

# ARTICLE IV:

## BUSINESS DISTRICT ZONING REGULATIONS

### **Section 400 Business Zones**

The following regulations and the general regulations contained in Article II shall apply in all Business Zones.

### **Section 401 Business 1A (B-1A) Zone**

#### **401.1 Permitted Uses and Accessory Uses and Use**

- a. Permitted uses
  1. Antique and second-hand stores, provided there be no outside storage or display of inventory<sup>1</sup>
  2. *Truck gardens*, greenhouses and plant nurseries when located on a *lot* of two (2) acres or more
  3. Offices and financial institutions.
  4. *Restaurant/eating establishment*
  5. *Service establishments*, excluding auto service and repair
  6. Skilled artisan shops where goods such as, but not limited to, pottery, glassware and leather are manufactured and sold on the *premises*
  7. Stores for the sale of goods sold at retail first hand (including auto parts and accessories), provided there be no outside display of inventory unless it is within the roofed area of the *building*. A limit of one (1) tire battery and accessory store will be permitted as an *accessory use* in any retail *building* provided that the total floor area of the retail *building* shall not be less than one hundred fifty thousand (150,000) square feet and further provided that the portion of the *building* used as a tire battery and accessory store shall not exceed seven thousand five hundred (7,500) square feet. The facility must be owned and operated by the same entity that owns and operates the retail facility. In the tire battery and accessory store, routine maintenance and car care services may be performed, however, no major engine repairs or auto body work may be performed. Furthermore, no automobiles may be serviced which are inoperable or unregistered.
  8. *Telecommunication Sites (Commercial Wireless)* , where the antenna is mounted on existing towers, utility poles, non-residential buildings, light standards and other structures subject to the provisions of Section 225: Commercial Wireless Telecommunication - General Requirements and Section 702.
- b. Permitted *accessory uses* and use
  1. Daycare centers/nurseries<sup>2</sup>, as defined in Connecticut General Statutes, Section 19a-77(a), when incidental to offices and financial institutions and in accordance with the conditions and safeguards enumerated in Section 401.2a.
  2. Exterior parking

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<sup>1</sup> Amendment to Article IV, Section 401.1, Business District Zoning Regulations: addition to Permitted Uses. Effective Date: July 18, 1997

<sup>2</sup> Amendment to Article IV, Section 401.1, Business District Zoning Regulations: addition to Permitted Accessory Use. Effective Date: July 18, 1997

#### 401.1 Continued

3. Interior storage of goods
4. Signs subject to the provisions of Section 210
5. <sup>3</sup>*Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that:
  - (a) Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;
  - (b) *Seasonal outdoor dining facility* can not exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.
  - (c) No outside audio systems or live entertainment shall be permitted;
  - (d) No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
  - (e) Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.
  - (f) *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.
  - (g) Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.
  - (h) The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license.
  - (i) *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

#### 401.2 Special Permit Uses

The following uses may be permitted by the Commission subject to the general provisions of Article II and the following conditions and safeguards:

- a. Daycare centers/nurseries<sup>4</sup> as defined in Connecticut General Statutes, Section 19a-77(a), provided that:
  1. The minimum *lot* size shall be forty thousand (40,000) square feet;
  2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front* or *side yards* of the *premises* on which such facility is located;

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<sup>3</sup> Amendment to Article II: General Provisions, Section 200. Effective Date: January 8, 2003

<sup>4</sup> Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997

#### 401.2 Continued

3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop off and delivery of children;
  4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on-site unless greater requirements are imposed by the regulations of any other State or Federal agency. This designated play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the Commission. The designated play area shall be designated and located for safety to avoid the possibility of receiving bodily injury from accident hazards;
  5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and
  6. Required parking shall be one (1) space for each five hundred (500) square feet of *gross building floor area* exclusive of the dedicated office area plus one (1) space for each teaching station, and one (1) space for each two hundred (200) square feet of gross dedicated office area.
- b. *Drive-through facilities* subject to the provisions of Section 228.<sup>5</sup>
- c. *Housing for senior citizens*

It is found that the promotion of the public health, safety and general welfare of the community would be enhanced by providing decent, safe and sanitary housing units for senior citizens at reasonable rents, to assure housing facilities specially adapted for senior citizens within the Town of East Hartford as a special permit use as provided in these regulations in zones where allowed and in accordance with the appropriate standards, conditions, and safeguards as hereinafter specified, or as specified elsewhere in these regulations, provided that:

1. The minimum *lot area* shall be one thousand (1,000) square feet per *dwelling unit* and the minimum *lot size* shall be ten thousand (10,000) square feet;
2. The minimum average *lot width*, defined as the average width between the required *front* and *rear yards* measured in the same manner as for *lot width*, shall be seventy-five (75) feet plus four (4) feet for each *dwelling unit*, with a maximum required width of four hundred (400) feet;
3. The minimum *lot frontage* shall be seventy-five (75) feet plus one (1) foot for each *dwelling unit*, with a maximum required frontage of one hundred fifty (150) feet;
4. Not more than twenty-five (25) percent of the area of the *lot* shall be covered by *buildings*;
5. The principal entrance for each separate dwelling *structure* shall front on a separate *yard* not less than thirty (30) feet in depth with access to the public right-of-way and with adequate emergency vehicle access to each dwelling *structure*;
6. The *lot* shall have a *front yard* not less than thirty (30) feet in depth;
7. Each separate *structure* shall have *side* and *rear yard* separations between *buildings* of at least thirty (30) feet, which separations shall be increased by one (1) foot for each additional foot such *structure* exceeds thirty (30) feet in height;
8. Each separate dwelling *structure* shall be located not less than fifteen (15) feet from any *lot line*;
9. The *lot* shall be located on and have direct access to a *street* having a right-of-way width of fifty (50) feet and a pavement width of thirty (30) feet minimum, connecting to main arterial roads directly or indirectly by *streets* not less than these widths;

