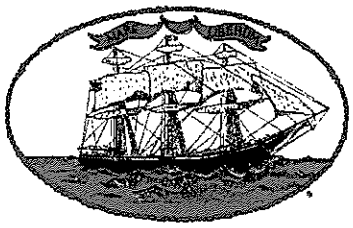
ZONING REGULATIONS

City of New London,
Connecticut



Amended To
July 7, 2026

City of New London, Connecticut Planning and Zoning Commission

Adopted: November 3, 1983
Effective: November 25, 1983
Dates Amended:
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November 5, 1998
February 18, 1999
August 5, 1999
August 28, 1999
September 2, 1999
October 12, 1999
March 23, 2000
March 23, 2000
October 9, 2000
January 22, 2001
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May 2, 2002
August 15, 2002
January 7, 2003
January 16, 2003
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May 15, 2003
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July 24, 2013
August 1, 2014
September 15, 2014
April 8, 2015
June 15, 2015
March 26, 2016
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September 19, 2017 (Mathew Greene, et al v. New London P & Z Commission Docket No. CV17 6028696 S)
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ARTICLE I.

Purpose, Authority, and Application

Section 100 Short Title

This regulation shall be known and cited as the Zoning Regulations of the City of New London, 1983.

Section 110 Purpose and Authority

The purpose of these zoning regulations is to encourage the most appropriate use of land and to protect important environmental features; to conserve and stabilize the value of property; to provide adequate open spaces for light and air; to prevent fires; to prevent undue concentrations of population; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks, and other public requirements; to conserve energy; to protect the integrity of the City's historic and cultural heritage; to promote health, safety, and general welfare; and to that end to designate, regulate, and restrict the location and use of buildings, structures, and land for residential, commercial, industrial, or other purposes; to regulate and limit the height, size, and bulk of buildings and structures, hereafter erected or altered; to regulate and determine the size of yards and other spaces; to regulate the percentage of the area of the lots that may be occupied by buildings or structures; and to regulate and limit the density of population, to protect historically, architecturally, and culturally significant buildings and sites, to encourage energy efficient patterns of development, encourage use of solar and other renewable forms of energy, protect subsurface water supplies and protect against sedimentation of waterways and control erosion caused by wind, rain, and water movement; and for said purposes to divide the City into zoning districts of such number, shape, and area as may be deemed best suited to carry out this regulation and provide for its enforcement, in accordance with Chapter 124, Section 8-2 of the Connecticut General Statutes, 1958 Revision, as amended.

Section 120 Application of Regulations

120.1 No building or structure shall be erected, reconstructed or structurally altered in any manner, nor shall any building or land, or the space above or beneath, be used for any purpose, other than is permitted by and in conformance with this

regulation and all other regulations and ordinances, laws and maps referred to herein.

120.2 Completion of structures for which building permit has been issued. Nothing in this regulation shall be deemed to require any change in the plans, construction, or designated use of any building or structure if a building permit therefore was duly and legally issued prior to the effective date of this regulation and actual construction pursuant thereto was lawfully begun prior to said effective date and has been diligently carried on.

For purposes of this section, actual construction is defined to be the actual placing of construction materials in their permanent position and location, fastened in a permanent manner, except that where demolition or removal of an existing building or structure has been substantially begun preparatory to rebuilding, such demolition and removal shall be deemed to be actual construction. Similarly, whenever a district shall be changed hereafter, the provisions of this regulation with regard to building permits duly and legally issued prior to the effective date of this regulation shall apply to building permits duly and legally issued for construction in such changed district prior to the effective date of the amendment effecting such change.

120.3 The designations, locations, and boundaries of the zoning districts established are delineated on the map entitled "City of New London, Connecticut, Zoning Map" dated November 3, 1983, as amended, which map and all notations and information thereon are hereby made a part of this regulation by reference and said map is on file in the office of the City Clerk, City of New London, Connecticut. Any land within the incorporated limits of the city and not designated or indicated on the zoning map shall be placed in the proper zoning district by the Planning and Zoning Commission of the City of New London, Connecticut.

120.4 DELETED (09/25/09)

Section 130 Interpretation

When interpreting and applying the provisions of this regulation, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Except as specifically herein provided, it is not intended by the adoption of this regulation to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions adopted or issued, or which shall be adopted or issued pursuant to law relating to the erection, construction, maintenance, establishment, moving, alteration, or enlargement of any building or improvement; nor is it intended by this regulation to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this regulation imposes a greater restriction upon the erection, construction, maintenance, establishment, moving, alteration, or enlargement of buildings, or the use of any such buildings or premises in said several districts or any of them than is imposed or required by such existing provisions of law or regulation or by such rules, regulation, or permits or by such easements, covenants, or agreements, then in such case the provisions of this regulation shall control.

ARTICLE II.

Definitions

Section 200 General Terms

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this regulation to have the meaning indicated in the article.

Unless the context clearly indicates the contrary, words used in the present tense include the future, the singular number includes the plural, and the plural, includes the singular.

The word "person" includes a profit or non-profit corporation, company, partnership, or individual.

The word "shall" is mandatory and not directory; the word "may" is permissive.

The word "lot" includes the word "plot"

The word "structure includes the word "building".

The word "use" and the word "used" refers to any purpose for which a lot or part thereof is arranged, intended, or designed to be used, occupied, maintained, made available, or offered for use, and to any purpose for which a building or structure or part thereof, is arranged, intended, or designed to be used, occupied, maintained, made available, or offered for or erected, constructed, altered, enlarged, moved, or rebuilt with the intention or design of using the same.

Section 210 Other Terms *(Amended 4/03/23)*

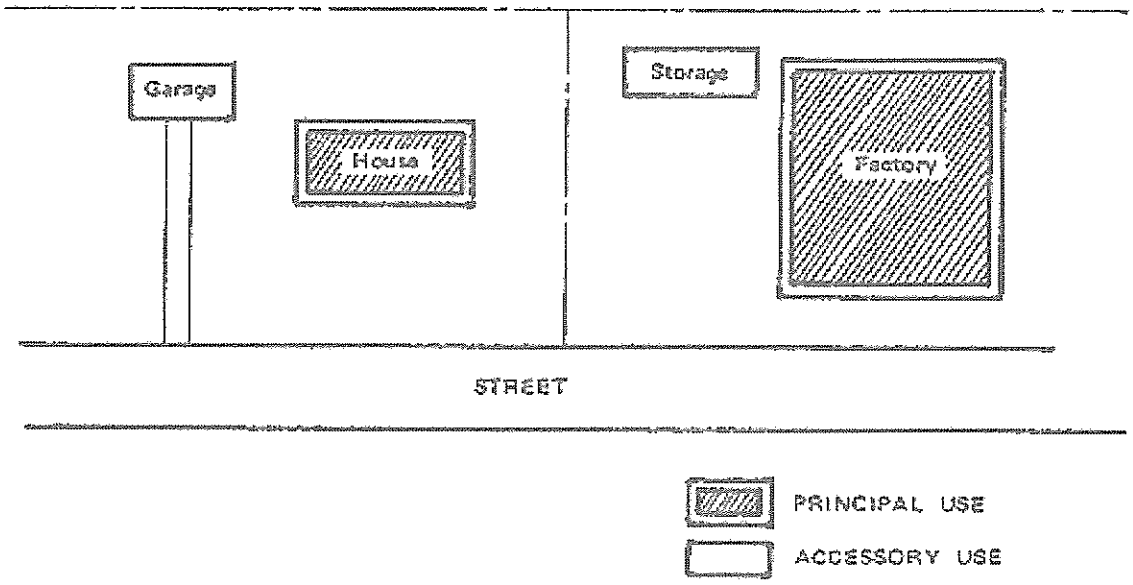
Accepted Street - A street which has been accepted by the City Council as a part of the city street system.

Accessory Apartment - A residential dwelling unit added to, within, or detached from a single-family dwelling that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and is accessory and subordinate to the single-family dwelling unit it accompanies. *(Amended 1/16/03)*

Accessory Building - A building which is subordinate to the main or principal building(s) on a lot.

Accessory Residential Unit – A residential dwelling unit within a two-family dwelling unit that provides complete independent living facilities for one or more persons, in which the owner maintains as his/her residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and is accessory and subordinate to the two-family dwelling unit it accompanies.

Accessory Use - A use which is subordinate and incidental to the main or principal use of a lot.



PRINCIPAL AND ACCESSORY USES

Adult Book Stores - An establishment having twenty-five percent (25%) or more of its stock in trade, books, magazines, films for sale or viewing on premises by use of Motion Picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", or an establishment with a segment or section devoted to the sale or display of such material.

Adult Entertainment Cabaret - A public or private establishment which may be licensed to serve food and/or alcoholic beverages, which regularly and routinely features live performances, where such performances are distinguished or characterized by an emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas".

Adult Mini Motion Picture Theater - An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein.

"Specified Anatomical Areas" is defined as:

1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock and (c) female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Sexual Activities" is defined as:

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

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

Adult Motion Picture Theater - An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

Alley - Private or public thoroughfare other than a street, which affords a secondary means of access to the rear or side of abutting property.

Amusement Center - A business establishment containing more amusement devices per amount of floor area than permitted as an accessory use.

Amusement Device - A machine that is controlled and operated by the insertion of a coin or token, and intended for the amusement or recreation of a patron, including but not limited to baseball and football games, pinball games, video games and other similar games. Amusement devices shall only be considered as an accessory use for up to two devices in establishments containing up to 1,000 square feet of gross floor area; four devices in establishments containing more than 1,000 square feet of gross floor area up to 10,000 square feet of gross floor area; plus one additional device per each additional 10,000 square feet of gross floor area over 10,000 square feet.

Apartment Building - See Dwelling, Multiple.

Automobile Service or Filling Station - Any premises, the basic function of which is to provide for the direct retail sale of gasoline and oil, including minor accessories and routine automobile maintenance and service.

Awning - An architectural projection that provides weather protection, identity or decoration, covered with flexible material, including, without limitation, fabric, supported entirely from an exterior wall of a building, by a lightweight, rigid skeleton that may be retracted, folded, or collapsed against the face of the supporting building. *(Amended 8/28/99)*

Banners - Attention getting devices of various shapes, sizes and colors that typically are made of, but not limited to, flexible materials such as cloth, fabric or plastic and that does not typically include rigid supporting framing materials. *(Amended 8/28/99)*

Basement – A space having one-half or more of its floor –to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half feet. See Figure X. *(Amended 08/01/10)*

Bed & Breakfast Inn - Owner occupied residential building, providing at least two (2) guest rooms without their own cooking facilities, but using no more than 60% of the gross floor area, for no more than 16 persons, including the owner occupants, who rent the rooms to transients for a fee on a daily or weekly basis, in which guests may not stay for more than twenty-one (21) consecutive days. The term Bed and Breakfast Inn shall not be interpreted to include a Hotel, Motel, Rooming House, Boarding House, Lodging House or Multiple Dwelling. *(Amended 01/07/03)*

Billboard - A structure designed or used for outdoor advertising of products or services or conveying a message not related to the premises on which it is located.

Boarding House, Lodging or Rooming Houses - Buildings in which sleeping rooms are rented providing sleeping accommodations for more than 3 persons, but not more than 15 persons, on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants; if there are sleeping accommodations for more than 15 persons it shall be considered a hotel.

Brew-pub - A brew-pub shall allow the manufacturer, storage and bottling of beer, and the retail sale of alcoholic liquor to be consumed on the premises with or without the sale of food pursuant to a manufacturers permit for a brew pub issued by the State of Connecticut Liquor Control Commission subsection (f) of C.G.S. Section 30-17 (or its successor). Included is the retail sale of beer produced on the premises for personal consumption off the premises and the sale of sealed bottles or other sealed containers of beer brewed on such premises to the holder of as wholesaler permit issued by the State of Connecticut Liquor Control Commission pursuant to subsection (b) of C.G.S. Section 30-17 (or its successor). *(Amended 02/01/08)*

Building - Any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal, or chattel. This term shall not include mobile homes or trailers.

Building Area - The total square footage of a building as measured in a horizontal plane around the outside of the structure, including overhanging structural members, but exclusive of terraces and steps. *(Amended 06/04/85)*

Building Frontage - The horizontal, linear dimension of that side of a building measured at ground level that abuts a street, parking area, or other circulation area open to the general public and that has either the primary window display of the enterprise or the primary public entrance to the building. Where more than one use occupies a building, each such use having a primary window display or primary public entrance for its exclusive use is considered to have its own

building frontage, which is the front width of the portion of the building frontage occupied by that use. *(Amended 08/28/99)*

Building Line - A line established by this regulation which determines the minimum horizontal distance that a building or structure must be located from a lot line.

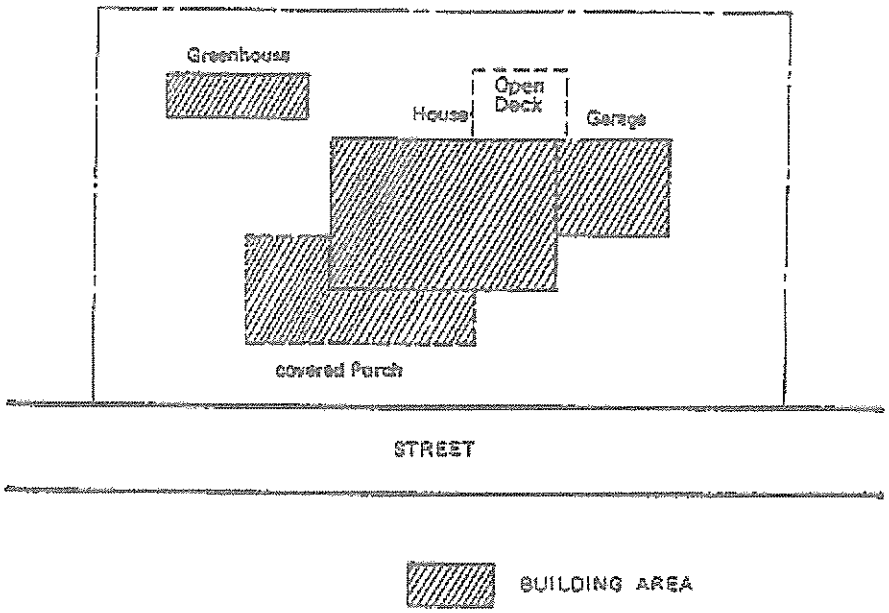
Building, Main - A building in which is conducted the principal use of the lot and/or building site on which it is situated.

Building Site - A lot or parcel of land in single or joint ownership which is occupied or can be occupied by a building, together with such open spaces as are required by the terms of this regulation and having its principal frontage on a public street, road, or highway.

Bulletin Board - A sign erected by a charitable, civic, philanthropic, community, educational or religious institution, organization or a public body, which is erected upon the same property as said institution, and that contains the name of the institution or organization, the names of the individuals connected with it and the events which are held on the premises. *(Amended 08/28/99)*

Business Records Storage Facility - structure used primarily for the compilation and storage of documents by hardcopy (paper), microfiche, optical or electrical media or other technological means. Physical access to documents by customers shall be only with the assistance of the employees of the facility and only during normal business hours. Remote electronic access to any document stored may be allowed at any time. No portion of the facility shall be divided, allocated, leased or separated into individual private storage spaces and shall not be used as a self-storage facility. *(Amended 06/07/06)*

Cable-restrained air supported structure – A cable-restrained air supported structure as defined in the State of Connecticut Building Code as it may be from time to time amended. *(Amended 09/15/14)*



BUILDING AREA
(basis for computing coverage)

Cannabis Cultivator *(06/06/22)*

A person or a business operated by 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 as defined in CGS 21a-420 as amended.

Cannabis Delivery Service *(06/06/22)*

A person or a business operated by a person that is licensed to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in section 21a-408 as amended, or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to chapter 368v as amended that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof as defined in CGS 21a-420 as amended.

Cannabis Food and Beverage Manufacturer *(06/06/22)*

A person or a business operated by a person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages as defined in CGS 21a-420 as amended.

Cannabis Hybrid Retailer *(06/06/22)*

A person or a business operated by a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products as defined in CGS 21a-420 as amended.

Cannabis Micro-Cultivator *(06/06/22)*

A person or a business operated by 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 as defined in CGS 21a-420 as amended.

Cannabis Product Manufacturer *(06/06/22)*

A person or a business operated by a person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type as defined in CGS 21a-420 as amended.

Cannabis Product Packager *(06/06/22)*

A person or a business operated by a person that is licensed to package and label cannabis as defined in CGS 21a-420 as amended.

Cannabis Retailer *(06/06/22)*

A person or a business operated by 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 programs as defined in CGS 21a-420 as amended.

Cannabis Transporter *(06/06/22)*

A person or a business operated by a person licensed to transport cannabis between cannabis establishments, laboratories and research programs as defined in CGS 21a-420 as amended.

Canopy - A roofed architectural projection that provides weather protection, identity or decoration which is supported by an exterior wall of a building and by additional supports, including, without limitations, columns, upright poles, or braces extended from the ground. A canopy is comprised of a rigid structure or stanchions over which a covering is attached. *(Amended 08/28/99)*

Cellar - A portion of a building that is partly or entirely below grade, which has more than one-half its height measured from floor to ceiling below the average finished grade of the ground adjoining the building. See Figure X. *(Amended 08/01/10)*

Child Day Care Center - See Nursery School.

Club, Commercial - A business enterprise conducting leisure time activity, including tennis, swimming, ice skating, racquetball, health and exercise facilities, and similar uses, which make facilities available to members, customers, or clients on a seasonal or hourly basis and which may include incidental sale of snacks, incidental sales or rental of sports equipment and clothing, and nursery facilities; 1;

Coastal Boundary - A continuous line, delineated on the landward side by the landward property lines of parcels bisected by the interior contour elevation of the 100 year frequency coastal flood zone as determined by the National Flood Insurance Act, or a 1,000 foot linear setback measured from the inland boundary of tidal wetlands mapped under Section 22a-20 C.G.S., whichever is farthest

inland. This boundary is delineated on the Coastal Boundary Map for the City of New London on file in the offices of the City Clerk and Building Department.

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

Convalescent Home - See Nursing Home.

Coverage - The proportion of a lot covered by the building area of all buildings, principal and accessory, expressed as a percentage of the total lot area. *(Amended 06/04/85)*

Discontinuance - Any cessation of a non-conforming use whether such cessation is voluntary or involuntary, active or passive; and irrespective of the circumstances giving rise to such cessation or the reasons therefore.

District, Zoning - A portion of the City within which certain uses of lands, buildings, and/or structures are permitted or prohibited and wherein certain yards and other open spaces are required and certain height limits are established for the same; all as set forth and specified in this regulation.

Dormitory - Buildings or spaces in a building where group sleeping accommodations are provided for persons not members of the same family group in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks, ski lodges; with or without meals, but without individual cooking facilities.

Drinking Establishment - Cafe, Bar, or Cocktail Lounge - An establishment devoted primarily to the retail sale of alcoholic liquor to be consumed on the premises, and where food is available for sale to its customers for consumption on the premises in accordance with Section 30-22a of the Sate of Connecticut Liquor Control Regulations. Such establishments are generally open for lunch and may or may not have live entertainment, but not as a principal use. The use of any of the terms used in these regulations implies the others as well. *(Amended 10/15/93)*

Drive-in Establishment - A retail or service establishment catering to customers through window or counter service and designed for easy automobile access.

Duplex Dwelling – A two family residence in which the individual dwelling units and individual lots are separately owned and in which no dwelling unit is less than 1500 square feet. *(Amended 6/18/98)*

Dustless Surface - Dustless surface shall mean adequately covered with concrete, asphalt, or bituminous products and maintained in good condition at all times.

Dwelling - A group of rooms, including a kitchen and bathroom, designed for non transient occupation by one family.

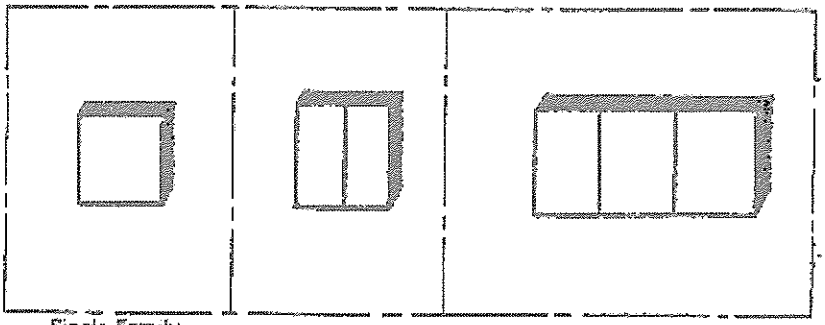
Dwelling, Multiple - A building or portion thereof used and designed as a residence for three or more households living independently of each other and doing their own cooking in said building, including apartment houses, apartment hotels and flats, town houses, but not including hotel, motel or boarding houses.

Dwelling, Single Family - A detached building designed for and/or occupied exclusively by one family.

Dwelling, Town House, - A dwelling attached to at least two other dwelling units and separated from them by one or two party walls extending from the ground to the roof.

Dwelling, Two Family or Duplex - A building designed and/or used to house not more than two families living independently of each other.

Eligible Household- A household whose annual income is at or below eighty percent (80%) of the area median income for New London as determined and reported by the United States Department of Housing and Urban Development (HUD). *(Amended 12/15/10)*



*Two family dwellings may also consist of two units, one above the other (duplex), in addition to side by side as illustrated.

DWELLING TYPES

Family - One or more persons related by blood, marriage or adoption (including wards of the State) or a group of not more than five persons who need not be so related and who are living in a dwelling unit and maintaining a common household *(Amended 08/23/05)*.

Family Day Care Home - A private family home licensed by the State of Connecticut which cares for not more than six children including the provider's own children not at school full-time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period, and where care is given on a regularly recurring basis.

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

Flags - A piece of cloth or bunting varying in color and design, used as, but not limited to, a symbol, standard, emblem or insignia identifying a governmental agency or any civic, charitable, religious, institutional, patriotic, corporate, fraternal or similar organization, flags of foreign nations having diplomatic relations with the United States and any other flag adopted or sanctioned by the legislative body of a governmental jurisdiction. *(Amended 08/28/99)*

100 Year Flood - Means of flood of such magnitude as may reasonably be expected to be equaled or exceeded on an average of once every 100 years; the term also means that level of flooding having a one percent probability of occurrence in any year.

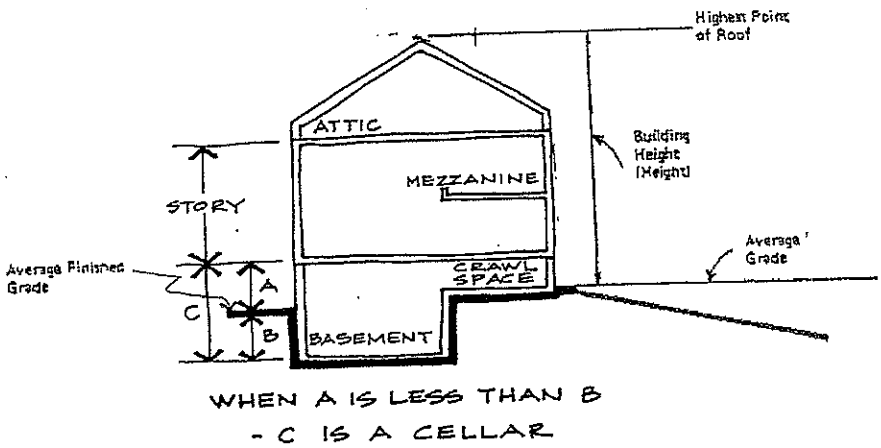
Floor Area, Gross - The sum of the gross horizontal areas of the several floors of the building or buildings, measured from the interior faces of exterior walls, or from the center line of walls separating two buildings. In particular, the "floor area" of a building or buildings shall include:

- Basement space.
- Elevator shafts and stairwells at each floor.
- Floor space for mechanical equipment.
- Penthouses.
- Attic space (whether or not a floor has actually been laid) providing structural headroom of seven feet, six inches or more.
- Interior balconies and mezzanines.
- Enclosed and covered porches.
- Accessory uses, not including space for accessory off-street parking.

However, the "floor area" of a building shall not include:

- Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- Elevator and stair bulkheads, accessory water tanks and cooling towers.
- Uncovered steps.
- Terraces, and open spaces.
- Accessory off-street parking spaces.

Floor Area, Livable - The floor area of a dwelling unit finished for occupancy but not including porches, utility rooms, garages, bay windows or public hallways and capable of maintaining an interior room temperature, having adequate ventilation and meeting dimensional requirements in accordance with the provisions of applicable Codes.



MEASUREMENTS OF BUILDING HEIGHTS, STORIES AND BASEMENTS

FIGURE X

(Amended 08/01/10)

Floor Area Ratio (FAR) - The ratio of the gross floor area of a building divided by its lot area.

Front Face - The outer surface of a building which is visible from any private or public street.

Frontage - Linear distance of a lot along a street line.

Grade, Finished - Natural surface of the ground, or surface of the ground after completion of any change in contour.

Height of Building - The vertical distance from the average level of the highest and lowest point of that portion of the original grading of the lot covered by the building to the highest point of the roof. *(Amended 07/26/06)*

Historical Marker/Plaque - A sign, tablet, or plaque memorializing a person, event, structure, or site. *(Amended 08/28/99)*

Home Based Business- Any business, occupation, or activity for gain, undertaken by a legal resident of the property, within a residential structure, that is incidental and secondary to the use of that structure as a dwelling unit. *(Amended 10/18/2001)*

Homeless Service Center - a private, public, or quasi-public facility to provide temporary counseling, case management, medical assessment and referral, health outreach, computer center, social service information and referral, job search assistance, veteran's administration counseling, and other similar services to homeless persons.

Homeless Support Center - a private, public, or quasi-public facility to provide temporary daytime shelter, common room, telephone, mail, showers, laundry, bathrooms, snacks, appointment assistance, and other similar services to homeless persons.

Hospital - A facility licensed by the State Department of Health providing health services and medical or surgical care to persons.

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

Hotel or Motel - Building or groups of buildings under the same management in which there are more than 15 sleeping accommodations for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. So-called apartment hotels shall be

classified as hotels because they are potentially subject to transient occupancy like that of hotels.

Houseboat - A water craft used or designed to be used as a permanent residence or permanent address for a business enterprise or office. All water craft not primarily used for recreational purpose or commercial fishing use and on which people reside for more than weekend periods or more than 30 days in any calendar year, shall be defined as a houseboat.

Incentive Housing Development- A residential or mixed use development that is located within an Incentive Housing Zone and that complies with the statutory requirements set forth in Connecticut General Statutes §§8-13m et seq., as amended, and §537 of these New London Zoning Regulations. *(Amended 12/15/10)*

Incentive Housing Restriction- A deed restriction, covenant, or site plan approval condition constituting a binding obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by Connecticut General Statutes §§ 8-13m et seq., as amended, and §537 of these New London Zoning Regulations. *(Amended 12/15/10)*

Incentive Housing Unit- A dwelling unit within an Incentive Housing Development that is subject to an incentive housing restriction. *(Amended 12/15/10)*

Incentive Housing Zone- A zone adopted by a zoning commission as an overlay to one or more existing zones, in an eligible location and in compliance with Connecticut General Statutes §§ 8-13m et seq., as amended. *(Amended 12/15/10)*

Juice Bar - A space in a building providing facilities for dancing and/or entertainment, and which is operated in conjunction with a night club catering to persons both above and below the legal age for drinking alcoholic beverages. *(Amended 10/15/93)*

Junk Car or Vehicle - An unregistered or inoperable car or vehicle.

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

Laboratory – A specialized facility where the small scale manipulation of chemicals, biological materials, and under license by the NRC, use of radioactive materials occurs. Manipulations are generally able to be carried out by one

person without mechanical assistance, The definition of Laboratory shall include, but is not limited to, the following types of laboratories: Analytical, Clinical, Chemistry, Environmental, Toxicology, Pathology, Virology, Bacteriology, Hematology, Genetics (Plant or Biological), Chemical Synthesis, Process Development, and Radiosynthesis. *(Amended 09/01/98)*

Leased Premises- A portion of a parcel of land or portion of a building footprint as defined by metes and bounds on a Class A-2 Survey and whose boundaries serve as the limit of activity for a use defined in these regulations, the Class A-2 Survey must be certified by a land surveyor with an active license in the State of Connecticut. *(Amended 12/15/10)*

Limited Recycling Processing Facility - The land, appurtenances, and structures thereon where only glass, metal, plastic containers; paper; textiles; and scrap metal are separated and packaged for transport. *(Amended 09/30/08)*

Loading Berth - An accessible unobstructed space, a minimum of 15 feet in width by 45 feet in length by 14 feet in height, adjacent to a street or alley, at the rear or side of the building, and used for the loading or unloading of goods. *(Amended 6/4/85)*

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

Lot, Area - The total horizontal area included within the lot lines.

Lot, Corner - A lot at the junction of and abutting on 2 or more intersecting streets.

Lot, Depth - The horizontal distance between the mid-points of the front and rear lot lines measured in the general direction of the side lot lines.

Lot, Rear - A lot located in such a position that it is to the rear of some other lot fronting on the same street and served by means of an access way.

Lot, Interior - A lot other than a corner lot.

Lot, Line - A boundary of a lot.

Lot Line, Front - The street line along the principal street on which the lot abuts.

Lot Line, Rear - The boundary opposite the front line, but should this be less than ten feet in length, or should the lot come to a point at the rear, the rear lot

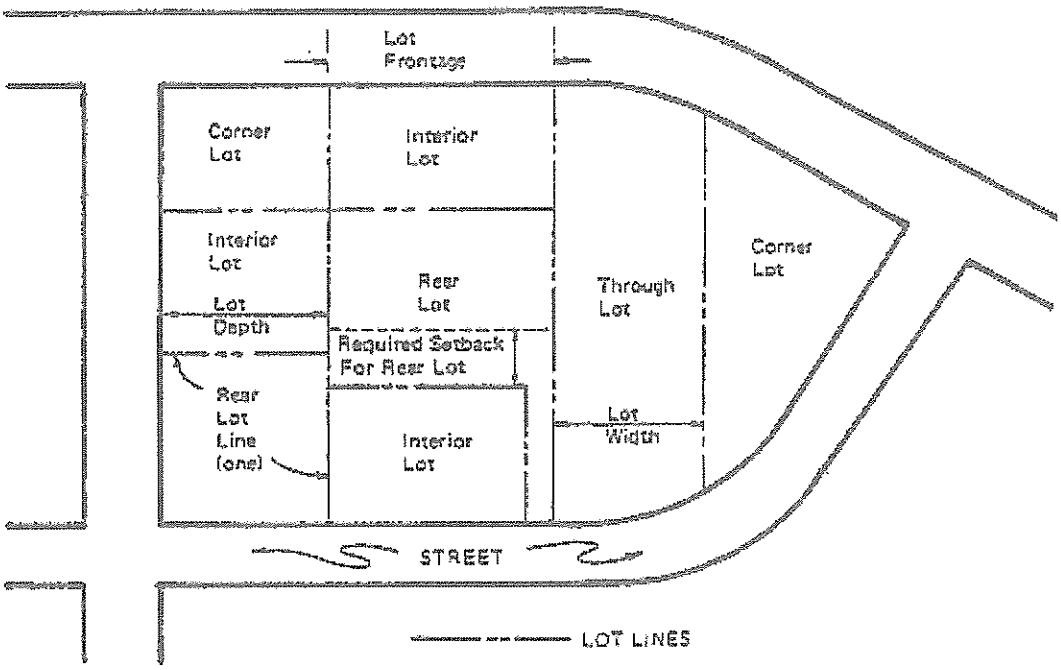
line shall be deemed to be a line parallel to the front line, not less than 10 feet in length, lying wholly within the lot, and farthest from the front line.

Lot Line, Side - The lines separating the lot from the immediately adjacent lot.

Lot of Record - A lot which is part of a subdivision recorded in the office of the City or County Clerk, or a lot or parcel described by metes and bounds which has been so recorded prior to the effective date of this regulation or any amendment thereof that would affect such lot.

Lot, Through - A lot which is not a corner lot and which has two street lines.

Lot, Width - The distance between the side lot lines measured across the required front yard minimum setback line parallel with the street.



TYPES OF LOTS

Microbrewery - A malt beverage manufacturing facility whose capability does not exceed 60,000 barrels (31 gallons/barrel) per year. *(Amended 05/02/96)*

Mixed-Use Development- A development containing any combination of residential and civic, retail, restaurant, or office uses. *(Amended 12/15/10)*

Mobile Home - A one-family dwelling unit of vehicular, portable design built on a chassis and designed to be moved from one site to another and to be used without a permanent foundation.

Multifamily Building- A building that contains or will contain two or more residential dwelling units that does not meet the definition of Townhouse. *(Amended 12/15/10)*

Night Club, Discotheque, Dance Hall, or Entertainment Club - An establishment in a permanent building primarily kept, used, maintained and advertised as a place wherein customers above the legal age for drinking alcoholic beverages pay an entry fee for forms of entertainment including music bands, comedy shows, disc jockeys or other forms of entertainment but, excluding adult entertainment cabarets and which may or may not be licensed to serve food and/or alcoholic liquor. The use of any of the terms used in these regulations implies the others as well. *(Amended 10/15/93)*

Non-Conforming Building or Structure - A building or structure legally existing on the effective date of this regulation or any applicable amendment thereto but which fails by reason of such adoption, revision or amendment to conform to the present district regulation for any prescribed structure or building requirement, such as front, side or rear yards, building height, building area or lot coverage, lot area per dwelling unit, dwelling units per building, number of parking and loading spaces, etc., but which is continuously maintained after the effective date of these regulations.

Non-Conforming Lot - A lot legally existing on the effective date of this regulation or any applicable amendment thereto but which fails by reason of such adoption, revision or amendment to conform to the present district regulation for any prescribed lot requirement (i.e., area, frontage, width or depth).

Non-Conforming Use - A use, whether of a building, structure or lot, or combination thereof, legally existing on the effective date of this regulation or any applicable amendments thereto but which fails by reason of such adoption, revision or amendment to conform to the present district regulation pertaining to use, but which is continuously maintained after the effective date of these regulations.

Nursery School - A private establishment licensed by the State of Connecticut having facilities and all necessary personnel for the care, guidance and/or supervision of seven or more related or unrelated children outside their own homes on a regular basis for a part of the 24 hours in one or more days of the week.

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

Open Unoccupied Space - A space on the same lot as a building not occupied by a building or structure.

Owner Occupied - An individual having recorded title to the land and/or building and using the property as the individual's principal and primary domicile.

P&Z - Planning and Zoning Commission of the City of New London.

Parapet Wall - Any portion of the vertical extension of a perimeter or exterior wall, constructed of materials similar in appearance to those used on the exterior wall below and extending above the roof. *(Amended 8/28/99)*

Parking Space - An area for the temporary storage of a motor vehicle located in other than a public street or other public way and having a width of not less than 9 feet and a length of not less than 20 feet and having a permanent means of access to a public street or public alley without requiring passage through another parking space.

Person - Any person, firm, corporation, partnership, association, company, institution or organization of any kind.

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

Premises - A lot, as defined herein, with own buildings located thereon.

Professional Office - Office for person or persons whose vocation or occupation requires advanced training in a liberal art or science, a State license or certification, and whose work usually involves non-manual work and services are rendered rather than goods offered for sale on the premises, and including doctors, dentists, other medical professionals, lawyers, engineers, and architects. The following or similar uses are <u>not</u> professional offices: contractor, beauty parlor,

insurance agent, medical testing laboratory, pest control, pharmacy, real estate agent.

Public Parking Lot - Any lot or structure used for the storage of motor vehicles which contains space available to the general public by the hour, day, week, month or year.

Public Transportation- A use or structure that facilitates the transportation of the general public, including but not limited to bus depots, bus stops, train stations, railroad yards, railroad crossings, and the like. *(Amended 12/15/10)*

Residential Care Home-is defined by Connecticut General Statue Section 19a-490 (c) and any amendments thereto. *(Amended 07/07/26)*

(a) The number of units in a Residential Care Home shall be less than or equal to the number of units in the previous use.

(b) Must not be used as a homeless shelter, drug treatment center, residential treatment care facility, skilled nursing facility, or nursing home.

Residential Homeless Shelter - a private, public, or quasi-public facility to provide temporary overnight sleeping accommodation, storage for personal items, showers, laundry, bathrooms, snacks, and other similar services to homeless persons.

Residential Treatment Care Facility- Residential Facility for treatment of persons suffering from alcoholism of other drug addiction through primarily trauma and behavioral informed therapy, as defined and licensed by the State of Connecticut.

Restaurant - an establishment in a permanent building, kept, used, maintained and advertised as a place where meals are regularly served.
Religious Baths – A bathing facility located entirely within a structure in which facility a member of a religious sect engages in a private ceremony in conformance with adopted rules and tradition of the religious organization. *(Amended 09/18/00)*

Rooming House - See Boarding House.

School - A public or private school teaching subjects required by the Education Code of the State of Connecticut.

Sign - Any device, object or display or part thereof, attached to or painted on a building, pole, tree or structure, which shall include without limitations any letter, figure, word, model, insignia, symbol, or representation which is in the nature of, or which is used as an announcement, direction or advertisement or attention getting device. A sign includes any message, neon tube, string of lights, or similar device outlining, hung, painted upon, or attached to part of a building or lot. *(Amended 08/28/99)*

Sign, Abandoned - A sign that no longer identifies or advertises a location, product, or activity conducted on the premises on which the sign is located. *(Amended 08/28/99)*

Sign Area - Sign area shall be measured as follows:

- When such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such a frame or outline, including such frame or outline, shall be included.
- Sign area excludes the supporting structure.
- When such a sign consists only of letters, designs, or figures engraved, painted, projected or in any manner affixed on a wall, the total area of such sign shall be deemed the area of the smallest triangle, rectangle or circle within which all of the matter of which such sign consists may be inscribed.
- In computing the area of a sign standard mathematical formulas for regular geometric shapes, including, without limitation, triangles, parallelograms, circles, ellipses, or combinations thereof.
- The total surface area of signs composed of more than one sign element includes the vertical and horizontal spacing between each element of the sign. *(Amended 08/28/99)*

Sign, Awning/Canopy - A sign displayed on or attached flat against the surface or surfaces of an awning or canopy. *(Amended08/28/99)*

Sign, Changeable Copy/Readerboard/Readograph - A sign that is designed so that characters, letters, or illustrations can be changed or rearranged by manual or remote methods. *(Amended 8/28/99)*

Sign, Construction - A temporary sign giving the name or names of the building, project, principal contractors, architects, engineer, sponsors, lending institutions or other persons, individuals or firms involved in the construction of a site. *(Amended 08/28/99)*

Sign, Directional - Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrians or vehicular traffic. *(Amended0 8/28/99)*

Sign, Directory - A wall, hanging or free standing sign on which the names and locations of occupants, businesses or the use of the building is given. *(Amended 08/28/99)*

Sign, Flashing - An illuminated sign designed to attract attention by the inclusion of lighting that is not in a constant state of intensity and/or color except for a time-temperature device. *(Amended 08/28/99)*

Sign, Free Standing - A sign principally supported by one or more columns, poles, or braces placed in or upon the ground, if no part of the sign is attached to any part of a building or structure other than its own supports. *(Amended 08/28/99)*

Sign, Ground - A sign which is different from a free standing sign and is mounted on the ground attached either to footings or a base with no open space between the ground and the sign face.

Sign, Hanging - A sign other than a wall sign or an awning sign that is attached to, projects from, or hangs down from a building or structure. *(Amended 08/28/99)*

Sign Height - Sign height means the vertical distance measured from the lowest point of the finished grade within ten (10) feet of the sign, to the highest point of the sign or sign structure, whichever is higher. *(Amended 08/28/99)*

Sign, Illegal Non Conforming - Any existing sign that was erected in violation of these regulations governing the sign at the time of its erection and that has never been approved by the zoning authority of the City. *(Amended 08/28/99)*

Sign, Illuminated - A sign characterized by the use of artificial light, either projecting through its surface(s), or reflecting off its surface(s). *(Amended 08/28/99)*

Sign, Illumination, External - Lighting by means of a light source that is directed at the reflecting surface in such a way as to illuminate the sign from the front or by a light source that is designed to illuminate the building façade upon which a sign is displayed. *(Amended 08/28/99)*

Sign, Illumination, Internal - Lighting a sign by a light source that is within a sign having a translucent background and silhouettes, opaque letters, or designs, or that is within letters or designs that are themselves made of translucent

material. For the purpose of these regulations the use of neon to illuminate a sign shall not be considered as internal illumination. *(Amended 08/28/99)*

Sign, Inflatable - A display capable of being expanded by air or a gas lighter than air, such as helium or other gas and used on a permanent or temporary basis to advertise a product or event. *(Amended 08/28/99)*

Sign, Integral - Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of materials mounted on the face of a building and made an integral part of the structure. *(Amended 08/28/99)*

Sign, Interior - Any sign placed within a building, not intended or oriented so as to be legible from a street or other property, but not including window signs. *(Amended 08/28/99)*

Sign, Legal Non–Conforming - An existing sign that was lawfully erected and maintained under any previous versions of these regulations but which does not conform to the requirements of these regulations as a result of the amendments to these regulations. *(Amended 08/28/99)*

Sign, Marquee - A sign attached to or hung from a marquee canopy or other permanent, roof like covered structure projecting from and supported entirely by a building and extending beyond the building wall, building line or street lot line. *(Amended 08/28/99)*

Sign, Menu Board - A permanently mounted sign associated with restaurants, which gives a detailed lists of foods served. *(Amended 08/28/99)*

Sign, Moving or Animated - A sign which rotates, moves, or in any way simulates motion as to give a viewer the illusion of moving parts or messages. *(Amended 08/28/99)*

Sign, Off Premise/Outdoor Advertising Billboard - A sign including without limitations, a billboard or outdoor advertising sign whose message content advertises or directs attention to a business, profession, commodity, entertainment service, or activity, conducted, sold, or offered elsewhere than on the same property or within the same building upon which such sign is located. *(Amended 08/28/99)*

Sign, political - A temporary sign intended to advance a political statement, cause, issue, or candidate for office. *(Amended 08/28/99)*

Sign, portable - Any sign not permanently attached to the ground or to a building or building surface such as an "A' frame sign. *(Amended 08/28/99)*

Sign, Public - Signs of a non-commercial nature and in the public interest erected by, or on the order of, a public officer in the performance of his/her public duty, such as traffic safety signs, directional signs, and regulatory notices. *(Amended 08/28/99)*

Sign, real estate - Any temporary sign erected to advertise the sale, rental or lease of a building or property. *(Amended 08/28/99)*

Sign, real estate development - A permanent sign erected to identify the name and address of an approved multi-unit apartment or condominium complex or the name of an approved subdivision or cluster development. *(Amended 08/28/99)*

Sign, Roof - Any sign erected and maintained upon the main roof of a building, or projecting above the roof line of a structure. The roof line shall be considered the top of the cornice of a flat roof, the eave line of a pitched roof and the bottom edge of any sloping section. *(Amended 08/28/99)*

Sign, Structure - any supports, uprights, braces, or framework of a sign. *(Amended 08/28/99)*

Sign, Temporary - A sign which is designed to advertise or announce a particular event or series of events, to solicit political support, or to announce the availability for sale of a particular item which will be available for a limited period. *(Amended 08/28/99)*

Sign Vehicular-Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle. *(Amended 08/28/99)*

Sign, Wall - A sign which is attached to or painted on the wall of a building. *(Amended 8/28/99)*

Sign ,Window - A sign placed inside or on a window and intended to be viewed from the exterior of the building. *(Amended 08/28/99)*

Special Exception Use or Special Permit Use - A use of property that is basically appropriate to a given zoning district, but which may be incompatible in some locations within the district and therefore is not permitted by right everywhere within such district. A special exception use, therefore, is one which

is allowable only when facts and conditions specified in the regulation as those upon which the use is permitted are found to exist.

Story – That portion of a building included between the surface of any floor and the surface of the floor area next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use. *(Amended 08/01/10)*

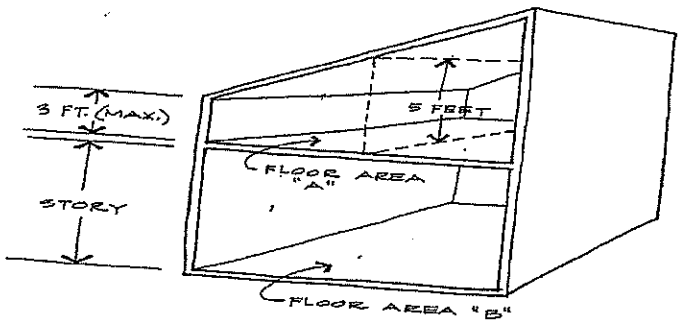
Story, Half – A space under a sloping roof that has the line of intersection of the roof and wall face not more that three feet above the floor level and in which space the possible floor area with head room of five feet or less occupies at least 40 percent of the total floor area of the story directly beneath. *(Amended 08/01/10)*

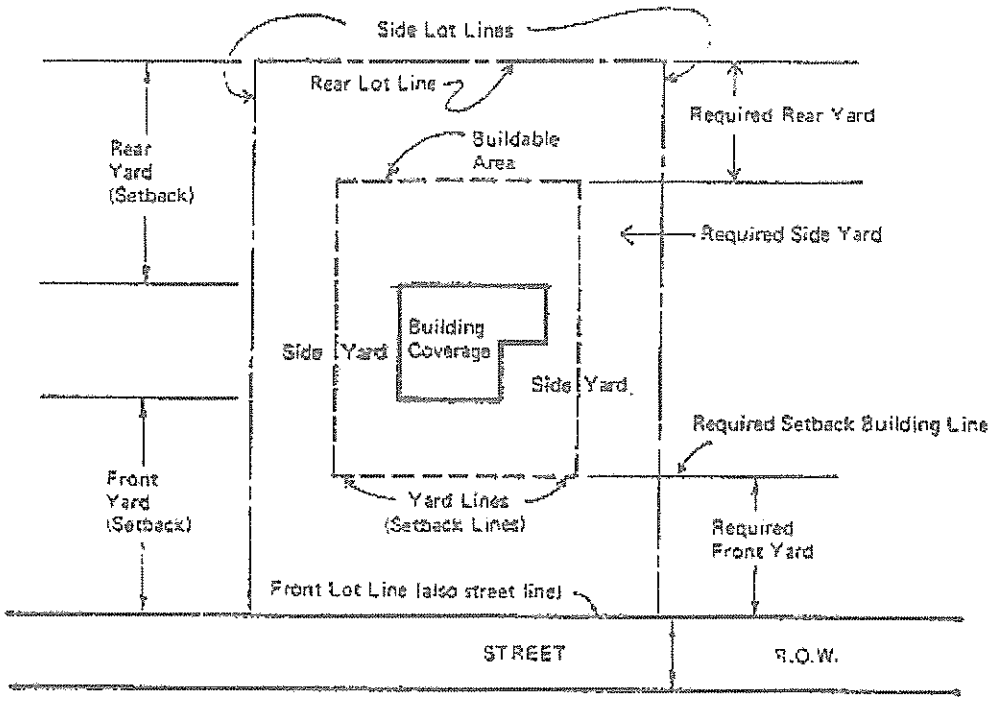
Street - A public way, or private thoroughfare constructed to City specifications which affords legal access to an abutting property.

Street Level Floor(s) – The floor or floors of a building having the ability to access any part of the surrounding finished grade via less than a full flight (one story) of stairs. A building may have more than one street level depending on the surrounding terrain. *(Amended 8/23/05)*

Street Line - The dividing line between the street and the lot.

Figure Y: *(Amended 08/01/10)*





VARIOUS LOT AND BULK DEFINITIONS

Structure - Anything constructed, formed or erected for use, occupancy, ornamentation or visual communication whether installed on, above, or below the surface of land or water. Except as otherwise indicated, structure shall be deemed to include buildings, swimming pools, tennis courts, signs, and fences or walls more than three feet in height other than retaining walls.

Tattoo Parlors/Tattoo Facilities – "Tattooing" means marking or coloring, in an indelible manner, the skin of any person by pricking in coloring matter or by producing scars. Body piercing is permitted as an accessory uses to tattoo parlor. Body piercing is defined as the piercing or creating a channel through any part of the body other than the ear lobe for the purpose of inserting a decorative object, and "ear lobe" means the lower portion of the auricle having no cartilage. Tattoo Parlors/Tattoo facilities shall be permitted in the following zones only: CBD-1, CBD-2, & C-1. (*Amended 03/31/09*)

Tavern - An establishment which allows the retail sale of beer, cider and wine to be consumed on the premises with or without the sale of food. *(Amended 10/15/93)*

Temporary Building or Structure - A building or structure which is constructed or located on a site and remains on said site for a period not more than one year.

Terrace - An improved or graded area located on the ground with no structural supports other than subsurface base material and retaining walls. A terrace shall not be deemed a structure.

Townhouse- A residential building consisting of two or more attached units in which each unit shares with the adjacent unit(s) a wall which extends from foundation to roof and has exterior walls on at least two sides. *(Amended 12/15/10)*

Use - The purpose for which land, premises or a building thereon is designed, arranged, intended for or which it is or may be occupied or maintained.

Vending Machine - A coin or key-card operated device that dispenses some product or packaged article.

Water Dependent Use - Those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore, cannot be located inland, including but not limited to: marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat facilities, navigation aids, basins and channels, industrial uses dependent upon waterborne transportation or requiring large

volumes of cooling or process water which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters.

Water Related Use - Uses which derive significant benefit from a waterfront location but which are not functionally dependent on such location. *(Amended 10/20/94)*

Yard - A space on the same lot with a main or principal building, open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Regulation.

Yard, Front - An open, unoccupied space on the same lot with a main building situated between any part of the building and the street line of the lot, extending the full width of the lot, and in the case of a corner lot, said space extending along all streets.

Yard, Rear - An open, unoccupied space on the same lot with a main building situated between any part of the building and the rear lot line, and said space extending the full width of the lot.

Yard, Side - An open, unoccupied space on the same lot with a main building situated between any part of the building and the side line of the lot and said space extending through from the front yard to the rear yard.

Yards, Measurement of - The depth or width of all yards shall be considered as the minimum distance measured along a straight line, between any part of the main building and respective lot line.

ZBA - Zoning Board of Appeals of the City of New London.

ZO - Zoning Officer or Official of the City of New London.

Section 220 Interpretation of Other Terms *(Amended 8/23/05)*

Doubt as to the precise meaning of other words and terms shall be determined by the Commission after reference to:

220.1 The Connecticut General Statutes
220.2 The Illustrated Book of Development Definitions
220.3 Black's Law Dictionary
220.4 Webster's Third New International Dictionary

Article III.
Establishment of Zoning Districts and Map

Section 300 List of Districts
(Amended 09/30/08)

For purposes of this regulation the City of New London is divided into the following Zoning Districts.

R-1 and R-1A	Single Family Low Density Residential
R-2	Two Family Medium Density Residential
R-3	Multi-Family Medium Density Residential
R-4	Multi-Family – Office – High Density
NB	Neighborhood Business
C-1	General Commercial
C-2	Limited Commercial District
CBD -1	Central Business District (1)
CBD - 2	Central Business District (2)
WD	Waterfront Development
WCI -1	Waterfront Commercial / Industrial (1)
WCI -2	Waterfront Commercial / Industrial (2)
MD	Maritime District
LI-O	Light Industrial Office
INST	Institutional
OS	Open Space
IHZ	Incentive Housing Zone Overlay District
HAOZ	Historic Area Overlay Zone

Section 310 Zoning Map and Zoning District Boundaries

310.1 Zoning Map

The boundaries of these districts are hereby established as shown on the Zoning Map of the City of New London dated November 3, 1983, and amendments thereto, which map and amendments are hereby declared to be a part of this regulation.

310.2 Extent of Districts

It is the intent of these regulations that all areas of the City of New London, including all land and land under water, be included in the zoning districts established by these regulations.

