoning Board of Appeals in its administration of Certificates of Approval of Location for Motor Vehicle Junk Yards).														
Museums and libraries, not organized for profit, and including historical society meeting rooms, and the display of historic structures owned or controlled by the historical society.	S	S	S	S						S				
Neighborhood Business: (In locations where groups of small establishments may be appropriately located to serve frequent commercial and personal service needs of residents within convenient traveling distance. It is not intended to permit major commercial or service establishments in such districts nor any automobile service stations.) Bakery, confectionery, delicatessen and the like, provided that products prepared or processed on the premises shall be sold only at retail and only on the premises; automatic laundry; beauty shops; drug store, neighborhood office; newsstand, tobacco shop; eating and drinking establishment, except drive-in and those serving								S	S					

P= Permitted, S=Site Plan Application, SP=Special Permit Application, T=Temporary Special Exception														
Schedule B - Permitted Uses	AAA	AA	A	B	GA	BB	MM	NR	RR	C	SC	LI	HI	CP
<i>Neighborhood Business, cont'd)</i> liquor; florist, gift shop, stationery store and the like; grocery, supermarket, meat market, fish market and the like; liquor stores, package only; public buildings and uses appropriate to the character of the district or requiring location within the district.								S	S					
Nursing home, chronic and convalescent (See Sec. 720.10).			S	S										
Offices.									S	S	S	S		
Pet Shop.										S				
Printing.										S				
Places of religious worship (including weekday nursery schools and other community-oriented activities).	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Private Schools - non-profit - profit				S						S				
Professional Offices				S										
Public Parks, public schools and neighborhood facilities of the City of Ansonia and of the State of Connecticut, and the re-use of former public schools by municipal operations.	S	S	S	S	S	S	S	S	S	S	S			
Public Utility Structures.										S	S	S	S	
Public utilities installations and substations, except offices or storage or maintenance installations. Utilities substations other than individual transformers shall be screened by a masonry wall or fence with a properly maintained screening hedge.	S	S	S	S	S	S	S	S	S					S
Prepared Food outlets (carry-out restaurants).										S				
Radio and Television and broadcasting facilities.										S				
Rental - All Terrain Vehicles (including sales and repairs).										S				
Rental - Heavy Equipment (the rental of equipment used in industrial and commercial enterprises, including construction equipment and the rental of all classes of motor vehicles).										S			S	
Repair shops for electrical and mechanical appliances used in and around a residence, including bicycles and power lawn and garden machinery, but excluding motor vehicles; snowmobiles and motorcycles.								S	S	S				
Rental - Travel and camper trailers and motor homes.										S				

P= Permitted, S=Site Plan Application, SP=Special Permit Application, T=Temporary Special Exception

Schedule B - Permitted Uses	AAA	AA	A	B	GA	BB	MM	NR	RR	C	SC	LI	HI	CP
Restaurants, with or without liquor.									S	S				
Retail sales (including the manufacture of food products for direct retail sale to consumers on the premises).									S	S		S		
Retail sales of goods that are manufactured, processed or assembled on the premises when such sales are located within an enclosed building and occupy a floor area equal to 10% or less of the manufacture, processing or assembly use.												S	S	
Rock Crushing													SP	
Sale of new and used automobiles.										S	S			
Scientific and engineering research and testing laboratories.										S	S	S	S	S
Sheet metal, blacksmith, and welding shops												S	S	
Scrap metal processor.													S	
Stables for the boarding and rental of horses, including blacksmithing (on a minimum size tract of 20 acres).	S	S												
Storage of house trailers.										S			S	
Storage in bulk for other than retail sale (use of required yards is prohibited).													S	
Storage of fuel oil for retail delivery and sale.													S	
Swimming pools, as accessory uses to residential uses subject to site plan approval by the Building Inspector	P	P	P	P	P	P	P							
Sports Stadium, civic center, dog racing track, any gambling or betting facilities and recreational facility.											S			
Tailor shop.								S	S	S				
Taverns.									S	S				
Tennis courts - Commercial										S				
Tennis courts - as accessory use to residential uses subject to site plan approval by the Building Inspector.	S	S	S	S	S	S	S							
Trucking and Freight Terminal.													S	
Truck gardens (on a tract of land at least 3 acres in extent).	S	S	S	S										
Warehouse and distribution facilities, provided that such uses do not regularly involve direct business with or service to the general public on the premises.														S
Wholesaling - including the maintenance of an inventory and distribution of the goods to retail establishments.												S	S	

P= Permitted, S=Site Plan Application, SP=Special Permit Application, T=Temporary Special Exception														
Schedule B - Permitted Uses	AAA	AA	A	B	GA	BB	MM	NR	RR	C	SC	LI	HI	CP
Wholesaling - in conjunction with retailing on premises.										S				
Signs as provided in Section 420.	P	P	P	P	P	P	P	P	P	P	P	P	P	
Off-street parking and loading facilities as provided in Section 410.									S	S	S	S	S	S
Off-street parking spaces and private garages shall be permitted as accessory to a permitted use, except that no unregistered motor vehicle or parts of motor vehicles shall be maintained on any lot unless located in an enclosed building.	P	P	P	P	P	P	P	P	P	P	P	P	P	
Except as accessory to a permitted farm, truck garden or commercial nursery, there shall be no more than one commercial vehicle parked or stored on any lot in a Residence District, when used in connection with a permitted use. Such vehicle shall not exceed 1-1/2 tons capacity and shall be stored in a garage.	P	P	P	P										
Customary home occupations and professional offices, as accessory to a dwelling, and as provided in Sections 430 and 410.	P	P	P	P		P				P				
Greenhouses on a tract of land of 40,000 square feet.	S	S	S	S										
Riding academies.	S	S												

SCHEDULE C

Schedule of Yard, Lot and Bulk Requirements for: AAA, AA, A and B Residence Districts