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<sup>5</sup> Amendment to Article IV, Section 401.2: addition to Special Permit Uses. Effective Date: March 1, 2006

#### 401.2 Continued

10. No parking shall be permitted in any required *front yard*; and
  11. All parking and parking access drives, other than garage access, shall be located at least fifteen (15) feet from any dwelling *structure* or any *side* or *rear lot line* and shall be screened from abutting property lines by appropriate *grading*, *fencing* or *landscaping* or combination thereof when located within thirty (30) feet of any *lot line*.
- d. Liquor stores subject to the provisions of Section 222
- e. <sup>6</sup>*Permanent Seasonal Outdoor Restaurant Dining Facilities Associated with Restaurant/Eating Establishment* provided that:
1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.
  2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
  3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.
  4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.
  5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.
  6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.
  7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:
    - (a) The safe use of the required *parking spaces* and their required drives;
    - (b) Interior pedestrian circulation;
    - (c) Adjacent properties;
    - (d) The access driveway from any public street; or
    - (e) Traffic on any abutting public street.
  8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying.
- f. *Permanent Seasonal Outdoor Restaurant Dining Facilities Associated with Restaurant/Eating Establishment Serving Alcoholic Beverages*

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<sup>6</sup> *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

#### 401.2 Continued

1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.
2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.
3. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.
5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.
6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.
7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.
8. *Permanent seasonal outdoor dining facilities* shall be located on the lot as to not interfere with:
  - (a) The safe use of the required *parking spaces* and their required drives;
  - (b) Interior pedestrian circulation;
  - (c) Adjacent properties;
  - (d) The access driveway from any public street; or
  - (e) Traffic on any abutting public street.
9. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying equipment" as amended.
- g. *Restaurant/eating establishment* serving alcoholic beverages, subject to the conditions established under Section 222

## 401.2 Continued

- h. <sup>7</sup>*Substance Abuse Treatment Facilities* provided that:
1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public school, *house of worship*<sup>8</sup>, charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.
  2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.
- i. *Telecommunication Towers (Freestanding Commercial Wireless)*<sup>9</sup> provided that:
1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider's planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.
  2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.
  3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.
  4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.
  5. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225: Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.
  6. The minimum lot area shall be one and a half times the underlying zone, or twenty thousand (20,000) square feet, whichever is greater.
  7. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.
  8. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

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<sup>7</sup> Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 13, 2003

<sup>8</sup> Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004

<sup>9</sup> Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997

#### **401.2 Continued**

9. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.
- j. Theaters

#### **401.3 Lot Sizes and Areas**

Each *lot* shall have an area of at least twenty thousand (20,000) square feet and a width of at least one hundred (100) feet. Furthermore, each *lot* shall have a minimum of seventy (70) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street* or approved subdivision *street*. The provisions of these regulations do not allow for *lots* without the required *street* frontage.

#### **401.4 Yards**

- a. Each *lot* shall have a *front yard* not less than forty (40) feet in depth.
- b. Where a *building* does not have a party wall with a *building* on an adjoining *lot*, each *lot* shall have *side yards* of not less than twenty-five (25) feet in width on each side.
- c. Each *lot* shall have a *rear yard* not less than forty (40) feet in depth.
- d. Each separate *building* shall be at least ten (10) feet from any other separate *building* for each *story* or twelve (12) feet of height.

#### **401.5 Lot Coverage**

- a. All *buildings*, including *accessory buildings*, shall cover not more than twenty-five (25) percent of the area of the *lot*.
- b. The maximum *impervious coverage* shall be seventy-five (75) percent.

#### **401.5 Lot Coverage (continued)**

1. Exemption from maximum impervious surface requirement

*Lots* which existed prior to March 15, 1997 which exceed the maximum impervious surface requirement above shall be exempt from the maximum impervious surface requirement. Additions which do not increase the impervious surface area, constructed on such existing *lots* shall also be exempt from the maximum impervious surface requirement. The plans for any addition to such *buildings* must contain an on-site storm water management program that is acceptable to the Town Engineering Department.

#### **401.6 Maximum Height**

No *building* shall exceed fifty (50) feet in height subject to applicable State and Federal regulations dealing with air lanes.

## **Section 402 Business 1 (B-1) Zone**

### **402.1 Permitted Uses and Accessory Uses and Use**

- a. Permitted uses
  1. Antique and second-hand stores, provided there be no outside storage or display of inventory
  2. Convalescent homes
  3. Greenhouses and plant nurseries, provided that they are located on a *lot* of two (2) acres or more
  4. Manufacturing, compounding or processing of goods to be sold at retail on the *premises*
  5. Newspaper and job printing
  6. Nonprofit civic clubs, lodges and recreation facilities
  7. Offices and financial institutions
  8. *One-family* dwellings, provided that dwellings shall conform to the requirements of Sections 304.3 through 304.8
  9. *Restaurant/eating establishments*
  10. *Restaurant/automobile oriented use* provided it is an integral part of a *shopping center/mall* as defined in Section 200 of these regulations
  11. *Service establishments*, excluding auto service auto repair
  12. Skilled artisan shops where goods such as, but not limited to, pottery, glassware and leather are manufactured and sold on the *premises*
  13. Stores for the sale of goods sold at retail first hand (including auto parts and accessories), provided there be no outside display of inventory unless within the roofed area of the *building*
  14. *Telecommunication Sites (Commercial Wireless)*<sup>10</sup>, where the antenna is mounted on existing towers, utility poles, non-residential buildings, light standards and other structures subject to the provisions of Section 225: Commercial Wireless Telecommunication - General Requirements and Section 702.
  15. *Three-family* dwellings, provided that dwellings shall conform to the requirements of Sections 304.3 through 304.8
  16. *Two-family* dwellings, provided that dwellings shall conform to the requirements of Sections 304.3 through 304.8
- b. Permitted *accessory uses* and use
  1. Daycare centers/nurseries, as defined in Connecticut General Statutes Section 19a-77(a), when incidental to offices and financial institutions
  2. Exterior parking
  3. *Home occupations* incidental to one- , two- and three-*family* dwellings