310.3 District Boundaries

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

1) Where district boundaries are within the right-of-way of a street, highway, railroad, brook, stream, or easement, the center lines of such rights-of-way shall be construed to be such district boundaries.

2) Where district boundaries are so indicated that they are approximately parallel to the right-of-way lines of streets, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map.

3) Where district boundaries are so indicated that they are approximately perpendicular to the center line or right-of-way lines of streets, such lines shall be construed as being perpendicular thereto.

4) Where district boundaries are indicated as approximately following lot lines of record at the time of adoption of these regulations, such lot lines shall be construed to be such boundaries. Where a question arises and no dimensions or official lot lines of record are shown, then the district boundaries shall be determined by the Zoning Official. An appeal may be taken to the Zoning Board of Appeals.

5) Where district boundaries are dimensioned on the Zoning Map, they shall be measured from the street or right-of-way line.

6) Where zoning districts abut the Thames River, the boundaries of said districts shall extend to the City of New London Boundary limit unless specifically designated otherwise on the Zoning District Map.

Section 320 Interpretation of Use Regulations

320.1 Any uses not specifically permitted shall be deemed to be prohibited. Any list of prohibited uses contained in any section of this regulation, shall be deemed to be not an exhaustive list, but to have been included for the purpose of clarity and emphasis, and to illustrate by example, some of the uses frequently proposed that are deemed undesirable and incompatible in the particular district.

320.2 Prohibition of noxious uses regardless of any other provisions of this regulation any use that is noxious with regard to its impact on air or water, or which creates noxious noise, vibration, or glare shall be prohibited.

320.3 Municipal and Governmental Uses of the City of New London – All municipal and governmental uses of the City of New London, including public schools and libraries, are permitted in each and every zoning district.

Section 330 Summary of Dimensional Requirements

To facilitate understanding of this Regulation and for the better administration thereof, the limitation on the size of lots, percent of coverage of land by buildings, and the location, arrangement, height and size of buildings, required open spaces, and other lot and bulk requirements, for each of the districts established by Article III of this regulation, are summarized in the schedule designated as Section 330.1, Summary of Lot and Bulk Regulations. *(Amended 1/22/01)*

Article III, Section 330.1 – Summary of Lot and Bulk Requirements

Minimum Lot Requirements					Minimum Yard Requirements				
Zoning District	Lot Area (Square Feet)	Lot Area per Dwelling Unit (Square Feet)	Frontage (Feet)	Width (Feet)	Coverage (Maximum.)	Front (Feet)	Side (Feet)	Rear (feet)	Max. Height (stories)/ (feet)
R-1	7,500	N/A	75	75	25%	25 (a)	10	25	2.5/35
R-1A	5,000	N/A	50	50	25%	25 (a)	6	25	2.5/35
R-2	5,000	2,000	50	50	30%	25 (a)	6	25	2.5/35
R-3	5,000	2,000 (b)	50	50	40%	25 (a)	10	25	4/55
R-4	5,000	1,000 (b)	50	50	40%	25 (a)	10 (c)	25	7/70
NB	5,000	2,000	50	50	50%	10 (a & c)	10 (c)	10	3/35
C-1	5,000	1,000 (c)	50	50	80% (c)	10 (c)	6 (c)	10 (c)	40 (c)
C-2	20,000	N/A	50	50	40%	25	25	25	40 (c)
CBD-1	5,000	N/A (c)	N/A	N/A	N/A (c)	0	N/A (c)	N/A (c)	N/A (c)
CBD-2	5,000	N/A (c)	N/A	N/A	N/A (c)	0	N/A (c)	N/A (c)	N/A (c)
WD	20,000	N/A (c)	50 (c)	50	50%	0	0	0	25 (c)
WCI-1	10,000	N/A (c)	75	100	50%	20 (c)	10 (c)	20 (c)	45
WCI-2	10,000	N/A (c)	75	100	50%	20 (c)	10 (c)	20 (c)	45 (c)
LI-O	20,000	N/A (c)	100	150	80%	10 (c)	6 (c)	10 (c)	70 (c)
INST	40,000	N/A (c)	150	150	30% (c)	40 (c)	25	40	6/75
OS	217,800 (c)	N/A (c)	150	150	35%/10%	40 (c)	25 (c)	5/60	N/A
MD	10,000	N/A (c)	75 (c)	100	50% (c)	0	0	0	50 (c)

(a) See Article VI, Section 605.G.4
(b) 1,000 square feet for each rooming unit
(c) Refer to text for variations permitted in this district
(Amended 10/10/18)
See Article VI, Section 605.G.4
(a) 1,000 square feet for each rooming unit
(b) Refer to text for variations permitted in this district

Article IV.
Residential District Regulations

Section 400 R-1 and R-lA - Single Family Low Density Residential District

400.1 Purpose of District. To provide for areas of relatively open character for single family detached dwellings as well as for preservation of open spaces through cluster development on appropriate sites; to provide for facilities and uses which serve residents of these areas and which are benefited by an open residential environment; to provide opportunity for creative use of large older buildings as a means of assuring neighborhood stability, aesthetics and historic preservation.

400.2 Permitted Uses: The following uses are permitted by right.

1) Single family dwellings.

2) Home Based Businesses *(Amended 10/18/01)*
   (a) The activity shall be run by a legal resident of the property,
   (b) The activity shall be approved in writing by the property owner, if other than the legal resident
   (c) The activity shall be limited to the internal area of the principal structure
   (d) There shall be no external display of products/materials/stock on the premises
   (e) The activity shall be limited to 25% of the floor area of the principal structure
   (f) There shall be no changes to the residential character of the property,
   (g) There shall be no noise, dust, vibration, odor, smoke, electrical interference, fire hazard, or any other nuisance perceptible beyond the lot line
   (h) There shall be no employees other than the Home-Based Business owner

3) Family Day Care Home *Amended 12/05/23)*

400.3 Uses permitted subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation.

1) Public and private utility substations.

2) Tennis or swim membership club subject to the following requirements:
   (a) The site shall have a minimum of two acres.
   (b) No building or parking area may be located within 50 feet of a street or property line in a Residential District.
   (c) (There shall be no outdoor entertainment.
   (d) There shall be no use of outdoor public address system.
   (e) Only exterior lighting essential to the safety and security of the property shall be permitted.

3) Libraries, museums and art galleries on sites having not less than 20,000 square feet.

4) Cluster Residential Development. The Planning and Zoning Commission may approve Cluster Developments in R-1, R-1A or R-2 Districts according to the procedures and requirements specified below. The purpose of such development is to provide flexibility in design and development of land in such a way as to facilitate the adequate and economical provision of utilities, limit length of new streets and to preserve the natural and scenic qualities of open space.

(a) All permitted dwelling units shall be single-family attached or detached units located on either individual lots or a common area, or a combination thereof.

(b) The amount of common area and/or open space exclusive of buildings and accessory uses to be created shall be a minimum of 20 percent of the total development site. Said common areas and/or open space shall have a suitable number of pedestrian access ways and shall have shape, dimensions, character and location to accomplish the purpose and intent of this section.

(c) The Commission shall make a finding that the application of standard zoning to the subject site will not be consistent with the objectives set forth in this section. Specifically, the Commission shall take into consideration the "open space" benefits to be gained by the development, the neighborhood, and by the community; the specific design of the proposed development; the nature of the topography; and the purpose for which the open space is intended -- whether it is to provide formal or informal recreation, provide scenic views, or preserve an unique ecological area; the nature of adjacent areas, the proper screening and/or buffering of the units from adjacent areas.

(d) The maximum number of single family lots for attached or detached units that may be approved in a Cluster Development shall be computed by subtracting from the total gross area a fixed percentage of 10 percent of said area normally devoted to streets and dividing the remaining 90 percent of the area by 7,500 square feet in a R-1 District; 5,000 square feet in a R-1A District; and 3,500 square feet in a R-2 District, which will result in a gross density that is no higher than would occur under conventional development in the particular zoning district. In computing the maximum number of lots that may be created, lands which are subject to flooding or which are occupied by public utility easements in such a manner as to prevent their use and development, shall not be considered part of the total gross area.

(e) The minimum area of a Cluster Development shall be four acres and shall be in single ownership or under unified control.

(f) Prior to the issuance of a building permit in a Cluster Development, an application for Special Permit and Site Plan approval shall be submitted to and approved by the Planning and Zoning Commission in accordance with Article VIII, Sections 800 and 810 and the following conditions:

(1) Said Site Plan shall include areas wherein such structures may be located, the height and spacing of buildings, open spaces and landscaping, off-street open and enclosed (if any) parking spaces, and streets, driveways, and other physical features relevant to the proposed plan.

(2) No building or parking area shall be located within 50 feet of a street or property line.

(3) The architectural design and scale of the cluster development shall be submitted to the Commission. The architectural design and scale, exterior building material, color, roof line and building elevations shall be compatible with neighboring buildings and shall adhere to the following design guidelines.

i. Owner-occupied townhouses are the preferred housing type.
ii. Buildings designed to achieve a small scale and residential appearance in harmony with neighboring residences shall be encouraged.
iii. Pitched roofed buildings shall be encouraged.
iv. Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.
v. Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.
vi. Parking areas shall be so located and designed to minimize appearance from the public road.
vii. No building shall contain more than eight dwelling units. *(Amended 8/30/90)*

(g) In order to assure proper maintenance of common lands, a Cluster Development shall be organized as one of the following:

(1) A Home Association approved by the Federal Housing Administration for mortgage insurance as a "Planned Unit Development;" or

(2) A Home Association approved by the Director of Law; or

(3) Any other arrangements such as a cooperative or condominium approved by the Director of Law as satisfying the intent of this regulation. Whenever a Home Association is proposed, the Director of Law shall retain the right to review and approve the articles of incorporation of said Homes Association and to require whenever conditions deemed necessary to insure that the intent and purpose of this regulation is carried out.

(h) The Commission shall establish such other conditions on the ownership, use, and maintenance of common areas, including open space, as it deems necessary to assure the preservation of such areas for their intended purpose. Common areas and/or open space shall either be retained by a homeowners' association comprised of the residents of the development and reserved for their use or by any other mechanism acceptable to the Director of Law and Commission assuring the ownership, use and maintenance of the "open space" for the intended purpose.

5) RESERVED. *(Amended 12/05/23)*

6) Institutions for higher learning including colleges and universities which were in existence on the effective date of this regulation.

7) RESERVED. *(Amended 08/01/10)*

8) Places of worship including parish houses, parochial schools, meeting rooms, recreation facilities customarily accessory to such uses subject to the following requirements. (Section 400.3(8) *(Amended on 3/08/90)*
   (a) The site shall have an area of not less than one acre
   (b) Except as set forth hereinafter, no building or part thereof or parking or loading area shall be located nearer than 50 feet to any street line or property line. A parish house, rectory, or parsonage shall comply with the requirements for a single-family dwelling.
   (c) Lot coverage shall not exceed 25 percent.

9) Religious Baths subject to the following requirements *(Amended 9/18/00)*:
   (a) The facility shall be utilized solely for the purposes of engaging in a recognized religious ceremony.
   (b) The facility shall not be occupied by more than two (2) persons at one time, i.e. one (1) participant and one (1) attendant.
   (c) Hours of operation of the facility shall not exceed 9:00 o'clock a.m. to 10:00 o'clock p.m.
   (d) All improvements to the facility shall be in harmony with the residential character of the neighborhood in which it is situated.

10) Bed & Breakfast Inns provided the following conditions are met *(Amended 1/7/03):* The purpose of this provision is to allow for a subordinate use of owner-occupied residential buildings, to have guest rooms, without their own separate cooking facilities, for overnight use of transients.

(a) The applicant must submit an application for a Special Use Permit, together with a Site Plan.

The Site Plan shall include, but not be limited to, the following information in addition to the requirements for a Special Use Permit and the Site Development Plan Regulations:

(1) A floor plan of the dwelling with the dimensions and square footage of all rooms in the structure which shall document all existing and proposed conditions.
(2) Proposed area to be dedicated to guest accommodations.
(3) Proposed area to be dedicated to owners' residential use.
(4) Entrances, exits, driveways and parking areas.

The Commission may require, in its discretion, such plan to be prepared and sealed by an Architect, Land Surveyor or Professional Engineer licensed in the State of Connecticut.

(b) The applicant shall establish that it will meet all requirements of the State of Connecticut Public Health Code and the Food Ordinance of the City of New London as the same apply to bed and breakfasts.

(c) The applicant shall be required to obtain written certification from the Fire Marshal and Building Inspector regarding compliance with the State building code and applicable fire code regulations and the same shall be a condition of approval.

(d) The owner of the premises on which the use is conducted must reside on the premises; if the owner is a corporation, partnership, limited liability company or other entity, a natural person being the owner of not less than 25% interest in the premises must reside on the premises and be actually in residence during any period when the rooms are rented. *(Amended 5/15/03)*

(e) The Bed & Breakfast shall have no less than two (2) guest rooms and no greater than sixty (60%) per cent of the gross floor area (including guestrooms, bathrooms but not including the basement) dedicated to providing overnight accommodations for transients. Each guest room shall contain a minimum of one hundred and twenty (120) square feet, not including bathrooms.

(f) There shall be at least one full bathroom for use per two (2) guest rooms and there shall be one (1) full bathroom for the exclusive use of the owner of record. *(Amended 5/15/03)*

(g) Maximum length of stay per guest may not exceed twenty-one (21) consecutive days.

(h) The owner of the Bed & Breakfast shall make the Guest Book recording the lengths of stay of patrons available to the City, at the request of the Zoning Enforcement Officer within ten (10) days of written request of the same.

(i) Breakfast is the only full meal which shall be served and is to be served for the pleasure of guests only, not the general public.

(j) The Bed & Breakfast facility, the parking area and any exterior modifications or additions to the building or structure, shall be such as to preserve the residential appearance of the property in question. Any alterations to the building or structure shall be compatible with the character of the area, ensure the residential character of the buildings and preserve the existing features of the building.

(k) The Planning & Zoning Commission may determine at its discretion the impact of the Bed & Breakfast establishment on the surrounding neighborhood.

(l) The construction of new buildings to be used for bed & breakfast establishments shall be permitted at the discretion of the Planning & Zoning Commission and shall be in character with the residential neighborhood.

(m) Bed & Breakfasts shall be conducted entirely within the principal dwelling.

(n) As a condition of approval, the permit is subject to renewal by the Planning and Zoning Commission every three (3) years or less if so determined by the Planning & Zoning Commission. The Commission shall have the authority to revoke the permit at any time the owner is found to be in non-compliance with the original permit.

(o) Off-street parking shall be in accordance with the provisions of Article VI, Section 614 of these regulations and shall be provided on the premises of the Bed & Breakfast Inn. Provisions shall be made for the screening of the parking area from neighboring properties through the use of trees, shrubbery, fencing or such other means to enhance and maintain the residential character of the neighborhood, as may be required by the Commission unless the Planning & Zoning Commission determines that adequate parking is available in the immediate area.

(p) Bed and Breakfast facilities shall be permitted a sign to identify the property, provided said sign is in conformance with the area, height and setback requirements of Section 615 Table 2, as detailed for Boarding, Rooming or Lodging Houses and are unlit and are approved by the Planning & Zoning Commission at the time issuance of the Special Use Permit.

(q) The building shall be a maximum of three stories in height and shall not contain a mixed occupancy.

(r) Cooking or food warming of any type shall not be allowed in any guestroom.

(s) No Bed & Breakfast shall be allowed on a rear lot.

11) Accessory Apartments subject to the following requirements: *(Amended 08/22/23)*

(a) Each Accessory Apartment created must be associated with a single-family dwelling, and there may be only one Accessory Apartment permitted for each single-family dwelling.

(b) The owner of the residence with which the Accessory Apartment is associated must reside in at least one of the dwellings as their permanent residence.

(c) The Accessory Apartment shall clearly be the accessory use, and its maximum floor area shall not exceed the smaller of 1,000 square feet or 30% of the floor areas of the final total living space. In addition, the Accessory Apartment shall not be less than 400 square feet nor have more than two bedrooms.

(d) Off-street parking shall be provided for all Accessory Apartments at a rate of one parking space per Accessory Apartment in addition to those required for the principal dwelling in accordance with Article VI, Section 614 of these Regulations.

(e) Each Accessory Apartment shall have its own independent bathroom and kitchen facilities.

(f) Accessory Apartments shall be permitted on lots meeting the minimum lot size for the zoning district. Only Accessory Apartments within the existing principal structure shall be permitted on lots not meeting the minimum lot size for the zoning district.

(g) The building to be converted or constructed shall comply with all applicable state, local, health, building and housing codes after conversion and any additions made to accommodate the Accessory Apartment shall maintain the exterior appearances and architectural style (roof line, roof pitch, building materials, colors, window style, and spacing, etc.) of the existing principal residence. Apartments created through conversion shall include separation of entrances or incorporation as one entrance to both the principal and Accessory Apartment, so that the entrances reflect a single-family unit architectural style. Any exterior stairways necessary for the Accessory Apartment may not be constructed on the front side of the principal dwelling unit.

(h) Prior to the issuance of a Certificate of Occupancy the property owner shall record on the Land Records a deed restriction limiting occupancy of the principal dwelling unit or the Accessory Apartment to the owner of the property. The Director of Law shall approve the deed restriction and a copy of the deed restriction shall be provided to the Zoning Enforcement Officer.

(i) The area of the principal dwelling unit shall not be reduced to less than eight hundred (800) square feet.

(j) A certificate in the form of an affidavit which verifies that the owner continues to reside on the premises and that all other conditions met at the time of the original application remain unchanged shall be submitted to the Zoning Enforcement Officer by January 31st of each year.

(k) Procedure for approval. In addition to the requirements of Article VIII, Section 810 of this Regulation, the application must be accompanied by:

(1) An Affidavit of Ownership and Occupancy signed by the Owner of the premises that the Owner shall occupy one of the dwelling units as the Owner's principal residence, except for bona fide temporary absences;
(2) A floor plan showing the proposed rooms and alterations to the building. The floor plan shall show the living areas of both the Accessory Apartment and the dwelling principal unit and the percentage difference between them;
(3) A Site Development Plan showing all existing and proposed structures or renovations, off-street parking and utility systems; and,
(4) Building elevations indicating the exterior appearance of the building both before and after the establishment of the Accessory Apartment. If no exterior building improvements are proposed building elevations are not required.

(l) (Reserved).

(m) An Accessory Apartment may be within the principal unit, may be attached, or may be detached.

12) AGE - RESTRICTED HOUSING. Age-restricted Housing developments shall meet the following requirements: *(Amended 04/04/07)*

(a) **Definition** – Age-restricted Housing shall be defined by Federal Statute (42 U.S.C. Section 3607) as amended from time to time, except that for the

purposes of these regulations 100% of the units shall, at the time of initial occupancy, be occupied by at least one person age fifty-five (55) years or older.

(b) **Reporting** - Management of the Age-restricted Housing development shall establish a procedure to routinely determine that occupancy of the units is in accordance with the Federal Fair Housing Act and shall report this information to the Zoning Enforcement Officer at least once every two (2) years, or promptly upon request.

(c) **Use Variances Prohibited** - Pursuant to CGS Section 8-6, use variances shall not be granted for any use in or on an Age-restricted Housing building or site.

(d) **Deed Restriction** - An Age-restricted Housing development shall be deed restricted in perpetuity for utilization as Age-restricted Housing to the satisfaction of the Director of Law.

(e) **Accessory Uses** - The Planning and Zoning Commission may permit accessory uses, support services that are deemed incidental and appropriate in Age-restricted housing on the site.

(f) **Minimum Lot Size** – Age-restricted Housing shall be limited to parcels of land larger than two and one-half acres in size.

(g) **Density** - An Age-restricted Housing development shall not exceed either one of the following two (2) Requirements: Eight (8) units per acre of lot area or twelve (12) bedrooms per acre of lot area. Unless modified by the Commission due to site conditions or design excellence, no new multiunit building shall contain more than eight (8) dwelling units.

(h) **Setbacks** - An Age-restricted Housing development shall meet the dimensional (lot size, frontage, yards, height, lot coverage) requirements of the Zoning District in which it is located with the following exceptions: Front yards may be reduced to ten feet (10'), rear yards to twenty feet (20').

(i) **Lot (building) Coverage** - No Age-restricted Housing development containing new construction shall exceed 25% coverage of the lot by buildings.

(j) **Site Layout** - Age-restricted Housing developments shall be designed, located, landscaped and buffered in a manner that does not adversely alter the character of an established single-family neighborhood.

(k) **Access** - Unless otherwise approved by the Planning and Zoning Commission, every building shall be serviced by a private roadway internal to the site and shall not derive direct driveway access from a public street. Any roadway or driveway shall have a permanent all-weather surface and shall be properly drained.

Age-restricted Housing developments with more than twenty-five (25) units shall have the main access roadway connecting directly to an accepted public street which shall be capable of accommodating the added traffic flow generated by development based on a traffic study prepared by a qualified professional traffic engineer and that also meets any requirements of the Fire, Police and Public Works Departments. (Amended 2/1/08)

(l) **Recreation and Open Space** - Adequate open space areas and recreation facilities shall be provided on the site to meet the needs of the residents of the proposed development such as community gardens, open space areas, and/or appropriate recreation facilities.

(m) **Parking** - Garages and off-street parking spaces, or a combination thereof, shall be provided on the lot as required by Section 614 of these regulations. Such required spaces shall be located with convenient access to the principal building(s). Parking areas and driveways shall have a permanent all-weather surface and shall be properly drained. Parking areas shall be so located and designed or otherwise screened to minimize their visibility from adjoining properties and public roads.

(n) **Drainage** - In addition to the requirements of other sections of these regulations, the use of on-site natural filtration functions is encouraged as part of currently accepted Best Management Practices in the reduction of sediment and pollutants. Additionally; drainage shall not be directly channeled to wetlands or watercourses through new piping, flow though natural existing drainage systems shall be maintained as much as possible, and shall not result in a net increase of runoff from the site for the 25-year storm. Also, for previously undeveloped sites, the stormwater management system shall include the retention and filtration of the first inch of runoff from impervious surfaces (excluding roofs).

(o) **Building Layout** - Buildings shall be arranged in a manner consistent with the most current Building and Fire Code Regulations.

(p) **Utilities** - All utilities (including off-site connections) shall be installed underground.

(q) **Buffer/Screening** – A buffer area around all sides of the development except the street frontage shall be provided. Buffer width shall be at least twenty feet (20') and shall consist of dense plantings, decorative fencing and/or land forms which will provide a year-round visual screen between the use and adjoining residential uses.

If decorative fence is used as a part of the screening on the buffer area, said fence shall not be more than five feet (5') in height, shall not be more than ten feet (10') from the affected property line, may not be completely opaque, and shall not be continuous along the entire stretch of affected property line unless the Planning and Zoning Commission determines that a continuous fence is necessary to achieve the purposes of this Section;

Where new non-residential uses are located adjacent to existing residential buildings in adjacent residential districts, the buffer area and plantings shall be designed, to the extent practicable, to screen all outdoor lighting from the view of the ground floor of the adjacent residential buildings.

(r) **Landscaping** - A landscape plan portraying all landscaping elements shall be submitted with the Site Plan application. This plan shall be prepared by a landscape architect. Suitable landscaping, including lawns and nursery-grown trees and shrubs, is required in all areas not covered by impervious surfaces, except that the Planning and Zoning Commission may waive this requirement in lieu of maintenance of existing natural vegetation. The Plan shall address the following:

(1) Landscape Plan Inclusions. The landscaping plan shall include a listing and count of all trees and shrubs to be planted, by common and botanical names, size (caliper, height) at planting, and height and spread at maturity (including time to maturity). Large trees and stands of mature trees and shrubs are to remain undisturbed where practical and desirable. All trees and shrubs to remain undisturbed shall be tagged, or otherwise identified, in the field prior to commencement of site work, and shall be shown on the landscape plan.

(2) Maintenance of Landscaping. All landscaping elements included on the approved landscaping plan shall be maintained in a manner sufficient to ensure its continuing performance and the survival of all plantings.

(3) Obstruction by Landscaping. Front yard landscaping shall not obstruct line-of-sight for vehicles entering and exiting the premises, nor shall it unduly obstruct line-of-sight for vehicles traveling on abutting Town or State highways. Corner visibility shall be maintained consistent with Section 606 of these regulations. Landscaping shall not obstruct line-of-sight for vehicles entering and leaving either common driveways or other access ways.

(s) **Signs** - All signs shall be located on the site development plan, and shall be described as to area, dimensions, height, materials, and purpose. All signs must be in conformance with the signage regulations for the underlying zone and are subject to the approval of the Planning and Zoning Commission. In all residential zones, signage shall be in conformance with Section 615, table 2. For the purposes of Table 2 the development shall be considered multi-family.

(t) **Lighting** - Outdoor lighting (including all building mounted lights shall be provided, to ensure proper and safe illumination of streets, parking areas, certain recreational facilities, and walkways, in locations and type as approved by the Planning and Zoning Commission. Such lighting shall be shielded and directed so that indirect light, falling outside the development, shall be of low intensity and shall not cause a nuisance from excessive glare or shine into the eyes of anyone external to the site. In addition, any outdoor illumination shall not shine directly into any dwelling unit.

(u) **Solid Waste Disposal** - Any solid waste stations (dumpsters) shall be placed on a concrete pad, appropriately screened, maintained, and shown on the site development plan.

(v) **Sidewalks/pathways** - Safe segregated pedestrian access shall be provided including appropriate connections both within the development and between the development and existing public roads and sidewalks. The Planning and Zoning Commission shall determine the composition and location of sidewalks.

(w) **Evaluation Objectives** - In considering the proposed application, the Planning and Zoning Commission shall be guided by the following objectives in addition to the Special Permit objectives of Section 810 B of these regulations:

(1) That the traffic impacts including changes to the traffic circulation within the site; amount, location, and access to parking; traffic load or possible circulation problems on existing streets.

(2) That the proposed development will promote pedestrian safety throughout the site and in the immediate neighborhood.

(3) That the impacts will not be detrimental to the capacity of the present and proposed utilities, street, drainage systems, sidewalks, and other elements of the infrastructure.

(4) That the land is physically suited to the proposed use and minimal adverse environmental impacts are created.

(5) That the proposal will help meet Age-restricted housing needs.

(6) That the proposal has been designed to meet the needs of handicapped residents or visitors.

(7) That the architectural design and site layout (height, bulk, location, and density of buildings) blends well into the surrounding area.

(8) That the application has met all requirements of these regulations.

400.4 Accessory Uses

1) Off-street parking for uses permitted in the district.

2) Buildings for housing pets; children's playhouses.

3) Garden houses; greenhouses.

4) Signs subject to the requirements of Article VI, Section 615.

5) Dumpster in rear yard only.

6) Swimming pools and/or tennis courts and related recreational facilities.

7) Keeping of animals according to Section 622 A and B. (*Amended 08/10/12)*

8) Accessory uses customary or incidental to a permitted use.

400.5 Lot and Bulk Requirements

1) Minimum lot area 7,500 square feet in R-1 and 5,000 square feet in R-1A.

2) Minimum lot width 75 feet in R-1 and 50 feet in R-1A.

3) Minimum frontage 75 feet in R-1 and 50 feet in R-1A.

4) Minimum yards:

front - 25 feet (see Article VI, Section 605.G.4.)
side - 10 feet in R-1 and 6 feet in R-1A
rear - 25 feet.

5) Maximum height 2 1/2 stories or 35 feet, whichever is less.

6) Maximum lot coverage for principal and accessory buildings - 25 percent.

400.6 Off-Street Parking

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations.

Section 410 R-2 - Two Family Medium Density Residential District

410.1 Purpose of District. To provide for areas of relatively open character for single family and two family detached dwellings as well as for preservation of open spaces through cluster development on appropriate sites; to provide for facilities and uses which serve residents of these areas and which are benefited by an open residential environment; to provide opportunity for creative use of large older buildings as a means of assuring neighborhood stability, aesthetics and historic preservation.

410.2 Permitted Uses: The following uses are permitted by right.

1) Single family dwellings.

2) Two family dwellings.

3) Home Based Businesses in accordance with Article IV, Section 400.2.2. (Amended 10/18/01)

4) Family Day Care Home *(Amended 12/05/23)*

410.3 Uses permitted subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation. *(Amended 07/26/06)*

1) Public or private utility substations.

2) Places of worship including parish houses, parochial schools, meeting rooms, recreation facilities customarily accessory to such uses subject to the following requirements.

(a) The site shall have an area of not less than one acre.

(b) Except as set forth hereinafter, no building or part thereof or parking or loading area shall be located nearer than 50 feet to any street line or property line. A parish house, rectory, or parsonage shall comply with the requirements for a single-family dwelling.

(c) Lot coverage shall not exceed 30 percent.

(d) Existing parochial school classrooms may be used for non-parochial school classroom instruction during non-parochial school hours. Such activities shall be generally consistent with the educational activities on-going in the classroom to be used and not require significant additional equipment or structural changes beyond what is to be used by the parochial school. *(Amended 10/6/90)*

3) Tennis or swim membership club subject to the requirements of Article IV, Section 400.3.2.

4) Libraries, museums and art galleries on sites having not less than 20,000 square feet.

5) Cluster Development in accordance with Article IV, Section 400.3.4.

6) RESERVED. *(Amended 12/05/23)*

7) Convalescent homes. However, no special permit shall be issued to allow this use on a lot smaller than 60,000 square feet. *(Amended 10/31/88)*

8) Bed & Breakfast Inns in accordance with the requirements of Article IV, Section 400.3 10). *(Amended 1/07/03)*

9) Subsection Deleted *(Amended 07/26/06)*

410.4 Accessory Uses

l) Off-street parking for uses permitted in the district;

2) Buildings for housing pets; children's playhouses.

3) Garden houses; greenhouses.

4) Signs subject to the requirements of Article VI, Section 615.

5) Swimming pools and/or tennis courts and related recreational facilities.

6) Keeping of animals according to Section 622 A and B. *(Amended 08/10/12)*

7) Dumpster in rear yard only.

8) Accessory use customary and incidental to a permitted use.

410.5 Lot and Bulk Requirements

1) Minimum lot area 5,000 square feet; 2,000 square feet for each dwelling unit.

2) Minimum lot width 50 feet.

3) Minimum frontage 50 feet.

4) Minimum yards:
front - 25 feet. (see Article VI, Section 605.G.4)
side - 6 feet.
rear - 25 feet.

5) Maximum height 2 1/2 stories or 35 feet, whichever is less.

6) Maximum lot coverage for principal and accessory buildings - 30 percent.

410.6 Off-Street Parking

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations.

Section 420 R-3 Multi-Family Medium Density Residential District

420.1 Purpose of District. To provide areas for several types of housing at a medium density in a residential environment with good access and access to a range of commercial and community services.

420.2 Permitted Uses: The following uses are permitted by right.

1) Single family dwellings.

2) Two family dwellings.

3) Multi-family dwellings.

4) Townhouses.

5) Home Based Businesses in accordance with Article IV, Section 400.2.2. *(Amended 10/18/01)*

6) Libraries, museums, and art galleries.

7) Family Day Care Home *(Amended 12/05/23)*

420.3 Uses permitted subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation.

1) Public and private utility substations.

2) Places of worship in accordance with Article IV., Section 410.3.2.

3) RESERVED *(Amended 07/26/06)*

4) Convalescent homes.

5) Community residences for more than 6 but not more than 12 residents provided that there are at least two staff persons on duty at all times and the facility is licensed under the provisions of Section 19-574 of State Statutes.

6) Child day care centers or group day care home, subject to the following requirements *(Amended 8/15/02):*

(a) The applicant shall have obtained all licenses, certifications, or approvals that may be required by Federal, State, or local law.

(b) For each child registered, there shall be a minimum of 35 square feet of floor space exclusive of halls, bathrooms, and kitchens.

(c) For each child enrolled there shall be provided not less than 75 square feet of usable exterior open space. The Planning and Zoning Commission may authorize the substitution of interior space available for recreation purposes if it determines that the aggregate space to be provided is adequate. Useable exterior open space known as Outdoor Play Space shall be provided on the same lot as the use it supports, except where specifically permitted elsewhere in these regulations.

(d) No permanently installed play equipment shall be located in any required front or side yard.

(e) Any outdoor play area shall be screened in a manner to ensure visual and auditory privacy to adjacent properties.

(f) Required Outdoor Play Space may be provided on sites other than the site they serve under certain circumstances after meeting all of the following requirements: (Amended 8/15/02)

(1) The site must be located within 2640 feet (1/2 mile) along public pedestrian thoroughfares measured from property line to property line.

(2) The outdoor play space shall be located within a zone that allows child day care centers.

(3) In all cases, such outdoor play space shall conform to all of the provisions of the regulations of the district in which they are located. Parks, school yards, and parking areas will be exempt from screening but shall be fenced or otherwise protected for safety.

(4) Such outdoor play space shall be in the same ownership as the use to which they serve or if in separate ownership there shall be a written agreement between the parties that the outdoor play space shall be available to the use to which it is assigned. If the outdoor play space is a park, written permission shall be obtained from the City allowing usage.

(5) A Special Use Permit must be issued by the Planning & Zoning Commission.

7) Professional or business offices as part of a two or multi-family dwelling subject to the following requirements:

(a) Office uses shall be limited to the first floor;

(b) Office uses shall be primarily to serve residents of the immediate neighborhood;

(c) Such office space shall be limited to 800 square feet for each ten dwelling units in the building or major fraction thereof;

(d) Entrances and exits to offices shall be separate from the residential portion of the building.

8) Professional office in residence.

(a) Said office shall be limited to one professional who shall reside on the premises and not more than two non-resident assistants.

(b) Said office shall be incidental and subordinate to the residential use of the building, and shall not occupy more than 25 percent of the gross floor area of the principal building. No office shall be located in an accessory building.

(c) In no manner shall the appearance of the building be altered or shall the office within the residence be conducted in a manner that would cause the premises to lose its residential character, either by use of colors, materials, construction, or lighting.

(d) No professional office shall create noise, dust, vibration, odor, smoke, electrical interference, fire hazard, or any other nuisance that is perceptible beyond the lot lines.

9) Free standing signs. *(Amended 04/10/87)*

10) Duplex Dwellings

(a) The Commission may allow the conversion of a structure to a duplex dwelling provided that the overall density shall be significantly reduced. In the cases of the conversion of one- and two-family structures, no reduction of density will be required;

(b) In the case of an individual lot associated with a duplex lot dwelling divided by a common party wall, the provisions set forth for required lot area, lot width, front yard, side yards, rear yard and lot coverage shall be as follows:

(1) Minimum lot area 1800 square feet;
(2) Minimum lot width 22'0";
(3) Minimum lot frontage 22'0";
(4) Minimum Yards:
aa. front 6 feet;
bb. side 0 feet;
cc. rear 25 feet;
**The Commission may permit a reduction in the rear yard to 6 feet if, in its judgment such a reduction will help to achieve the purposes of the district.*
(5) Maximum lot coverage 50%

(c) No owner of all or half a duplex shall make any changes in the architectural style, general design and general arrangement of the exterior of the building including the color, the kind and texture of the building material and the type and style of the doors and other appurtenant features, unless approval is granted by the City Planner.

11) Public or private parks and playgrounds including all appropriate and/or necessary supplementary uses or facilities customarily associated with the permitted use. *(Amended 03/ 23/00)*

12) Bed & Breakfast Inns in accordance with the requirements of Article IV, Section 400.3 10). *(Amended 01/07/03)*

13) Tourist Homes provided the following conditions are met *(Amended 02/20/03):*

(a) The applicant must submit an application for a Special Use Permit, together with a Site Plan. The Site Plan shall include, but not be limited to, the following information in addition to the requirements for a Special Use Permit and the Site Development Plan Regulations *(Amended 02/20/03):*

(1) A proposed floor plan of the dwelling with the dimensions and square footage of all rooms in the structure.
(2) Proposed area to be dedicated to guest accommodations.
(3) Proposed area to be dedicated to private residential use.
(4) Entrances, exits, driveways and parking areas.

The Commission may require, in its discretion, such plan to be prepared and sealed by an Architect, Land Surveyor or Professional Engineer licensed in the State of Connecticut.

(b) The applicant shall establish that it will meet all requirements of the Public Health Code of the City of New London and State of Connecticut as the same apply to Tourist Homes.

(c) The applicant shall be required to obtain written certification or waivers from the Fire Marshal and Building Inspector regarding compliance with the State building code and applicable fire code regulations and the same shall be a condition of approval.

(d) The recorded owner or the manager of a property used as a Tourist Home, shall establish and maintain his/her residence in the property, which shall have its own bath for their exclusive use.

(e) The property shall have no less than three (3) guest rooms.

(f) There shall be at least one bathroom for use per two (2) guest rooms.

(g) Maximum length of stay per guest may not exceed twelve (12) consecutive days.

(h) The owner or manager of the property shall make the Guest Book recording the lengths of stay of patrons available to the City, at the request of any Zoning Official within ten (10) days of written request of the same.

(i) Breakfast is the only full meal which may be served, and is to be served for the pleasure of guests only, not the general public. Additionally, guests may prepare their own meals in a kitchen that is separate from the guest rooms.

(j) A Tourist Home facility, including the parking area, shall be such as to not eliminate the residential appearance of the property in question.

(k) The Commission shall have the authority to revoke the permit of a Tourist Home at any time the property is found to be in non-compliance with the original permit, after a warning and 60 days written notice to the owner, and also to the manager or lessee of the property as the case may be.

(l) Parking shall be in accordance with the provisions of Article VI, Section 614 of these regulations and shall be provided on the site plan which is to be submitted. The site plan shall provide for the shielding of the parking area from neighboring properties through the use of trees, shrubbery, fencing or such other means to enhance and maintain the residential character of the neighborhood, as may be required by the Commission.

(m) Tourist Home facilities shall be permitted a sign or signs to identify the property, provided said sign(s) are in conformance with the applicable regulations, are lit only by indirect lighting and are approved by the Commission as part of the site plan.

The purpose of this provision is to allow Tourist Homes such as youth hostels, for overnight use of transients.

14) Residential Treatment Care Facility
- (a) Must be located in an existing facility previously used as a convalescent home or residential treatment care facility.
- (b) The number of residential beds must be fewer than the previous use.
- (c) All treatment programs must be based on a residential treatment stay of a minimum of 20 days.
- (d) All residents must participate voluntarily; shall not accept court ordered residents.
- (e) No services shall be provided to non-residents of facility.
- (f) All treatment programs shall be primarily trauma and behavioral informed therap.
- (g) Any program based on substitute drug therapy for treatment shall not be allowed.
- (h) All activity shall be indoors, except an outdoor patio shall be allowed under the following criteria; an external enclosed area shall be allowed only in a rear yard, or a side yard not adjacent to residential properties, and shall not exceed 50% of that side/rear yard.
- (i) A suitable buffer adjoining any residential property shall be provided.

15) Residential Care Home must be located in an existing facility previously used as convalescent home or residential treatment care facility. *(Amended 07/07/26)*
- a) No services shall be provided to non-residents of the Residential Care home.
- b) Must meet the definition of Resident Care Home in the Connecticut General Statutes 19a-490 (c) and any amendments thereto.
- c) Must obtain a license from the State of Connecticut Department of Public Health, or its successor agency, prior to the start of operations and must maintain a valid license throughout its operations.

420.4 Accessory Uses

1) Off-street parking for uses permitted in the district.

2) Buildings for housing pets; children's playhouses.

3) Garden houses; greenhouses.

4) Signs subject to the requirements of Article VI, Section 615.

5) Dumpster in rear yard only.

6) Swimming pools and/or tennis courts and related recreational facilities.

7) Keeping of animals according to Section 622 A. *(Amended 08/10/12)*

8) Accessory use customary and incidental to a permitted use.

420.5 Lot and Bulk Requirements

1) Minimum lot area 5,000 square feet; 2,000 square feet for each dwelling unit, 1,000 square feet for each rooming unit.

2) Minimum lot width 50 feet.

3) Minimum frontage 50 feet.

4) Minimum yards:

front - 25 feet (see Article VI, Section 605.G.4)
side - 10 feet.
rear - 25 feet.

5) Maximum height 4 stories or 55 feet, whichever is less. *(Amended 10/24/18)*

6) Maximum lot coverage for principal and accessory buildings - 40 percent.

420.6 Off-Street Parking

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations.

Section 430 R-4 Multi-Family Office-High Density District

430.1 Purpose of District. To provide areas that can accommodate several types of housing at a high density and provide opportunities for office development in areas that are close to business areas and accessible to a range of commercial, institution and community services.

430.2 Permitted Uses: The following uses are permitted by right.

1) Single family dwellings.

2) Two family dwellings.

3) Multi-family dwellings.

4) Townhouses.

5) Home Based Businesses in accordance with Article IV, Section 400.2.2. *(Amended 10/18/01)*

6) Libraries, museums, and art galleries.

7) Business and professional offices and office buildings.

8) Family Day Care Home *(Amended 12/05/23)*

430.3 Uses permitted subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation.

1) Public and private utility substations.

2) RESERVED *(Amended 07/26/06)*

3) Convalescent homes.

4) Community residences for more than 6 but not more than 12 residents provided that there are at least two staff persons on duty at all times and the facility is licensed under the provisions of Section 19-574 of State Statutes.

5) Places of worship in accordance with Article IV, Section 410.3.2.

6) Child Day Care Center subject to the requirements of Section 420.3.6 herein. *(Amended 8/15/02)*

7) Buildings with mixed uses subject to the following requirements:

   (a) all lot and bulk requirements for each use are satisfied;

   (b) separate entrances and exits shall be provided for residential and non-residential portions of the building.

8) Free standing signs. *(Amended 03/27/87)*

9) Public or private parks and playgrounds including all appropriate and/or necessary supplementary uses or facilities customarily associated with the permitted use. *(Amended 03/23/00)*

10) Bed & Breakfast Inns in accordance with the requirements of Article IV, Section 400.3 10*). (Amended 01/07/03)*

11) Tourist Homes in accordance with the requirements of Article IV,420.3 13) *(Amended 02/20/03)*

430.4 Accessory Uses

1) Off-street parking for uses permitted in the district;

2) Buildings for housing pets; children's playhouses.

3) Garden houses; greenhouses.

4) Signs subject to the requirements of Article VI, Section 615.

5) Dumpster in rear yard only.

6) Swimming pools and/or tennis courts and related recreational facilities.

7) Keeping of animals according to Section 622 A. *(Amended 08/10/12)*

8) Accessory use customary and incidental to a permitted use.

430.5 Lot and Bulk Requirements

1) Minimum lot area 5,000 square feet; 1,000 square feet for each dwelling unit or rooming unit.

2) Minimum lot width 50 feet.

3) Minimum frontage 50 feet.

4) Minimum yards:

front - 25 feet (see Article VI, Section 605.G.4)

side - 10 feet each, except any structure over two stories or 25 feet high shall require 5 additional feet of side yard for each story over two or each 10 feet of height over 25.

rear - 25 feet.

5) Maximum height 7 stories or 70 feet, whichever is less.

6) Maximum lot coverage for principal and accessory buildings - 40 percent.

430.6 Off-Street Parking

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations.

Section 440 Historic Area Overlay District *(06/15/15)*

440.1 (a) Purpose of the District

To make optimal residential use of the historic structures within the designated historic areas of the City of New London, providing an appropriate level of density allowed by such structures, while promoting historically appropriate restoration of such structures. A corresponding intent of the district is to provide certain surface and structured parking amenities and facilities in support of the parking needs of district residents and to permit utilization of a limited number of underused and undeveloped parcels within the district for such purposes. The Historic Area Overlay District is hereinafter referred to as the "District" or a "District".

440.1 (b) Applicability.

In the event that the regulations contained in this Section 440 contradict or conflict with other sections of these regulations, then the provisions of this Section 440 shall have precedence. If this Section 440 is silent as to any matter otherwise covered in other sections of these regulations, then in such event the applicable provisions of the other sections of these regulations shall apply.

440.2 RESERVED.

440.3 Uses permitted subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation.

1) Multi-family dwellings as defined in these regulations in buildings existing as of April 30, 2015 and either on the National or State of Connecticut Register of Historic Places or defined as "contributing" to the historic nature of a National Register Historic District subject to compliance with the following:

(a) The density limit for multi-family dwellings in an Historic Area Overlay District shall be the number of legally conforming residential units as of June 15, 2015 date of amendment to these regulations, subject to the remaining provisions of this Section 440.

(b) If additional units beyond the number of legally conforming units existing as of June 15, 2015 are proposed to be added, then additional on-site or off-site parking facilities shall be required to be provided under Section 440.6 hereof.

A special permit from the Planning and Zoning Commission for the additional dwelling unit (s) and, if applicable, for any off-site parking facility shall be required. Such parking facilities as are required to be put in service under Section 440.6, hereof shall comply with Section 614 of this regulation, except as specifically provided in said Section 440.6.

(c) Subject to submittal of documentation verifying approval of an application for a 'Certification of Proposed Rehabilitation Work' by CT SHPO under the "Historic Homes Rehabilitation Tax Credit Program."

2) Construction and placement of off-site surface parking facilities and/or garage structures on vacant lots within a District for new residential units created under this section, subject to the following:

(a) Such construction and placement of surface parking areas and structured garage parking facilities on such vacant lots in the District shall be expressly limited to those lots that had become and had remained vacant and without residential structures thereon for a period of at least three (3) years prior to the date of any subsequent zoning map amendment affecting the vacant parcel.

(b) No such surface parking area or area containing garage structures shall contain more than 8 parking spaces on any vacant lot 5,000 square feet in size or smaller or more than 16 parking spaces on any larger lot. Garage stalls and surface parking spaces shall be oriented to be parallel to and not perpendicular to the abutting street, unless an exception is granted by the Planning and Zoning Commission. All such parking spaces and garage structures shall be limited to use of passenger vehicles including automobiles, motorcycles and light trucks and limited to those vehicles owned by the owner or lessee of the garage or parking space.

(c) Design Standards for such newly constructed surface or structured parking facilities in the District shall be governed under certain sections of the City of New London Incentive Housing Zone (IHZ) Design Standards including Section 5- Standards for Compliance, Section 6- Sidewalks, Section 9- Stormwater Management, Section 10- Off-Street Parking and Section 11- Landscaping, which Design Standards sections are incorporated herein by reference thereto. The City Planner or the Planning and Zoning Commission may seek the services of a State of Connecticut registered architect to review designs of proposed garages for compliance with Section 5 of the IHZ Design Standards as they may determine to be advisable. The cost of such review shall be paid by the applicant in accordance with the provisions of subsections (b) through (e) Section 17-51 of the City of New London Code of Ordinances.

(d) All parking facilities created under these regulations and all spaces, whether surface or structured and whether required for compliance with the requirements of the Zoning Regulations or otherwise shall be appurtenant to, assigned to or reserved for use and occupancy in connection with specifically identified residential units in a District, evidenced by appropriate documentation assuring this, approved by the Director of Law as satisfactorily fulfilling this requirement in a legally binding manner. Such documentation shall be recorded on the City of New London Land Records. No such parking facilities or spaces shall be utilized for any use other that the parking of vehicles owned by the owner or lessee of the residential unit assigned or reserved to it. Such restriction shall not be deemed to prohibit re-assignment or re-allocation of such parking facilities from time to time, provided that at all times parking spaces and facilities are allocated, assigned and restricted as above. Any such re-allocation shall require the approval of the Zoning Enforcement Officer or the Planning and Zoning Commission to allow for necessary tracking of space assignment and allocation as well as approval of revisions to the above referenced documentation by the Director of Law, which, once approved, shall also be recorded on the City of New London Land Records.

(e) Such spaces shall be in the same ownership as the residential unit to which they serve. In all cases the spaces shall be subject to deed restriction evidenced by written documentation whether in the form of deed, declaration, easement or other appurtenant restriction, recorded on the New London Land Records and satisfactory to the City's Director of Law, binding the owner and his/her heirs and assigns to maintain the required number of spaces available unless the Planning and Zoning Commission approves a change either (a) due to the elimination of the use that they serve, or (b) until such spaces are provided elsewhere.

(f) When such spaces are in the same ownership as the property which they serve, then deed restrictions recorded on the Land Records regarding both properties acceptable in form and content to the City Planner and the Director of Law shall be provided. Said deed restrictions, one approved, shall be filed on the City of New London Land Records. Said deed restrictions may be modified or eliminated upon the written approval of the Planning and Zoning Commission if the parking is found to be no longer required for compliance with the parking requirements of this regulation for the additional residential units.

(g) Such parking may be constructed to meet the reasonable needs of residential units in the District apart from the requirements of Section 614 of this regulation subject to approval of the Planning and Zoning Commission, but shall require compliance with the provisions of subsections (a) through (f) above.

(h) In the event that the approval by the Planning and Zoning Commission is sought under subsections (e), (f) and (g) above for the disassociation of spaces created under this regulation with a residential use approved under these overlay District regulations for whatever reason and any such space or spaces are not concurrently re-associated with a different residential use approved under these overlay District regulations as provided for above, a reclamation plan for the elimination or conversion of such spaces shall be submitted for approval and execution, or bonded for execution prior to Planning and Zoning Commission approval under subsections (e), (f) and (g) above.

3) Parks, gardens, playgrounds and open space areas not requiring demolition and removal of any structure existing as of June 15, 2015 or upon which a structure existed as of June 15, 2015.

4) Professional or business offices as part of a two or multi-family dwelling subject to the following requirements:

(a) Office uses with public ingress and egress shall be limited to the first floor or basement area if the basement area is served by a separate outside entrance;

(b) Office uses shall be primarily to serve residents of the immediate neighborhood;

(c) Office use shall be limited to one professional who shall reside on the premises and not more than one non-resident assistant.

(d) Office use shall be incidental and subordinate to the residential use of the building, and shall not occupy more than 25 percent of the gross floor area of the principal building. No office shall be located in an accessory building.

(e) In no manner shall the appearance of the building be altered or shall the office within the residence be conducted in a manner that would cause the premises to lose its historic residential character, either by use of colors, materials, construction, signage, or lighting.

(f) No professional office shall create noise, dust, vibration, odor, smoke, electrical interference, fire hazard, or any other nuisance that is perceptible beyond the lot lines of the parcel on which it is located.

(g) Applications for professional or business offices shall require the authorization of all the property owners (individuals with fee interest) of the property/building wherein the use is proposed.

(h) Activity associated with business shall be limited to the internal area of the principal building

440.4 Permitted Accessory Uses.

1) Accessory uses customary and incidental to a permitted use

2) Children's playhouses

3) Swimming pools and recreational facilities customary and in keeping with residential principal uses. When accessory to a residential use, any tennis court, paddle tennis court or similar accessory recreation facility shall be located in a rear yard. No such facility may be located closer to the property lines than (25) feet and shall only be allowed on properties with more than (40,000 sq. ft.) is permitted for accessory structures in the district in which the property is located. Lighting of such facilities shall be permitted. A fence or suitable planting strip shall be provided to screen the recreation use from the view of adjacent properties.

4) Keeping of animals according to Section 622A

440.5 Lot and Bulk Requirements.

1) The minimum lot area shall be 5,000 square feet.

2) Density of Residential Units:

a) In addition to the limits set forth in Section 440.3 (1) above, density of any property proposed for a use approved under these overlay district regulations shall not exceed forty (40) dwelling units per acre of land.

b) There shall be no more than four (4) dwelling units.

3) The minimum building setback distance shall be that of the underlying zone.

4) Maximum impervious surface and building coverage of any lot shall be 80% for lots up to 5, 000 square feet and 75% on all larger lots.

5) There shall be no change in the height of any existing residential structure, square footage of each floor, the exterior limit of the existing walls, configuration of the roof and in the foundation footprint coverage of the structure unless any addition or expansion reflects an historic portion of any structure which had become demolished or removed and constitutes an appropriate re-insertion or re-creation as approved under the State of Connecticut State Historic Preservation Office certificate of appropriateness or other evidence of CT SHPO approval.