Categories	District Codes			
	AAA	AA	A	B
MINIMUM REQUIREMENTS:				
Lot Area (sq. ft.)	60,000	30,000	12,500	7,500
Lot Width (feet)	150	125	100	75
Lot Depth (feet)	200	170	125	100
Principal Uses:				
Front Yard (feet)	60	50	25	20
One Side Yard (feet)	30	20	10	10
Both Side Yards (feet)	60	40	20	20
Rear Yard (feet)	50	40	25	25
Accessory Buildings				
Side Yard (feet)	25	15	6	6
Rear Yard (feet)	20	10	6	6
Parking Spaces Per Dwelling Unit (For other uses see Section 410)	2	2	2	2
MAXIMUM PERMITTED:				
Building Heights:				
Stories (excluding basements)	2-1/2	2-1/2	2-1/2	2-1/2
Feet	35	35	35	35
Building Area as % of Lot	12%	20%	25%	35%
Lot Coverage by Impervious Surfaces	20%	40%	45%	60%

NOTES in reference to above Schedule of Yard, Lot and Bulk Requirements in the AAA, AA, A and B Residence Districts

- A) In “B” Residence Districts, a lot containing a two-family dwelling that has a vertical party wall between units may be divided into two (2) parts along such party wall, subject to submission and approval of a site plan in accordance with the provisions of Section 510 and the requirements of Section 720.11.

Adopted: March 26, 2001
Published: April 4, 2001
Effective: April 14, 2001

SCHEDULE C-2

**Schedule of Yard, Lot, and Bulk-Requirements for:
GA and MM Multi-Family Residence Districts**

	District Codes	
	GA Districts	MM Districts
MINIMUM REQUIREMENTS:		
1. Lot Area (sq. ft.)	217,800 sq. ft. or five acres	87,120 sq. ft. or two acres
2. Setback from the ultimate right-of-way of each street and property line that the district abuts	75 feet.	None (Exception - See Note A)
3. Setback from front, side and rear lot lines	See above requirement	None (Exception - See Note B)
4. Distance between buildings forming courts and courtyards	Twice the height of the taller building	Equal to the height of the taller building
5. Distances between ends of any two buildings	25 feet	(See Note C)
6. Number of off-street parking and loading spaces	(See Note D)	(See Note D)
7. Landscaped front yard	20 feet	None (Exception - See Note E)
8. Permanent planting area and within and contiguous to perimeter of the district for the purpose of screening adjoining uses in adjacent zones	10 ft. in depth	None (Exception - See Note E)
9. Contiguous non-vehicular open space as a % of lot area	50% (See Note F)	40% (See Note F)
10. Recreation area as % of lot	3.2%	6%
11. Distance between parking area and property lines or ultimate right-of-way lines	25 feet	(See 12)
12. Front landscape depth	10 feet (See Note F)	6 feet (See Note F)
13. Mandatory Site Plan Approval	(See Note G)	(See Note G)
MAXIMUM PERMITTED:		
1. Building Coverage	15%	8%
2. Dwelling Units Per Acre: "Garden Apartments" "Townhouses" Apartments	12 units/acres 8 units/acres -	- - 20/units/acres
3. Height of Building in Feet	35 feet	96 feet
4. Height of Building in Stories (exclusive of basements)	3	8

Schedule C-2 (Continued)

NOTES in reference to above Schedule of Yard, Lot and Bulk Requirements of the GA and MM Districts:

- A) **MM Mid-Rise Multi-Family Residence Districts:** Setback from streets and property lines abutting the district boundary: (As in table) Except that a landscaped yard of the same dimension as a required yard in an abutting non-multifamily residential district shall be required contiguous in the peripheral property line of the district (See “Definition: Landscaped Yard, “below).
- B) **MM Districts:** Setbacks from lot lines: (As in table) Except that setbacks from lot lines in MM Districts adjacent to residential districts shall be equal to half the height of the taller building.
- C) **MM Districts:** Distances between ends of any two buildings: Where two opposing walls contain no glassed areas (required or other), the separation shall be according to the fire regulations. If such wall areas contain required glass areas, the separation shall be equal to the height of the taller building.
- D) **All Districts:** Minimum off-street parking and loading spaces: As required by Section 410: The required number of spaces is based on the type of use served by the parking. For loading space requirements, see Section 410.
- E) **MM Districts:** Landscaped buffer: (As in table) Except that where the District abuts a non-commercial district, a permanent landscaped buffer of 10 feet in depth shall be required.
- F) **GA and MM Districts:** Contiguous Non-Vehicular Open Space: This shall refer to an open land area either developed for recreational purposes or undeveloped which is not intersected by roadways. The open space shall be in continuous parcels each equal to at least one-fifth of the amount necessary to meet open space requirements or two (2) acres, whichever is less, for any zone which contains this requirements.
- G) **GA and MM Districts:** Mandatory Site Plan Approval: Site Plan Approval according to Section 510 is required for permitted uses as specified in Schedule B, before zoning permit or commencement of new use. (See Appendix for Schedule B)

Definition: **Landscape Yard:** A minimum depth of a front and/or rear yard, and/or a width of a side yard which shall be landscaped except for drives and walkways necessary for access. No such yard shall be used for parking or storage.

