

APPENDIX A ZONING*

***Editor's note:** Printed herein is Ordinance No. 634, adopted and effective Feb. 25, 1973, including nine amendments to the ordinance as proposed, enacted on Dec. 28, 1972. Ordinance No. 634 supersedes the zoning ordinance approved at a special election on Nov. 3, 1959, having been adopted by the council on Sept. 8, 1959, and amendments thereto. Amendments to the zoning ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original zoning ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets. Ordinances changing the zoning maps are not included herein; they may be examined in the office of the city clerk.

Charter references: Planning and zoning, ch. XV.

Cross references: Development of Fairview Reservoir restricted, § 7-24; historic district regulations not to impair zoning powers, § 14-23; removal of topsoil, ch. 18.5.

State law references: Procedure in enacting zoning regulations, G.S. § 8-18 et seq.

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AN ORDINANCE REGULATING AND RESTRICTING THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINING THE AREA OF YARDS, COURTS AND OTHER PLACES SURROUNDING THEM; REGULATING AND RESTRICTING THE DENSITY OF POPULATION; DIVIDING THE CITY OF NORWICH FOR SUCH PURPOSES; ADOPTING MAPS OF SAID CITY SHOWING THE BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS:BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH:

Chapter 11 INLAND WETLANDS AND WATERCOURSES*

***Editor's note:** Sections 11-1--11-19 were repealed by Ord. No. 1233, adopted November 4, 1991. Former §§ 11-1--11-19 were derived from the following ordinances:

TABLE INSET:

Ord. No.	Sec.	Date
717	1--19	6-25-74
723	1--19, 21, 22	8- 5-74
804	1--3, 6	12- 2-75

TABLE INSET:

Ord. No.	Sec.	Date
856		5- 9-77
995		6- 7-82
1056	B--D	5- 6-85

Sec. 11-01. Inland wetlands, watercourses and conservation commission established; members; appointment of members; vacancies.

Sec. 11-01. Inland wetlands, watercourses and conservation commission established; members; appointment of members; vacancies.

(a) Pursuant to G.S. §§ 22a-42 and 7-131a, as amended, a Norwich Inland Wetlands, Watercourses and Conservation Commission is hereby created, the duties of which shall be as provided by said statutes.

(b) The commission shall consist of seven members and three alternates. One member and one alternate shall be members of the commission on the city plan, and six members and two alternates shall be electors of the City of Norwich who are not members of the commission on the city plan.

(c) The members and alternates of the commission shall be appointed by the city manager with the approval of the city council. The commission on the city plan members shall serve for terms to coincide with their terms on said body and the electors for terms of three years from the date of their appointments or until the successors of each member have been appointed and approved. Vacancies on such commission shall be filled for unexpired terms by the city manager in the manner specified above for appointment.

(Ord. No. 722, §§ 1--3, 8-5-74; Ord. No. 843, 4-4-77)

CHAPTER 1. DEFINITIONS**Sec. 1.0. Definitions.**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

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

1.1.1. *Alcoholic beverages* are alcohol, beer, spirits and wine.

1.1.2. *Antenna* is a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip, panel and dish antennas.

1.2. *Apartment* is any building or portion thereof containing three or more dwelling units.

1.3. *Apartment, garden* is an apartment building not more than three stories in height.

1.4. *Apartment, high-rise* is an apartment building not more than seven or less than four stories in height.

1.4.1. *Area of special flood hazard* is the land within the City of Norwich that is subject to a one percent or greater chance of flooding in any given year or the base flood discharge and is synonymous with the phrase "floodplain," and the areas with the 100-year flood boundary.

1.5. *Basement* is a story in a building, the structural ceiling of which is four feet or more above the average level of finished grade abutting the exterior wall(s) fronting on any street and the floor level of which is below finished grade at all points on the periphery of the building.

1.5.1. *Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.

1.5.2. *Bed and breakfast inn* is an existing single-family owner-occupied dwelling in which the owner rents not more than eight rooms to provide overnight accommodations for transients and which may include the serving of breakfast only. Maximum length of stay per guest may not exceed 14 days within a 90-day period.

1.6. *Boardinghouse* is a dwelling in which the owner resides and rents rooms and furnishes meals for compensation to one or more persons, but not in excess of five persons.

1.7. *Building* is any combination of materials forming any construction which requires location on the ground or attachment to something having location on the ground. The term "building" shall include the term "structure" as well as fences, walls, signs, swimming pools, porches and similar structures, but excluding antennae attached to and extending not more than 25 feet above the highest point of the building and utility poles.

1.8. *Building area* is the ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions.

1.9. *Building height* is the vertical distance measured from the average finished grade within ten feet of the walls of the building to the highest point of flat or mansard roofs including the top of a parapet or to the mean level between the eaves and ridge of gable, hip or gambrel roofs.

- 1.10. *Building, principal.* (See section 3.1.4 hereof.)
- 1.11. *Building setback line* is the line within a lot defining the minimum required distance between the principal building and any adjacent street or lot line.
- 1.12. *Cafe* is a grill not necessarily serving food.
- 1.13. *Cellar* is the portion of a building other than a basement that is located below ground level.
- 1.13.1. *Certification* is a signed approval by the commission on the city plan that a soil and erosion control plan complies with the applicable requirements of these regulations.
- 1.13.2. *Certificate of zoning compliance (CZC)* is approval issued by the zoning enforcement officer prior to the building inspector's issuance of a certificate of occupancy. The CZC is issued to ensure compliance with a site plan approved by the commission on the city plan or to ensure compliance with a zoning permit issued by the zoning enforcement officer.
- 1.14. *Club* is an association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose whose activities are confined to the members and guests, are not extended to the general public, and include the establishment so operated, but does not include such club the chief activities of which is a service customarily carried on primarily for business or gain.
- 1.14.1. *Co-location* is the locating of wireless communication facilities of more than one provider on a single site.
- 1.15. *Commission* is the commission on the city plan of the City of Norwich.
- 1.16. *Community house* is a building designed or intended to be used for essential community services that are not conducted for profit.
- 1.16.1. *County soil and water conservation district* is the New London County Soil and Water Conservation District established under G.S. § 22a-315(a).
- 1.17. *Customer service establishment* is an establishment which sells services in small quantities directly to the general public.
- 1.17.01. *Designated agent* is an official of the planning and neighborhood services department or the engineering department, and has the authority to review soil erosion and sediment control plans.
- 1.17.1. *Development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- 1.17.2. *Disturbed area* is an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- 1.18. *Dwelling* is a building designed or used as the living quarters for one or more families.
- 1.19. *Dwelling unit* is one or more rooms providing complete living, sleeping, and eating facilities for one family, including bathroom and kitchen facilities.
- 1.19.1. *Erosion* is the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- 1.20. *Family* is any number of persons related by blood or marriage living in the same dwelling, or not more than five persons unrelated by blood or marriage living together as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, rooming house, tourist home, club, fraternity, hotel or motel.
- 1.20.1. *Family day care home* means a facility which provides family day care services and

which consists of a private family home caring for not more than six children, including the providers' own children not in school full-time, where the children are cared for not less than three hours nor more than 12 hours during a 24-hour period and where care is given on a regularly recurring basis.

1.21. *Farm* is a tract of land containing five acres or more, used in whole or in part for commercial agricultural purposes, which may include the raising and keeping of domestic and other animals.

1.21.1. *Flood*.

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (3) Mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual or unforeseeable event which results in flooding as defined in (a)(1) of this section.

1.21.2. *Flood insurance rate map (FIRM)* means an official map of a community, on which are delineated both the special hazard areas and the risk premium zones applicable to the community.

1.21.3. *Furniture store* is a building containing a minimum of 20,000 square feet of which 90 percent of the floor space is primarily designated and used for the display and sale of major household and occasional furnishings directly to ultimate consumers.

1.21.4. *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 surface elevation more than one foot.

1.21.5. *Hazardous materials, substances, and waste* means any material, substance or waste that is toxic, reactive, corrosive or ignitable, and may be determined to pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, including hazardous substances, materials and wastes as defined in the Code of Federal Regulations, title 40 CFR, parts 261, 302.4 and 300.6, as amended, and title 49 CFR, subchapter C, part 171, as amended.

1.22. *Garage, private* is a building or part thereof accessory to a principal building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.

1.23. *Garage, public or storage* is a building or part thereof other than a private garage for the storage of motor vehicles and in which repairs or service station activities are or may be carried on.

1.23.1. *Grading* is the excavating, grubbing, filling (including hydraulic filling) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

1.24. *Grill* is a place where alcoholic liquor is sold under a restaurant permit issued by the state liquor control commission, and where music, dancing or performance for the entertainment

of customers may be allowed.

1.25. *Home occupation* is any occupation which is customarily or properly conducted for compensation entirely within a dwelling by the occupant thereof, subject to the provisions of section 3.14 hereof.

1.25.1. *Hospital* means any facility licensed by the State of Connecticut engaged primarily in providing services for the prevention, diagnosis and treatment of human health conditions including but not limited to in- and out-patient treatment, clinical and diagnostic facilities.

1.26. *Hotel, motel or inn* is a building designed and used primarily for temporary occupancy by transients, which provides or offers accommodations for a consideration for six or more persons exclusive of employees living on the lot, and which may provide rooms for public assembly and may include the serving of food.

1.27. *Junk* is any worked out, cast-off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further recondition can be used for its original purpose as readily as when new shall not be considered junk.

1.28. *Junkyard* is the use of any lot or portion thereof, whether inside or outside a building, for the storage, keeping or abandonment of junk.

1.29. *Kennel* is any lot on which four or more dogs or cats, six months old or older, are kept.

1.30. *Lot* is a plot or parcel of land occupied or capable of being occupied by a principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this ordinance.

1.31. *Lot area* is the gross horizontal area contained within the property lines of a lot.

1.32. *Lot area required* is the product of multiplying the average width of a lot by a lot depth not greater than three times such width, regardless of the depth of the lot.

1.33. *Lot, corner* is a lot having two adjacent sides facing a street or streets so that the interior angle of the intersection is not more than 120 degrees.

1.34. *Lot coverage* is the percentage of the lot area that is covered by the building area.

1.35. *Lot, interior* is a lot other than a corner or through lot.

1.36. *Lot, through* is a lot extending between and fronting on two generally parallel and opposite streets.

1.37. *Lot depth* is the average horizontal distance measured between the front and rear lot lines.

1.38. *Lot width* is the horizontal distance between side lot lines measured parallel to the front lot line and along the building setback line.

1.39. *Lot line* is any boundary of a lot.

1.40. *Lot lines, front* are all the boundary lines dividing the lot from the street or streets.

1.41. *Lot lines, side* are all the boundary lines extending from the street which divide separate lots abutting the street.

1.42. *Lot lines, rear* are all the boundary lines between the side lot lines and generally opposite to the front lot line.

1.42.1. *Lowest floor* means the lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, an area other than basement area is not considered a building's lowest floor area.

1.42.2. *Manufactured or mobile 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 trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

1.42.3. *Mean sea level* means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, to which base flood elevations shown on a community's flood insurance rate map are referenced.

1.43. *Nonconforming use* is a use of land or building which is not a use permitted by the provisions of this ordinance for the district in which such land or building is situated and which is legally in existence at the time of passage of this ordinance or is legally established through the granting of a variance by the zoning board of appeals.

1.44. *Nonconforming building* is a building which does not conform to all the applicable provisions of this ordinance and which is legally in existence at the time of passage of this ordinance or is legally established through the granting of a variance by the zoning board of appeals.

1.44.1. *Off-track branch offices and teletracks* are facilities operated by the state commission on special revenues pursuant to G.S. ch. 226.

1.45. *Open space* is unoccupied space open to the sky on the same lot as the principal building.

1.46. *Parking area* is an open space used for parking motor vehicles exclusively and in which no gasoline or motor vehicle accessories are sold or no other business is conducted.

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

1.47.01. *Rear lot* shall be a building lot that meets the criteria of section 3.23 of these regulations and does not meet the minimum lot width adjacent to a street.

1.47.1. *Regulatory 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 a designated height.

1.48. *Retail store* is a store selling goods in small quantities directly to ultimate consumers, excluding furniture stores containing a minimum of 20,000 square feet.

1.48.01. *Ridge line* is the visual line established at the top of a surficial land mass with minimum 50 percent slopes, maintained at a distance of 100 horizontal feet perpendicular to the subject slope.

1.48.1. *Riverine* means relating to, formed by or resembling a river (including tributaries), stream, brook, etc.

1.49. *Rooming or lodging house* is an owner or non-owner occupied dwelling in which the owner, leasee or tenant rents rooms and or dwelling units to any number of transient persons and may or may not furnish meals. Three-quarter and off-campus housing facilities are included in this definition.

1.49.01. *Sediment* is solid material, either mineral or organic material, that is in suspension, is transported, or has been moved from its site of origin by erosion.

1.49.1. *Sign, business* is a sign which directs attention to a business, product, activity or

service conducted, sold or offered upon the premises where such sign is located.

1.49.2. *Sign, animated* is a sign which rotates, moves or in any way simulates motion, except that would not include clocks.

1.49.3. *Sign, flashing* is an illuminated sign on which the artificial light is not kept stationary or constant in intensity at all times when in use. Illuminated signs which indicate the time, temperature, date or similar public service information shall not be considered "flashing signs."

1.49.4. *Sign, outdoor, advertising* is a sign which directs attention to a business, product, activity or service which is generally conducted, sold or offered elsewhere than upon the premises where such sign is located.

1.49.5. *Sign, outdoor advertising structure* is a structure that shall not contain more than two signs per facing nor more than four signs in total.

1.50. *Sign* is any material, structure, device or part thereof for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public. Furthermore, the word "sign" shall include any billboard, model, banner, lettering, insignia, or representation used as, or which is in the nature of, an announcement, declaration, display, illustration, advertisement or attraction.

1.50.1. *Soil* is any unconsolidated material or organic material of any origin.

1.50.2. *Soil erosion and sediment control plan* is a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

1.50.3. *Start of construction* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. This definition shall apply only to Chapter 14 of these regulations.

1.51. *Story* is that part of a building other than a cellar located between any floor and the ceiling or roof above it.

1.52. *Street* is any public or private thoroughfare which affords the principal means of access to abutting property or a proposed public thoroughfare shown upon a subdivision plan duly approved by the commission on the city plan of the City of Norwich.

1.53. *Street line* is the line separating the street right-of-way from adjoining property.

1.54. *Structure* (see *Building*).

1.54.1. *Substantial improvement* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. 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 comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

1.55. *Swimming pool* is a solid framed structure with a surface area of 150 square feet or more or a depth in excess of two feet that is designed or intended to hold water for swimming purposes.

1.56. *Tower* is a structure intended to support equipment used to receive or transmit electromagnetic waves. Examples of towers include self-supporting lattice, guyed and monopole.

1.56.1. *Transient person* is any individual who resides in any dwelling, dwelling unit, bed and breakfast inn, boarding, rooming or lodging house, hotel, motel, or inn for a period of less than six months within any 12-month period.

1.57. *Use* is the purpose for which land or a building is arranged, or intended, or for which either land or a building is or may be occupied or maintained.

1.57.01. *Water-dependent uses* are 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 building facilities, water-based recreational uses, navigation aids, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water and which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters. (Connecticut General Statutes Sec. 22a-93-16)

1.57.1. *Wireless telecommunication facility* is the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

1.57.2. *Wireless telecommunication services* are services associated with the transmission and/or reception of wireless telecommunications. These services may include, but are not limited to, cellular, personal communication services, specialized mobilized radio and paging.

1.58. *Yard, front* is the required unoccupied space between the building line and the street line extending the full width of the lot.

1.59. *Yard, rear* is the required unoccupied space between the rear building line and the rear line of the lot and extending the full width of the lot.

1.60. *Yard, side* is the required unoccupied space situated between the side building line and the side line of the lot and extending from the front yard to the rear yard or to a side yard.

(Ord. No. 756, § 1, 4-7-75; Ord. No. 802, § 1, 5-1-78; Ord. No. 892, § 1, 5-1-78; Ord. No. 1058, § A, 5-13-85; Ord. No. 1110, 3-2-87; Ord. No. 1142, 6-6-88; Ord. No. 1164, 1-9-89; Ord. No. 1166, 3-6-89; Ord. No. 1215, 1-7-91; Ord. No. 1222, 4-15-91; Ord. No. 1239, 3-2-92; Ord. No. 1249, 6-1-92; Ord. No. 1284, 8-1-94; Ord. No. 1394, 9-21-98; Ord. No. 1411, 8-2-99; Ord. No. 1420, 1-3-00; Ord. No. 1421, 1-3-00; Ord. No. 1496, 9-29-03)

CHAPTER 2. ZONING DISTRICTS AND MAPS**Sec. 2.1. Purpose.**

For the purpose of promoting the health, safety, morals and general welfare of the community; for the purpose of lessening congestion in the streets; for the purpose of securing safety from fire, panic and other dangers; for the purpose of providing adequate light and air; for the purpose of preventing the overcrowding of land and avoiding undue concentration of population; for the purpose of facilitating adequate provision for transportation, water, sewerage, schools, parks and other public requirements; for the purpose of conserving the value of buildings and encouraging the most appropriate use of land throughout the city; for the purpose of providing for the public health, comfort and general welfare in living and working conditions, and for the purpose of regulating and restricting the location of trades and industries and the location of buildings designed for specific uses; for the purpose of regulating and limiting the height and bulk of buildings hereafter erected and for the purpose of regulating and determining the area of yards and other open spaces for buildings hereafter erected the City of Norwich is hereby divided into the following zoning districts:

1. R-80, Residence District.
2. R-40, Residence District.
3. R-20, Residence District.
4. MF, Multifamily Residence District.
5. ROS, Recreation Open Space District.
6. NC, Neighborhood Commercial District.
7. GC, General Commercial District.
8. PC, Planned Commercial District.
9. CC, Chelsea Central District.
10. WD, Waterfront Development District.
11. ID, Industrial District.
12. BP, Business Park District.
13. PDD, Planned Development Design District.

(Ord. No. 1496, 9-29-03)

Sec. 2.2. Maps of districts.

The boundaries of such districts shall be shown on the map entitled "Zoning Map of the City of Norwich " which is filed in the office of the city clerk. Such map, with all explanatory matter thereon, is hereby declared to be a part of this ordinance as fully as if set out herein.

(Ord. No. 1496, 9-29-03)

Sec. 2.3. Boundaries of districts.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown

on the zoning maps, the following rules shall apply.

2.3.1. Where district boundaries are indicated as approximately following the center line of a street, highway, railroad, brook, stream, right-of-way or easement, such lines shall be construed so to be such district boundaries.

2.3.2. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning maps.

2.3.3. Where district boundaries are indicated as approximately following lot lines of record at the time of adoption of this ordinance, such lot lines shall be construed to be such boundaries.

2.3.4. Where a question arises and no dimensions or official lot lines of record are shown, then the district boundaries shall be determined by the scaled dimension taken from the official zoning map.

2.3.5. Where a dispute arises, and cannot be settled by the application of the rules given above, the commission on the city plan shall determine the location of the disputed boundary or boundaries using the best information available.

(Ord. No. 1496, 9-29-03)

CHAPTER 3. GENERAL REQUIREMENTS**Sec. 3.1. General.**

Except as otherwise specifically provided in this ordinance:

3.1.1. *Conformity of buildings and land (use, location and occupancy).* No building or lot shall be used or occupied, and no building or part thereof shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the district in which it is located. No building shall be occupied by more dwelling units or persons than prescribed for such building or lot for the district in which it is located.

3.1.2. *Conformity of open spaces.* No yard, or open space, or part thereof, shall be included as a part of the yard or open space similarly required for any other building or dwelling under the provisions of this ordinance.

3.1.3. *Reduction of dimension of lot areas.* No lot shall be diminished in area nor shall any yard or open space be reduced except in conformity with the provisions of this ordinance.

3.1.4. *Principal building.* No lot shall be occupied by more than one permitted principal building except in accordance with the following:

- (a) The permitted principal buildings must be under the same ownership, or
- (b) The lot and buildings constitute common interest ownership property.

In all cases, the bulk requirements of chapter 12 of this ordinance shall be applicable. (Ord. No. 1038, 7-2-84)

Sec. 3.2. Building on existing lots.

Nothing in this ordinance shall prevent the construction of a permitted building or establishment of a permitted use on a lot which at the time of the adoption of this ordinance was owned separately from an adjoining lot, as evidenced by a deed recorded in the land records of the City of Norwich (provided that such building or use shall comply with all applicable yard, health, and sanitation requirements), except that adjoining lots shall merge if:

- (a) They were owned by the same person at the time of adoption of this ordinance;
- (b) And one or more of the lots is undeveloped;
- (c) And one or more of the lots does not conform to the dimensional and/or area requirements as noted in section 12.1 of the zoning regulations;
- (d) And if taken together, the resulting combined lot would meet or more nearly meet the requirements of the zoning regulations. If, at the time of the enactment of this ordinance, an existing lot has been described by the tax assessor as a separate parcel of land as evidenced by an individual street card for the parcel, then the lot shall not be merged with contiguous lots unless a new deed is recorded in the land records of the City of Norwich.

(Ord. No. 1334, 6-3-96)

Sec. 3.3. Existing front yard setback.

When the lots adjoining on each side of a proposed site for a building are developed, the minimum front yard setback on the proposed site may be equal to the average setback of the adjoining lots only if more than 50 percent of the buildings located within 500 feet on each side of the proposed site, on the same side of the street, do not observe the minimum applicable front yard setback.

Sec. 3.4. Lots in more than one district.

Where a lot lies in more than one district, the provisions of the less restrictive district may be applied for a distance of not over 25 feet into the more restrictive district provided that such lot has frontage on a street in the less restrictive district and access solely there from.

Sec. 3.5. Lots on narrow streets.

Where lots front on a street right-of-way less than 50 feet in width, the front yard setback required by the provisions of this ordinance shall be increased by one half the difference between 50 feet and the actual right-of-way width of the street.

Sec. 3.6. New street lines.

Where a new street line has been established, the commission may require an additional front yard setback not to exceed a total of 65 feet where the commission finds that future traffic conditions may require street widening.

Sec. 3.7. Through lots.

On any through lot there shall be, on all streets, a building setback equal in depth to the applicable front yard requirements and all other yards shall be deemed to be side yards.

Sec. 3.8. Corner lots.

On any corner lot there shall be, on all streets, a building setback line equal in depth to the applicable front yard requirements. The yard opposite the smaller front yard shall be deemed to be a rear yard and the other, or others, side yards.

TYPICAL ACCESSORY USE LOCATIONS

GRAPHIC LINK: [Typical Accessory Use Locations](#)

Sec. 3.9. Corner visibility.

On a corner lot in any street no fence, wall, hedge or other structure or planting more than three feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line adjoining said street lines at points which are 50 feet distant from the point of intersection, measured along said street lines.