6) All residential units shall meet the definitional requirement of a dwelling unit under these regulations.

7) All residential units shall contain at least 600 square feet of finished floor area.

440.6 Off Street Parking and Loading.

1) Purpose and Intent. The following regulations applicable to the Historic Area Overlay District are designed to provide adequate off street parking and loading facilities and safe vehicle movements without detrimental effects to adjacent properties, neighborhoods and the environment, while recognizing the need for flexibility in the design and location of parking facilities to accommodate the needs of area residents.

Section 614 B.1) respecting multiple family dwellings shall have the following as the requirement of minimum parking spaces required:
1 per efficiency unit
1 per one-bedroom unit
1 ½ per unit with two or more bedrooms

2) Number of Required Parking and Loading Spaces in the District.

a) Parking shall be provided in the Historic Area Overlay District in accordance with the requirements of Section 614.

b) Required parking spaces may be provided on sites other than on the residential site served by such spaces in accordance with Section 440.3 2) above, provided that the residential site and the separate lot on which the parking spaces or the facilities containing such spaces are located within five hundred (500) feet of each other, measured along pedestrian thoroughfares from property line to property line.

c) In addition to the requirements of Section 10 of the IHZ Design Standards, when surface parking and/or garages are proposed on a lot abutting a residential property, sufficient screening consisting of the garage façade, landscaping, or fencing shall be provided to effectively screen automobile headlights.

d) All parking, driveway and entryway surfaces created on any previously vacant lot shall be paved with a durable all-weather surface of bituminous or concrete paving, maintained in good condition, or a surface consisting of alternative pavement or open pavers upon submittal, review, acceptance and compliance with a maintenance plan for said surface in accordance with its manufacturers recommendations parking space dimensions size alignment and handicap space provision shall be governed by applicable sections of these regulations.

e) Except as otherwise expressly stated in these Historic Area Overlay District Regulations, all new parking facilities shall meet the requirements of Section 614 of these regulations.

440.7 Residential Structure Design Standards.

All uses proposed to be brought forth by an applicant under the regulations of this Section 440 respecting any existing building or structure in the Historic Area Overlay District shall be required to comply with the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, initially published in 1976 and as revised and amended ("CT SHPO Regulations").

Irrespective of the continuation of the particular property involved in the Historic Homes Rehabilitation Tax Credit Program, all exterior work on buildings for which a use under this Section 440.7 has been approved shall specifically follow and be consistent with the exterior work approved under the 'Certification of Proposed Rehabilitation Work' by the CT SHPO referenced in Section 440.3 (1) (c) above.

Any modification to the exterior work shall require approval by the CT SHPO. Prior to the zoning authorization for the issuance of a Certificate of Occupancy, a copy of a 'Certificate of Completed Rehabilitation Work' shall be submitted to the Zoning Enforcement Officer who will consult with the CT SHPO to validate the completed status of the exterior work previously approved.

Should the exterior work on the subject building/property no longer be governed by the Historic Homes Rehabilitation Tax Credit Program, the Zoning Enforcement Officer may approve a zoning authorization for the issuance of a Certificate of Occupancy after determination by the Zoning Enforcement Officer, as advised by a State of Connecticut registered architect selected by the City whose services shall be paid for by the applicant in accordance with the provisions of subsections (b) through (e) of Section 17-51 of the City of New London Code of Ordinances, that the exterior work has been satisfactorily completed according to the 'Certification of Proposed Rehabilitation Work' and the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Such determination shall also require a confirmation by Zoning and Planning Commission.

a) Fire escapes required to provide a second means of egress not available (or not State of Connecticut Fire and Building Code compliant) within a building as of June 15, 2015 shall not exceed the minimum size needed to comply with the State of Connecticut Building and Fire Safety Codes and shall be treated with paint or other covering, which treatment shall be approved by the CT SHPO or if such treatment is not required by CT SHPO then it shall require the approval of the Planning and Zoning Commission.

ARTICLE V.
Non-Residential District Regulations

Section 500 NB - Neighborhood Business District

500.1 Purpose of District. To provide areas within or adjoining residential neighborhoods for local scale commerce with a range of retail stores and services which cater to frequently recurring needs of nearby residents.

500.2 Permitted Uses. The following uses are permitted by right:

1) Paragraph deleted *(Amended 07/26/06)*

2) Paragraph deleted (*Amended 07/26/06)*

3) Paragraph deleted *(Amended 07/26/06)*

4) Single-family dwellings. *(Amended 02/18/99)*

5) Paragraph deleted *(Amended 07/26/06)*

6) Paragraph deleted *(Amended 07/26/06)*

7) Home Based Businesses shall be permitted in accordance with Article IV, Section 400.2 (2) and only in properties which are constructed as and principally used as single family, two family and/or multifamily dwellings. *(Amended 12/21/12)*

500.3 Uses Permitted subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation.

1) Public and private utility substations.

2) Restaurants other than fast food restaurants, provided that meals are served at least twice each day that the restaurant is open and at least 75 percent of the seats are at tables.

3) Art or craft studios or studios for teaching the performing arts provided that where there is music, any classes or group work concluded by 8 p.m.

4) Paragraph deleted – *(Amended 05/01/89)*

5) Professional offices.

6) Child Day Care Centers, subject to the requirements of Section 420.3.6. *(Amended 8/15/02)*

7) Educational establishment for learning disabled or mentally retarded adults (but excluding adults with mental illness or drug or alcohol dependency) which would open no earlier than 7:00 a.m. and close no later than 6:00 p.m. and is a State or Federally licensed or contracted facility. *(Amended 01/15/91)*

8) Retail stores limited to sale of pharmaceutical products, groceries, sundries, printed material, jewelry stores, *(Amended 01/26/05)* and packaged beverages with a maximum of 3,000 square feet of selling space. *(Amended 07/26/06)*

9) Personal service stores, such as but not limited to barber shop, beauty shop, tailor, and Laundromat. Hours of operation may be limited by the Commission to minimize detrimental impact on adjoining land uses and neighborhood. *(Amended 07/26/06)*

10) Buildings with mixed uses subject to the following requirements: *(Amended 07/26/06)*

(a) All lot and bulk requirements for each use are satisfied; *(Amended 07/26/06)*

(b) Separate entrances and exits shall be provided for residential and non-residential portion of the buildings; and *(Amended 07/26/06)*

(c) Residential use shall conform with density requirements of the R-3 district. *(Amended 07/26/06)*

11) Home Based Businesses in accordance with Article IV, Section 400.2.2. *(Amended 07/26/06)*

12) Place of Worship *(Amended 02/08/22)*

500.4 Accessory Uses

1) Off-street parking and loading for uses permitted in the district.

2) Buildings for housing pets; children's playhouses.

3) Garden houses; greenhouses.

4) Signs subject to the requirements of Article VI, Section 615.

5) Dumpster in rear yard only.

6) Swimming pools and/or tennis courts and related recreational facilities.

7) Amusement device.

8) Keeping of animals according to Section 622 A. (*Amended 08/10/12)*

9) Accessory use customary or incidental to a permitted use.

500.5 Lot and Bulk Requirements

1) Minimum lot area - 5,000 square feet; 2,000 square feet per dwelling unit.

2) Minimum lot width - 50 feet.

3) Minimum lot frontage - 50 feet.

4) Minimum yards:

front - In accordance with Article VI, Section 605.G.4, except not less than 10 feet *(Amended 12/26/86)*

side - 10, except 0 if abutting buildings in the same zone have a party wall.

rear - 10 feet

5) Maximum height - 3 stories or 35 feet, whichever is less.

6) Maximum lot coverage for principal and accessory buildings - 50 percent.

500.6 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations.

Section 510 C-1 - General Commercial District

510.1 Purpose of District. To provide for a wide range of commercial and limited industrial uses along major arterials; to accommodate uses that benefit from large numbers of motorists, and business that are not intensive central business area type activities. New residential development is discouraged except in certain instances.

510.2 Permitted Uses. The following uses are permitted by right: *(Amended 04/08/15)*

3) Retail store operating between the hours of 6:00 am and 11:00 pm.

4) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 6:00 am and 11:00 pm. Automotive service and/or repair are not included under this use.

5) Restaurants (excluding those with beer/wine and/or liquor service) between the hours of 6:00 am and 11:00 pm.

6) Municipally operated recreational facilities between the hours of 6:00 am and 11:00 pm.

7) Business, professional offices between the hours of 6:00 am and 11:00 pm.

8) Banks, without drive-thru windows, between the hours of 6:00 am and 11:00 pm. ATM's and night depositories are not subject to this time restriction.

9) Art galleries between the hours of 6:00 am and 11:00 pm.

10) Facilities for training in the martial arts, dancing, gymnastics, music, fashion design, or teaching the performing arts between the hours of 6:00 am and 11:00 pm.

11) Tattoo Parlors/ Tattoo Facilities subject to the following requirements:

(a) Shall ensure compliance with Connecticut General Statutes Section 19a-92a & 19a-92a-1 (as may be amended);
(b) Shall ensure compliance with any & all local ordinances & health codes as maybe amended;
(c) Hours of operation are limited to 6:00 a.m. to 11:00 p.m.;

10) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7). *(Amended 12/21/12)*

11) Private parks subject to the following limitations:

(a) The use of sound amplification for music (live or recorded) or any other type is prohibited.

(b) No structure for recreational use is erected.

(c) Use is limited to daytime hours – no lighting is permitted.

(d) Use is limited to passive recreation and assembly.

(e) The construction/addition of parking to serve the use is prohibited.

(f) The maximum size of a parcel proposed for this use shall be 15,000 sq. ft.

(g) Any impervious surface created as part of the development of the park shall be limited to 30% of the parcel size.

510.3 Uses Permitted subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation. *(Amended 04/08/15)*

1) Retail stores operating between the hours of 11:00 pm and 6:00 am. *(Amended 04/20/10)*

2) Business and professional offices operating between the hours of 11:00 pm and 6:00 am. *(Amended 04/20/10)*

3) Wholesale businesses, warehouses, and building material storage and sale, but excluding storage of coal, coke, fuel oil, or junk.

4) Cold storage plant, beverage distributor, baking and other food processing plant that is not offensive, obnoxious, or detrimental to neighboring uses by reason of dust, smoke, vibration, noise, odor, or effluent.

5) Motor vehicle sales, including the sale of recreation vehicles and trailers and boat sales, with accessory repair facilities subject to the following requirements:

(a) Outdoor area lighting shall be that generally required for security purposes.

(b) Entrance and exit driveways shall not be located closer than 10 feet to any interior property line; and shall be so laid out as to avoid the necessity of any vehicle backing out into any public right-of-way.

(c) Vehicle lifts or pits, dismantled vehicles, and all parts and supplies shall be located within a building enclosed on all sides.

(d) All services or repair of motor vehicles shall be conducted in a building enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

(e) Gasoline or flammable oils in bulk shall be stored fully underground, in conformance with applicable codes.

6) Auto Washes.

7) Restaurants with beer/wine or liquor service or operating between the hours of 11:00 pm and 6:00 am. *(Amended 04/20/10)*

8) Fast food restaurants, provided that eating on the premises of the fast food restaurant shall be permitted only inside the structure or in areas specifically designated and properly maintained outside of the structure.

9) Animal hospitals and boarding and/or breeding of animals, provided that no outdoor runs shall be permitted within 100 feet of an R or NB district.

10) Dry cleaning establishments and laundromats.

11) Funeral parlors.

12) Retail sale and accessory storage and display of garden materials, supplies, and plants, including nursery operations, provided that the outdoor storage of display of plants and material does not obstruct pedestrian flow or vehicular traffic and does not occur within five feet of a property line.

13) Places of worship.

14) Printing plants.

15) Private transportation service including garage and maintenance facilities.

16) Taxi station.

17) Auto rental.

18) Radio, television and recording studio.

19) Arts and craft studios. *(Amended 04/20/10)*

20) Motor vehicle service stations or gasoline pumps as part of another use, provided that:

(a) No traffic hazard affecting the public safety will be Present.

(b) No sale of gasoline shall be permitted to be established on any lot within a distance of 500 feet of an existing gasoline or filling station lot, or of any lot for which a building permit has been issued for the erection of such a station or any use which includes gasoline pumps.

(c) No such establishment shall be within a distance of 200 feet of any school, public or private; religious institution, hospital, library, park, nursing home, extended care facility, or any similar institution or other place of public assembly; said distance to be measured in a straight line along or across a street between the nearest points of each of the lots or premises, regardless of the district where either premises is located.

(d) No such establishment shall be within a distance of 70 feet of any abutting R or NB district.

(e) Entrance and exit driveways shall not be located nearer than 10 feet to any interior lot line; and shall be so laid out as to avoid the necessity of any vehicle backing into any public right-of-way.

(f) Vehicle lifts or pits, dismantled automobiles, all parts or supplies, goods, equipment, materials, refuse, garbage, or debris shall be located within a building enclosed on all sides.

(g) All service or repair of motor vehicles shall be conducted in a building enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

21) For structures built prior to November 3, 1983, single-family, two-family and multi-family dwellings may be permitted in accordance with the density requirements of the R-4 District. New multi-family residential dwellings may be permitted only in mixed use buildings (with Commercial Use of at least 50% of the gross floor area on the street level floor) and in accordance with the R-3 District lot and bulk requirements, except that required yards and setbacks as well as maximum lot coverage may be reduced to the otherwise applicable requirements for the C-1 zone via a Special Permit approval as long as the yard or setback does not abut a property in a residential district or in residential use. *(Amended 10/10/18)*

22) Buildings with mixed uses subject to the following requirements.

(a) All lot and bulk requirements for each use are satisfied except as may be provided for by Section 510.3 (21).

(b) Separate entrances and exists shall be provided for residential and non-residential portions of the building.

23) Parking facilities. *(Amended 06/04/85)*

24) Petroleum and related fuel storage and distribution facilities which were in existence on the effective date of this regulation. *(Amended 05/02/96)*

25) Public and private utility installations.

26) Research and development uses *(Amended 04/20/10)*

27) Drinking establishments, including night clubs *(Amended 04/20/10)*

28) Institutions for higher learning, business, vocational, and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office service schools, computer and data processing schools, art and drafting schools, barber, beauty, and cosmetology schools, commercial or non-commercial food preparation schools, photography schools, schools for training in the martial arts, dancing, gymnastics, and music, schools for fashion design. (*Amended 04/20/10)*

29) RESERVED

30) Commercial entertainment establishments catering primarily to persons below the legal age for drinking alcoholic beverages, subject to the following conditions:

(a) The minimum area devoted to patron use shall be 1,000 square feet.

(b) A drop-off and pick-up location for vehicles near a well lighted entrance shall be provided.

(c) Off-street parking areas shall be illuminated.

(d) No such use shall be located closer than 500 feet to any similar establishment or to any establishment serving or selling alcoholic beverages, except that this provision shall not apply to restaurants which provide alcoholic beverages, only from a service bar. (Amended to add this section on 5/9/85)

31) Private, public, or quasi public rehabilitation facilities to include:

(a) Outpatient, day treatment, or inpatient alcohol counseling, treatment, or rehabilitation clinics or centers;

(b) Outpatient, day treatment, or inpatient drug counseling, treatment, or rehabilitation clinics or centers;

(c) Outpatient, day treatment, or inpatient substance abuse counseling, treatment or rehabilitation clinics or centers;

(d) Non-residential or residential halfway houses for current or former inmates of federal, state, or local correctional facilities; and

(e) Other such similar outpatient or inpatient counseling, treatment, or rehabilitation clinics or centers that the Planning and Zoning Commission shall find to be substantively similar to the uses listed in this section. *(Amended 08/01/10)*

(f) Behavioral Health Services for individuals with mental or psychological disabilities whether or not they have codependency issues, which shall include outpatient individual and group therapy whether in clinical or non-clinical style programs including those designed to integrate individuals in or assisting them in co –existing in community settings. This shall include as an ancillary use for those receiving such services the providing of medication(s) as may be prescribed by a licensed prescriber. *(Amended 9/30/08)*

That any use identified within this section shall be subject to the following restrictions and requirements: *(Amended 08/01/10)*

(1) That such uses shall obtain all appropriate licenses and permits required by Federal, State and Local laws, statutes and regulations within (1) year of the date of approval unless an extension of the time period is applied for by the applicant prior to the actual expiration date and granted by the Planning and Zoning Commission.

(2) That such uses shall provide a minimum of 15 square feet of inside waiting or seating area space for each patron to be served within any one hour period of operation.

(3) That such uses shall not be located within 500 feet of any nursery, elementary, or secondary school, college, university building or playground.

(4) That such uses which provide residential services, either short term or long term, shall have a minimum of 70 square feet for the first resident and 50 square feet for each additional resident. *(Amended 05/01/89)*

32) Child Day Care Centers, subject to the requirements of Section 420.3.6. *(Amended 08/15/02)*

33) Taverns *(Amended 10/15/93)*

34) Educational establishment for learning disabled or mentally retarded adults (but excluding adults with mental illness or drug or alcohol dependency) under license or contract with a state, federal, or municipal governmental agency. *(Amended 03/02/95)*

35) Microbrewery *(Amended 05/02/96)*

36) RESERVED

37) RESERVED

38) Automobile Repair in accordance with Section 510.3 (5) of the Zoning Regulations *(Amended 08/01/10)*

39) RESERVED

40) Bed & Breakfast Inns in accordance with the requirements of Article IV, Section 400.3 10). *(Amended 01/07/03)*

41) Tourist Homes in accordance with the requirements of Article IV,420.3 13) *(Amended 02/20/03)*

42) Business Records Document Storage Facility *(Amended 06/07/06)*

43) Pawnbroker and pawnshops subject to the following requirements *(Amended 11/30/06):*

(a) Compliance with the Connecticut General Statutes Sections 21-39 through 21-47 and any future amendments thereto.

(b) Compliance with the Code of Ordinances of the City of New London Article VI, Sections 7-93 through 7-99 and any future amendments thereto.

(c) Maintain for at least a period of two years from the date of each transaction a computerized database of the information required by state statutes for all personal property bought or pawned, and to make such information available to the Police Department.

(d) The sale of firearms shall be prohibited. Firearms are defined as any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may discharged. *(Amended 03/23/94)*

44) Brew-pub provided that:
(a) There is no outdoor entertainment with electrically amplified music. (Amended 02/01/08)

45) Private, public, or quasi-public facilities to service temporarily homeless individuals, including: *(Amended 05/01/09)*

(a) Residential Homeless Shelters;

(b) Homeless Service Centers; and/or

(c) Homeless Support Centers.

Any use allowed under this section shall be subject to the following requirements: *(Amended 08/01/10)*

(1) Such uses, and all portions of the property on which such uses may be located, shall not be located within 500 feet of the property on which the following uses may be located: any nursery school, elementary, or secondary school, college, university building or playground.

(2) Such uses and all portions of the property on which such uses may be located, shall not be located within 500 feet of the property on which any other facility permitted under this section is located, provided that uses under paragraphs (a), (b), and/or (c) of this section may be housed in a single structure or complex of adjacent or nearby structures, which shall collectively constitute one use for the purpose of this paragraph (2). *(Amended 08/01/10)*

(3) Uses providing residential services under paragraph (a) of this section shall: *(Amended 08/01/10)*

i. have a minimum of 50 square feet of space for each resident;
ii. have a maximum of 25 permanent beds per facility

(4) Uses allowed under paragraphs (b) and (c) of this section shall provide a minimum of 15 square feet of inside waiting or seating area for each patron. *(Amended 08/01/10)*

(5) Such uses shall provide sufficient space for indoor or outdoor play area; provided, however, that the Commission may waive this requirement for a facility not designed to serve children.

(6) Such uses shall provide a designated outdoor smoking area outside its facility, provided that a single outdoor smoking area shall be sufficient if multiple uses

(7) under paragraphs (a), (b), and/or (c) of this section are be housed in a single structure or complex of adjacent or nearby structures. *(Amended 08/01/10)*

(8) Any special permit application submitted under this section shall include a copy of the operator's rules and regulations for the uses proposed in the application. *(Amended 08/01/10)*

(9) Suitable screening (such as fencing, landscaping, etc.) of parking, smoking areas and other elements of the facility shall be provided as may be determined to be necessary by the Commission.

46) RESERVED

47) Banks operating between the hours of 11:00 pm and 6:00 am or with drive-thru windows *(Amended 04/20/10).*

48) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry-cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 11:00 pm and 6:00 am. Automotive service and/or repair are not included under this use. *(Amended 04/20/10).*

49) Private parks and playgrounds. *(Amended 04/08/15).*

50) Retail sale of cannabis to consumers for off-premises use a as cannabis hybrid retailer or a cannabis retailer. Use is subject to section 623 (Regulations Concerning Retail Sale of Cannabis to Consumers for off-premises consumption) of these regulations. *(Amended 06/06/22)*

51) Cannabis Cultivator *(Amended 06/06/22)*

52) Cannabis Delivery Service *(Amended 06/06/22)*

53) Cannabis Food and Beverage Manufacturer *(Amended 06/06/22)*

54) Cannabis Micro-Cultivator *(Amended 06/06/22)*

55) Cannabis Product Manufacturer *(Amended 06/06/22)*

56) Cannabis Product Packager *(Amended 06/06/22)*

57) Cannabis Transporter *(Amended 06/06/22)*

510.4 Accessory Uses

1) Off-street parking and loading for uses permitted in this district.

2) Buildings for housing pets; children's playhouses.

3) Garden houses; greenhouse

4) Signs subject to the requirements of Article VI, Section 615.

5) Swimming pool, tennis courts, and related recreation facilities

6) Keeping of animals according to Section 622 A and B. *(Amended 08/10/12)*

7) Fully enclosed storage.

8) Dumpster in rear yard only.

9) Accessory uses customary or incidental to a permitted use.

510.5 Lot and Bulk Requirements

1) Minimum lot area 5,000 square feet.

2) Minimum yards and setbacks (unless adjusted per Special Permit issued according to Section 510.3 (21).

   a) front - 10 feet, except new residential development must have 25 feet (see Article VI, Section 605.G.4)

   b) side - six feet; new residential development must have 10 foot side yards.

   c) rear - 10 feet except new residential development must have 20 foot rear yard.

3) Maximum height - 40 feet, except the maximum height may be increased by special permit, provided that parking is created under, within, or on top of the structure, or the commission finds that the parking requirements are substantially exceeded in some other manner of off-street parking. *(Amended 12/05/88)*

4) Maximum lot coverage of principal and accessory building - 80 percent, except new residential development which may occupy 50 percent of the site.

510.6 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations.

Section 520 C-2 - Limited Commercial District (Amended 04/20/10)

520.1 Purpose of District. To provide for limited commercial development located along major arterials. *(Amended 02/07/85)*

520.2 Permitted Uses. The following uses are permitted by right: *(Amended 04/20/10)*

3) Retail store operating between the hours of 6:00 am and 11:00 pm.

4) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 6:00 am and 11:00 pm. Automotive service and/or repair are not included under this use

5) Restaurants (excluding those with beer/wine and/or liquor service) between the hours of 6:00 am and 11:00 pm.

6) Business, professional offices between the hours of 6:00 am and 11:00 pm.

7) Banks, without drive-thru windows, between the hours of 6:00 am and 11:00 pm. ATM's and night depositories are not subject to this time restriction.

8) Facilities for training in the martial arts, dancing, gymnastics, music, fashion design, or teaching the performing arts between the hours of 6:00 am and 11:00 pm.

9) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7). *(Amended 12/21/12)*

10) Tattoo Parlors/ Tattoo Facilities subject to the following requirements:*(Amended 10/09/19).*

(a) Shall ensure compliance with Connecticut General Statutes Section 19a-92a & 19a-92a-1 (as may be amended);

(b) Shall ensure compliance with any & all local ordinances & health codes as maybe amended;

(c) Hours of operation are limited to 6:00 a.m. to 11:00 p.m.;

520.3 Uses permitted subject to issuance of a Special Use Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation.

1) Retail stores operating between the hours of 11:00 pm and 6:00 am. *(Amended 04/20/10).*

2) Theaters (except outdoor movie theaters).

3) Motor vehicles, including the sale of recreational vehicles and trailers and boat sales, with accessory repair facilities, provided all other requirements of Article V, Section 510.3 (5), herein are met. *(Amended 02/07/85)*

4) Automobile repair and motor vehicle service stations. *(Amended 12/06/84)*

5) Restaurants with beer/wine or liquor service or operating between the hours of 11:00 pm and 6:00 am. *(Amended 04/20/10)*

6) Dry cleaning establishments and laundromats when connected to City sewer system. *(Amended 10/09/87)*

7) Retail sale and accessory storage and display of garden materials, supplies, and plants, including nursery operations, provided that the outdoor storage or display of plants and material does not obstruct pedestrian flow or vehicular traffic and does not occur within five feet of a property line.

8) Hotels, motels, and conference facilities.

9) Commercial recreations, such as, but not limited to, tennis clubs, skating rinks, billiard parlors, bowling alleys, health clubs and uses normally accessory thereto (lockers, restaurants, retail sale of goods associated with the particular activity).

10) Taxi station.

11) Auto rental.

12) Radio, television and recording studio.

13) Arts and craft studios. *(Amended 04/20/10)*

14) Business and professional offices operating between the hours of 11:00 pm and 6:00 am. *(Amended 04/20/10)*

15) Fast food restaurants, provided that eating on the premises of the fast food restaurant shall be permitted only inside the structure or in areas specifically designated and properly maintained outside of the structure. *(Amended 06/04/85)*

16) Amusement Center subject to the following conditions:

   (a) It shall be located at least 1,500 feet from any school buildings, school playgrounds, and church buildings, and at least 500 feet from a residence. *(Amended 06/04/85)*

   (b) It shall obtain a license from Police Department.

17) Parking facilities. *(Amended 06/04/85)*

18) Funeral parlors. *(Amended 02/10/86)*

19) Drinking establishments and night clubs. *(Amended 02/10/86)*

20) Commercial entertainment establishments catering primarily to persons below the legal age for drinking alcoholic beverages, subject to the following conditions:

    (a) The minimum area devoted to patron use shall be 1,000 square feet.

    (b) A drop-off and pick-up location for vehicles near a well lighted entrance shall be provided.

    (c) Off-street parking areas shall be illuminated.

    (d) No such use shall be located closer than 500 feet to any similar establishment or to any establishment serving or selling alcoholic beverages, except that this provision shall not apply to restaurants which provide alcoholic beverages, only from a service bar. *(Amended 05/09/85)*

21) Taverns *(Amended 10/15/93)*

22) Wholesale businesses, warehouses, and distribution facilities. *(Amended 09/11/87)*

23) RESERVED

24) Institutions for higher learning, business, vocational, and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office service schools, computer and data processing schools, art and drafting schools, barber, beauty, and cosmetology schools, commercial or non-commercial food preparation schools, photography schools, schools for training in the martial arts, dancing, gymnastics, and music, schools for fashion design: *(Amended 04/20/10)*

    (a) RESERVED

25) Child day care centers subject to the following requirements: *(Amended 7/25/07)*

    (a) The applicant shall have obtained all licenses, certifications, or approvals that may be required by Federal, State, or local law.

    (b) For each child registered, there shall be a minimum of 35 square feet of floor space exclusive of halls, bathrooms, and kitchens.

(c) For each child enrolled there shall be provided not less than 75 square feet of usable exterior open space. The Planning and Zoning Commission may authorize the substitution of interior space available for recreation purposes if it determines that the aggregate space to be provided is adequate. Useable exterior open space known as Outdoor Play Space shall be provided on the same lot as the use it supports, except where specifically permitted elsewhere in these regulations.

(d) No permanently installed play equipment shall be located in any required front or side yard.

(e) Any outdoor play area shall be screened in a manner to ensure visual and auditory privacy to adjacent properties.

(f) Required Outdoor Play Space may be provided on sites other than the site they serve under certain circumstances after meeting all of the following requirements: *(Amended 07/25/07)*

(1) The site must be located within 2640 feet (1/2 mile) along public pedestrian thoroughfares measured from property line to property line.

(2) The outdoor play space shall be located within a zone that allows child day care centers.

(3) In all cases, such outdoor play space shall conform to all of the provisions of the regulations of the district in which they are located. Parks, school yards, and parking areas will be exempt from screening but shall be fenced or otherwise protected for safety.

(4) Such outdoor play space shall be in the same ownership as the use to which they serve or if in separate ownership there shall be a written agreement between the parties that the outdoor play space shall be available to the use to which it is assigned. If the outdoor play space is a park, written permission shall be obtained from the City allowing usage.

(5) A Special Use Permit must be issued by the Planning & Zoning Commission.

26) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 11:00 pm and 6:00 am. Automotive service and/or repair are not included under this use.

27) Banks operating between the hours of 11:00 pm and 6:00 am or with drive-thru windows. *(Amended 04/20/10).*

28) Residential uses in accordance with the density requirements and the lot and bulk requirements of the R-3 District in either stand-alone residential or mixed–use commercial/residential buildings. Residential uses shall not provide any frontage for vehicular ingress or egress to a major arterial road or highway, or provide any frontage that would diminish use of commercial properties on the major arterial roads or highways. *(Amended 09/19/17 per Docket No: KNL CV 17-6028696-S)*

29) Retail sale of cannabis to consumers for off-premises use as a cannabis hybrid retailer or a cannabis retailer. Use is subject to section 623 (Regulations Concerning Retail Sale of Cannabis to Consumers for off-premises consumption) of these regulations. *(Amended 06/06/22)*

30) Cannabis Cultivator *(Amended 06/06/22)*

31) Cannabis Delivery Service *(Amended 06/06/22)*

32) Cannabis Food and Beverage Manufacturer *(Amended 06/06/22)*

33) Cannabis Micro-Cultivator *(Amended 06/06/22)*

34) Cannabis Product Manufacturer *(Amended 06/06/22)*

35) Cannabis Product Packager *(Amended 06/06/22)*

36) Cannabis Transporter *(Amended 06/06/22)*

37) Pawnbroker and pawnshops subject to the following requirements *(Amended 05/20/24):*

(a) Compliance with the Connecticut General Statutes Sections 21-39 through 21-47 and any future amendments thereto.

(b) Compliance with the Code of Ordinances of the City of New London Article VI, Sections 7-93 through 7-99 and any future amendments thereto.

(c) Maintain for at least a period of two years from the date of each transaction a computerized database of the information required by state statutes for all personal property bought or pawned, and to make such information available to the Police Department.

(d) The sale of firearms shall be prohibited. Firearms are defined as any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may discharged. *(Amended 03/23/94)*

520.4 Accessory Uses *(Amended 04/20/10)*

1) Public utility installations.

2) Off-street parking and loading.

3) Greenhouse.

4) Signs subject to the requirements of Article VI, Section 615.

5) Swimming pool, tennis courts, and related recreation facilities.

6) Fully enclosed storage.

11) Dumpster in rear yard only.

12) RESERVED

13) Accessory uses customary or incidental to a permitted use.

520.5 Lot and Bulk Requirements

1) Minimum lot area 20,000 square feet. *(Amended 06/04/85)*

2) Minimum yards and setbacks - no structure may be located closer than 25 feet to a property line or street right-of-way. *(Amended on 08/16/84)*

3) Maximum height - 40 feet, except the maximum height may be increased by special permit, provided that parking is created under, within, or on top of the structure, or the commission finds that the parking requirements are substantially exceeded in some other manner of off-street parking or as Section 608 A (3) may allow. *(Amended 09/15/14)*

4) Maximum lot coverage of principal and accessory building - 40 percent.

520.6 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations.

Section 530 CBD – 1 Central Business District-One

(Amended 09/30/08)

530.1 Purpose of District. To provide for and encourage a variety of retail businesses, business and professional offices, service businesses, entertainment and cultural establishments and related activities such as parking and pedestrian spaces, all designed to serve the City and the region; to encourage the concentration of retail and service uses to achieve continuity of frontage devoted to such purposes which will strengthen and complement one another; further, it is a purpose of this district to protect the major public investment made and to be made toward revitalization of the central business area, a vital part of the City's tax base, by conserving the value of land and buildings.

530.2 Permitted Uses. The following uses are permitted by right: (Amended)

1) Retail stores operating between the hours of 6:00 am and 11:00 pm. *(Amended 07/26/06)*

2) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry-cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 6:00 am and 11:00 pm. Automotive service and/or repair are not permitted *(Amended 07/26/06)*

3) Restaurants operating between the hours of 6:00 am and 11:00 pm. (*Amended 07/26/06)*

4) RESERVED (*Amended 09/30/08)*

5) Business or professional offices not located on the street level floor(s) of a building operating between the hours of 6:00 am and 11:00 pm. *(Amended 09/30/08)*

6) Banks excluding drive-thru windows operating between the hours of 6:00 am and 11:00 pm. (*Amended 8/23/05) (Amended 07/26/06)*

7) Art galleries operating between the hours of 6:00 am and 11: 00 pm. *(Amended 07/26/06)*

8) Facilities for training in the martial arts, dancing, gymnastics, music, fashion design, or teaching the performing arts operating between the hours of 6:00 am and 11:00 pm. *(Amended 07/26/06)*

9) Tattoo Parlors/ Tattoo Facilities subject to the following requirements: (*Amended 03/3109)*

(d) Shall ensure compliance with Connecticut General Statutes Section 19a-92a & 19a-92a-1 (as may be amended);

(e) Shall ensure compliance with any & all local ordinances & health codes as maybe amended;
(f) Hours of operation are limited to 6:00 a.m. to 11:00 p.m.;

10) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7). *(Amended 12/21/12)*

530.3 Uses permitted subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation: *(Amended 07/26/06)*

1) RESERVED. (Note: this use is redundant with use number 39) *(Amended09/30/08)*

2) Business, professional, or governmental offices located on the street level floor(s) of a building. *(Amended 8/23/05)*

3) Newspaper printing. *(Amended 8/23/05)*

4) Small Scale Artisan, Art, and Craft Workshop – The small scale (no more than 2500 sq. ft. of floor area) production of artisan works, art, and craft works such as stained glass, ceramics, art work, etc. that involve hand manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products through the use of computers, hand tools, and/or domestic mechanical equipment and the incidental direct sale of only those goods so produced or processed provided that:

(a) The production and/or processing area shall be fully concealed from any street and at least 20 percent of the gross ground floor area shall be devoted to retail sale.

(b) The use shall be free of nuisance characteristics and will have no adverse affect on neighboring uses.

(c) The Planning and Zoning Commission may limit the hours of operation of this use when it determines that the protection of the public health, safety, or welfare of the public, in general, or the immediate neighborhood, in particular may warrant such a limitation.

5) Libraries and museums. *(Amended 8/23/05)*

6) Arts and crafts studios. *(Amended 8/23/05)*

7) RESERVED. *(Amended 8/23/05)*

8) Transportation terminal including ticket sales, waiting area, restaurants, newspaper, and candy shops.

9) Multiple dwellings subject to the following conditions: *(Amended 10/07/25)*

(a) No dwelling unit shall be located at street level along the front façade of any building or have direct access at street level along any public street. *(Amended 10/07/25)*

(b) No more than 50% of the gross floor area of any floor (s) at street level shall be designated for residential use.

(c) The provisions of subsections (a) and (b) above shall not apply to new construction comprising thirty (30) or fewer bedrooms on any lot without a building located upon it as of January 1, 2022.

10) Amusement Center.

11) Places of worship. *(Amended 8/23/05)*

12) Hotels, motels, and conference facilities.

13) Institutions for higher learning, business, vocational, and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office schools, art and drafting schools: *(Amended 8/23/05)*

(a) The curriculum shall satisfy the requirements of the Connecticut State Department of Education.

14) Theaters. *(Amended 8/23/05)*

15) Drinking establishments and nightclubs. *(Amended 02/10/86)*

16) Juice Bars, subject to the following conditions:

(a) During juice bar hours, no alcoholic beverages will be served or allowed outside of the barroom. The barroom will be off limits to minors unless all alcoholic beverages are locked away in approved, locked storage.

(b) A clearly visible sign will be placed at all entries to the juice barroom that states "Open as a Juice Barroom - No Alcoholic Beverages Allowed Beyond This Point." The lettering on the signs will be at least 1 1/2" in height.

(c) Security personnel must be placed at all times at all entries to the barroom.

(d) The New London Police Chief shall be notified by telephone 24 hours before the day that the juice bar is in operation.

(e) The applicant shall submit a drawing of the floor plan of the premises to include:

1) The location of and dimensions of all rooms, walls, windows, doors, hallways, dance floors, bars, tables, chairs, stages, dining areas, kitchens, lavatories, patios, storage areas, entrance and exits. All of these features shall be labeled.

2) A plan for the control over alcoholic beverages leaving the barroom such as: signs, security personnel, etc.

(f) There shall be only one access point from the barroom to the juice barroom

(g) The minimum floor area dedicated to patron use shall be 1,000 square feet.

(h) All customers entering the establishment shall be required to provide legal proof of their age. (Section 530.2.20 amended on 10/15/93)

(i) The hours of operation shall not be any later than 12:00 a.m. (midnight) on Friday and Saturday and 11:00 p.m. on the remaining days of the week.

(j) The owner or operator shall register and maintain the appropriate contact information with the New London Police Department.

(k) The maximum gross floor area of the establishment shall not exceed 4,000 square feet.

18) Taverns *(Amended on 10/15/93)*

19) Public and private lots and garages, provided that: *(Amended 04/22/24)*
(a) There is no automotive service or repair;

(b) The use will not increase traffic congestion in the streets abutting the property.

(c) Some combination or wall/fencing and/or landscaping (with) in a five-foot buffer strip shall be maintained along all areas where a parking lot fronts a public street. All plant materials shall be of a sufficient size at time of planting to provide an immediately functional visual buffer and planted at a density that will result in relatively full coverage of the buffer strip at plant maturity. Trees shall be 3½ inches caliper dbh at time of planting. Landscaping elements shall only include those that grow or are maintained at a low height (less than three feet) and shall include a combination of formal evergreen hedges and trees (one tree per fifty-five feet of street frontage) unless an alternative is determined by the Commission to be more appropriate

20) Billiard parlors, bowling alleys, and skating rinks. *(Amended 02/10/86)*

21) Radio, television, or recording studios.

22) RESERVED. *(Amended 08/23/05)*

23) Funeral Parlors.

24) Fast food restaurant, without drive-thru windows provided that eating on the premises shall be permitted only inside the structure or in areas specifically designated and properly maintained outside of the structure. *(Amended 08/23/05)*

25) RESERVED. *(Amended 08/23/05)*

26) RESERVED. *(Amended 08/23/05)*

27) RESERVED. *(Amended 08/23/05)*

28) Adult Entertainment Uses such as but not limited to: Adult Bookstore, Adult Motion Picture Theater, Adult Mini Motion Picture Theater, Adult Motion Picture Arcade, and Adult Entertainment Cabaret. *(Amended 07/11/88)*

(a) Purpose and Intent. Regulate uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a clustering of these uses in any one location. *(Amended 07/11/88)*

(b) Restrictions. Adult entertainment uses shall be subject to the following restrictions:

(1) No such adult entertainment use shall be allowed within 1,000 feet of another existing adult entertainment use.

(2) No such adult entertainment use shall be located within 500 feet of either the R1, R-lA, R-3, or R-4 residential zoning districts.

(3) No such adult entertainment use shall be located within 500 feet of a pre-existing public or private school, recognized public place of worship or public library.

(4) No such adult entertainment use shall be located in any zoning district except the CBD-1 zoned area.

For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building containing or proposing to contain an adult entertainment use to the nearest boundary of the premises of a public place or worship, public or private school, public library, or to the nearest boundary of an R-1, R-lA, R-2, R-3, or R-4 residential district as designated by the Zoning Regulations of the City. *(Amended 07/11/88)*

(c) Registration. The owner of a building or premises, his agent for the purpose of managing, controlling, or collecting rents, or any other person managing or controlling a building or premises, any part of which contains an adult entertainment use shall register with the Zoning Officer of the City of New London the following information:

(1) The address of the premises.

(2) The name of the owner of the premises and names of the beneficial owners if the property is in a land trust.

(3) The address of the owner and the beneficial owners.

(4) The name of the business or the establishment subject to the provisions of this section.

(5) The name(s) of the owner, beneficial owner or the major stock holders of the business or the establishment subject to the provisions of this Section.

(6) The address of those persons named in paragraph (5).

(7) The date of initiation of adult entertainment use.

(8) The nature of the adult entertainment use.

(9) If the premises or building is leased, a copy of said lease must be attached.

It is unlawful for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate an adult entertainment use without first having properly registered and received certification of approved registration.

The owner, manager, or agent of the registered adult entertainment use shall display a copy of the registration form approved by the Zoning Officer in a conspicuous place on the premises.

(d) Exterior Display. No Adult Entertainment Use shall be conducted in any manner that permits the observation of any-material depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", from any public way or from any property not registered as an Adult Entertainment Use. The

provision shall apply to any display, decoration, sign, show window, or other opening. *(Amended 0/11/88)*

29) RESERVED. *(Amended 08/16/06)*

30) RESERVED. *(Amended 08/23/05)*

31) Bed & Breakfast Inns in accordance with the requirements of Article IV, Section 400.3 10. *(Amended 01/07/03)*

32) Tourist Homes in accordance with the requirements of Article IV,420.3 13) *(Amended 02/20/03)*

33) Business Records Document Storage Facility *(Amended 06/07/06)*

34) Retail stores operating between the hours of 11:00 pm and 6:00 am. *(Amended 07/26/06)*

35) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry-cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 11:00 pm and 6:00 am. Automotive service and/or repair are not permitted. *(Amended 07/26/06)*

36) Restaurants either with beer, wine or liquor service operating between the hours of 11:00 pm and 6:00 am. *(Amended 07/26/06)*

37) RESERVED *(Amended 09/30/08)*

38) Business, professional or governmental offices not located on the street level floor (s) of a building operating between the hours of 11:00 pm and 6:00 am. *(Amended 07/26/06)*

39) Banks excluding drive-thru windows operating between the hours of 11:00 pm and 6:00 am. *(Amended 07/26/06)*

40) Art galleries operating between the hours of 11:00 pm and 6:00 am. *(Amended 07/26/06)*

41) Facilities for training in the martial arts, dancing, gymnastics, music, fashion design, or teaching the performing arts operating between the hours of 11:00 pm and 6:00 am. *(Amended 07/26/06)*

42) Brew-pub (smaller than 10,000 square feet of gross floor area) provided that: *(Amended 02/01/08)*

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(a) There is no outdoor entertainment with electrically amplified music.

43) Single or two–family residential use at street level when the building can be historically documented to have been, or where an analysis by a licensed architect or comparable professional acceptable to the Planning and Zoning Commission can certify that, the building was originally constructed and used for residential purpose, at the street level, to the satisfaction of the Planning and Zoning Commission after a referral to the Historic District Commission for comment which shall be made thirty-five days prior to the commission making a decision on a Special Permit application made under this section.

The Commission shall give due consideration to any written report made regarding said referral. *(Amended 03/01/08)*

44) Live/work units provided that, in addition to the general Special Permit criteria of Section 810 B, the following criteria are met:

(a) The resident owner of the business certifies annually to the Zoning Enforcement Officer that only he/she and other members of his/her household are living in the space.

(b) The conducted manufacturing, art making use or business takes place subject to a valid business license associated with the premises.

(c) The live-work manufacturing, art making use or business office activity may employ up to two persons who do not reside in the live-work space.

(d) At least fifty percent (50%) of the floor area within each live-work unit shall be designated, reserved, and used as work space for the permitted manufacturing, art making use or business office activity.

(e) Sixty-percent (60%) of the street-facing façade between two-feet (2') and eight (8) feet above the sidewalk shall be transparent.

(f) The transparent areas of the facades shall be designed and maintained to allow unobstructed views from the outside into the structure or into display windows that have a minimum thirty-inch (30") depth.

(g) The Planning and Zoning Commission may limit the hours of operation of the manufacturing, art making use or business office activity when it determines that the protection of the public health, safety, or welfare of the public, in general, or the immediate neighborhood, in particular may warrant such a limitation.

45) Retail sale of cannabis to consumers for off-premises use as a cannabis hybrid retailer or a cannabis retailer. Use is subject to section 623 (Regulations Concerning Retail Sale of Cannabis to Consumers for off-premises consumption) of these regulations. *(Amended 06/06/22).*

530.4 Accessory Uses

1) Accessory uses customary or incidental to a permitted use.

2) Child Day Care Center subject to the requirements of Section 420.3.6 herein and the following conditions: (Amended 08/23/05)

(a) The Child Day Care Center should be for the exclusive use of the children of persons employed on the same premises where the child day care center is located.

(b) The site shall have a land area of not less than 40,000 square feet.

(c) The site building shall have a gross floor area of not less than 30,000 square feet. *(Amended 08/15/02)*

3) Outdoor entertainment that includes electrical sound amplification is not an allowed accessory use in this zone.

4) Keeping of animals according to Section 622 A. *(Amended 08/10/12)*

530.5 Lot and Bulk Requirements

1) RESERVED *(Amended 09/30/08)*

2) Minimum yards or setbacks:

(a) Front - none.

(b) Side yards - if the side of a lot in the CBD-1 district abuts upon the side of a lot in an R district, there shall be a side yard of not less than the side yard required in the abutting R District. In all other cases a side yard for a commercial building shall not be required, but if provided, shall not be less than six feet in width.

(c) Rear yard - if the rear of a lot in the CBD-1district abuts upon the R district, there shall be a rear yard of not less than 15 percent of the depth of the lot, but such a rear yard need not exceed 20 feet. In all other cases a rear yard is not required, except if one is provided it shall not be less than eight in depth. In the case of a

corner lot abutting a non-residential district on both streets, both interior property lines shall be considered to be side lot lines. (Note: this avoids the need for a rear yard on a corner lot in a CBD-1 district, which would disrupt the continuity of frontage.)

3) Maximum height -The prevailing height of the adjoining street block, as it may be determined by the Planning and Zoning Commission, shall not be exceeded by more than one-story or eighteen-feet (18').

5) RESERVED *(Amended 09/30/08)*

6) RESERVED *(Amended 09/30/08)*

7) RESERVED *(Amended 09/30/08)*

8) Maximum Front Yard Setback – New Building shall have a maximum five- foot setback from the front property line or a zero setback from the prevailing line as this may be determined by the Planning and Zoning Commission.

9) Lot Frontage Coverage - New buildings shall be designed to cover at least 75 percent of the lot frontage, however, in the case where the prevailing lot frontage coverage (as determined by the Planning and Zoning Commission) is more than 75% that degree of coverage shall be required. If the prevailing lot frontage coverage is less than 75%, then the Commission may, if it determines that the purpose of this zoning district is furthered, allow the lot frontage coverage to be as low as the prevailing lot frontage coverage

530.6 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within the district in accordance with the provisions of Article VI, Section 614 of these regulations.

530.7 Facade Review

The Commission for evaluation of architecture and design shall review any new facade or change in the facade of an existing building. The Commission shall refer a copy of any facade plan to the Design Review Board of the Historic District Commission, and the Planning and Zoning Commission shall give due consideration to any report filed with it by said Committee prior to rendering a decision on the facade plan. If no report is received from said Committee within thirty-five (35) days of the referral, it shall be presumed that the Committee has no objection to the facade plan. *(Amended 02/10/86)*

530.8 Permanent Facade Extensions

Facade extensions on ground or upper floors are permitted subject to issuance of a special permit by the Planning and Zoning Commission. Extending certain building fronts into the right-of-way is desirable from a design viewpoint as it enhances the pedestrian environment by injecting interest and animation to the streetscape. From a private viewpoint, it increases square footage of

stores in a manner, which maximizes exposure of their products. Because many buildings along major thoroughfares are of historic or architectural significance, extension of facades may not be

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appropriate. However, many opportunities do exist in which facade extensions would be desirable.

The extensions could exist in a variety of physical forms but must adhere to the following general criteria:

1) Granting of a right of encroachment by the City Council.

2) Detailed review of the design treatment of the building and its impact on the block face is required.

3) The extensions must be at least 75 percent transparent.

4) Displays must be pedestrian focused.

5) The entire facade is renovated as part of any extension.

6) No more than 35 percent of a block face is available for extensions.

7) All extensions are illuminated during evening hours until midnight.

8) No extensions are permitted on certified historic buildings unless concurrence of the State Historic Preservation Officer is obtained.

9) Access to underground utilities must be considered in the design.

Several types of extensions are possible and are enumerated below to serve as guidelines for property owners, the Planning and Zoning Commission and Zoning Official:

1) Display Windows: Ground floor extensions into the right-of-way for purposes of display of goods. Extensions limited to 1 1/2 to 2 feet and taking the form of a bay window or similar projection. Should be primarily transparent except for window mullions and support and be illuminated. Goods displayed should be presented in a highly attractive manner to add color and interest to the street scene. Could also be developed at second floor level.

2) Display Kiosks: Free standing structure adjacent to store and displaying goods contained in store. The requirements for transparency, illumination and retail presentation outlined for the display windows are applicable here.

3) Ground Level Storefront Extension: Extensions should be developed at grade with materials at least 75 percent transparent excluding the roof element. Pedestrian's view of the activities within is to be maximized and visual competition between the new extension and the original building should be minimized.

4) Upper Level Extension: This form of extension is not appropriate for certified historic buildings. The extension must be carefully scaled to the facade of the building from which it originates. The extension could be cantilevered from its host building or supported by columns and terminated below any cornice work or, if none exists, that of adjacent buildings. Again, maximum transparency on all side surfaces to permit views out and in is a key objective. Evening lighting is important to producing interest to the street scene. This type of extension is feasible for streets where the narrow sidewalk width does not permit ground level extensions.

530.9 Conversion of an existing building to residential dwelling. *(Amended 8/23/05)*
As a means of preserving existing sound buildings, especially historically or architecturally significant structures, as well as to encourage population in the central business area and provide an additional housing resource, subject to the issuance of a Special Permit, conversion of existing buildings that do not meet minimum lot size requirements for residential use or additional residential units is permitted, provided that:

(a) The building is in existence on the effective date of this regulation.

(b) The minimum floor area of a dwelling unit not containing a separate bedroom shall be 400 square feet.

(c) The minimum floor area of a one-bedroom dwelling unit shall be 600 square feet.

(d) Off-street parking space shall be provided in accordance with requirements of Article VI, Section 614 of this regulation, and such space shall be located within 500 feet of the premises.

(e) No residential unit is located on the street level floor(s) unless a Special permit under 530.3 (43) has been obtained.

530.10 Approval of Buildings with Mixed Residential and Commercial Uses *(Amended 08/23/05)*
Buildings with mixed residential and commercial uses are allowed upon the issuance of a Special Permit subject to the following requirements:

(a) Separate entrances and exits shall be provided for residential and non-residential portions of the building.

530.11 Approval of New Construction *(Amended 8/23/05)*
Any construction of new principal buildings or any of the following changes which comprise more than 10% of the gross floor area of the existing principal building: new accessory buildings, additions to accessory buildings, major additions to existing buildings are allowed only by Special Permit. Additions to buildings made after the effective date of this regulation change shall be considered on a cumulative basis towards the 10% threshold requiring a Special Permit under this regulation.

Section 535 CBD-2 - Central Business District-Two

(AMENDED 9/30/08)

535.1 Purpose of District. To provide for and encourage a variety of retail businesses, business and professional offices, service businesses, entertainment and cultural establishments and related activities such as parking and pedestrian spaces in a manner that minimizes potential conflict between uses but supports a pedestrian friendly, human scale of development that does not compete with the focus of activity in the CBD-1 District.

535.2 Permitted Uses. The following uses are permitted by right:

1) Retail stores operating between the hours of 6:00 am and 11:00 pm.

2) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 6:00 am and 11:00 pm. Automotive service and/or repair are not permitted

3) Restaurants operating between the hours of 6:00 am and 11:00 pm.

4) Business or professional offices operating between the hours of 6:00 am and 11:00 pm.

5) Banks excluding drive-thru windows operating between the hours of 6:00 am and 11:00 pm.