SCHEDULE C-3

**Schedule of Yard, Lot, and Bulk Requirements for:
BB Multi-Family Residence Districts and
RR Multi-Family Residence-Retail Districts**

	District Codes	
	BB Districts	RR Districts
MINIMUM YARD REQUIREMENTS:		
1. Front Yard	None	None
2. Side Yard	None (Exception - See Note A)	None (Exception - See Note C)
3. Rear Yard	30 feet (Exception - See Note B)	None (Exception - See Note C)
4. Minimum landscaped buffer against residential districts	-	25 feet (Exception - See Note G)
MINIMUM LOT REQUIREMENTS:		
1. Lot Area	7,500 sq. ft.	3,500 sq. ft. (Exception - See Note D)
2. Lot Area Per Dwelling Units:		
a. Non-housekeeping unit	500 sq. ft.	500 sq. ft.
b. Less than two bedroom unit	1,500 sq. ft.	1,500 sq. ft.
c. Two bedroom unit	2,000 sq. ft.	2,000 sq. ft.
d. Three or more bedroom unit	-	2,500 sq. ft.
e. Three bedroom unit	2,250 sq. ft.	
f. Four bedroom unit	2,500 sq. ft.	
g. Five or more bedroom unit	2,750 sq. ft.	
3. Lot Width	50 ft.	35 ft. Exception - See Note E)
MAXIMUM PERMITTED BUILDING REQUIREMENTS:		
1. Building Area Coverage	35% of lot	35% of lot (Exception - See Note F)
2. Height in Stories	3 Stories	3 Stories
3. Height in Feet	40 feet	40 feet

NOTES in reference to above Schedule of Bulk and Lot Requirements, BB and RR Districts:

- A) **BB, RR Districts: Side Yard.** None required, but where a side yard is provided, it shall have the minimum width of six (6) feet.
- B) **BB Districts: Rear Yard.** There shall be a rear yard with a minimum depth of thirty (30) feet, except that where a front yard with a minimum depth of ten feet is provided, the minimum depth of the rear yard shall be twenty (20) feet.

Schedule C-3 (continued)

- C) RR Districts: **Rear Yard.** There shall be a rear yard with a minimum depth of thirty (30) feet where one or more dwellings are provided or where the rear yard abuts a residential district, except that where the rear yard abuts a public right-of-way, not open to general vehicular traffic, with a width of at least thirty (30) feet, the minimum yard depth of such rear yard shall be ten (10) feet.
- D) RR Districts: **Minimum Lot Area.** In any RR Residence –Retail District, no lot shall have an area of less than three thousand five hundred (3,500) square feet, except that the minimum area of any lot containing only a one-family dwelling attached to another dwelling shall be two thousand (2,000) feet.
- E) RR Districts: **Minimum Width.** The minimum width of any such lot shall be thirty five (35) feet, except that the minimum width of a lot containing only a one-family dwelling attached to another dwelling shall be twenty (20) feet.
- F) RR Districts: **Building Area Coverage.** The sum of all areas covered by all principal and accessory buildings shall not exceed thirty-five percent (35%) of the area of the lot, except that where such lot contains no dwelling units, the maximum coverage shall be fifty percent (50%) of the area of the lot.
- G) RR Districts: **Minimum Landscaped Buffer against residential districts.** Where an RR districts abuts a residential district without an intervening street or a public right-of-way at least thirty (30) feet in width, a permanent landscaped buffer twenty-five (25) feet in depth shall be required in order to screen non-residential activities from the adjoining residential area. The Commission may reduce the buffer area to not less than ten (10) feet in depth where the depth of the RR district is less than one hundred fifty (150) feet in depth, provided the Commission is satisfied that the nature of the planting, fences, or embankments are adequate to provide effective screening.

SCHEDULE C-4

**Schedule of Yard, Lot and Bulk Requirements for:
NR Neighborhood Retail Districts**

	Neighborhood Retail NR Districts
MAXIMUM PERMITTED:	
1. Height in Feet	30 feet
2. Height in Stories	2 1/2
MINIMUM REQUIREMENTS	
3. Lot Area	3,000 sq. ft.
4. Lot Width	50 feet
5. Landscaped yards (see definition below): Front landscaped yards and all yards adjacent to streets Side and rear landscaped yards	10 feet (Exception - See Note A) None (Exception - See Note B)
6. Off-street parking and loading	(See Note C)
7. Mandatory Site Plan Approval	(See Note D)
8. Sign limitations	(See Note E)

Notes in reference to above yard, lot and bulk requirements, NR Districts:

Definition: **Landscape Yard.** A minimum depth of a front and/or rear yard, and/or a width of a side yard which shall be landscaped except for drives and walkways necessary for access. No such yard shall be used for parking or storage.

- A) **NR Districts: Front Landscaped Yards.** (As in table) Except when an NR District adjoins a residential district without an intervening street or alley, and where lots separated by the district boundary have adjacent front yards, the first lot within the NR District shall have a landscaped front yard of the minimum depth required in the adjacent district.

- B) **NR Districts: Side and Rear Landscaped Yards.** Where an NR District adjoins a residential district without an intervening street, or alley, and where lots separated by the district boundary have adjacent side and/or rear yards, the landscaped yard shall be of the same dimension as required for the adjoining yard in the residential district. The area within five (5) feet of the district boundary shall be planted and maintained with a screening hedge except for walkways needed for access.

- C) **NR Districts: Minimum Off-Street Parking and Loading Spaces.** (As required by Section 410). The required number of parking spaces is based on type of use served by the parking. For requirements on parking layout and for loading space requirements, refer also to Section 410.

- D) **NR Districts: Mandatory Site Plan Approval.** See Section 310 and Schedule B (Appendix) for Schedule of Permitted Uses for uses requiring Site Plan Approval before building permit or commencement of a new use. For uses requiring Site Plan Approval, see Section 510 mandatory Site Plan Approval.

- E) **NR Districts: Sign Limitations.** See Section 420 and Section 420.6 for sign limitations for NR Districts.

C Districts: Minimum off-street parking and loading spaces. As required in Section 410. The required number of parking spaces is based on type of use served by the parking. The exception to the parking requirement in C Central Commercial Districts is specified in Section 410.9.1.