Sec. 3.10. Projections into yards.

Nothing in this ordinance shall prohibit the projection of not more than one foot into any required yard or open space of pilasters, belt courses, sills, cornices or similar architectural features.

Sec. 3.11. Height limitations.

Spires, cupolas, towers, chimneys, flagpoles, penthouses, ventilators, tanks and similar features occupying in the aggregate not more than ten percent of the building area, and not used for human occupancy, may be erected to a reasonable and necessary height.

Sec. 3.12. Reserved.

Editor's note: Ord. No. 1496, adopted Sept. 29, 2003, repealed former section 3.12 in its entirety which pertained to conversion of existing buildings and derived from Ord. No. 1292, adopted Aug. 1, 1994.

Sec. 3.13. Conversion of existing uses.

Any conversion from an existing use to another permitted use shall be subject to a conversion permit from the zoning enforcement officer, who shall verify that all applicable provisions of this ordinance have been met.

Sec. 3.14. Home occupations and professional offices.

Professional offices may include the office of a physician, surgeon and dentist, provided no patient is hospitalized or housed overnight; or the office of any recognized professional person residing on the premises. The conducting of a clinic, hospital, kennel, antique shop, barber shop, beauty parlor, tea room or similar use shall not be deemed to be a home occupation. Home occupations, including professional offices, may be permitted in a conforming dwelling subject to the provisions of section 3.13 hereof; and further provided that:

3.14.1. The use is clearly incidental and subordinate to the use of the dwelling for residence purposes;

3.14.2. The use does not occupy more than 20 percent of the gross floor area of the dwelling nor change the residential character of the dwelling in any visible manner;

3.14.3. The use does not create objectionable noise, odor, vibrations or unsightly conditions noticeable off the lot;

3.14.4. The use does not create interference with the radio and television reception in the vicinity;

3.14.5. The use does not create any health or safety hazard;

3.14.6. The use or occupation does not engage or employ more than two persons not residing in the dwelling.

Sec. 3.15. Buffer screening of commercial and industrial districts.

Where any lot or part thereof in a commercial or industrial district adjoins or fronts on a street

opposite a residential district, a landscaped buffer strip 50 feet wide shall extend the length of such district boundaries and/or street frontage of which 12 feet in width shall be planted to evergreen shrubs and trees at least six feet high, of a density sufficient to obscure lights and other visually objectionable items, satisfactory to the commission as will safeguard the residential character of the adjoining properties. Said commission may reduce the requirements for part of such landscaped buffer strip, where topography, permanent natural features, public lands or building design accomplish the purpose of separation and screening of commercial and industrial districts from residential districts. In no case shall the landscaped buffer strip be reduced to less than 20 feet. Where a building exceeds 25 feet in height, an additional one foot of landscaped buffer strip shall be required for each additional foot of building height in excess of 25 feet. Where any lot or part thereof abuts on a major water course, the landscaped buffer strip 50 feet wide, as described above, shall be provided adjacent to such major water course in addition to any required side or rear yards. Said 50-foot buffer may be reduced in the waterfront development (WD) district if permanent public access to and along a waterfront is provided in the form of an easement at least ten feet wide.

(Ord. No. 1024, § 1, 9-6-83; Ord. No. 1496, 9-29-03)

Sec. 3.16. Minimum lot areas required where public or state-approved water and sewerage systems not available.

Notwithstanding the minimum lot areas specified for each zoning district in section 12.1, the following minimum lot areas shall be required, as recommended by the state department of health:

- (a) Where no public or state-approved sewerage and water systems are available, a residential lot shall have a minimum lot area of 40,000 square feet, and
- (b) Where a public or state-approved water system is available, but a public or state-approved sewerage system is not, a residential lot shall have a minimum lot area of 20,000 square feet.

Sec. 3.17. Performance standards.

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

3.17.1. *Dust, dirt, fly ash and smoke.* No dust, dirt, fly ash or smoke shall be emitted into the air so as to endanger the public health, safety or general welfare, or to decrease the value or enjoyment of other property or to constitute an objectionable source of air pollution.

3.17.2. *Odors, gases and fumes.* No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air.

3.17.3. *Noise.* With the exception of time signals and emergency signals and noise necessarily involved in the construction or demolition of buildings or other structures, no noise which is unreasonable in volume, intermittence, frequency or shrillness shall be transmitted beyond the boundaries of the lot on which it originates.

3.17.4. *Vibration.* With the exception of vibration necessarily involved in the construction or demolition of buildings or other structures, no vibration shall be transmitted beyond the boundaries of the lot on which it originates.

3.17.5. *Glare and heat.* Any glare or radiant heat produced shall be shielded so as not to be perceptible at or beyond the boundaries of the lot on which it originates.

3.17.6. *Fire and explosion hazards.* Uses shall conform to the fire safety code of the State of Connecticut, the regulations of the City of Norwich, and any other applicable regulation.

3.17.7. *Ionizing radiation and radioactive materials.* Uses shall conform to the regulations of the sanitary code of the State of Connecticut with regard to sources of ionizing radiation and radioactive materials, and to any other applicable regulation.

3.17.8. *Electromagnetic interference.* Uses shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference, and to any other applicable regulation.

3.17.9. *Wastes.* No offensive or injurious wastes such as discarded building materials, concrete truck washout, chemicals, litter, sanitary waste, or other waste shall be discharged or emitted into any river, stream, storm drain, lake or pond, or other body of water, or onto the surface of any land so as to endanger the public health, safety or general welfare, or to decrease the value or enjoyment of other property or to constitute an objectionable source of pollution.

(Ord. No. 1496, 9-29-03)

Sec. 3.18. Maintenance of buffer strips and recreation areas.

Failure to maintain any required landscaped buffer strip or usable recreation area, or improvements thereon, shall constitute a violation of the provisions of this ordinance.

Sec. 3.19. Access to commercial and industrial districts through residential districts.

No vehicular access to a commercial or industrial district shall be permitted through a residential district except by means of a public street.

Sec. 3.20. Reserved.

Editor's note: Ord. No. 1496, adopted Sept. 29, 2003, repealed former section 3.20 in its entirety which pertained to notification of adjacent property owners when reduction in width of required buffer strips is proposed. Former section 3.20 derived from Ord. No. 838, adopted Jan. 4, 1977.

Sec. 3.21. Depiction of coastal boundary; exemptions from coastal management act.

The Norwich coastal boundary as defined in G.S. § 22a-94 and depicted on the official Norwich coastal boundary map is reproduced for informational purposes on the Norwich zoning map.

(a) All buildings, uses, and structures fully or partially within the coastal boundary as defined by G.S. § 22a-94 entitled "An Act Concerning Coastal Management" shall be subject to the coastal site plan review requirements and procedures in G.S. §§ 22a-105--22a-109 with the exception of the following activities which are hereby exempted from coastal site plan review requirements under the authority of G.S. § 22a-109(b):

- (1) Gardening, grazing and the harvesting of crops;
- (2) Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds;
- (3) 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;

(4) Construction of new or modification of existing on-premise fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources as defined by G.S. § 22a-93(7) or restrict access along the public beach;

(5) Construction of an individual conforming single-family residential structure except in or within 100 feet of the following coastal resource areas as defined by G.S. § 22a-93(7): tidal wetlands, coastal bluffs and escarpments, beaches and dunes;

(6) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources;

(7) Interior modifications to building;

(8) Minor changes in use of building, structure or property except those changes occurring on property adjacent to or abutting coastal waters.

(b) The foregoing exemptions from coastal site plan review requirements shall apply to the following site plans, plans and applications:

(1) Site plans submitted to the planning commission in accordance with G.S. § 22a-109;

(2) Applications for special permit submitted to the commission on the city plan in accordance with G.S. § 8-2 and section 17.2 of these regulations;

(3) Applications for a variance submitted to the zoning board of appeals in accordance with G.S. § 8-6(3) and section 19.1.3 of these regulations;

(4) A referral of a proposed municipal project to the planning commission in accordance with G.S. § 8-24.

(c) In the cases where approval by any department of the state or city is required, said approval must be acquired prior to submission of the coastal site plan.

(Ord. No. 945, 2-4-80; Ord. No. 1001, 8-2-82; Ord. No. 1024, § 2, 9-6-83; Ord. No. 1282, 8-1-94)

Sec. 3.22. Erosion, sediment, and stormwater runoff control plan.

3.22.1. When submission of plan required. A soil erosion, sediment, and stormwater runoff control plan shall be submitted for any development or redevelopment when the disturbed area of such development is cumulatively more than one-half acre. The purpose of this plan is to prevent or minimize water quality impacts during construction and to provide for the operation and maintenance of post-construction facilities.

3.22.2. Exemptions. A lot proposed to be developed for a single-family dwelling that is not part of a subdivision. This exemption is applicable to land disturbed solely for the development of the single-family dwelling and the necessary amenities such as septic systems at sites where the proposed land disturbance is less than one acre.

3.22.3. To whom submitted. If more than 500 cubic yards of material is to be disturbed, the soil erosion, sediment, and stormwater runoff control plan shall be certified by a professional engineer licensed in the State of Connecticut. The applicant may request a waiver for certification by a professional engineer. The commission shall determine if a waiver is acceptable based on the size and scope of the proposed development. Said plan shall then be submitted to and certified by the commission on the city plan. Where a site plan is not required and more than one-half acre of land will

be disturbed, a soil erosion, sediment, and stormwater runoff control plan must be submitted to the commission for certification. This includes all municipal projects that disturb over one-half acre of property.

3.22.4. Principles, methods and practices for certification. To be eligible for certification, a soil erosion, sediment, and stormwater runoff control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation, prevent downstream flooding or sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the "Connecticut Guidelines for Soil Erosion and Sediment Control," as amended. Alternative principles, methods and practices may be used with approval of the commission. Both structural and non-structural post-construction facilities are acceptable, provided the facility serves the necessary purpose. In the event that structural stormwater management facilities are called for, the applicant will coordinate with the public works director to determine which facilities best serve the proposed development.

3.22.5. Plan requirements. Said soil erosion, sediment, and stormwater runoff control plan shall include, but not be limited to, the following:

(a) A narrative describing:

(1) The development;

(2) The schedule for grading and construction activities including:

a. Start and completion dates;

b. Sequence of grading and construction activities;

c. Sequence for installation and/or application of soil erosion and sediment control measures;

d. Sequence for final stabilization of the project site;

(3) The design criteria for proposed erosion and sediment control measures and post-construction stormwater management facilities. All structural stormwater management facilities, except for those facilities regulated by the Connecticut Department of Environmental Protection, shall be designed for the twenty-five-year storm and shall be designed to ensure non-erosive velocities of stormwater runoff. Any detention facility whose failure could cause significant damage or loss of life shall be regulated as a dam pursuant to Section 22a-401 through 22a-409 of the Connecticut General Statutes. Copies of all stormwater runoff calculations shall be submitted with the plan.

(4) The construction details for the proposed soil erosion and sediment control measures (and post-construction stormwater management facilities);

(5) The operations and maintenance program for proposed soil erosion and sediment control measures (and post-construction stormwater management facilities) shall provide for the periodic inspection no less than two times per year, removal of foreign materials from the system, silt removal (when needed to ensure that neither the storage volume nor the outlet capacity is reduced by more than twenty-five percent), and the general repairs to the facility. In addition, the submitted plan shall include:

a. The proposed operating plan for the stormwater management facilities;

b. The proposed schedule of maintenance for the stormwater management facilities;

c. The person or organization responsible for said operation and maintenance.

- (b) A site plan map at a sufficient scale (1:40) to show:
- (1) Location of the proposed development and adjacent properties;
 - (2) The existing and proposed topographic conditions including soil types, wetlands, watercourses and water bodies;
 - (3) The existing structures on the project site, if any;
 - (4) The proposed area of alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
 - (5) Location of and design details for all proposed soil erosion and sediment control measures (and post-construction stormwater management facilities);
 - (6) The sequence of grading and construction activities;
 - (7) The sequence of installation and/or application and maintenance of soil erosion control measures;
 - (8) The sequence for final stabilization of the development site.
- (c) Any other information deemed necessary and appropriate by the commission.

3.22.6. *Minimum acceptable standards.*

- (a) Plans for soil erosion, sediment, and stormwater runoff control shall be developed in accordance with these regulations using the principles as outlined in the current "Connecticut Guidelines for Soil Erosion and Sediment Control," as amended. Soil erosion, sediment, and stormwater runoff control plans shall result in a development that: minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation.
- (b) The minimum standards for individual measures are those in the "Connecticut Guidelines for Soil Erosion and Sediment Control," as amended. The commission on the city plan may grant exceptions when requested by the applicant if technically sound reasons are presented.
- (c) The appropriate methods from the "Connecticut Guidelines for Soil Erosion and Sediment Control," as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the commission on the city plan.

3.22.7. *Issuance or denial of certification.*

- (a) The commission on the city plan shall either certify that the soil erosion, sediment, and stormwater runoff control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- (b) Nothing in these regulations shall be construed as extending the time limits for the approval of any application under G.S. ch. 124, 124A or 126.
- (c) Prior to certification, any plan submitted to the municipality may be reviewed by the county soil and water conservation district which may make recommendations concerning such plan, provided such review shall be completed within 30 days of the receipt of such plan.
- (d) The commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comment.

3.22.8. *Conditions relating to soil erosion and sediment control.*

- (a) The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the commission.
- (b) Site development shall not begin unless the soil erosion, sediment, and stormwater runoff control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- (c) Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- (d) All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

3.22.9. *Inspection.* Inspections shall be made by the commission or its designated agent(s) during and after development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. If private land must be entered to inspect facilities, the designated agent, after showing proper credentials, shall not be refused access. The commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained in accordance with the certified plan.

- (a) If during construction, said measures are found to be ineffective, the commission or its designated agent shall notify the applicant in writing. All earth moving related work on site shall cease until a revised plan has been submitted and approved by the commission or its designated agent.
- (b) If said measures and facilities are found to not be in compliance with the certified plan, the plan shall become invalid.
 - (1) If construction has not yet been completed, all earth moving related work on site shall cease until the site is in compliance with the plan and any damage resulting from non-compliance has been repaired. If necessary, the commission or its designated agent may issue a stop-work order until the site is in compliance with the plan.
 - (2) If the construction has been completed, the responsible party shall be served a notice of violation and will be given ten days to return the site to plan compliance. If, after 20 days, the responsible party has not returned the site to plan compliance, the city, or its designated agent, may perform the necessary corrective action and bill the responsible party for all associated costs.
 - (3) If emergency action is required due to an imminent and substantial danger to public health, safety, welfare or natural resources, the city, or its designated agent, may perform any and all necessary work to bring the site into plan compliance. The responsible party will be billed for all costs associated with the emergency action.

(Ord. No. 1058, § B, 5-13-85; Ord. No. 1496, 9-29-03)

Sec. 3.23. Rear lots.

A rear lot is permitted in a R-20, R-40 or R-80 district, provided the following items are complied with:

3.23.1. The lot must be a minimum of twice the lot size that is required in the district in the zone in which it is located, excluding the driveway area. The lot area shall be calculated at the point that the

lot meets the lot width requirement.

3.23.2. The lot is accessible from an approved city street over a private driveway.

3.23.3. Other dimensional requirements within the district are to be complied with.

3.23.4. Minimum frontage on a street and width of drive for a rear lot shall be 25 feet, and in the event a drive serving a rear lot is excessive in length, the commission on the city plan or the zoning enforcement officer may require additional width for passing purposes or other safety purposes.

3.23.5. The front yard setback line shall meet minimum requirements of the specific district and run parallel to the road line.

3.23.6. No private drive serving a rear lot shall be closer than 300 feet to another private driveway serving a rear lot on the same side of the street. Construction of driveways shall comply with section 3.24 of these regulations.

(Ord. No. 1240, 3-2-92; Ord. No. 1496, 9-29-03)

Sec. 3.24. Driveways.

3.24.1. Shared driveways shall not be permitted for any residential use unless such shared driveway existed prior to the adoption of these regulations. The commission on the city plan may permit shared driveways for commercial and industrial uses.

3.24.2. No driveway shall exceed eight percent grade unless paved with bituminous concrete or any alternate acceptable to the director of public works.

3.24.3. Permit for driveway shall be obtained from the director of public works.

(Ord. No. 1238, 3-2-92; Ord. No. 1496, 9-29-03)

CHAPTER 4. NONCONFORMING BUILDINGS AND USES

Sec. 4.1. Nonconforming buildings and uses.

Any nonconforming use of a building or lot lawfully existing at the effective date of this ordinance or of any amendments thereto may be continued and any building so existing which was designed, arranged, intended for or devoted to a nonconforming use may be reconstructed and structurally altered, and the nonconforming uses therein changed subject to the following regulations:

4.1.1. *Strengthening and restoration.* Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

4.1.2. *Extension.* A nonconforming use may be extended to another part of a building designed for such use but not at the expense of a conforming use.

4.1.3. *Change to conforming use.* No building devoted to a nonconforming use shall be enlarged or extended unless the use therein is changed to a conforming use.

4.1.4. *Alterations.* Structural alterations which do not materially alter the characteristics or exterior appearance of any nonconforming building may be permitted, provided the total costs of such alterations do not exceed 50 percent of the assessed valuation of such building at the time it becomes nonconforming, unless the use thereof is changed to a conforming use.

4.1.5. *Reconstruction.* When a building in which there is a nonconforming use is damaged by fire, collapse, explosion, act of God or act of the public enemy, it may be reconstructed, repaired or rebuilt only to its previous floor area and cubical content provided such rebuilding is commenced within one year of such damage and the nonconforming use continued. Any such reconstruction, if located within the floodplain, shall be subject to the provisions of chapter 14 of these regulations.

(Ord. No. 1232, 11-4-91)

Sec. 4.2. Construction approved prior to ordinance.

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been issued, provided the entire building shall be completed according to such plans as filed within two years from the date of the adoption of this ordinance, except as otherwise provided by the General Statutes of Connecticut.

Sec. 4.3. Changes.

No nonconforming use may be changed except to a conforming use, or with the approval of the zoning board of appeals, to another nonconforming use of a less objectionable character. No nonconforming use shall, if once changed to a conforming use, be changed back again into a nonconforming use.

(Ord. No. 1496, 9-29-03)

Sec. 4.4. Building expansion.

No building which does not conform to the requirements of these regulations regarding building

height limit, area and width of lot, percentage of lot coverage and required yards shall be enlarged unless such enlarged portion conforms to the regulations applying to the applicable district.

Sec. 4.5. Abandonment.

No non-conforming use which has been abandoned shall be thereafter resumed. Where a non-conforming use is changed to another use or the intent of the property owner to cease to maintain the non-conforming use is demonstrated, the said non-conforming use shall be deemed abandoned.

(Ord. No. 1496, 9-29-03)

Sec. 4.6. Unlawful use not authorized.

Nothing in this ordinance shall be construed as authorization for or approval of the continuance of the use of a building or lot in violation of the zoning ordinance in effect at that time.

Sec. 4.7. Certificate of occupancy.

No non-conforming use of land or buildings, the use of or area or construction of which has been changed, extended, enlarged or altered after the adoption of this ordinance, shall be occupied or used in whole or in part until a certificate of occupancy shall have been issued showing compliance with the provisions of this ordinance.

Sec. 4.8. District changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

CHAPTER 5. ACCESSORY BUILDINGS**Sec. 5.1. Accessory buildings.**

Except as hereinafter specifically provided for, buildings accessory to a permitted farm or agricultural use and detached accessory buildings not used for human habitation shall be located not nearer than ten feet to any lot line when located in the rear yard, and shall otherwise observe all front and side yard requirements.

(Ord. No. 1496, 9-29-03)

Sec. 5.2. Accessory building on through lots.

No accessory buildings shall be located in any required yard.

Sec. 5.3. Time of erecting accessory building.

No accessory building shall be erected prior to the erection of the principal building on the lot except that this provision shall not prohibit the completion and occupancy of an accessory building before the completion of the principal building then under construction on the same lot.

Sec. 5.4. When accessory building part of principal building.

A building attached to a principal building by a roofed structure at least three feet wide shall be considered as an integral part of the principal building.

Sec. 5.5. Fences.

The yard requirements of this ordinance shall not be deemed to prohibit any wall or fence provided that no wall or fence shall exceed six feet in height above the finished grade for any required yard nor be located nearer than six inches to any lot line, subject to the limitation of section 3.9 hereof.

Sec. 5.6. Swimming pools.

Swimming pools may be installed in any district as an accessory use. When such use is accessory to a dwelling, it shall be installed in the rear or side yard of the lot, if located outside the dwelling.

CHAPTER 6. LIQUOR, GARAGES AND FILLING STATIONS**Sec. 6.1. Sale of alcoholic beverages.**

No use involving the sale and/or dispensing of alcoholic beverages, for on- or off-premises consumption, pursuant to a permanent permit issued by the department of liquor control, shall be permitted in any zone district, except in accordance with this chapter.

6.1.1. A package store selling beer and/or liquor, a drugstore selling beer and/or liquor or a grocery store selling beer shall not be permitted, if any part of said building or premises is situated on any part of a lot within a 1,500-foot radius in any direction of any lot upon which is located a building or premises used for the purposes of a package store selling beer and/or liquor, a drugstore selling beer and/or liquor, or a grocery store selling beer.

6.1.2--6.1.4. *Reserved.*

6.1.5. The sale and/or dispensing of alcoholic beverages shall not be permitted except in restaurants if any part of such building or premises is situated on any part of a lot within a 200-foot radius in any direction of any lot used or reserved to be used for the purpose of a public school, a church or other building used as a place of worship, or a hospital, whether supported by public or private funds.

6.1.6. The foregoing provisions shall not be deemed retroactive, except if an alcoholic beverage use is discontinued and/or the permit surrendered for a period of 60 days, such use shall not be resumed except in conformity with this chapter.

(Ord. No. 1019, 6-6-83; Ord. No. 1039, 7-2-84; Ord. No. 1047, 10-1-84; Ord. No. 1076, § A, 2-10-86; Ord. No. 1258, 10-5-92; Ord. No. 1352, 4-7-97; Ord. No. 1367, 10-6-97; Ord. No. 1496, 9-29-03)

Sec. 6.2. Garages and filling stations, motor vehicle sales and repair.

6.2.1. *Certificate of approval of location for dealing and/or repairing of motor vehicles, and/or for gasoline and motor oil sales.* No certificate of approval shall be issued unless the commission finds, after conducting a public hearing in accordance with section 6.2.2 of these regulations, that the location is suitable for the use intended, with due consideration having been given to the proximity of schools, churches, intersecting streets, traffic conditions, width of highway and the effect of public travel, and that such location will not imperil the safety of the public.

(a) No vehicular entrance or exit to be used for such purpose, or any use accessory thereto shall be located within 500 feet in a straight line measurement from the nearest portion of a lot used or reserved to be used for:

- (1) Any school giving regular instruction at least five days a week for eight or more months in a year;
- (2) Any hospital maintaining at least 15 beds for patients;
- (3) Any church, public library, public playground or park.