6) Art galleries operating between the hours of 6:00 am and 11: 00 pm.

7) Facilities for training in the martial arts, dancing, gymnastics, music, fashion design, or teaching the performing arts operating between the hours of 6:00 am and 11:00 pm.

8) Single-family, two-family, or multi-family residential dwellings (excluding units located on street level floors), subject to the density requirements of the R-3 Zone. *(Amended 12/15/08)*

9) Tattoo Parlors/ Tattoo Facilities subject to the following requirements: (*Amended 03/31/09)*

   (a) Shall ensure compliance with Connecticut General Statutes Section 19a-92a & 19a-92a-1 (as may be amended);
   (b) Shall ensure compliance with any & all local ordinances & health codes as maybe amended;
   (c) Hours of operation are limited to 6:00 a.m. to 11:00 p.m.;

10) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7). *(Amended 12/21/12)*

535.3 Uses permitted subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of this regulation:

1) Banks excluding drive-thru windows operating between the hours of 11:00 pm and 6:00 am.

2) Business or professional offices operating between the hours of 11:00 pm and 6:00 am.

3) Newspaper printing.

4) Small Scale Artisan, Art, and Craft Workshop – The small scale production of artisan works, art, and craft works such as stained glass, ceramics, art work, etc. that involve hand manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products through the use of computers, hand tools, and/or domestic mechanical equipment and the incidental direct sale of only those goods so produced or processed provided that:

   (a) The production and/or processing area shall be fully concealed from any street and at least 20 percent of the gross ground floor area shall be devoted to retail sale.

   (b) The use shall be free of nuisance characteristics and will have no adverse affect on neighboring uses.

   (c) The Planning and Zoning Commission may limit the hours of operation of this use when it determines that the protection of the public health, safety, or welfare of the public, in general, or the immediate neighborhood, in particular may warrant such a limitation.

5) Libraries and museums.

6) Arts and crafts studios.

7) Transportation terminal including ticket sales, waiting area, restaurants, newspaper, and candy shops.

8) Places of worship.

9) Hotels, motels, and conference facilities.

10) Institutions for higher learning, business, vocational, and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office schools, art and drafting schools:
   a) The curriculum shall satisfy the requirements of the Connecticut State Department of Education.

11) Theaters.

12) Drinking establishments and nightclubs.

13) Taverns.

14) Public parking lots and garages, provided that:

   (a) There is no automotive service or repair;

   (b) The use will not increase traffic congestion in the streets abutting the property.

   (c) Some combination or wall/fencing and/or landscaping (with) in a five-foot buffer strip shall be maintained along all areas where a parking lot fronts a public street. All plant materials shall be of a sufficient size at time of planting to provide an immediately functional visual buffer and planted at a density that will result in relatively full coverage of the buffer strip at plant maturity. Trees shall be 3½ inches caliper dbh at time of planting. Landscaping elements shall only include those that grow or are maintained at a low height (less than three feet) and shall include a combination of formal evergreen hedges and trees (one tree per fifty-five feet of street frontage) unless an alternative is determined by the Commission to be more appropriate.

15) Billiard parlors, bowling alleys, and skating rinks.

16) Radio, television, or recording studios.

17) Funeral Parlors.

18) Fast food restaurant, without drive-thru windows provided that eating on the premises shall be permitted only inside the structure or in areas specifically designated and properly maintained outside of the structure.

19) Bed & Breakfast Inns in accordance with the requirements of Article IV, Section 400.3 (10).

20) Tourist Homes in accordance with the requirements of Article IV, 420.3 13).

21) Business Records Document Storage Facility.

22) Retail stores operating between the hours of 11:00 pm and 6:00 am.

23) Service business, such as, but not limited to, barber shops, beauty parlors, tailors and dry cleaning stores, custom dressmaker, jewelry repair, shoe repair, travel agent, appliance repair, duplicating business operating between the hours of 11:00 pm and 6:00 am. Automotive service and/or repair are not permitted.

24) Restaurants either with beer, wine or liquor service operating between the hours of 11:00 pm and 6:00 am.

25) Art galleries operating between the hours of 11:00 pm and 6:00 am.

26) Facilities for training in the martial arts, dancing, gymnastics, music, fashion design, or teaching the performing arts operating between the hours of 11:00 pm and 6:00 am.

27) Brew-pub (smaller than 10,000 square feet of gross floor area) provided that:

28) There is no outdoor entertainment with electrically amplified music.

29) Live/work units provided that, in addition to the general Special Permit criteria of Section 810 B, the following criteria are met:

(a) The resident owner of the business certifies annually to the Zoning Enforcement Officer that only he/she and other members of his/her household are living in the space.

(b) The conducted manufacturing, art making use or business takes place subject to a valid business license associated with the premises.

(c) The live-work manufacturing, art making use or business office activity may employ up to two persons who do not reside in the live-work space.

(d) At least fifty percent (50%) of the floor area within each live-work unit shall be designated, reserved, and used as work space for the permitted manufacturing, art making use or business office activity.

(e) Sixty-percent (60%) of the street-facing façade between two-feet (2') and eight (8) feet above the sidewalk shall be transparent.

(f) The transparent areas of the facades shall be designed and maintained to allow unobstructed views from the outside into the structure or into display windows that have a minimum thirty-inch (30") depth.

(g) The Planning and Zoning Commission may limit the hours of operation of the manufacturing, art making use or business office activity when it determines that the protection of the public health, safety, or welfare of the public, in general, or the immediate neighborhood, in particular may warrant such a limitation.

30) Single or two–family residential use at street level when the building can be historically documented to have been, or where an analysis by a licensed architect or comparable professional acceptable to the Planning and Zoning Commission can certify that, the building was originally constructed and used for residential purpose, at the street level, to the satisfaction of the Planning and Zoning Commission after a referral to the Historic District Commission for comment which shall be made thirty-five days prior to the commission making a decision on a Special Permit application made under this section. The Commission shall give due consideration to any written report made regarding said referral *(Amended 12/15/08).*

31) Retail sale of cannabis to consumers for off-premises use as a cannabis hybrid retailer or a cannabis retailer. Use is subject to section 623 (Regulations Concerning Retail Sale of Cannabis to Consumers for off-premises consumption) of these regulations. *(Amended 06/06/22)*

535.4 Accessory Uses.

1) Accessory uses customary or incidental to a permitted use.

2) Outdoor entertainment that includes electrical sound amplification is not an allowed accessory use in this zone.

3) Keeping of animals according to Section 622 A. (*Amended 08/10/12)*

535.5 Lot and Bulk Requirements

1) Minimum yards or setbacks:

(a) Front - none.

(b) Side yards - if the side of a lot in the CBD-2 district abuts upon the side of a lot in an R district, there shall be a side yard of not less than the side yard required in the abutting R District. In all other cases a side yard for a commercial building shall not be required, but if provided, shall not be less than six feet in width.

(c) Rear yard – if the rear of a lot in the CBD-2 district abuts upon the R district, there shall be a rear yard of not less than 15 percent of the depth of the lot, but such a rear yard need not exceed 20 feet. In all other cases a rear yard is not required, except if one is provided it shall not be less than eight in depth. In the case of a corner lot abutting a non-residential district on both streets, both interior

property lines shall be considered to be side lot lines. (Note: this avoids the need for a rear yard on a corner lot in a CBD-2 district, which would disrupt the continuity of frontage.)

2) Maximum height - The prevailing height of the adjoining street block, as it may be determined by the Planning and Zoning Commission, shall not be exceeded by more than one-story or eighteen-feet (18'), whichever is greater. The Commission may waive this requirement for buildings that the Commission determines to be of unusual design excellence. In making this determination the Commission may seek the advise of a professional architect licensed to practice in the State of Connecticut (the fee for whose services may be charged to the applicant as provided for by City Ordinance), This determination shall also address compliance with the following criteria:

   (a) The massing, roof design, and remainder of the design of the exterior of the building shall adequately incorporate and address and Design Review Guidelines for the CBD districts or any similar document that may be adopted by the Commission.

   (b) The exterior of the building shall reflect the use of material of an enduring quality.

   (c) The creation of parking under, within, or on top of the building, or the Commission finds that the parking requirements are substantially exceeded in another acceptable manner.

   (d) The facades of the street level floors fronting City owned roads shall be reserved for use by non-office commercial uses.

3) Maximum Front Yard Setback - New buildings shall have a maximum five-foot setback from the front property line or a zero set back from the prevailing building line as this may be determined by the Planning and Zoning Commission.

4) Lot Frontage Coverage - New buildings shall be designed to cover at least 60 percent of the lot frontage, however, in the case where the prevailing lot frontage coverage (as determined by the Planning and Zoning Commission) is more than 60% that degree of coverage shall be required. If the prevailing lot frontage coverage is less than 60%, then the Commission may, if it determines that the purpose of this zoning district is furthered, allow the lot frontage coverage to be as low as the prevailing lot frontage coverage.

535.6 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within the district in accordance with the provisions of Article VI, Section 614 of these regulations.

535.7 Facade Review

Any new facade or change in the facade of an existing building shall be reviewed by the Commission for evaluation of architecture and design. The Commission shall refer a copy of any facade plan to the Design Review Board of the Historic District Commission, and the Planning

and Zoning Commission shall give due consideration to any report filed with it by said Committee prior to rendering a decision on the facade plan. If no report is received from said Committee within thirty-five (35) days of the referral, it shall be presumed that the Committee has no objection to the facade plan. *(Amended 02/10/86)*

535.8 Permanent Facade Extensions

Facade extensions on ground or upper floors are permitted subject to issuance of a special permit by the Planning and Zoning Commission. Extending certain building fronts into the right-of-way is desirable from a design viewpoint as it enhances the pedestrian environment by injecting interest and animation to the streetscape. From a private viewpoint, it increases square footage of stores in a manner, which maximizes exposure of their products. Because many buildings along major thoroughfares are of historic or architectural significance, extension of facades may not be appropriate. However, many opportunities do exist in which facade extensions would be desirable.

The extensions could exist in a variety of physical forms but must adhere to the following general criteria:

1) Granting of a right of encroachment by the City Council.

2) Detailed review of the design treatment of the building and its impact on the block face is required.

3) The extensions must be at least 75 percent transparent.

4) Displays must be pedestrian focused.

5) The entire facade is renovated as part of any extension.

6) No more than 35 percent of a block face is available for extensions.

7) All extensions are illuminated during evening hours until midnight.

8) No extensions are permitted on certified historic buildings unless concurrence of the State Historic Preservation Officer is obtained.

9) Access to underground utilities must be considered in the design.

Several types of extensions are possible and are enumerated below to serve as guidelines for property owners, the Planning and Zoning Commission and Zoning Official:

1) Display Windows: Ground floor extensions into the right-of-way for purposes of display of goods. Extensions limited to 1 1/2 to 2 feet and taking the form of a bay window or similar projection. Should be primarily transparent except for window mullions and support and be illuminated. Goods displayed should be presented in a highly attractive manner to add color and interest to the street scene. Could also be developed at second floor level.

2) Display Kiosks: Free standing structure adjacent to store and displaying goods contained in store. The requirements for transparency, illumination and retail presentation outlined for the display windows are applicable here.

3) Ground Level Storefront Extension: Extensions should be developed at grade with materials at least 75 percent transparent excluding the roof element. Pedestrian's view of the activities within is to be maximized and visual competition between the new extension and the original building should be minimized.

4) Upper Level Extension: This form of extension is not appropriate for certified historic buildings. The extension must be carefully scaled to the facade of the building from which it originates. The extension could be cantilevered from its host building or supported by columns and terminated below any cornice work or, if none exists, that of adjacent buildings. Again, maximum transparency on all side surfaces to permit views out and in is a key objective. Evening lighting is important to producing interest to the street scene. This type of extension is feasible for streets where the narrow sidewalk width does not permit ground level extensions.

535.9 Approval of Buildings with Mixed Residential and Commercial Uses

Buildings with mixed residential and commercial uses are allowed upon the issuance of a Special Permit subject to the following requirements:

(a) Separate entrances and exits shall be provided for residential and non-residential portions of the building.

535.10 Approval of New Construction

Any construction of new principal buildings or any of the following changes which comprise more than 10% of the gross floor area of the existing principal building: new accessory buildings, additions to accessory buildings, major additions to existing buildings are allowed only by Special Permit. Additions to buildings made after the effective date of this regulation change shall be considered on a cumulative basis towards the 10% threshold requiring a Special Permit under this regulation.

535.11 Conversion of an existing building to residential dwelling. *(Amended 06/24/25)*

As a means of preserving existing sound building, especially historically or architecturally significant structures, as well as to encourage population in the central business area and provide an additional housing resource, subject to the issuance of a Special Permit, conversion of existing buildings that do not meet minimum lot size requirements for residential use or additional residential units is permitted, provided that:

(a) The building is in existence on the effective date of this regulation.

(b) The minimum floor area of a dwelling unit not containing a separate bedroom shall be 400 square feet.

(c) The minimum floor area of a one-bedroom dwelling unit shall be 600 square feet.

(d) Off-street parking space shall be provided in accordance with requirements of Article VI, Section 614, of this regulation, and such space shall be located within 500 feet of the premises.

(e) Residential use at the street level shall be permitted provided that no residential unit shall have direct egress at street level along any public street.

Section 537 IHZ- Incentive Housing Zone Overlay District

(Amended 12/15/10)

537.1 Purposes. The Incentive Housing Zone is an overlay district whose purposes are:

1) To assist the City of New London in complying with the State Zoning Enabling Act, Connecticut General Statute §8-2, by adopting zoning regulations that promote housing choice and economic diversity, including housing for moderate income households.

2) To promote the revitalization of New London's Downtown by encouraging residential or mixed-use development that will provide for a variety of housing and business opportunities in a pedestrian oriented environment.

3) To encourage use of underutilized land areas on parcels with existing development where new housing would be compatible with and complimentary to existing uses on the site and in the downtown.

4) To encourage rehabilitation and renovation of existing historic and older buildings in the downtown to convert underutilized space in the upper stories to residential use.

5) To encourage smart growth and low-impact development.

6) To ensure high quality and creative site planning, architecture, and landscape design that is consistent with the downtown and the specific subdistrict where the proposal lies, the distinct visual character of the historic structures in New London, and the scenic beauty of the waterfront and historic areas.

537.2 Location. The boundaries of the IHZ Overlay District are shown on the City of New London Zoning Map. The IHZ Overlay District is further divided into subdistricts as shown on the supplementary IHZ map.

537.3 Applicability.

1) The regulations in this §537 shall apply to any proposed Incentive Housing Development within the IHZ Overlay District. The provisions of the underlying zoning district shall not apply to a proposed Incentive Housing Development unless otherwise indicated in this §537, and such underlying zoning designation shall terminate upon approval of a site plan of an Incentive Housing Development. Reinstatement of the underlying zoning shall automatically occur upon rescission of the site plan, approved by vote of the Planning & Zoning Commission.

2) The provisions of the following sections of the New London Zoning Regulations shall apply to an Incentive Housing Development proposal. No other sections shall be applicable unless specifically made applicable by and within this §537.

a) §601, Swimming Pools

b) §602, Tennis Courts, Paddle Tennis Courts, and Similar Accessory Recreation Facilities

c) §607, Accessory Buildings and Structures

d) §608, Exceptions and Modifications-Height Limits

e) §609, Earth Products Extraction and Fill

f) §610, Regulations Concerning the Sale of Alcoholic Liquor

g) §611, Vending Machines

h) §612, Wind Energy Conservation Systems, Solar Devices, and Dish Antennas

i) §613, Performance Standards

j) §615, Signs

k) §617, Fences

l) §618, Temporary Forms of Outdoor Entertainment

m) Article IX, Administration and Enforcement

n) Article II, definitions

537.4 Description of Subdistricts.

1) Eastern Core. This subdistrict is 31.6 acres excluding rights-of-way, and overlays the CBD-1 District in the downtown area (northeast of Sparyard Street). It includes the area between Eugene O'Neill Drive and Water Street, State Street, and Bank Street-the core of the historic center of New London. This area has experienced numerous changes in uses and architectural styles over the past four centuries, resulting in an eclectic mix of buildings today. The intent of this IHZ subdistrict is to contribute to the revitalization of New London's downtown by creating opportunities for reuse of underutilized upper stories in existing buildings as well as for redevelopment of underutilized sites for new mixed use buildings with residential uses in the upper stories. Non-residential use of street level space is required, to enhance the streetscape as an interesting pedestrian oriented environment with many places to go (shops, restaurants, galleries, etc.).

2) North/South. This subdistrict is 16. 56 acres excluding the rights-of-way and corresponds to the CBD-2 District. Split by the Eastern Core subdistrict, this area includes development that is not as dense, primarily as a result of the urban renewal efforts in the late 1960's. Several historic properties remain, including the four Whale Oil Row homes (now offices), the Acorn Barns House at 68 Federal Street (also offices), and the Bishop House (now offices and apartments) among others. Many of the more modern buildings are located in this subdistrict, including the 1914 Monte Cristo Garage (now mixed use with housing and commercial), the Radisson Hotel, and the Southern New England Telephone complex. The intent of this subdistrict is to contribute to the revitalization of New London's downtown by creating opportunities for redevelopment of underutilized properties to include residential uses. Non-residential use of street level space is encouraged where surrounding properties would not be conducive to residential use at the street level, to enhance the streetscape and weave these areas into the fabric of the downtown.

3) Northwest. This subdistrict is 2.56 acres (there are no rights-of-way within it), and is underlain by the C-1 District. This small area is adjacent to the historic properties along the eastern side of Huntington Street, and includes three properties which are currently underutilized for their location at the edge of the downtown and near the courthouse. The intent of this subdistrict is to provide opportunity for redevelopment of these sites to better incorporate this area into the downtown, to improve the appearance of the streetscape adjacent to Whale Oil Row, and to better utilize the land area available.

537.5 Permitted Uses and Dimensional Requirements.

1) Within the Eastern Core Subdistrict:

(a) Uses:

1. Non-residential uses specified in §530.2 (CBD-1) shall be permitted by right.

2. Non-residential uses specified in §530.3 (CBD-1) shall be permitted by special permit.

3. Multi-family residential use shall be permitted by right but is not permitted on the street level.

4. Live/Work residential units shall be permitted by right provided they are located on the upper floors and they meet the criteria listed under Section 530.3 paragraph 44 (a) through (g).

(b) The density of residential units shall be:

1. a maximum of 20 dwelling units per acre (du/a), or

2. greater than 20 dwelling units per acre, provided:

   i the project is to renovate an existing building of historic value without increasing the building envelope (i.e. no increase in footprint or height)

   ii the units are a minimum of 600 square feet; and

   iii each unit has its own full kitchen and full bathroom.

2) Within the North/South Subdistrict:

(a) Uses:

1. Nonresidential uses specified in §535.2 (CBD-2) shall be permitted by right.

2. Nonresidential uses specified in §535.3 (CBD-2) shall be permitted by special permit.

3. Townhouses and multi-family residential uses are permitted by right.

4. Live/work residential units shall be permitted by right provided they are located on the upper floors and they meet the criteria listed under Section 535.3 paragraph 29 (a) through (g).

(b) The density of residential units shall be:

1. a maximum of 27.5 dwelling units per acre (du/a), or

2. greater than 27.5 dwelling units per acre, provided:

   a. the project is to renovate an existing building of historic value without increasing the building envelope (i.e. no increase in footprint or height);

   b. the units are a minimum of 600 square feet; and

   c. each unit has its own full kitchen and full bathroom.

3) Within the Northwest Subdistrict:

(a) Uses:

1. Nonresidential uses specified in §535.2 (CBD-2) shall be permitted by right.

1) Application Requirements. As part of any application for an Incentive Housing Development, the Applicant must submit the following:

(a) Sixteen copies and the original of the site plan in compliance with §800 of the New London Zoning Regulations, with the exception that §800 H.12 shall not be required for any Incentive Housing Development application. In addition, architectural drawings shall be submitted for each application, and shall show sufficient detail for all sides of the building(s) to determine compliance with the Incentive Housing Zone Design Standards.

(b) Site plan application fees, as specified in the Planning & Zoning Commission's fee schedule.

(c) Submission shall be made to the Planning & Zoning Commission 22 days prior to a regular meeting.

3) Professional Consultant Review Fees. When the Commission determines that a peer-review of the technical aspects of an application for an Incentive Housing Development is required to enable the Commission to render a reasonable decision, the Commission may require, after notice of estimated amount, the Applicant to pay the fees for professional consultants. Such fees shall be accounted for separately by the City from other moneys and maintained in an interest-bearing account and used only for expenses associated with the technical review of the application by consultants who are not otherwise salaried employees of the City or the Planning & Zoning Commission. Any amount in the account remaining after payment of all expenses for technical review, including any interest accrued, shall be returned to the Applicant no later than forty-five (45) days after the completion of technical review.

4) Referrals to City Agencies. The Commission may refer copies of an Incentive Housing Development Application to other City agencies as necessary to determine compliance with municipal ordinances.

5) Public Hearing. A public hearing shall be conducted for any site plan application seeking approval for an Incentive Housing Development. The public hearing shall be conducted in accordance with the requirements of Chapters 124 or 126 and §§ 8-13a et seq., as applicable, of the Connecticut General Statutes, as applicable.

6) The time limits for rendering a decision on a site plan for an Incentive Housing Development shall be governed by the Connecticut General Statutes, as applicable.

7) An application for an Incentive Housing Development shall be approved by the Planning & Zoning Commission provided it is consistent with the New London Zoning Regulations.

8) Conditions shall be imposed on an Incentive Housing Development approval by the Commission only as necessary:

(a) to ensure substantial compliance of the proposed development with the requirements of the incentive housing zone regulations including the design standards, or

(b) to mitigate any extraordinary adverse impacts of the development on nearby properties.

9) An application for an Incentive Housing Development may be denied only if:

(a) the development does not meet the requirements set forth in the New London Incentive Housing Zone regulations (§537 of these Zoning Regulations), or

(b) the Applicant failed to submit information and fees required by the Regulations and necessary for an adequate and timely review of the design of the Incentive Housing Development or potential development impacts, or

(c) it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of conditions acceptable to the Applicant.

537.7 Incentive Housing Unit Requirements

1) The following regulations shall govern the residential units in an Incentive Housing Development:

(a) Twenty percent (20%) of all dwelling units constructed in an Incentive Housing Development shall be Incentive Housing Units. When a calculation performed under this subsection results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.

(b) Incentive Housing Units shall be rented or sold to and occupied only by Eligible Households.

(c) Each Incentive Housing Unit shall be subject to an Incentive Housing Restriction, which shall be recorded on the New London Land Records. All Incentive Housing Restrictions must include, at a minimum, the following:

(1) A description of the Incentive Housing Development, including whether the Incentive Housing Units, at the time of initial occupancy, will be rented or owner-occupied.

(2) An identification of the Incentive Housing Units.

(3) The name and address of the Incentive Housing Administrator.

(4) A requirement that only an Eligible Household may reside in an Incentive Housing Unit.

(5) The formula pursuant to which rent of a rental unit or the maximum sale or resale price of a homeownership unit will be calculated.

(1) The term of the Incentive Housing Restriction, which shall be a minimum of thirty (30) years, calculated on a per unit basis from the date of the initial residential occupancy of each Incentive Housing Unit.

(7) Provision for monitoring and enforcement of the terms and provisions of the Incentive Housing Restriction by the Planning & Zoning Commission or their designee.

(8) Provision that the Incentive Housing Administrator shall file an annual report to the Planning & Zoning Commission, in a form specified by the Commission, certifying compliance with the provisions of this §537.7.

537.8 Design Standards. All Incentive Housing Developments shall comply with the New London Incentive Housing Zone Design Standards.

Section 540 WD - Waterfront Development District

(Amended 04/07/26)

540.1 Purpose of District. The purpose of the Waterfront Development District is to encourage a mixture of land uses, with emphasis on waterfront access and water dependent and related uses.

The City of New London contains a number of valuable waterfront areas along the Thames River, which have potential for waterfront development of different types. In accordance with the City's planning objectives outlined in the Coastal Area Management Plan (CAM) and in the Plan of Development, portions of the waterfront are to be devoted to non-industrial uses and other portions to industrial and port uses. The Waterfront Development District is designed to achieve the most appropriate use of land and structures in the predominantly marine business non-industrial portions of these waterfront areas and consistent with the design guidelines included here and in Municipal Coastal Program adopted by the Planning and Zoning Commission.

540.1a Permitted Uses. The following uses are permitted by right. *(Amended 12/21/11)*

1) Institutions for higher learning, business, vocational, and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office schools, art and drafting schools, school for training in the martial arts, dancing, gymnastics, and music, schools for fashion design; subject to the following requirements:

   (a) The curriculum shall satisfy the requirements of the Connecticut State Department of Education.

   (b) No accommodations for resident students shall be permitted.

   (c) No music or noise shall be audible beyond the immediate premises.

   (d) Such use shall be no more than 1800 sf. ft in size.

2) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7). *(Amended 12/21/12)*

540.2 Uses permitted subject to the issuance of a Special Permit by the Planning and Zoning Commission in accordance with the provisions of Article VIII Section 810 of these regulations. *(Amended 04/07/26)*

1) Public and private parks and playgrounds.

2) Yacht clubs and marinas, including uses accessory to them such as swimming pools, tennis courts, racquet ball facilities.

3) Boat docks, slips, piers and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursions, ferry boat piers and transportation terminals, pleasure, or fishing trips or for vessels engaged in fishery or shell fishery.

4) A yard for building, storing, repairing, selling or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restroom and laundry facilities to serve overnight patrons. Adequate lanes must be provided to allow access and egress throughout the yard for fire apparatus.

5) Boat and marine engine sales and display.

6) Yacht broker, marine insurance broker.

7) The rental of boats.

8) Retail sale or rental of boating, fishing, diving, and bathing supplies and equipment.

9) A sail loft or ship's chandlery.

10) Museums with nautical themes.

11) Manufacturing, fabrication, processing, and assembly of goods and products which were in existence on the effective date of this regulation.

12) Petroleum and related fuel storage and distribution facilities which were in existence on the effective date of this regulation.

13) Parking facilities. *(Amended 06/04/85)*

14) Base operations for fishing and lobstering business, including as an accessory use of such business a store or market for the sale of fish, shellfish, and other related food products, and/or the commercial bulk processing of fish and shellfish.

15) Retail stores and service establishments.

16) Restaurants. *(Amended 02/10/86)*

17) Business and professional offices.

18) Multi-family residential uses in either a stand-alone residential building or a mixed-use commercial/residential building up to a maximum density as provided for in the R-4 Zone. *(Amended 04/07/26)*

19) Hotels and motels.

20) Public utility installations.

21) Radio or television antennas, flagpoles, towers, chimneys, water tanks or standpipes, any of which extend more than 25 feet above the ground.

22) Art and craft studios and shops.

22) Structural additions to existing manufacturing, fabrication, processing and assembly facilities and existing petroleum and related fuel storage and distribution facilities.

24) Commercial entertainment establishments catering primarily to persons below the legal age for drinking alcoholic beverages, subject to the following conditions:

(a) The minimum area devoted to patron use shall be 1,000 square feet.

(b) A drop-off and pick-up location for vehicles near a well-lighted entrance shall be provided.

(c) Off-street parking areas shall be illuminated.

(d) No such use shall be located closer than 500 feet to any similar establishment or to any establishment serving or selling alcoholic beverages, except that this provision shall not apply to restaurants which provide alcoholic beverages, only from a service bar. *(Amended 05/08/85)*

25) Child Day Care Center, subject to the requirements of Section 420.3.6 herein. *(Amended 08/15/02)*

26) Institutions for higher learning, business, vocational, and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office schools, art and drafting schools, school for training in the martial arts, dancing, gymnastics, and music, schools for fashion design; subject to the following requirements:

(a) The curriculum shall satisfy the requirements of the Connecticut State Department of Education.

(b) No accommodations for resident students shall be permitted.

(c) No music or noise shall be audible beyond the immediate premises.

(d) Such use shall not occur on the first floor of the premises.

(e) The subject site shall have frontage on Bank St. and/or Howard St.

540.3 Accessory Uses *(Amended 03/23/94)*

1) Off-street parking.

2) Signs subject to the requirements of Article VI, Section on 615

3) Enclosed storage.

4) Amusement device.

5) Accessory uses customary or incidental to a permitted use.

6) Keeping of animals according to Section 622 A. *(Amended 08/10/12)*

540.4 Lot and Bulk Requirements: *(Amended 10/09/19)*

1) Minimum lot size - 20,000 square feet.

2) Minimum lot width - 50 feet.

3) Minimum lot frontage - 50 feet.

Where the Commission deems it desirable and feasible, it may approve a site plan for a use which does not have frontage on a public street, provided that the lot meets all other requirements and access is assured by covenants or other instrument acceptable to the Planning and Zoning Commission.

4) Minimum setbacks.

Front yard - 0 feet, *(Amended 10/09/19)*

Side yard – 0 feet, *(Amended 10/09/19)*

Rear yard - 0 feet, *(Amended 10/09/19)*

The Commission may require an increase of the setback in a required yard if in its judgement such an increase would be necessary for the protection to and safety from the waterway. However, in no case shall such requirement increase beyond 25 feet from the Thames Rive at the mean high-water mark. *(Amended 10/09/19)*

5) Maximum lot coverage of principal and accessory buildings - 50 percent.

6) Maximum height - 25 feet, except (1) the maximum height may be increased by special permit, provided that parking is created under, within, or on top of the structure, or the commission finds that the parking requirements are substantially exceeded in some other manner of off-street parking, or except (2) as provided in Article V, Section 540.8.1 below. *(Amended 12/05/88)*

7) Building width.

The total cumulative width of buildings, structures, fences or walls more than 30 inches in height above the finished grade which are located adjacent to the Thames River shall not occupy more than 40 percent of the width of a parcel as measured along a line parallel to and 25 feet from the river, except as provided for in Article V, Section 540.8.2 below.

540.5 Off-Street Parking & Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations, except as follows:

1) Because the WD District is important to the City's economy, provides a local service and employment base, and because its physical integrity must be enhanced, and further because it is desirable to utilize existing buildings as fully and as efficiently as possible, required parking for uses within the WD District may be provided on sites other than the site which they serve provided that:

(a) Said spaces are within 500 feet walking distance of the lot or use which they serve.

(b) The parking lot or spaces shall conform to the provisions of the district in which they are located. In the case of a privately owned lot which is serving a primary use outside the district in which it is located, the parking area shall be classified as a permitted accessory use.

(c) Such spaces shall be in the same ownership as the use which they serve and shall be subject to a deed restriction binding the owner and his heirs and assigns to maintain the required number of spaces either (1) throughout the existence of the use to which they are accessory, or (2) until such spaces are provided elsewhere.

Required off-street spaces which, after development, are dedicated and accepted by the City, shall be deemed to continue to serve the uses for which they were originally provided.

540.6 Design Guidelines

In addition to the considerations set forth for Site Plan Review, Article VIII, Section 800 the Commission shall consider the purposes of this section and the specific design guidelines set forth in the CAM Plan adopted by the Planning and Zoning Commission as well as the following factors during their review:

1) The quantity and extent of views from the adjacent public streets through the property to the water.

2) The design and relationship of development to the waterfront as viewed from the water.

3) The design and function of any easements or other access provided to and along the shoreline, including new bulkheading or docking facilities.

4) The eligibility of proposed development to utilize any of the development incentives set forth below.

540.7 Modifications to Height and Width as incentives to achieve purposes and design guidelines.

1) Height

(a) For every reduction of 10 percent in coverage under the maximum 50 percent, an additional 10 feet of height may be permitted up to a maximum of 55 feet.

(b) Maximum height may be increased by one story or 10 feet up to a maximum of 55 feet if permanent public access to the river is provided. Such access in the form of a permanent easement shall be at least 12 feet wide from the street to the water and 8 feet along the width of the property along the water.

2) Building Width

Building width may be increased to more than 40% of the width of a parcel as measured along a line parallel to and 25 feet from the river under the conditions set forth below:

(a) Maximum width may be increased to 50 percent if permanent public access to the Thames River is provided as set forth in Article V, Section 540.8.1(b) above.

(b) Maximum width may be increased to 60 percent if more than 50 percent of the buildings and/or property are used for one or more of the following uses:

i. Marinas or tour boat launching.

ii. Sale of marine supplies, services, or equipment.

iii. Manufacture, assembly or repair of marine products such as boats, sails, hardware, etc.

iv. Museums with nautical themes.

Section 550 WCI - 1 Waterfront Commercial-Industrial

(Amended 9/30/08)

550.1 Purpose of the Waterfront Commercial-Industrial District.
Encourage water dependent and water related industrial and major commercial use and where appropriate and feasible, public access, along appropriate portions of the Thames River waterfront consistent with the objectives of the Connecticut Coastal Management Act, and the New London Municipal Coastal Program and Plan of Conservation and Development (see Purposes of Section 540 herein). *(Amended 09/01/98)*

550.1a Permitted Uses. The following uses are permitted by right:

1) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7) *(Amended 12/21/12)*

550.2 Uses Permitted subject to the issuance of a Special Permit by the Planning and Zoning Commission in accordance with the provisions of Article VIII, Section 810 of these regulations. These specially permitted uses are intended to be allowed in conjunction with the permitted uses cited under Section 550.2 to the greatest extent feasible.

1) Public and private parks and playgrounds.

2) Yacht clubs and marinas, including uses accessory to them such as swimming pools, tennis courts, racquetball facilities.

3) Boat docks, slips, piers and wharves for fishing, yachts and pleasure boats or for boats for hire carrying passengers on excursions, pleasure, or fishing trips or for vessels engaged in fishery or shell fishery.

4) Boat and marine engine sales and display.

5) Yacht broker, marine insurance broker.

6) Rental of boats.

7) Retail sale or rental of boating, fishing, diving, bathing supplies and rental.

8) Base operations for fishing and lobstering business and the commercial bulk processing of fish and shellfish including as accessory use of such business a store or market for the sale of fish, shellfish, and other related food products.

9) Ferry boat piers and terminals.

10) Water related museums and/or educational facilities. *(Amended 10/20/94)*

11) Restaurants.

12) Business and professional offices.

13) Hotels, motels and conference facilities.

14) Retail Stores.

15) Amusement Centers.

16) Commercial recreation, such as, but not limited to, tennis clubs, skating rinks, billiard parlors, miniature golf courses, bowling alleys, health clubs and uses normally accessory thereto (lockers, restaurants, retail sale of goods associated with the particular activity).

17) Buildings with mixed uses subject to the following requirements:

    (a) All lot and bulk requirements for each use are satisfied, unless otherwise modified by the Commission as permitted herein. *(Amended 09/01/98)*

18) Port facilities for bulk shipping and storage facilities, indoor and outdoor.

19) Manufacturing, fabrication, processing and assembly of goods and products.

20) Railroad yards, storage, service and repair.

21) A yard of building, storing, repairing, selling or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restroom and laundry facilities to serve overnight patrons. Adequate lanes must be provided to allow access and egress throughout the yard for fire trucks.

22) Parking facilities and structures. *(Amended 09/01/98)*

23) Museums and/or educational facilities.

24) Drinking Establishments/Cafes. *(Amended 08/07/97)*

25) Laboratories as defined in Section 210 of this ordinance, including but not limited to pharmaceutical research and development facilities, and as part of an overall development plan, accessory uses such as employee fitness centers, cafeterias, helipads and other permitted accessory uses. *(Amended 08/05/99)*

26) Child Day Care Center, subject to the requirements of Section 420.3.6 herein *(Amended 08/15/02)*

27) Solid Waste Management and Recycling Facility *(Amended 10/18/16)*

(a) All portions of the property on which the facility is located must be located more than 100 feet from the Thames River.

(b) Except as otherwise authorized by the Commission, all waste and recyclables receiving, handling, processing and storage shall be entirely within a building. The facility shall be on property and designed and operated to use rail for out-shipment of waste and recyclables.

(c) A buffer area around all sides of the development except the street frontage shall be provided. Buffer width shall be at least Fifteen (15') and shall consist of dense plantings as well as opaque fencing and/or land forms, which will provide a year round visual screen between the use and adjoining uses.

(d) The buffer area and plantings shall be designed, to the extent practicable, to screen all on-site operations from the view of the neighboring properties and public roads however areas devoted to vehicle and equipment movement and parking may be excluded from this requirement.

(e) Any outside waste or recyclable storage area shall be located more than 50 feet from any commercial property boundary line or 500 feet from any residential zoned boundary line and be suitably located on the property to maximize visual screening from adjoining properties and public roads.

(f) The maximum area of the leased or owned premises or property may not exceed o four (4) acres.

(g) At all times that the facility is in operation it must meet the requirements of a permit issued by the Connecticut Department of Energy and Environmental Protection (DEEP) as defined by State of Connecticut law and regulation, including any other permitting obligations or local, State or Federal law and regulation.

(h) The facility shall not be authorized or permitted by CTDEEP to receive either liquid or solid hazardous waste material as defined by applicable law and these regulations.

(i) Prior to conducting any operations at the property, an Operations and Management Plan approved by the CTDEEP must be provided to the appropriate

City departments including Fire, Police, Public Works, Building, and others to be determined by the Commission.

(j) The acceptable materials for a "Solid Waste Management & Recycling Faculty" shall include glass, metal plastic containers, paper, textiles, and scrap metal or as defined by the State of Connecticut for such facility; except for motor vehicles and motor vehicle parts which are specifically excluded.

(k) Any portion of the site traversed by vehicles or used for the transport or storage of materials shall be paved to create an impervious surface. All drainage from these impervious surfaces shall be directed through a stormwater treatment system that will include all appropriate and reasonable Best Management Practices consistent with the Connecticut Stormwater Manual and satisfactorily address any recommendations of the Department of Public Works and the Connecticut Office of Long Island Sound Programs that may be adopted by the Planning and Zoning Commission in any Special Permit they may issue pursuant to this regulation.

(l) All processing must be done inside a building approved for such processing.

(m) Storage of any non-marketable residue shall be limited to an area enclosed by a fully opaque fence with a gate of identical material. Such area shall be limited in area to a 200 square foot. enclosure, no more than eight feet high.

(n) Evidence shall be submitted prior to the issuance of a Zoning Permit for this use that registration under the "General Permit for the Discharge of Stormwater Associated with Industrial Activities" from the State of Connecticut Department of Environmental Protection (DEP) has been obtained. A copy of the required Stormwater Pollution Prevention Plan (PLAN) shall be provided to the ZEO upon its approval by DEP and at anytime upon request of the ZEO. Failure to maintain a current PLAN or be compliant with the PLAN may be grounds for the revocation of any Special Permit issued under this section.

(o) If a Phase I Environmental Assessment is required by another agency the document shall be submitted with the Special Permit application.

(p) The applicant shall demonstrate to the Commission's satisfaction that the proposed site is not suitable for a water-dependent use including public access.

(q) If the Commission determines that the site is not suitable for a commercial or industrial water-dependent use, but is suitable for public access, then the proposed development shall include a significant and useable public access component and the operator shall maintain the public access infrastructure and all associated landscaping and signage as long as the processing facility is in operation.

550.3 Accessory Uses

1) Off-street parking and loading.

2) Signs subject to the requirements of Article VI, Section 615

3) Enclosed storage.

4) Suitably screened dumpster(s).

5) Suitably screened public utility installations.

6) Accessory uses customary or incidental to a permitted use.

7) Uses which provide general public access to the waterfront. Access may be provided by any approved means including, but not limited to, easements, boardwalks, decks or other similar means. Such public access shall be identified on the site plan and shall be provided in the form of a permanent easement acceptable to the City's Director of Law. Easements along the shoreline shall be at least 15 feet wide from the nearest public street to the water and at least 12 feet wide along the identified portion of the site shoreline. *(Amended to 09/01/98)*

550.4 Lot and Bulk Requirements

Unless otherwise approved by the Commission pursuant to Section 550.8 herein, all development within the WCI-1 district shall comply with the following minimum standards:

1) Minimum lot area - 10,000 square feet.

2) Minimum lot width - 100 feet.

3) Minimum lot frontage - 75 feet.

4) Minimum setbacks -

In no case shall new construction at the foundation line be less than 20' from the Thames River at mean high water elevation. *(Amended 09/01/98)*

Front yard - 20 feet *(Amended 09/01/98)*

Side yard - 10 feet *(Amended 09/01/98)*

Rear yard - 20 feet *(Amended 09/01/98)*

5) Maximum lot coverage of principal and accessory buildings - 50 %.

6) Maximum building height - 45 feet *(Amended 09/01/98)*

550.5 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations, unless otherwise approved by the Commission pursuant to Section 550.8 herein. *(Amended 09/01/98)*

550.6 Design Review Guidelines

The following design guidelines shall apply to all development within the WCI-1 district.

1) Related Objectives and Requirements

In reviewing a proposed development within the WCI-I zone, the Commission shall consider the following:

1. Site Plan objectives in Section 800B;
2. Coastal Site Plan requirements in Section 840F;
3. Municipal Coastal Program goals and objectives;
4. If applicable, Special Permit objectives in Section 810B (09/01/98)

2) Connecticut Coastal Management Act (CCMA)

Development shall be consistent with the applicable resources and use policies, and related goals and objectives of the CCMA. In reviewing a development proposal, in addition to other requirements of this Section, the Commission shall consider the following:

1. The quality and extent of views from the adjacent public streets through the property to the water.
2. The design and relationship of development to the waterfront as viewed from the water.
3. The design and function of any easements or other access provided to and along the shoreline, including new bulkheading or docking facilities.
4. The environmental impact on the ecosystem and the habitat of Long Island Sound.
5. The eligibility of proposed development to utilize any of the development incentives set forth in Section 550.8 below. *(Amended 09/01/98)*

3) High Quality Urban Design Features

Developments shall strive to provide high quality design features, consistent with the development's purpose and setting. Landscape, site and building lighting, surface treatments, pedestrian features, walkways, signs and other similar features should all be of the highest quality of materials, installed in accordance with applicable standards and procedures and properly maintained or replaced in kind as necessary. *(Amended 09/01/98)*

4) Water Quality and Resource Protection

All development shall strive to protect and enhance sensitive natural features and resources. Applicants shall integrate natural features and resources into the development plan where feasible and appropriate, and may employ a variety of measures to achieve this objective, including but not limited to remediation of contaminated soils and groundwater; best management practices to improve the quality of storm water discharge to Long Island Sound and tidal wetlands; and restoration of degraded wildlife habitats. *(Amended 09/01/98)*

550.7 Permitted Modifications to Bulk and Other Requirements

1) General

In order to achieve the goals and objectives of the Municipal Coastal Program, Plan of Conservation and Development and WCI-1 Zone, the Commission may provide a greater degree of flexibility in project design through approval of modifications of the zoning requirements described herein. In approving such modifications, the Commission shall consider the requirements of Section 550.7, as well as the review criteria described below. Approval of modifications is strictly limited to the requirements and provisions of this section, and shall be accomplished through approval of a special permit by the Commission. (09/01/98)

2) Permissible Modifications and Applicable Review Criteria

The Commission may modify the following in approving a development within the WCI-1 zone, subject to the criteria for evaluating each proposed modifications. These criteria are in addition to those provided for in Section 840 Coastal Site Plans, Section 800 Site Plans and Section 810 Special Permits. The approval of any modifications shall also be consistent with any and all requirements of Section 800, 810 and 840 as applicable. *(Amended 09/01/98)*

A. Permissible Modifications in all WCI-1 Developments

(1) Minimum Lot Frontage (ref. Section 550.5.3)

Where the Commission deems it desirable and feasible, it may approve a site plan for a use which does not have frontage on a public street, provided that the lot meets all other requirements and access is assured by covenants or other instrument acceptable to the Planning & Zoning Commission. *(Amended 09/01/98)*

(2) Minimum Side Yard Setback (ref. Section 550.5.4)

The Commission may permit a reduction in the side yard to "0" if in its judgment such a reduction will help to achieve the purposes of the district. If a sideyard is provided however, it must be at least 10 feet. *(Amended 09/01/98)*

(3) Maximum Building Height (ref. Section 550.5.6)

The maximum height may be increased, provided that parking is created under, within, or on top of the structure, or the Commission finds that parking requirements are substantially exceeded in some other manner of off-street parking. *(Amended 09/01/98)*

B. Permissible Height Modifications for Development on Lots Under 15 Acres (ref. Section 550.5.6)

The Planning & Zoning Commission has determined that the loss of public views of the Thames River and Long Island Sound contribute significantly to the destruction of the character of the City as a waterfront community. As a means to protect and enhance the existing and potential views of the water, the City has created the following incentives to encourage development that works to achieve this policy. In reviewing the special permit applications under this section, the Commission shall take into consideration the impact of the proposed activity on visual access to the water. This consideration shall be made with the objective that waterfront property shall be developed in a manner to maximize visual access to and from the water. *(Amended 09/01/98)*

1. For every reduction of 5 percent in lot coverage below the maximum 50 percent, an additional 10 feet of building height may be permitted up to a maximum of 90 feet; or *(Amended 09/01/98)*

2. Maximum building height may be increased by 10 feet for every 10 feet the building is set back from one of the

minimum required setback lines, up to a maximum of 90 feet of building height. *(Amended 09/01/98)*

C. Additional Permissible Modifications for Development on Lots of 15 Acres or More.

The Commission recognizes the need to provide design and procedural flexibility for complex, large scale developments which may include a mix of uses, or which may be developed in phases over a period of years. Therefore, developments on lots of 15 acres or more may apply for, and the Commission may approve, modifications to the following provisions: (09/01/98)

(1) Lot Coverage (ref. Section 550.5.5)

The Commission may increase maximum lot coverage from 50% to no more than 65% if the additional coverage is devoted exclusively to one or more parking structures. (09/01/98)

(2) Maximum Building Height (ref. Section 550.5.6)

The Planning & Zoning Commission has determined that the loss of public views of the Thames River and Long Island Sound contribute significantly to the destruction of the character of the City as a waterfront community. As a means to protect and

enhance the existing and potential views of the water, the City has created the following incentives to encourage development that works to achieve this policy. In reviewing the special permit applications under this section, the Commission shall take into consideration the impact of the proposed activity on visual access to the water. This consideration shall be made with the objective that waterfront property shall be developed in a manner to maximize visual access to and from the water. *(Amended 09/01/98)*

a. The Commission may increase building height to a maximum of no more than 150 feet if it finds that such height is appropriate after considering the following: *(Amended 09/01/98)*

1. Physical constraints of the site, including soils, topography, parcel size and shape, neighboring

buildings and land uses and other limitations; and *(Amended 09/01/98)*

2. Project design, including proposed building placement and design, grading, landscaping and similar features. *(Amended 09/01/98)*

(3) Multiple Principal Buildings On One Lot (ref. Section 605H)

The Commission may modify the requirements of Section 605H in order to permit a unified arrangement of buildings on one parcel. In reviewing requests for modifications of these provisions, the Commission shall consider provisions for internal vehicular and pedestrian circulation, building designs, heights and separation distances, site and building ownership and control, parking location and design, emergency access and the location and nature of abutting uses. *(Amended 09/01/98)*

(4) Location of Accessory Structures (ref. Section 607)

The Commission may allow accessory structures to be placed in required yards, including front yards, subject to a review of the size and design of the proposed structure, proposed landscaping and screening, the use proposed for the structure, views to the water from adjacent public streets and property, physical site limitations, operational needs of the proposed use and the location and other characteristics of adjacent uses and structures. *(Amended 09/01/98)*

(5) Parking Requirements (ref. Section 614)

The Commission may modify the parking requirements of Section 614, up to but not exceeding a reduction of 20% of the required number of parking stalls for a given use or mix of uses. In reviewing request for modification of these requirements, the Commission shall consider the mix and characteristics of the uses proposed, the nature of traffic anticipated, the availability of off-site parking and/or shared parking arrangements, and the ability of emergency vehicles to service the site. *(Amended 09/01/98)*

(6) Fence Heights and Locations (ref. Section 617)

The Commission may waive or modify the requirements of Section 617, to permit fences to be located closer to a property line, but

only for fences in proposed commercial and industrial developments which will abut a WCI-1, WD, LI-O, C-1, CBD, INST, or OS district. In reviewing such modifications, the Commission shall consider the location and nature of abutting uses, the security and operational needs of the proposed use, fence design, height and materials, maintenance provisions, site topography, views to the water, and access for emergency personnel and vehicles. *(Amended 09/01/98)*

Section 555 WCI - 2 Limited Waterfront Commercial/Industrial

(Amended 09/30/08)

555.1 Purpose of the Waterfront Commercial-Industrial District.
Encourage water dependent and water related industrial and major commercial use and where appropriate and feasible, public access, along appropriate portions of the Thames River waterfront consistent with the objectives of the Connecticut Coastal Management Act, and the New London Municipal Coastal Program and Plan of Conservation and Development (see Purposes of Section 540 herein). *(Amended 09/01/98)*

551.1a Permitted Uses. The following uses are permitted by right:

1) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7). *(Amended 12/21/12)*

555.2 Uses Permitted subject to the issuance of a Special Permit by the Planning and Zoning Commission in accordance with the provisions of Article VIII, Section 810 of these regulations. These specially permitted uses are intended to be allowed in conjunction with the permitted uses cited under Section 550.2 to the greatest extent feasible.

1) Public and private parks and playgrounds.

2) Yacht clubs and marinas, including uses accessory to them such as swimming pools, tennis courts, racquetball facilities.

3) Boat docks, slips, piers and wharves for fishing, yachts and pleasure boats or for boats for hire carrying passengers on excursions, pleasure, or fishing trips or for vessels engaged in fishery or shell fishery.

4) Boat and marine engine sales and display.

5) Yacht broker, marine insurance broker.

6) Rental of boats.

7) Retail sale or rental of boating, fishing, diving, bathing supplies and rental.

8) Base operations for fishing and lobstering business and the commercial bulk processing of fish and shellfish including as accessory use of such business a store or market for the sale of fish, shellfish, and other related food products.

9) Ferry boat piers and terminals.

10) Water related museums and/or educational facilities. *(Amended 10/20/94)*

11) Restaurants.

12) Business and professional offices.

13) Hotels, motels and conference facilities.

14) Retail Stores.

15) Amusement Centers.

16) Commercial recreation, such as, but not limited to, tennis clubs, skating rinks, billiard parlors, miniature golf courses, bowling alleys, health clubs and uses normally accessory thereto (lockers, restaurants, retail sale of goods associated with the particular activity).

17) Buildings with mixed uses subject to the following requirements:

    (a) All lot and bulk requirements for each use are satisfied, unless otherwise modified by the Commission as permitted herein. *(Amended 09/01/98)*

18) Port facilities for bulk shipping and storage facilities, indoor and outdoor.

19) Manufacturing, fabrication, processing and assembly of goods and products.

20) Railroad yards, storage, service and repair.

21) A yard of building, storing, repairing, selling or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restroom and laundry facilities to serve overnight patrons. Adequate lanes must be provided to allow access and egress throughout the yard for fire trucks.

22) Parking facilities and structures. *(Amended 09/01/98)*

23) Museums and/or educational facilities.

24) Drinking Establishments/Cafes. *(Amended 08/07/97)*

25) Laboratories as defined in Section 210 of this ordinance, including but not limited to pharmaceutical research and development facilities, and as part of an overall development plan, accessory uses such as employee fitness centers, cafeterias, helipads and other permitted accessory uses. *(Amended 08/05/99)*

26) Child Day Care Center, subject to the requirements of Section 420.3.6 herein *(Amended 08/15/02)*

27) Multi-family residential uses in either stand-alone residential or mixed-use commercial/residential building provided that the property has no direct waterfront access. *(Amended 10/10/18)*

555.3 Accessory Uses

1) Off-street parking and loading.

2) Signs subject to the requirements of Article VI, Section 615

3) Enclosed storage.

4) Suitably screened dumpster(s).

5) Suitably screened public utility installations.

6) Accessory uses customary or incidental to a permitted use.