- C) **C Districts: Minimum Front Landscape Depth.** Front landscape areas shall extend across the full width of the lot along the interior side of the front lot line, except where buildings, driveway entrances and exits are located, to the depth required in tis Schedule.
- D) **C Districts:** Dwelling units shall be permitted in “C” Commercial District only on the second or third floors above street level commercial space.
- E) **C Districts:** For each dwelling unit there shall be three hundred (300) square feet of useable landscaped space, or an amount determined by the Planning and Zoning Commission, adjacent to the building or a balcony for each dwelling unit, which balcony shall have a minimum useable depth of six (6) feet and a minimum area of seventy (70) square feet. The access to each dwelling unit shall be provided by means of one or more doorways directly to the outside or to a hallway and/or stairway leading directly to the outside, without need to pass through any store, shop, office or other non-dwelling floor area. Any hallway giving principal access to a dwelling shall not also provide principal public access to any non-dwelling floor areas. The Commission may approve interior lounge areas, or courtyards, including interior recreation spaces, roof top terraces, or landscaped courtyards in lieu of the adjacent landscaped space where such design maximizes the space on the same lot or within the structure on the lot to afford residents an area of recreation and common area. Such areas shall be three hundred square feet (300) for each dwelling unit. Maintenance of such areas shall be the responsibility of the building owner or in such cases where the units are owned, a suitable legal common interest community declaration approved by the Ansonia Corporate counsel.
- F) **C Districts:** For any lot or portion thereof located within the boundaries of the “Upper Main Street Area” set forth in the “Upper Main Street Revitalization Plan,” adopted by the Ansonia Redevelopment Agency and approved by the Board of Aldermen of the City of Ansonia, the Zoning Commission may modify the requirements of SCHEDULE C-5 and accompanying Notes in connection with the rehabilitation, renovation or preservation of a building, existing on the effective date of such Plan, and provision of additions to such building, for a use which a Site Plan is required to be submitted under Section 510, provided that the following requirements are met:
1. The Site Plan submitted by the applicant shall be accompanied by a written statement identifying each requirement of SCHEDULE C-5 proposed to be modified and the extent of and reason for the modification;
 2. Not less than 35 days prior to any decision on such Site Plan, the Zoning Commission shall transmit to the Planning Commission a copy thereof, and the Planning Commission may submit to the Zoning Commission an advisory

opinion on such Site Plan at any time prior to the rendering of a decision; and

3. The Zoning Commission shall find that the modifications enable substantial rehabilitation, renovation, and preservation of the building and are in accordance with the purpose and intent of this Ordinance, and that there are no dwelling units located at the level of Main Street and having a wall or façade facing Main Street.

SCHEDULE C-6

**Schedule of Yard, Lot and Bulk Requirements for:
SC Special Commercial, LI Light Industry, and HI Heavy Industry Districts**

	<u>District Codes</u>		
	SC Districts	LI Districts	HI Districts
MAXIMUM PERMITTED:			
1. Building area as % of lot	30%	50%	60%
2. Height in feet	85 feet	40 feet	80 feet
3. Height in stories	4	2	4
4. Outdoor storage area % of lot	None	20%	100%
MINIMUM REQUIREMENTS:			
1. Setback from street (in feet)	(See "Buffer Area," below)	12 feet	None
2. Setback from any residence district	(See "Buffer Area," below)	2-1/2 times height of building	None
3. Required depth of buffer area* where the district abuts a residential district without an intervening street	(See "Buffer Area," below)	25 feet (Exception - See Note E)	25 feet (Exception - See Note E)
4. Buffer area* adjoining perimeter enclosing the property(ies) subject to development	50 feet	-	-
5. Side Yard	(See "Buffer Area," below)	None (Exception - See Note A)	None Exception - See Note A)
6. Rear Yard	(See "Buffer Area," below)	None (Exception - See Note B)	None (Exception - See Note B)
7. Off-street parking and loading	See Note C	See Note C	See Note C
8. Site Plan Approval	See Note D	See Note D	See Note D
9. Parking areas as % of lot	-	30%	See Note C

*Buffer area: In this buffer, no buildings or parking shall be permitted, but access drives and distinguishing signs are allowed. Such buffer area shall be properly landscaped and screened.

NOTES in reference to above Schedule of Yard, Lot, and Bulk Requirements for SC, LI and HI Districts:

- A) Except for required setback from any Residence District, no side yard is required. If provided side yards shall have a depth of not less than five (5) feet.
- B) Except for required setback from any Residence District, no side yard is required. If provided, rear yards shall have a depth of not less than twelve (12) feet.
- C) **All Zones: Minimum Off-Street Parking and Loading Spaces:** As required by Section 410. The required number of parking spaces is based on type of use served by the parking (Section 410.4). For requirements on parking layout, see Section 410. For loading space requirements, refer to Section 410.3.3.
- D) **All Zones: Mandatory Site Plan Approval.** See Section 510, for Site Plan Approval. Required in all districts before building permit or commencement of new use. All Site Plans in SC Special Commercial Districts shall be subject to approval by the Planning Commission after public hearing and notice as set forth in Section 8-3c of the General Statutes, as the same may be amended from time to time. In considering and acting upon such Site Plan, the Planning Commission shall have the full authority of the Zoning Commission to approve, approve with conditions or disapprove as the Planning Commission may deem appropriate to further the general purpose and intent of this Ordinance.
- E) **LI and HI Districts: Required Depth.** Where an LI and HI District abuts a residential district without intervening street, a permanent landscaped buffer twenty-five (25) feet in depth shall be required in order to screen non-residential activities from the adjoining residential area. The Commission may waive or modify the buffer requirement, provided that the Commission finds that embankments, walls, vegetation, or fencing serve as a suitable substitute.