(b) No new garages for the repair of motor vehicles as a primary activity, or a new gasoline filling station, either as a primary or secondary activity, shall be erected near any building or lot used for such purpose on any part of a lot within 1,000 feet on a straight line measurement from the nearest portion of any lot used or proposed to be used for the within stated purposes.

(c) No building or lot or portion thereof used for such purposes shall be used for residential purposes.

(d) No gasoline pump or filling appliance shall be located within 25 feet of any lot line.

6.2.2. *Public hearing.* In accordance with G.S. § 14-54 and/or G.S. § 14-321, the commission on the city plan shall hold a public hearing within 65 days of receipt of application for a certificate of approval or of location. Notice of time and place of the hearing shall be published in a newspaper having a general circulation in the City of Norwich at least twice, at intervals of not less than two days, the first not more than 15, nor less than ten days, and the last not less than two days before the date of the hearing. Notice shall be sent by certified mail to the applicant of not less than ten days before the date of the hearing informing the applicant of the date and time of the scheduled public hearing. The decision on such certificate of approval shall be rendered within 65 days of the hearing. The applicant may consent to one or more extensions of any period specified in this section, provided the total extension of any such period shall not be for longer than the original period as specified in this section. Notice of the decision shall be published in a newspaper having a general circulation in the City of Norwich and sent by certified mail to the applicant within 15 days after the decision has been rendered. The reasons for granting or denying such application shall be stated by the commission on the city plan.

6.2.3. *Reserved.*

6.2.4. *Misrepresentation or fraud.* If it is ascertained that a certificate of approval was procured by misrepresentation or fraud, the commission may, after a hearing, revoke the certificate. Notice of revocation of the certificate of approval should be forwarded to the commissioner of the department of consumer protection.

6.2.5. *Fee.* All applications for a certificate of approval of location shall be accompanied by a fee of \$300.00 to cover the costs of publication and the expenses of the hearing. Said fee shall be paid at the time of filing the application.

(Ord. No. 1249, 6-1-92; Ord. No. 1285, 8-1-94; Ord. No. 1313, 8-7-95; Ord. No. 1496, 9-29-03)

CHAPTER 7. SPECIAL REGULATIONS

Sec. 7.1. Intent.

It is the intent of these regulations to encourage new development opportunities that will contribute to the economic stability of the city, encourage tourism and improve the quality of life for the residents of Norwich through the adaptive reuse, rehabilitation and preservation of the historic and/or architecturally unique resources that reflect Norwich's rich cultural past.

(Ord. No. 1249, 6-1-92)

Sec. 7.2. Designation; determination of eligibility; zoning requirements.

The historic design overlay zone shall be designated as those sites listed on the national or state register of historic places or local historic districts as either an individual building or site or as a contributing building or site in a registered district. Where eligibility has not been determined by the state historic preservation officer or the director of the Connecticut historical commission, the commission on the city plan may determine eligibility based on the recommendation of a qualified historic preservation expert, as provided by the applicant. The zone shall also include structures that are architecturally or historically notable, as determined by the commission.

7.2.1. All zoning requirements applying to the underlying zone shall continue to govern the historic design overlay zone unless as otherwise specified in this chapter.

(Ord. No. 1249, 6-1-92)

Sec. 7.3. Permitted uses.

The following uses shall be permitted in the historic design overlay zone:

7.3.1. The conversion of historic mill buildings located in any district to any use permitted in multi-family, neighborhood commercial, Chelsea Central district, general commercial, planned commercial, and business park, provided the following criteria are met:

(a) The commission shall determine if the conversion meets the intent of these regulations and the "mill enhancement program" ordinance. In making such determination, the commission shall consider impact on the historic character of the subject property and on the adjacent neighborhood. If in the opinion of the commission said proposal does not meet the intent of these regulations, the commission shall deny said application. The city council has adopted an ordinance entitled the "Mill Enhancement Program" (MEP). It is the intent of the MEP to acknowledge the value of the historic mills as a resource, to encourage adaptive reuse of these mill buildings so as to promote economic stability and ensure the preservation of the city's heritage, to increase property values, to preserve the historic integrity of the mills and the associated villages, to improve the quality of life for the residents of the city and to encourage business investment in the community.

(b) An application for site plan approval shall be submitted in accordance with chapter 17 of these regulations when the proposal involves such conversion, unless the enlargement or construction of an accessory structure is involved as noted in section 17.1.11 of these regulations.

- (c) Parking shall be provided in accordance with section 15.1.24 of these regulations.
- (d) The commission on the city plan may refer the application to the historic district commission, the city historian or a qualified historic architect for advisory review and comment. The commission may consider the impact of the proposal on the architectural integrity of the mill as part of its review and, if in the opinion of the commission said conversion will adversely impact the historic integrity of the mill and the potential adaptive reuse, the commission may reject said request.
- (e) Upon approval of the site plan application, the applicant shall obtain a conversion permit in accordance with section 3.13 of these regulations. Any other review or approval required by other city agencies shall be obtained by the applicant prior to submission of the conversion permit.

(Ord. No. 1249, 6-1-92; Ord. No. 1284, 8-1-94; Ord. No. 1330, 5-6-96; Ord. No. 1448, 5-9-01; Ord. No. 1496, 9-29-03)

Sec. 7.4. Bed and breakfast inns.

The uses listed below shall be permitted in all residential zones provided a special permit is obtained from the commission on the city plan in accordance with section 17.2 of these regulations.

7.4.1. Bed and breakfast inns subject to these regulations and the standards and criteria set forth herein:

- (a) It is the intent of this section to allow for the offering of overnight accommodations and alternate lodging within residential zones; to provide for a more flexible use of the larger, historic and architecturally unique residences; to support the city's efforts to promote tourism; to preserve the city's historic character; and to protect the residential integrity of neighborhoods.
- (b) The following is set forth as the standard and criteria for bed and breakfast inns:
 - (1) Site plan approval shall be obtained in accordance with chapter 17 of these regulations after the granting of the special permit.
 - (2) A proposed floor plan of the entire dwelling shall be submitted as part of the site plan application. It shall include, but not be limited to, the following information: dimensions and square footage of all rooms in the structure; proposed area to be dedicated to guest accommodations; proposed area to be dedicated to owner's private residential use. The commission may require such plan to be prepared and sealed by an architect licensed in the State of Connecticut.
 - (3) *Reserved.*
 - (4) The applicant shall establish that the bed and breakfast inn will meet all requirements of the Public Health Code of the State of Connecticut, the Connecticut Basic Building Code and the Connecticut Fire Safety Code, as applicable.
 - (5) Guest rooms shall contain a minimum of 120 square feet.
 - (6) Bed and breakfast inns shall be owner-operated and shall be the principal residence of the owner and operator of the inn.
 - (7) Bed and breakfast inns shall be conducted entirely within the principal dwelling.
 - (8) Parking shall be provided on-site in accordance with section 15.1.20 of

these regulations.

(9) Landscaping shall be provided in accordance with section 8.3.1(d)(8) of these regulations, with the exception that in no case shall the buffer strip be reduced to less than ten feet in width. The intent of this provision is to enhance and maintain the residential character of the neighborhood.

(10) No more than one freestanding and/or building-mounted sign shall be permitted to identify the property and use thereon; such sign shall meet the requirement of section 16.8.10 of these regulations. No lighting, other than indirect spotlighting, shall be permitted. Such signage shall be subject to review and approval as part of the site plan application for its consistency and compatibility with the historic integrity of the neighborhood in which said bed and breakfast inn is located. Wood-carved signs are preferable.

(11) The commission on the city plan may refer the application to the historic district commission, the city historian or any other qualified historian as deemed necessary by the commission for a recommendation.

(12) The commission shall determine if the bed and breakfast inn meets the intent of these regulations. In making such determination, the commission shall consider whether the residential structure, the parking area, lot configuration and layout, and any accessory building locations are designed to preserve the historic and residential appearance of the property in question as well as the character and integrity of the neighborhood in which said property is located. If, in the opinion of the commission, said bed and breakfast inn does not meet the intent of these regulations, the commission shall deny said application.

(13) Upon approval of the bed and breakfast inn by the commission, the applicant shall obtain a conversion permit in accordance with section 3.13 of these regulations. Any other review or approval, required by other city agencies, shall be obtained by the applicant, prior to the submission of the conversion permit application.

(14) *Reserved.*

(15) *Reserved.*

(16) Violation. Whenever the commission or its agents find that any of the terms, conditions or restrictions upon which such approval was granted are not being complied with the commission may revoke such approval and permit.

7.4.2. In addition, the commission shall consider the following criteria for all such special permits:

(a) Impact on the historic and residential integrity of the neighborhood.

(b) Impact on surrounding property values.

(c) Impact on traffic.

(d) The commission may require any of the following additional conditions and safeguards in order to eliminate the impact on the historic and residential character of the surrounding area:

Additional screening and landscaping.

Modifications to the exterior features or appearance of any structure where necessary to be in harmony with the surrounding area.

Limit the size, number of occupants, method or time of operation or extent of facilities.

Regulate the number, design and location of access drives or other traffic features including pedestrian ways.

Regulate the parking or other special features and design of such beyond the minimum required by these regulations.

Regulate the number, type and location of outdoor lighting.

(Ord. No. 1284, 8-1-94; Ord. No. 1330, 5-6-96; Ord. No. 1496, 9-29-03)

Sec. 7.5. Wireless telecommunication facilities.

7.5.1.Intent. The intent of this section is to provide for the location of wireless communication antennas and facilities while protecting neighborhoods and minimizing the adverse visual and/or operational effects through careful design, siting and screening. This section of the zoning regulations is consistent with the Telecommunications Act of 1996 in that it does not discriminate among providers of functionally equivalent services, prohibit or have the effect of prohibiting the provision of personal wireless services, or regulate the placement, construction and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations concerning such emissions. This section does not regulate wireless communications towers which are within the exclusive jurisdiction of the Connecticut Siting Council.

7.5.2.Siting preferences. The purpose of this section is to encourage the use of nonresidential buildings and structures such as water storage tanks, encourage joint use/co-location of facilities, accommodate the need for wireless communication antennas while regulating their location and number, protect historic and residential areas from potential adverse impacts of wireless communication facilities, encourage suitable siting measures, minimize adverse visual effects of wireless communication facilities, and reduce the number of antennas needed in the future.

7.5.3--7.5.7.Reserved.

7.5.8.Permitted uses. The following uses generally pose a minimum adverse visual effect and shall be deemed permitted uses in all zoning districts, excepting parcels within a designated national or local historic district and/or listed on the National Register of Historic Places, subject to the standards in these regulations and the issuance of a permit by the commission on the city plan or its designated agent.

- (1) Wireless telecommunication facilities where the antenna is mounted on the rooftop or facade of a nonresidential building, provided the following standards are met:
 - a. No change is made to the height of the building.
 - b. Panel antennas shall not exceed 60 inches in height by 24 inches in width; whip antennas shall not exceed 48 inches in height; dish antennas shall not exceed 36 inches in diameter.
 - c. Equipment cabinets and sheds shall meet the requirements of these regulations.
 - d. Facilities shall be of a material or color which matches the exterior of the building and shall blend into the existing architecture to the extent possible.
 - e. Facade mounted antennas shall not protrude above the building structure, shall not project more than three feet beyond the wall or facade and shall blend in with the building to the extent possible.
 - f. Roof mounted antennas shall not exceed the highest point of the rooftop more than ten feet and shall not adversely impact scenic vistas.

- g. Roof mounted antennas shall be set back from the roof edge a minimum of ten feet or ten percent of the roof width, whichever is greater.
 - h. Roof mounted antennas shall not occupy more than ten percent of the roof area.
- (2) Wireless telecommunication facilities where the antenna is mounted on existing towers, water towers/tanks, electrical transmission towers, steeples, clock or bell towers, bridges and silos, provided the following standards are met:
- a. No change is made to the height of the structure.
 - b. Panel antennas shall not exceed 60 inches in height by 24 inches in width; whip antennas shall not exceed 48 inches in height; and dish antennas shall not exceed 36 inches in diameter.
 - c. Equipment cabinets and sheds shall meet the requirements of these regulations.
 - d. Facilities shall be of a material or color which matches the exterior of the structure and shall blend into the existing architecture of the structure to the extent possible.
 - e. Antennas proposed to be mounted on steeples, clock or bell towers must be internally installed in order to reduce visual impacts to the extent possible.

7.5.9. Special permit requirements.

Wireless telecommunication facilities which do not meet the criteria contained in section 7.5.8, shall be subject to special permit requirements in accordance with chapter 17 of the zoning regulations, (excepting section 17.1.11 entitled, "Exceptions from site plan review", shall not be applicable).

7.5.9.1. In addition to the special permit requirements found in these regulations, the following documentation, as applicable, shall be submitted:

- (a) A map indicating the service area of the proposed wireless telecommunications site.
- (b) A map indicating the extent of the provider's existing and planned coverage within the City of Norwich and the search radius for the proposed wireless telecommunications site, including the location of structures of similar height within one quarter mile of the proposed site.
- (c) A report from a telecommunications systems engineer licensed in the State of Connecticut indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunication system.
- (d) A plan showing where and how the proposed antenna will be affixed to a particular building or structure, certified by a structural engineer licensed in the State of Connecticut.
- (e) Details of all proposed antenna and mounting equipment including size and color.
- (f) Elevations of all proposed shielding and details of material, including color.
- (g) An elevation of all proposed equipment buildings, boxes or cabinets. Details of all proposed fencing, including color.
- (h) *Reserved.*
- (i) *Reserved.*
- (j) A report from a telecommunications engineer licensed in the State of Connecticut, indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public

safety considerations.

(k) A proposed landscaping plan with a list of plant materials, including minimum number and size.

(l) Proposed access to the site.

(m) A view shed analysis showing all areas from which the antenna would be visible, and if requested by the commission, a simulation of the proposed site in order to assist the commission to determine the visual impacts associated with the proposal.

(n) Documentation prepared by a telecommunication systems engineer licensed in the State of Connecticut, that no existing or planned tower or other structure can accommodate the applicant's antenna. For similar tall structures located within one quarter mile radius of the proposed site, documentation that the owners of these locations have been contacted and have denied permission to install the antenna on these structures for other than economic reasons.

(o) A plan showing the nature of uses and existing structures on properties within 1,000 feet of the proposed site.

(p) Surrounding topography within 1,000 feet of the proposed site at contour intervals not to exceed ten feet.

(q) Design of the antenna with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

(Ord. No. 1395, 9-21-98; Ord. No. 1496, 9-29-03)

CHAPTER 8. RESIDENCE DISTRICTS**Sec. 8.1. Residence districts R-80 and R-40.**

8.1.1. *Permitted uses.* No buildings or uses are permitted in the R-80 and R-40 residence district, except in accordance with the following:

- (a) Single-family dwellings.
- (b) Customary home occupations, including professional offices, in accordance with section 3.14 hereof.
- (c) Farming for commercial purposes, including agriculture, forestry, truck and nursery gardening, greenhouses not including a florist shop, dairy farming, livestock and poultry raising, but excluding the commercial raising of pigs and fur bearing animals, provided that:
 - (1) The lot shall contain no less than five acres;
 - (2) No farm building shall be located less than 100 feet from any street line, except as permitted in section 8.1.3(b); and
 - (3) No farm building shall be located less than 150 feet from the nearest side or rear lot line.
- (d) Garage or yard sales of household goods, provided no such sale shall occur on the same lot more than two times in a calendar year, and each occurrence shall be limited to no more than two consecutive days; provided, that it shall be permitted to set up the sale on the day immediately preceding it and to dismantle the sale on the day immediately following it. A permit for each such sale shall be obtained from the zoning enforcement officer, but no fee shall be required.
- (e) Public utility lines, stations, and buildings as defined under Connecticut General Statutes, except those items noted in section 8.1.2(k).

8.1.2. *Special permit.* The commission on the city plan may, after public hearing and subject to appropriate safeguards in harmony with the general purpose of this ordinance, grant a special permit for the following uses:

- (a) *Reserved.*
- (b) Philanthropic, educational, recreational, religious and eleemosynary use by a duly incorporated nonprofit body or government unit.
- (c) Cemeteries.
- (d) Convalescent and nursing homes, provided that the lot area is not less than 4,500 square feet for each person accommodated, including patients and employees, except that where such facility is connected to a public sanitary sewer system the minimum lot area requirement shall be reduced to 1,500 square feet for each person so accommodated; and no building is located closer than 50 feet to an existing or proposed residence.
- (e) Hospitals and sanitariums subject to a maximum lot coverage of 20 percent, and provided the lot area is not less than 20 acres, and accessory to the principal use, uses such as day care centers, professional offices, out-patient treatment centers and such other uses as are commonly associated with and maintained in conjunction with the principal use, provided the total area devoted to accessory uses shall not exceed 35

percent of the total floor area of the entire facility and all new facilities shall comply with chapter 15, Parking. In addition, any building used as an accessory to a hospital use may exceed 21 stories but not be greater than seven stories.

(f) Public and private educational institutions offering curricula meeting educational requirements of the State of Connecticut.

(g) Commercial open space recreation uses such as golf courses, ski areas, campsites and riding academies, provided the lot area is not less than ten acres.

(h) Kennels, providing the lot area is not less than five acres and no building is located closer than 200 feet to a lot line.

(i) Government facilities.

(j) Family day care homes as authorized by the Connecticut General Statutes.

(k) Public utility facilities as follows: water tanks over 50,000 gallons, propane or natural gas tanks over 50,000 gallons, new electrical substations with more than five megawatt capacity, transmission towers of more than 35 feet in height, waste disposal/transfer station.

8.1.3. *Accessory farm uses.* Accessory buildings and uses subordinate and customarily incidental to farms as specified in section 8.1.1(c) above.

(a) Buildings used for the storage, processing and manufacture of agricultural products when incidental to a farm.

(b) Roadside stands for the sale of farm produce and products raised and/or produced on the farm provided they shall contain not more than 200 square feet in area, with not more than two signs aggregating 12 square feet in area advertising such produce or products. Such stands and signs shall be not less than 20 feet from any street line, and not less than 50 feet from any street intersections.

(c) Buildings used on a farm for the storage of any number of motor vehicles and equipment when such vehicles and equipment are used in connection with the operation of a farm. The repair of such vehicles is permitted within a building on a farm upon which such vehicles are so used.

8.1.4. *Other accessory uses.* Accessory buildings and uses subordinate and customarily incidental to any of the foregoing principal uses.

(a) No accessory buildings shall be used for residential purposes.

(b) Tool house, greenhouse not including a florist shop or garden structures, except building for housing livestock or poultry.

(c) Buildings for housing livestock or poultry which are kept for domestic use only are permitted not less than 100 feet from a street line and not less than 100 feet from a side or rear lot line.

(d) Private garages for use of occupants of the principal building with space for not more than three motor vehicles on one lot.

(e) Parking of not more than one commercial motor vehicle provided that such vehicle is not more than one an one-half ton capacity, and owned or operated by the owner or occupant of each principal building.

(f) Fences in accordance with section 5.5 hereof.

(g) Swimming pools in accordance with section 5.6 hereof.

(h) Off-street parking facilities in accordance with chapter 15 hereof; and

(i) Signs in accordance with chapter 16 hereof.

(Ord. No. 844, § 1, 5-2-77; Ord. No. 1108, 12-1-86; Ord. No. 1166, 3-6-89; Ord. No. 1178, 7-17-89; Ord. No. 1179, 7-17-89; Ord. No. 1286, 8-1-94; Ord. No. 1496, 9-29-03)

Sec. 8.2. Residence district R-20.

8.2.1. *Permitted uses.* No buildings or uses are permitted in the R-20 residence district except in accordance with the following:

(a) Single-family dwellings.

(b) Customary home occupations, including professional offices, in accordance with section 3.14 hereof.

(c) Garage or yard sales of household goods, provided no such sale shall occur on the same lot more than two times in a calendar year, and each occurrence shall be limited to no more than two consecutive days; provided that, it shall be permitted to set up the sale on the day immediately preceding it, and to dismantle the sale on the day immediately following it. A permit for each such sale shall be obtained from the zoning enforcement officer, but no fee shall be required.

(d) Public utility lines, stations, and buildings as defined under Connecticut General Statutes, except those uses permitted by special permit in accordance with section 8.1.2 (k).

8.2.2. *Special permit.* The commission on the city plan may, after public hearing and subject to appropriate safeguards in harmony with the general purpose of this ordinance, grant a special exception for the following uses:

(a) Any building or use allowed by special permit in R-80 and R-40 residence districts, section 8.1.2 hereof.

8.2.3. *Accessory uses.* Accessory buildings and uses subordinate and customarily incidental to any of the foregoing principal uses.

(a) Any accessory use permitted in R-80 and R-40 residence districts, section 8.1.4 only.

(Ord. No. 844, § 2, 5-2-77; Ord. No. 1178, 7-17-89; Ord. No. 1179, 7-17-89; Ord. No. 1287, 8-1-94; Ord. No. 1496, 9-29-03)

Sec. 8.3. Multifamily district MF.

8.3.1. *Permitted uses.* No buildings or uses are permitted in the multifamily district except in accordance with the following:

(a) Any building or use permitted in the R-20 residence district, section 8.2.1 hereof.

(b) Two-family dwellings.

(c) *Reserved.*

(d) Garden apartments, townhouses and residential group buildings shall comply with the provisions of chapter 17 and the following express conditions:

(1) *Building heights.* Building heights shall not exceed three stories or 35 feet.

(2) *Grouping of buildings.* Buildings shall be so grouped that each front facade

shall face its full length upon a street or upon an open space.

(3) *Minimum distances between buildings.* The minimum distance between an apartment building or residential group building and any other building on the same lot shall be 30 feet.

(4) *Yard requirements.* Minimum yards required shall be in accordance with the following schedule: front yards, 25 feet; side yards, 15 feet; and rear yards, 30 feet.

(5) *Density standards.* At least 5,000 square feet of lot area shall be required for each multifamily residential unit.

(6) *Usable recreation area.* A minimum of ten percent of the total lot area, excluding streets, or 300 square feet per dwelling unit, whichever is greater, shall be provided as usable recreation area.

The minimum width of such recreation areas shall be 30 feet. Where required by the commission, facilities such as playground apparatus, benches and tables shall be provided, and recreation areas shall be graded, provided with topsoil and seeded with a perennial grass. The commission may require up to 35 percent of the recreation area to be graded to a slope of two percent or less. In the event such areas lack trees, the commission may require that the developer plant one tree not less than four feet high for each 1,000 square feet of lot area. Where considered necessary, the commission may require that such recreation areas be enclosed with fences up to six feet in height.