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<sup>10</sup> Amendment to Article IV, Section 402.1, Business District Zoning Regulations: addition to Permitted Uses. Effective Date: July 18, 1997

#### 402.1 Continued

4. Interior storage of goods
5. Renting of not more than two (2) rooms and furnishing table board for not more than three (3) boarders who are not members of the *family* of the resident proprietor only when incidental to one-, two-, and three-*family* dwellings
6. *Signs*, subject to the provisions of Sections 210
7. <sup>11</sup>*Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that:
  - (a) Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;
  - (b) *Seasonal outdoor dining facility* can not exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.
  - (c) No outside audio systems or live entertainment shall be permitted;
  - (d) No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
  - (e) Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.
  - (f) *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.
  - (g) Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.
  - (h) The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license.
  - (i) *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

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<sup>11</sup> Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003

## 402.2 Special Permit Uses

The following uses may be permitted by the Planning and Zoning Commission subject to the general provisions of Article II and the following conditions and safeguards:

- a. *Caterers, and catering halls, provided that:*
  1. The minimum *lot* size shall be fifteen thousand (15,000) square feet; and
  2. When said *premises* is improved with *building* and abuts a Residential Zone, there shall be a thirty (30) foot landscaped buffer strip. The buffer strip may consist of shrubs, hedges, planted *berms* or trees of sufficient mass to be opaque. In addition, *buildings* must also be set back from Residential Zones two (2) feet for every foot of *building height*.
- b. *Catering halls serving alcoholic beverages subject to conditions under Section 222, provided that:*
  1. The minimum *lot* size shall be fifteen thousand (15,000) square feet; and
  2. When said *premises* is improved with *buildings* and abuts a Residential Zone, there shall be a thirty (30) foot landscaped buffer strip. The buffer strip may consist of shrubs, hedges, planted *berms* or trees of sufficient mass to be opaque. In addition, *buildings* must also be set back from Residential Zones two (2) feet for every foot of *building height*.
  3. Sale of alcoholic beverages shall be confined to the interior of the building, and shall be incidental to a catered function<sup>12</sup>.
- c. *Commercial recreation - indoor and outdoor*
- d. Daycare centers/nurseries as defined in Connecticut General Statutes Section 19a-77(a), provided that:
  1. The minimum *lot* size shall be fifteen thousand (15,000) square feet;
  2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front* or *side yards* of the *premises* on which such facility is located;
  3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop off and delivery of children;
  4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on-site unless greater requirements are imposed by the regulations of any other State or Federal agency. This designated play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the Commission. The designated play area shall be designated and located for safety to avoid the possibility of receiving bodily injury from accident hazards;
  5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and
  6. Required parking shall be one (1) space for each five hundred (500) square feet of *gross building floor area* exclusive of the dedicated office area plus one (1) space for each teaching station, and one (1) space for each two hundred (200) square feet of gross dedicated office area.

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<sup>12</sup> Amendment to Article IV, Section 402.2, Addition of Catering Halls to Special Permit Uses. Effective Date: May 4, 1999

#### 402.2 Continued

- e. *Drive-through facilities* subject to the provisions of Section 228.<sup>13</sup>
- f. A non-profit *educational group-care facility*, provided that:
  - 1. Said *educational group-care facility* is not within five hundred (500) feet of a similar facility; and
  - 2. Any newly constructed *building* shall conform to the requirements of Sections 305.3 through 305.8.
- g. Funeral homes
- h. *Hotels* and *motels*, provided that:
  - 1. The minimum *lot size* shall be forty thousand (40,000) square feet; and
  - 2. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic.
- i. *Hotels* and *motels* serving alcoholic beverages under a *hotel* permit, as defined under Connecticut General Statutes, provided that:
  - 1. The *building* (defined to include a group of *buildings* on the same *premises*) shall offer not less than one hundred (100) rooms for the accommodation of and rental by guests, and the minimum *lot size* shall be forty thousand (40,000) square feet; and
  - 2. It meets the conditions established under Section 222.
- j. Liquor stores subject to the provisions of Section 222
- k. *Multiple-family dwellings*, provided that:
  - 1. The minimum *lot area* shall be two thousand five hundred (2,500) square feet per *dwelling unit* and the minimum *lot size* shall be ten thousand (10,000) square feet;
  - 2. The minimum average *lot width*, defined as the average width between the required *front* and *rear yards* measured in the same manner as for *lot width*, shall be seventy-five (75) feet plus four (4) feet for each *dwelling unit*, with a maximum required width of four hundred (400) feet;
  - 3. The minimum *lot frontage* shall be seventy-five (75) feet plus one (1) foot for each *dwelling unit*, with a maximum required frontage of one hundred fifty (150) feet;
  - 4. No more than twenty-five (25) percent of the area of the *lot* shall be covered by *buildings*;
  - 5. The principal entrance for each separate dwelling *structure* shall front on a separate *yard* not less than thirty (30) feet in depth with access to the public right-of-way and provide adequate emergency vehicle access to each dwelling *structure*;
  - 6. The *lot* shall have a *front yard* of not less than thirty (30) feet in depth;
  - 7. Each separate *structure* shall have *side* and *rear yard* separations between *buildings* of at least thirty (30) feet, which separation shall be increased by one (1) foot for each additional foot that such *structure* exceeds thirty (30) feet in height;
  - 8. Each separate dwelling *structure* shall be located not less than fifteen (15) feet from any *lot line*;