7) Uses which provide general public access to the waterfront. Access may be provided by any approved means including, but not limited to, easements, boardwalks, decks or other similar means. Such public access shall be identified on the site plan and shall be provided in the form of a permanent easement acceptable to the City's Director of Law. Easements along the shoreline shall be at least 15 feet wide from the nearest public street to the water and at least 12 feet wide along the identified portion of the site shoreline. *(Amended to 09/01/98)*

555.4 Lot and Bulk Requirements

Unless otherwise approved by the Commission pursuant to Section 550.8 herein, all development within the WCI-2 district shall comply with the following minimum standards:

1) Minimum lot area - 10,000 square feet.

2) Minimum lot width - 100 feet.

3) Minimum lot frontage - 75 feet.

4) Minimum setbacks -

In no case shall new construction at the foundation line be less than 20' from the Thames River at mean high water elevation. *(Amended 09/01/98)*

Front yard - 20 feet *(Amended 09/01/98)*

Side yard - 10 feet *(Amended 09/01/98)*

Rear yard - 20 feet *(Amended 09/01/98)*

5) Maximum lot coverage of principal and accessory buildings - 50 %.

6) Maximum building height - 45 feet *(Amended 09/01/98)*

555.5 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations, unless otherwise approved by the Commission pursuant to Section 550.8 herein. *(Amended 09/01/98)*

555.6 Design Review Guidelines

The following design guidelines shall apply to all development within the WCI-2 district.

1) Related Objectives and Requirements

In reviewing a proposed development within the WCI-2 zone, the Commission shall consider the following:

1. Site Plan objectives in Section 800B;
2. Coastal Site Plan requirements in Section 840F;
3. Municipal Coastal Program goals and objectives;
4. If applicable, Special Permit objectives in Section 810B *(Amended 09/01/98)*

2) Connecticut Coastal Management Act (CCMA)

Development shall be consistent with the applicable resources and use policies, and related goals and objectives of the CCMA. In reviewing a development proposal, in addition to other requirements of this Section, the Commission shall consider the following:

1. The quality and extent of views from the adjacent public streets through the property to the water.

2. The design and relationship of development to the waterfront as viewed from the water.

3. The design and function of any easements or other access provided to and along the shoreline, including new bulkheading or docking facilities.

4. The environmental impact on the ecosystem and the habitat of Long Island Sound.

5. The eligibility of proposed development to utilize any of the development incentives set forth in Section 550.8 below. *(Amended 09/01/98)*

3) High Quality Urban Design Features

Developments shall strive to provide high quality design features, consistent with the development's purpose and setting. Landscape, site and building lighting, surface treatments, pedestrian features, walkways, signs and other similar features should all be of the highest quality of materials, installed in accordance with applicable standards and procedures and properly maintained or replaced in kind as necessary. *(Amended 09/01/98)*

4) Water Quality and Resource Protection

All development shall strive to protect and enhance sensitive natural features and resources. Applicants shall integrate natural features and resources into the development plan where feasible and appropriate, and may employ a variety of measures to achieve this objective, including but not limited to remediation of contaminated soils and groundwater; best management practices to improve the quality of storm water discharge to Long Island Sound and tidal wetlands; and restoration of degraded wildlife habitats. *(Amended 09/01/98)*

555.7 Permitted Modifications to Bulk and Other Requirements

1) General

In order to achieve the goals and objectives of the Municipal Coastal Program, Plan of Conservation and Development and WCI-2 Zone, the Commission may provide a greater degree of flexibility in project design through approval of modifications of the zoning requirements described herein. In approving such modifications, the Commission shall consider the requirements of Section 550.7, as well as the review criteria described below. Approval of modifications is strictly limited to the requirements and provisions of this section, and shall be accomplished through approval of a special permit by the Commission. *(Amended 09/01/98)*

2) Permissible Modifications and Applicable Review Criteria

The Commission may modify the following in approving a development within the WCI-2 zone, subject to the criteria for evaluating each proposed

modifications. These criteria are in addition to those provided for in Section 840 Coastal Site Plans, Section 800 Site Plans and Section 810 Special Permits. The approval of any modifications shall also be consistent with any and all requirements of Section 800, 810 and 840 as applicable. *(Amended 09/01/98)*

A. Permissible Modifications in all WCI-2 Developments

(1) Minimum Lot Frontage (ref. Section 550.5.3)

Where the Commission deems it desirable and feasible, it may approve a site plan for a use which does not have frontage on a public street, provided that the lot meets all other requirements and access is assured by convenants or other instrument acceptable to the Planning & Zoning Commission. *(Amended 09/01/98)*

(2) Minimum Side Yard Setback (ref. Section 550.5.4)

The Commission may permit a reduction in the side yard to "0" if in its judgment such a reduction will help to achieve the purposes of the district. If a sideyard is provided however, it must be at least 10 feet. *(Amended 09/01/98)*

(3) Maximum Building Height (ref. Section 550.5.6)

The maximum height may be increased, provided that parking is created under, within, or on top of the structure, or the Commission finds that parking requirements are substantially exceeded in some other manner of off-street parking. *(Amended 09/01/98)*

B. Permissible Height Modifications for Development on Lots Under 15 Acres (ref. Section 550.5.6)

The Planning & Zoning Commission has determined that the loss of public views of the Thames River and Long Island Sound contribute significantly to the destruction of the character of the City as a waterfront community. As a means to protect and enhance the existing and potential views of the water, the City has created the following incentives to encourage development that works to achieve this policy. In reviewing the special permit applications under this section, the Commission shall take into consideration the impact of the proposed activity on visual access to the water. This consideration shall be made with the objective that waterfront property shall be developed in a manner to maximize visual access to and from the water. *(Amended 09/01/98)*

1. For every reduction of 5 percent in lot coverage below the maximum 50 percent, an additional 10 feet of building height may be permitted up to a maximum of 90 feet; or *(Amended 09/01/98)*

2. Maximum building height may be increased by 10 feet for every 10 feet the building is set back from one of the minimum required setback lines, up to a maximum of 90 feet of building height. *(Amended 09/01/98)*

C. Additional Permissible Modifications for Development on Lots of 15 Acres or More.

The Commission recognizes the need to provide design and procedural flexibility for complex, large scale developments which may include a mix of uses, or which may be developed in phases over a period of years. Therefore, developments on lots of 15 acres or more may apply for, and the Commission may approve, modifications to the following provisions: (09/01/98)

(1) Lot Coverage (ref. Section 550.5.5)

The Commission may increase maximum lot coverage from 50% to no more than 65% if the additional coverage is devoted exclusively to one or more parking structures. *(Amended 09/01/98)*

(2) Maximum Building Height (ref. Section 550.5.6)

The Planning & Zoning Commission has determined that the loss of public views of the Thames River and Long Island Sound contribute significantly to the destruction of the character of the City as a waterfront community. As a means to protect and enhance the existing and potential views of the water, the City has created the following incentives to encourage development that works to achieve this policy. In reviewing the special permit applications under this section, the Commission shall take into consideration the impact of the proposed activity on visual access to the water. This consideration shall be made with the objective that waterfront property shall be developed in a manner to maximize visual access to and from the water. *(Amended 09/01/98)*

(a) The Commission may increase building height to a maximum of no more than 150 feet if it finds that such height is appropriate after considering the following: *(Amended 09/01/08)*

(1) Physical constraints of the site, including soils, topography, parcel size and shape, neighboring buildings and land uses and other limitations; and *(Amended 09/01/98)*

(2) Project design, including proposed building placement and design, grading, landscaping and similar features. *(Amended 09/01/98)*

(3) Multiple Principal Buildings On One Lot (ref. Section 605H)

The Commission may modify the requirements of Section 605H in order to permit a unified arrangement of buildings on one parcel.

In reviewing requests for modifications of these provisions, the Commission shall consider provisions for internal vehicular and pedestrian circulation, building designs, heights and separation distances, site and building ownership and control, parking location and design, emergency access and the location and nature of abutting uses. *(Amended 09/01/98)*

(4) Location of Accessory Structures (ref. Section 607)

The Commission may allow accessory structures to be placed in required yards, including front yards, subject to a review of the size and design of the proposed structure, proposed landscaping and screening, the use proposed for the structure, views to the water from adjacent public streets and property, physical site limitations, operational needs of the proposed use and the location and other characteristics of adjacent uses and structures. *(Amended 09/01/98)*

(5) Parking Requirements (ref. Section 614)

The Commission may modify the parking requirements of Section 614, up to but not exceeding a reduction of 20% of the required number of parking stalls for a given use or mix of uses. In reviewing request for modification of these requirements, the Commission shall consider the mix and characteristics of the uses proposed, the nature of traffic anticipated, the availability of off-site parking and/or shared parking arrangements, and the ability of emergency vehicles to service the site. *(Amended 09/01/98)*

(6) Fence Heights and Locations (ref. Section 617)

The Commission may waive or modify the requirements of Section 617, to permit fences to be located closer to a property line, but only for fences in proposed commercial and industrial developments which will abut a WCI-2, WD, LI-O, C-1, CBD, INST, or OS district. In reviewing such modifications, the Commission shall consider the location and nature of abutting uses, the security and operational needs of the proposed use, fence design, height and materials, maintenance provisions, site topography, views to the water, and access for emergency personnel and vehicles. *(Amended 09/01/98)*

Section 560 LI-O - Light Industrial Office District

(Amended 04/22/24)

560.1 Purpose of District. To provide areas for a wide range of industrial office and research activity that conforms to a high level of performance standards, that can be located in close proximity to residential, institutional, and commercial areas without objectionable influence, and that can serve as a buffer in some cases between more objectionable industrial activities and residential and/or certain commercial areas, and to allow for increased residential densities consistent with Transit Oriented Development and Smart growth principles and practices. *(Amended 03/07/17)*

560.1a Permitted Uses. The following uses are permitted by right:

1) Home Based Businesses in accordance with Article IV, Section 400.2 (2) and Article V, Section 500.2 (7). *(Amended 12/21/12)*

2) Restaurants (excluding those with beer/wine and/or liquor service) between the hours of 6:00 a.m. and 11:00 p.m. *(Amended 04/22/24)*

560.2 Uses subject to issuance of a Special Use Permit by the Planning & Zoning Commission in accordance with Article VIII, Section 810 of this regulation:

1) Business and professional offices and office buildings.

2) Light manufacturing, fabrication, processing and assembly activities, provided that such activities are designed, constructed, and enclosed so that there will be no observable external evidence thereof, other than loading and unloading functions which shall be fully screened from any adjacent R or NB district. Industrial uses involving primary production from raw materials, such as but not limited to asphalt, cement, charcoal, fuel briquettes, chemicals, and related products which may be dangerous, offensive, or create nuisances, and processes, whether or not related to such production, including but not limited to nitrating, milling, reduction, refining, melting, alloying and distillation shall be prohibited.

3) Research, design, and development laboratories.

4) Radio or television station studios including antenna.

5) Wholesale businesses, and building material storage and sale, but excluding storage of coal, coke, fuel oil, gravel, sand, loam, fill material or junk.

6) Retail stores and service businesses as part of a planned development. *(Amended 07/11/88)*

7) As a means of preserving existing housing stock and providing housing, residential uses may be permitted in accordance with requirements of the R-lA district. *(Amended 04/26/85)*

8) Parking facilities. *(Amended 06/04/85)*

9) Institutions for high learning, business, vocational, and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office service schools, computer and data processing schools, art and drafting schools, barber, beauty, and cosmetology schools, commercial or non-commercial food preparation schools, photography schools, schools for training in the martial arts, dancing, gymnastics, and music, and schools for fashion design; subject to the following requirements:

   (a) The curriculum shall satisfy the requirements of the Connecticut State Department of Education.

   (b) Where such use is on a parcel that adjoins any R district, no music or noise shall be audible in such districts.

10) Residential uses in either stand-alone residential or mixed-use commercial/residential buildings. *(Amended 02/27/19)*

11) Reserved

12) Additions and expansions of facilities in existence as of the effective date of this regulation for out of school and after school programs for children including customary programs providing recreation, tutoring and instructing in the performing arts and other subjects, subject to the following requirements: *(Amended 03/11/05)*

   (a) The applicant shall obtain all applicable licenses, certifications, or approvals that may be required by Federal, State or Local law;

   (b) The existing facility shall have a minimum of eighty thousand (80,000) square feet of land area;

   (c) Any addition or expansion of this use shall be limited to the land area owned by the applicant on the effective date of this regulation.

13) Commercial recreations, such as, but not limited to, tennis clubs, skating rinks, billiard parlors, bowling alleys, health clubs and uses normally accessory thereto (lockers, restaurants, retail sale of goods associated with the particular activity). *(Amended 07/10/18)*

14) Retail sale of cannabis to consumers for off-premises use as a cannabis hybrid retailer or a cannabis retailer. Use is subject to section 623 (Regulations Concerning Retail Sale of Cannabis to Consumers) of these regulations. *(Amended 06/06/22)*

15) Cannabis Cultivator *(Amended 06/06/22)*

16) Cannabis Delivery Service *(Amended 06/06/22)*

17) Cannabis Food and Beverage Manufacturer *(Amended 06/06/22)*

18) Cannabis Micro-Cultivator *(Amended 06/06/22)*

19) Cannabis Product Manufacturer *(Amended 06/06/22)*

20) Cannabis Product Packager *(Amended 06/06/22)*

21) Cannabis Transporter *(Amended 06/06/22)*

560.3 Accessory Uses

1) Off-street parking and loading.

2) Garden houses; greenhouses.

3) Signs, subject to the requirements of Article VI, Section 615 of this regulation.

4) Fully enclosed storage.

5) Cafeteria and recreation facilities for use of employees or clientele.

6) Public utility installations.

7) Accessory uses customary or incidental to a permitted use.

8) Keeping of animals according to Section 622 A. *(Amended 08/10/12)*

560.4 Lot and Bulk Requirements

1) Minimum required lot area - 20,000 square feet.

2) Minimum lot width - 150 feet.

3) Minimum required lot frontage - 100 feet.

4) Minimum required yards: *(Amended 03/07/17)*
front - 10 feet
side - 6 feet
rear - 10 feet.

Except as otherwise provided, where a lot in any LI-O district adjoins any R or NB district, a landscaped buffer of at least 20 feet in width shall be provided along the property line in accordance with the provisions of Article VI, section 603.

5) Maximum height 70 feet, except the maximum height may be increased by special permit, provided that parking is created under, within, or on top of the structure, or the commission finds that the parking requirements are substantially exceeded in some other manner of off-street parking. *(Amended 03/07/17)*

6) Maximum lot coverage - 80 percent.

560.5 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations.

Section 570 INST - Institutional District

570.1 Purpose of District. To provide for areas of the city in which various public, quasi public, and private institutional uses can be accommodated on large parcels along with appropriate and/or necessary supplementary uses in an environment conducive to assuring an attractive setting, proper transition between residential uses and the institutional uses, with sufficient access and consideration of the impact upon the surrounding neighborhood.

570.2 Permitted Uses. The following uses are permitted by right:

1) Multi-family, townhouse for employees and clients of the institution.

2) Place of worship subject to the requirements of Article IV, Section 410.3.2 herein.

3) Cemeteries.

4) Institutions for higher learning, business, vocational, and training schools, including colleges, universities and junior colleges, subject to the following requirements:

   (a) The curriculum shall satisfy the requirements of the Connecticut State Department of Education.

   (b) Single rooms for dormitories or staff housing shall be counted as a dwelling unit as in the R-3 district for purposes of measuring density.

5) Quasi-public and private parks, nature preserves, arboreta.

6) Buildings with mixed uses subject to the following requirements:

   (a) All lot and bulk requirements for each use are satisfied;

   (b) Separate entrances and exits shall be provided for residential and non-residential portions of the building.

7) Museums.

8) Hospitals for human beings, skilled nursing facilities, convalescent home or intermediate care facilities which were in existence on the effective date of this regulation.

9) Parking facilities. *(Amended 06/04/85)*

570.3 Uses subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with Article VIII, Section 810 of this regulation.

1) Hospitals for human beings, skilled nursing facilities, convalescent homes or intermediate care facilities, subject to the following requirements:

   (a) The parcel shall be a minimum of 60,000 square feet.

   (b) The facility shall be duly licensed by the State of Connecticut.

2) Intensification, building additions or additions of more than 5% of an institutions' existing patient beds in existing hospitals for human beings, skilled nursing facilities, convalescent homes or intermediate care facilities.

3) Hospices.

4) Private, public, or quasi public rehabilitation facilities to include:

   (a) Outpatient, day treatment, or inpatient alcohol counseling, treatment, or rehabilitation clinics or centers;

   (b) Outpatient, day treatment, or inpatient drug counseling, treatment, or rehabilitation clinics or centers;

   (c) Outpatient, day treatment, or inpatient substance abuse counseling, treatment or rehabilitation clinics or centers;

   (d) Non-residential or residential halfway houses for current or former inmates of federal, state, or local correctional facilities; and

   (e) Other such similar outpatient or inpatient counseling, treatment, or rehabilitation clinics or centers that the Planning and Zoning Commission shall find to be substantively similar to the uses listed in this section. *(Amended 08/01/10)*

   That any use identified within this section shall be subject to the following restrictions and requirements: *(Amended 08/01/10)*

      (1) That such uses shall obtain all appropriate licenses and permits required by Federal, State and Local laws, statutes and regulations within (1) year of the date of approval unless an extension of the time period is applied for by the applicant prior to the actual expiration date and granted by the Planning and Zoning Commission.

(2) That such uses shall provide a minimum of 15 square feet of inside waiting or seating area space for each patron to be served within any one hour period of operation.

(3) That such uses shall not be located within 500 feet of any nursery, elementary, or secondary school, college, university building or playground.

(4) That such uses which provide residential services, either short term or long term, shall have a minimum of 70 square feet for the first resident and 50 square feet for each additional resident. *(Amended 05/01/89)*

5) Child Day Care Center, subject to the requirements of Section 420.3.6 herein *(Amended 08/15/02)*

570.4 Environmental Impact Statement

In addition to any other requirements of this regulation, an applicant for development in the INST zone shall submit with its Site Plan Application an environmental impact statement in accordance with Article VIII, Section 800.H.12.

570.5 Accessory Uses

1) Off-street parking and loading.

2) Garden houses; greenhouses.

3) Signs, subject to the requirements of Article VI, Section 615.

4) Fully enclosed storage.

5) Dumpster, screened from public view.

6) Cafeteria and recreation facilities for use of employees or clientele.

7) Public utility installations.

8) Crematories as accessory to a cemetery use.

9) Accessory uses customary or incidental to a permitted use.

10) Keeping of animals according to Section 622 A. *(Amended 08/10/12)*

570.6 Lot and Bulk Requirements

Where more than one principal building exists or is proposed in a campus-type setting, the lot coverage requirements of Article V, Section 570.6, may apply to the entire parcel and the yard requirements to the perimeter of the parcel only. Buildings to be cited interior to the minimum required yards may be cited without subdivision of the parcel as long as the capacity of the parcel to accommodate the cumulative development on the site as determined by these regulations is not exceeded. On developments of more than three acres, concentration of parking may not be permitted if in the judgment of the Zoning Official, such layout might unduly encourage parking on neighboring City streets.

1) Minimum required lot area - 40,000 square feet.

2) Minimum lot width - 150 feet.

3) Minimum required lot frontage - 150 feet.

4) Minimum required yards:

front - 40 feet, except that the total square footage of any required front yard on any given street may be reduced by an amount up to 20% of the square footage of the required front yard when the area of reduction is devoted exclusively to a parking structure and if the Commission finds that the parking structure may alleviate an existing or anticipated parking shortage, or existing or anticipated traffic problem, on site or on adjacent streets. That from zero (0) feet to twenty five (25) feet of structure height, there shall be a minimum of eight (8) feet of setback from the property line, and that for each additional ten (10) feet of structure height or portion thereof that there shall be an additional four (4) feet of setback from the property line. The structure height shall be the highest point along a plane adjacent to the setback line for the purpose of this section. *(Amended 05/26/88)*

side - 25 feet

rear - 40 feet.

Except as otherwise provided, where a lot in any INST district adjoins any R District, a landscaped buffer of at least 40 feet shall be provided along the property line.

5) Maximum height - 6 stories or 75 feet, whichever is less.

6) Maximum lot coverage - 30 percent, except up to a maximum of 45 percent when the additional coverage is devoted exclusively to a parking structure consisting of at least two (2) levels of parking. *(Amended 05/26/88)*

570.7 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations.

Section 580 OS - Open Space District

580.1 Purpose of District. To provide for areas in the city in which municipal, quasi-public and private parks, playgrounds, beaches and open space can be accommodated along with appropriate and/or necessary supplementary uses and facilities which enhance the public use and enjoyment of these important municipal resources.

580.2 Permitted Uses. The following uses are permitted by right:

1) Public or private parks, playgrounds, nature preserves, arboreta, land trusts, and beaches including all appropriate and/or necessary supplementary uses or facilities customarily associated with the permitted use.

580.3 Uses permitted subject to issuance of a Special Use Permit by the Planning & Zoning Commission in accordance with Article VIII, Section 810 of this regulation: *(Amended 09/06/01)*

1) Museums

a) The lot shall be a minimum of fifteen (15) acres and or the museum may be located on a smaller leased area provided that the leased area is part of a lot of at least fifteen acres or more. *(Amended 09/06/05)*

2) Public School: Any owned building or group of buildings the use of which meets state requirements for elementary or secondary public education meeting the following requirements: *(Amended 07/05/05)*

a) The parcel on which the use is located must be at least five (5) acres or more in size and the school use may occupy no more than 50% of any contiguous area zoned as Open Space within which it is located.

580.4 Accessory Uses

1) Off-street parking and loading.

2) Signs, subject to the requirements of Article VI, Section 615.

3) Dumpster, screened from public view.

7) Public utility installations.

5) Accessory uses customary or incidental to a permitted use.

580.5 Lot and Bulk Requirements - Where more than one principal building exists or is proposed in a campus-type setting, the lot coverage requirements of Article V, Section 580.5.6 may apply to the entire parcel and the yard requirements to the perimeter of the parcel only.

1) Minimum required lot area-five (5) acres for Specially Permitted uses only. *(Amended 07/05/05*

2) Minimum lot width-150 feet.

3) Minimum required lot frontage – 150 feet.

4) Minimum required yards-(for buildings only)
Front – 40 feet
Side – 25 feet
Rear – 40 feet
Except as otherwise provided, where a lot in any OS district adjoins any R. District, a landscape buffer of at least 25 feet may be required along the property line.

5) Maximum height – 5 stories or 60 feet, whichever is less.

6) Maximum lot coverage-35 percent for museum use 10 percent for all other uses.

580.6 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided for each lot within district in accordance with the provision of Article VI, Section 614 of these regulations.

Section 590 MD – Maritime District
(Amended 1/22/2001)

590.1 Purpose of District. The purpose of the Maritime District is to encourage the development of discrete waterfront areas of the City pursuant to a comprehensive development plan. The regulations governing the Maritime District are designed to promote a mix of land uses in order to:

1) Create a vibrant atmosphere that takes advantage of the unique character and beauty of the city's waterfront.

2) Implement the overall goals and planning objectives of the Plan of Conservation and Development, the Coastal Area Management Plan, and the Connecticut Coastal Management Act.

3) Increase general public access to the waterfront and public enjoyment of waterfront views.

4) Preserve and encourage water dependent uses.

5) Maximize economic benefit to the city and its residents.

590.2 Permitted Uses. The following uses are permitted by right:

1) Public parks and playgrounds.

2) Home Based Businesses in accordance with Article IV, Section 400.2.2. *(Amended 10/18/01)*

590.3 Uses Permitted subject to the issuance of a Special Permit by the Planning and Zoning Commission in accordance with the provisions of Article VIII, Section 810 of these regulations. These specially permitted uses are intended to be allowed in conjunction with the permitted uses cited under Section 590.2 and the public access easements cited under Section 590.4.8 to the extent feasible.

1) Yacht clubs and marinas.

2) Boat docks, slips, piers and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursions, ferry boat piers and transportation terminals, pleasure, or fishing trips or for vessels engaged in fishery or shell fishery.

3) Water taxi terminal.

4) Yacht broker, marine insurance broker.

5) The rental of boats.

6) Retail sale or rental of boating, fishing, diving, and bathing supplies and equipment.

7) A sail loft or ship's chandlery.

8) Museums with maritime themes or historic purposes.

9) Base operations for fishing and lobstering business, including as an accessory use of such business a store or market for the sale of fish, shellfish, and other related food products.

10) Commercial bulk processing of fish and shellfish.

11) Hotels, inns, motels, and conference facilities with restaurant and club facilities incidental and customary to such facilities.

12) Business, professional or governmental offices.

13) Multi-family residential uses and/or single family attached dwellings.

14) Tennis clubs, skating rinks, swimming clubs, or health clubs and uses normally accessory thereto such as lockers and the sale of goods associated with the particular activity.

15) RESERVED.

16) Retail stores

17) Personal service stores, such as but not limited to, barber shop, beauty shop, tailor, and laundromat.

18) Restaurants and food service establishments.

19) Public utility installations.

20) Buildings with mixed uses subject to the following requirements:

    (a) All lot and bulk requirements for each use are satisfied, unless otherwise modified by the Commission as permitted herein.

21) Art or craft studios or studios for teaching the performing arts.

22) Child Day Care Center, subject to the requirements of Section 420.3.6 herein and in addition no child day care center shall be located in a flood hazard area. *(Amended 08/15/02)*

23) Research and development uses, provided that any manufacturing shall be limited to prototypes and products testing.

24) Banks

25) Parking facilities and structures.

26) Private parks and private playgrounds.

590.4 Accessory Uses

1) Off-street parking and loading.

2) Signs subject to the requirements of Article VI, Section 615.

3) Enclosed storage.

4) Suitably screened dumpsters.

5) Accessory uses customary or incidental to a permitted use.

6) Home occupation subject to requirements of Section 400 (2) (2) of these regulations.

7) Swimming pool and/or tennis court and related recreational facilities.

8) Uses which provide general public access to the waterfront. Access may be provided by any approved means including, but not limited to, easements, boardwalks, decks or other similar means. Such public access shall be identified on the site plan and shall be provided in the form of a permanent easement acceptable to the City's Director of Law. Easements along the shoreline shall be at least 15 feet wide from the nearest public street to the water and at least 12 feet wide along the identified portion of the site shoreline.

9) Keeping of animals according to Section 622 A. *(Amended 08/10/12)*

590.5 Lot and Bulk Requirements *(Amended 10/09/19)*

1) Minimum lot area – 10,000 square feet.

2) Minimum lot width – 100 feet.

3) Minimum lot frontage – 75 feet.

Where the Commission deems it desirable and feasible, it may approve a site plan for a use which does not have frontage on a public street, provided that the lot meets all other requirements and access is assured by covenants or other instrument acceptable to the Planning and Zoning Commission.

4) Minimum setbacks.

Front yard – 0 feet *(Amended 10/09/19)*

Side yard – 0 feet *(Amended 10/09/19)*

Rear yard – 0 feet *(Amended 10/09/19)*

The Commission may require an increase of the setback in a required yard if in its judgement such an increase would be necessary for the protection to and safety from the waterway. However, in no case shall such requirement increase beyond 25 feet from the Thames River at the mean high-water mark. *(Amended 10/09/19)*

5) Maximum lot coverage of principal and accessory buildings – 50 percent, except that lot coverage of up to 70 percent shall be permitted on a lot used for multi-family residential use or single family attached dwellings.

6) Maximum height – 50 feet, except that in reviewing a special permit application under this section, the commission may allow the maximum height to be increased to 100 feet if: (1) the portion of the principal building with an excess height is located more than 100 feet from the mean high water elevation; or (2) the lot coverage of the subject lot does not exceed 50 percent; or (3) the Commission determines that such increased height will significantly improve visual access to and from the water by the public in comparison to alternative building designs.

590.6 Off-Street Parking & Loading

Off-street parking and loading spaces shall be provided for on each lot within this district in accordance with the provisions of Article VI, Section 614 of these regulations. The Commission may, in addition to or in lieu of, a parking waiver or reduction granted under Section 614(E), permit, by special permit, a reduction of up to thirty (30%) percent of the required number of parking stalls for a given use or mix of uses. In reviewing a request for a modification under this Section, the Commission shall consider the mix and characteristics of the uses proposed, the nature of traffic anticipated, the availability of off-site parking and/or shared parking arrangements, and the ability of emergency vehicles to service the site.

590.7 Modifications to Supplementary Regulations of Article VI as incentives to achieve purposes of the District and design guidelines.

1) Multiple Principal Buildings On One Lot (ref. Section 605H)

The Commission may modify the requirements of Section 605H in order to permit, in the Maritime District, a unified arrangement of multiple buildings on one parcel. In reviewing requests for modifications of these provisions, the Commission shall

MD

consider provisions for internal vehicular and pedestrian circulation, building designs, heights and separation distances, site and building ownership and control, parking location and design, emergency access and the location and nature of abutting uses.

2) Location of Accessory Structures (ref. Section 607)

The Commission may allow accessory structures to be placed in required yards, including front yards, subject to a review of the size and design of the proposed structure, proposed landscaping and screening, the use proposed for the structure, views to the water from adjacent public streets and property, physical site limitations, operational needs of the proposed use and the location and other characteristics of adjacent uses and structures.

3) Fence Heights and Locations (ref. Section 617)

The Commission may waive or modify the requirements of Section 617, to permit fences to be located closer to a property line. In reviewing such modifications, the Commission shall consider the location and nature of abutting uses, the security and operational needs of the proposed use, fence design, height and materials, maintenance provisions, site topography, views to the water, and access for emergency personnel and vehicles.

590.8 Design Review Guidelines

The following design guidelines shall apply to all development within the MD district.

1) Related Objectives and Requirements

In reviewing a proposed application within the MD zone, the Commission shall consider the following:

1. Site Plan objectives in Section 800B;

2. Coastal Area Management requirements in Section 840F;

3. The Coastal Resources section of the New London Plan of Conservation and Development goals and objectives;

4. Special Permit objectives in Section 810B, if applicable.

5. Flood Plain Management Requirements in Section 830.

2) Connecticut Coastal Management Act (CCMA)

Development in the MD shall be consistent with the applicable resources and use policies, and related goals and objectives of the CCMA. In reviewing a development

proposal, in addition to other requirements of this Section, the Commission shall consider the following:

1. The quality and extent of views from the adjacent public streets through the property to the water.

2. The design and relationship of development to the waterfront as viewed from the water.

3. The design and function of any easements or other access provided to an along the shoreline, including new bulkheading or docking facilities.

4. The environmental impact on the ecosystem and the habitat of Long Island Sound.

5. The maximization of general public access to the waterfront.

6. The minimization of adverse impacts to water dependent uses.

3) High Quality Urban Design Features

Developments shall strive to provide high quality design features, consistent with the development's purpose and setting. Landscape, site and building lighting, surface treatments, pedestrian features, walkways, signs and other similar features should all be of the high quality of materials, installed in accordance with applicable standards and procedures and properly maintained or replaced in kind as necessary.

4) Water Quality and Coastal Resource Protection

All development shall strive to protect and enhance sensitive natural features and resources. Applicants shall integrate natural features and resources into the development plan where feasible and appropriate, and may employ a variety of measures to achieve this objective, including but not limited to remediation of contaminated soils and groundwater; best management practices to improve the quality of storm water discharge to Long Island Sound and tidal wetlands; and restoration of degraded wildlife habitats.

5) Mixed Uses

Developments shall strive to create a blend of uses in the district as a whole in a manner consistent with the purposes of the zone stated in Section 590.1.

Article VI.
Supplementary Regulations

This Article includes provisions that are applicable to all or substantial portions of the City.

Section 600 Storage of Recreation Vehicles, Trailers. and Boats

The outdoor storage or parking and use of a trailer or recreation vehicle by any person or persons is hereby prohibited in all districts, except that:

A. Not more than one camping trailer or recreation vehicle per dwelling unit may be stored, but not used for any purpose, on a lot in any residential district, provided that such lot is occupied by a dwelling; and provided that such camping trailer or recreational vehicle (RV):

(1) Shall be registered with the Department of Motor Vehicles (DMV) with evidence of such proximately displayed as required by the DMV;

(2) Shall be stored in one of the following locations of the lot:

(a) the side yard;

(b) the front yard only if stored in the area which is an access-way to an approved parking space, garage or carport or

(c) a rear yard provided that said camping trailer/recreation vehicle is stored no closer to the rear & side property line than the minimum required setback for an accessory structure for the zone.

B. Not more than one boat per dwelling unit may be stored on a lot in any residence district provided that such lot is occupied by a dwelling and provided that such boat shall be:

(1) Shall be registered with the Department of Motor Vehicles (DMV) with evidence of such proximately displayed as required by the DMV;

(2) Shall be stored in one of the following locations of the lot:

(a) the side yard;

(b) the front yard only if stored in the area which is an access-way to an approved parking space, garage or carport or

(c) a rear yard provided that said camping trailer/recreation vehicle is stored no closer to the rear & side property line than the minimum required setback for an accessory structure for the zone.

C. Where a building permit has been issued for the construction or alteration of a building the Zoning Enforcement Officer may issue a temporary permit for one or more trailers, for a period not to exceed one year to be used as a site office or a sales office. The number of trailers shall be limited to that which the Zoning Enforcement Officer shall deem to be necessary in each case.

Said temporary permit may be extended for additional successive periods of six months each, if the Zoning Enforcement Officer finds that construction has been diligently pursued and that justifiable circumstances require such an extension.

Section 601 Swimming Pools

Except as provided hereinafter, no swimming pool shall be located, constructed, or maintained on any lot, except in conformity with the following requirements:

A. Said pool may be installed or maintained in any residential district or in any nonresidential district where specifically permitted.

B. Said pool shall be used as an accessory use to a dwelling or group of dwellings or as part of the recreational facilities of a camp, club, motel/hotel, or similar use.

C. When accessory to a residential use, such pool shall be located only in a rear yard.

D. The portion of the premises upon which such pool is located shall be entirely enclosed with a good quality security fence, which, any other provision of this regulation notwithstanding, shall have a height of not less than four feet. All gates or doors opening through the fence shall be equipped with self closing and self latching devices designed and capable of keeping such gates or doors securely closed at all times when not in actual use. Said fence shall be of a type approved by the Zoning Officer.

E. Every gate or other opening in the fence enclosing such pool shall be kept securely locked at all times when said Pool is not in use.

F. Such pool shall be located only in the area reserved for accessory uses.

G. Such a pool shall be chemically treated in a manner sufficient to maintain the bacterial standards established by the provisions of the Connecticut State Sanitary Code relating to public swimming pools.

H. Where the proposed pool is so located, or is of such height or design that protective fencing is not required or impractical, the Building Inspector may, at his discretion, issue a permit for the erection of said pool without such fencing. The Zoning Officer shall, however, first make a finding to the effect that, in his opinion, the said pool has protection from entry equivalent to that afforded by the erection of a fence as provided for in paragraph D above.

I. Such pool shall be equipped with an integral filtration system and filter pumps or other mechanical devices which shall be so located and constructed as not to interfere with the peace, comfort, and repose of the occupant of any adjoining property.

J. No permission shall be granted for the installation of any swimming pool unless the plans therefore meet the minimum City of New London Building Code requirements.

Section 602 Tennis Courts, Paddle Tennis Courts, and Similar Accessory Recreation Facilities

A. When accessory to a residential use, any tennis court, paddle tennis court or similar accessory recreation facility shall be located in a rear yard. No such facility may be located closer to the property lines than is permitted for accessory structures in the district in which the property is located.

B. A fence or suitable planting strip shall be provided to screen the recreation use from view from adjacent properties.

Section 603 Landscaping Requirements and Buffers

A. Required Landscaping

1) All portions of improved multi-family and nonresidential properties which are not used for buildings, structures, off-street parking and loading, permitted outdoor storage, driveways, walkways, or similar purposes, shall be appropriately landscaped with grass, shrubs, trees, and other ground cover in such manner as to minimize erosion and storm water runoff and to maintain or improve the aesthetics of such development.

2) Landscape strips at least three feet wide shall be provided along all property lines of multi-family developments in any zone and nonresidential uses within or adjoining residential zones. Such landscape strips shall comply with the following minimum standards as well as all applicable requirements set forth elsewhere in this regulation.

(a) Said landscape strips shall include evergreen planting and other landscaping of such type, height, spacing and arrangement as will effectively screen the activity on the lot from neighboring uses. New trees shall have a caliper of not less than 3", three feet from the base, and shall be at least 6' high when planted.

(b) Unless specifically required elsewhere in this regulation, wall or fence of location, height, design, and materials as approved may be substituted for part or all of the required landscape strips, or may be combined with the landscape screen, provided that if a fence or wall is included, it may not be more than six feet in height and the outside of the wall must face the residential district and the plantings must be located on the side of the wall facing the residential district.

(c) Where the existing topography and/or existing landscaping provides adequate screening, the planting and/or landscape requirements of this regulation may be waived.

B. Maintenance

All fences, trees, plantings, shrubbery, or other screening required by direction of the City Council, the Zoning Board of Appeals, the Planning and Zoning Commission, or by the zoning regulation shall be maintained at all times at least to the same quality required of said items at the time they were initially installed.

Section 604 Outdoor Storage

A. Junk Yards, Building Material Yards, Industrial and Commercial Equipment Storage as a principal use.

1) The storage of scrap, salvage, vehicle parts, lumber, fuel, equipment and similar operations shall be conducted within a building, or screened by solid board or masonry fence at a maximum of 10 feet in height. Said fence shall be no less than the maximum height of the materials stored.

2) The required fencing shall not be allowed to deteriorate and the required set backs shall be maintained and kept free of rubbish, scrap, weeds and other unsightly materials.

3) No storage of scrap, wrecked vehicles, supplies, construction materials or equipment shall be allowed to extend above the required fencing.

B. Outdoor storage of vehicles, materials and equipment as an accessory use in any nonresidential district subject to the following conditions:

1) The outdoor storage of vehicles, materials, and equipment shall be located on the same

2) All outdoor storage areas shall be located in the side or rear yards but not within the required yard except as provided herein.

3) All outdoor storage areas shall be screened from view by suitable landscaping and/or an eight-foot fence except as provided herein.

4) The outdoor display of motor vehicles when accessory to a permitted use in the C-1 or C-2 District shall be exempt from provisions 2 and 3 above.

5) In no case shall stored materials exceed the height of the screening or fencing.

6) No outdoor storage area shall be located within 10 feet of any lot line.

7) All equipment and vehicles in a storage area shall be in operable condition.

8) No tractor trailer or truck loaded with merchandise shall be parked or stored on a lot for a period exceeding seven consecutive days in one calendar month.

Section 605 Supplementary Lot, Yard, Height and Building Regulations

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

A. Building on Unaccepted Streets

1) No building permit shall be issued and no building shall be erected on any lot within the City, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted by the City or unless such street corresponds in its location and lines with a street shown on an approved subdivision plan.

2) This requirement shall not prevent issuance of a building permit for the construction of accessory buildings which are not in violation of any lawful zoning or building

B. Rear Lot

1) Rear lots shall be permitted only in R-l, R-lA, or R-2 Districts.

a) Access to a rear lot shall be provided by a driveway or accessway, which shall not exceed a length of 400 feet, shall be in the same ownership as the rear lot and the area of such accessway shall not be included in the minimum required lot area. Each accessway shall provide access for one rear lot only and no such accessway shall be closer than seventy-five (75) feet to another such accessway on the same side of the street. *(Amended 02/10/86)*

b) Access to a rear lot shall also be permitted over an accessway, which is a perpetual, unencumbered right-of-way provided:

1. said accessway shall not exceed a length of 400'.

2. owner of said rear lot, as of adoption of this regulation, does not own other land contiguous thereto which fronts on a city accepted street.

A restricted deed covenant shall be filed in the City land records prior to the approval of any rear lot for development under the provisions of this subsection which clearly provides that the City of New London shall not ever be required to plow, maintain, take over the ownership of, or provide school bus service or garbage service along any land or right-of-way providing access to an approved rear lot.

The owner of a rear lot proposing use of a perpetual, unencumbered right-of-way shall file an affidavit acceptable to the Director of Law his assumption of the maintenance responsibility for the right-of-way.

2) Any rear lot shall have an area equal to 1.5 times the minimum lot area requirement of the district within which it is located excluding the area of the accessway.

3) Accessways to rear lots shall be a minimum of 20 feet wide with a minimum 15 feet of paved driveway.

C. Corner Lots

On a corner lot, front yards are required on both street frontages, and one yard other than the front yard shall be deemed to be a rear yard and the other a side yard. One of the front yards shall be as required by the applicable district. The other front yard shall not be less than half the sum of the side yard and the front yard required by the applicable district.

D. Through Lots

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

E. Lot Size and Area

The following are additional requirements to the foregoing regulations, which may apply, to any district in which the use is located.

1) Any lot used for any purposes shall have a minimum size of at least 50 feet in width and at least 100 feet in depth and contain an area of at least 5,000 square feet, except where a higher requirement is specified.

2) No lot on which a building is or will be erected may be reduced to less than the minimum area, yard or open space requirements of the district in which it is located.

F. Pre-existing Lot

Nothing in the regulation shall prevent a permitted structure or use of any lot having less than the minimum area, depth or width requirement of the district in which it is located, provided:

1) That such lot was owned separately from the adjoining lots and provided that no contiguous lots are in the same ownership as evidenced by a deed recorded prior to the effective date of this regulation, or any amendments thereto, and

2) That such lot complied with the minimum area, depth or width requirements of which it was located when it was created, prior to the effective date of this regulation or any amendments thereto.

G. Yards

1) All required front and side yards shall be suitably landscaped and shall not be used for any building or structure.

2) Parking shall not be permitted within the front yard in an R-l, R-lA, R-2, R-3, R-4, or NB District. In an LI-O District, the parking shall not be permitted between the front of a structure and the front lot line.

3) Front Yards. Each lot shall be required to have a minimum front yard as specified in the applicable district

4) Where four or more lots in a block have been improved with buildings, the minimum required front yard for main buildings shall be the average of the front yards of the improved lots if less than the front yard requirements herein.

H. No lot shall be occupied by more than one permitted principal building except in accordance with the following:

1) The permitted principal buildings must be under the same ownership.

2) More than one principal building is permitted on a lot in the CBD, C-l, C-2 and WC-I zoning districts, LI-O, and in R-3 and R-4 zoning districts for buildings containing multiple dwelling units. Arrangements of buildings, access, parking, and other improvements shall reflect consideration of existing and future development, or redevelopment, of the neighborhood. The intent of this provision is to achieve a safer and more attractive, functional, and viable site development layout than would occur with only one principal building on a lot. Buildings containing townhouses shall not contain more than eight dwelling units. In determining compliance with yard requirements, all principal buildings shall be considered together as a unit, rather than individually. (Amended 03/28/18)

3) All bulk setbacks, and other site requirements contained in these regulations shall be satisfied unless varied under Section 1020.

4) Except in the CBD zoning district, each unattached principal building shall be separated from each other principal building by a minimum distance of the side yard setback for the zone where the buildings are located. (Amended 03/28/18)

5) The applicant shall obtain a Special Use Permit from the Planning & Zoning Commission in accordance with the requirements of Article VIII, Section 810 of the Regulations.

Not withstanding the definitions and illustration set forth in Section 210 of the regulation, front yards, side yards, and rear yards shall be defined and measured in a manner consistent with the purposes of this section. *(Amended 07/26/06)*

I. Exterior Porches, Decks and Stairs

All front, side and rear yard setbacks shall be maintained in all districts, except that open, unenclosed porches, decks, and stairs, serving the first floor only, may project not more than three feet into said required yards. *(Amended 06/28/90)*

J. Handicapped Ramps/Handicapped Accessibility Features *(Amended 07/26/06)*

Americans with Disabilities Act (ADA) compliant handicapped ramps or other similar installations shall be exempt from all setback requirements if it is demonstrated to the satisfaction of the Zoning Enforcement Officer that it is not feasible to construct the handicapped ramp or other similar installation in compliance with the otherwise required setbacks. *(Amended 07/26/06)*

K. Bus Stop Shelters – Bus stop shelters shall be permitted on private property at a bus stop utilized by a public transportation provider in any nonresidential zoning district in accordance with the following: *(Amended 03/26/16)*

(1) Bus stop shelters may be no larger than 5 x 14 (70 square feet) and no greater than twelve (12) feet in height measured from grade to the top of the structure.

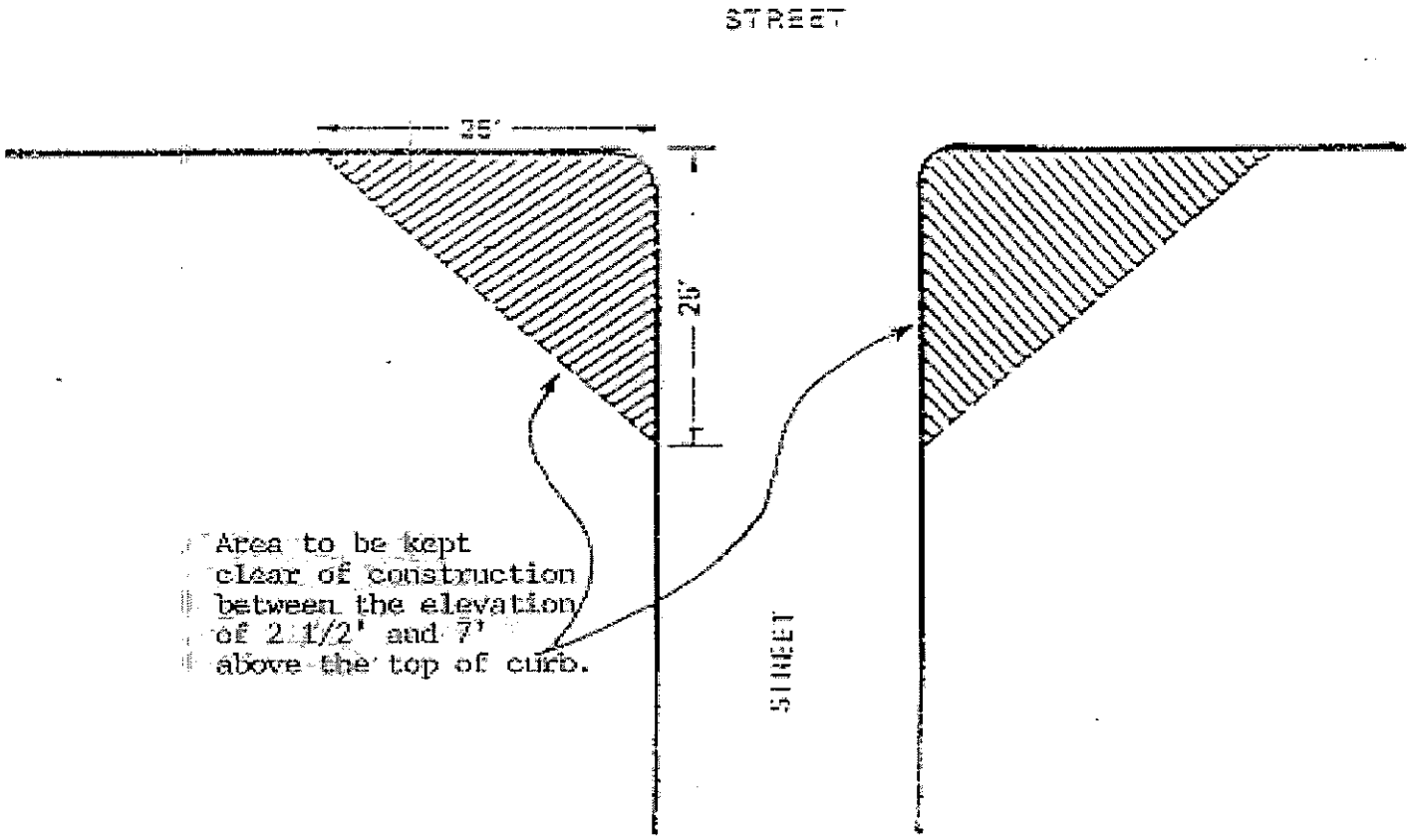
(2) An administrative zoning permit from the Zoning Enforcement Officer is required for this structure and must be signed by the property owner. Bus stop shelters are exempt from setback requirements and may be located in a front yard when their principal purpose is to provide a shelter for a publically operated bus service.

(3) The bus stop shelters are permitted one (1) two faced (non-illuminated) sign which shall be no greater than 15 square feet in size.

(4) Bus stop shelters shall be designed, constructed and maintained in a manner so that it is in harmony with and appropriate in appearance to the surrounding structures.

Section 606 Visibility at Street Intersections

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

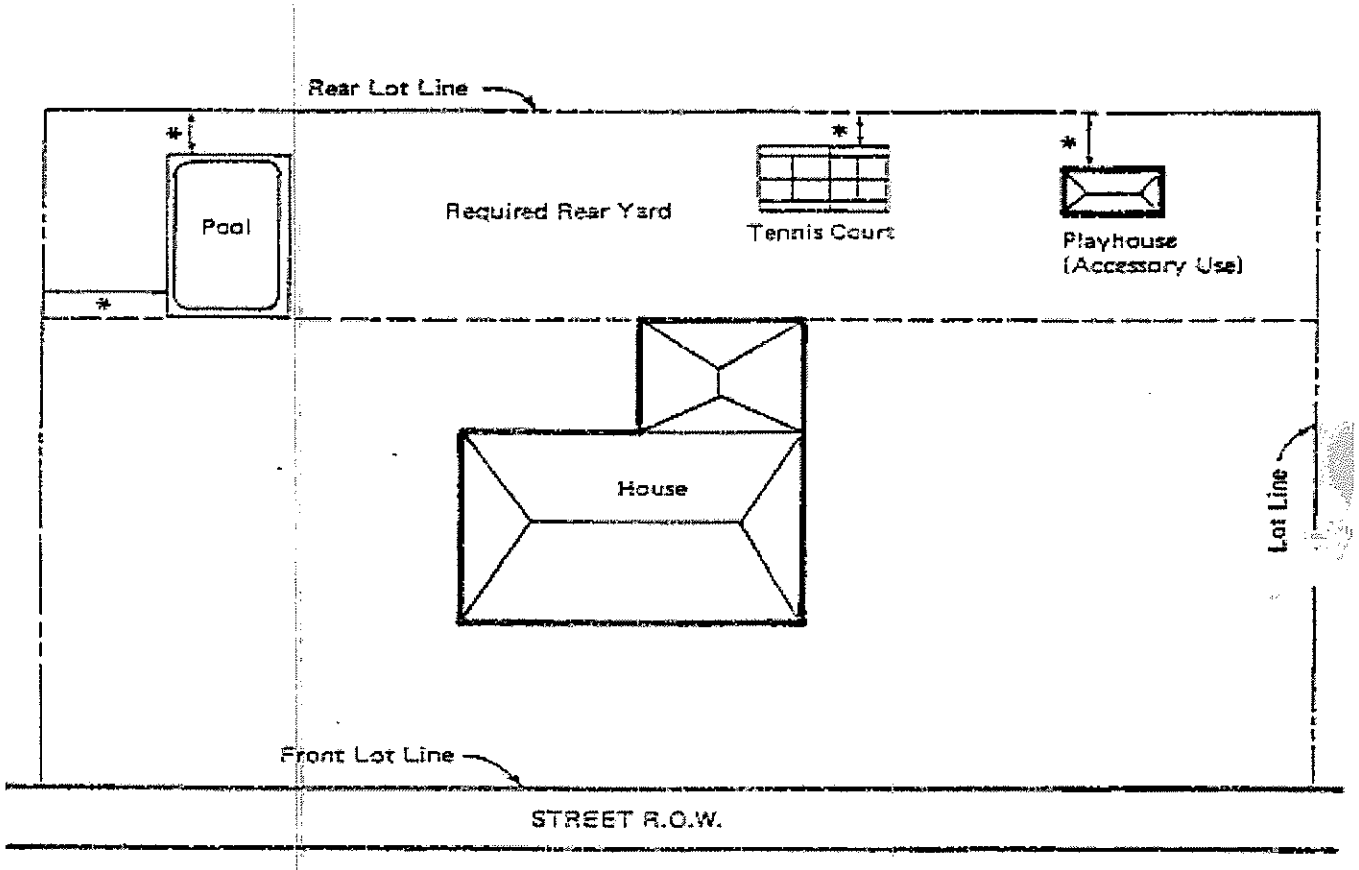


VISIBILITY AT STREET INTERSECTIONS
Section 606

Section 607 Accessory Buildings and Structures

No accessory building or structure shall be placed in any required front or side yard and no accessory building placed in the required rear yard may be closer than the minimum side yard requirement for the zoning district in which it is located. (See attached sketch.)