No part of any required yard, sidewalk, driveway, or parking area shall be included as part of any such recreation area. No certificate of occupancy shall be issued in the multifamily district, until the usable recreation area has been provided and developed as required so it is available for the use of the occupants of the dwelling units.

(7) *Parking.* Off-street parking space shall be provided at the rate of 1 1/2 spaces per dwelling unit.

(8) *Landscaping.* A landscaped buffer strip, at least 15 feet wide, seeded to grass and planted with evergreen trees and shrubs at least six feet in height and capable at all times of the year of satisfactorily obscuring sight, sound and illumination from adjacent property, shall be placed along the boundary line of any rear, side or front yard, when a parking lot is placed within 15 feet of said boundaries. This requirement may be altered by the commission on the city plan when conditions so warrant and would be in harmony with the intent to effectively screen vehicular parking from adjacent residences, but in no case shall the landscaped buffer strip be less than five feet wide.

a. It is the intent of this provision to effectively screen garden apartments, townhouses and residential group buildings from adjacent commercial and industrial development and usage. For this reason, a landscaped buffer strip in no case less than 25 feet wide, seeded to grass and planted with evergreen shrubs and trees a minimum of six feet in height, and capable at all times of the year of obscuring sight, sound and illumination from adjacent property, shall be placed and maintained along that part of the boundary line of a lot which adjoins a commercial or industrial district or use or fronts on a street opposite a commercial or industrial district or use. Where a building exceeds 25 feet in height an additional one foot of landscaped buffer strip shall be required for each additional foot of building height in excess of 25 feet. Driveways and parking areas shall not be located within any part of such landscaped

buffer strip.

(9) *Sanitary requirements.* All such buildings shall be connected to public water and public sanitary sewerage systems, or to private water and sewerage systems, which meet the minimum requirements of the city and state departments of health.

(10) *General site plan.* Plans showing the proposed development of the site shall be prepared by a land surveyor and either a professional engineer or architect, or both, and five copies shall be submitted to the commission for approval pursuant to the provisions of chapter 17 hereof. Such plans shall show the entire site, the character of the abutting property, together with the on-site location and use of existing and proposed buildings; the on-site location and arrangement of required recreation areas; the topography of the property including contours and the location of existing rock outcroppings, large trees, water courses, wetlands and major landmarks; and the arrangement of buildings, circulation, driveways, sidewalks, planting and any other important features.

(e) High-rise apartments and high-rise group buildings shall comply with the provisions of chapter 17 and the following express conditions:

(1) *Angle of light obstruction.* No building hereafter erected or altered shall extend above an inclined plane established by an angle of light obstruction of 45 degrees along any abutting street, any rear lot line, or any side lot line. Such plane shall be interpreted for the street side as intersecting a horizontal plane at the center line of any point on a wall of the building facing on each such street; for other boundaries, it shall be interpreted as intersecting a horizontal plane at the natural ground level along the required rear yard line of the adjacent lot to the rear and the required side yard line of the adjacent lot to the side at the nearest point on the rear or side wall of the building. The maximum height permitted shall be seven stories.

(2) *Grouping of buildings.* Same as section 8.3.1(d)(2) hereof.

(3) *Minimum distances between buildings.* Same as section 8.3.1(d)(3) hereof.

(4) *Yard requirements.* Minimum yards required shall be in accordance with the following schedule: front yards, 30 feet; side yards, 15 feet; and rear yards, 35 feet.

(5) *Density standards.* At least 3,000 square feet of lot area shall be required for each dwelling unit.

(6) *Usable recreation area.* Same as section 8.3.1(d)(6) hereof.

(7) *Parking.* Same as section 8.3.1(d)(7) hereof.

(8) *Landscaping.* Same as section 8.3.1(d)(8) hereof.

(9) *Sanitary requirements.* Same as section 8.3.1(d)(9) hereof.

(10) *General site plan.* Same as section 8.3.1(d)(10) hereof.

(f) Public utility lines, stations, and buildings as defined under Connecticut General Statutes, provided the procedures of chapter 17 of these regulations are followed and except those items permitted by special permit in accordance with section 8.1.2(k).

8.3.2. *Special permit.* The commission on the city plan may, after public hearing and subject to appropriate safeguards in harmony with the general purpose of this ordinance, grant a special permit for the following uses:

(a) Any building or use allowed by special permit in R-20 residence district, section

8.2.2 hereof.

(b) Boarding, rooming and lodging houses as defined in section 1.6 and/or section 1.49 of these regulations, in accordance with section 17.2 of these regulations and subject to a minimum separation distance of 1,500 feet in any direction of any lot upon which is located a building or premises used for the same use.

8.3.3. *Accessory uses.* Accessory buildings and uses subordinate and customarily incidental to any of the foregoing principal uses.

(a) Any accessory use permitted in R-20 residence district section 8.2.3 hereof.

(Ord. No. 647, 6-4-73; Ord. No. 657, 7-16-73; Ord. No. 891, 5-1-78; Ord. No. 1178, 7-17-89; Ord. No. 1179, 7-17-89; Ord. No. 1291, 8-1-94; Ord. No. 1422, 1-3-00; Ord. No. 1423, 1-3-00; Ord. No. 1496, 9-29-03)

Sec. 8.4. Reserved.

Editor's note: Ord. No. 1496, adopted Sept. 29, 2003, repealed former section 8.4 in its entirety which pertained to residence office districts and derived from Ord. No. 916, 4-2-79; Ord. No. 1288, 8-1-94.

Sec. 8.5. Recreation open space district, ROS.

8.5.1. *Permitted uses.* No buildings or uses are permitted in the recreation open space zone except in accordance with the following:

- (a) Parks.
- (b) Low intensity recreation uses such as fishing, walking, bike riding, and picnicking.
- (c) Walkways, trails, pedestrian bridges.
- (d) Docks and piers.
- (e) Monuments and sculptures.
- (f) Off-street parking lots.
- (g) Public utility facilities.

8.5.2. *Site plan review.* All uses permitted in this district shall be subject to site plan approval by the commission in accordance with the provisions of chapter 17, hereof.

8.5.3. *Accessory uses.* Accessory buildings and uses subordinate and customarily incidental to any of the foregoing principal uses.

(a) Signs in accordance with chapter 16, hereof.

8.5.4. *Special permit.* The commission on the city plan may, after public hearing and subject to appropriate safeguards in harmony with the general purpose of this ordinance, grant a special permit for the following uses:

- (a) High intensity recreation uses such as ball fields, tennis courts, and recreation centers.
- (b) Municipal facilities.

(Ord. No. 1024, § 3, 9-6-83; Ord. No. 1496, 9-29-03)

CHAPTER 9. COMMERCIAL DISTRICTS**Sec. 9.1. Neighborhood commercial district, NC.**

9.1.1. *Permitted uses.* No buildings or uses are permitted in the neighborhood commercial district, except in accordance with the following:

- (a) Retail stores.
- (b) Customer service establishments.
- (c) Business, corporate and professional offices.
- (d) Restaurants and eating establishments.
- (e) Marina, boatyard.
- (f) Satellite parking lot as accessory to any hospital licensed pursuant to section 19a-490(b) Connecticut General Statutes, provided:
 - 1. Said parking area contains a minimum of two (2) acres; and
 - 2. Said parking lot shall be subject to Chapter 15 of this ordinance; and
 - 3. Said parking lot is subject to site plan review pursuant to section 17.1 of this ordinance; and
 - 4. Said parking lot may include pedestrian shelters and other structures associated with parking.
- (g) Clubs.
- (h) Off-track branch offices.
- (i) Public utility lines, stations, and buildings as defined under the Connecticut General Statutes.

9.1.2. *Site plan review.* All uses permitted in this district shall be subject to site plan approval by the commission in accordance with the provisions of chapter 17, hereof.

9.1.3. *Accessory uses.* Accessory buildings and uses subordinate and customarily incidental to any of the foregoing principal uses:

- (a) Off-street parking facilities in accordance with chapter 15 hereof.
- (b) Signs in accordance with chapter 16 hereof.

9.1.4. *Landscaping.* A landscaped buffer strip at least five feet wide, seeded to grass and planted with evergreen trees and shrubs, shall be placed along the boundary line of the front yard.

9.1.5. *Special permitted uses.*

Purpose: It is the intent of this section to preserve the city's unique historic village areas and neighborhoods to encourage the reuse of "historic" structures within abandoned properties that degrade the quality of the village area and provide incentives for these older neighborhood district areas.

The special permitted uses within these neighborhood areas are as follows:

- (a) Undertaking establishments.
- (b) Veterinary hospitals.

- (c) Private trade schools, commercial schools, colleges and commercial day care centers.
- (d) Assembly halls.
- (e) Theaters.
- (f) Public buildings used for governmental purposes.
- (g) *Reserved.*
- (h) Hotels, motels, and inns, with the provision that the length of stay shall not exceed one month in a period of one year.
- (i) Parks.
- (j) Multi-family residential, meeting the following minimum requirements:
 - 1. The provisions of section 8.3.1(d) are met unless noted below.
 - 2. Usable recreation space may be provided at an adjacent recreation facility (public park) provided said park is located within a 1,500 foot distance (walking distance) along city streets.
 - 3. Off-street parking shall be provided in accordance with section 15 of these regulations, and shall be located conveniently to the units it serves.
 - 4. The project shall be adequately landscaped with hardy plant/tree species. There shall be buffer areas adequate to screen any parking from an adjacent residentially zoned and/or used property.

(Ord. No. 756, § 2, 4-7-75; Ord. No. 1177, 7-17-89; Ord. No. 1366, 10-6-97; Ord. No. 1449, 5-7-01; Ord. No. 1496, 9-29-03)

Sec. 9.2. General commercial district, GC.

9.2.1. *Permitted uses.* No buildings or uses are permitted in the general commercial district, except in accordance with the following:

- (a) Any permitted use allowed in the neighborhood commercial district, section 9.1.1 hereof.
- (b) Research laboratories where manufacturing and processing is incidental thereto.
- (c) Veterinarian hospitals.
- (d) Private trade schools and commercial schools, colleges, and commercial day care centers.
- (e) Salesrooms and sales lots for the sale and exchange of new and used passenger motor vehicles, and camping trailers; mobile homes, vehicle repair and vehicle laundries.
- (f) Assembly hall, bowling alley, dancehall, pool and billiard rooms, theater, skating rink, or other social, sport or recreation center.
- (g) Bus or taxi, passenger station, bus terminal, railroad station.
- (h) Wholesale, jobbing, or distributing establishment provided that any assembling, remodeling, repairing, altering, finishing or refinishing is secondary and incidental to the sale or distribution of its products or merchandise, and any dust, fumes, noise, odors, refuse matter, smoke, vapor or vibration is effectively confined to the lot.
- (i) Public buildings and uses including city, state, and federal.

- (j) Public utility lines, stations and buildings as defined by state statutes.
- (k) Hotels, motels and inns. Hotels and motels may exceed the maximum height permitted in this district, provided the commission is furnished with a report by the fire marshal of the City of Norwich setting forth the fire fighting feasibility of the proposed building; provided, however, that no hotel or motel may exceed seven stories in height.
- (l) Mixed use commercial and multi-family residential in accordance with the provisions of sections 8.3.1(d) and 9.8 hereof.
- (m) *Reserved.*
- (n) Outdoor advertising signs in accordance with chapter 16 hereof.
- (o) Teletracks.

9.2.2. *Site plan review.* All uses permitted in this district shall be subject to site plan approval by the commission in accordance with the provisions of chapter 17 hereof.

9.2.3. *Special permits.* The commission on the city plan may, after public hearing and subject to appropriate safeguards in harmony with the general purpose of this ordinance, grant a special permit for:

- (a) Garages and filling stations in accordance with section 6.2 hereof.

9.2.4. *Accessory uses.* Accessory buildings and uses subordinate and customarily incidental to any of the foregoing principal uses.

- (a) Off-street parking facilities in accordance with chapter 15 hereof.
- (b) Signs in accordance with chapter 16 hereof.

9.2.5. *Landscaping.* A landscaped buffer strip, at least eight feet wide, seeded to grass and planted with evergreen trees and shrubs, shall be placed along the boundary line of the front yard.

(Ord. No. 756, § 3, 4-7-75; Ord. No. 1320, 8-7-95; Ord. No. 1450, 5-7-01; Ord. No. 1496, 9-29-03; Ord. No. 1508, 5-3-04)

Sec. 9.3. Planned commercial district, PC.

9.3.1. *Permitted uses.* No buildings or uses are permitted in the planned commercial district, except in accordance with the following:

- (a) Retail stores.
- (b) Customer service establishments.
- (c) Business, corporate and professional offices.
- (d) Restaurants and eating establishments.
- (e) Research laboratories where manufacturing and processing is incidental thereto.
- (f) Private trade schools, commercial schools, colleges and commercial day care centers.
- (g) Assembly hall, bowling alley, dance hall, pool and billiard rooms, theatre, skating rink or other social, sport or recreation center.
- (h) Public buildings and uses including city, state and federal.
- (i) Hotels, motels and inns.
- (j) *Reserved.*

- (k) *Reserved.*
- (l) Clubs.
- (m) Off-track branch offices and teletracks.
- (n) Public utility lines, stations, and buildings as defined under the Connecticut General Statutes.

9.3.2. *Site plan review.* All uses permitted in this district shall be subject to site plan approval by the commission in accordance with the provisions of chapter 17 hereof.

9.3.3. *Special permits.* The commission on the city plan may, after public hearing and subject to appropriate safeguards in harmony with the general purpose of this ordinance, grant a special permit for the following use:

- (a) Filling stations, not including repair and storage of vehicles, in accordance with section 6.2 hereof.

9.3.4. *Accessory uses.* Accessory buildings and uses subordinate and customarily incidental to any of the foregoing principal uses, and:

- (a) Off-street parking facilities in accordance with chapter 15 hereof.
- (b) Signs, in accordance with chapter 16 hereof.

9.3.5. *Landscaping.* A continuous strip on the site not less than 20 feet wide shall be provided along the right-of-way line of any street, highway or public way and shall be suitably seeded to grass and planted with appropriate landscape material or left in its natural state and maintained in good appearance.

(Ord. No. 697, 5-6-74; Ord. No. 756, § 4, 4-7-65; Ord. No. 1177, 7-17-89; Ord. No. 1289, 8-1-94; Ord. No. 1319, 8-7-95; Ord. No. 1451, 5-7-01; Ord. No. 1496, 9-29-03)

Sec. 9.4. Chelsea central district (CC).

9.4.1(A). *Intent.* It is the intent of this section to ensure that development within the CC district complements and preserves the city's historic character, that it improves economic conditions, and promotes development that is consistent with the goals and objectives of the downtown plan of development and these regulations.

(1) *Permitted uses.* The following uses shall be permitted within the CC district excluding the special development areas noted in section 9.4.2:

- (a) Retail.
- (b) Office/financial.
- (c) Customer service.
- (d) Restaurant.
- (e) Museum/art gallery.
- (f) Theater, including performing arts theaters.
- (g) Parking lots and garages.
- (h) Schools--public, private, commercial.
- (i) Bars, taverns, cafes.
- (j) Outdoor vendors pursuant to the provisions of chapter 15 of the Norwich

Code of Ordinances.

- (k) Parks, open space, public recreation facilities.
- (l) Docks, slips, piers.
- (m) Yacht clubs, marinas, boat rentals.
- (n) Visitor centers/information centers.
- (o) Public buildings and uses including city, state and federal.
- (p) Libraries.

(2) *Special permitted uses.* The commission on the city plan may, after public hearing and subject to appropriate safeguards in harmony with the general purpose of this ordinance, grant a special permit in accordance with sections 17.2 and 9.4.5 of these regulations for the following uses:

- (a) Multifamily residential provided the following criteria are met:
 1. No residential uses shall be permitted on the first floor.
 2. Each dwelling shall be a minimum of three rooms with minimum floor area as follows:
 - One bedroom unit: 600 square feet.
 - Two bedroom unit: 800 square feet.
 - Three bedroom unit: 1000 square feet.
 3. Each dwelling unit shall contain kitchen and bath facilities.
 4. The entire structure (occupied and unoccupied areas) in which the residential conversion is planned shall satisfy all applicable building, fire, health, housing and zoning requirements and/or regulations of the City of Norwich prior to occupancy of the structure and such compliance will be a condition of the granting of the special permit.

All applications for conversion of the structure shall include the submission of architectural plans prepared by a licensed architect showing the proposed area(s) to be converted to residential use. The commission shall forward plans to the building and housing inspectors, fire marshal, zoning enforcement officer and health inspector; reports shall be submitted to the commission during the public hearing.
- (b) Hotel/inn, provided the length of stay shall not exceed one month.
- (c) Transportation center, rail, bus, taxi station.

9.4.2. *Reserved.*

9.4.3. *Site plan approval.* Any change of use, use of any building condemned by the building or housing inspectors, or new construction shall require site plan approval from the commission on the city plan pursuant to section 17 of these regulations and compliance with all parking and other applicable zoning regulations.

The commission may waive the site plan review criteria and/or the filing of a site plan with the city clerk for any change in use and/or use of condemned buildings, provided said development entails renovations and/or conversion of an existing building and that the following criteria are met:

- (a) The commission is of the opinion that the building facade improvements are consistent with and complement the historic character of the building. The commission may request review by the state historic commission, design review board, city historian,

or other qualified architectural historians of the proposed improvements to the facade.

(b) The commission may require that sidewalks be replaced in accordance with sidewalk specifications approved by the commission and director of public works along the frontage on the street if the sidewalks are in poor condition.

(c) Signage shall be provided in accordance with chapter 16 of these regulations.

(d) Fencing and/or lighting shall be harmonious with the character of the surroundings as determined by the commission to be in accordance with the historic integrity of the area.

9.4.4. Parking requirements. The commission may waive parking requirements defined in chapter 15 of these regulations if adequate parking can be provided by public or private parking lots. The commission shall consider the following criteria in determining whether adequate parking is provided within the area to meet the needs of the project:

(1) Peak demand times for parking use and its relationship to the potential of sharing parking.

(2) Provision of parking for employees.

(3) Developing parking facilities outside of the immediate area in conjunction with public transit.

(4) Parking requirements may be waived by the commission for buildings that are rated 1 or 2 based on the historic rating system that are to be renovated to reflect the historic character of the building unless for any addition to the structure.

(5) Type of use proposed and determination of parking needs based on best available information (e.g., publications from the American Planning Association, or similar).

9.4.5. Special permit criteria for the Chelsea central district. It is the intent of this section to encourage creative development that promotes the CC district as an economically viable entity and pedestrian-friendly center. The types of uses developed within the district will have a lasting impact on the future of the CC district and, therefore, it is necessary to promote development that will shape the district to reflect our heritage, become inviting to patrons, and cultivate the aesthetic value of the Chelsea central district as an entity. The following criteria are provided to ensure that the intent of these regulations is met:

(a) The development will promote a pedestrian-friendly atmosphere by improving the streetscape.

(b) The use will not aggravate parking conditions and traffic circulation.

(c) The use will be consistent with the goals and objectives of the downtown plan of development.

(d) The use will not adversely impact future development opportunities within the surrounding area and the CC district.

(e) The use and improvements proposed to the building will complement the historic character of the area. Special consideration shall be given to the reuse of buildings that are rated 1 and 2 in the historic rating system.

(Ord. No. 756, § 5, 4-7-75; Ord. No. 971, 12-1-80; Ord. No. 978, 4-6-81; Ord. No. 1077, 2-10-86; Ord. No. 1279, 8-1-94; Ord. No. 1330, 5-6-96; Ord. No. 1496, 9-29-03; Ord. No. 1526, 1-3-05)

Sec. 9.5. Reserved.

Editor's note: Ord. No. 1496, adopted Sept. 29, 2003, repealed former section 9.5 in its entirety

which pertained to the coastal commercial-industrial district and derived from Ord. No. 1024, § 5, 9-6-83; Ord. No. 1365, 9-2-97; Ord. No. 1414, 8-2-99; Ord. No. 1414, 8-2-99.

Sec. 9.6. Waterfront development district, WD.

9.6.1. *Permitted uses.* No use of waterfront property is permitted in the waterfront development district unless it is water-dependent as defined in section 22a-93(16) of the Connecticut General Statutes and section 1.57.1 of these regulations. No use of any property is permitted in the waterfront development district except in accordance with the following:

- (a) Public and private parks and playgrounds.
- (b) Yacht clubs and marinas, including accessories to them such as swimming pools, tennis courts, and racquetball facilities.
- (c) Boat docks, slips, piers and wharves for yachts and pleasure boats, or for boats for hire carrying passengers on excursions, pleasure, or fishing trips, or vessels engaged in fishery or shell fishery.
- (d) A yard for building, storing, repairing, selling or servicing boats which may include the following as an accessory use: Office for sale of marine equipment or products, dockside facilities for dispensing fuel, restroom and laundry facilities to serve overnight patrons. Furthermore, adequate lanes must be provided to allow access and egress throughout the yard for fire trucks.
- (e) Boat and marine engine sales and display, yacht, broker, marine insurance broker.
- (f) Rental of boats.
- (g) Retail sale or rental of boating, fishing, diving and bathing supplies and equipment.
- (h) Sail loft or ship's chandlery.
- (i) Swimming pools and swimming clubs.
- (j) Museums with nautical themes.
- (k) Restaurants.
- (l) Cafes.

9.6.2. *Special permits.* The commission on the city plan may after public hearing and subject to appropriate safeguards in harmony with the general purpose of this ordinance, grant a special permit for the following uses:

- (a) *Reserved.*
- (b) Professional, business and corporate offices.
- (c) Garden apartments, townhouses and residential group buildings, in accordance with the provisions of section 8.3.1(d) hereof and high-rise apartments and high-rise group buildings in accordance with the provisions of section 8.3.1(e) hereof.
- (d) Transportation facilities such as train or ferry stations or any combination of transportation facilities serving pedestrian, tourist traffic or other vehicular traffic, but excluding truck terminals and other transportation facilities serving industrial purposes.
- (e) Retail uses.
- (f) Hotels and inns with the following conditions:
 - (1) The facility shall provide a separate lobby and a separate sitting area and amenities such as a health fitness room, spa, or swimming pool.

(2) Exterior of the structure shall be brick, stone, wood clapboards or wood shingles. Color schemes for the project must be complementary to the architecture of the project as determined by the Commission.

(3) Landscape plans shall be provided and shall be implemented using a diverse and creative design. All species shall be hardy for the location. This zone is intended to be utilized only within the Norwich coastal boundary as defined in G.S. § 22a-94 and depicted on the official coastal boundary map.

9.6.2.1. *Special permit criteria:* The purpose of this criteria is to protect the distinctive character of the harbor area and to regulate the appearance of development in the area so to complement the natural and beauty and historic features and landscape of the harbor. The commission shall consider the following issues for any of the special permitted uses:

(a) The design and placement of any structures or substantial improvements of existing structures or improvements to properties shall contribute to the overall character of the area. Consideration shall be given to design, relationship and compatibility of structures and/or uses to the harbor, landscape, historic and natural resources, and scenic views.