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<sup>13</sup> Amendment to Article IV, Section 402.2: addition to Special Permit Uses. Effective Date: March 1, 2006

## 402.2Continued

9. The *lot* shall be located on and have direct access to a *street* having a right-of-way width of fifty (50) feet and a pavement width of thirty (30) feet minimum connecting to main arterial roads directly or indirectly by *streets* not less than these widths;
  10. No parking shall be permitted in any required *front yard*;
  11. All parking and parking access drives, other than garage access, shall be located at least fifteen (15) feet from any dwelling *structure* or any *side* or *rear lot line*. When located within thirty (30) feet of any *lot line*, parking and parking access drives shall be screened from abutting property lines by fencing, with a minimum height of six (6) feet or by shrubs, hedges, planted *berms* or trees of a sufficient mass to be opaque (refer to East Hartford Design Manual);
  12. Each *dwelling unit* shall provide a minimum *livable floor area* of six hundred fifty (650) square feet in any efficiency or one (1) bedroom unit and shall provide an additional one hundred twenty-five (125) square feet of livable floor for each additional bedroom; and
  13. Each *multiple-family* development shall provide open space and recreation areas at a minimum level of ten (10) percent of the total tract size for both active and passive recreation on the site. No more than fifty (50) of the open space area shall be composed of land that lies in a regulated *Flood Hazard Zone*, inland wetlands, or that is regulated by any other State or Federal environmental agency.
- l. New automobile and truck sales and service with or without used automobile sales as an *accessory use*, provided that:
    1. The *lot* shall have an area of at least forty thousand (40,000) square feet and have frontage on one (1) *street* of at least two hundred (200) feet;
    2. The use and service area of the *lot* shall be separated from the street and adjacent property lines by curbed and landscaped islands at least five (5) feet in width except for clearly defined lanes of ingress and egress;
    3. No vehicles shall be parked in the required *front yard*;
    4. The outside storage of vehicles shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission;
    5. No automobile filling station shall be permitted, nor may there be any sale of gasoline in connection with the permitted uses;
    6. Service and repair may be conducted only as part of or in connection with a sales facility and only when the sale of new automobiles or trucks constitutes the principal business conducted on the *premises*; and
    7. The applicant must apply to the Zoning Board of Appeals for site location approval under Connecticut General Statutes Section 14-54 after receiving approval for a special permit.
  - m. <sup>14</sup>*Permanent Seasonal Outdoor Restaurant Dining Facilities Associated with Restaurant/Eating Establishment* provided that:
    1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.
    2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

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<sup>14</sup> *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

## 402.2 Continued

3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.
  4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.
  5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.
  6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.
  7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:
    - (a) The safe use of the required *parking spaces* and their required drives;
    - (b) Interior pedestrian circulation;
    - (c) Adjacent properties;
    - (d) The access driveway from any public street; or
    - (e) Traffic on any abutting public street.
  8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying.
- n. <sup>15</sup>*Permanent Seasonal Outdoor Restaurant Dining Facilities* Associated with *Restaurant/Eating Establishment* Serving Alcoholic Beverages
1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.
  2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.
  3. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
  4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.
  5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

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<sup>15</sup> *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

**402.2 Continued**

6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.
7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.
8. *Permanent seasonal outdoor dining facilities* shall be located on the lot as to not interfere with:
  - (a) The safe use of the required *parking spaces* and their required drives;
  - (b) Interior pedestrian circulation;
  - (c) Adjacent properties;
  - (d) The access driveway from any public street; or
  - (e) Traffic on any abutting public street.
9. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying equipment" as amended.
- o. Research and development laboratories, provided that:
  1. *Buildings* shall be used only for experimental, design, development, photographic, medical, electronic, computing or testing purposes; and
  2. A *building* used as a research laboratory may also contain offices and open floor space, but any assembling, manufacturing or fabricating processes must be incidental to the principal use.
- p. *Restaurant/automobile oriented use* as an independent *building*, provided that:
  1. The minimum *lot size* shall be twenty thousand (20,000) square feet;
  2. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and
  3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the carry out operation.
- q. *Restaurant/eating establishments* serving alcoholic beverages subject to conditions under Section 222

## 402.2 Continued

- r. <sup>16</sup>*Substance Abuse Treatment Facilities* provided that:
1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public school, *house of worship*<sup>17</sup>, charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.
  2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.
- s. *Telecommunication Towers (Freestanding Commercial Wireless)*<sup>18</sup> provided that:
1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider's planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.
  2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.
  3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.
  4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.
  5. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225: Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.
  6. The minimum lot area shall be one and a half times the underlying zone, or twenty thousand (20,000) square feet, whichever is greater.
  7. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.
  8. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

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<sup>16</sup> Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 13, 2003

<sup>17</sup> Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004

<sup>18</sup> Amendment to Article IV, Section 402.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997

#### **402.2 Continued**

9. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.

t. Theaters

#### **402.3 Lot Sizes and Areas**

Each *lot* shall have an area of at least five thousand (5,000) square feet and a width of at least fifty (50) feet. Furthermore, each *lot* shall have a minimum of forty (40) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street* or approved subdivision *street*. The provisions of these regulations do not allow for *lots* without the required *street* frontage.