In case any accessory building is attached to and made structurally a part of the main building, it shall comply in all respects with the requirements of this regulation applicable to the main building.



*Minimum distance to property line must be equivalent to minimum required side yard for district.

LOCATION OF SWIMMING POOL OR TENNIS COURT OR ACCESSORY USE

Section 607

Section 608 Exceptions and Modifications - Height Limits

A. Height Limits

1) Spires, chimneys, elevator housings, machinery, towers, flagpoles, ventilating equipment, radio and television towers, antennas, penthouses, scenery lofts, cupola, water tanks, structures utilized as part of solar heating systems and similar structures may be built and used to a height of not more than 15 feet above the height limit established for the district in which the structure is located, provided that no such architectural structure in excess of the allowable height shall be used for sleeping or eating quarters or for any commercial advertising.

2) Public utilities, gas and electric transmission lines, towers and poles adjacent thereto, may be allowed in all districts to greater heights than established for the district in which the structures are located without the securing of a special permit therefore, provided that all routes of transmission lines shall be submitted to the Planning and Zoning Commission prior to installation of such routes.

3) In the C-2 zone, the height of a cable-restrained air supported structure may exceed the otherwise applicable height limit by thirty feet (30'). The non-cable-restrained air supported portions of the building including the foundation wall shall be no greater than five-feet (5') in height. *(Amended 09/15/14)*

Section 609 Earth Products Extraction and Fill

A. Extraction. No earth, sand, gravel, clay, stone or other materials shall be removed from the premises in any district except as surplus material resulting from a bona fide construction, landscape or agricultural operation being executed on the premises for which a building permit or site approval has been granted, and in this case any damage to the landscape must be repaired prior to the issuance of an occupancy permit or in the case where no occupancy permit is required, prior to continued use of the property.

Except in the instances cited above, the Planning and Zoning Commission, after public hearing, may permit other removal of earth, sand, gravel, clay or stone in any district, provided that in its judgment such operation will not impair water supply, flood protection, or the natural condition of any public park, coastal beaches or dunes or wildlife preserve, and subject to the following conditions:

1) The applicant shall submit a plan showing existing grades in the area from which the above material is to be removed, together with finished grades at the conclusion of the operation.

2) The plan shall provide for proper drainage of the area of the operation during and after completion and no bank shall exceed a slope considered excessive for the material encountered. No removal shall take place within 30 feet of a property line except that where the grade from a property line rises towards the lot where

removal is to take place, material lying above the grade at the property line may be removed.

3) At the conclusion of the operation or of any substantial portion thereof, the whole area where removal takes place shall be covered with not less than four inches of topsoil and seeded with a suitable cover crop, except where ledge rock is exposed.

4) Before a permit is granted by the Planning and Zoning Commission under this subsection, the applicant shall post a bond with the Commission in an amount approved by the Commission as sufficient to guarantee conformity with the provisions of the permit issued hereunder, including an amount sufficient to cover the cost of fill, if necessary, under the provisions of Section 609.C.

B. Fills. Where fill is required to carry out an approved plan for site development including approved drainage plans or to restore an area excavated in accordance with Section 609.A. herein, the following shall apply:

1) Slopes created by fill shall not be steeper than one foot of vertical rise in one and one half feet of horizontal distance unless stabilized by a retaining wall or cribbing except where approved by the City Engineer.

2) Adequate provisions shall be made to prevent surface water from damaging the sloping surfaces of fills.

3) Fills shall not endanger adjoining property.

4) All fills shall be compacted to provided stability of material and to prevent undesirable settlement. The fill shall be spread in a series of layers, each not exceeding 12 inches in thickness, and shall be compacted after each layer is spread. The City Engineer may require tests or other information if, in his opinion, the conditions or materials are such that additional information is necessary.

5) Fills shall not encroach on wetlands, natural watercourses, constructed channels or flood plain area.

6) Fills placed adjacent to wetlands, natural watercourses, constructed channels or flood plains shall have suitable protection against erosion during periods of flooding.

7) Grading shall not be done in such a way as to divert water onto the property of another landowner without the expressed consent of the Planning and Zoning Commission and the affected landowner.

8) During fill and grading operations, necessary measures for dust control shall be exercised.

C. In the event that a building operation is arrested prior to completion and the building permit therefore is allowed to lapse, within six months after the date of expiration of such permit, the premises shall be cleared of all rubbish or other unsightly accumulations, and topsoil shall be replaced over all areas from which such soil may have been removed at the cost of the applicant. Any excavation for a basement or foundation with a depth greater than three feet below grade shall be either filled or surrounded by a substantial fence adequate to deny children access to the area and adequately maintained by the holder of the permit.

If such action is not taken within said six months, the bond or other surety filed, as part of the approved plan shall be utilized by the City for such purpose.

Section 610 Regulations Concerning Retail Sale of Alcoholic Liquor *(Amended 08/08/86)*

A. The sale of alcoholic l5iquor at retail under any valid class of permit, as defined in Section 30-15, as amended, of the Connecticut General Statutes, issued by the Liquor Control Commission of the State of Connecticut for consumption either on the premises or off the premises shall be permitted only in the following districts as established by these regulations and at Ocean Beach Park:

NB	Neighborhood Business (for consumption off premises only)
C-1	General Commercial
C-2	Limited Commercial District *(Amended 11/15/98)*
CBD-1	Central Business District (1) *(Amended 09/30/08)*
CBD-2	Central Business District (2) *(Amended 09/30/08)*
WD	Waterfront Development *(Amended 11/15/98)*
WCI-1	Waterfront Commercial-Industrial (1)*(Amended 09/30/08)*
WCI-2	Waterfront Commercial-Industrial (2) *(Amended 09/30/08)*
MD	Maritime District *(Amended 01/22/2001)*
LI-O	Light Industrial Office *(Amended 03/28/18)*

B. No building or premises shall be used for the sale of alcoholic liquor at retail for consumption off the premises under any class of permit, as defined in Section 30-15, as amended, of the Connecticut General Statutes, which may be issued by the Liquor Control Commission of the State of Connecticut if the main front entrance to the permit premises shall be located within a 1,000 foot radius, measured in a straight line, from the main front entrance of any other permit premises used for the sale of alcoholic liquor at retail for consumption off the premises under any class of permit issued by the Liquor Control Commission of the State of Connecticut.

C. No building or premises shall be used for the sale of alcoholic liquor at retail for consumption on the premises under any class of permit, as defined in Section 30-15, as amended, of the Connecticut General Statutes, which may be issued by the Liquor Control Commission of the State of Connecticut if the main front entrance to the permit premises shall be located within a 1,000 foot radius, measured in a straight line, from the main front entrance of any other permit premises used for the sale of alcoholic liquor at retail for consumption on the premises under any class of permit issued by the Liquor Control Commission of the State of Connecticut. The sale of alcoholic liquor at retail for consumption on the premises is prohibited in the NB - Neighborhood Business Zone District.

D. In addition to the provisions of Article VI, Section 610.B and C, no new building or premises for the sale of alcoholic liquor at retail for consumption on the premises under any class of permit, as described herein, shall be permitted to be established on any lot which is within 1,500 feet from any lot on which is located public or private schools, recognized public places of worship, or public hospitals. In determining compliance with this provision, the controlling distance shall be the shortest distance between those lot lines of the proposed outlet and those lot lines of the affected facility.

E. Notwithstanding the distance restrictions set forth above in this section, any permittee using a permit premises for the sale of alcoholic liquor under any class of permit issued by the Liquor Control Commission of the State of Connecticut shall be allowed to move such permit premises within a radius of 750 feet of the old permit premises, provided said new location is within a district in which the sales of alcoholic liquor at retail is permitted under these regulations and, provided further, that said removal shall be in accordance with the Liquor Control Act and the rules and regulations of the Liquor Control Commission and, more particularly, the need for said removal is a result of hardship or caused by reason of the commencement of an eviction action against such permittee from the particular permit premises for which the original permit was issued. All other provisions of these zoning regulations shall be applicable except the distance restrictions set forth within this section.

F. The provisions of this section shall not be deemed to be retroactive, except that any permit premises being used for the sale of alcoholic liquor under any class of permit issued by the Liquor Control Commission of the State of Connecticut prior to the effective date of this regulations which use is not in conformity with the provisions of this regulation and which shall be voluntarily discontinued for a period of more than 90 days may not be resumed unless such use shall thereafter conform to these zoning regulations.

G. The restrictions contained in this section shall not apply to the sale of alcoholic liquor under temporary permits for outings, picnics, or social gatherings.

H. The distance restrictions contained in Article VI, Section 610.B, C, and D shall not apply to the sale of alcoholic liquor at retail, under a hotel, restaurant, druggist, non-profit theater, bowling alley, or grocery store permit, as described in the appropriate sections, as amended, of the Connecticut General Statutes, issued by the Liquor Control Commission of the State of Connecticut, within the following districts as established by these regulations: *(Amended 08/01/14)*

C-1 - General Commercial District
C-2 - Limited Commercial District *(Amended 11/15/98)*
CBD-1 - Central Business District (1) *(Amended 09/30/08)*
CBD-2 - Central Business District (2) *(Amended 09/30/08)*
WD - Waterfront Development *(Amended 11/15/98)*
WCI-1 - Waterfront Commercial-Industrial (1) *(Amended 09/30/08)*
WCI-2 - Waterfront Commercial-Industrial (2) *(Amended 09/30/08)*
LI-O- Light Office Industrial *(Amended 03/28/18)*

The distance restrictions contained in Article VI, Section 610.B, C, and D shall also not apply to the sale of alcoholic liquor at retail, under a tavern permit (smaller than 5,000 square feet of gross floor area) or a manufacturer permit for a brew pub (smaller than 10,000 square feet of gross floor area), as described in the appropriate sections, as may be from time to time amended, of the Connecticut General Statutes concerning Intoxicating Liquors in the Central Business District (CBD). *(Amended 02/01/08)*

The distance restrictions contained in Article VI, Section 610.B and C shall not apply to the sale of alcoholic liquor at retail, under a manufacturer permit for a brew pub, as described in the appropriate sections, as may be from time to time amended, of the Connecticut General Statutes concerning Intoxicating Liquors in the General Commercial District (C-1). *(Amended 02/01/08)*

The distance restrictions contained in Article VI, Section 610.B, C, and D shall not apply to the sale of alcoholic liquor at retail, under a grocery store beer permit as described in the appropriate sections, as may be from time to time amended, of the Connecticut General Statutes concerning Intoxicating Liquors provided that nay grocery store beer permit within the CBD-1 & CBD-2 zones shall be associated with a supermarket, food store, grocery store or delicatessen, providing at least 1,500 square feet in gross floor area and shall be primarily engaged in the retail sale of canned goods and dry goods, either packaged or in bulk, with or without fresh fruits and vegetables, and with or without fresh, smoked and prepared meats, fish and poultry.

I. In addition to meeting the requirements of Paragraphs C, D, E, and F, above, of this Section 610, no building or premises shall be used for the sale of alcoholic beverages for consumption on the premises or for retail sale for consumption off the premises under any class of permit from the state Liquor Control Commission without first obtaining a Special Permit in accordance with the requirements of Article VIII, Section 810, of these Regulations. *(Amended 09/25/09)*

Section 611 Vending Machines

Vending machines shall not be located in any front yard. Vending machines shall not be located in any street right-of-way unless licensed under the provisions of the City Code of Ordinances.

Section 612 Wind Energy Conservation Systems. Solar Devices. and Dish Antennas

A. Wind energy conservation systems such as windmills are permitted accessory uses in any District subject to Site Plan approval and the following conditions:

1) No windmill or similar structure shall exceed 80 feet in height.

2) No windmill or similar structure shall be located in any front or side yard and shall be considered an accessory structure.

3) The windmill or similar structure shall be setback from all lot lines a distance at least equal to the height of the windmill or similar structure.

B. Solar System

1) When screening is required on a roof to enclose mechanical equipment, said screening may be modified to allow access to solar heating devices.

2) Where solar heating devices are placed within a side or rear yard they shall be exempt from coverage requirements provided they do not occupy more than 10 percent of the yard area.

3) In any new construction requiring a building permit and/or site plan, access to solar devices on adjoining property shall be considered and maximum effort to retain solar access shall be made.

C. Dish Antenna

1) A dish antenna may be installed in a residential district in any rear yard provided that its height is not greater than permitted for accessory uses in said district and its size is limited to a maximum of 25 percent of the rear yard area.

2) In a non-residential district said antennas may be permitted as accessory uses and regulated as such.

D. Review for Neighborhood Compatibility

The Planning and Zoning Commission shall review installations proposed under Article VI, Section 612 A, B, or C under the Site Plan Approval provisions of this regulation. Further, the Commission must determine that the proposed installation is compatible with the design, scale, building elevation and roof line of adjoining buildings and is in harmony with the surrounding neighborhood.

Section 613 Performance Standards

A. Purpose

It is the intent of this section to insure that all activities in all zones are established and maintained in a manner not detrimental to the public health, safety and welfare, and in a manner beneficial to the use, enjoyment and value of neighboring properties. The use of performance standards is necessary to measure potential nuisances and hazards objectively, thereby protecting various uses from arbitrary control and at the same time affording the neighboring properties and general public necessary protection against hazards and nuisance.

B. Performance Standards

The following conditions are imposed as standards to be met in order that any activity or land use be in compliance with the New London Zoning Regulations:

1) Noise. The sound level (a frequency weighted sound measure level as measured with a "sound level meter" using the A-weighting network = dBA) of any operation or activity, other than:

(a) noise created as a result of, or relating to an emergency, including, but not limited to sirens, alarms, etc.;

(b) construction or demolition activity during the daytime as herewith defined;

(c) noise created by blasting other than conducted with construction activity, shall be exempt provided that the blasting is conducted between 8 a.m. and 5 p.m.;

(d) noise created by on site recreational activities sanctioned by the State or local government, including but not limited to parades, sporting events, concerts, fireworks, etc.;

(e) noise generated by maintenance equipment for landscaping and snow removal, i.e. plows, mowers, etc.;

(f) farming activity;

(g) noise generated by transmission or distribution facilities and substations of public utilities;

(h) noise that is directly caused by flight operations specifically preempted by the Federal Aviation Administration shall not exceed the noise zone

standards of the State Statutes (Section 22a-69), as indicated in subsection (i) below:

(i) Maximum noise limit to be generated or received by zoning district:

WC-I LI-O	C-1, C-2 CBD, WD NB	R-1, R-3, WD,	R-2, R-4 INST,
		Day*	Night**
70 dBA	66 dBA	61 dBA	51 dBA

* day = 7 a.m. to 10 p.m., on Sunday 9 a.m. to 10 p.m.

** night = 10 p.m. to 7 a.m., on Saturday 10 p.m. to 9 a.m.

Measurements shall be taken at a point that is located about one foot beyond the boundary of the emitter's property within the receptor's property.

2) Vibration. No vibration shall be transmitted and therefore felt outside the lot from which it originates.

3) Air Pollution. Provisions shall be made to control emissions of air pollutants (dust, fumes, smoke, vapor, gas, odorous substances, etc.) into the outdoor atmosphere. Such provisions shall be in compliance with the following standards and all applicable Federal (i.e. "Clean Air Act") and State (i.e. "Control of Air Pollution" Section 19508) regulations.

Odor from any use, except agricultural activities conducted in a manner as to minimize odors and except mobile sources, shall not be discernible to any objectionable degree at the property line.

An odor will be deemed objectionable when either:

(a) The Zoning Officer determines, following personal observation, that the odor is objectionable taking into account its nature, concentration, location and duration, or

(b) The Department of Environmental Protection, Air Compliance Unit, determines such according to guidelines and standards provided by Section 19-508(23) of the State Statutes.

4) Glare and Heat. All uses shall be conducted so that direct or indirect illumination from the source of light shall not cause illumination in excess of .5 foot-candles in any residential zone.

Any form of heat shall not be perceptible outside the lot where it originates.

5) Electromagnetic Radiation. No use on any lot shall cause interference with radio and television reception on any other lot, and any use shall conform to the

regulations of the Federal Communications Commission with regard to electromagnetic radiations and to any other applicable regulation.

6) Dangerous Materials and Hazardous Wastes. Materials which are dangerous due to the possibility of explosion, fire, radioactivity, corrosion, toxic or contamination must be secured and maintained in a manner approved by Federal, State and City agencies against such dangers as:

(a) ground water contamination via leachate and direct discharge;

(b) surface water contamination via runoff, overflow, or direct discharge;

(c) air pollution via open burning, evaporation, sublimation and wind erosion:

(d) fire and explosion;

(e) human and wildlife contact.

Any activity whether the generation, treatment, storage, transportation of hazardous waste (as defined and controlled by Section 3001 of the Federal Resource Conservation and Recovery Act and amendments or subsequent Federal, State or City regulations) is restricted to approved and confirmed EPA and DEP registrants and security methods, and prior to commencement, such activity is to be reported to and must be approved by appropriate City officials.

Any discharge of wastewater into the waters of New London (surface or ground) or into public disposal system must comply (either by its nature or pretreatment) with all Federal (i.e. National Pollutant Discharge Elimination System), State (i.e. Water Quality Standards & Criteria), and City standards.

7) Standards. In addition to these standards, all relevant provisions of any other Federal, State, and City laws, and regulations shall also apply. Where such standards, controls or regulations are not in agreement, the more restrictive shall apply.

C. Administration

The occupant of a parcel will be solely responsible for the maintenance of the performance standards. Where the occupant requests an analysis or investigation by a competent technical expert after having been informed of an alleged violation, the officer charged with enforcement may engage competent technical experts to study the alleged violation. The report of the officer charged with enforcement, charging that a violation has occurred, shall have sufficient ground for invoking the provisions of law to enforce compliance hereunder.

Where technical experts have been engaged at the request of the occupant, the occupant shall bear the cost of such technical investigation if he is thereafter found to be in

violation of the foregoing standards. Where technical investigation reveals that no violation has occurred, the cost of the technical investigation shall be borne by the City.

Section 614 Off-Street Parking and Loading *(Amended 11/26/24)*

A. Purpose and Intent

The following regulations are designed to provide adequate off-street parking and loading facilities and safe vehicle movements while minimizing any detrimental effects to adjacent properties, neighborhoods and the environment.

1) Exemption

Off-street parking for passenger vehicles shall be provided pursuant to the provisions of this section. However, no provision of this regulation shall prevent; the repairing, alteration, modernizing, reconstruction or rebuilding without enlargement, or the continued use of any building, structure or use lawfully existing, or for which building permits shall have been approved as of the effective date of this regulation. Any parking facilities now existing and serving such structures or uses shall not in the future be reduced, except to the extent that they meet or exceed such requirements.

2) Plans Required

No zoning permit shall be issued for a new building, a change in use of an existing building, enlargement of floor area in an existing building or conversion to additional dwelling units until a plan is approved by the ZEO or the Planning and Zoning Commission. The plan shall show specifically the location and size of the required off-street parking spaces, access aisles, driveways, relationship to the structure, proposed landscaping and any other information deemed necessary to determine compliance with these regulations.

3) Permits Required

(a) Plans for any new or expansion of any existing parking area that creates four (4) or more cars on a lot must be submitted to the ZEO for a zoning permit.

(b) Plans for any new or expansion to any existing parking area that results in ten (10) or more cars on a lot must be submitted to the Planning and Zoning Commission for approval.

(1) No alteration, improvements or modifications to an existing parking lot may be made until a site plan has been approved by the ZEO.

4) Expansions or Enlargements

In the event that it is proposed to expand or enlarge any structure or use, or add residential dwelling units the applicant shall be required to provide additional facilities so that the new use or the enlarged portion of the use(s) or structure(s) only and not the existing use or structure shall meet fully all parking requirements.

5) Change of Use

No building or structure shall be erected, enlarged, modified, or its use changed to a use requiring additional off-street parking and/or loading spaces unless permanently maintained off-street parking and loading spaces are provided for the new use in accordance with the provisions of these regulations, except, where such change of use, new building, alteration or increase in floor area requires no increase in parking over what presently exists.

6) Traffic Impact Analysis

For all uses generating over five hundred (500) vehicle trips per day or when otherwise required by the Commission a Traffic Impact Analysis shall be submitted. The analysis shall include at least the following information and shall be prepared by a professional engineer registered in the State of Connecticut, with expertise in traffic engineering. This analysis shall include, but not be limited to: a measurement of present roadway conditions, existing traffic, traffic accidents, a calculation of trip generation based on the proposed land use, the directional distribution of the traffic, assignment of trip volumes, capacity analysis, identification of congestion and conflicts and recommended mitigation measures.

7) Obligation and Duration

The requirements for off-street parking space and off-street loading space shall be a continuing obligation of the owner upon which any such structure is located, so long as the structure or use is in existence and its use continues. It shall be unlawful for an owner of any structure to discontinue, change or cause the discontinuance or change of the required vehicle parking or loading space.

B. Number of Required Parking and Loading Spaces.

1) Parking and loading spaces shall be provided in all zones in sufficient number to accommodate the motor vehicles of all occupants, employees, customers and any others normally visiting the premises for each new, expanded or change in use in accordance with the following schedule:

Use	Minimum Spaces Parking Required		Minimum Loading Spaces Required
Accessory Apartment	1	parking space required per accessory apartment	None
Auditorium, theater, stadium, convention hall or similar place of public gathering	1	4 seats (Note: Bench capacity is computed at 1 seat for each 20 inches)	1 per 100,000 sq. ft GFA
Automotive service station	1	5,000 sq. ft. of lot area (minimum 3 spaces required)	None
Bank	1	300 sq. ft. of gross floor area or 3 per teller window which-ever is greater	None
Bed & Breakfast Inn		Two (2) off-street parking spaces designated on the site plan for the owner and at least one (1) additional off-street parking space for each guest room unless the Commission determines that adequate parking is available in the immediate area	None
Bowling Alley	3	Lane	None
Brew Pub *(Amended 02/01/08)*	1	Per every 3 seats or per 50 sq. ft. of floor area open to customers (excluding bathrooms) whichever is greater	1 loading space per facility unless determines unneeded due to availability of designated on- street loading space
Business or trade school, junior college, college or university	1	Per faculty plus .75 per student	As determined by the Commission
Business Records Document Storage Facility *(Amended 06/07/06)*			To be determined by Planning and Zoning Commission
Cannabis Hybrid Retailer Cannabis Retailer *(Amended 06/06/22)*	1	250 sq ft of sales floor space	None for the first 10,000 sq ft GFA, then 1 per 30,000 sq ft up to 70,000 sq ft GFA plus 1 per every additional 80,000 sq ft
Cocktail Lounge	1	3 seats per 100 sq. ft.. of gross floor area, whichever is greater	As determined by the Commission
Convalescent Home	1	6 beds and 1 for each 3 total employees	1 per facility
Church	1	6 seats (Note: Bench capacity is computed at 1 seat for each 20 inches)	None

Use		Minimum Spaces Parking Required	Minimum Loading Spaces Required
Drive-in or Fast Food restaurant	1	75 sq. ft. of gross floor area or per 3 seats whichever is greater	None
Educational Establishment for learning disabled or mentally retarded adults	1	300 sq. ft. of gross floor area (amended 03/02/95)	None
Elementary or middle school	2	Classroom (in addition to parking spaces required for auditorium	None
Funeral Home	1	75 sq. ft of assembly room space	None
Homeless service centers and homeless support centers	1	300 square feet of gross floor area	As determined by the Commission
Hospital	1	3 beds and 1 for each 3 total employees	1 per 100,000 sq. ft. GFA up to 500,000 sq. ft. plus 1 per additional 200,000 sq. ft. FA
Hotel, motel	1	Guest bedroom and 1 for each 3 employees (in addition to required parking for other uses such as restaurants, meeting rooms. etc.)	As determined by the Commission
Indoor Tennis	3	Per court (for racquetball and similar court games one half this amount)	None
Industrial (non-warehouse)	1	Per 3 total employees or per 500 sq. ft. of gross building area whichever is greater	1 per 25,000 sq. ft. up to 50,000 sq. ft GFA plus 1 for the next 50,000 sq. ft. GFA plus 1 per every additional 100,000 sq. ft. GFA
Marina and boat dock	1	Per boat slip or rental boat except slips dedicated for use by transient boats. Additional space shall be provided for boat trailers at discretion of Planning and Zoning; Commission.	None
Tennis or Swim Club	1	100 sq. ft. of assembly room space	None
Multiple family dwelling (See Section 614 B (5) for additional requirements.	.75	Per efficiency unit *(Amended 10/24/18)*	None
	1	per 1-bedroom unit *(Amended 10/24/18)*	None

Use		Minimum Spaces Parking Required	Minimum Loading Spaces Required
	1.5	per unit with two bedrooms	None
		(Amended 10/24/18)	
	2	per unit with three or more bedrooms *(Amended 10/24/18)*	None
Multiple family housing for elderly	1	3 dwelling units	None
Office; office building	1	300 sq. ft. of gross floor area	As determined by the Commission
Professional office in a residential dwelling	1	100 sq. ft. of net floor space used by such office, minimum of 2 spaces must be provided	None
Public library, gallery or museum	1	200 sq. ft. of area accessible to public	None
Research institute or laboratory	1	2 employees	None
Residential Care Home	1	Per 3 units and 1 for each 3 total employees	1 per facility
Residential Homeless Shelters *(Amended 07/07/26)*	1	Per staff member and volunteer up to the maximum present in any one shift; 1 per 20 patrons; and 1 space for drop-off and deliveries	None
Restaurant *(Amended 02/01/08)*	1	1 per every 3 seats or per 50 sq. ft. of floor area open to customers, except bathrooms) whichever is greater.	As determined by the Commission
Retail store or shop	1	300 sq. ft. of sales floor space	None for the first 10,000 sq. ft. GFA, then 1 per 30,000 sq. ft. up to 70,000 sq. ft GFA plus 1 per every additional 80,000 sq. ft.
Religious Bath	2		None
Senior high school	4	Classroom (in addition to parking spaces required for auditorium)	None
Service establishment	1	200 sq. ft. of gross floor space	None
Single-family dwelling	2	Dwelling Unit	None
Tattoo Parlor/ Tattoo Facilities *(Amended 03/31/09)*	1	One space per 200 gross floor space of the area occupied or three (3) spaces per each licensed artist	None

Use	Minimum Spaces Parking Required		Minimum Loading Spaces Required
Tourist Homes		Minimum spaces parking required: There shall be at least two (2) off-street parking spaces designated on the site plan for the owner or manager of the premises and one additional off-street parking space for each guest room unless the Commission determines that adequate parking is available in the immediate area.	
Wholesale distribution, Limited Processing Recycling *(Amended 09/30/08)*	1	Per 3 employees or 1 per 1,000 square feet of gross floor area, whichever is greater.	1 per 50,000 sq. ft. GFA plus 1 per every additional 100,000 sq. ft GFA

2) Determination of Required Parking Spaces

The parking space requirements for a use not mentioned or variations of above uses shall be determined by the Planning and Zoning Commission or the ZEO to prevent frequent parking on the street. Where a determination must be made, the decision shall be based upon: (1) standards set forth herein for uses with similar characteristics, (2) previous experience with similar uses and (3) studies or standards such as those promulgated by the Institute of Traffic Engineers of the parking requirements of such uses.

3) Multiple Uses

Except as specified in Section 614. D where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements of the uses computed separately for each individual use on the lot.

4) Fractional Measurements

Where fractional spaces result from calculation of parking space requirements equal or greater than one-half (1/2) total parking spaces required shall be the next highest whole number.

5) Additional parking for larger Multi-family developments *(Amended 07/26/06)*

Where more than three units of multi-family development is proposed for a single property or adjoining properties under unified ownership, operation or management, the Commission may, at its discretion, requite additional parking not to exceed 20% of the calculated parking demand to accommodate guest and/or overflow. The Commission may, at its discretion, count available legal on-street parking along the frontage of the development property towards the requirements of this section. *(amended 10/24/18)*

C. Design, Layout and Location

1) Parking Setbacks

a) In an R-1, R-1A, R-2, R-3, R-4, or NB District, parking in the front yard shall be restricted to parking within a driveway that shall not be wider than twenty (20) feet for that portion that passes through the front yard. Any combination of driveways, turnaround areas and vehicle maneuvering areas shall not exceed an area of twenty-five (25) percent of the total area of the front yard. Under no circumstance shall parking be allowed in front of the dwelling unless that parking area is the accessway to an approved parking space, garage or carport. No turnaround area or vehicle maneuvering area shall be more than twelve (12) feet wide.

b) In an LI-O District, parking shall not be permitted between the front of a structure and the front lot line.

c) In all zones no parking space shall be located closer than three (3) feet to any property line.

d) No paved or impervious parking surface area shall be permitted within twenty-five (25) feet from the Thames River at mean high water (mhw) elevation unless it can be demonstrated that no impacts to coastal resources would result.

e) In an R-1, R-1A and R-2 Zone no parking area for a Cluster Development shall be located within fifty (50) feet of a street or property line.

f) In an R-2, R-3 and R-4 Zone no parking or loading area for a Place of worship shall be located nearer than fifty (50) feet to any street line or property line.

2) On Site Location

a) Required parking spaces shall be provided upon the same lot as the use that it supports, except where specifically permitted elsewhere in these regulations.

b) No land within any public right-of-way shall be used in computing the parking or loading areas for a specific use.

3) Parking Aisles

a) Access to a parking area for more than eight (8) vehicles shall consist of a minimum twelve (12) foot wide one-way lanes and twenty (20) foot wide lanes for two-way movement.

b) The Zoning Enforcement Officer (or the Commission, when reviewing site plans) may approve access width reductions of up to 25 percent of this standard when the parking area served by such access is for eight or less vehicles, provided such

smaller access is determined by the ZEO or Commission to be safe and convenient for the users.

4) Curb Cuts, Ingress and Egress

a) An entrance or exit to any off-street parking area shall be located a safe distance (minimum 25 feet) from any street intersection. No such entrance or exit may exceed a grade in excess of six (6) percent within twenty-five (25) feet of any street line nor ten (10) percent at any other point. All points of ingress or egress shall be appropriately signed unless such signing is considered unnecessary.

b) Ingress and egress location shall be reviewed by the Police Department and the City Engineer in order to prevent hazards to motorists and to promote the orderly and safe flow of traffic and pedestrians.

c) Curb cut widths and curb cut radii must be reviewed and approved by the City Engineering Department or the State Traffic Commission, where appropriate and no curb cut, driveway entrance, utility work or other improvements shall be constructed unless a permit has been obtained from the City Engineer.

d) The portion of access drives extending from the street to the property line must be concrete with granite curbing as required by City Ordinance.

e) No parking area shall be so designed or constructed as to force a vehicle to back out directly into a public street, provided that this prohibition shall not apply to off-street parking areas for one- and two-family dwellings.

f) All access driveways and curb cuts shall be planned and located to provide as much sight distance as possible at intersections with the connecting public street. A sight line demonstration plan may be required as part of a site plan.

g) The street giving access to the site shall have a traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use. When the Commission determines that the condition of the existing public street is such that the approval of the site development plan could result in a potential safety hazard, the Commission may require that the applicant make improvements to the existing street to assure the safety of traffic to and from the site. These improvements may include, but not be limited to, turning lanes, deceleration lanes, traffic islands, road widening and traffic islands.

5) Sidewalks

a) The Commission may require the installation of sidewalks along public streets in places deemed proper by the Commission for public necessity and safety.

b) When sidewalk construction is required as part of site plan approval, construction drawings for the sidewalks shall be provided and sidewalks shall be designed and constructed to the City Ordinance.

6) Pedestrian Safety

a) Off-street parking shall be separated from the building served in such a way as to assure safe movement of pedestrian traffic to all major entrances of the building.

b) A concrete walk or combination of walk and landscaping shall be protected from vehicles by suitable means.

7) Safety Precautions

Where the topography of a site is such that a potential safety hazard for parked vehicles exists, the Commission may require that barriers or other safety devices are incorporated into the design of the parking area.

8) Parking Spaces

a) Each required space, exclusive of drives and aisles, shall be not less than eighteen (18) feet long nor less than eight and one half (8 ½) feet wide, and shall be served by an aisle between rows of parking spaces as designated in the attached Figure "Minimum Parking Area Dimensions", except that, where more than one space is provided for any dwelling unit, such spaces may be located in tandem to the required number of parking spaces for that dwelling unit after approval by the New London Planning & Zoning Commission. *(Amended 05/02/02)*

b) The PZC may, at its discretion and by issuance of a Special Permit allow parking spaces sizes that vary from the standard parking space requirements in facilities where the predominant use is to be non-transient, low turnover parking, where a significant number of the daily users park for more than three (3) hours at a time (such as multi-family residences, office buildings and industrial facilities). Non-transient parking spaces may be eight and one-quarter (8 ¼) feet wide and sixteen (16) feet long. *(Amended 05/02/02)*

9) Compact Car Spaces

The applicant may be permitted to provide a limited number of compact car spaces in accordance with the following standards:

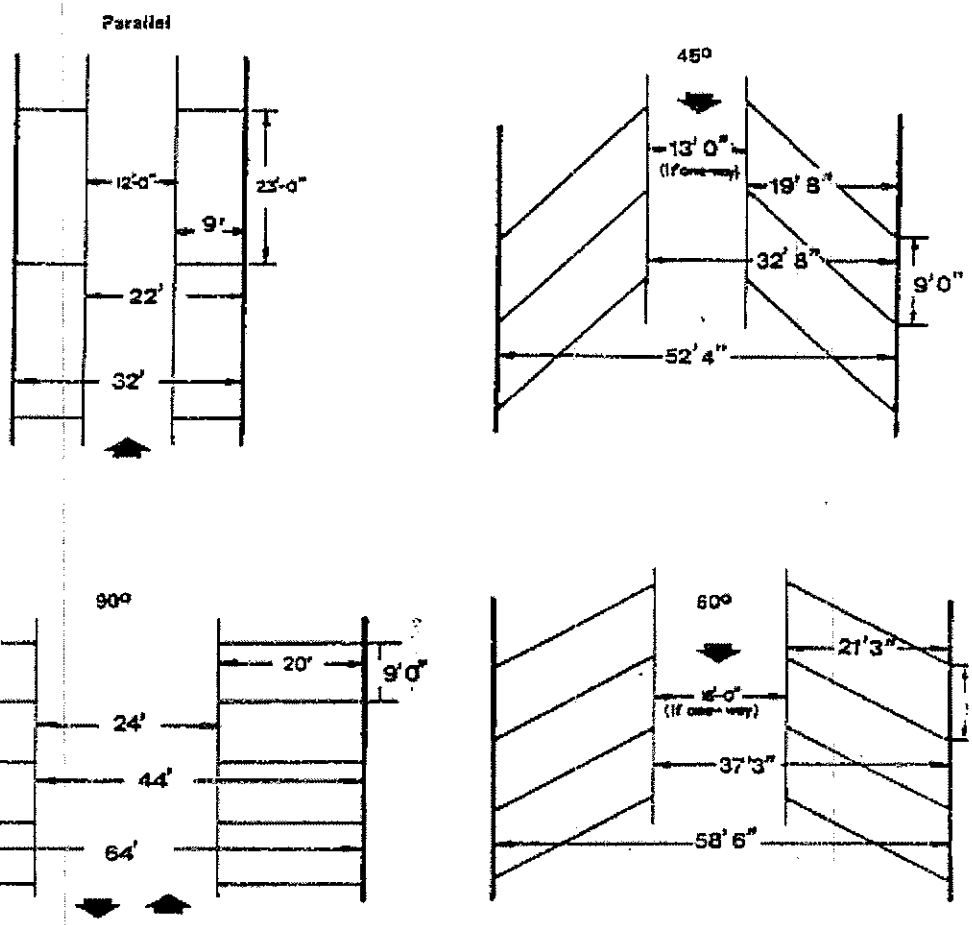
a) Up to twenty-five percent (25%) of the minimum number of required parking spaces may be allocated for small cars and correspondingly reduced in size subject to the approval of a small car parking layout plan. A small car space (stall) shall not be less than eight (8) feet in width and sixteen (16) feet in stall length.

b) The small car spaces shall be laid out in groups and marked with "Small Car Only" free-standing or wall signs not to exceed 1 sq. ft. each.

10) Handicapped Accessible Spaces *(Amended 08/01/10)*

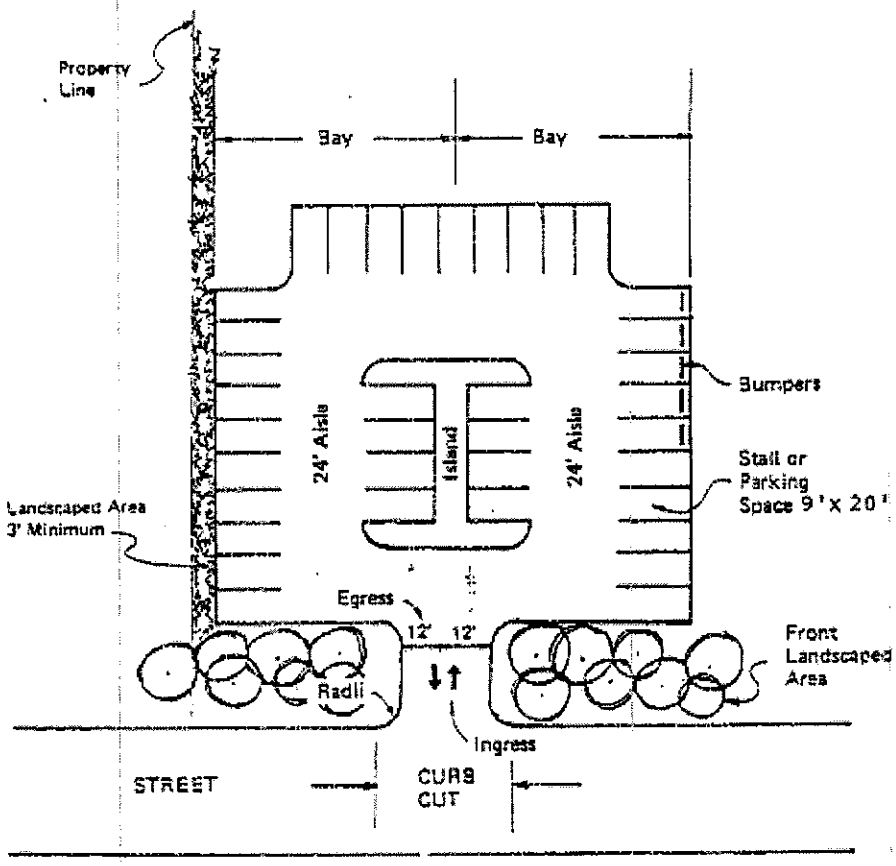
a) All aspects relative to requirements such as but not including number, dimensions and signage of parking spaces for the handicapped shall be as required by the State of Connecticut Building Code as it may be from time to time amended.

b) Required handicapped accessible parking spaces shall be considered part of the number of parking spaces required under these regulations and not in addition to.



MINIMUM PARKING DIMENSIONS

Section 614



TYPICAL ARRANGEMENT FOR 90° PARKING
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11) Lighting

Off-street parking areas shall be adequately illuminated for convenience and safety, but no lighting for parking areas shall cause glare on adjoining property.

12) Surface Treatment

a) All parking areas shall be paved with a durable, dust free all weather surface of bituminous or concrete paving, maintained in good condition. However, the Commission may allow an alternate surface treatment if the use is a low traffic generator, or if the design is part of a storm water management plan to minimize storm water impacts. In these cases the applicant shall submit a maintenance plan to the Commission for their approval.

13) Landscaping and Screening.

a) On any parcel where a Site Plan approval or Special Permit is required and the parking area faces a street or a property line, a landscape area of a minimum width of three (3) feet planted with a combination of grass, perennials, ground cover or shrubs shall be planted between the parking area and the street line or property line. The landscape area shall include at least one deciduous tree of not less than three (3) inch caliper and at least six (6) feet in overall height at time of planting for every fifty (50) feet along the perimeter of the parking lot. The trees may be planted in groupings to enhance the landscaping of the parking lot.

b) Where a parking area abuts a residential property, it shall be screened from view by a buffer consisting of landscaping, a berm, opaque fence or wall, or other means as approved by the Planning and Zoning Commission. This buffer shall be planted sufficiently close and be large enough when constructed to effectively screen automobile headlights. Within the CBD zone this requirement shall only apply to parking areas abutting a residential zoning district but shall apply whether or not the abutting properties in the residential zoning district are currently in residential use. *(Amended 09/20/07)*

c) The Commission may reduce or waive the landscaping requirements within a parking area and between a parking area and a street line when the area is used as a display area of a new or used automobile dealership, or if the Commission determines that adequate existing landscaping around the site is retained in a manner to insure that the site will be aesthetically pleasing, or where the parking area is functionally integrated with an adjoining area on an abutting lot.

d) All parking areas containing 20 or more off-street parking spaces shall provide at least 10 square feet of interior landscaping within the paved portion of the parking area for each parking space. Each separate landscape island shall contain a minimum area of 100 square feet. No landscape island shall be less than 8 feet wide.

e) These landscape islands shall be designed and located to assure safe and efficient channelization of both pedestrian and vehicular traffic and to separate the major accessways through the parking area from parking aisles. Each separate landscape island within the parking area shall be contained by the use of cast in place concrete curbing, stone or precast concrete curbing or other suitable material as approved.

f) Plantings in landscaped areas shall be consistent with the visibility requirements of Section 606 of these Regulations, both at street intersections and at exit driveway intersections with abutting streets.

g) Site Plans shall be designed to attempt to preserve as much natural vegetation as possible.

h) All proposed landscaping shall be specified on the plan as to location, botanical name and size at time of planting.

i) Notwithstanding the preceding subjections, the Commission may modify or eliminate the requirements of subsections (a) and (d) above; to include in lieu thereof some combination or wall/fencing and/or landscaping in a three-foot buffer strip to be maintained along all areas where a parking lot fronts a public street. Landscaping elements shall only include those that grow or are maintained at a low height (less than three feet) and shall include a combination of formal evergreen hedges and trees (one tree per fifty-five feet of street frontage) unless an alternative is determined by the Commission to be more appropriate. *(Amended 09/20/07)*

14) Parking Structures

a) The dimensional standards for parking spaces, parking aisles and driveway grades may be reduced by up to twenty (20) percent for parking structures.

b) The landscaping and screening requirements of this section shall not apply to the interior parking areas of parking structures.

15) Pavement Marking

All required parking spaces, directional arrows, stop bars, fire lanes and loading areas shall be marked by painted lines maintained in good condition or by curbs or other means to indicate individual spaces. Additionally, directional arrows and signs shall be provided where necessary.

16) Connections Between Abutting Parking Areas

Where appropriate, the Planning and Zoning Commission may require paved driveway connections between abutting parking areas in different ownerships, so as to facilitate the

flow of traffic for the public to travel between sites without the need to travel on a public street.

17) Operation and Maintenance of Off-Street Parking Facilities

a) Required off-street parking facilities shall be maintained throughout the life of any use or structure, which the said facilities are designed to serve.

b) Required parking areas developed for specific structures and uses shall be reserved at all times for the use of those persons who are employed at, or making use of, such structures and uses, except when dedicated to, and accepted by, the City as public parking areas.

18) Designation of Employee Parking Areas

For retail and service establishments, and for other uses with a frequent exchange of customers or patrons, employee parking shall be designated in parking spaces remote from entrances so as to retain closer spaces for customers or clients.

19) Fire Lanes

a) Fire Lanes shall be provided as required by the Fire Department.

b) No parking shall be permitted in areas designated as fire lanes on any site plans approved under these regulations or established by the City's Fire Marshal.

c) "No Parking" signs shall be posted in accordance with the requirements of the Fire Department.

20) Stormwater Drainage

a) Parking areas shall be graded and drained to dispose of all surface water in accordance with sound engineering principles.

b) No storm water drainage shall be allowed to cross any sidewalk area or public streets.

c) Drainage shall be designed by a professional engineer licensed in the State of Connecticut.

d) The commission shall require that a stormwater management plan is submitted for all proposed parking lots consisting of twenty-five (25) or more parking spaces. However, the Commission may require a stormwater management plan for any proposal if it determines that the site disturbance and proposed use may cause significant nonpoint source pollution. The stormwater management plan shall provide, but not be limited to at a minimum the following information: (The City's Office of Development and Planning (ODP) has been charged with the

responsibility to prepare a recommended format for stormwater management plan submissions to the Commission under these regulations. All applicants are encouraged to consult with ODP staff prior to application submission.)

(1) Soil characteristics including soil types, hydrologic soil group, and depth to bedrock and groundwater where necessary.
(2) DEP ground/surface water quality classification of the site.
(3) Location and description of all proposed best management practices (BMPs) both for construction activities and post-construction long-term nonpoint source pollution control.
(4) Proposed maintenance and operation manual or schedule for any stormwater control methods.
(5) Hydrologic analysis and calculations of stormwater runoff rates and water quality pollutant concentrations including suspended solids removal rates for pre and post development.
(6) To the extent practicable, maintain post-development peak runoff rate and average volume at levels that are similar to pre-development levels and reduces post-development average annual total suspended solid (TSS) loads by 80%.

e) Stormwater management systems shall be designed and maintained to manage site runoff in order to prevent flooding, control peak discharges where required, and maximize retention and water quality treatment on-site.

f) On proposed sites with discharges of stormwater within five-hundred (500) feet of coastal waters, the stormwater management system shall be designed to retain and treat the volume generated by the first one (1) inch of rainfall unless a demonstration can be made that specific site constraints prevent meeting this goal. In such case, the stormwater management system should be designed to retain and treat the maximum amount that is technically feasible.

D. Joint Use of Parking Areas/Shared Parking

In the case of two or more structures or uses on the same lot or on contiguous lots, the Planning and Zoning Commission may approve the joint use of parking areas for sites using the same driveway giving access thereto where the total capacity of the parking area shall not be less than the sum of the space required for each use computed separately, or the Commission may approve a Special Permit to permit the joint use where the total capacity is less than the sum of the spaces required for each use computed separately, provided:

1) A finding is made by the Commission that the proposed capacity will substantially meet the intent of these regulations.

2) In a mixed-use development, there are two or more uses which have differences in their principal operating hours, thereby allowing the utilization of the same parking spaces.

3) If a use is enlarged, changed or terminated the Planning and Zoning Commission shall have the discretion to terminate the approval of such joint use or require full compliance for each separate use upon finding that conditions justifying joint use no longer exist.

4) If a use is located within five-hundred (500) feet of another use such as a church that is not in operation during the same hours or days as the first use, and where such church or other use is willing to make its parking available to the first use through written agreement acceptable to the City's Director of Law.

5) An agreement for the construction, use, and maintenance of such joint parking and loading area, and the cost thereof, shall be entered into by all participating owners and the continuance of such agreement shall be guaranteed by a covenant identified on the site plan and filed with the deed of each participating property binding each participating owner and his successors in interest for the life of the joint use of the facility. Any covenant for such joint use shall be in a form acceptable to the City's Law Director.

6) Upon finding that the foregoing conditions have been met, and where the joint parking facility adjoins or straddles a joint lot line, the Planning and Zoning Commission may, for the period covered by such agreement waive the requirements applicable to side yards.

E. Waiver and Reductions of the Number of Required Parking Spaces *(Amended 9/30/08)*

New uses in the CBD-1 and CBD –2 Districts located within buildings in existence as of the effective date of this amendment, or in additions not defined in this section as "major", shall not be required to provide any parking spaces in addition to those already serving the building either on or off the property. Reduction, relocation or elimination of these existing spaces may be allowed only by Special Permit if the requirements of subsection 1) below are met.

All or portions of the minimum number of off-street parking spaces required as a result of the construction of new buildings or the major expansion of existing buildings (i.e. consisting of more than 25% of the gross floor area in existence as of the effective date of this regulation) may be waived or reduced at the discretion of the Planning and Zoning Commission by issuance of a Special Permit provided that:

1) Central Business Districts (CBD-1 and CBD-2)

a) The proposed use is within 500 feet in the CBD-1 and CBD-2 Districts of publicly utilized off-street parking facility or privately owned and operated parking area. The aforesaid five hundred (500) feet shall be measured by the shortest route of the available pedestrian access between any entrance to such use and the entrance the parking facilities. *(Amended 11/26/24)*

b) At the time of submission of a permit application the applicant shall provide a report from the City's Parking Commission that the municipally operated off-street parking facility or, in the case where nearby private parking area is to be utilized, a report from the owner or operator of the private parking facility that the lot has adequate capacity for storage of passenger vehicles generated by activities

proposed to be conducted on the subject lot in addition to those generated by any other lots already serviced by such off-street parking facility. In determining the existence of such adequate capacity, the Commission shall consider the need for preventing frequent parking on the street by persons visiting or connected with each use which is proposed to be served by such off-street municipal or private parking facility.

c) RESERVED. *(Amended 11/26/24)*

All or portions of the minimum number of required off-street parking spaces may be waived or reduced at the discretion of the Planning and Zoning Commission by issuance of a Special Permit provided that:

2) Van/Car Pools

An applicant may partially satisfy the off-street parking requirement if the applicant can document that a van pool, car pool or employee public transit program will be in operation for the duration of the use. Each two (2) occupied seats in a van or transit bus shall be considered as one parking space for purposes of this section. A plan shall be submitted to show how the alternative mode(s) will be implemented, the permanency of such mode(s), the extent of the program, number of vehicles and any other pertinent information. The applicant shall record a covenant, the content and form of which must be approved by the Director of Law, which binds all successors in title to the commitments approved and the petitioner shall include in all leases a clause, content and form approved by the Director of Law, which binds all tenants to the commitments made by the applicant.

3) Reduction of Number of Parking Spaces

a) Parking space requirements for a particular use as established by these regulations may be reduced if an applicant can demonstrate that the intensity of the particular use will need a lesser amount of parking than is otherwise required.

b) An application for a reduction in the number of required parking spaces shall include a survey of persons using and working on the premises in order to demonstrate that the number of spaces provided in the permit application are sufficient to accommodate the vehicles of all persons using and visiting the facilities specified in the application.

c) The Special Permit shall be applicable only to the specific use or occupancy of land, buildings or other structures specified in the application. The Special Permit shall become null and void in the event that the use or occupancy is changed to another use or occupancy.

F. Location of Required and/or Additional Off-Site Parking Areas

1) Required parking spaces, may be provided on sites other than the site they serve under certain circumstances after meeting all of the following requirements:

a) The site must be located within five hundred (500) feet along public pedestrian thoroughfares measured from property line to property line.

b) Parking for uses located in non-residential districts shall not be located in residential districts except as provided herein for additional accessory surface parking on divided lots or unless the parking area is permitted as an accessory use.

c) In all cases, such parking shall conform to all of the provisions of the regulations of the district in which they are located.

d) Such spaces shall be in the same ownership as the use to which they serve or if in separate ownership, there shall be a written agreement between the owners that the spaces shall be available to the use to which they are assigned. In all cases the spaces shall be subject to deed restriction, satisfactory to the City's Director of Law, binding the owner and his heirs and assigns to maintain the required number of spaces available either (a) throughout the existence of the use to which they serve, or (b) until such spaces are provided elsewhere.

e) A Special Permit must be issued by the Planning and Zoning Commission.