(b) All uses of waterfront property must meet the definition of water-dependent as defined in section 22a-93(16) of the Connecticut General Statutes and section 1.57.1 of these regulations.

9.6.3. *Site plan review.* All uses permitted in this district shall be subject to site plan approval by the commission in accordance with the provisions of chapter 17 hereof.

9.6.4. *Accessory uses.* Accessory buildings and uses subordinate and customarily incidental to any of the foregoing principal uses.

9.6.5. *Landscaping.* A landscaped buffer strip at least five feet wide, seeded to grass and planted with evergreen trees and shrubs, shall be placed along the boundary line of the front yard.

(Ord. No. 1024, § 5, 9-6-83; Ord. No. 1076, § B, 2-10-86; Ord. No. 1082, 4-7-86; Ord. No. 1141, 6-6-88; Ord. No. 1290, 8-1-94; Ord. No. 1412, 8-2-99; Ord. No. 1496, 9-29-03)

Sec. 9.7. Display of goods.

In all commercial districts no goods, wares, or merchandise shall be displayed in the front yard setback.

(Ord. No. 1024, § 1, 9-6-83; Ord. No. 1496, 9-29-03)

Sec. 9.8. Mixed residential/commercial use.

A principal building designed for both permitted residential and commercial uses may be allowed within the applicable commercial district, provided that:

9.8.1. Any such building, lot or use shall adhere to the provisions of section 3.13 and chapter 15 hereof.

9.8.2. No commercial building shall be constructed on any lot whereon there exists a building originally constructed or presently used for residential purposes.

9.8.3. No building with a mixed residential and commercial use shall have residential uses allowed on the first floor.

9.8.4. All buildings as described in section 9.8.3 must conform to applicable fire and safety requirements of the State of Connecticut Building Code.

9.8.5. No garage or filling station as prescribed in section 6.2 hereof shall be used for residential purposes.

(Ord. No. 1024, § 4, 9-6-83; Ord. No. 1318, 8-7-95; Ord. No. 1496, 9-29-03)

CHAPTER 10. INDUSTRIAL DISTRICT**Sec. 10.1. Industrial district, ID.**

10.1.1. *Permitted uses.* No buildings or uses are permitted in the industrial district, except in accordance with the following:

- (a) The manufacture, compounding, processing, or packing of such products as candy, cosmetics, drugs, perfumes, pharmaceutical toiletries, and food products, except the rendering or refining of fats and oils.
- (b) The manufacture, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, rubber, tin, tobacco, wood (excluding sawmill), tars and paint not involving a boiling process.
- (c) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by gas or electricity.
- (d) The manufacture and maintenance of commercial signs, billboards, and other advertising structures.
- (e) Foundry casting light-weight non-ferrous metal not causing noxious fumes or odor.
- (f) Warehousing and storage.
- (g) Trucking terminals, including the sale of gasoline and oil lubricant products and the repair of motor vehicles, provided said sales of product and repair services are limited to contract users of the terminal and are not available to the general public and no signs advertising the availability of such products and services shall be displayed on the premises. The provisions of G.S. §§ 14-54 and 14-321, as amended, and section 6.2 of this ordinance, shall apply.
- (h) Buildings or land may be used and buildings may be erected or altered for the manufacturing, warehousing, processing, storage, or assembling of products as long as such use is not dangerous by reason of fire or explosion hazard, and not injurious, noxious or detrimental to the community or neighborhood by reason of the emission of dust, odor, fumes, smoke, wastes, refuse matter, noise, vibration, or because of any other objectionable feature.
- (i) Retail sales in conjunction with products manufactured on the premises and/or products manufactured by the seller but stored on the premises.
- (j) Residential uses shall be limited to one dwelling unit for a watchman or caretaker on the lot used for an industrial purpose.
- (k) Outdoor advertising signs in accordance with chapter 16 hereof.
- (l) Franchise new car dealerships with salesrooms and sales lots in conjunction therewith for the sale and exchange of new and used passenger motor vehicles, trucks, camping trailers, mobile homes and vehicle repairs.
- (m) Boat and marine engine sales, display and repair, including sale of marine equipment or products.
- (n) Public buildings and uses including city, state and federal.

- (o) Public utility lines, stations, facilities and buildings as defined under the Connecticut General Statutes.

10.1.2. *Site plan review.* All uses permitted in this district shall be subject to site plan approval by the commission in accordance with the provisions of chapter 17, hereof.

10.1.2.1 *Special permits.* The commission on the city plan may after public hearing and subject to appropriate safeguards in harmony with the general purpose of this ordinance, grant a special permit for the following uses:

- (a) Woodworking shop, saw or planing mill.
- (b) Blacksmith shop or machine shop, excluding punch presses over 20 tons rated capacity and all drop hammers.
- (c) Glass manufacture.
- (d) Pulp, paper, cardboard, or building board manufacture.
- (e) Rag or bag cleaning establishments.
- (f) Stone and monument works.
- (g) The following buildings and uses may be permitted by special permit provided the buildings are more than 500 feet from a boundary of any residence or commercial district:
 - (1) Manufacture and storage of alcohol, plastics, and chemicals excluding sulphuric, nitric and hydrochloric acid.
 - (2) Manufacture, treatment, and storage of asphalt products.
 - (3) Metal fabricating plants, rolling mills, boiler works and drop forges.
 - (4) Manufacture of bricks, cement products, tile and terracotta.
 - (5) Bulk storage of cement and concrete mixing plants.
 - (6) Manufacture and treatment of rubber products.
 - (7) Public utility power plants.
 - (8) The sale, storage, and sorting of junk, waste, discarded or salvaged materials, machinery, or equipment but not including processing, providing such operation is enclosed by an eight-foot-high tight board or other solid fence.
- (h) Adult bookstores and theaters that dispense, sell or entertain using adult media or live entertainment subject to a minimum separation distance of 1,500 feet in any direction of any lot upon which is located a building or premises used for a similar use or for the purpose of a public school, a church or other building used as a place of worship, or a hospital, whether supported by public or private funds.

10.1.3. *Accessory uses.* Accessory buildings and uses subordinate and customarily incidental to any of the foregoing principal uses, including garages, storage buildings, and power plants, and employees' recreational, commissary and clinical facilities.

- (a) Off-street parking facilities in accordance with chapter 15, hereof; and
- (b) Signs in accordance with chapter 16, hereof.

10.1.4. *Landscaping.* A continuous strip on the site not less than 20 feet wide shall be provided along the right-of-way line of any street, highway or public way, and shall be suitably seeded to grass and planted with appropriate landscape material or left in its natural state and maintained in good appearance.

(Ord. No. 875, §§ 1, 2, 12-14-77; Ord. No. 885, 2-16-78; Ord. No. 985, 9-14-81; Ord. No. 994, 6-7-82; Ord. No. 1000, 7-12-82; Ord. No. 1177, 7-17-89; Ord. No. 1317, 8-7-95; Ord. No. 1496, 9-29-03; Ord. No. 1527, 3-7-05; Ord. No. 1534, 9-6-05)

Sec. 10.2. Reserved.

Editor's note: Ord. No. 1496, adopted Sept. 29, 2003, repealed former section 10.2 in its entirety which pertained to heavy industrial district and derived from Ord. No. 634, adopted Feb. 25, 1973.

Sec. 10.3. Business park district, BP.

10.3.1.*Intent.* The business park district has been established to provide for a rational and orderly development of industrial and other compatible land uses in areas where they might normally be excluded. It is intended that individual development occur as part of a comprehensive plan and that it be harmonious with surrounding or abutting residential, institutional or other public uses. It is further intended that an open and park-like character be created through good site planning, preservation of open space and natural features and appropriate landscaping. All development will be judged in the spirit of these criteria.

10.3.2.*Minimum size.* A business park district shall consist of a minimum size of 50 acres.

10.3.3.*Permitted uses.* No buildings or uses are permitted in the industrial park district, except in accordance with the following:

- (a) Any permitted use allowed in the industrial district, section 10.1.1 hereof, except that no outdoor advertising sign shall be permitted to be erected;
- (b) Metal fabricating plants, rolling mills, boiler works and drop forges;
- (c) Manufacture and treatment of rubber products;
- (d) Public utility power plants;
- (e) Woodworking shop;
- (f) Glass and plastics manufacture;
- (g) Offices and clinics;
- (h) Research laboratories;
- (i) Hotels, motels, inns and restaurants; health, recreation and entertainment centers.
- (j) Public utility lines, stations, facilities and buildings as defined under the Connecticut General Statutes.
- (k) Teletracks.

10.3.4.*Accessory uses.* Accessory buildings and uses subordinate and customarily incidental to any of the foregoing principal uses, including:

- (a) Garages, storage buildings, power plants, and employees' recreational, commissary and clinical facilities;
- (b) Off-street parking facilities in accordance with chapter 15 hereof, provided that no on-street parking shall be permitted; and
- (c) Signs in accordance with chapter 16, hereof.

10.3.5.*Site plan review.* All uses permitted in this district shall be subject to site plan approval

by the commission in accordance with the provisions of chapter 17, hereof.

10.3.6. *Landscaping.* A continuous landscaped buffer strip on the site not less than 20 feet wide shall be provided along the boundary line of any rear yard, side yard or front yard, except where such a yard abuts a yard located in the same district, the landscaped buffer district may be reduced to 15 feet wide. Such landscape buffer strip shall be suitably seeded to grass and planted with appropriate landscaped material or left in its natural state and maintained in good appearance.

(Ord. No. 658, 7-16-73; Ord. No. 756, § 6, 4-7-75; Ord. No. 1496, 9-29-03)

Sec. 10.4. Planned development design district, PDD.

10.4.1. *Intent.* The subject district is designed to provide a creative approach to development within the city and to promote attractive planned development that complements natural, historic, and other resources. In addition, it is the intent of these regulations to promote uses within the district that encourage balanced economic development. Development in this district is predicated on complying with the following conditions and dimensional requirements:

- (a) Minimum lot size: 120,000 square feet. The commission may permit lesser acreage with the provision that parcels are part of a planned subdivision and the total acreage for the entire area calculates to equal the number of lots multiplied by three (number of acres required per lot). The intent of the regulation is to afford the opportunity to develop areas that are more suitable for development as open space and to create a campus atmosphere as part of the project.
- (b) Minimum frontage is 250 feet. The commission may permit interior lots with no frontage on a street provided a dedicated easement for access is provided from an adjacent parcel using a shared driveway.
- (c) Lot coverage shall include all structures, parking areas, driveways and similar improvements excluding decorative patios and garden areas, 50 percent maximum lot coverage allowed. Designated wetlands and areas exceeding 35 percent slope shall not be included in the lot size when determining lot coverage.
- (d) Maximum building height: Seven stories excluding architectural features such as spires and cupolas.
- (e) Signage shall complement the design intent of the district in accordance with chapter 16.
- (f) A landscaped buffer strip not less than 20 feet in width shall be required in areas where the proposed development abuts a residential area.
- (g) Setbacks: 50-foot minimum for front, side and rear yards. The commission may permit encroachment of the building into the minimum yard setback if the relocation necessary to preserve scenic views.
- (h) Parking lots shall be designed with interior landscape islands equaling not less than five percent of the parking area; islands shall have a minimum width of eight feet. Parking lots consisting of less than ten spaces are exempt from this requirement.
- (i) Exterior metal siding, exterior storage and exterior tanks are prohibited.
- (j) Combined drives and parking shall be encouraged in order to reduce the number of curb cuts on the street. In order to accomplish this goal a curb cut will not be permitted within 400 feet of another curb cut. The commission may waive this provision if the applicant proves that it is not feasible to meet this requirement.
- (k) Sidewalks shall be provided along all street frontage and in other appropriate areas to ensure adequate pedestrian safety.

(l) All utilities shall be underground.

10.4.2. *Permitted uses:*

- (a) Marinas.
- (b) Docks, slips, piers.
- (c) Yacht clubs, boating clubs.
- (d) Open space/parks.
- (e) Governmental offices.
- (f) Health clubs.
- (g) Technology research and industries, including information technology, computers and software.
- (h) Healthcare technology research and industries, including advanced medical equipment, pharmaceuticals, biotechnology facilities.
- (i) Hotels, inns, and resorts with the following provisions:
 - 1. Multiple structures may be constructed provided all structures are architecturally compatible and are part of comprehensive planned development.
 - 2. The facility shall provide a separate lobby and a separate sitting area and amenities such as tennis courts, swimming pools, spas, health and/or fitness rooms, or golf facilities.
 - 3. Exterior of structure shall be brick, stone, wood clapboards or wood shingles. Color schemes for the project must be complementary to the architecture as determined by the commission.
 - 4. Landscape plans shall be provided and shall be implemented using a diverse and creative design. All species shall be hardy for the location.

10.4.3. *Special permitted uses:*

(a)--(c) *Reserved.*

(d) Restaurants. Drive-thru facilities are not permitted.

(e) *Reserved.*

(f) Colleges, universities, educational institutions: which are defined as public or private institutions of higher learning offering a course of studies leading to a degree or certification in a specific vocation or technical field. Such institutions may include accessory uses to support the principal institution. Examples of such accessory uses are: residential facilities for staff and/or students, sports fields and/or other structures for institutional events. It is the commission's intent to encourage the development within this district of business and educational facilities that work together on educational and training programs.

(g) Garden apartments, townhouses and residential group buildings, in accordance with the provisions of section 8.3.1(d) hereof and high-rise apartments and high-rise group buildings in accordance with the provisions of section 8.3.1(e) hereof provided that they are accessory to a principal use.

(h) Retail uses and retail/wholesale distribution centers.

(i) Child care facilities.

(j) Helipad as an accessory to a principal use.

10.4.4. *Special permit criteria:*

(a) Building design shall contribute to the overall character of the area; consideration shall be given to impact on the historic, natural and other resources of the area and scenic views.

(b) A carefully designed landscape plan must reflect the attributes of the site's natural, historic and other resources.

(Ord. No. 1399, 11-16-98; Ord. No. 1496, 9-29-03)

CHAPTER 11. PROHIBITED USES**Sec. 11.1. Prohibited uses.**

The following uses are prohibited in all zoning districts.

11.1.1. Garbage and refuse incinerations not originating on the lot of a principal building except by the City of Norwich.

11.1.2. The distillation of bones, rendering of fat or reduction of animal matter.

11.1.3. Oil refining.

11.1.4. Slaughterhouses, stockyards or feeding pens.

11.1.5. Storage or treatment of ash or other similar material causing dust.

11.1.6. Any use that is dangerous by reason of fire or explosion hazard, injurious, noxious or detrimental to the community or neighborhood by reason of the emission of dust, odor, fumes, smoke, wastes, refuse matter, noise, vibration, or because of any other objectionable feature that is offensive to an extent equal to or greater than the enumerated permitted uses, special uses or special exceptions in the applicable zoning district.

11.1.7, 11.1.8. *Reserved.*

(Ord. No. 978, 4-6-81; Ord. No. 1078, 2-10-86; Ord. No. 1142, 6-6-88; Ord. No. 1280, 8-1-94; Ord. No. 1452, 5-7-01; Ord. No. 1496, 9-29-03)

CHAPTER 12. SCHEDULE OF LOT AND BUILDING REQUIREMENTS**Sec. 12.1. Required schedule.**

No lot shall be used and no building shall be erected except in conformance with the following schedule:

TABLE INSET:

Zoning District	Minimum					Maximum	
	Lot Area (square feet)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Lot Coverage (percent)	Building Height (stories)
R-80	80,000	200	60	40	60	10	2 1/2(F)
R-40	40,000	150	50	30	50	10	2 1/2(F)
R-20	20,000	100	30	15	30	20	2 1/2(F)
MF	10,000	60	25	10	25	25	3(D)
ROS	5,000	50	(B)	(B)	(B)	10	1
NC	10,000	50	10	10	10	25	3
GC	10,000	50	20	10 (A)	20	25	3
PC	120,000	400	65	50	25	30	3
CC	5,000	40	(B)	(B)	(B)	(C)	7 (G)
WD	25,000	100	20	10	20	25 (E)	7 (G)
ID	40,000	200	40	25	20	30	3
BP	40,000	200	30	25	25	60	7
PDD	120,000	250	50	50	50	50	7

(A) In the (GC) general commercial district, one side yard of each lot may be omitted and buildings may be built to the common lot line, provided the party or other walls separating them are of masonry construction and without openings.

(B) No requirement.

(C) No requirement except that the maximum lot coverage for a high-rise apartment shall be 70 percent.

(D) Except that high-rise apartments and high-rise group buildings may be erected to a height of seven stories in accordance with section 8.3.1(e) hereof.

(E) In the waterfront development (WD) district coverage may be expanded to a maximum of 70 percent if permanent public access to and along a waterfront in the form of an easement at least ten feet wide is provided, and if such increase in lot coverage does not adversely affect the coastal resources as defined by G.S. § 22a-93(7).

(F) Rear lots and variations on of dimensional requirements are permitted within these districts provided the requirements of section 3.23 of these regulations are met.

(G) Building height requirements in the Chelsea central (CC) and waterfront development (WD) districts may be waived provided the commission is furnished with a favorable report by the fire marshal of the City of Norwich setting forth the fire fighting

feasibility of the proposed building.

(H) Any lot existing in a PC zone as of September 29, 2003, may be developed and built upon provided it meets the bulk requirements of a GC zone.

(I) In the (GC) general commercial district, on any lot in excess of 20 acres, maximum lot coverage may be increased to 40 percent.

(Ord. No. 1024, §§ 6, 7, 9-6-83; Ord. No. 1241, 3-2-92; Ord. No. 1399, 11-16-98; Ord. No. 1496, 9-29-03; Ord. No. 1517, 8-2-04; Ord. No. 1535, § 12.1, 9-6-05)

Sec. 12.2. Front yard for buildings on west side of Broadway.

No building shall be erected on the westerly side of Broadway from Broad Street to Williams Street with a front yard of less than 65 feet.

Sec. 12.3. Front yard for buildings on east side of Broadway.

No building shall be erected on the easterly side of Broadway from Broad Street to Williams Street with a front yard of less than 45 feet.

Sec. 12.4. Vehicular access from Maple Street.

No vehicular access to or from Maple Street shall be permitted to any building or lot in the area bounded by West Main Street, Crane Avenue, Maple Street and Asylum Street.

Sec. 12.5. Front yard for buildings on West Main Street and Salem Turnpike.

No building or structure shall hereafter be extended, erected or reconstructed on the southerly and northerly sides of West Main Street and Salem Turnpike, between the west channel of the Yantic River and the easterly right-of-way line of the Connecticut Turnpike, with a front yard less than the required zone setback for front yards within the proposed right-of-way shown on the State of Connecticut department of transportation map of Route 82 reconstruction, supplemental to the maps mentioned in section 2.2, and which supplemental map is made part of this section as fully as if set out herein.

(Ord. No. 1005, 11-8-82)

CHAPTER 13. RESERVED*

***Editor's note:** Ord. No. 1496, adopted Sept. 29, 2003, repealed former ch. 13, §§ 13.1--13.11, in its entirety which pertained to planned unit developments and derived from Ord. No. 634, 2-25-73; Ord. No. 641, 4-2-73; Ord. No. 1181, 8-7-89; Ord. No. 1182, 8-7-89; Ord. No. 1183, 8-7-89.

CHAPTER 14. FLOODPLAIN AND FLOODWAY ZONING

Sec. 14.1. Statement of purpose.

The areas of special flood hazard and the floodway of the City of Norwich are subject to periodic inundation that may result in loss of life, property, health and safety hazards, the disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and the impairment of the tax base, all of which adversely affects the general welfare of the city and its residents.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses in flood prone areas by:

- (a) Promoting the use of floodplains and floodways on public lands for open space and passive recreation and to encourage the acquisition of such vacant open space land located within the floodway and floodplain for public lands.
- (b) Restricting and prohibiting uses which are dangerous to health, safety or property in times of flood or which cause increased flood heights or velocities.
- (c) Requiring that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

(Ord. No. 1216, 1-7-91; Ord. No. 1259, 10-5-92)

Sec. 14.2. Lands to be regulated by this ordinance.

This chapter shall apply to all areas of special flood hazard and floodways within the jurisdiction of the City of Norwich. The areas of special flood hazard and floodways are identified by the Federal Emergency Management Agency in its flood insurance study (FIS) or flood insurance rate map, with accompanying floodway maps and other supporting data, and any revision thereto. The designation of areas of special flood hazard and floodway shall become part of the Norwich zoning map as an overlay zoning district. The "flood boundary and floodway map" and the "flood insurance rate map" and any amendments thereto shall be declared part of this ordinance.

14.2.1. The requirements of this ordinance shall be supplementary to the basic requirements of various zoning districts within Norwich in which a parcel or lot may lie and section 19.4 of these regulations.

(Ord. No. 1216, 1-7-91)

Sec. 14.3. Interpretation of boundaries within the floodplain and floodway.

14.3.1. The zoning enforcement officer shall determine initially upon request whether a lot or parcel of land lies wholly or partially within the floodplain and/or floodway as shown on the "flood insurance rate map" or the "flood boundary or floodway map" and any amendments thereto.

The zoning enforcement officer may require that verification of elevations be provided by the applicant and/or owner of the property. Such verification shall be determined by a land surveyor licensed in the State of Connecticut and shall be based on National Geodetic Vertical Datum (1929).

14.3.2. In floodplain and floodway areas, where there is no base flood elevation provided, the zoning enforcement officer shall obtain, review and reasonably utilize any base flood elevation and

floodway data available from a federal, state or other sources, including data developed for applications submitted in accordance with section 14.5 and section 14.6 of these regulations.

(a) In A zones where base flood elevations have been determined, but before a floodway is designated, the floodway location shall be determined by assuming that no new construction or substantial improvements or other development (including fill) will be permitted that will increase flood heights more than one foot at any point along the watercourse when all anticipated development is considered cumulatively (cumulative is the reasonable assumption that there will be total encroachment extending on both sides of the watercourse within the floodway fringe).

(Ord. No. 1216, 1-7-91)

Sec. 14.4. Prohibited uses within the floodplain and floodway.

14.4.1. The following uses shall be prohibited within the designated floodplain areas:

- (a) The storage or processing of materials that are in times of flooding buoyant, flammable, or explosive or could be injurious to human, animal or plant life except as provided under section 14.5(f) of these regulations.
- (b) Storage of hazardous materials, substances and wastes.
- (c) Storage of salt except within the floodplain of the Thames River.

14.4.2. In addition to the prohibited uses in section 14.4.1, the following uses shall be prohibited in the designated floodway areas:

- (a) Encroachments, including fill, new construction, substantial improvements and other development unless certification, with supporting technical data, by a professional engineer registered in the State of Connecticut is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- (b) Placement of residential structures including manufactured homes.