#### **402.4 Yards**

- a. *Front yard* dimensional requirements of Section 212 shall be required unless part of the block frontage falls in a Residence Zone. If so, the *front yard* shall conform to the *front yard* requirements of the abutting Residence Zone.
- b. Where a *building* has a party wall with a *building* on an adjoining *lot*, one (1) *side yard* having a minimum width of fifteen (15) feet shall be required. Where a *building* does not have a party wall with a *building* on an adjoining *lot*, two (2) *side yards* shall be provided; one (1) *yard* shall have a minimum width of five (5) feet and the other a minimum width of ten (10) feet.
- c. A minimum *rear yard setback* of twenty-five (25) feet, inclusive of the required buffer strip, shall be provided when the *rear lot line* of the *premises* is located within or adjacent to a Residential Zone.

#### **402.5 Lot Coverage**

- a. All *buildings* including *accessory buildings* shall cover not more than seventy-five (75) percent of the area of the *lot*.
- b. The maximum impervious surface area shall be eighty (85) percent.
  1. Exemption from maximum impervious surface requirement:

*Lots* which existed prior to March 15, 1997 which exceed the maximum impervious surface requirement above shall be exempt from the maximum impervious surface requirement. Additions which do not increase the impervious surface area, constructed on such existing *lots* shall also be exempt from the maximum impervious surface requirement. The plans for any addition to such *buildings* must contain an on-site storm water management program that is acceptable to the Town Engineering Department.

#### **402.6 Maximum Height**

No *building* shall exceed one hundred (100) feet in height, subject to applicable State and Federal Regulations dealing with air lanes.

## **Section 403            Business 2 (B-2) Zone**

### **403.1 Permitted Uses and Accessory Uses and Use**

- a. Permitted uses
  1. Antique and second-hand stores, provided there be no outside storage or display of inventory
  2. Boat *marinas*
  3. Bottling works
  4. Commercial bakeries engaged in processing, sale and distribution of food products
  5. Confectionery plants engaged in manufacturing, processing, sale and distribution of confectionery products
  6. Convalescent homes
  7. Dairy products processing plants
  8. Greenhouses and plant nurseries, provided that they are located on a *lot* of two (2) acres or more
  9. Manufacturing, compounding, or processing of goods to be sold at retail on the *premises*
  10. Newspaper and job printing
  11. Nonprofit civic clubs, lodges and recreation facilities
  12. Offices and financial institutions
  13. One-*family* dwellings, provided that dwellings shall conform to the requirements of Sections 304.3 through 304.8
  14. Outdoor display and storage of rental vehicles/boats, except for rental automobiles and trucks associated with a new/used automobile and truck sales and *service establishment*, subject to the following:
    - (a) An accurate site plan drawn to scale shall be required to be filed with and approved by the Zoning Enforcement Officer before any conforming gasoline station, boat *marina* or new/used boat sales and service *premises* shall be occupied by rental vehicles/boats. Such site plan shall show the location of existing *buildings* and improvements, existing off-street *parking spaces* required for the principle use, the location and dimensions of *parking spaces* for rental vehicles/boats, the number, types and sizes of the rental vehicles/boats, fencing or *landscaping* to be provided, dimensions and area of the *premises* and such other information as the Zoning Enforcement Officer shall require.
    - (b) Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.
    - (c) When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six (6) feet, or other screening device, as required, to be installed along said rear or side property line. Said required fence or *landscaping* shall extend along the rear or side of the *parking spaces* provide for storage.

#### 403.1 Continued

(d) For the propose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.

15. Printing, photoengraving and bookbinding

16. Research and development laboratories, provided that:

1. *Buildings* shall be used only for experimental, design, development, photographic, medical, electronic, computing or testing purposes;
2. A *building* used as research laboratory may also contain offices and open floor space, but any assembling manufacturing or fabricating processes must be subordinate to and incidental to the principal use of the *building*; and
3. The outside storage of inventory, machinery, or other materials shall be screened from abutting properties, *streets* and highways by *grading* or by appropriate fencing and *landscaping*.

17. *Restaurant/eating establishment*

18. *Service establishments*, excluding auto service and repair

19. Skilled artisan shops where goods such as, but not limited to, pottery, glassware and leather, are manufactured and sold on the *premises*

20. Stores for the sale of goods sold at retail first hand (including auto parts and accessories), provided there be no outside display of inventory unless it is within the roofed area of the *building*

21. *Telecommunication Sites (Commercial Wireless)*<sup>19</sup>, where the antenna is mounted on existing towers, utility poles, non-residential buildings, light standards and other structures subject to the provisions of Section 225: Commercial Wireless Telecommunication - General Requirements and Section 702.