SCHEDULE C-7

**Schedule of Yard, Lot and Bulk Requirements for:
CP Commerce Park District**

	District Codes CP Districts
MAXIMUM PERMITTED:	
1. Building ground coverage as % of the lot area	30%
2. Height of building or structure in feet	80 feet
3. Height in stories	4
4. Outside storage as % of lot area	10%
5. Total ground coverage by buildings and other structures, parking and loading areas, paving and outside storage as % of lot area	65%
MINIMUM REQUIREMENTS:	
1. Lot area	2 acres
2. Lot width in feet	200 feet
3. Lot depth in feet	200 feet
4. Setback from street line in feet	50 feet
5. Setback from property line in feet	30 feet
6. Setback from Residence District boundary line in feet	100 feet
7. Setback by parking and loading spaces and access aisles from street line in feet	25 feet

NOTES in reference to above Schedule of Yard, Lot and Bulk Requirements for CP Districts:

- A) No building or other structure, paving, outside storage, parking and loading, or access driveway shall be located in the area required for setback from a Residence District boundary line, and such setback shall be protected and retained as undistributed natural terrain if containing trees, shrubs, and land-form features which adequately screen non-residential activities on the lot from adjoining lots in the Residence District; otherwise, such setback area shall be provided with permanent landscaping, and/or landscaping in combination with embankments, berms, walls or fences, sufficient to achieve such screening.

- B) Minimum off-street parking and loading spaces: As required by Section 410. All parking and loading spaces and access and circulation driveways on the lot shall be paved with bituminous or portland cement concrete.
- C) All areas of the lot not covered by buildings and other structures, parking and loading areas, paving and outside storage shall be suitably landscaped with lawn, shrubs, trees and other landscaping treatment or left as undisturbed natural terrain.
- D) Any areas of the lot used for outside storage of supplies, merchandise, machinery, equipment or wastes and any manufacture, processing or assembling of goods or servicing, overhauling or rebuilding of machinery or equipment not in an enclosed building shall have the same setbacks as required for a building or structure and shall be enclosed, except for necessary access driveways, by buildings and/or fences, walls berms or evergreen shrubs or trees so as to screen such area from view from any street or any other lot up to a height of 10 (ten) feet. Any such shrubs or trees shall be of a size, type and spacing to grow to achieve such screening within a period of 5 (five) years.

**ZONING REGULATIONS of the CITY OF ANSONIA
CONNECTICUT**

APPENDIX A: ATTACHMENTS

Zoning Map Amendments		
<u>Adopted</u>	<u>Effective</u>	<u>Identification</u>
1. August 15, 1977		"A" Residence to "B" Residence, parcel at corner of Woodbridge Avenue and Beaver Street (Ronald Vacarro).
2. April 13, 1978	May 1, 1978	"B" Residence to "C" Central Commercial, Clifton Avenue (Short Street to Pershing Drive and Crescent Street, excluding Howard Avenue frontage).
3. June 26, 1978		"B" Residence to "C" Central Commercial, 30 Parker Street (Subalpi Club).
4. June 26, 1978		"A" Residence to "B" Residence, 5 Woodlawn Avenue (Mrs. Judd).
5. December 18, 1978		"A" Residence to "C" Central Commercial, Alcott Street (Robert Knott).
6. March 19, 1979	March 26, 1979	<ul style="list-style-type: none"> a. "LI" Light Industrial to "C" Central Commercial (Franks Service Station & Central Subalpi Club), Wakelee Avenue. b. "LI" Light Industrial to "C" Central Commercial, (Chipp's Service Station and lands of Paul Semon), Wakelee Avenue c. "LI" Light Industrial to "C" Central Commercial, all properties southerly (to Division Street) from Stelray Products, The Kneen Company, Shea's Texaco and two homes at 125, 127 and 129 Wakelee Avenue.
7. April 16, 1979	May 26, 1979	"A" Residence to "BB" Multi-Family Residence, 5 acres, Webb Terrace.
8. May 21, 1979	June 1, 1979	"A" Residence to "B" Residence, 5 acres, Beaver Street (Custom Homes, between Vacarro and Regainni).
9. October 20, 1980		"C" Central Commercial to "HI" Heavy Industrial District, Main Street (Kasden).
10. August 25, 1981		Flood Plain District
11. May 17, 1982	May 24, 1982	"A" Residence to "GA" Multi-Family Residence District, Lindgren Terrace.
12. June 25, 1984	July 2, 1984	"A" Residence to "C" Central Commercial District, Great Hill Road at Route 8 (Texaco).

Zoning Map Amendments, cont'd		
<u>Adopted</u>	<u>Effective</u>	<u>Identification</u>
13. December 16, 1985	December 31, 1985	"B" Residence to "BB" Multi-Family Residence District, Fourth and North Main Streets (Nolan School).
14. April 28, 1986	May 9, 1986	"A" Residence to "B" Residence Districts, 5.62 acres, Webb Terrace and Silver Hill Road (Kevin Condon, Trustee).
15. August 25, 1986	September 5, 1986	"A" Residence to "B" Residence District, 1.71 acres, north side Great Hill Road (George J. Shuster).
16. October 27, 1986	November 14, 1986	NR Neighborhood-Retail to "B" Residence District, 3 lots west side North State Street (Stefano Giaimo).
17. February 2, 1987	February 12, 1987	"A" Residence to "B" Residence District, one lot, 2 Savelle Road (Cook and Yuravich).
18. August 31, 1987	September 18, 1987	"A" Residence to "GA" Multi-Family Residence District, 13.0 acres, south side Great Hill Road adjacent to Rte. 8 Expressway (Custom Homes Corporation).
19. August 31, 1987	September 18, 1987	"A" Residence to "B" Residence District, 11 lots, northwest side of Woodbridge Avenue from Merritt St. to North Prospect St. (Della Volpe and Giovacchino).
20. December 28, 1987	January 15, 1988	"A" Residence and "B" Residence to "GA" Multi-Family Residence District, 17.653 acres, east side of Jewett Street, south of Berkshire Rd. (Aaron Schless, Trustee).
21. April 25, 1988	May 6, 1988	"A" Residence to "B" Residence District, 2 lots, north side Woodridge Avenue, west of Beaver Street (Rich and Pagliaro).
22. July 25, 1988	August 12, 1988	"AA" Residence to "A" Residence District, 2.9 acres, north side of Ford Street, adjacent to airport (William Tuccio, Trustee).
23. July 25, 1988	August 12, 1988	"HI" Heavy Industrial to "C" Central Commercial District, 3 parcels, north side of Division Street east of railroad and along North Division St. (Fusco/Gottlieb Associates).
24. May 29, 1990	May 31, 1990	Redrawn "Official Zoning Map, Ansonia, Connecticut" dated February, 1990.
25. September 24, 1990	October 12, 1990	"LI" Light Industrial to "C" Central Commercial District at 48-50 Bishop Williams Court, corner of Farther Salemi Drive.
26. April 29, 1991	May 10, 1991	"AA" Residence to "A" Residence, 19.35 acres at northwest corner of Ford Street and Ford Road (Custom Homes Corporation).