(Ord. No. 1216, 1-7-91)

Sec. 14.5. Permitted uses.

The following uses shall be permitted within the floodplain and floodway upon the issuance of a zoning permit by the zoning enforcement officer, provided they are not prohibited by other ordinances, and they do not require structures (unless specifically listed) or changes in grades.

- (a) Agricultural and silvicultural uses according to recognized soil and water conservation practices, including the building of fences. However, no solid design fences, such as stockade, shall be allowed to be placed within the floodway portion of the floodplain unless it is oriented parallel to the flow of floodwaters.
- (b) Public and private open space uses such as golf courses, tennis courts, driving ranges, archery areas, parks, wildlife and nature preserves, game farms, fish hatcheries, hunting and fishing areas, hiking and horseback riding trails, provided that no such use shall pose a pollution threat to adjacent waterways. Such uses do not include any necessary associated paved parking lots, structures, dredging or filling.
- (c) Residential uses such as lawns, gardens, paved or dust free stone driveways, installation of in-ground pools and associated flood proofed pump houses (not to exceed five feet by five feet and must be properly anchored to prevent flotation) and play areas.

The filling in of an in-ground pool may occur provided the filling matches the surrounding topography.

(d) Unpaved parking (including any required paved driveway apron) areas, provided they do not allow materials to collect in such a way that they might be washed into the adjacent waterway and provided no change in elevation is proposed.

(e) Emergency replacement of existing on-site sewage disposal system, provided immediate action is necessary as determined by the zoning enforcement officer based on recommendation from the health district, municipal, state and regional departments.

(f) Removal and replacement of existing fuel storage tanks and associated regrading, provided existing grading is restored after the tank is removed and/or replaced. Such tanks shall be anchored to prevent buoyancy in flood conditions.

(g) Required public water supply property maintenance work.

(h) Building demolition.

(i) Required minor maintenance of city roads, such as repaving of existing roads, cleaning of culverts and minor drainage improvements to existing systems.

(j) Installation of public utilities, provided they are designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters.

(k) Public safety signs and other sign supports, provided they are properly anchored to prevent flotation.

14.5.1. The zoning enforcement officer may require submission of an erosion and sediment control plan, and any other information necessary to ensure compliance with these regulations, and the review of the proposed improvements by the city engineer, the technical advisor to the inland wetlands, watercourses and conservation commission, the Connecticut department of environmental protection, the New London County Soil and Water Conservation District and the U.S. Army Corps of Engineers.

(Ord. No. 1216, 1-7-91)

Sec. 14.6. Special permit uses within the floodplain and floodway.

14.6.1. *Uses enumerated.* The following uses which involve structures (temporary or permanent), fill, excavation of land, storage of materials or equipment may be permitted only by the granting of a special permit by the commission on the city plan; however, not including those uses permitted under section 14.5 and those uses prohibited under section 14.4 of these regulations; and provided the additional provisions of section 14.6.2 are addressed:

(a) Dams, culverts, bridges, dikes and flood-control projects, provided that such use has been approved by appropriate authorities at the regional, state and/or federal level, unless regional, state and/or federal regulations require local approval first.

(b) Paved roads, paved driveways and paved parking areas.

(c) Excavation of and the grading and regrading of lands including the deposition of topsoil and the grading thereof and the construction of retaining walls.

(d) Structures otherwise permitted in the zoning district in which the floodplain is located, provided that:

1. All new construction and substantial improvements of residential structures, including manufactured homes, shall have the lowest floor (including the basement) elevated 1 1/2 feet above the base flood level.

2. All new construction and substantial improvements of nonresidential structures shall:

a. Have the lowest floor (including the basement) elevated 1 1/2 feet above the base flood level; or

b. Together with attendant utilities and sanitary facilities, be designed so that the structure is flood proofed 1 1/2 feet above the base flood level, 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 professional engineer or architect licensed in the State of Connecticut shall certify to the commission on the city plan and the building inspector that the construction of the building will comply with this section and other requirements outlined in the building code for the construction of buildings in a floodplain.

14.6.2. *Additional requirements for special permits.* In addition to the requirements of the particular zoning district and the requirements of section 17.2, the following are additional requirements for improvements within the floodplain district:

(a) All uses, fill, structures or other encroachments, including, but not limited to, fill, excavation, deposition, construction, substantial improvements, storage of materials, or equipment, whether permanent or temporary, shall not be permitted when such encroachments, acting alone or in combination with existing or future uses, unduly affect the efficiency or capacity of the floodplain. One hundred percent compensatory flood storage shall be provided, on-site or off-site, for all encroachment within the floodplain. It shall be demonstrated by technical data, prepared by a professional engineer licensed in the State of Connecticut, that the proposed compensatory storage shall counterbalance, at the same flood frequency, the encroachment within close proximity to the development.

(b) The commission on the city plan may permit development with varying levels of compensatory flood storage or without compensatory flood storage if the commission on the city plan determines it is not technically feasible to equally counterbalance the encroachment or it is not reasonable to provide such storage due to the existence of one or more of the following conditions: (1) the provision of such storage would require significant blasting due to geological conditions; (2) the provision of such storage will adversely impact the historical integrity of existing structures on the site; (3) the provision of such storage will adversely impact important natural and archaeological resources on the site; (4) such compensation will prevent the reuse of existing structures and improvements.

Technical data prepared by a qualified professional engineer licensed in the State of Connecticut shall be provided to enable the commission on the city plan to determine compliance with this section and section 14.6.2(a) and (b). The commission on the city plan (or the inland wetlands, watercourses and conservation commission to assist in making a recommendation) may require additional information prepared by other qualified professionals to determine if compensatory storage should be required or waived in accordance with items 1--4 of this subsection. All applicants requesting a waiver in accordance with [items] 1--4 above shall submit a request for a waiver with the application for the special permit and shall outline specific reasons substantiating the request for the waiver. If the applicant does not provide such information as part of the application, the commission on the city plan shall deny the waiver and the special permit application.

(c) New construction and substantial improvements shall have in-structure mechanicals, such as electrical, heating, ventilation, plumbing, air conditioning

equipment, and other service facilities, designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(d) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement, and shall be developed using methods and practices that minimize flood damage and shall be constructed with materials resistant to flood damages. A professional engineer and/or architect licensed in the State of Connecticut shall certify that such building construction complies with the provisions of this section.

(e) New sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters.

(f) All structures and substantial improvements shall be flood proofed to 1 1/2 feet above the base flood elevation, have mechanisms such as screens easily available to shield them from floating debris, and have mechanisms installed to eject seepage. Flood proofing methods shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with flooding.

(g) The project shall not tend to reduce the value or usefulness of other properties in the floodplain or near the floodplain due to increase in flood heights.

(h) The project shall not present a potential pollution hazard to soil, ground or surface waters.

(i) The project will protect human life and health and limit property damage.

(j) The project shall not endanger public facilities such as flood-control projects, water, sewer, gas, and electrical lines, streets and bridges.

(k) Structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwater and to objects and debris carried by the floodwaters.

14.6.3. *Application procedures for special permits.* Applications for approval of any special permits for improvements within the floodplain and floodway shall be submitted to the commission on the city plan in accordance with the specifications of section 17.2 of these regulations and this chapter, and on an application form furnished by the commission on the city plan. Such application shall be accompanied by the following information:

(a) Five sets of plans drawn to scale, showing the nature, location, dimensions and elevation of the lot, existing and or proposed structure (indicating lowest floor elevation, including basement), fill, storage of and type of materials, location of the foregoing in relation to the floodway, floodplain, wetland areas, watercourses and any other natural resources. Such plan shall be prepared by a land surveyor and/or professional engineer licensed in the State of Connecticut, whichever is applicable.

(b) Flood impact studies, certified by a professional engineer licensed in the State of Connecticut, indicating the effects of the proposed use on the drainage systems upstream and downstream, the watercourse, the floodplain and any associated wetland areas. Such studies shall also indicate how the application will comply with sections 14.6.1.d and 14.6.2(a) through (k) of these regulations. The commission on the city plan may waive the requirement of the preparation of the flood study or impact statement by a professional engineer if in the commission's opinion the proposed activity is insignificant and provided the city engineer and the inland wetlands, watercourses and conservation commission recommend that the preparation of such statement or study by a professional engineer is not necessary.

14.6.4. *Review by other regulatory bodies.* Upon receipt of the application, the commission on the city plan shall refer the application to the inland wetlands, watercourses and conservation commission (IWWCC) for review and comment.

The commission on the city plan may also refer the application to the city engineer, the New London County Soil Conservation (Service) District, Connecticut department of environmental protection, the U.S. Army Corps of Engineers and/or a competent professional consultant for review and comment.

The commission on the city plan shall request that comments be provided within 30 days of the commission's request.

14.6.5. Notification of other municipalities and agencies. The commission on the city plan shall notify any municipality within 500 feet of the proposed development, the department of environmental protection, inland water resources division, and the Federal Emergency Management Agency prior to any alteration or relocation of a watercourse and shall submit evidence that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

14.6.6. Public hearings. The commission on the city plan shall conduct a public hearing on all requests for special permit applications for improvements within the floodplain and floodway. Such hearing shall be conducted in accordance with section 17.2 of these regulations.

14.6.7. Fees. Each application for a special permit under this section, in addition to the required fee under section 17.2.1, shall be accompanied by a fee of one-tenth of one percent of the estimated cost of construction of the project, provided that municipal agencies shall not be required to pay a fee. The proceeds of such fees may be used by the commission to pay for professional consultation concerning the project.

14.6.8. Provision of flood proofing. Prior to the issuance of a zoning compliance certificate, the zoning enforcement officer shall require the applicant to provide an as-built plan prepared by a land surveyor licensed in the State of Connecticut showing the elevation of the lowest floor including the basement, the level to which any nonresidential structure has been waterproofed, and or grades for those areas regraded.

The zoning enforcement officer shall maintain a record of certification for flood proofing as required by section 14.6.1(d)1 and 2, and any other design or plan certifications as may be required under these regulations.

(Ord. No. 1216, 1-7-91; Ord. No. 1259, 10-5-92; Ord. No. 1283, 8-1-94; Ord. No. 1330, 5-6-96; Ord. No. 1496, 9-29-03)

Sec. 14.7. Variances.

Variances of the provisions of this chapter may be granted by the zoning board of appeals in accordance with the provisions of section 19.1.3 and the following:

- (a) No variance shall be granted that will result in increased flood heights more than one foot at any point along the length of the watercourse, as required by the provisions of the Flood Insurance Program.
- (b) No variance shall be granted that will result in additional threats to public safety, extraordinary public expense, nuisances or victimization of the public.
- (c) Upon the granting of the variance, the zoning board of appeals shall notify the applicant in writing that:
 - (1) The granting of the variance to construct a structure below the base flood level will result in increased premium rates for flood insurance;
 - (2) Such construction below the flood level increases risks to life and property.
- (d) The notification information outlined in this section shall appear in the variance form

filed with the city clerk's office.(e) The zoning board of appeals shall maintain a record of all variances granted, including justification for their issuance.

(Ord. No. 1216, 1-7-91; Ord. No. 1283, 8-1-94)

Sec. 14.8. Municipal liability.

The granting of a special permit, variance or zoning permit shall not constitute a representation, guarantee or warranty of any kind by the city, its officials, agents or employees of the practicability or safety of the proposed use or structure and shall create no liability upon the city, its agents or its employees.

(Ord. No. 1216, 1-7-91; Ord. No. 1283, 8-1-94)

CHAPTER 15. OFF-STREET PARKING AND LOADING**Sec. 15.1. Off-street parking.**

Off-street parking facilities shall be provided for all new uses or buildings hereafter constructed or enlarged in accordance with the following requirements:

15.1.1. For one-family and two-family dwellings, one parking space for each dwelling unit.

15.1.2. For buildings containing three or more dwelling units, 1 1/2 spaces for each dwelling unit.

15.1.3. For permitted home occupations and professional offices in a residence, two parking spaces plus one parking space for each 200 square feet of building floor area devoted to such use.

15.1.4. For retail stores and service shops, exclusive of furniture stores containing a minimum of 20,000 square feet, the following:

(a) One parking space for each 200 square feet of gross first floor area, exclusive of basement storage; plus

(b) One parking space for each 300 square feet above the first floor; except that, no parking spaces for areas above the first floor shall be required for storage and mechanical rooms or for non-sales areas which combined are less than four percent of the total gross floor area of all floors.

15.1.5. For business offices, financial institutions, and off-track branch offices, one parking space for each 300 square feet of gross floor area, exclusive of basement storage.

15.1.6. For restaurants or other eating and drinking places and clubs, one parking space for every 150 square feet of gross floor area, exclusive of basement storage.

15.1.7. For hotels, motels or boardinghouses or rooming houses, one parking space for each rental unit or guest accommodation plus specified requirements for restaurants, meeting rooms and related facilities, plus one additional space for each three employees.

15.1.8. For hospitals, sanitariums, convalescent or nursing homes, one parking space for each three beds excluding bassinets, plus one additional space for each four employees.

15.1.9. For medical or dental offices, excluding home occupations, one parking space for each 200 square feet of gross floor area, excluding basement storage area.

15.1.10. For undertaking establishments, one parking space for each 25 square feet of gross public floor area.

15.1.11. For theaters and places of assembly, indoor amusement and recreation, one parking space for each three seats or one parking space for every 200 square feet of gross floor area, whichever is greater. For the purposes of this section, each amusement device shall constitute one seat.

15.1.12. For philanthropic or eleemosynary institutions, one parking space for each 150 square feet of floor area devoted to office or administrative use.

15.1.13. For gasoline stations, a minimum of five spaces.

15.1.14. For wholesaling or warehousing establishments and laboratories, one parking space for each three employees based on the numerically largest shift, or for each 2,000 square feet of gross floor area, whichever is greater.

15.1.15. For industrial and manufacturing plants, one parking space for each three employees

based on the numerically largest shift.

15.1.16. For schools, 20 parking spaces plus one parking space for each employee, plus one parking space for each three pupils in the 11th and 12th grades or above.

15.1.17. For public housing for the elderly, three-quarters parking space for each dwelling unit.

15.1.17.1. For teletracks, the same number of parking spaces required by state commission on special revenue regulations.

15.1.18. For other uses not specifically listed, the same requirements as for the most similar listed use.

15.1.19. For furniture stores containing a minimum of 20,000 square feet, one parking space for each 600 square feet of gross floor area exclusive of basement storage.

15.1.20. For bed and breakfast inns, two parking spaces plus one parking space for each guest room. On-street parking may be provided if such on-street parking does not create safety or traffic concern or hazard as determined by the director of public works, the police chief and the commission on the city plan. It is the intent of this regulation to maintain yards and landscaping and the integrity of the neighborhood while providing for parking that meets the needs of the inn; therefore, the commission on the city plan may waive the parking design standards listed in section 15.12 if it is determined by the commission that the parking complies with the intent of the regulations and will meet the needs of the inn. The provisions of section 15.2 entitled "Off-street loading," shall not apply to bed and breakfast inn operations.

15.1.21. For outdoor amusement and recreation facilities, one parking space for every three persons that the outdoor facilities are designed to accommodate when used to maximum capacity.

15.1.22. For day care and nursery schools except for home day care serving less than seven children, one parking space per every one employee at the largest shift, plus one off-street passenger loading/waiting space for each six students with a minimum of six spaces to be provided.

15.1.23. For marinas, one space for every boat slip.

15.1.24. For mill buildings which qualify for inclusion within chapter 7, Historic Design Overlay Zone and Other Special Regulations, parking calculations shall be based on the following criteria:

(a) For residential uses, 1 1/2 parking spaces for each dwelling unit.

(b) For business offices, financial institutions, medical or dental offices, one parking space for each 300 square feet of gross first floor area and one parking space for each 400 square feet of gross floor area above the first floor, exclusive of any storage area.

(c) For retail stores and service, exclusive of furniture stores containing a minimum of 20,000 square feet, one parking space for each 250 square feet of gross first floor area and one space for each 500 square feet of gross floor area above the first floor, exclusive of basement storage.

(d) For artist or photography studios, one space for every 400 square feet of gross floor area.

(e) For radio or television stations, one parking space for each 400 square feet of gross floor area.

(f) For museums, one parking space for each four seats in rooms for public assembly or for each 300 square feet of gross floor area, exclusive of storage areas.

(g) For day care centers, one parking space for each employee, plus one parking space for every five students. In the event the daycare center is restricted to tenants of an associated multifamily use, only one parking space for each employee shall apply.

(h) For gymnasiums or health clubs, one parking space for each 300 square feet of

gross floor area.

(i) For any uses not specifically listed in this section the requirement shall be in accordance with the same or most similar use pursuant to chapter 15.

The intent of this regulation is to maintain the historic integrity of the mills and surrounding neighborhoods, while providing adequate parking to address the various uses permitted. The commission on the city plan may waive the off-street loading and parking design standards listed in sections 15.2 and 15.12 if it is determined by the commission that the parking complies with the intent of the regulations and will meet the needs of the mills.

(Ord. No. 756, §§ 7, 8, 4-7-75; Ord. No. 1249, 6-1-92; Ord. No. 1252, 7-20-92; Ord. No. 1293, 8-1-94; Ord. No. 1320, 8-7-95; Ord. No. 1330, 5-6-96)

Sec. 15.2. Off-street loading.

Every building or lot hereafter put into use for business or industrial purposes or for a hospital, and which has an aggregate floor area of 1,000 square feet or more devoted to any such use, shall be provided with off-street truck loading spaces at the rear of the building in accordance with the following schedule:

15.2.1. One loading space for a gross floor area between 1,000 and 15,000 square feet; and

15.2.2. One additional loading space for each additional 20,000 square feet of gross floor area or major fraction thereof.

Sec. 15.3. Nonconforming use.

The required off-street parking and loading facilities shall apply to all nonconforming uses existing at the time of adoption of this ordinance or any amendments thereto.

Sec. 15.4. Dimensions of parking space.

A required parking space shall contain not less than 180 square feet with a minimum width of nine feet (except for compact car spaces). Each space shall be of usable shape, exclusive of driveways and access areas. The commission on the city plan may permit the designation of up to 25 percent of parking for compact cars. Compact car space shall not be less than 18 feet by nine feet.

(Ord. No. 1293, 8-1-94)

Sec. 15.5. Dimensions of loading berth.

A required loading space shall not be less than ten feet wide, 25 feet long, and 15 feet high, exclusive of access.

Sec. 15.6. Location of parking facilities.

Required parking facilities shall be provided on the same lot as the building they serve or on a lot within 600 feet from such building.

Sec. 15.7. Common spaces.

Nothing in this section shall be deemed to prohibit a cooperative action on the part of any group designed to provide in common the parking spaces required for the individual members of the group, provided that the area, or a sufficient portion thereof, is located within 600 feet of the building which it serves.

Sec. 15.8. Access.

Common spaces of two or more parking facilities on adjoining lots, if designed for use as a single parking area, may use the same means of access.

Sec. 15.9. Mixed uses.

In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various uses, computed separately. The commission may modify this requirement based upon parking demands for different uses at different times.

(Ord. No. 1496, 9-29-03)

Sec. 15.10. Fractions of spaces.

When the number of calculated parking spaces results in the requirements of a fractional space, any fraction under one-half may be disregarded, and any fraction over the one-half shall be construed as requiring a full space.

Sec. 15.11. Municipal parking facilities.

Subject to a special permit and site plan review, the commission may waive the minimum off-street parking requirements for any commercial or industrial use hereafter constructed, reconstructed, or enlarged if said use can be reasonably served by an existing off-street municipal parking facility.

15.11.1. The commission shall refer said application to the city parking commission who shall review and report to the commission within 30 days as to the adequacy of the existing off-street municipal parking facility for handling the contemplated additional users at the time of application.

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

TABLE INSET:

Walking Distance*	Reduction Factor (percent)
0--150 feet	100
151--300 feet	75
301--450 feet	50
451--600 feet	25
Over 600 feet	0

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

Sec. 15.12. Design standards.

All off-street parking and loading facilities shall be designed with appropriate means of vehicular access to a street as well as maneuvering areas. Detailed plans shall be submitted to the city director of public works and where appropriate to the state highway department for approval of all curb cuts or driveway openings before a permit may be obtained therefor.

15.12.1. All parking spaces, loading facilities and access roadways shall have adequate all-weather surfacing treated to inhibit dust, adequate drainage, and shall allow free and safe movement of all vehicles customarily using the facility.

15.12.2. Any parking area designed for three or more vehicles located adjacent to any public sidewalk or area reserved for a public sidewalk shall be separated from such sidewalk or reserved area by a suitable barrier so placed as to prevent the encroachment or parking of vehicles on such public sidewalk or reserved area.

15.12.3. The light, including illuminated signs, on any parking area or driveway shall be located and arranged to reflect away from residential areas and public streets.

Sec. 15.13. Landscaping.

Parking lots in commercial and industrial districts shall have, in addition to required landscaped buffer strips, at least 18 square feet of green space, seeded to grass and planted with trees and shrubs, within the parking lot, for each parking space. In all parking lots of more than 50 spaces, a landscaped divider strip at least six feet wide planted to trees and evergreen shrubs, shall be provided not more than 150 feet on center.

Sec. 15.14. Pedestrian safety.

All off-street parking areas shall be designed to provide for the safe and convenient movement of pedestrians through such areas.

TYPICAL PARKING LOT STANDARDS

[GRAPHIC LINK: Typical Parking Lot Standards](#)

CHAPTER 16. SIGNS

Sec. 16.1. Procedure.

After the adoption of this ordinance as amended and except as otherwise provided herein, no person shall erect, structurally alter, or relocate any sign without first obtaining approval for a permit from the zoning enforcement officer.

(Ord. No. 1006, 11-8-82)

Sec. 16.2. Measurement of sign area.

The area of a sign shall be considered to be that of the smallest rectangle or triangle which encompasses all lettering, wording, design, or symbols. If attached to or located on a wall, the area of the sign shall include any background different from the balance of the wall if such background is designed as an integral part of and obviously related to the sign.

16.2.1. The area of a sign which is designed to be seen from more than one side shall be considered to be that of the aggregate of the largest rectangle or triangle which encompasses all lettering, wording, designs, or symbols together with any background on one side of the sign.

16.2.2. The supports which affix a sign to the ground or to a building shall not be included in the area of the sign unless such supports are obviously designed to be part of the sign.

(Ord. No. 1496, 9-29-03)

Sec. 16.3. Sign location.

Signs attached to buildings shall project no more than 36 inches from the face of the building unless otherwise outlined in section 16.10.

16.3.1. A business sign permitted in any commercial or industrial district may be displayed on the front or sides of a building. No sign may be placed on the rear of a building that is located within a distance of 100 feet from a residence district unless it is shielded from view with a permanent physical barrier which is located within the same zone as the sign.

16.3.2. Commercial and industrial buildings which abut and possess public entrance on more than one street shall be deemed to have more than one front and may display signs in accordance with section 16.3.1 above.