2) Additional accessory surface parking on divided lots.

a) For the purposes of this regulation, a "divided lot" is a lot of record as of the date hereof divided by a zoning district boundary delineating the boundary between a residential and non-residential zone.

b) This regulation shall only apply to additional parking for conforming principal uses.

c) Notwithstanding any use restriction provided in a residential zone, additional accessory surface parking may be provided on the residential portion of any divided lot, subject to issuance of a Special Permit by the Planning and Zoning Commission in accordance with the requirements of Article VIII, Section 810 of these regulations, and subject to the following conditions:

(1) The lot must adjoin or contain the principal use to which the parking is accessory.

(2) The minimum lot area for the lot upon which such additional accessory parking is located shall be 40,000 square feet.

(3) A landscaped buffer, providing year round visual screening of 80 percent or more opacity of the screened object, consisting of fencing, walls, screen

plantings or the combinations of such, in accordance with the requirements of Article VI, Section 603 of the Regulations, of not less than forty (40') feet from R-1 or R-1a Districts and not less than 25 feet from all other districts shall be provided and maintained along all property lines. This requirement may be modified, by the Planning and Zoning Commission after a written request, provided that the Commission determines that as a result of topography, vegetation or other factors unique to the parcel, such a buffer is not needed to protect residential uses.

(4) All entrances and exits to such additional parking areas shall be through the portion of the lot located in the non-residential zone or the adjoining property containing the principal use.

(5) Parking structures are not permitted.

(6) The lot containing such spaces shall be in the same ownership as the property to which it is accessory.

G. Off-Street Loading Facilities

1) Off-street loading facilities shall be required on the same lot as the principal building or structure.

2) Determination of Required Loading Spaces

Where the Planning and Zoning Commission determines the number of loading berths, the decision shall be based upon: (1) standard set forth herein for uses with similar characteristics and (2) previous experience with similar uses.

3) Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these loading requirements.

4) Size of Spaces.

Each required loading berth shall be at least fifteen (15) feet wide, thirty five (35) feet long, and have a clear height of fourteen (14) feet high.

5) Location and Access.

a) Said loading berths may be provided in the principal building or in any side or rear yards. No off-street loading berth shall be located in any front yard. Unobstructed access, at least 15 feet wide, to and from a street shall be provided. Such access may be combined with the access driveway to a parking lot, provided that said driveway has a minimum width of 25 feet. All loading berths shall be on the same lot as the use to which they are accessory.

b) No entrance or exit for any loading area shall be located within 50 feet of any street intersection.

6) Joint Facilities.

Required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two or more adjacent establishments provided that the number of required berths in such joint facilities is not less than the aggregate spaces required for each use.

Section 615 Signs

All of Section 615 of the Zoning Regulations (Signs) including the illustration found on page VI-45 are hereby deleted and the following is inserted in its place. *(Amended 08/23/99)*

A. Purpose and Intent

1) The purpose of this section of the zoning regulations is to promote, preserve, enhance and protect the public health, safety, and welfare of the City by regulating signs of all types on public and private property through the establishment of standards to control the location, number, size, height, maintenance and character of signs. The indiscriminate construction, erection and maintenance of signs can create undue distractions to motorists and pedestrians, may tend to depreciate property values and may be detrimental to the preservation and enhancement of the aesthetic and historical values of the City. These regulations are intended to:

   a) Provide specific and enforceable standards to protect the community.

   b) Protect property values.

   c) Encourage the installation of signs that assist in the creation of a more attractive economic and business climate so that travelers, visitors, residents and business people patronize the City's commercial establishments.

   d) Enhance and protect the aesthetic appearance and historical heritage of the City.

   e) Provide adequate identification, communication and advertising for land uses.

   f) Distinguish between the City's various zoning districts and the desired character and development patterns of each district.

   g) Ensure that signs are compatible with their surroundings.

2) In evaluating all sign applications, the Planning & Zoning Commission (PZC) and the Zoning Enforcement Officer (ZEO) shall insure that the sign:

   a) Reduces distractions, confusion and obstructions that may contribute to unsafe traffic conditions.

   b) Minimizes the adverse effect on adjacent property and the general public.
   c) Reduces hazards that may be caused by signs overhanging or projecting over public rights-of-way.

d) Improves the appearance of the City.

B. Applicability and Permit Requirements

1) No sign, except as provided in this section, shall be constructed, altered, repaired, established, reconstructed, maintained, replaced, and relocated until a permit is issued either by the Zoning Enforcement Officer (ZEO) or the Planning & Zoning Commission (PZC) where required.

2) Before a sign is erected a permit must also be obtained from the Building Official.

3) Any sign not specifically listed, is not permitted, except where specific exceptions to this rule have been identified in these regulations.

4) The City has prepared a sign "handbook and guidelines" document to advise those considering applying for a sign permit. The document is available at the Office of Development and Planning.

5) Applications for a sign permit shall be made on the sign application form provided by the Zoning Enforcement Officer. After reviewing the application for compliance with these regulations the ZEO or PZC shall either approve, modify and approve or deny the application. The ZEO shall issue to the applicant a written notification of this action and in the case of an approval, a permit evidencing compliance with these regulations.

6) Persons aggrieved by the actions of the ZEO may appeal said decisions to the ZBA as prescribed by Section 1000 of these regulations.

7) This regulation does not require that a legal non-conforming sign be made to comply with the regulation or be removed by the owner or occupant of the land and premises unless the sign is altered in some way.

8) All applications for sign permits, shall include:

a) The complete information required on the application form supplied by the Zoning Enforcement Official.

b) The necessary drawings, sketches and site plans of the proposed sign(s) which shall show the following information: the size, height, dimensions, copy, letter type, materials, colors, location, electrical, landscaping, attachment details, lighting and other information that the ZEO or PZC may require to indicate full compliance with these regulations.

c) The size, dimensions, lighting, and location of all signs existing on the premises at the time of making said application.

d) The appropriate fee as prescribed by the City's fee schedule.

e) The application shall include the written consent of the owner of the property upon which the sign(s) is to be erected.

f) Any other information required by the ZEO or the PZC necessary to determine compliance with these regulations.

9) Submission of an incomplete application shall be a reason for denial of the application.

10) The Planning and Zoning Commission shall have the sole authority to review and approve the following types of signs: (All other signs shall be reviewed and approved by the ZEO)

a) Marquee.

b) Secondary freestanding.

c) Modifications.

d) Institutional signs that exceed regulations.

e) Roof.

C. General Standards and Criteria

In implementing these regulations the following general standards and criteria shall be adhered to except where more restrictive or more specific requirements are applicable:

1) Unless otherwise permitted, each site shall only be permitted to have one (1) wall sign per business frontage and one free standing sign per building.

2) Any sign may be two sided and only one face shall be counted in determining conformity to sign area limitations.

3) The total combined square footage for all permanent signs on a lot shall not exceed two and one half (2.5) square feet for each linear foot of building frontage.

4) Standard, approved methods of constant internal and external illumination shall be permitted on signs, provided, however, they shall concentrate the illumination upon the area of the signs so as to prevent direct glare upon the street or adjacent property. (Flashing signs are prohibited except for clocks and customary time and temperature devices.)

5) All ground or free standing signs shall be affixed to one or more vertical supports, with no guy wire or bracing.

6) No signs, other than those specifically authorized elsewhere within these regulations shall be erected within the right-of-way lines of any street, sidewalk or public way.

7) No sign or sign structure shall be erected at the intersection of any street or driveway in such a manner as to distract free and clear vision. Nor shall any sign be erected where it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal, or device.

8) Where signs are proposed for the Central Business District or any special design district the sign shall be reviewed for compliance with the established design standards/guidelines.

9) All permanent ground and free standing signs shall be provided with an appropriately landscaped planting bed surrounding the base of the sign consisting primarily of low growing shrubs, annuals, perennials, or ground cover except for any such area that is actively devoted to some other use.

10) Multiple tenant buildings or lots containing more than one tenant or occupant shall submit a unified signage program for approval before permits for new signs are issued for the site. The unified signage program is intended to insure that all signs proposed for a multi-tenant complex shall be in harmony and of a compatible shape, lettering, materials, and placement on the building(s). To this end, as a means to encourage unified signage applicants may apply for and receive modifications to these regulations as specified by Section G.

11) No person shall erect, install, remove, re-hang, or maintain, over public property, any sign for which a permit is required under the provisions of this regulation until an insurance policy for public liability and property damage shall have been filed with the City with coverage in an amount satisfactory to the City's Law Director.

12) No sign shall be designed so that the message content can be periodically changed unless specifically permitted under the terms of these regulations.

13) No illegal, non-conforming sign shall be altered, reconstructed, or changed in any way unless a permit is issued by the ZEO and the sign is made to conform to the requirements of these regulations. A new name or the changing of the advertising copy or message shall be deemed to be a change. No signs described above shall be relocated unless it results in eliminating or reducing the non-conformity. Nothing shall preclude the ordinary maintenance and repair of an illegal nonconforming sign.

14) Unless otherwise specified elsewhere in these regulations, all signs shall pertain to the principal use, service rendered or product sold on, or immediately abutting the premises on which the sign is located, and no sign shall include advertisement, identification, publicity or notice of goods, services, establishment, enterprises, activities, persons, organizations and facilities which are not located on the premises.

D. Prohibited Signs

The following signs are prohibited:

1) Signs not specifically permitted under these regulations.

2) Signs, which do not comply with the requirements of these regulations.

3) Any flashing sign or device with intermittent lights with changing degrees of intensity, except for approved time and temperature displays.

4) Vehicular signs when the vehicle is used primarily for the purpose of such advertising display.

5) Signs that are illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or a nuisance as visible from any public right-of-way, any residential districts or from adjacent properties. Specifically, the performance standards of Section 613 of these regulations shall be used to measure glare.

6) Signs that use any combination of forms, words, colors, or lights, which imitate standard public traffic regulation or emergency signs or signals.

7) Signs attached or maintained upon any tree, public or private utility pole or structure.

8) Signs containing any obscene, indecent or immoral matter.

9) A sign encroaching onto a required fire lane designated by the City's Fire Chief or designated agent.

10) An off-premise sign or outdoor advertising billboard except as specifically permitted by this regulation.

11) A sign located so as to obstruct the view of any pedestrian or motor vehicle so as to cause an unsafe condition.

12) A sign located so as to obstruct or impede any flue, air intake, fire escape, fire exit door, window, skylight, or exhaust or so as to impede free access by fire fighters to any part of a premises.

13) A sign consisting of pennants, ribbons, streamers, spinners, strings of lights, or other similar devices unless otherwise permitted by these regulations.

14) Abandoned signs.

15) Portable, electric signs.

16) Permanent inflatable signs.

17) Signs located in any required buffer area.

18) The use of strings of lights or exposed tubes which contain luminescent inert gases to outline buildings, structures or other ornamental features, except as used on approved signs.

19) Roof signs, except as otherwise permitted.

E. Exempt Signs not requiring a permit

The following signs are permitted and may be erected without a permit, however, they shall be subject to the following requirements as well as the general standards of Section C and the special regulations of Section G of these regulations.

1) Public signs required by law or as required by the City of New London.

2) Signs for regulating traffic, street signs, legal notices, or railway closing warnings and all other such signs pertaining to public safety.

3) In residential zones Real Estate signs not in excess of six (6) square feet in area.

4) In non-residential zones, Commercial Real Estate advertising signs not exceeding sixteen (16) square feet in area.

5) The display of the National, State or any other flag adopted or sanctioned by the legislative body of a governmental jurisdiction. No freestanding flagpole shall exceed fifty (50) feet in height and no flagpole attached to or placed upon any building or other structure shall project more than twenty (20) feet above the roofline of any building or structure.

6) A sign erected in a bus shelter owned or operated by, or under the jurisdiction of the City that is in full compliance with an agreement entered into with the City.

7) Any "No Trespassing", "Private Parking", "Exit", "Entrance", or other similar signs not exceeding two (2) square feet for each sign.

8) Integral signs.

9) Directional signs on private property, provided such signs are not internally illuminated, have no advertising matter and do not exceed two (2) square feet in area.

10) Political signs. (see Section G of these regulations for the special requirements for political signs)

11) Temporary displays, signs, or lighting as a customary part of a national, state or religious holiday decoration, may be displayed over a period not to exceed a total of sixty (60) days per calendar year.

12) Identification sign for the address, name of occupant and, use of the premises, not to exceed two (2) square feet in area, provided such signs are not internally illuminated.

13) Temporary or permanent Window signs (See Section G Special Regulations).

14) Construction signs with message limited to project name, building name, architects, engineers, contractors, sponsors or other individuals or firms involved with the construction, provided such signs do not exceed one sign per site. These signs shall not exceed an area of twelve (12) square feet for single family or duplex construction and thirty two (32) square feet for multi-family or

non residential construction, and are removed within seven (7) days of issuance of a Certificate of Occupancy.

15) Yard or garage sales signs which are removed within seven (7) days of installation.

16) Interior signs placed within buildings and which are not intended to be visible beyond the premises on which the signs are located.

17) Gasoline price per gallon or credit card signs mounted on pump islands only, with maximum total area of any sign not to exceed four (4) square feet.

18) Words and images attached to machinery or equipment which are necessary or customary to the business, including but not limited to devices such as gasoline pumps, vending machines, ice machines etc. and provided that the words and images refer exclusively to products or services dispensed by the device.

19) Vehicular signs if the sign meets the following requirements:

a) The vehicle must be in operable condition and is being used in the normal course of the business;

b) The sign must be painted on or securely affixed on all edges to the surface of the side of the body of the vehicle;

c) The vehicle shall be parked on a location so that the sign is not visible from the public right-of-way or;

d) If the site does not allow the vehicle to be parked in the above referenced manner the vehicle must be parked as far away from the public right-of-way as is practical.

20) One flag or banner per use not exceeding sixteen (16) square feet containing no advertising.

21) Street banners sponsored or installed by the City of New London.

F. Temporary Signs

The Zoning Enforcement Officer may approve zoning permits for the following types of temporary signs as specified:

1) A sign or banner for municipal, charitable, or non profit organizations not exceeding twenty four (24) square feet for a period not to exceed thirty (30) days.

2) A sign announcing anticipated occupancy of a commercial establishment or anticipated land development of a site or building for a period not to exceed three (3) months. Such sign shall not exceed twenty-four (24) square feet if it is free standing and shall not exceed the maximum permitted for a permanent wall sign if it is affixed to a building.

3) Banners not to exceed (24) square feet, or other attention getting devices such as search lights, tents, bannerettes, laser light shows, pennants, streamers or string of lights may be used to announce special sales for commercial businesses for a period not to exceed thirty (30) days in any calendar year.

4) Grand opening or new management signs, flags or banners, for a period not to exceed thirty (30) days not to exceed thirty-two (32) square feet in area.

5) Street banners or signs advertising a public entertainment event installed not more than thirty (30) days before any event and removed within seven (7) days after the event.

6) One rooftop or other inflatable balloon sign per site for a maximum of one (1) week during any calendar year. The vertical dimensions of the inflatable cannot exceed twenty five (25) feet.

7) A sign displayed during the period after the approval of an application for a permanent sign until the permanent sign has been erected. The temporary sign shall conform to the same all dimensional requirements as the permanent sign.

8) Signs associated with a political campaign, drive, or movement at the central headquarters for the campaign for a period of not more than ninety (90) days before and ten (10) days after the event. Such sign shall not exceed twenty four (24) square feet if it is free standing and shall not exceed the maximum permitted for a permanent wall sign if it is affixed to a building.

9) Signs for activities in other special cases, subject to such conditions as the Zoning Enforcement Official may reasonably require for a specific period of time.

G. Special Regulations

In addition to all the other requirements of these regulations these special regulations shall apply to the following:

1) Awning/Canopy Sign (See Table 1)

a) No metal bar or other solid or hollow framing shall be less than eight (8) feet above the ground or sidewalk.

b) The flexible cloth, canvas or similar skirt may not hang more than twelve (12) inches below the lowest bar or part of the framing.

c) If placed parallel to the façade the area shall not exceed and shall be deducted from the maximum area permitted for a wall sign.

d) If placed at right angles to the façade the area shall not exceed and shall be deducted from the maximum area permitted for a hanging sign.

e) The maximum sign area shall not exceed the maximum area permitted for a wall sign.

f) Shall be affixed flat to the surface of the awning or canopy.

g) If an awning sign is internally illuminated through translucent material, the entire illuminated area of the awning or awning sign shall be included in the calculation of the area of the sign.

2) Bulletin Board

a) If free standing, shall be set back a minimum of 10 feet from all property lines.

b) May be affixed to a wall.

c) Shall not exceed a height of eight (8) feet.

d) Shall be limited to one sign/site.

e) The message can be changed manually.

f) Shall not exceed an area of twenty-four (24) square feet.

3) Directory Sign

a) One (1) free standing directory sign may be permitted at each public entrance to a site or building.

b) One (1) wall mounted directory sign at each public entrance to a building.

c) No directory sign shall exceed a maximum sign area of twenty-four (24) square feet.

d) Free standing directory signs shall not exceed a height of eight (8) feet.

4) Free-Standing Sign (See Table 1)

a) In the case of corner lots, one (1) free standing sign shall be allowed.

b) For through and triple frontage lots and for sites with more than one principal building secondary free standing signs may be permitted after approval of a Special Permit from the Planning and Zoning Commission that will not exceed fifty (50%) percent of the maximum sign area of the principal free standing sign. The sign shall comply to all other requirements of the regulations. If a site has more than one principal building secondary signs may be permitted in a ratio of one per building.

6) Gas Station Product Sign

a) Gas stations may have one changeable copy sign in addition to other permitted signs. A product sign may indicate the product sold, service provided, or product price. Size shall not exceed twelve (12) square feet.

b) The sign shall be mounted on the pump island, wall or free standing sign.

c) Gasoline price per gallon or credit card signs may be mounted on pump islands only with maximum total area of any sign not to exceed four (4) square feet.

6) Hanging/Projecting Sign (See Table 1)

a) The construction and method of securing such signs to the structure shall be approved by the Building Official.

b) The bottom of the sign shall be at least eight (8) feet above the sidewalk, public way or walkway.

c) Shall be double faced.

d) Shall not extend above the soffit, parapet, or eave line of the building to which it is attached.

e) Shall not project more than six (6) feet from the building to which it is attached.

f) The sign face shall be mounted at right angles to the building.

g) There shall be no more than one (1) hanging sign per business with building frontage.

7) Historical Marker

a) May only be placed by a bona fide historical organization or by a governmental agency.

8) Institutional Zones

a) In the institutional zone, signs for the institution which exceed the regulations shall be permitted, provided the sign is in accordance with a signage plan for the institution and approved by the Commission as a part of a Special Permit.

9) Marquee Sign (See Table 1)

a) Shall be built into and form a part of the marquee structure.

b) Shall not extend beyond the edge of the marquee.

c) Are limited to announcing the name of the establishment and a changeable list of the on-premise shows or events.

d) Shall not extend more than six (6) feet from the building.

e) Shall not be less than ten (10) feet above the ground or sidewalk at the lowest point.

f) The sign area for the marquee shall be based upon the maximum sign area formula permitted for a wall sign.

g) Messages may be manually or electronically changed.

h) Shall not be closer than two (2) feet to a curbline or roadway edge.

i) Shall be permitted by a Special Permit from the Planning and Zoning Commission.

10) Menu Board (See Table 1)

a) May be permitted for all licensed food service establishments.

11) Modifications

a) In order to provide for adequate visibility for commercial enterprises, to provide a bonus for property owners who are willing to install a unified signage program and while at the same time ensuring that signs do not detract from the health, welfare, and safety of the community the following provisions have been established to allow flexibility with the application of these regulations. The Planning and Zoning Commission may, at its discretion and after approval of a Special Permit, increase the height, area, setback and number of signs specified in these sign regulations. The commission must consider the applicant's written narrative explanation and justification for the modification including a discussion of the following criteria:

1) The signs are part of a unified signage program.

2) The increase shall not be greater than one hundred percent (100%) more than the specified standard of these regulations.

3) The modification will provide a more creative, aesthetically pleasing sign design that is in harmony with the characteristics of the area.

4) There are unusual site factors which impact the legibility and effectiveness of the sign as viewed from the City street system. These unusual site factors shall include, but are not limited to the location of the building, the location of the sign, the size of the use or building, the location of the surrounding buildings on other lots, the topography, or configuration of the lot.

12) Political Sign *(Amended 03/28/18)*

a) Deleted (03/28/18).

b) Deleted (03/28/18).

c) May not be erected on any public street, publicly owned property, building or structure.

d) Deleted (03/28/18).

e) Shall only be erected on private property with the consent of the property owner.

13) Portable Sign (See Table 1)

a) Shall not be mounted on vehicles, wheels or platforms.

b) Shall be limited to one per building.

c) Shall not exceed eight (8) square feet in area.

d) Shall not exceed forty-two (42) inches in height.

e) Shall not be internally illuminated.

f) Shall not obstruct the free flow of pedestrian traffic.

g) Shall be restricted to use during the business operating hours.

14) Real Estate Development Sign

a) One sign shall be permitted for each multi-unit apartment, condominium, subdivision or cluster development complex.

b) Shall be set back a minimum of ten (10) feet.

c) Shall not exceed an area of twenty four (24) square feet.

d) Shall not be internally illuminated.

e) The applicant shall provide written documentation which demonstrates that appropriate instruments will be executed that guarantee the perpetual maintenance of the sign. The responsibility may be assigned to a homeowners association, an individual lot owner or other appropriate entity. All appropriate documents shall be approved by the City's Director of Law and recorded in the Office of the City Clerk after the issuance of a Zoning Permit.

f) Where a residential development has more than one entrance road intersecting with established City streets, the ZEO may permit more than one sign.

15) Roof Sign (See Table 1)

a) Permitted upon approval of a Special Permit issued by the Planning and Zoning Commission.

b) Any business utilizing a roof sign will not be permitted a wall sign.

c) The sign area shall not exceed the area permitted for a wall sign but in no case shall a wall sign exceed a maximum area of fifty (50) square feet.

d) One roof sign may permitted per business.

g) Shall not exceed the height limits established for buildings in the zone.

f) Shall not extend above the peak or ridgeline of a pitched roof.

g) May not be higher than eight (8) feet above the roofline of a flat roof.

h) Shall be constructed so as to conceal all sign support structures and fastenings above the sign.

i) The applicant must demonstrate that a roof sign would be more effective than a wall sign because of building design.

16) Wall Sign (See Table 1)

a) Shall be attached to the facade of the building in a plane parallel to such facade.

b) Shall not extend or project more than twelve (12) inches over the sidewalk, roadway, public way, street, or highway.

c) Shall not extend higher than the parapet wall.

d) Where there are two or more occupants occupying a portion of the building frontage of a given structure, each occupant shall be entitled to a sign equivalent in size to that portion of the frontage so occupied by the business.

e) Where multiple occupants share a common sign, the maximum sign area shall be limited as if there was a single occupant.

f) Where an establishment has a rear entrance on a public right-of-way, or publicly or privately owned parking lot, or frontage on two or more streets, or is a corner lot, an additional wall sign may be permitted on each frontage, up to one half (1/2) the maximum area normally permitted for that building frontage.

g) Wall signs shall not project beyond the ends of the wall to which it is attached.

h) Shall not be displayed on the wall of a mechanical room or other such roof top structure.

i) In the case of a covered porch or walkway, a wall sign may be hung from the overhang or may be placed on the face of the porch.

j) Signs which have letters or graphics mounted directly on a wall or fascia or in such a way as to be without a frame shall be permitted to exceed the maximum sign area requirement by an additional thirty-three (33%) percent.

k) Tenants in spaces in portions of a building that do not have building frontage may be permitted to erect a hanging sign in lieu of a wall sign.

l) An additional wall sign is permitted in the WD and WCI zones for sites having water frontage. All of the dimensional requirements for the wall sign shall be satisfied.

17) Window Sign

a) Shall not be placed in a location that would block the view into the building from a public street of the clerk or cashier's area.

b) Permanent internally illuminated window signs shall not exceed an area of four (4) square feet.

c) The total area of all window signs shall not exceed an area of thirty-three percent (33%) of the total window area.

18) Allowed Off-site Signs *(Amended 08/01/10)*

Billboards or other off-premises business, identity, or outdoor advertising signs shall not be permitted except for those businesses located on lots having no frontage on a public highway or approved City road provided the following conditions are all met:

(a) Permitted upon approval of a Special Permit issued by the Planning and Zoning Commission in the C-2, MD, WC-I-1, WC-I-2 zones only.

(b) The business is of such a nature as to require location and identification by the public, as well as the City.

(c) The property on which the business activities are situated is clearly disadvantaged by its lack of exposure to the normal flow of traffic.

(d) The proposed location of the sign and supporting structure is the minimum feasible distance from the disadvantaged property required for practical location and identification of the business activities thereon.

(e) Where a multiplicity of businesses are established on a lot having no frontage on a public highway or approved City road, all location and identification signs shall be incorporated into a single supporting structure.

(f) Only one double-faced sign shall be allowed for each business, the exposed surface of the sign shall not exceed five square feet per side, and no sign structure shall exceed an

overall height of fifteen feet above ground. When necessary, the sign may be arranged in two or more tiers within the supporting structure.

(g) The installation of the sign and supporting structure shall not present an obstacle to the visibility and safe passage of traffic moving in all relevant directions.

(h) Applicants for a Special Permit under the above provisions shall present the Commission with conclusive evidence of their right to erect the off-premises sign in the proposed location.

H. Enforcement

1) The provisions of these regulations shall be administered and enforced by the Zoning Enforcement Officer (ZEO) of the City of New London.

2) Every sign in the City shall be maintained in a safe, presentable, and sound structural and operational condition at all times, including the replacement of nonfunctioning, broken, defective, or missing parts, painting, repainting, cleaning, and any other acts required for the maintenance of such sign. All signs and sign supports, brackets and frames shall be kept painted or otherwise treated to prevent rust, rot, or deterioration.

3) Signs not meeting the standards imposed by these regulations shall be subject to removal or repair as prescribed by the ZEO.

4) The ZEO may suspend or revoke any permit issued under the provisions of this chapter whenever it is determined that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this regulation.

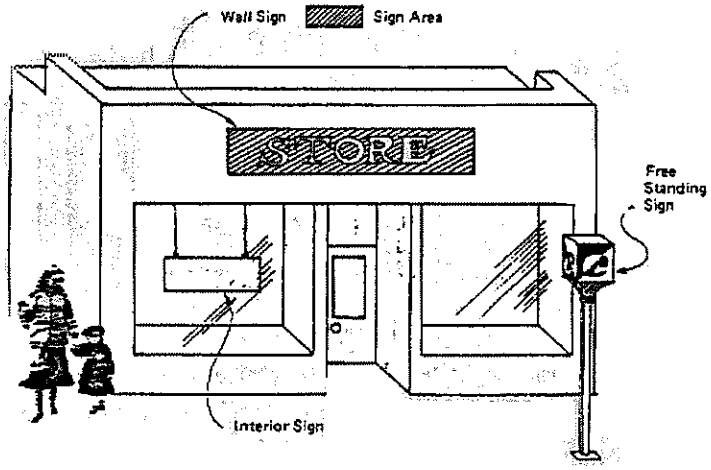
5) The provisions of the enforcement of these regulations shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign or the responsible party of the premises upon which the sign is located. The ZEO shall be guided by the provisions of Section 8 – 12 of the Connecticut General Statutes as they may be amended.

6) Any sign, which advertises, identifies, or pertains to an activity or business no longer in existence shall be removed by the owner or lessee of the property within thirty (30) days from the time the activity ceases. Failure to do so is subject to the enforcement provisions of these regulations.

7) The ZEO has the authority to periodically inspect signs for which a permit has been issued in order to determine compliance with these regulations.

8) The ZEO may require existing signs which extend into the public right-of-way to be modified if streets are widened, or other improvements are made in the right-of-way which result in the creation of unsafe conditions.

9) Any sign found by the ZEO not to have been lawfully erected shall be made to conform to the requirements of these regulations.



SIGNS
Section 615

TABLE 1				
Non Residential Zone Sign Matrix				
CBD, NB, WD, WCI, LIO, C1, C2, INST and OS ZONES				
SIGN TYPES	**REQUIREMENTS**	**CBD, NB, WD, WCI, LIO**	**C-1 & C-2**	**INST & OS**
WALL SIGNS	**Maximum Number**	One per Business*		1 per Building*
	Size Determination	1 sf/linear ft business frontage	2 sf/linear ft. business frontage	1 sf/linear ft. building frontage
	Max Area	30 sf	75 sf	50 sf
	Max Extension from Wall	12 Inches		
	Permit Type	ZEO		
	Illumination	External Only	Internal or External	Internal or External
FREE STANDING	**Max Number**	1 Per Building or Site**		
	Max Area	32 sf	75 sf	50 sf
	Max Height	8 feet	20 feet	12 feet
	Permit Type	ZEO		
	Set Back	5 feet	10 feet	10 feet
	Illumination	External Only	Internal or External	Internal or External
HANGING	**Max Number**	1 Per Business		1 Per Building
	Max Area	8 sf	12 sf	12 sf
	Max Extension from Wall	6 feet	6 feet	6 feet
	Minimum Clearance	8 feet		
	Permit Type	ZEO		
	Min Clearance to Curb	3 feet		
	Illumination	External Only	Internal or External	Internal or External
DIRECTORY	**Max Number**	1 free standing and 1 wall mounted/Entrance		
	Max Area	24 sf		
	Max Extension from Wall	12 inches		
	Permit Type	ZEO		
	Illumination	External Only	Internal or External	Internal or External
MENU BOARD	**Max Number**	1 Per Business		
	Max Area	6 sf	10 sf	6 sf
	Max Extension from Wall	12 Inches		
	Permit Type	ZEO		
	Illumination	Internal or External		
	Max Height	6 feet		
	Set Back - Freestanding	25 feet		
MARQUEE	**Max Number**	1 Per Building		
	Size Determination	1 sf/linear ft business frontage	2 sf/linear ft. business frontage	1 sf/linear ft. building frontage
	Max Area	100 sf		
	Max Extension from Wall	6 feet		
	Permit Type	PZC - Special Permit		
	Clearance to Curb	2 feet		
	Min Clearance	10 feet		
	Illumination	Internal or External		

TABLE 1 (Continued)

Non Residential Zone Sign Matrix

SIGN TYPES	REQUIREMENTS	CBD, NB, WD, WCI, LIO	C-1 & C-2	INST & OS
AWNING/CANOPY	Size Determination	1 sf/linear ft business frontage	2 sf/linear ft business frontage	1 sf/linear ft bldg frontage
	Max Area	30 sf	75 sf	50 sf
	Max Ext Wall	5 feet		
	Permit Type	ZEO		
	Min Curb Clearance	3 feet		
	Min Clearance	8 feet		
	Illumination	External Only	Internal or External	Internal or External
PORTABLE	Max Number	1 Per Building		
	Max Area	8 sf		
	Max Height	42 inches		
	Permit Type	ZEO		
	Min Curb Clearance	3 feet		
	Illumination	External Only	External Only	External Only
ROOF	Max Number	1 Per Business		
	Size Determination	1 sf/linear ft business frontage	2 sf/linear ft business frontage	1 sf/linear ft bldg frontage
	Max Area	30 feet	50 feet	50 feet
	Max Height	8 feet above the roof line		
	Permit Type	PZC - Special Permit		
	Illumination	External Only	Internal or External	Internal or External

*** See Section G. 16) f) ** See Section G. 4) b)**

TABLE 2

RESIDENTIAL ZONE SIGN MATRIX

R-1, R-1A, R-2, R-3, R-4 ZONES

The following signs require the issuance of a permit from the ZEO

All signs within residential zones may only be illuminated by external methods

USE	WALL	FREESTANDING			HANGING
	Max Area	Setback	Max Area	Height	Max Area
Family Daycare Home	6 sf	5 ft	6 sf	8 ft	8 sf
Utility Substation	4 sf	5	4 sf	8	8 sf
Home Occupation	6 sf	5	6 sf	8	8 sf
Membership Clubs	8 sf	5	8 sf	8	8 sf
Library	10 sf	5	10 sf	8	8 sf
Museums	16 sf	10	16 sf	8	8 sf
Art Gallery	16 sf	10	16 sf	8	8 sf
Place of Worship	16 sf	10	16 sf	8	8 sf
Professional Business Office	18 sf	10	18 sf	8	8 sf
Schools	18 sf	10	18 sf	8	8 sf
Parish House/Rectory/Convent	6 sf	5	6 sf	8	8 sf
Convalescent Home	16 sf	10	16 sf	8	8 sf
Boarding, Lodging, Rooming House	6 sf	5	6 sf	8	8 sf
Nursery/Preschool	10 sf	5	12 sf	8	8 sf
Professional Office in Residence	6 sf	5	6 sf	8	8 sf
Office Building	24 sf	10	24 sf	8	8 sf
Multi-Family Building	12 sf	5	24 sf	8	8 sf
Real Estate Development	24 sf	10	24 sf	8	8 sf
Government or Civic Organization	16 sf	10	16 sf	8	8 sf
Historic Marker/Plaque	10 sf	5	10 sf	8	8 sf
Parks/Open Space	18 sf	10	24 sf	8	8 sf
Bulletin Boards - Religious	12 sf	10	24 sf	8	8 sf
Pre Existing Non Conforming	18 sf	10	18 sf	8	8 sf
Non Conforming Uses	16 sf	10	16 sf	8	8 sf

Section 616 Outdoor Recreational Space

In any residential or multi-family development exceeding 20 dwelling units, a minimum parcel of 5,000 square feet of outdoor recreational space shall be provided for the first 20 dwelling units, plus 150 square feet for each additional dwelling unit. However, the total outdoor recreation space requirement need not exceed 80,000 square feet. Said open recreation space shall be developed and maintained by the owners, convenient to the occupants of the development and subject to the approval of the Planning and Zoning Commission.

Section 617 Fences

Section 910, Zoning Permits, authorities the Zoning Enforcement Officer to issue zoning permits prior to the construction of a fence. (Amended)

Fences up to four feet in height are permitted at the property line. For each additional two feet of height, up to a maximum of eight feet, a fence must be set back one foot. In all cases a fence must satisfy the requirement of Article VI, Section 606 regarding visibility at intersections

The frame or supporting members of the fence shall be on the applicant's side, the good or finished side of the fence shall face the street or the abutting property owner(s). In unusual situations and when unique site conditions are warranted the Zoning Enforcement Officer may allow the finished side of the fence to face the applicant's property. Any disputes between property owners and the Zoning Officer shall be adjudicated by the Planning & Zoning Commission. (Amended)

Section 618 Temporary Forms of Outdoor Entertainment

The following temporary forms of outdoor entertainment, provided that such activity does not continue for more than 10 days shall be permitted to take place if approval is granted for such activity by the Planning and Zoning Commission.

Such activities permitted under this provision shall include fairs, bazaars, concerts, dances, exhibitions, rodeos, circuses, carnivals, beer festivals, outdoor theater productions, or other similar activity when sponsored by an official City board or agency; a parent-teacher organization of a New London public school; a church or non-profit charitable institutions which owns a building and property within New London which is used as its primary base of operations; or service club chartered in the City of New London. In no event, is this section to be interpreted as being applicable to activities conducted at Ocean Beach Park.

An application for approval of such activity shall be submitted to the Planning and Zoning Commission at least 30 days prior to the first day of the event, indicating the type of entertainment to be provided, the site of the event and the period of time over which the event is to occur. Such application shall be accompanied by a sketch of the site, to scale, indicating the location and method of sanitary facilities, provisions for off-street parking, provisions for fire safety, proposed seating arrangement, location of all temporary booths, canopies and/or tents, and such other information as the Commission may require in order to assure that the public health, safety and welfare is provided for.

Such event shall not be permitted unless approved by the Commission and all forms of temporary signs posted to advertise such event shall be removed within three days after such event. Furthermore, the Commission may require the applicant to post a bond in an amount up to $2,500.00 to assure site clean-up of the subject premises within three days after such event.

Section 619 Houseboats

No houseboat as defined by these regulations may be docked or tied up at any location within the City of New London except those areas in which a legally established marina or boat yard exists. As such, the permitted existence of a houseboat shall be allowed only as an accessory use to said marina or boat yard, and all houseboats shall be located strictly within the confines of said marina or boat yard.

Section 620 Exterior Stairways

Exterior stairways above the first floor shall not be permitted in a residential or NB district unless installation of an interior stairway is structurally or economically infeasible. Exterior stairways above the first floor shall not be visible from a public street.

Section 621 Crematories

Crematories are allowed in any district by Special Permit as an accessory use to an existing cemetery or funeral home. *(Amended 02/10/86)*

Section 622 Keeping of Animals *(Amended 08/10/12)*

A. Keeping of customary household pets

1. For the purpose of this regulation a customary household pet is any animal, that customarily is found to dwell in a residential dwelling. These are animals, that include but are not limited to domestic felines, domestic canines, small hamsters (or other like rodents), non-venomous snakes, rabbits, etc. Customary household pets are not: fowl (including chickens, ducks, geese, etc), swine, cows, horses, goats, etc.

2. This regulation shall allow for the keeping of not more five (5) customary household pets in all zones in the City.

3. Commercial breeding and boarding of animals within the City limits is expressly prohibited.

B. Keeping of hens

1. This regulation is intended to make provision for the limited keeping of female chickens, hereinafter referred to as hens, on certain residential properties for the health, convenience, and personal enjoyment benefits afforded by such use, in a manner, that preserves the quality of life of the surrounding neighborhood.

2. The keeping of hens shall require the issuance of a Zoning Permit. The Zoning Permit application shall be accompanied by a plot plan (drawn to scale) that illustrates all structures on the lot including the proposed coop for the hens, fencing enclosure, and any other applicable information to determine compliance with these regulations.

3. The keeping of hens shall be approved in writing by the property owner, if the owner of said hens is someone other than legal resident.

4. No more than six (6) hens may be kept on any property in the following residential zoning districts: R-1, R-1A, and R-2 as well on properties within the C-1 Zone (General Commercial District), as long as the principal use on such lot is single family residential.

5. Hens may be kept only as a noncommercial accessory use. No sale of eggs (or meat from slaughtered chickens) is allowed.

   (a) A fence shall be installed between properties that is not less than six feet in height and made of a solid material.

6. The keeping of said hens shall be confined to an enclosure which shall meet the following minimum requirements (in addition to the otherwise applicable setbacks the more restrictive requirements shall apply):

   (a) Shall be located in the rear yard of the property;

   (b) Shall be a minimum of twenty (20) square feet in area per hen;

   (c) Said enclosure shall not be closer to any property line than twenty (20) feet and shall not be closer to any neighboring residential dwelling than thirty (30) feet.

7. There shall be a building (hereinafter referred to as a coop) provided for the hens that meets the following (in addition to the otherwise applicable setbacks the more restrictive requirements shall apply):

   (a) Shall not be located any closer to any lot line than twenty (20) feet. *(Amended 12/21/12)*

   (b) Shall be constructed so that it is impenetrable by rodents, vermin, wild birds, and predators, including dogs and cats;

   (c) All food products shall be kept secured inside the coop or other secured structure so as to prevent offensive odors and the presence of pests and predators.

(d) Shall be not greater than six (6) feet in height and shall be calculated towards the total maximum lot coverage for the property.

8. The coop and the enclosure must be clean and odor free, kept in a neat and sanitary condition at all times with adequate light and ventilation in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

9. Provision must be made for the storage and removal of hen droppings. All stored droppings shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other droppings not used for composting or fertilizing shall be removed. In addition, the coop, enclosure and surrounding area must be kept free from trash and accumulated droppings.

10. Perceptible noise from the hens shall not be loud enough at the property boundaries to disturb persons of a reasonable sensitivity.

11. No hens shall be permitted inside any residential dwelling.

12. No roosters and/or capons shall be kept on any property.

13. The keeping of hens shall be conducted in a manner consistent and in compliance with the Health Code for the City of New London and the State of Connecticut.

Section 623 **Regulations Concerning Retail Sale of Cannabis to Consumers for Off-Premises Consumption** (*Amended 06.06.2022)*

A. The sale of cannabis under the Cannabis Hybrid Retailer or Cannabis Retailer class of permit as defined by Connecticut General Statutes 21a-420 as amended, issued by the State of Connecticut for consumption off the premises, shall be permitted only in the following districts as established by these regulations.

C-1 General Commercial
C-2 Limited Commercial
CBD-1 Central Business (1)
CBD-2 Central Business (2)
LI-O Light Industrial Office

B. No building or premises, or part of any building or premises, shall be used under this section of the regulations if the main front entrance to the building or premises shall be located within a 1,000-foot radius, measured in a straight line, from the main front entrance of any other permitted premises used for the same purpose.

C. No building, or part of any building, shall be used under this section of the regulations if the main entrance of said building is located within 500 feet from any lot on which is located a public or private school, library, public playground, park or recreational facility. In determining compliance with this provision, the controlling distance shall be the shortest distance between the main

entrance of the structure within which the subject use is located and those lot lines of the affected school, library, public playground, park or recreational facility. *(Amended 09-18-22)*

D. Any permit holder using a permitted premises for the retail sale of cannabis to consumers issued by the State of Connecticut shall be allowed to move such permitted premises within a radius of 750 feet of the old permitted premises, provided said new location is within a district in which this use is permitted under these regulations. All other provisions of the zoning regulations shall be applicable.

E. A written security plan acceptable to, and approved by, the New London Chief of Police shall be required.

F. No Special Permit granted under this section shall become effective until the issuance of a permit for Cannabis Hybrid Retailer or Cannabis Retailer is issued by the State of Connecticut to the Special Permit applicant, its successors or assigns.

G. A business establishment solely engaged in the sale of cannabis under Connecticut General Statutes Chapter 420f – Palliative Use of Marijuana (Medical Marijuana Dispensary) shall be considered a Retail Store and regulated as a Retail Store under these regulations and not subject to this section of the regulations.

Section 624 **Regulations Concerning Retail Sale of Cannabis Not Directly to Consumers**

A. The sale of cannabis under the Cannabis Cultivator, Cannabis Delivery Service, Cannabis Food and Beverage Manufacturer, Cannabis Micro-Cultivator, Cannabis Product Manufacturer, Cannabis Transporter class of permit as defined by Connecticut General Statutes 21a-420 as amended, issued by the State of Connecticut, which sales by their nature do not involve sales directly to any consumer, shall be permitted only in the following districts as established by these regulations.

C-1 General Commercial
C-2 Limited Commercial
LI-O Light Industrial Office

B. All cultivation and/or manufacturing activities shall be conducted indoors.

C. A written security plan acceptable to, and approved by the New London Chief of Police shall be required.

D. No Special Permit granted under this section shall become effective until the issuance of a permit for the Cannabis Cultivator, Cannabis Delivery Service, Cannabis Food and Beverage Manufacturer, Cannabis Micro-Cultivator, Cannabis Product Manufacturer, Cannabis Transporter is issued by the State of Connecticut to the Special Permit applicant, its successors or assigns.

ARTICLE VII.

Non-Conforming Uses, Lots and Structure

Section 700 General

A non-conforming use, lot or structure is one which existed lawfully, whether by variance or otherwise, prior to the date these regulations or any amendment thereto became effective, and which fails to conform to one or more of the applicable requirements of these regulations or any amendment thereto.

Section 710 Non-Conforming Uses

A. No non-conforming use of land shall be enlarged, extended or altered except in changing the use to one which is permitted in the District in which such use is located. No non-conforming use of an existing structure shall be extended to occupy land outside such structure or space in another structure.

B. No non-conforming use of land shall be moved to another part of a lot or outside the lot, and no non-conforming use of a structure shall be moved to any part of the structure not manifestly arranged and designed for such use at the time the use became non-conforming, and no structure containing a non-conforming use shall be moved, unless the result of such move is to end the non-conforming use.

C. No non-conforming use of land or of a structure shall be changed to any use which is substantially different in nature and purpose from the former non-conforming use, except such uses as are permitted in the district in which they are located.

D. When a non-conforming use has been changed to a conforming use, it shall not hereafter be changed to any use not permitted in the district in which the use is located.

E. Any non-conforming use which has been abandoned shall not thereafter be reestablished. Any structure or land, or structure and land in combination, which has been abandoned, shall not again be devoted to any use other than those uses which are permitted in the district in which the structure of land, or structure and land in combination, is located.

The term abandonment, as used herein, shall mean the discontinuance of a use, when accompanied by an intent not to reestablish such use. Any of the following shall constitute prima facie evidence of intent to abandon:

1) any positive act indicating such intent; or

2) in the case of a structure or of a structure and land in combination, discontinuance of the non-conforming use for 12 consecutive months or for a total of 18 months during any three-year period;

3) in the case of land only, discontinuance of the non-conforming use for 90 consecutive days, or for a total of six months during any one-year period.

Section 720 Non-Conforming Lots

A. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of these regulations, single-family dwellings and customary accessory buildings may be erected on any lot with non-conforming frontage provided no contiguous lots are in the same ownership as evidence by deeds recorded in the Land Records of the City of New London prior to the effective date of these regulations, or any amendments thereto which created such non-conforming lot, provided that construction on and use of each such lot shall comply with all other provisions of these regulations.

B. If two or more contiguous lots or combinations of lots or portions of lots in single ownership are of record at the effective date of these regulations, or any amendment thereto, and if all or part of such lots do not meet the requirements for lot frontage, width or area as established by these regulations, or any amendment thereto, the land involved shall be considered to be an undivided lot for the purposes of these regulations, except as provided in Article VII, Section 720.C herein. No portion of said undivided lot shall be used or sold as a building lot which does not meet lot frontage, width and area requirements established within these regulations, nor shall any division of a lot be made which leaves any remaining lot with frontage, width or area below the requirements stated within these regulations.

C. Where two or more lots or combinations of lots or portions of lots with continuous frontage are in single ownership as described in Article VII, Section 720.B herein and a lawfully erected building containing a primary use is located on such lot or lots, such lots shall be combined in such a way that each primary use is located on a conforming lot and in no case shall any lot be so created or maintained which is non-conforming in area, width, or frontage.

D. If any non-conforming lot contains an existing conforming use within an existing structure, permitted accessory uses may be erected and any existing conforming structure may be modified, altered, or expanded so long as all new construction complies with all other applicable requirements of these regulations.

E. However, no requirement contained within this Article VII, Section 720 shall supersede the provisions of Sections 8-26a, 8-28a and 8-28b of the Connecticut State Statutes.

Section 730 Non-Conforming Structures

A. Any non-conforming structure lawfully existing at the time of the adoption of these regulations may be continued to be used, as long as such use is either permitted within

the district in which it is located or is a legal non-conforming use; such structure may be expanded, modified or altered in accordance with the following provisions:

1) For non-residential structures, such expansion, modification or alteration must bring the non-conforming structure into conformity with district regulations and must not result in the expansion of a non-conforming use. No increase in the area, any dimension or bulk of structure in non-conformity shall be permitted and all new construction shall comply with all requirements of these regulations.

2) For residential structures, such expansion, modification, or alteration is permitted provided that no new non-conformity or increased encroachment results, or no non-conforming use is established or expanded.

B. If destroyed by fire or an act of God, legally existing non-conforming residential structures may be reconstructed to the original size, density of use, and location on the lot. If the structure is located in a flood hazard area, the reconstruction shall comply with applicable flood management regulations. *(Amended 07/26/06)*

Section 740 Maintenance and Restoration of Structure Containing Non-Conforming Uses

In order to assure that structures containing non-conforming uses will be maintained in safe and decent condition for so long as such non-conforming uses continue, nothing in these regulations shall be deemed to prohibit:

A. Work to be done on ordinary repairs, or on repair or replacement of walls, ceilings, floors, fixtures, wiring, or plumbing, in the non-conforming structure or non-conforming portion of the structure, as the case may be, provided that such work does not expand or increase the extent of the non-conformity.

B. Any work required by the codes and ordinances of the City of New London as ordered by any City official charged with protecting the public health, safety or welfare, if such work does not enlarge or extend a non-conforming use or otherwise increase any non-conformity.

Section 750 Conversion or Intensification of Non-Conforming Uses

Other provisions of these Regulations to the contrary notwithstanding, the Commission may allow by Special Permit a) the conversion of legally nonconforming nonresidential uses to residential uses is permitted by special permit but is limited to those residential uses otherwise permitted in the zone, or b) the conversion or intensification of an existing legally non-conforming commercial use (not including professional offices) to a use or uses that are substantially similar to the existing non-conforming use. Special Permits under either a) or b) above shall only be issued upon finding that the proposed use: *(Amended 07/24/13)*

1) Will not adversely affect the surrounding property or uses for reason of;

a. A change in the character of any structure.
b. Location and character or any proposed activities or operations.
c. Signs, lighting, noise, dust, refuse, odor, traffic congestion or hours of operation.

2) Is not materially different from the established use in terms of impacts, or more obnoxious to the surrounding neighborhood, and that the proposed use will result in the non-conforming property being kept in as good or better physical condition; thus, preserving property values in the surrounding neighborhood;

3) Will result in the preservation of structures or open spaces of historical interest or importance where applicable;

4) Does not require an increase in the size of the building containing the use or uses.

5) Does not encroach upon areas within the building already used for conforming uses;

6) Meets the other criteria of these Regulations for Special Permits as provided in Section 810.

ARTICLE VIII.

Site Plan Approval and Special Permit Review

Section 800 Site Plan Approval Review

A. Applicability

For all non-residential uses of land or buildings, including any change of use, and for all residential uses, and for all expansions of existing uses, other than single-family residences, which add 10 percent or more to the floor area, cars generated, parking spaces, a site plan review and approval by the Commission shall be required before any zoning permit or building permit may be issued. *(Amended 7/90)*

All uses requiring a Special Permit or a coastal site plan review (see Article VIII, Section 840) shall require a Site Plan Approval by the Planning and Zoning Commission.

The Commission shall have the authority to waive the requirement of a site plan and/or the A-2 survey prescribed in Paragraph H of this Section, below, for changes of use in existing buildings, if the change of use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of site plan review. *(Amended 06/28/90)*

B. Site Plan Objectives

In reviewing a Site Plan Application, the Planning and Zoning Commission shall take into consideration the health, safety and welfare of the public in general and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following general objectives.

1) That the proposed site plan shall be in general conformance with the intent of the Plan of Development, however, the Plan of Development shall not take precedence over specific provisions of the Zoning Regulation.

2) That all buildings, structures, uses, equipment, or material are readily accessible for fire and police protection.

3) That adequate off-street parking and loading spaces are provided to prevent on-street and off-street traffic congestion; that all parking spaces, maneuvering areas are suitably identified; that entrances and exits are suitably identified and designed to specific use radii; that the interior circulation system is adequately designed to provide safe and convenient access to all structures, uses, and/or parking spaces; that parking areas are provided with suitable bumper guards, guard rails, islands, crosswalks, speed bumps and similar safety devices when deemed necessary to adequately protect life and property; and that provision is

made for safe pedestrian movement within and adjacent to the property by the installation of sidewalks.

4) That all proposed traffic and pedestrian access ways do not create traffic hazards and are: adequate, but not excessive in number; adequate in width, grade, alignment, and visibility; adequate in distance from street corners, places of public assembly and other access ways; and adequate in design for other similar safety considerations.

5) That the general landscaping of the site complies with the purpose and intent of this regulation; that existing trees are preserved to the maximum extent possible; and that parking, storage, refuse and service areas are suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way.

6) That lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation.

That glare from the installation of outdoor lights and illuminated signs is properly shielded from the view of adjacent property and public rights-of-way.

7) That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water, or land pollution.

8) That in planning the layout on the site, and design of structures, consideration is given to energy conservation.

9) That the development of the site will preserve sensitive environmental land features such as steep slopes, wetlands, coastal beaches, dunes, other coastal resources, large rock outcroppings and will attempt to preserve public scenic views or historically significant features.

10) That the location and size of any proposed use, building or structure, as well as the nature and intensity of operations involved or conducted in connection therewith, will be in general harmony with the character of the surrounding neighborhood, and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, building, or structure.