Zoning Map Amendments, cont'd		
<u>Adopted</u>	<u>Effective</u>	<u>Identification</u>
27. April 27, 1992	May 12, 1992	"HI" Heavy Industrial to "B" Residence District, 9.9 acres north of the existing terminus of Riverside Drive (River Street).
28. August 31, 1992	September 11, 1992	"AA" Residence to "A" Residence District, 57 acres on north side of Ford Street, extending to Milan Road, Ansonia Airport.
29. September 28, 1992	October 16, 1992	"C" Central Commercial to "HI Heavy Industrial District 17,600 sf located between Main St. and East Main St. along existing "HI" District north of Kingston Drive, confirming Ansonia Technology Park in "HI" District.
30. June 28, 1993	July 15, 1993	"A" and "GA" to new "CP" Commerce Park District, 89.9 acres along Rt. 8 and Great Hill Road for Fountain Lake Commerce Park.
31. December 20, 1993	January 2, 1994	"B" Residence to "HI" Heavy Industrial District, 9.9 acres north of the existing terminus of Riverside Drive (River Street).
32. February 28, 1994	March 11, 1994	"B" Residence to "C" Central Commercial District, a parcel of land (Nicoletti) at 699 Main Street, corner of Columbia Street
33. October 24, 1994	November 10, 1994	"GA" Multi-Family Residence District to "A" Residence and "B" Residence, 17.653 acres, east side of Jewett Street, south of Berkshire Road (MSB Realty Corp.).
34. March 26, 2001	April 14, 2001	Changed from "AA" Residence to "AAA" Residence, approximately 532 acres located on the northeasterly quadrant of the City. Also see "Zoning Text Amendments" for accompanying zoning regulations for the "AAA" residence district.
35. January 26, 2009	February 4, 2009	Boundaries of City Center Overlay Zone
36. April 27, 2009	May 12, 2009	Changed from Heavy Industrial (HI) to Commercial (C) premises at 497 East Main St and 153 Main St. totaling about one acre.

ZONING TEXT AMENDMENTS

Zoning Text Amendments		
<u>Adopted</u>	<u>Effective</u>	<u>Identification</u>
1. January 29, 1979	February 2, 1979	Professional Offices in "B" Residence Districts - Sec. 110.3, Schedule B (p.7), Sec 510.2.1.
2. March 19, 1979	March 26, 1979	a. Sec. 110.3 - definition of greenhouses. b. Schedule B - add greenhouses in "AA", "A" and "B" Districts
3. July 10, 1979	July 13, 1979	Schedule C-6: In HI Heavy Industrial Districts, allowable building height - 80 feet, 4 stories
4. January 7, 1980	February 11, 1980	a. Minor deletions and typographical corrections (Sec. 245.2.3; Schedule B re "r" and p. 11). b. Sec. 110.3 - revision of definition, "Building Accessory" c. Schedule C-2: "GA" Districts - reduce lot area to 5 acres; "GA" and "MM" Districts - Item 9 refer to "Contiguous Non-vehicular Open Space." d. Schedule B: revision of wording for public parks, public schools and neighborhood facilities, and the re-use of schools. e. Sec. 410: revision of Sec. 410.9 and 410.9.1 and addition of Sec. 410.9.2 concerning a public transportation alternative to the parking requirement. f. Schedule B: revision of Places of Religious Worship (including weekday nursery schools and other community oriented activities).
5. August 25, 1981		Flood Plain Management: Sec. 110.3, definition of Flood Plain District; Sec. 205, add district; Sec. 210, boundaries; Sec. 220, Flood Plain District, Sec. 260.8, variances in Flood Plain District.
6. December 21, 1981		Schedule B - add Cleaning Establishments in "HI" Heavy Industrial District.
7. December 21, 1981		Schedule B - add Clubs, non-profit membership in Residential Districts
8. May 4, 1982	May 7, 1982	Schedule C-5, "C" Districts - Upper Main Street Area, modification of standards for Rehabilitation.