22. *Three-family* dwellings, provided that dwellings shall conform to the requirements of Sections 304.3 through 304.8

23. *Two-family* dwellings, provided that dwellings shall conform to the requirements of Sections 304.3 through 304.8

b. *Accessory Uses* and Use

1. Exterior parking

2. *Home occupations* incidental to one-, two- and three-*family* dwellings

3. Outdoor display and storage of rental vehicles/boats, except for rental automobiles and trucks associated with a new/used automobile and truck sales and *service establishments*, only to conforming automobile filling stations and *repair garages*, boat sales and boat *marinas*, subject to the following:

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<sup>19</sup> Amendment to Article IV, Section 403.1, Business District Zoning Regulations: addition to Permitted Uses. Effective Date: July 18, 1997

#### 403.1 Continued

- a. An accurate site plan drawn to scale shall be required to be filed with and approved by the Zoning Enforcement Officer before any conforming gasoline station, boat *marina* or new/used boat sales and service *premises* shall be occupied by rental vehicles/boats. Such site plan shall show the location of existing *buildings* and improvements, existing off-street *parking spaces* required for the principle use, the location and dimensions of *parking spaces* for rental vehicles/boats, the number, types and sizes of the rental vehicles/boats, fencing or *landscaping* to be provided, dimensions and area of the *premises* and such other information as the Zoning Enforcement Officer shall require.
  - b. Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.
  - c. When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six (6) feet, or other screening device, as required, to be installed along said rear of side property line. Said required fence or *landscaping* shall extend along the rear or side of the *parking spaces* provide for storage.
  - d. For the propose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.
4. Renting of not more than two (2) rooms and furnishing table board for not more than three (3) boarders to *persons not members* of the *family* of the resident proprietor only when incidental to one- , two- and three-*family* dwellings
  5. *Signs*, subject to the provisions of Section 210
  6. <sup>20</sup>*Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that:
    - (a) Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;
    - (b) *Seasonal outdoor dining facility* can not exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.
    - (c) No outside audio systems or live entertainment shall be permitted;
    - (d) No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
    - (e) Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.
    - (f) *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.
    - (g) Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.

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<sup>20</sup> Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003

#### 403.1 Continued

- (h) The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license.
- (i) *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

#### 403.2 Special Permit Uses

The following uses may be permitted by the Planning and Zoning Commission subject to the general provisions of Article II and the following conditions and safeguards:

- a. Automobile filling stations and *repair garages*, provided that:
  - 1. The *lot* shall have an area of at least twenty thousand (20,000) feet and have a frontage on one (1) *street* of at least two hundred (200) feet;
  - 2. The use and service area of the *lot* shall be separated from any *street line* by curbed islands at least five (5) feet in width, except for clearly defined lanes of ingress and egress that shall be thirty (30) feet in width at the *lot line* with a ten (10) foot curb radius;
  - 3. All pumps and other service equipment shall be located at least fifteen (15) feet from any *side* or *front lot line*;
  - 4. Any filling station, *repair garage*, or other service station providing self service car wash shall provide five (5) additional off-street *parking spaces* for each installation; and
  - 5. The applicant must apply to the Town Planning and Zoning Commission for site location approval under Section 14-54 (for *repair garages*) or Section 14-321 (for automobile filling stations) of the Connecticut General Statutes after receiving approval for a special permit.
- b. Car wash establishments, including self service car wash having more than two (2) car wash installations, provided that:
  - 1. The *lot* shall have an area of at least twenty thousand (20,000) square feet and have a frontage on one (1) *street* of at least one hundred (100) feet;
  - 2. The use and service area of the *lot* shall be separated from any *street line* by curbed islands at least five (5) feet in width, except for clearly defined lanes of ingress and egress that shall be thirty (30) feet in width at the *lot line* with a ten (10) foot curb radius;
  - 3. All service equipment shall be located at least sixty (60) feet from the *front lot line* and twenty (20) feet from any *side lot line*;
  - 4. Adequate disposal facilities shall be provided so that no waste water flows or tracts onto a public *street*; and
  - 5. Off-street parking shall be provided four (4) spaces for each service or work station.
- c. *Caterers* and *catering halls*, provided that:
  - 1. The minimum *lot* size shall be fifteen thousand (15,000) square feet;

**403.2 Continued**

2. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and
  3. Vehicles used in associated operation shall be garaged indoors.
- d. *Commercial recreation - indoor and outdoor*
- e. Daycare centers/nurseries as defined in Connecticut General Statutes Section 19a-77(a), provided that:
1. The minimum *lot* size shall be fifteen thousand (15,000) square feet;
  2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front* or *side yards* of the *premises* on which such facility is located;
  3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop-off and delivery of children;
  4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on site unless greater requirements are imposed by the regulations of any other State or Federal agency. This play area must be fenced to a minimum height of at least four (4) feet. The designated play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the commission. The designated play area shall be designed and located for safety as to avoid the possibility of receiving bodily injury from accident hazards;
  5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and
  6. Required parking shall be one (1) space for each five hundred (500) square feet of *gross building floor area*, exclusive of the dedicated office area, plus one (1) space for each teaching station, and one (1) space for each two hundred (200) square feet of gross dedicated office area.
- f. *Drive-through facilities* subject to the provisions of Section 228<sup>21</sup>.
- g. A nonprofit *educational group-care facility*, provided that:
1. Said *educational group-care facility* is not within five hundred (500) feet of a similar facility; and
  2. Any newly constructed *building* shall conform to the requirements of Sections 305.7 through 305.12.
- h. Funeral homes
- i. *Hotels and motels*, provided that:
1. The minimum *lot* size shall be forty thousand (40,000) square feet; and
  2. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic.
- j. *Hotels, motels* and motor *hotels* serving alcoholic beverages under a *hotel* permit, as defined under Connecticut General Statutes, provided that:

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<sup>21</sup> Amendment to Article IV, Section 403.2: addition to Special Permit Uses. Effective Date: March 1, 2006