(Ord. No. 1006, 11-8-82; Ord. No. 1186, 9-5-89; Ord. No. 1496, 9-29-03)

Sec. 16.4. Height of sign.

Ground business signs, including supports, and signs used in conjunction with or accessory to gasoline service stations, shall not exceed a height of 12 feet in a residence district, or 24 feet in a commercial or industrial district, above the surface of the ground where located.

16.4.1. Signs attached to buildings shall project not more than ten feet above the top of the exterior wall or roof of such building (except that in an industrial district, a sign may project up to ten feet above the top of the exterior wall of such building), provided the sign is not within 200 feet of the

boundary of a residence district or street.

(Ord. No. 1006, 11-8-82)

Sec. 16.5. Illuminated and moving signs.

A sign may be illuminated if the illumination is consistent in intensity and is confined to or directed to the surface of the sign. No flashing or intermittent illumination shall be permitted except signs indicating time and/or temperature by means of white, intermittent lighting, provided the longest dimension of such a sign does not exceed five feet.

16.5.1. No sign or any part thereof shall be permitted to be mechanically rotated or moved except traditional signs of barber shops, provided the longest dimension of such signs does not exceed three feet.

16.5.2. The light sources of signs shall be so designed and shielded that it will not create a glare, except that signs with exposed neon or fluorescent tubes shall be permitted in all commercial and industrial districts.

(Ord. No. 1006, 11-8-82; Ord. No. 1186, 9-5-89)

Sec. 16.6. Construction of signs.

All signs shall be constructed of sound weatherproof materials, firmly supported and maintained in good condition and repair. Permits for signs may be revoked by the zoning enforcement officer if such sign is not maintained in good condition.

(Ord. No. 1186, 9-5-89)

Sec. 16.7. Signs in all districts.

The zoning enforcement officer may permit the erection of the following types of signs in any zoning district:

16.7.1. *Directional signs.* Any directional sign shall have black letters and arrow on white background and shall be no more than eight inches in height and 36 inches in length. The number, placement, type of supporting standard, duration of permit and maintenance of said signs shall be prescribed by the zoning enforcement officer.

16.7.2. *Temporary signs.* Temporary signs, not over six square feet in area, and advertising the sale, rental, or special features of the building or lot on which they are located, may be erected in residence districts. In non-residence districts, temporary signs, not over 32 square feet in area, advertising the sale, rental or special features of the building or lot on which they are located, may be erected. Temporary signs shall be removed immediately after the termination of such sale or special feature and in no case shall be permitted for a period longer than that prescribed by the zoning enforcement officer.

16.7.3. *Political signs.* Temporary political campaign signs and posters may be erected in residential districts for a period of not more than 60 days prior to any city, state or federal election. The total square footage of such signs or posters shall not exceed 32 square feet in sign area on any one residential lot. No such sign shall be flashing or moving. Such signs and posters shall also be permitted in commercial and industrial districts except that rental space on approved outdoor advertising sign structures shall not be restricted as to size. Such temporary political campaign signs and posters shall be removed within one week after such election. Signs which are designed to be seen from more than one side shall be considered a single sign.

(Ord. No. 840, 1-4-77)

Sec. 16.8. Signs in residence districts.

Unless otherwise specified, one sign per lot shall be allowed in residence districts and shall be located at least 20 feet back of the street line. The following signs shall be permitted in all residence districts:

TABLE INSET:

Type of Sign	Maximum Sign Area
16.8.1. Signs giving the name and address of the property [owner] and/or the occupant.	1 square foot
16.8.2. Signs pertaining to a profession or occupation permitted as an accessory of the lot.	2 square feet
16.8.3. Signs in connection with approved special permits and special exceptions.	32 square feet
16.8.4. Signs pertaining to and during the construction or repair of buildings or property on which they are located.	16 square feet in residence districts--a total of 32 square feet in commercial and residential zones
16.8.5. Signs on sites offering lots and/or homes for sale within approved subdivisions.	32 square feet
16.8.6. Bulletin boards on the lots of churches or other religious institutions and municipal buildings.	32 square feet
16.8.7. Sign of civic and nonprofit organizations.	16 square feet
16.8.8. Reserved.	
16.8.9. Reserved.	
16.8.10. Signs pertaining to the operation of a bed and breakfast inn.	Maximum sign area of 6 square feet, in accordance with section 7.4.1(b)(10)

(Ord. No. 1006, 11-8-82; Ord. No. 1249, 6-1-92; Ord. No. 1320, 8-7-95; Ord. No. 1330, 5-6-96)

Sec. 16.9. Signs in commercial and industrial districts.

The following signs are permitted in any commercial and industrial district and shall be located at least ten feet behind a front property line and shall observe all other building setback line requirements for the district in which they are located:

16.9.1. *Reserved.*

16.9.2. Every place of business may, upon the property on which the business is conducted, erect plain or illuminated business signs indicating the name of the owner or proprietor, the character of the business, the name of the business, and/or the products made or sold on the site, provided that:

- (a) The total area of all signs for each unit of occupancy of a building shall not exceed two square feet for each front foot of building occupied by such unit. For each five feet of setback beyond the street line, an additional five percent of sign area shall be permitted but in no case shall the square footage of such sign exceed three times the lineal

frontage of the building.

(b) Any such business sign now or hereafter existing which no longer advertises a bona fide business conducted, product sold or activity or campaign being conducted shall be taken down and removed by the owner, agent or person having beneficial use of the building, structure or lot upon which such sign may be found within 30 days of such cessation. Upon failure to comply within the time specified the zoning enforcement officer is hereby authorized to order removal of such sign within 30 days of written notification and expense incident thereto shall be paid by the owner of the building, structure or lot to which such sign is attached. Failure to comply will result in placement of a lien against the property for all costs incurred. Such lien shall be entitled "sign removal lien" and shall have the same priority as tax liens and shall be enforced in the same manner as provided by statute for the enforcement of tax liens.

(c) No such business sign shall be attached to or obstructing any window, door, stairway or other opening intended for ingress or egress or for needed light and ventilation. Nor shall any business sign be attached to any tree, fence or utility pole.

16.9.3. In a business or industrial center developed on a tract of land three acres or more in area, initially in single ownership or control, one sign may be erected on a lot fronting on a street which may legally provide access to the property. Each sign shall not have more than 300 square feet of gross surface area. The display surface of each sign shall not be higher than 24 feet and lower than ten feet above the finished grade of the ground or pavement directly below it and shall be properly landscaped.

16.9.4. Outdoor advertising signs shall be permitted only in the GC and ID zone districts, except that no outdoor advertising sign shall be erected in any national, state, or local historic district nor within 200 feet of any national, state, or local historic district, and provided further all such outdoor advertising signs shall be subject to the restrictions and performance standards set forth below.

(a) Outdoor advertising sign structures shall be limited to not more than one for a lot of 100 linear feet of street frontage or less and, subject to spacing restrictions contained in the performance standards hereinafter set forth, not more than one additional structure for additional larger street frontage of the lot in excess of the 100 linear feet, regardless of the extent of such additional larger street frontage. Such structure shall not contain more than two signs per facing nor more than four signs in total, neither sign exceeding a length of 25 feet nor a vertical dimension of 12 feet; provided that in lieu of the two signs, one shall not exceed an overall length of 48 feet, nor a vertical dimension of 14 feet, excluding cutouts and/or embellishments. Embellishments shall not extend more than 5 1/2 feet above the top of the sign, 2 1/2 feet on the side or sides of the sign, and 1 1/2 feet on the bottom of the sign.

(b) No outdoor advertising sign shall be permitted to be erected within 100 feet of any adjoining residential district, multifamily residential district, or within 100 feet of any public park, school, playground, cemetery or place of worship.

(c) No outdoor advertising sign shall be permitted to be erected closer than 500 feet to such an existing sign structure.

(d) No outdoor advertising sign shall be permitted to be erected unless it would either be within 300 linear feet of a property on which a commercial or industrial building or use exists or within 500 linear feet of two or more properties containing a commercial or industrial building or use.

(e) Illuminated outdoor advertising signs shall be located and arranged so that such illumination is effectively shielded and does not cast direct light into residential areas or public streets. External lighting fixtures shall be permitted on indirectly illuminated signs, providing such fixtures do not extend more than six feet beyond the sign structure and are attached so that such illumination is directed upon the face of the sign and does not

reflect directly into adjoining property or public streets.

(f) The exposed back of every outdoor advertising sign shall be effectively shielded from view from a public way by: An adjacent building, other substantial structure or evergreen planting, by another sign facing on the same sign structure of comparable size, or by painting of such exposed back by the sign owner in a neutral color. Unless topographically impractical, new or rebuilt outdoor advertising ground structures shall be of the cantilever type to lessen possibility of unsightly "A" frame construction.

(g) No ground advertising structure shall be permitted to be erected to exceed an overall height above the pavement level of the nearest major street or road from which it is designed to be viewed of 40 feet, regardless of permitted heights in the district, to alleviate possibility of "hilltop" signs or similar dominant locations based on unusual topography.

(h) Outdoor advertising signs placed on structures associated with local, state and federal public transportation systems are exempt from the restrictions and performance standards set forth above. The city planner shall approve the design and size of all such signage prior to the issuance of a zoning permit by the zoning enforcement officer.

16.9.5. All signs, together with their supports, braces, guys and anchors, shall be kept in good repair and safe condition. The owner of a ground sign and the owner of the premises on which it stands shall be severally responsible for keeping such sign and ground around it in safe, sanitary, neat and clean condition. An outdoor advertising sign which has been abandoned for a period of 60 continuous days shall be removed by the owner of the premises on which it is situated.

16.9.6. No person shall erect, install, remove, rehang or maintain over public property any sign for which a permit is required under the provisions of this ordinance until an insurance policy for public liability and property damage shall have been filed with the zoning enforcement officer with coverage in an amount satisfactory to the comptroller of the City of Norwich. Such insurance policy shall protect and save harmless the City of Norwich from any and all claims or demands for damages by reason of any action of the sign hanger, contractor or his employees, or by reason of any defects in the construction, or by reason of the collapse, failure or combustion of the sign or any part thereof.

16.9.7. Signs within the Chelsea central district (CC). In order to enhance the aesthetic value of the Chelsea central district and encourage harmonious and creative development of signs within the CC, the following criteria shall apply to all signs within the CC.

(a) Perpendicular signs may be attached to a building provided that the base of the sign is a minimum of eight feet from the ground level and shall not extend above the sill of windows on the second floor (this does not include braces necessary for the attachment of the sign to the building). Such signs shall be located not less than 12 inches from the face of the building, and all such signs shall be double-faced. No such sign shall exceed 30 square feet in area per side and shall not extend beyond six feet from the building.

(b) Awnings and canopies are permitted within the CC provided they are ground supported and/or adequately secured to the building. An awning or canopy shall be a minimum of eight feet to ground level so as not to obstruct pedestrian access along the sidewalk and shall not exceed beyond the curb line of the sidewalk.

(c) Painted murals are permitted provided that they contain no advertising and provided the approval is obtained by the commission on the city plan on the design of the mural. Any such murals shall be in keeping with the character of the Chelsea central district (downtown area). Prior to submission of any mural design to the commission a recommendation from the downtown development program shall be obtained by the applicant and presented to the commission.

(d) Temporary signs. Special advertising devices for new businesses such as banners, pennants and streamers are permitted for not more than 30 days.

(e) The city planner shall approve the design of all signage prior to the issuance of a zoning permit by the zoning enforcement officer. Items to be considered for review are as follows:

1. Materials used shall be durable. Wood-carved signs are preferable.
2. Color schemes shall be harmonious to the Chelsea central district. Historic color schemes are recommended.
3. Architectural design and details of building shall be considered in location of the sign on the building.
4. Letter size shall be proportionate to the sign frieze and the building facade; in general the size of the letters should not exceed 18 inches in height.
5. Consistency with the "Downtown Sign Guidelines" (available in planning and neighborhood services department).

The commission on the city plan may waive any of the above-noted signage requirements outlined in chapter 16 provided items in section 16.9.7(e) are considered and that, if in the opinion of the commission, the waiver will provide a more creative, aesthetically pleasing sign design. Such waiver may only be granted by two-thirds vote of the entire commission.

(Ord. No. 1006, 11-8-82; Ord. No. 1186, 9-5-89; Ord. No. 1328, 4-1-96; Ord. No. 1330, 5-6-96; Ord. No. 1496, 9-29-03)

Sec. 16.10. Prohibited signs.

The prohibitions contained in this section shall apply to all signs, all artificial lighting and all districts, except otherwise outlined in section 16.9.7, regardless of designation.

16.10.1. No new sign, including projecting signs, shall be located in or project over any street right-of-way except an official sign.

16.10.2. No advertisement, advertising structure or other object shall be erected, used or maintained which in any way causes obstruction of official, directional or warning signs to be erected or maintained by the state or municipality or by any railroad or public utility or similar agency concerned with the protection of the public health or safety.

16.10.3. No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct free and clear vision of the intersection.

16.10.4. Any advertisement which uses a series of two or more freestanding signs placed in a line parallel to a street, or in similar fashion, all carrying a single advertising message, part of which is contained on each sign is prohibited.

16.10.5. Reserved.

16.10.6. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public street, highway, sidewalk or adjacent lot so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

(Ord. No. 1006, 11-8-82)

Sec. 16.11. Nonconforming signs.

A nonconforming sign, once removed, shall not be replaced except in accordance with the

provisions of this ordinance.

(Ord. No. 1006, 11-8-82)

Sec. 16.12. Conflict.

Where there is a conflict between the provisions of this ordinance and any building code regulations, the more restrictive provision shall apply.

(Ord. No. 1006, 11-8-82)

CHAPTER 17. SITE PLAN REVIEW AND SPECIAL PERMITS**Sec. 17.1. Site plan review authorization and approval.**

In all cases where this ordinance requires site plan review, no permit shall be issued by the zoning enforcement officer except in conformity with this section.

17.1.1. Site plan application.

(a) Each request for site plan approval shall be accompanied by the following:

1. Application provided on a form approved by the commission. Such application shall contain the signature of the applicant and the owner of the property or a letter authorizing the applicant to submit such application signed by the owner of the property. Site plan applications must be submitted 21 working days prior to the regularly scheduled meeting.
2. Cost estimate of all site work prepared by a professional engineer licensed in the State of Connecticut.
3. Ten sets of site plans, prepared by a professional engineer and/or land surveyor licensed in the State of Connecticut as applicable. Plans must contain embossed stamp and original signatures.
4. Elevation drawings and general floor plans of all proposed buildings.
5. Letters of review from any agency outside of the city as applicable and deemed necessary by the commission, including, but not limited to, state department of transportation, local historic district commission, and department of environmental protection.
6. Application fee in accordance with the following schedule:

\$100.00 application fee:

Multifamily development ten units or less.

Commercial or industrial development or structures used for other than residential development with buildings containing less than 10,000 square feet of area.

Parking lots and/or site work not required as part of the construction of a building.

\$200.00 application fee:

Multifamily development over ten units.

Commercial or industrial development or other such development with structures containing over 10,000 square feet of area.

17.1.2. General considerations for site plan review. In approving any site plan, the commission shall take into consideration the public health, safety and general welfare, and comfort and convenience of the public in general and the residents of the immediate neighborhood in particular. The commission shall also consider the following general objectives:

- (a) *Emergency service.* The proposed development, structure, equipment or material shall be readily accessible for fire and police protection.

(b) *Landscaping and screening.* Any nonresidential use, including playgrounds and service areas, located adjacent to an existing residential use or district is screened from such residential use as deemed necessary by the commission. Such screening may include providing fencing or landscaping.

(c) *Traffic access and circulation.* The location and size of such use, the nature and intensity of the operation involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the area or conflict with the normal traffic and the neighborhood.

(d) *Character and appearance.* The location and height of buildings and signs; the location, nature and height of walls and fences; and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage appropriate development and use of the adjacent land and building or impair the value thereof and will be in general harmony with the surrounding area and not adversely affect the general welfare of the residents and taxpayers of Norwich.

(e) *Illumination.* The lighting from the installation of outdoor flood or spot lighting and illuminated signs will be properly shielded so that such lighting will not adversely affect any abutting property or public street.

(f) *Drainage.* Drainage for the subject development must be deemed acceptable to the public works director and shall not adversely affect downstream water quality or downstream properties.

(1) Drainage conveyance shall be designed to accommodate the maximum anticipated flow for a twenty-five year storm event with no net increase of peak flow leaving the project site. A no net increase of flow shall be shown by either proving that post-construction runoff curve numbers have been held as close to pre-construction curve numbers as possible or through a hydrograph routing analysis of any proposed detention basins.

(2) Any flow leaving the site shall be treated to ensure that there are no adverse impacts on downstream water quality. This may be accomplished by either providing for eighty percent removal of total suspended solids from the first inch of runoff or providing 134 cubic yards of detention or retention for each affected acre.

(3) Any detention facility whose failure could cause significant damage or loss of life shall be regulated as a dam pursuant to Section 22a-401 through 22a-409 of the Connecticut General Statutes.

(4) The applicant shall provide copies of all applicable stormwater runoff calculations.

(g) *Utilities.* The development shall be either serviced by public utilities or adequate on-site septic and well.

(h) *Sidewalks.* Every application shall include provisions for sidewalk construction along the frontage of the road or private road, or the applicant shall pay a fee in lieu of constructing said sidewalk. The fee shall be in the amount of the estimated cost of the sidewalk construction, as determined by the public works director, based on the Norwich Subdivision Regulations design criteria noted in the illustration entitled "Street Cross Section Layout". Said fee shall be placed in a sidewalk fund established in the office of the comptroller and used for the construction or reconstruction of side walks within the City. The Commission may waive this provision if it deems the construction of sidewalks is not warranted due to site conditions or the character of the neighborhood.

17.1.3. *Site plan content and other requirements.* In order to ensure consistency with the above-noted considerations and these regulations in general, the following items shall be provided on the site plan:

- (a) The subject lot and the approximate location of all buildings on lots within 100 feet of the lot lines of the subject lot.
- (b) Location of all uses not requiring a building or structure.
- (c) Location of trash disposal areas.
- (d) Location of driveways, parking and loading areas showing the number of stalls provided therein.
- (e) Existing and proposed storm drainage, sanitary sewerage and water supply facilities, easements, existing topographic conditions and proposed grading.
- (f) Location and dimension of buffer strips and screening, where necessary, and locations of all existing trees ten inches or more in diameter (at 4 1/2 feet above ground level).
- (g) Future phase of the development, if applicable.
- (h) Key map showing the zoning and street pattern within 500 feet of the site.
- (i) Proper provision for pedestrian traffic.
- (j) A boundary survey prepared by a land surveyor licensed in the State of Connecticut, showing exact distances and either bearings or interior angles whenever considered necessary by the commission.
- (k) Utility mains and services.
- (l) Location and detail of lighting standards.
- (m) Building setback lines, shortest distances of buildings to property lines and zoning boundary lines.
- (n) Title block containing the following information: legal name of owner, project name, zoning district of lot, use proposed, street address, scale and date of plan.
- (o) An erosion, sediment, and stormwater runoff control plan consistent with the "Connecticut Guidelines for Soil Erosion and Sediment Control" and developed in accordance with section 17.1.4 of these regulations as applicable.
- (p) Legend; location of natural resources such as outcrops and tree lines; location of wetlands, floodplains, historic districts, coastal area and symbol identification.
- (q) Landscape plan and signage.
- (r) List of variances, special permits, wetland permits and the date of said approval. No site plan application shall be acted on by the commission until such time all necessary special permit, variance and wetland applications are approved.
- (s) Coastal site plan and application as applicable in accordance with section 17.1.5 of these regulations. The commission shall render a decision on the coastal site plan application prior to acting on the site plan application unless such application requires conducting a public hearing in accordance with section 17.1.5 of these regulations.
- (t) Any additional information as deemed necessary by the commission.

The commission may waive any of the above site plan content components except section 17.1.3(o), erosion and sediment control plan; (r), required variance, special permit and wetland applications; [and] (s), coastal site plan application. Such waiver must be approved by the two-thirds vote of commission

members present.

17.1.4. *Erosion, sediment, and stormwater runoff control plan.* As part of the submission of a site plan application, the applicant shall submit a plan for erosion, sediment, and stormwater runoff control containing proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. Such plan shall be submitted in accordance with Sec. 3.22 of these regulations.

17.1.5. *Coastal site plan requirements.* Except where exempt under the provisions of section 3.21 hereof, all applicants for site plan review, special permit, variance and planned unit development relating to uses proposed for location fully or partially within the coastal area shall submit a coastal site plan in accordance with the following:

- (a) Show the location and spatial relationship of coastal resources on and contiguous to the site.
- (b) Describe the entire project with appropriate plans, indicating project location, design, timing, and methods of construction.
- (c) Assess the capability of the coastal resources to accommodate the proposed use.
- (d) Assess the suitability of the project for the proposed site.
- (e) Evaluate the potential beneficial and adverse impacts of the project and describe proposed methods to mitigate adverse effects on coastal resources and future water dependent uses.
- (f) Demonstrate that the adverse impacts of the proposed activity are acceptable and demonstrate that such activity is consistent with the goals and policies in G.S. § 22a-92.
- (g) A copy of each coastal site plan submitted for any shoreline flood and erosion control structure shall be referred to the commissioner of environmental protection within 15 days of receipt by the commission on the city plan in accordance with G.S. § 22a-109.
- (h) The commission on the city plan may, at its discretion, hold a public hearing on a coastal site plan for a shoreline flood and erosion control structure upon request of the commissioner of environmental protection. Any such hearing shall be scheduled within 65 days of its receipt by the commission on the city plan and shall be concluded within 30 days. The commission on the city plan must render a decision on said application within 65 days of the close of the hearing. Any of the above time periods may be extended at the request of the applicant and consent of the commission, provided such extension shall not exceed the number of days within the specific time period, 65, 30 and 65 days respectively.
- (i) As a condition to a coastal site plan approval, the commission on the city plan may require a bond be posted in accordance with the procedure outlined in section 17.1.7 of these regulations.

The commission on the city plan shall set forth the reasons for any decision to deny, modify or condition a coastal site plan submitted under this section. A copy of any decision shall be sent certified mail to the person who submitted such plan within 15 days after such decision is rendered. A copy of any decision on a coastal site plan for shoreline flood and erosion control structure shall be sent to the commissioner of environmental protection within 15 days after such decision is rendered. The commission on the city plan shall publish notice of the approval or denial of a coastal site plan in a newspaper having general circulation in the municipality not more than 15 days after such decision is rendered.

Unless otherwise noted in section 17.1.5 herein, a coastal site plan review shall be subject to the same requirements as section 17.1.6 of these regulations for purposes of determining the time limitations of the commission on the city plan in rendering a decision.