9. July 30, 1984	August 2, 1984	General provisions, administration, fees, performance standards, site plan approval: Article I (title); Sec. 105; revised Sec. 225, 230, 235; new Sec. 270, Zoning Fees;
Zoning Text Amendments, cont'd		
<u>Adopted</u>	<u>Effective</u>	<u>Identification</u>
9. (cont'd)		Delete Sec. 305; add Sec. 355.11; revise Sec. 510.3.1, add Sec. 510.1.1; Add Sec. 510.3.1 and 510.3.2; add Sec. 510.4.26; delete Sec. 510.6.
10. November 25, 1985	December 31, 1985	Soil Erosion and Sediment Control: Sec. 110, Definitions; re-number Sec. 235.1.5 to 235.1.6 and add new Sec. 235.1.5; amend 235.2, Referrals; add Sec. 235.4.3; add Sec. 270.1.9 (fees); amend Sec. 510.4..2; replace Sec. 520 with new provisions; amend Sec. 610.5.3 and 620.6.1.8.
11. June 1, 1987	June 12, 1987	Schedule B - add "Archery Range, Indoor . . ." in LI Light Industrial District.
12. August 31, 1987	September 18, 1987	Sec. 410, Off-Street Parking, Loading and Vehicular Access: replace Sec. 410.2, Existing Buildings, Structures and Uses; replace Sec. 410.3.2 (parking space dimensions) and 410.3.3 (loading space requirements); add Sec. 410.3.7 (access for parking spaces) and 410.3.8 (parking in front yard limited).
13. October 26, 1987	November 6, 1987	Schedule B – add "Manufacturing, processing and assembling of goods when . . . Accessory and subordinate to a retail sales use . . ." in "C" Central Commercial District.
14. March 28, 1988	April 9, 1988	Schedule B - amendment of "clubs, non-profit" to "Clubs, membership and studios devoted to physical conditioning . . ." and designate "S" under "LI" Light Industrial District.
15. April 25, 1988	May 6, 1988	Schedule B - amend the line for "Professional Office - Conversion of Dwelling"; add new Sec. 720.9, Professional Office - Conversion of Dwelling.
16. April 25, 1988	May 6, 1988	Schedule B - add "Medical and dental clinics . . ." and designate "S" under the "C" Central Commercial and "LI" Light Industrial District.
17. September 26, 1988	October 7, 1988	Sec. 225, Enforcement: amend Sec. 225.1 Zoning Enforcement Office (appointment, duties).
18. February 27, 1989	March 10, 1989	Schedule B - add "Nursing home, chronic and convalescent" and code "S" under "A" and "B" Residence Districts; add new Sec. 720.10 Chronic and Convalescent Nursing Homes.
19. January 30, 1990	February 26, 1990	Section 230. <u>Permits and Certificates</u> : add Section 230.1.1 and 230.1.2 <u>Repairs and Restoration & Uninhabited/Inhabited Buildings</u> .
20. May 29, 1990	May 31, 1990	Section 210. <u>Zoning Map</u> : revised text referencing new map.

Zoning Text Amendments, cont'd		
<u>Adopted</u>	<u>Effective</u>	<u>Identification</u>
21. May 29, 1990	May 31, 1990	Schedule B (page 6) amend "Swimming pools" with regard to approval procedures.
22. May 29, 1990	June 29, 1990	Schedule C (page 1) add note providing for lot split for 2-family dwelling in "B" Residence District; add new Sec. 720.11 <u>Division of Lot for Two-Family Dwelling</u> (standards).
23. October 29, 1990	November 9, 1990	Schedule B - addition of "Retail sales of goods that are manufactured, processed or assembled on the premises. . ." and LI and HI designated "S".
24. January 29, 1991	February 12, 1991	Child Day Care: Sec. 110. <u>Definitions</u> . Delete definition of "child day care center" and insert new definition of "child day care"; Schedule B - delete Child Day Care Centers and add new Child Day Care (family day care home, group day care home, child day care center); add new Sec. 720.12 <u>Child Day Care</u> (standards).
25. January 29, 1991	February 12, 1991	Sec. 310 <u>Schedule of Permitted Uses</u> - add new Sec. 310.1.1 <u>Site Plans for One-Family and Two-Family Dwellings</u> .
26. December 16, 1991	December 31, 1991	Fees: delete all of Sec. 270.1 "Fees" and substitute new Sec. 270.1 "Fees" referring to City Ordinance entitled "Fees for Municipal Land Use Applications."
27. February 24, 1992	March 10, 1992	Rear Lots: delete all of Sec. 325 and substitute a new Sec. 325. <u>Rear Lots</u> for one-family dwellings; sets forth revised standards for access, lot area and shape, building location and spacing and improvements.
28. April 29, 1992	May 18, 1992	Comprehensive Flood Plain District Program - definitions, Board of Appeals: delete all of Sec. 220 and substitute a new Sec. 220. <u>Flood Plain District</u> consistent with FEMA standards and criteria, incorporating a revised Flood Study and Flood Insurance Rate Map; amend Sec. 235.1.1(f) to refer to Sec. 220 and add a new Sec. 235.1.6 requiring Flood Hazard Area Permit; replace Sec. 260.8 and add a new Sec. 260.9 re appeals, variance and considerations for variances in Flood Plain District; in Sec. 110. <u>Definitions</u> , add Flood Plain District-related definitions (20) and definition of Historic Structures.
29. June 29, 1992	July 10, 1992	Sec. 245.3.3 of Sec. 245. <u>Non-Conforming Uses and Buildings</u> ; revise title of ARTICLE VI to be SPECIAL EXCEPTIONS/SPECIAL PERMITS; add new Sec. 630. <u>Special Permits</u> .
30. June 28, 1993	July 15, 1993	Soil Erosion and Sediment Control: revision of Sec. 520.1. <u>General</u> . Including 520.1 thru 520.4; Administrative Policy #1 - Erosion Control and Soil Erosion and Sediment Control Statement