#### 403.2 Continued

1. The *building* (defined to include a group of *buildings* on the same *premises*) shall offer not less than fifty (50) units for the accommodations of and rental by guests, and minimum *lot* size shall be forty thousand (40,000) square feet; and
  2. It meets the conditions established under Section 222.
- k. *House of worship*<sup>22</sup>, operated by a duly incorporated nonprofit organization provided that:
1. Minimum *lot* size shall be fifteen thousand (15,000) square feet;
  2. No parking or active recreation facilities shall be permitted in any required front or side yard;
  3. Required parking shall be based on maximum legal occupancy of the building as defined in section 209 herein. The Town Planning and Zoning Commission may modify this requirement if the applicant can demonstrate that sufficient non-simultaneous shared parking exists on the site;
  4. The external appearance and general character of the building shall be preserved to blend in with the character of neighborhood.
  5. Allowable signage shall be limited to the requirements of 210.5a (4) only.
- l. Liquor stores subject to the provisions of Section 222
- m. *Multiple-family dwellings*, provided that:
1. The minimum *lot area* shall be two thousand five hundred (2,500) square feet per *dwelling unit* and the minimum *lot* size shall be ten thousand (10,000) square feet;
  2. The minimum average *lot width*, defined as the average width between the required *front* and *rear yards* measured in the same manner as for *lot width*, shall be seventy-five (75) feet plus four (4) feet for each *dwelling unit*, with a maximum required width of four hundred (400) feet;
  3. The minimum *lot frontage* shall be seventy-five (75) feet plus one (1) foot for each *dwelling unit*, with a maximum required frontage of one hundred fifty (150) feet;
  4. The principal entrance for each separate dwelling *structure* shall front on a separate *yard* not less than thirty (30) feet in depth with access to the public right-of-way and with adequate emergency vehicle access to each dwelling *structure*;
  5. No more than twenty-five (25) percent of the area of the *lot* shall be covered by *buildings*;
  6. The *lot* shall have a *front yard* of not less than thirty (30) feet in depth;
  7. Each separate *structure* shall have *side* and *rear yard* separations between *buildings* of at least thirty (30) feet, which separations shall be increased by one (1) foot. For each additional one (1) foot such *structure* exceeds thirty (30) feet in height;
  8. Each separate dwelling *structure* shall be located not less than fifteen (15) feet from any *lot line*;
  9. The *lot* shall be located on, and have direct access to, a *street* having a right-of-way width of fifty (50) feet and a pavement width of thirty (30) feet minimum, connecting to main arterial roads directly or indirectly by *streets* not less than these widths;
  10. No parking shall be permitted in any required *front yard*;

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<sup>22</sup> Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004

#### 403.2 Continued

11. All parking and parking access drives, other than garage access, shall be located at least fifteen (15) feet from any dwelling *structure* or any *side* or *rear lot line*. When located within thirty (30) feet of any *lot line*, parking and parking access drives shall be screened from abutting property lines by fencing with a minimum height of six (6) feet or by shrubs, hedges planted *berms* or trees of a sufficient mass to be opaque (refer to East Hartford Design Review Manual);
  12. Each dwelling until shall provide a minimum *livable floor area* of six hundred fifty (650) square feet in any efficiency or one-bedroom unit and shall provide an additional one hundred twenty-five (125) square feet of *livable floor area* for each additional bedroom; and
  13. Each *multiple-family* development shall provide open space and recreation areas for both active and passive recreation on the site as deemed appropriate by the Town Planning and Zoning Commission.
- n. New/used automobile and truck sales and services, provided that:
1. The *lot* shall have an area of at least forty thousand (40,000) square feet and have a frontage on one (1) *street* of at least two hundred (200) feet;
  2. The use and service area of the *lot* shall be separated from the street and adjacent property lines by curbed and landscaped islands at least five (5) feet in width except for clearly defined lanes of ingress and egress;
  3. No vehicle shall be parked in the required *front yard*;
  4. The outside storage of vehicles shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission;
  5. No automobile filling station shall be permitted nor may there be any sale of gasoline in connection with the permitted uses; and
  6. Service and repair may be conducted only as part of or in connection with a sales facility and only when the sale of automobiles or trucks constitutes the major portion of the business conducted on the *premises*.
- o. <sup>23</sup>*Permanent Seasonal Outdoor Restaurant Dining Facilities Associated with Restaurant/Eating Establishment* provided that:
1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.
  2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
  3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.
  4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.
  5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

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<sup>23</sup> Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003

**403.2 Continued**

6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.
7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:
  - (a) The safe use of the required *parking spaces* and their required drives;
  - (b) Interior pedestrian circulation;
  - (c) Adjacent properties;
  - (d) The access driveway from any public street; or
  - (e) Traffic on any abutting public street.
8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying."
- p. <sup>24</sup>*Permanent Seasonal Outdoor Restaurant Dining Facilities Associated with Restaurant/Eating Establishment Serving Alcoholic Beverages*
  1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.
  2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.
  3. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
  4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.
  5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.
  6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.
  7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.
  8. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:

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<sup>24</sup> *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

#### 403.2 Continued

- (a) The safe use of the required *parking spaces* and their required drives;
  - (b) Interior pedestrian circulation;
  - (c) Adjacent properties;
  - (d) The access driveway from any public street; or
  - (e) Traffic on any abutting public street.
9. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 “Control of noise pollution emitted by sound amplifying equipment” as amended.
- q. *Restaurant/automobile oriented use*, provided that:
- 1. The restaurant shall be located on a *lot* of a least forty thousand (40,000) square feet with a frontage of at least two hundred (200) feet;
  - 2. Lanes of ingress and egress shall be at least thirty (30) feet wide and clearly defined by curbing; and
  - 3. Parking areas shall be separated from the *street* and adjacent property lines by curbed and landscaped buffer strips at least five (5) feet in width.
- r. *Restaurant/eating establishments* serving alcoholic beverages subject to conditions under Section 222
- s. <sup>25</sup>*Substance Abuse Treatment Facilities* provided that:
- 1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public school, *house of worship*<sup>26</sup>, charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.
  - 2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.
- t. *Telecommunication Towers (Freestanding Commercial Wireless)*<sup>27</sup> provided that:
- 1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider’s planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.