17.1.6. *Commission action.* The commission shall approve, modify and approve, or deny said coastal site plan within 65 days of the next regularly scheduled meeting subsequent to the submission of a complete application to the commission.

17.1.7. *Posting of bond.* The applicant shall be required to post a surety bond or passbook bond with the commission in a form satisfactory to the corporation counsel and in an amount approved by the director of public works. Such amount shall be 50 percent of the total cost of all site improvements including, but not limited to, drainage facilities (and all costs related to the maintenance and repair of such facilities for a minimum of one winter and spring season), sidewalks, recreation areas, parking lots, landscaping, lighting, curbing and buffer strips, and in conformity with the provisions of this ordinance or any amendment thereto enforced at the time of the filing of the application. The required bond shall be posted prior to the endorsement of the plans by the chairman. A copy of the approved site plan shall be part of the bond.

Prior to the issuance of a certificate of zoning compliance by the zoning enforcement officer, the applicant may be required to post an additional bond in the amount to cover the difference of the total cost of the remaining work and the bond posted with the commission previously for the application. The bond form shall be approved by the corporation counsel and the amount by the director of public works. No certificate of zoning compliance shall be issued by the zoning enforcement officer if the associated parking, sidewalks or other improvements necessary for public safety and compliance with a submitted erosion, sediment, and stormwater control plan are incomplete.

No bond shall be reduced or released unless approved by the commission. If the bond is not renewed, it shall be considered a violation of these regulations and shall be pursued in accordance with the provisions of section 18.4 of these regulations.

17.1.8. *Filing of approved site plan.* A site plan approved by the commission shall be filed in the office of the city clerk within 90 days of the date the legal notice is published in the local newspaper indicating the commission's approval. The commission may grant up to three extensions of such filing period. If said plan is not filed within a one-year period, the applicant must seek reapproval by the commission of said application.

17.1.9. *Conditions and safeguards.* Any approved site plan application which is not put into effect (a zoning and building permit must be issued and site work must be started) within a period of five years shall be null and void, unless an extension of time is applied for by the applicant and granted by the commission.

Any applicant interested in obtaining an extension from this time period must submit a request in writing to the commission at least 30 days prior to the expiration of the five year time period. Accompanied with the request shall be a revised bond estimate for the subject improvements, including, but not limited to, drainage facilities, parking lots, curbing, sidewalks, recreation areas, buffer strips and other site work; such estimate must be reviewed and approved by the director of public works and as deemed necessary and a revised bond, surety or passbook, adequate to cover any increase in the costs of site improvements, shall be submitted in a form satisfactory to the corporation counsel. No extension granted by the commission shall exceed more than a one-year period at one time with a maximum of a total of two years permitted for all extensions requested.

17.1.10. *Appeals.* Appeals for any approval, disapproval or modification of approval of a site plan or coastal site plan by the commission on the city plan shall be made to the superior court as provided in G.S. §§ 8-8 and 8-9.

17.1.11. *Exceptions from site plan review.* The above-noted requirements for approval of a site development plan by the commission shall not apply to the following:

- (a) Any enlargement of an existing structure or the construction of any accessory building that is subordinate and customarily incidental to a principal building use, provided such enlargement or construction of accessory building does not exceed 25 percent of the square footage of the building or buildings existing at the time of the adoption of this ordinance or is less than 5,000 square feet in area, whichever is less.

Any such enlargement or construction of accessory buildings shall conform to all of the requirements of the zoning district in which the property is located, as approved by the zoning enforcement officer, and no site work is required unless noted in section 17.1.11 (b).

(b) Site work involving the creation of five or less parking spaces and/or the installation of landscaping, provided disturbed areas do not exceed one-half of an acre, no additional drainage is required or necessary, and that the installation of buffer strips are not required pursuant to section 17.1.2(b) or section 3.15. All such site work must be reviewed and found to be acceptable to the city planner and the public works director prior to the issuance of a zoning permit by the zoning enforcement officer.

(c) Installation of public utility lines, utility services and/or the installation of drainage by the City of Norwich on municipally owned land, except those utilities specifically noted to require a special permit within the specific zoning district.

(d) The construction of structures by the City of Norwich that are less than 5,000 square feet in area; provided, that appropriate parking, drainage, yard requirements and landscaping as required in the specific district are met, and except those utilities specifically noted to require a special permit within the specific zoning district. A zoning permit from the zoning enforcement officer shall be obtained. Prior to the issuance of the permit, the city planner must review and approve said development.

(Ord. No. 1281, 8-1-94; Ord. No. 1383, 6-15-98; Ord. No. 1426, 5-1-00; Ord. No. 1496, 9-29-03)

Sec. 17.2. Special permits.

A special permit pertains to a use that may be generally compatible with the uses permitted as of right within a particular zoning district; however, the nature of such use is such that the precise location and mode of operation must be individually regulated based on criteria outlined in section 17.2.3 of these regulations.

The zoning enforcement officer shall not issue a zoning permit for those special permitted uses until such time the commission on the city plan approves the use pursuant to the procedures outlined in these regulations.

17.2.1. Application procedure. A special permit application shall be submitted to the commission on the city plan at least 14 working days prior to the regularly scheduled commission meeting. Information to be provided by the applicant shall include the following:

- (a) Fee in the amount of \$300.00.
- (b) Application on a form provided by the commission on the city plan.
- (c) Additional information as requested by the commission in order to ensure compliance with the special permit criteria outlined in section 17.2.3 of these regulations.

17.2.2. Public hearing. The commission shall schedule a public hearing on each special permit application. The commission shall publish a notice of said hearing in a newspaper of general circulation within the city at least twice at intervals of not less than two days, the first not more than 15 nor less than ten days and the last not less than two days before the hearing. Said hearing shall be scheduled within 65 days of the receipt of the application by the commission. The hearing shall be closed within 30 days after the start of the hearing; the commission shall decide on said application within 65 days after the close of the hearing. At the applicant's request, the commission may extend any of the above-noted time limits.

17.2.3. Criteria for granting of a special permit. Prior to the granting of a special permit, the commission must determine that the use will be harmonious to the surrounding neighborhood, and that it will not negatively impact the character of the area or diminish the quality of life. The commission may

establish conditions of approval to ensure the intent of the special permit criteria is met. The commission shall review the following as criteria for granting a special permit:

- (a) *Character.* The nature, location, size, intensity and site layout of the use shall be such that it will be in harmony with the appropriate and orderly development of the area in which the use is situated and that its operations will not be detrimental by reason of dust, noise, odor, fumes, explosion, glare, drainage, or sewage problems. In addition, the appearance of any structures constructed shall physically and architecturally complement the neighborhood in which the property is located as deemed by the commission.
- (b) *Traffic.* The proposed traffic ways are adequate to accommodate any increase in traffic, that any such increase in traffic will not detrimentally impact the character of the area or conflict with the normal traffic within the neighborhood and the use will not cause or detrimentally impact safe vehicular and pedestrian traffic conditions.
- (c) *Future development.* The location and height of buildings, the location and nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- (d) *Additional requirements.* In addition to the criteria noted above, criteria may be noted under the specific special permitted uses. Such criteria shall be considered as part of this section.

17.2.4. *Site plan application required.* Any use permitted by special permit shall require, in addition, site plan approval by the commission on the city plan unless exempt under section 17.1.11 of these regulations.

17.2.4.1 *Exemptions from special permits.* The following activities shall be exempt from special permit approval by the commission on the city plan provided said activity does not cumulatively exceed the provisions noted below over a period of three years from the initial exemption and provided a valid special permit approval has been granted for the property and use.

- (a) Any enlargement of an existing structure or the construction of any accessory building that is subordinate and customarily incidental to a principal building does not exceed 25 percent of the square footage of the building or buildings existing at the time of the adoption of this ordinance or is less than 5,000 square feet in area, whichever is less. Any such enlargement or construction of accessory buildings shall conform to all the requirements of the zoning district in which the property is located, as approved by the zoning enforcement officer, and no site work is required unless noted in section 17.2.4.1(b) below.
- (b) Site work involving the creation of five or less parking spaces and/or the installation of landscaping, provided, disturbed areas do not exceed one-half of an acre, no additional drainage is required or necessary, and that the installation of buffer strips are not required pursuant to section 17.1.2(b) or section 3.15. All such site work must be reviewed and found to be acceptable to the city planner and the public works director prior to the issuance of a zoning permit by the zoning enforcement officer.
- (c) Installation of public utility lines, utility services and/or the installation of drainage by the City of Norwich on municipally owned land, except those utilities specifically noted to require a special permit within the specific zoning district.
- (d) The construction of structures by the City of Norwich that are less than 5,000 square feet in area; provided, that appropriate parking, drainage, yard requirements and landscaping as required in the specific district are met, and except those utilities specifically noted to require a special permit within the specific zoning district. A zoning permit from the zoning enforcement officer shall be obtained. Prior to the issuance of the permit, the city planner must review and approve said development.

(e) Said exemption shall not apply to those uses permitted under Chapter 14 of these regulations.

17.2.5.Filing of special permit approval, time limits. No special permit shall become effective until a copy of said special permit notice is filed with the city clerk's office. The notice must contain a description of the premises involved, the applicant's and owner's name(s), and must specify the nature of the special permit.

The commission shall notify the applicant by certified mail of its decision within 15 days of date of said decision.

All special permit applications shall be valid for a period of one year. The commission may grant extensions not to exceed two years.

17.2.6.Appeals. Appeals for any action by the commission on such applications shall be made to the superior court as provided in G.S. §§ 8-8 and 8-9.

(Ord. No. 1281, 8-1-94; Ord. No. 1413, 8-2-99; Ord. No. 1496, 9-29-03)

CHAPTER 18. ENFORCEMENT AND ADMINISTRATION**Sec. 18.1. Zoning enforcement officer.**

Except as otherwise provided in this ordinance, the zoning enforcement officer shall administer and enforce this ordinance, including the receiving of applications, the inspection of uses, and the issuing of zoning and conversion permits and certificates of zoning compliance. No permits or certificate of zoning compliance shall be issued by the zoning enforcement officer except where the provisions of this ordinance have been complied with.

(Ord. No. 1223, 4-15-91)

Sec. 18.2. Zoning permit required.

No building or structure shall be erected, added to or structurally altered until a zoning permit has been issued by the zoning enforcement officer. All applications for such zoning permits shall be in accordance with the requirements of this ordinance. The building inspector shall not issue a building permit until such time as a zoning permit has been issued.

18.2.1. Matter accompanying application. There shall be submitted with all applications for zoning permits, two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the principal buildings to be erected, and such other information as the zoning enforcement officer shall deem necessary to ascertain whether the proposed buildings comply with the provisions of this ordinance. For all applications other than single-family dwellings, all plot plans shall be certified by an engineer and/or land surveyor registered in the State of Connecticut, whichever is applicable. For single-family home development, where there is question regarding lot size, lot dimension, building setback or location in relation to a designated wetland, watercourse or floodplain, the zoning enforcement officer may require that a registered land surveyor verify lot size, site elevation, dimension, setback, or distance for such single-family home development.

18.2.2. Waiver of plot plan. The zoning enforcement officer may waive the filing of a layout or plot plan, or the requirement for certification by an engineer and/or land surveyor, required in section 18.2.1 if the proposed work is of a minor nature or consists of minor repairs, provided the scope of the proposed work is adequately described in the application.

18.2.3. Payment of fee. One copy of such layout or plot plan shall be returned when approved by the zoning enforcement officer together with such permit to the applicant upon payment of the established fees as noted below:

- (a) Single-family residential . . . \$50.00
- (b) Multifamily residential . . . 100.00
- (c) Industrial/commercial . . . 100.00
- (d) Residential accessory/addition . . . 25.00
- (e) Conversion permits . . . 25.00

18.2.4. Invalidation. A zoning permit shall become void unless construction is commenced within one year from the date of issuance unless the zoning enforcement officer shall have extended such time in writing. After commencement of construction any cessation of activities for one year or more shall void a permit.

18.2.5. *Inspection of improvements.* The zoning enforcement officer (or designated agent) shall conduct periodic inspections of the improvements proposed as part of a zoning permit in order to ensure compliance with the permit and these regulations.

- (a) After the installation of the required erosion and sediment controls.
- (b) After the installation of the footings.
- (c) After staking out the location of the parking and sidewalks.
- (d) After the completion of the development.

The applicant shall provide the zoning enforcement officer a minimum of 48 hours to conduct the inspection. In the event work is continued without a scheduled inspection, it shall be at the applicant's own risk. If the location of the proposed improvements are in question, the zoning enforcement officer may require the applicant to hire a land surveyor licensed in the State of Connecticut to locate such structure, footing, parking or sidewalk.

(Ord. No. 1223, 4-15-91; Ord. No. 1496, 9-29-03)

Sec. 18.3. Certificates of zoning compliance.

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of zoning compliance has been issued by the zoning enforcement officer, stating that the development of the site thereof complies with the provisions of this ordinance. No certificate of zoning compliance shall be issued by the zoning enforcement officer until such time as all required parking, sidewalks and other improvements necessary for public safety and compliance with a submitted erosion, sediment, and stormwater control plan are completed. Improvements as required by a submitted erosion, sediment, and stormwater control plan shall be inspected and approved by the public works director.

18.3.1. *When to file for certificate of zoning compliance.* All certificates of zoning compliance shall be filed upon completion of construction and prior to issuance of a certificate of occupancy by the building inspector. Said certificate of zoning compliance shall be issued within ten days after the acceptable completion of improvements.

18.3.2. *Records and copies.* The zoning enforcement officer shall maintain a record of all certificates, and copies shall be furnished upon request, to any person having a proprietary or tenancy interest in the building affected.

18.3.3. *Nonconforming use.* No nonconforming use of land or buildings, the use or area or construction of which has been changed, extended, enlarged or altered after the adoption of this ordinance, shall be occupied or used, in whole or in part, until a certificate of zoning compliance shall have been issued showing conformance with the provisions of this ordinance.

- (a) The building inspector shall not issue a certificate of occupancy until such time the zoning enforcement officer issues a certificate of zoning compliance.

(Ord. No. 1223, 4-15-91; Ord. No. 1496, 9-29-03)

Sec. 18.4. Penalties.

Any person, firm, association or corporation violating any provision of this ordinance shall be punished as follows: If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of any provision of this ordinance or of any rule or regulation made under authority conferred hereby, any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent such

unlawful erection, construction, alteration, conversion, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. The provisions of this ordinance or of any rule or regulation made under authority conferred hereby shall be enforced by the officer or official board by authority designated therein, who shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of this ordinance or of any rule or regulation made under authority of the provisions of this ordinance. The owner or agent of any building or premises where a violation of any provision of this ordinance or of any rule or regulation made under the provisions of this ordinance has been committed or exists, or the lessee or tenant of an entire building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation, shall be fined not less than \$10.00 nor more than \$100.00 for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than \$100.00 nor more than \$250.00 for each day that such violation continues, or imprisoned not more than ten days for each day such violation continues or both; and the local police court or other similar criminal courts shall have jurisdiction of all such offenses, subject to appeal as in other cases. Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten days after such service or continues to violate any provision of this ordinance or any rule or regulation made under authority of the provisions of this ordinance specified in such order shall be subject to a civil penalty of \$250.00, payable to the treasurer of the municipality.

CHAPTER 19. ZONING BOARD OF APPEALS**Sec. 19.1. Powers and duties.**

The zoning board of appeals shall have the following powers and duties all of which shall be exercised, subject to appropriate conditions and safeguards, in harmony with the purpose and intent of this ordinance and in accordance with the public interest and the development of the neighborhood.

19.1.1.*Rules.* To adopt such rules and regulations as may be deemed necessary to carry out the provisions of this chapter.

19.1.2.*Appeals.* To hear and decide appeals where it is alleged that there is an error in any order or decision made by the zoning enforcement officer.

19.1.3.*Variances.* To vary the strict application of any of the requirements of this ordinance in the case of an exceptionally irregular, narrow, shallow, or steep lot or other physical conditions for which strict application would result in exceptional difficulty or unusual hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other cases. No variance in the strict application of any provision of this ordinance shall be granted by the zoning board of appeals unless it finds:

(a) That there are special circumstances or conditions fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act subsequent to the adoption of these regulations, whether in violation of the provisions hereof or not; and

(b) That, for reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish this purpose; and

(c) That the granting of the variance will be in harmony with the purposes and intent of these regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(d) The applicant shall, no later than ten days prior to the variance hearing, send notices to all abutting property owners by registered mail, return receipt requested, and said notice shall include the following:

- (1) The time, place and date of the hearing;
- (2) The full particulars of the variance; and
- (3) The zoning regulations that presently pertain to the variance in question.

Upon receipt of an application for a use variance, the zoning board of appeals shall forward a copy of same to the commission on the city plan for a report thereon, which report shall be filed within 30 days of receipt by the commission.

(Ord. No. 921, 5-22-79; Ord. No. 1127, 9-8-87; Ord. No. 1176, 6-5-89; Ord. No. 1281, 8-1-94)

Sec. 19.2. Applications.

All appeals and applications made to the zoning board of appeals shall be in writing, on forms prescribed by the board, and each appeal or application shall fully set forth the circumstances of the case. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth, as the case may be, the interpretation that is claimed, use for which the special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted.

Sec. 19.3. Fee.

All applications and appeals shall be accompanied by a fee of \$300.00. Said fee shall be paid to the secretary of the zoning board of appeals at the time of filing the application.

(Ord. No. 1103, 11-10-86; Ord. No. 1316, 8-7-95; Ord. No. 1496, 9-29-03)

Sec. 19.4. Public hearing.

The zoning board of appeals shall hold a public hearing on all applications. Such hearing shall commence within 65 days of receipt of an application and shall be completed within 30 days after such hearing commences. The applicant may consent to one or more extensions of any period specified in this section provided the total extension of any such period shall not be for longer than the original period as specified in this section.

19.4.1. Notice of time and place of the hearing shall be published in a newspaper having a general circulation in the City of Norwich at least twice, at intervals of not less than two days, the first not more than 15, nor less than ten days, and the last not less than two days before the date of the hearing. Notice shall be sent by certified mail to the applicant not less than ten days before the date of the hearing informing the applicant of the date and time of the scheduled public hearing.

(Ord. No. 1315, 8-7-95)

Sec. 19.5. Board action.

All decisions on such application shall be rendered within 65 days after the completion of such hearing. The applicant may consent to one or more extensions of this period provided the total extension shall not be for longer than the original period as specified in this section.

19.5.1. Notice of the decision shall be published in a newspaper having a general circulation in the City of Norwich and sent by certified mail to the applicant within 15 days after the decision has been rendered.

(Ord. No. 1314, 8-7-95)

Sec. 19.6. Records.

The zoning board of appeals shall appoint a secretary to the board who shall receive all applications, shall keep all records of the board, and shall furnish copies of records, upon request, to any person having a proprietary or tenancy interest in the building or lot affected.

CHAPTER 20. LEGAL STATUS PROVISIONS**Sec. 20.1. Amendments.**

The provisions of this ordinance and the boundaries of any zoning district established hereunder may from time to time be amended, modified, changed or repealed by the council in accordance with the provisions of chapter XV, section 7 of the Charter of the City of Norwich.

20.1.1. *Application.* Any petitioner requesting any change in the provisions of this ordinance or the boundaries of any zoning districts established hereunder may have such amendatory ordinance introduced after submission of the subject amendatory ordinance to the city and town clerk's office on an application form as provided by the clerk. The application shall be submitted a minimum of seven working days prior to the next regularly scheduled meeting of the city council in order to be placed on the city council agenda. The fee for application shall be \$300.00. At least 20 days before the date of the public hearing on such proposed ordinance concerning an amendment to the zoning map accompanying the zoning ordinance, the applicant shall cause to be erected on the area of the proposed zone change a sign, six feet by four feet in size, which sign shall set forth the present zone classification and the zone classification to which a change is requested, and also that a public hearing will be held by the council on the proposed change along with the date, time and place of such public hearing. Such sign shall consist of black letters of a minimum height of four inches on a white background. Such sign shall be placed in close proximity to the street or highway with clear and unobstructed visibility to the passing public and shall be maintained on the premises for at least 20 days prior to the public hearing.

20.1.2. *Notice of proposed change of zone.* No public hearing shall be held by the council on any ordinance concerning an amendment to the zoning map accompanying the zoning ordinance of the City of Norwich, unless the person requesting such amendment to the zoning ordinance shall at least 20 days before the date of the public hearing on such proposed ordinance mail, postage prepaid, or deliver a copy of the notice of the public hearing published by the city clerk to the owners of record of lots located within the area to be rezoned and within 150 feet from the boundaries of the area to be rezoned, as such owners appear on the last completed grant list, at the addresses shown thereon, and shall have filed the required certificate.

20.1.3. *Certificate of compliance.* The person requesting such rezoning shall on or before the date of the public hearing file with the city clerk a certificate setting forth the manner of compliance with the provisions of this ordinance and the names and addresses of the owners to whom notices were mailed or delivered. The provisions of sections 20.1.1 and 20.1.2 above shall not apply in the case of a comprehensive rezoning of the City of Norwich. It shall be sufficient compliance with this section if the notices of the public hearing are furnished to those persons whose names and addresses are supplied by the assessor's office of the City of Norwich.

20.1.4. *Protests.* In the event that opponents of any proposed change of zone classification file a protest petition with the city clerk, such protest petition shall be referred to the city planning and neighborhood services department to determine whether signatories represent the requisite area as required by chapter XV, section 7, of the city Charter, and that the names of the property owners are accurate to make the protest petition a valid one. The city planning and neighborhood services department shall check the protest petition, and then notify the city clerk in writing whether or not the protest petition is a valid one. The city clerk shall then submit the report of the city planning and neighborhood services department to city council. If the petition is a valid one, the city council shall not adopt the ordinance making such change by less than the affirmative votes of three-fourths of all the members of the city council.

20.1.5. *Reconsideration.* Any proposed change of zone classification, boundary or regulation which is defeated by vote of the city council shall not be introduced for reconsideration by the city

council for a period of one year from the date of said negative vote.

(Ord. No. 880, 1-9-78; Ord. No. 884, 2-16-78; Ord. No. 944, 2-4-80; Ord. No. 1278, 8-1-94; Ord. No. 1496, 9-29-03)

Sec. 20.2. Interpretation.

In the interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this ordinance, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the city is a party; provided, however, that where this ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract, or deed, the provisions of this ordinance shall control.

Sec. 20.3. Separability.

If any section, paragraph, subdivision, clause, or provision of this ordinance shall be adjudged invalid or unconstitutional for any reason, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed to be and shall continue to be valid and in full force and effect.

Sec. 20.4. Repealer.

The "Revised Zoning Ordinance of the City of Norwich" approved November 3, 1959, as amended, and all other ordinances or parts thereof in conflict herewith are hereby repealed.

Sec. 20.5. Effective date.

This ordinance shall become effective February 25, 1973.