Zoning Text Amendments, cont'd		
<u>Adopted</u>	<u>Effective</u>	<u>Identification</u>
31. June 28, 1993	July 15, 1993	"CP" Commercial Park District: Sec. 205 - add "CP" District; amend Schedule B to include uses for "CP" District; add new Schedule C-7 for "C" District standards; amend Sec. 410 for "CP" loading standards; add new Sec. 720.12.6 standards re day care in "CP" District.
32. February 10, 1997	February 28, 1997	Add Section 710.13 Re: "Riding Academies" as permissible use in AA districts; amend Schedule B to correlate.
33. November 16, 1998	December 1, 1998	Added Section 440; Landscaping Standards
34. November 16, 1998	December 1, 1998	Added Section 720.14; Accessory or In-Law Apartments
35. March 26, 2001	April 14, 2001	Added new district "AAA" to Schedule B and Schedule C.
36. June 29, 2002	July 2, 2002	Added Section 725.00, Subdivision and Resubdivision Moratorium, establishing 9-month moratorium (until 12/01/02) on accepting and acting on subdivision and resubdivision proposals.
37. November 25, 2002	December 4, 2002	Amended Section 725.00, Subdivision and Resubdivision Moratorium, extending for 6 months the moratorium period (until 6/1/03) regarding accepting and acting on subdivision and resubdivision plans.
38. March 31, 2003	April 18, 2003	Adopted amendments to Schedule B - Permitted Uses to designate uses permissible by Special Permit in certain districts. Also added legend describing permit procedures.
39. March 31, 2003	April 18, 2003	Revised § 720.12.2 deleting minimum lot area required for child day care counter in residential districts.
40. March 31, 2003	April 18, 2003	Revised § 310 by expanding legend to describe what "SP" means.
41. April 15, 2003	April 25, 2003	Amended Sec. 1103.3 adding definition of "Residential Density".
42. April 15, 2003	April 25, 2003	Added new Sec. 316 dealing with maximum residential densities.
43. April 15, 2003	April 25, 2003	Revised Sec.320 by deleting 320.6 and by adding, instead, new Sec.320.6; Also revised subsection 320.5 by excluding from lot calculations slopes in excess of 25% etc.
44. May 24, 2004	June 18, 2004	Revised Section 110 by inserting definition of "Building Height".
45. May 24, 2004	June 18, 2004	Revised Section 510.7 by modifying site plan approval and expiration dates to match the C.G.S.
46. November 2004	December 14, 2004	Revised Section 110 adding definition of "Cemetery" and added Section 720.15 concerning Cemeteries.
47. November 20, 2006	December 3, 2006	Adopted Section 720.16 - Off-Street Parking Moratorium to remain in effect until May 31, 2007.
48. November 2005	December 1, 2005	Deleted Section 260.4 through 260.7 entirely and inserted Section 720.17-Repair and Sale of New or Used Motor Vehicles.

Zoning Text Amendments, cont'd		
Adopted	Effective	Identification
49. April 23, 2007	May 15, 2007	Adopted Sec. 720.18-Age-Restricted Housing Spc. Exception; Amended Table B and added definition in Sec. 110.
50. July 30, 2007	////////////////	Adopted Sec. 450.0-AgeRestricted Multifamily Housing-ARMH Amended Table B and added definition in Sec. 110.
51. January 26, 2009	February 4, 2009	Section 222 - City Center Zone (Overlay Zone)
52. April 27, 2009	May 12, 2009	Added Subsec.. 222.06 (Permissible Uses) to Sec. 222 - City Center Zone (Overlay Zone)
53. June 29, 2009	July 14, 2009	Revised, Sec. 240.1.2 concerning zoning map amendments by increasing area adjacent to zone change from 100 feet to 500 feet.
54. December 15, 2010	December 17, 2010	Revised Section 220 and subsection 260.9.2 to incorporate Amendments required by FEMA relative to Flood Plain District controls. Also revised pagination of Zoning INDEX and of Section 222.
55. November 28, 2011	December 15, 2011	Revised Page 3 of Schedule B deleting from medical and dental clinics ... " <i>but expressly excluding clinics for the insane, alcoholics and drug addicts.</i> "
56. August 27, 2012	September 12, 2012	Revised subsections 330.4 and 330.5 regarding fences, walls and terraces and visibility and intersections respectively.
57. March 25, 2013	April 5, 2013	Revised Sec.330 by adding subsection 330.18 Re: <i>sidewalks and walkpaths</i> ; and subsection 330.19 Re: <i>temporary storage structures and dumpsters</i> ; Revised Sec.720 by adding subsection 720.19 Re: <i>special events</i> ; and Revised Sec. 110 by adding two definitions; and revised the Index and the Zoning Text Amendment table to correlate with above changes and revisions.
58. August 26, 2013	August 31, 2013	Adopted Section 720.20 Re: Moratorium Regarding the Production and Distribution of Medical Marijuana.
59. September 30, 2013	October 16, 2013	Adopted amendments to Sec. 220.2 - Flood Plain District- Re Identification of Districts.
60. January 27, 2014	February 14, 2014	Adopted amendments to Sec. 420,7.3. by adding exception to allow "Complementary Free-Standing Sign".
61. July 28, 2014	August 6, 2014	Boundaries of City Center Zone extended to include approx.. 72 Acres
61. July 25, 2016	August 18, 2016	Adopted Fancy Pigeons as Permitted Use
62. July 25, 2016	August 4, 2016	Added "Clubs, membership, and studios devoted to physical conditioning of the human body, e.g., weightlifting, karate, judo, etc" as a Permitted Use in HI Zone by Site Plan (s)
63. September 25, 2017	October 5, 2017	Added/Revised: Permissible Uses, Accessory Apartments, SCHEDULE C-5, Schedule of Yard, Lot, and Bulk Requirements for Central Commercial Districts, Note E

Zoning Text Amendments, cont'd		
<u>Adopted</u>	<u>Effective</u>	<u>Identification</u>
64. April 30, 2018	May 17, 2018	Revised Fence Regulations to avoid trespass for maintenance
65. July 30, 2018	August 16, 2018	Revised Table of Permitted Uses to remove Letting of Rooms
66. October 15, 2018	11/5/2018	Removed 720.20 Moratorium on Medical Marijuana Facilities, added definitions of Licensed Medical Marijuana Production Facilities and Licensed Medical Marijuana Dispensaries, amended table of permitted uses to allow Licensed Medical Marijuana facilities in certain zones
67. January 14, 2019	2/1/2019	Permitted mixed residential properties in the City Center Zone in existing or proposed structures of at least 3 stories in height, and add minimum set aside for 2 dwelling units in the City Center Zone
68. June 29, 2020	July 17, 2020	Revised to Permit Retail sales (including the manufacture of food products for direct retail sale to consumers on the premises), in the LI Zone By Site Plan Approval
69. September 27, 2021	October 14, 2021	Added Rock crushing as a permitted use within contractors yard in the HI Zone
69. December 1, 2021	December 20, 2021	Adult Use/Medical Marijuana Sales, Production, related sections
70. June 27, 2022	July 14, 2022	Deleted Section 530- Cluster Subdivisions