C. Procedure

1) Application for Site Plan Approval shall be made to the Planning and Zoning Commission on a form prescribed by the Commission eighteen (18) days *(Amended 04/08/15)* prior to a regular meeting and shall be accompanied by plans, elevations and any other data necessary to show the detail of the proposed use of land or buildings, as outlined in Section 800.H herein. The number of

copies to be provided by the applicant shall be set forth on the application. *(Amended 12/4/03)* Prior to submission of a formal Site Plan Application, the applicant may meet with the Zoning Officer to discuss the Site Plan Application and if the Planning and Zoning Commission deems it appropriate they may waive the submission of specific information identified in Section 800.H.

2) The Planning and Zoning Commission shall act to approve, reject or approve with condition within 65 days of the meeting at which the application is presented. The time limit for a decision may be extended upon consent of the applicant for up to one additional 65-day period. *(Amended 12/04/03)*

3) Before approval is granted by the Planning and Zoning Commission under this section, the applicant may be required to post a bond with the City in an amount approved by the Commission as sufficient to guarantee conformity with provisions of the permit issued thereunder. Said bond shall be submitted at a time to be determined by the Commission.

4) Prior to issuing a final Certificate of Zoning Compliance or authorizing the issuance of a Certificate of Occupancy all site improvements must be completed. However, in the event that weather or other conditions are such that it would prohibit the completion of such improvements, a bond for 150% of the cost of the remaining improvements or $5,000.00, whichever is greater, may be posted and a Conditional Certificate of Zoning Compliance or an authorization for a Certificate of Occupancy with the exception of single-family homes for which other arrangements acceptable to the Zoning Enforcement Officer may be made. Such bond shall be in the form or a cash payment must be in a form acceptable to the Director of Law and in an amount approved by the Director of Public Works/ City Engineer. No Certificate of Zoning Compliance may be issued or authorization for the issuance of a Certificate of Occupancy granted unless the binder layer of the payment for any proposed parking area, with spaces marked, or driveway and all sidewalks are installed as required on the approved Site Plan. *(Amended 07/26/06)*

D. Expiration

1) All work in connection with any site plan approval shall be completed within five (5) years after the approval of the plan except for the following: *(Effective 04/21/92)*

(a) For any site plan approved on or after October 1, 1989, the Commission may, upon application prior to the actual expiration date, grant one or more extensions of such five (5) year period, provided the total period shall not exceed ten (10) years from the original date of approval of such site plan;

(b) Any site plan approval issued on or before October 1, 1989 shall be completed within seven (7) years after the approval of the plan;

(c) Any site plan approval consisting of four hundred (400) or more dwelling units issued on or after June 19, 1987 shall be completed within ten (10) years after the approval of the plan;

(d) For any site plan approval consisting of any commercial, industrial or retail project having an area equal to or greater than four hundred thousand (400,000) square feet issued on or after October 1, 1988, the Commission shall set a date for the completion of all work in connection with the site plan, which date shall be not less than five (5) nor more than ten (10) years after the date of approval of the plan. The Commission may, upon application by the applicant prior to the actual expiration date, extend the date of completion for the work for an additional period or periods, to a date not to exceed a total of ten (10) years from the original date of approval of such site plan.

2) The certificate of approval for all site plans shall state the date on which such work shall be completed. Failure to complete all work within such period shall result in the automatic expiration of the approval of the site plan. The Commission shall declare the permit to be null and void and a notice shall be recorded on the land records that the Site Plan Approval has expired and the approval is void. "Work" for the purposes of this subsection of the regulations shall mean all physical improvements required by the approved plan. *(Effective 04/21/92)*

E. Amendments or Modification

Application for amendments to an approved Site Plan shall be made in the same manner as the original application. Minor modification may be approved by the Zoning Officer.

F. Continuance

All conditions and improvements shown on an approved Site Plan shall remain with the property, as long as the use indicated on the approved Site Plan is still in operation. The conditions and improvements shall continue in force, regardless of any change in ownership of the property.

G. Appeals

Any person aggrieved by any decision of the Planning and Zoning Commission may take an appeal to the Superior Court of the New London Judicial District within fifteen days from the date when notice of such decision was published in a newspaper having a substantial circulation in the City. *(Effective 4/21/92)*

H. Application for Site Plan Approval

The number of sets of information, maps, and plans shall be set forth in the application. *(Amended 12/04/03)*

All applications shall include an accurate class A-2 survey of the property and improvements prepared by a land surveyor registered in the State of Connecticut. All plans shall be prepared, signed and sealed by a Connecticut registered engineer, architect, or landscape architect whichever is appropriate. All plans shall be prepared at an appropriate scale to the scope of the project.

1) General Information

   (a) Name and address of the applicant and owner of record as listed on the City's tax rolls. If the applicant is not the owner of record, the latter shall also sign the application.

   (b) Date, north arrow, and numerical and graphical scale on each map.

   (c) A written description of the proposed use or

   (d) A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, and open spaces as they relate to the requirements of the zoning regulations.

2) Location Map. An accurate scale map at a scale of one inch equals 500 feet shall be submitted showing the subject property and all property and streets within 500 feet of any part of the subject property.

3) Easement(s). Location, width, and purpose of all existing and proposed easements and rights-of-way on the property and written approval of the easement holder when work is to be done in or affecting the easement. *(Amended 07/11/88)*

4) Proposed Buildings and Uses

   (a) Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences, and walls.

   (b) Location of all existing and proposed uses and facilities not requiring a building such as swimming pools, tennis courts, light standards, tanks, transformers and dumpsters.

5) Parking, Loading, and Circulation

(a) Location, arrangement, and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits, and ramps.

(b) Location, arrangement, and dimensions of loading and unloading areas.

(c) Location and dimensions of pedestrian walkways, entrances, and exits.

6) Signs and Lighting

(a) Location, size, height, orientation and plans of all signs.

(b) Location, size, height, orientation and design of any outdoor lighting.

7) Utilities. Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities, and refuse collection areas, as well as other underground and above ground utilities. All public utilities shall be placed under ground. This requirement may be waived if engineering data substantiates that such underground placement of utilities is impractical.

8) Topographic Map. The Topographic map shall illustrate the existing and proposed conditions of the property including existing and proposed contours with intervals of five feet, referred to the City of New London datum, and location of all existing wooded areas, watercourses, coastal resources, wetlands, rock outcrops, and other significant physical features, and, where appropriate, the wetlands boundary, coastal area management boundary and the flood hazard area.

9) Open Space and Landscaping Plan. The Open Space and Landscaping Plan shall illustrate the existing and proposed landscape development of the property, including location, general layout, type and size of buffer or landscape area, plant material, fencing, screening devices, decorative paving, or other materials proposed.

10) Staging Plan Map. In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development for the entire property shall be submitted at the same scale as the Site Plan.

11) Hazardous Materials and Wastes. The applicant shall identify any hazardous materials or wastes to be associated with the proposed occupancy and use of a non-residential property. Hazardous materials are defined as any material included in EPA's list of priority pollutants, or Section 3001 of the Resource Conservation and Recovery Act or Connecticut's Hazardous Waste Regulations, whichever is in effect. If these materials or wastes are to be present then the applicant shall present evidence that all applicable permits and approvals from Federal, State or local authorities have been or are in the process of being obtained. The applicant shall demonstrate that the hazardous materials or wastes shall be contained or managed in such a manner that these substances will not

pollute or degrade the natural resources, environment or ecology of the City of New London.

At least, the following information shall be presented in satisfaction of this section:

(a) The amount and composition of any hazardous materials that will be handled, stored, generated, treated or disposed of on the property.

(b) Provisions for treatment, storage and/or disposal of any hazardous materials.

(c) Distance to nearest natural resource.

(d) Whether public sewer is available or proposed at the location.

(e) Septic tank location, size and capacity, and/or sewage lift stations, force mains and grease traps.

(f) Expected types and amount of discharge to sewers, to the ground and to surface water.

(g) Provisions for storm water runoff controls which will minimize suspended solids.

(h) Location of loading and unloading docks.

(I) Provision for containment of any spills.

(j) Location and description of outside storage areas and types of materials to be stored.

(k) Written comments by the City's Fire Marshall, Building Official and City Engineer that the applicants proposed method of handling and storing hazardous materials and wastes appears safe and reasonable from the viewpoint of their office.

12) Environmental Impact Statement

If the scale of nature of a development warrants, the Commission may require the applicant to provide additional environmental information for the purpose of compiling a complete environmental impact analysis. The statement shall address at least the following:

(a) The likely impact of the proposed development on the characteristics of the surrounding neighborhood addressing such issues as congestion on

public streets, harmony with surrounding development and effect on property values.

(b) How the proposed development is consistent with the objectives of the Plan of Development.

(c) The extent to which any sensitive environmental features on the site may be disturbed and what measures will be taken to mitigate these impacts. Consideration shall be given to steep slopes (including erosion control), wetlands, coastal resources, drainage ways and vegetation and any other land feature considered to be significant.

(d) The impact of the proposed development on the water and sewer system of the City and an indication of improvements that may be necessitated by the project.

(e) Analysis of vehicular and pedestrian traffic impact on the street system and proposed methods of handling situations where the street system is found to be inadequate.

(f) Analysis of how the proposed project will affect various city services such as police, fire, schools and recreation.

(g) Adverse impacts which cannot be avoided.

(h) Alternatives to the proposed action.

In order to ensure complete consideration of the impact of a proposed development, the Commission shall require that a public hearing be held to present the findings of the environmental impact analysis and to receive public comment thereon.

The applicant shall place a copy of the environmental impact analysis on file in the Office of the Building Official at least 7 calendar days prior to the public hearing. *(Amended 09/19/88)*

13) Other Information. The applicant shall submit any other information deemed necessary to determine conformity with the intent of this regulation.

14) Erosion and Sediment (E&S) Control Plan

Whenever plans for the proposed development show that it will result in the disturbance of more than one-half acre of land, the applicant will submit with the site plan an erosion and sediment control plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. The E&S plan shall be based on "Connecticut

Guidelines for Soil and Erosion and Sediment Control," available from the Natural Resources Center of the Connecticut Department of Environmental Protection. A single-family dwelling that is not part of a subdivision of land shall be exempt from these E&S plan requirements.

The E&S Plan shall include the following:

a) A description of the project and a schedule of the major activities to be constructed on the land.

b) Locations of areas to be stripped of vegetation and locations of all wetlands and watercourses.

c) Location of areas to be regraded and contour data indicating existing and proposed grades.

d) A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving installation of drainage features and the like.

e) Seeding, sodding, or re-vegetation plans and specifications for all unprotected or un-vegetated areas.

f) Location, design and timing of structure control measures. such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measures.

g) A description of procedures to be followed to maintain sediment control measures.

h) The plan map shall show the words: "Erosion and Sediment Control Plan Certified by vote of the New London Planning and Zoning Commission on (insert date)" and a space for the signature of the Chairman or Secretary of the Commission.

After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan is in compliance with these Regulations (a vote of the Commission to approve a site plan shall imply certification of the E&S plan as well.)

The Commission, through its agents or consultants, shall periodically inspect construction projects for which site plans have been approved to verify that E&S controls are consistent with the certified plan.

Any bond required for site plan improvements under Section 820 of these Regulations shall also cover the costs of E&S control measures prescribed by the E&S Plan. *(Amended 05/23/85)*

15) Referral to Adjoining Municipality

The Commission shall notify the clerk of any adjoining municipality of the pendancy of any application or site plan concerning any project on any site when: (1) any part of the property affected by the Commission's decision is within 500 feet of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by registered mail and shall be mailed within seven (7) days of the date of receipt of the application or site plan and no hearing shall be held on the application or site plan until after the adjoining municipality has received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such application or site plan. (P.A. 87-307)

16) Referral to Wetland Agency

If an application for special permit and/or site plan approval involves an activity regulated as an inland wetland or watercourse under the provisions of Chapter 440 of the Connecticut General Statutes, the applicant shall submit an application to the Wetlands Agency no later than the day the application is filed with the Commission. The Commission shall not render a decision until the Wetlands Agency has submitted a report with its final decision to the Commission. In making its decision, the Commission shall give due consideration to the report of the Wetlands Agency. (P.A. 87-533) *(Amended 11/27/87)*

Section 810 Special Permit Procedure

A. Applicability

1. In all cases where this regulation requires approval by Special Permit, no Building Permit shall be issued by the Building Official except after public notice and hearing in accordance with the General Statutes of the State of Connecticut and upon authorization of the Commission. *(Amended 03/28/18)*

2. Existing Uses Which Would Be Allowed With the Approval of a Special Permit

When the use of land or a building or structure existed prior to the adoption of these regulations which is only allowed hereafter upon approval of a special permit, such existing use shall be considered a permitted use, provided the provisions of this section shall apply to all proposed changes to such existing use.

B. Special Permit Objectives

In evaluating a Special Permit application, the Commission shall take into consideration the health, safety and welfare of the public, in general, and the immediate neighborhood, in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following objectives*(Amended 03/28/18)*

1) Harmony with Development. That the proposed use is of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated will not tend to depreciate the value of property in the neighborhood and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

2) Site Plan Objectives. That the Site Plan submitted as part of Special Permit application will accomplish the Site Plan objectives described in Section 800.B, particularly in that it will not create traffic or fire hazards and will not block or hamper the City circulation pattern.

3) Conformance to Requirements. Unless a variance has been granted, a special permit use shall conform to all requirements of the district in which it is located.

Where two or more special permit uses apply to the same premises, the minimum requirements shall be the minimum requirements for each use as specified in these regulations, or in cases of two or more special permit uses in the same building, whichever requirements are more restrictive.

C. Procedure

Application for a Special Permit shall be made to the Planning and Zoning Commission where applicable in writing at least twenty (20) days *(Amended 03/28/18)* prior to a regular meeting and shall be accompanied by all required items as outlined in Section 800.H. The applicant shall the number of copies set forth in the application *(Amended 12/04/03)* to the Planning and Zoning Commission.

1) Public Hearing and Notice. The Commission where applicable shall hold a public hearing on all applications for a Special Permit and a notice of said hearing in a newspaper of general circulation in accordance with requirements of Connecticut General Statutes. *(Amended 03/28/18)*

   In addition to published notice, the Commission shall give notice of any such hearing at least 10 days prior to the date of the hearing to the applicant filing the application. *(Amended 03/28/18)*

   Further, the petitioner shall erect, or cause to have erected, a sign on the premises affected by the proposed Special Permit at least 15 days prior to the public hearing on such Special Permit. Said sign shall be provided by the Zoning Officer upon request of the applicant. Said sign shall be installed by the applicant securely fastened or staked, be clearly visible from the street closest to the affected property, and be maintained as such until 15 days following the published notice of the results of the Planning and Zoning Commission actions. *(Amended 03/28/18)*

   A report from the ZO attesting to whether the above described sign was erected and maintained as required shall be made part of the record at the public hearing. Failure of a petitioner to comply with this requirement may be grounds for automatic denial of the proposed Special Permit with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign.

   Each application for a special permit shall include a list, prepared by the applicant, of the names and addresses of the owners of all land included within the application and of all properties 200 feet or less distance therefrom, all as shown on the most recent records on file in the City of New London's Tax Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notification of said pending application to at least one owner of each such property not more than 15 days or less than 10 days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Commission.

   Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Zoning Officer along with the above said list of property owners, not less than five calendar days prior to the hearing date. Failure to comply with any of the procedures required herein shall be deemed valid basis for denial of a special permit request.

2) The date of receipt of an application in the day of the Commission next regularly scheduled meeting or thirty-five (35) days after the application is submitted, which ever is sooner. *(Amended 03/28/18)*

Commencement of the public hearing must be within sixty-five (65) days of the date of receipt; the public hearing must be completed within thirty-five (35) days of commencement; and the Commission must render a decision to reject, modify and approve or approve the application within sixty-five (65) days of the completion of the public hearing. *(Amended 03/28/18)*

An applicant can consent to extend the time frames for any of the above steps, but the total of all extensions together cannot exceed sixty-five (65) days. *(Amended 12/04/03)*

No Special Permit shall be effective until a copy thereof, certified by the Chairman of the Planning and Zoning Commission or his/her designee, is recorded in the land records. The City Clerk shall index the same in the grantor's index under the name of the then record owner and the record owner shall pay for such recording. *(Amended 08/01/10)*

D. Conditions and Safeguards

Any condition or safeguards, attached to the granting of a Special Permit, shall remain with the property, as long as the special permit use is still in operation. These conditions and safeguards shall continue in force regardless of any change in ownership of the property.

E. Revocation

Any authorized Special Permit shall be subject to revocation by the Commission if any condition or safeguard imposed by the Commission upon buildings, structures, land or uses for said permit is not strictly adhered to by the applicant, user and/or owner. *(Amended 03/28/18)*

F. Amendments or Modifications

Applications for Special Permit amendments that are necessitated by site conditions or which are deemed to be in the public interest shall be made in the same manner as the original application; except that amendments that are found to be of a minor nature or that do not materially alter the Special Permit as determined by The Chairman of the Planning and Commission *(Amended 11/30/12)* may be authorized with Commission approval only, without another public hearing. *(Amended 03/28/18)*

G. Time Period and Expiration

In approving a Special Permit, the Commission may set time limits on the permit and/or require periodic renewal of the permit without a public hearing. In the event an appeal is taken from the Commission's approval of a Special Permit, then the time period shall commence on the date of final disposition of such litigation. Expired Special Permits shall be considered not valid. *(Amended 03/28/18)*

H. Continuance

Notwithstanding any other provision of these Regulations, when an amendment is adopted in these zoning regulations or boundaries of zoning districts, a Special Permit which has been approved according to the regulation in effect at the time of filing, shall not be required to conform to such amendment provided:

1) Construction of any of the proposed improvements, including but not limited to roads, sewer lines, landscaping, recreational facilities, etc. shall have commenced within 12 months from the effective date of the Special Permit and Site Plan approvals.

2) Construction of the improvements are diligently pursued and prosecuted to substantial completion within the original time constraints set forth at the time of approval or within two years following the effective date of such amendment in the zoning regulations or boundaries of zoning districts.

3) If the applicant and/or owner does not adhere to these conditions, the Special Permit shall be reconsidered by the Commission and declared void. Notification thereof shall be filed with the City Clerk and applicant so notified. *(Amended 03/28/18)*

I. Applications

Applications for a Special Permit shall be made in writing and the number of copies to be provided by the applicant shall be set forth on the application. Said copies shall include: *(Amended 01/01/05)*

1) A statement describing the existing and proposed use or uses.

2) A Site Plan in accordance with Article VIII, Section 800.H, if applicable.

3) Such other information as the Commission may require to determine compliance with the intent and purpose of this regulation.

4) All applications shall be accompanied by a fee, as provided in the fee schedule of the City of New London, to cover the cost of administration. Said fee shall be paid at the time of filing the application.

Section 820 Bonds

A. Procedure

The Commission may require, as a condition of approval of a Site Plan Section 800 or Special Permit Section 810, that the applicant post a bond with surety satisfactory to the Commission in order to assure conformance with all proposed improvements (excluding buildings) shown on the approved site plan. An itemized estimate of the cost of the specific improvements shall be prepared by the applicant, including a separate inflation factor for the estimated construction period, and shall be submitted to the City Engineer for approval. The bond may be in the form of cash, a certified check payable to the City of New London, a savings passbook with a signed withdrawal slip for a joint account in the name of the City and applicant, an irrevocable letter of credit from a bank, or an insurance company performance bond written by a company authorized to write bonds in the State of Connecticut. Said bond shall be posted with the City, in accordance with the approved Site Plan, for a period set by the Commission not to exceed two (2) years, unless an extension of time is applied for by the applicant and granted by the Commission.

B. Release of Bond

Upon written request of the applicant for the reduction or release of the bond, the site shall be inspected by the Zoning Officer, the City Engineer, and/or other appropriate City Officials to determine if all of the conditions of approval have been met and if all required site improvements have been satisfactorily completed in accordance with the approved plans. Before release of any bond, the Commission may require the applicant to submit an "As-Built" plan, certifying that all of the required site improvements have been installed in accordance with the approved plans. Based on the findings, the Commission may authorize the reduction or release of said bond and the subsequent issuance of a Zoning Certificate of Compliance.

Section 830 Flood Plain Management

A. Purpose

The purposes of this regulation is (i) to reduce the threat to public safety and the loss of property values resulting from periodic flooding within certain areas of the City of New London, and (ii) to ensure eligibility for continued participation by the City of New London in the National Flood Insurance Program by establishing policies and permit requirements related to land use and development in areas of special flood hazard within the City of New London, consistent with regulations of the National Flood Insurance Program, as published in the Federal Register, Volume 41, Number 207, October 26, 1976, as may be amended. *(Amended 06/10/11)*

B. Flood Hazard Areas

This regulation shall apply to all areas of special flood hazard within the City of New London. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated August 5, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated August 5, 2013 (Panels 09011C0363J, 09011C0364J, 09011C0501J, 09011C0502J, 09011C0503J, 09011C0504J, 09011C0511J) and July 18, 2011 (Panel 09011C0482G), and other supporting data applicable to the City of New London, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A, AE, and VE, including areas designated as a floodway on the FIRM. Zone VE is also identified as a Coastal High Hazard Area. Areas of special flood hazard 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 a Flood Insurance Rate Map (FIRM) are approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. *(Amended 07/24/13)*

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the City of New London or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The City of New London, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the City of New London. *(Amended 06/10/11)*

C. Permits Required

Prior to issuing a Zoning Permit for any new development construction or substantial improvement within a special flood hazard area as shown on the FIRM, the Building Official shall determine that the provisions of this regulation have been satisfied, whether the proposed development and building sites will be reasonably safe from flooding, and that all necessary permits have been obtained from those federal, state or local agencies from which prior approval is required. The Building Official may require that the applicant provide such structure and water elevation data and construction plans as may be needed to determine proper conformance with this regulations. *(Amended 06/10/11)*

D. Requirements

In all special flood hazard areas as shown on the FIRM, the following provisions shall apply:

1) All new construction and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damage, and (iv) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. *(Amended 11/28/92)*

2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems; and

3) (i) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters, (ii) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from then during flooding, and (iii) in any portion of a watercourse which is altered or relocated the flood carrying capacity shall be maintained. *(Amended 11/28/92)*

4) In Zones A and AE, new construction or substantial improvement of any residential use only structure shall have the lowest floor, including basement, elevated two-feet above base flood elevation. *(Amended 06/10/11)*

5) In Zones A and AE, new construction or substantial improvement of any commercial, industrial or other non-residential structure or structure or mixed use structure outside the R-1 and R-1A zoning districts shall either: *(Amended 06/10/11)*

i) have the lowest floor, including basement, elevated two-feet above the base flood elevation; or *(Amended 06/10/11)*

ii) together with attendant utility and sanitary facilities, be flood-proofed to one foot above base flood elevation so that below this level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Official prior to the issuance of a building permit for such structure; or *(Amended 06/10/11)*

iii) have fully enclosed areas formed by a foundation and other exterior walls below the base flood elevation (BFE) of an elevated building designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect, or meet the following minimum criteria listed in sections (a)-(g) below: *(Amended 06/10/11)*

(a) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside; *(Amended 06/10/11)*

(b) The bottom of all openings shall be no higher than one (1) foot above the finished grade adjacent to the outside of the foundation wall. At least one entire side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building; *(Amended 06/10/11)*

(c) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and

other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Building Official; *(Amended 06/10/11)*

(d) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation or partitioned into separate rooms; *(Amended 06/10/11)*

(e) All interior walls, floor, and ceiling materials located below the BFE shall be unfinished and resistant to flood damage. *(Amended 06/10/11)*

(f) Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washer and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE. Utilities or service equipment located in this enclosed area, even if elevated above the BFE in the space, will subject the structure to increased flood insurance rates. *(Amended 06/10/11)*

(g) A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections (a)-(f) above. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Sections (a)-(c) above. In addition to the automatic entry of floodwaters, the areas of the garage below BFE must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 830 D 5). *(Amended 06/10/11)*

6) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards the Building Official shall make the necessary interpretation.

7) Manufactured homes (mobile homes) shall not be permitted. Recreational vehicles shall either be on the site for fewer than 180 consecutive days, and be

fully licensed and ready for highway use, or meet all the standards of Section 830 D. 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. *(Amended 06/10/11)*

8) When base flood elevation data or flood-way data have not been provided, the Building Official shall obtain, review and reasonably utilize any flood elevation and flood-way data available from a federal, state or other source in order to administer the provisions of this regulation. *(Amended 11/28/92)*

9) The Building Official shall notify adjacent communities and the Department of Environmental Protection, Inland Water Resources Division prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. The Building Official will assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. *(Amended 06/10/11)*

10) The Building Official shall obtain, record, and maintain the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction or substantially improved structures, and, the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed. In coastal high hazard areas (VE zones), the Building Official shall obtain, record and maintain the elevation of the bottom of the lowest horizontal structural member for all new construction or substantially improved structures. *(Amended 06/10/11)*

11) The Building Official shall maintain all records pertaining to the provisions of these regulations. *(Amended 11/28/92)*

12) Floodways. Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a Connecticut registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA. Fences in the floodway must be aligned with the flow and be of an open design. *(Amended 06/10/11)*

When base flood elevations have been determined within Zone AE on the community's flood insurance rate map but a regulatory floodway has not been designated, the Building Official must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development. *(Amended 06/10/11)*

The Building Official may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community. *(Amended 06/10/11)*

13) Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity. *(Amended 06/10/11)*

14) Compensatory Storage. The water holding capacity of the floodplain, except those areas that 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. *(Amended 06/10/11)*

E. Additional Requirements *(Amended 06/10/11)*

In all areas designated coastal high hazard zones VE zones on the FIRM the following provisions shall additionally apply: *(Amended 06/10/11)*

1) All new construction shall be located landward of the reach of the mean high tide.

2) All new construction or substantial improvements shall be elevated so that the lowest supporting member is located no lower than two-feet above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in subsection 8, below. *(Amended 06/10/11)*

3) All new construction or substantial improvement shall be securely anchored on pilings or columns.

4) All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100 year median recurrence interval (one percent annual chance floods and winds). *(Amended 11/28/92)*

5) Compliance with provisions contained in subsections 2, 3 and 4, above, shall be certified to by a registered professional engineer or architect. *(Amended 11/28/92)*

6) There shall be no fill used as structural support.

7) There shall be no alteration of sand dunes which would increase potential flood damage.

8) Breakaway walls for new construction or substantial improvements shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used.

    a) Design safe loading resistance of each wall shall not be less than 10 nor more than 20 pounds per square foot; or *(Amended 11/28/92)*

    b) If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subjected to collapse, displacement, or other structural damage due to the effects of wind and water. *(Amended 11/28/92)*

9) If breakaway walls are utilized, such enclosed space shall not be used for human habitation.

10) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Building Official for approval.

11) Manufactured homes (mobile homes) shall not be permitted. Recreational vehicles shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet all the standards of Section 830 E and the standards of Section 830 D 1)-3). 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. *(Amended 06/10/11)*

F. Verification of Building Elevation

The Building Official shall verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and the actual elevation to which new or substantially improved structures have been flood-proofed.

G. Variances

Variances to the provisions of this regulation may be granted by the Zoning Board of Appeals for the City of New London, in accordance with the following: *(Amended 11/28/92)*

1) Variances shall be issued only upon (i) a showing of good and sufficient cause, (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 existing local laws or ordinances.

2) Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3) The Board shall notify the applicant in writing over the signature of the Building Official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

4) The Board shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its biennial

report submitted to the Federal Emergency Management Agency Federal Insurance Administrator. *(Amended 06/10/11)*

H. Definitions

Unless specifically defined below, words and phrases used in this section shall be interpreted so as to give them the meaning they have in common usage.

If there exists a conflict between the language contained in this Section (830) of the regulations and other language contained in other sections of these regulations the provisions of this Section (830) shall control for the purposes of the enforcement of this section only. *(Amended 06/10/11)*

1) Base flood means the flood having a one percent chance of being equaled or exceeded in any given year. *(Amended 11/28/92)*

2) Base flood elevation (BFE) means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. *(Amended 06/10/11)*

3) Basement (for the purposes of this Section 830 only) means any area of the building having its floor subgrade (below ground level) on all sides. *(Amended 06/10/11)*

4) Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system. *(Amended 06/10/11)*

5) Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. *(Amended 11/28/92)*

6) Cost means, as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees,

outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos. *(Amended 06/10/11)*

7) 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 buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities. *(Amended 06/10/11)*

8) 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 pouring of concrete pads) is completed before May 24, 1977, the effective date of the floodplain management regulations adopted by the community. *(Amended 06/10/11)*

9) 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). *(Amended 06/10/11)*

10) Finished living space means, as related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. *(Amended 06/10/11)*

11) Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from: *(Amended 06/10/11)*

    (a) The overflow of inland or tidal waters.

    (b) The unusual and rapid accumulation or runoff or surface waters from any source.

12) Federal Emergency Management Agency (FEMA) means the federal agency that administers the National Flood Insurance Program (NFIP). *(Amended 06/10/11)*

13) 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 areas (100-year floodplain) and the insurance risk premium zones applicable to a community. *(Amended 06/10/11)*

14) Flood Insurance Study (FIS) means the official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. *(Amended 06/10/11)*

15) Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway." *(Amended 06/1011)*

16) 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. *(Amended 06/10/11)*

17) Historic structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs. *(Amended 06/10/11)*

18) Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area fully meets the requirements of these regulations. *(Amended 11/28/92)*

19) Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a

permanent foundation when connected to the required utilities. The term also includes park trailer, travel travelers, recreation vehicles and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. *(Amended 11/28/92)*

20) Manufactured Home Park or Subdivision means a parcel, or contiguous parcels, of land divided into two (2) or more manufactured home lots for rent or sale. *(Amended 06/10/11)*

21) Market value – means, as related to substantial improvement and substantial damage, the value of the structure as determined by the property's tax assessment, minus land value (or alternatively an independent appraisal by a professional appraiser selected by the City and paid for by the property owner); 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. *(Amended 06/10/11)*

22) Mean sea level 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 New London's Flood Insurance Rate Map are referenced. *(Amended 06/10/11)*

23) New construction means structures for which the "start of construction" commenced on or after May 24, 1977, the effective date of this regulation and includes and includes any subsequent improvements to such structures. *(Amended 06/10/11)*

24) New 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 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 May 24, 1977, the effective date of the floodplain management regulation adopted by the community. *(Amended 06/1011)*

25) 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 towable 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. *(Amended 06/10/11)*

26) Sand dunes mean naturally occurring accumulations of sand in ridges or mounds landward of the beach. *(Amended 11/28/92)*

27) Special flood hazard area is the area within a community subject to one percent or greater chance of flooding in any given year, as identified on New London's FIRM. *(Amended 11/28/92)*

28) Start of construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 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 excavation for a basement, footings, piers or foundations or the installation on the property of accessory building, 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. *(Amended 06/10/11)*

29) Structure (for the purposes of this Section 830 only) means a walled and roofed building that is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures. *(Amended 06/10/11)*

30) Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. *(Amended 11/28/92)*

31) Substantial improvement means any repair, reconstruction, or improvements of a structure, taking place over a ten year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the "start of construction" of the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. This term includes structures, which have incurred "substantial damage" regardless of the actual repair work performed. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of an "historic structure," provided that the

alteration will not preclude the structure's continued designation as an "historic structure."*(Amended 07/24/13)*

32) Variance means a grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship. *(Amended 06/10/11)*

33) Violation means a 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 floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided. *(Amended 06/10/11)*

34) Water surface 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 coastal or riverine areas. *(Amended 06/10/11)*

Section 840 Coastal Area Management

A. Coastal Site Plan Review Required

All buildings, uses and structures fully or partially within the coastal boundary as defined by section 22a-94 of the Connecticut General Statutes and as adopted and delineated on the Coastal Boundary Map for the City of New London shall be subject to the coastal site plan review requirements and procedures in sections 22a-105 through 22a-109 of the Connecticut General Statutes. The Coastal Boundary Map is on file in the offices of the City Clerk and Building Department.

B. Coastal Site Plan Review Exemptions

1) Pursuant to section 22a-109(b) of the Connecticut General Statutes, the following activities are exempt from coastal site plan review requirements:

(a) Gardening, grazing and the harvesting of crops;

(b) Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds;

(c) Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings;

(d) Construction of the following new or modification of the following existing on-premise structures: fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs, and such other minor structures as will not substantially alter the natural character of coastal resources as defined by section 22a-93(7i) of the Connecticut General Statutes or restrict access along the public beach;

(e) Construction of an individual single family residential structure except when such structure is located on an island not connected to the mainland by an existing road, bridge, or causeway or except when such structure is in or within 100 feet of the following coastal resource areas as defined by section 22a-93(7) of the Connecticut General Statutes: tidal wetlands, coastal bluffs and escarpments, beaches and dunes;

(f) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources;

(g) Interior modifications to buildings;

(h) Minor changes in use of a building, structure, or property except those changes occurring on property adjacent to or abutting coastal waters.

2) The foregoing exemptions from coastal site plan review requirements shall apply to the following site plans, plans and applications:

(a) Site plans submitted to the zoning commission in accordance with section 22a-109 of the Connecticut General Statutes;

(b) Applications for a special permit submitted to the Planning and Zoning Commission in accordance with section 8-2 of the Connecticut General Statutes and Article VIII, Section 2 of these regulations;

(c) Applications for a variance submitted to the Zoning Board of Appeals in accordance with subdivision (3) of section 8-6 of the Connecticut General Statutes and Article X of these regulations; except that a use variance shall not be exempt from coastal site plan review.

(d) A referral of a proposed municipal project to the Planning Commission in accordance with section 8-24 of the Connecticut General Statutes.

C. Coastal Site Plan Contents

A coastal site plan shall include a plan showing the location and spatial relationship of coastal resources on and contiguous to the site; a description of the entire project with appropriate plans, indicating project location, design, timing and methods of construction; an assessment of the capability of the resources to accommodate the proposed use; an assessment of the suitability of the project for the proposed site; an evaluation of the potential beneficial and adverse impacts of the project and a description of proposed methods to mitigate adverse effects on coastal resources.

Any persons submitting a coastal site plan as defined above shall demonstrate that the adverse impacts of the proposed activity are acceptable and shall demonstrate that such activity is consistent with the goals and policies of Section 22a-92 of the Connecticut General Statutes.

D. Environmental Assessment/Impact

The Commission or Board or its designated agent may require the applicant to provide additional environmental information for the purpose of compiling a complete environmental impact analysis.

Any required Environmental Assessment or Environmental Impact Statement shall consider:

1) The character of the site.

2) The potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water dependent development opportunities.

3) All applicable goals and policies of the CAM Act, and identify conflicts between the proposed activity and any goal or policy.

E. Public Hearings

In reviewing a Coastal Site Plan in accordance with the requirements of the CAM Act, the Commission may, at its discretion, hold a public hearing on a Coastal Site Plan and shall adhere to the time limits of Section 22a-95 subsection 8-7(b) of the Connecticut General Statutes in acting on such a Coastal Site Plan.

F. Coastal Site Plan Action

The Board or Commission reviewing the coastal site plan shall, in addition to the discretion granted in any other sections of the Connecticut General Statutes or in any special act, approve, modify, condition or deny the activity proposed in a coastal site plan on the basis of the criteria listed in Chapter 444 Section 22a-106 of the Connecticut General Statutes. Further, pursuant to Connecticut General Statutes section 22a-106(e) the reviewing Commission must find that the proposed activity is consistent with all applicable goals and policies of section 22a-92 and incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities.

The Board or Commission approving, modifying, conditioning or denying a coastal site plan on the basis of criteria listed above shall state in writing the findings and reasons for its actions.

G. Violations

In accordance with section 22a-108 of the Connecticut General Statutes, any activity undertaken within the coastal boundary without the required coastal site plan review and approval shall be considered a public nuisance and shall be subject to enforcement remedies authorized in that section of the Connecticut General Statutes.

ARTICLE IX.

Administration and Enforcement

Section 900 Enforcement

These regulations shall be enforced by the Zoning Officer (ZO) or his/her designee. The ZO is authorized to cause any building, structure, place, premise or use to be inspected or examined, and to order in writing the remedying of any condition found to exist herein or thereon in violation of any provision of this regulation.

Section 910 Zoning Permit

No building or structure shall be erected, added to, or structurally altered, no use shall be established, and no existing building or land, whether vacant or occupied shall be converted to a different use until a Zoning Permit has been issued by the ZO or other authorized official.

All applications for such permits shall be in accordance with the requirements of these regulations. Any Site Plan Approval, Coastal Area Site Plan Approval, or Special Permit required by these regulations shall be obtained prior to filing an application for a Zoning Permit. A Zoning Permit shall be issued automatically to any project or site which has a valid approved Site Plan, Coastal Site Plan, and/or Special Permit. *(Amended 09/19/88)*

A. Application

Every application for Zoning Permit shall be accompanied by such information and exhibits, i.e. approved coastal area site plan or site plan, required special permits, certified plot plan, soils data, topography, drainage computations etc., as are required herein or may be reasonably required by the ZO in order that the proposal of the applicant may be adequately interpreted and judged as to its conformity with the provisions set forth in this regulation. *(Amended 0/19/88)*

B. Plot Plan

The application shall be accompanied by three copies of a plot plan based on a A-2 survey prepared by a land surveyor and/or engineer registered in the State of Connecticut, drawn to an approximate scale showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building upon the lot, the dimensions of all open spaces, the setback lines observed by buildings, the location of driveways and curb cuts, and such other information as may be necessary. The ZO may waive any of the plot plan requirements in cases where it is not needed to determine conformity with these regulations.

Section 920 Certificate of Zoning Compliance

No land shall be occupied or used and no building hereafter erected or altered, shall be occupied or used in whole or in part for any purpose, until a Certificate of Compliance shall have been issued by the ZO or other authorized official, stating that the premises or building complies with all the provisions of these regulations. Such a certificate is also required for any change, extension, or alteration in a use.

Applications for Certificate of Compliance shall be accompanied by a certified plot plan of the lot and buildings thereon, showing the exact placement of the asbuilt structures on the lot. The as-built plot plan may be the same document as is submitted for a Certificate of Occupancy, if all zoning data (i.e. setbacks, etc.) are included. The ZO may waive the requirement for a certified plot plan in cases where it is not needed to determine conformity with these regulations. No such Certificate of Compliance shall be issued by the ZO until all zoning requirements and conditions including Site Plan Approval and/or Special Permits have been met.

Section 930 Fees

All applications for Zoning Permit and Certificate of Compliance shall be accompanied by a fee, in accordance with the schedule of fees of the City of New London, to cover the cost of administration. Said fee shall be paid at the time of filing the application.

Section 940 Special Conditions

Any maps, plans, documents, statements and stipulations submitted to and approved by the Planning and Zoning Commission or the Zoning Board of Appeals, in connection with Site Plan Approval, Special Permits, Variance, or other action of said Commission or Board as required by these regulations, and any conditions of such approval(s) attached by said Commission or Board shall be conditions for the approval of applications for and the issuance of a Zoning Permit and a Certificate of Compliance by the ZO. Prior to issuance of a Zoning Permit or a Certificate of Compliance, the applicant shall obtain and submit all approvals required by an other Municipal, State, or Federal department, bureau or agency.

No Building Permit or Certificate of Occupancy may be issued until all zoning permits have been secured.

Section 950 Certificate of Occupancy

A. The occupancy and use of a building erected, reconstructed, restored, altered, or moved, or any change in use of an existing building, shall be unlawful until a certificate of occupancy shall have been applied for and issued by the ZO.

B. A certificate of occupancy is required for and shall be deemed to authorize, both initial occupancy and the continued occupancy and use of the building or land to which it applies.

C. No certificate of occupancy shall be issued for any use requiring the granting of a Special Permit, Variance, or Site Plan Approval unless and until such permit approval has been duly granted and the ZO and Building Official have inspected the site to ascertain that all provisions of said approval are complied with.

D. A non-renewable temporary certificate of occupancy for a part of a building may be issued by the ZO for a period of not more than 6 months.

Section 960 Stop Work Order

The ZO may issue a stop work order if, in his/her opinion, the work being performed is not in full compliance with the provisions of this regulation.

Section 970 Records

A record of all zoning permits, certificates of compliance, certificates of occupancy shall be kept in the office of the ZO.

Section 980 Liability

No officer, agent or employee of the City of New London charged with the enforcement of this regulation shall render himself/herself personally liable for any damages that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this regulation.

Section 990 Violations and Penalties

The owner or agent of a building or premises where a violation of any provision of said regulations shall have been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars and not more than one hundred dollars for each and every day that such violation continues, but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than $100 or more than $250 dollars for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court; and the Superior Court of the State of Connecticut shall have jurisdiction of all such offenses subject to appeal as in other cases.

Any such person who having been served with an order to remove any such violation shall fail to comply with said order within ten days after such service or shall continue to violate any provision of the regulations made under authority of this regulation in the respect named in such order shall be subject to a civil penalty of $250 dollars, payable to the Treasurer of the City of New London.

ARTICLE X.

Zoning Board of Appeals

Section 1000 Zoning Board of Appeals - Authority

The Zoning Board of Appeals hereinafter called the Board, shall have the following powers as set forth in Chapter 124, Section 8-6 of the Connecticut General Statutes, 1958 Revision, as amended.

A. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter or any by-law, ordinance or regulation adopted under the provisions of this chapter. Such appeal shall be taken within thirty (30) days of the action of said official. *(Amended 02/10/86)*

B. Deleted *(Amended 03/28/18)*

C. To determine and vary the application of the zoning, by-laws, or regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such by-laws, ordinances or regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.

The regulations may be varied regarding the following:

1) Lot size and area requirements.

2) Lot coverage limitations.

3) Setback requirements.

4) Height limitations.

5) Parking requirements.

6) Loading requirements.

7) Sign area and location limitations.

8) Screening requirements.

9) Accessory use limitations.

However, no building or use of land shall be permitted, converted, enlarged, or reconstructed for any purpose other than a use which is permitted in the district in which it is located.

Section 1010 Rules of Procedure. Meetings. and Hearings

A. The Board shall adopt such rules, regulations and procedures as may be deemed necessary to carry into effect the provisions of these regulations.

B. Public Hearings Conducted by Zoning Board of Appeals.

1) Notice of public hearings on Variances, and Appeals. *(Amended 03/28/18)*

(a) The Board shall hold a public hearing on all applications for Variances and Appeals. The Board shall conduct the proceedings in conformance with Chapter 124, Section 8-7 and 8-7a of the Connecticut General Statutes, 1958 revision, as amended. Notice of the time, place and purpose of such hearings shall be published in a newspaper having substantial circulation within the City at least twice at intervals of not less than two days, the first not more than 15 days nor less than 10 days and the last not less than two days before the hearing by the Zoning Board of Appeals Administration Office. *(Amended 03/28/18)*

(b) The Board shall notify the clerk of the adjoining municipality of the pendancy of any application or request concerning any project on any site in which: (1) Any portion of the property affected by a decision of the Board is within 500 feet of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by registered mail and shall be mailed within seven (7) days of the date of receipt of the application or site plan and no hearing shall be held on the application or site plan until after the adjoining municipality has received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such application or site plan. (P.A. 87-307) *(Amended 11/27/87)*

(c) The petitioner shall erect, or cause to have erected, a sign on the premises affected by the proposed Variance or Appeal at least 15 days prior to the

public hearing on such Variance or Appeal. Said sign shall be provided by the Z0 upon request of the petitioner. Said sign shall be installed by the petitioner, securely fastened or staked, be clearly visible from the street closest to the affected property, and be maintained as such until 15 days following the public notice of the ZBA action. *(Amended 03/28/18)*

A report from the ZO attesting to whether the above described sign was erected and maintained as required shall be made part of the record at the public hearing. Failure of a petitioner to comply with this requirement may be grounds for automatic denial of the Variance or Appeal with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign. (Section 1010B(l) *(Amended 06/04/85) (Amended 03/28/18)*

(d) The date of receipt of an application in the day of the Zoning Board of Appeal's next regularly scheduled meeting or thirty-five (35) days after the application is submitted, which ever is sooner. *(Amended 03/28/18)*

Commencement of the public hearing must be within sixty-five (65) days of the date of receipt; the public hearing must be completed within thirty-five (35) days of commencement; the Board must render a decision to reject, modify and approve or approve the application within sixty-five (65) days of the completion of the public hearing. *(Amended 03/28/18)*

An applicant can consent to extend the time frames for any of the above steps, but the total of all extensions together cannot exceed sixty-five (65) days. *(Amended 12/04/03)*

Section 1020 Decision of Board *(Amended 08/01/10)*

A. In granting any Variance, the Board may prescribe any conditions applying thereto that it may deem necessary or desirable.

B. Decisions of the Board shall be made in accordance with the purpose and spirit of these regulations.

C. No Variance shall be granted on any allegation of hardship resulting from an act of the applicant subsequent to the adoption of this regulation, whether in violation of the provisions hereof or not. Before granting a variance on the basis of unusual difficulty or unreasonable hardship, there must be a finding by the Zoning Board of Appeals that all of the following conditions exist: *(Amended 03/28/18)*

1) That if the owner complied with the provisions of these regulations, he would not be able to make any reasonable use of his property.

2) That the difficulties or hardship are peculiar to the property in question, in contrast with those of other properties in the same district.

3) That the hardship was not the result of the applicant's own action.

4) That the hardship is not merely financial or pecuniary.

D. Variance

Where, by reason of exceptional narrowness, shallowness, shape, topographical or unusual condition of a specific property, and not common to the surrounding area as a whole, and where the strict application of the requirements or limitations of any district would result in peculiar and undue hardship upon the use of the property, as contrasted with merely granting an advantage or convenience, the regulations may be varied regarding the following:

1) Lot size and area requirements.

2) Lot coverage limitations.

3) Setback requirements.

4) Height limitations.

5) Parking requirements.

6) Loading requirements.

7) Sign area and location limitations.

8) Screening requirements.

9) Accessory use limitations.

However, no building or use of land shall be permitted, converted, enlarged, or reconstructed for any purpose other than a use which is permitted in the district in which it is located.

E. Appeals

Upon appeal, and subject to appropriate conditions and safeguards, the Board may affirm, in whole or in part, a decision or interpretation made by the Zoning Officer. *(Amended 06/04/85)*

F. No variance shall be effective until a copy thereof, certified by the Zoning Enforcement Officer, is recorded in the land records. The City Clerk shall index the same in the grantor's index under the name of the then record owner and the record owner shall pay for such recording. *(Amended 02/10/86)*

G. Whenever a zoning board of appeals grants or denies any variance in the zoning regulations applicable to any property or sustains or reverses wholly or partly any order, requirement or decision appealed from, it shall state upon its records the reason for its decision and the zoning bylaw, ordinance or regulation which is varied in its application or to which an exception is granted and, when a variance is granted, describe specifically the exceptional difficulty or unusual hardship on which its decision is based. *(Amended 10/18/01)*

ARTICLE XI.

Amendments

Section 1100 Amendments

The districts established by this regulation or the boundaries thereof may be changed, altered, or any provision thereof may be changed, altered, or amended and any property within the city may be rezoned, reclassified or established whenever the public necessity, convenience or general welfare requires the same by the procedure set forth in this section.

Section 1110 Initiation

Any such change, amendment, alteration, rezoning or establishment (singly or collectively referred to herein as an "amendment") may be initiated by:

A. The filing of a verified petition of one or more persons having legal or equitable interest in the property affected by the proposed amendment, which petition shall be filed in triplicate with the ZO and shall contain reasons why the change of zone is being sought, and by a fee in accordance with the schedule of fees of the City of New London, to cover the cost of administration.

B. Where the interests of the City are concerned, a petition by a proper official shall be filed in duplicate with the ZO.

Section 1120 Hearings

A. Public Hearing and Notice.

The Planning and Zoning Commission shall hold a public hearing on all proposed amendments to the Zoning Regulations or Zoning Map and the ZO shall publish a notice of said hearing in a newspaper having a substantial circulation in the municipality at least twice at intervals of not less than two days, the first not more than 15 days nor less than 10 days, and the last not less than two days before such hearing.

B. The date of receipt of an application is the day of the Commission or Zoning Board of Appeal's next regularly scheduled meeting or 35 days after the application is submitted, whichever is sooner.

Commencement of the public hearing must be within 65 days of the date of receipt; the public hearing must be completed within 35 days of commencement; and, the Commission or Board must render a decision to reject, modify and approve or approve the application within 65 days of the completion of the public hearing.

An applicant can consent to extend the time frames for any of the above steps, but the total of all extensions together cannot exceed 65 days. *(Amended 12/04/03)*

C. Further, the petitioner shall erect, or cause to have erected, a sign on the premises affected by the proposed amendment at least 15 days prior to the public hearing on such amendment. Said sign shall be approved by the ZO upon request of the petitioner. Said sign shall be installed by the petitioner, securely fastened or staked, be clearly visible from the street closest to the affected property, and be maintained as such until 15 days following the public notice of the Commission Action.

A report from the ZO attesting to whether the above described sign was erected and maintained as required shall be made part of the record at the public hearing. Failure of a petitioner to comply with this requirement may be grounds for automatic denial of the amendment with consideration being given to cases where weather conditions or acts of vandalism have destroyed a properly posted sign.

D. Notification of Adjoining Property Owners. When the request is for a change in zoning district boundaries, the applicant shall prepare and submit with his application a list of the names and addresses of the owners of all properties within the area which is the subject of the application and of all properties 150 feet or less distance therefrom, all as shown on the records of the City of New London's Tax Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notification of said pending application to at least one owner of each property not more than 30 days or less than 10 days before the date set for the public notice. Evidence of such mailing shall be submitted in the form of United States Post Office Certificates of Mailing to the Zoning Enforcement Officer at least five days prior to the hearing date.

The provisions of this section shall not apply in the case of Zoning Regulation changes or zone map changes initiated by the New London Planning and Zoning Commission. *(Amended 12/26/86)*

Section 1130 Notice to Regional Planning Agency

Where a proposed change occurs within 500 feet of a municipal boundary the Planning and Zoning Commission shall give written notice to the Regional Planning Agency at least 30 days prior to the public hearing. The Regional Planning Agency shall report its findings at or before the hearing. The report of the Regional Planning Agency is advisory. *(Amended 08/01/10)*

Section 1140 Notice to Coastal Area Management Program of DEP

Any proposed amendment to these Regulations or the Zoning Map which affects the area within the coastal boundary shall be referred to the Coastal Area Management Program of the Connecticut Department of Environment Protection (DEP) for review and comment at least thirty-five (35) days prior to the commencement of the hearing thereon. Such comment shall be read into the record of the public hearing and shall be considered by the Commission before

taking action on the proposal. Failure to comment by the DEP shall not be construed to be approval or disapproval. *(Amended 07/11/88)*

Section 1150 Action by Planning and Zoning Commission

Within 65 days following the close of the public hearing, the Planning and Zoning Commission shall act to approve or disapprove the proposed amendment by a majority vote of all the members of said Commission. If a protest against a proposed change is filed at or before the hearing, signed by the owners of 20 percent or more of the area of the lots included in such proposed change or of the lots within 500 feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of the members of the Commission.

ARTICLE XII.

Validity. Repealer, and Effective Date

Section 1200 Repealer

The Zoning Regulation of the City of New London, 1969 as amended, and all other regulations and parts of regulations of said City in conflict with this regulation to the extent of such conflict and no further, are hereby repealed, provided that nothing herein contained shall be deemed to repeal or amend any ordinance or regulation of said City requiring a permit or license or both to carry on any business trade or occupation.

Section 1210 Validity

If any section, sub-section, sentence, clause or phrase of this regulation is for any reason held by a Court of Competent Jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this regulation. The Planning and Zoning Commission hereby declares that it would have passed this regulation and each section, sub-section, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases by declared invalid.

Section 1220 Effective Date

The effective date of this regulation shall be November 25, 1983.