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<sup>25</sup> Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 13, 2003

<sup>26</sup> Amendment to Article II: General Provisions, Section 200, Amendment to Article IV Section 403.2 Effective Date: March 10, 2004

<sup>27</sup> Amendment to Article IV, Section 403.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997

#### 403.2 Continued

2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.
3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.
4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.
5. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225: Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.
6. The minimum lot area shall be one and a half times the underlying zone, or twenty thousand (20,000) square feet, whichever is greater.
7. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.
8. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.
9. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.

u. Theaters

#### 403.3 Lot Sizes and Areas

Each *lot* shall have an area of at least seven thousand five hundred (7,500) square feet and a width of at least seventy-five (75) feet. Furthermore, each *lot* shall have a minimum of fifty (50) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street* or approved subdivision *street*. The provisions of these regulations do not allow for *lots* without the required *street* frontage.

#### 403.4 Yards

- a. *Front yard* dimensional requirements of Section 212 shall be required unless part of the block frontage falls in a Residential Zone. If so, the *front yard* shall conform to the *front yard* requirements of the abutting Residential Zone.
- b. Where a *building* has a party wall with a *building* on an adjoining *lot*, one (1) *side yard* having a minimum width of fifteen (15) feet shall be required. Where a *building* does not have a party wall with a *building* on an adjoining *lot*, two (2) *side yards* shall be provided; one (1) *yard* shall have a minimum width of ten (10) feet and the other a minimum width of five (5) feet.
- c. A minimum *rear yard setback* of twenty-five (25) feet inclusive of the required buffer strip, shall be provided when the *rear lot line* of the *premises* is adjacent to a Residence Zone.

#### **403.5 Lot Coverage**

- a. All *buildings* and *structures* including *accessory buildings* shall cover not more than seventy-five (75) percent of the area of the *lot*.
- b. The maximum impervious surface area shall be eighty-five (85) percent.
  1. Exemption from maximum impervious surface requirement

*Lots* which existed prior to March 15, 1997 which exceed the maximum impervious surface requirement above shall be exempt from the maximum impervious surface requirement. Additions which do not increase the impervious surface area, constructed on such existing *lots* shall also be exempt from the maximum impervious surface requirement. The plans for any addition to such *buildings* must contain an on-site storm water management program that is acceptable to the Town Engineering Department.

#### **403.6 Maximum Height**

No *building* shall exceed one hundred (100) feet in height, subject to applicable State and Federal regulations dealing with air lanes.

## **Section 404            Business 3 (B-3) Zone**

### **404.1    Permitted Uses and *Accessory Uses* and Use**

- a. Permitted uses
  1. Antique and second hand stores, provided there is no outside storage or display of inventory
  2. Boat *marinas*
  3. Bottling works
  4. Car wash establishments, including self service car wash having more than two (2) car wash installations, provided that:
    - (a) All service equipment shall be located at least sixty (60) feet from the *front lot line* and twenty (20) feet from any *side lot line*;
    - (b) The *lot* shall have an area of at least ten thousand (10,000) square feet and have a frontage on one (1) *street* of at least one hundred (100) feet;
    - (c) The use and service area of the *lot* shall be separated from any *street line* by curbed islands at least five (5) feet in width except for clearly defined lanes of ingress and egress which shall be thirty (30) feet in width at the *lot line* with a ten (10) foot curb radius; and
    - (d) Adequate disposal facilities shall be provided so that no waste water flows onto a public *street*.
  5. Nonprofit clubs, lodges and recreation facilities
  6. Commercial bakeries engaged in processing, sale and distribution of food products
  7. Confectionery plants engaged in manufacturing, processing, sale and distribution of confectionery products
  8. Contractor's materials and equipment sales and storage, provided that there be no unreasonable emission of dust, smoke, fumes, glare, noise or vibration beyond the *lot line*
  9. Dairy products processing plants
  10. Greenhouses and plant nurseries, provided that they are located on a *lot* of two (2) acres or more
  11. The manufacture, processing or assembly of goods, provided that there be no unreasonable emission of dust, smoke, fumes, glare, noise or vibration beyond the *lot line*
  12. The manufacturing, compounding or processing of goods to be sold at retail on the *premises*
  13. New automobile and truck sales and service with or without used automobile sales as an *accessory use*, provided that:
    - (a) The *lot* shall have an area of at least forty thousand (40,000) square feet and have a frontage on one (1) *street* of at least two hundred (200) feet;
    - (b) The use and service area of the *lot* shall be separated from any *street line* by curbed islands at least five (5) feet in width except for clearly defined lanes of ingress and egress;
    - (c) No vehicles shall be parked in the required *front yard*;

#### 404.1 Continued

- (d) The outside storage of vehicles shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission;
  - (e) No automobile filling station shall be permitted nor may there be any sales of gasoline in connection with the permitted uses; and
  - (f) Service and repair may be conducted only as part of or in connection with a sales facility and only when the sale of automobiles or trucks constitutes the major portion of the business conducted on the *premises*.
  - (g) The applicant must apply to the Zoning Board of Appeals for site location approval under Section 14-54 (for *repair garages*) or Section 14-321 (for automobile filling stations) of the Connecticut General Statutes after receiving approval for a special permit.
14. Newspaper and job printing
15. Offices and Financial institutions
16. Outdoor display and storage of rental vehicles/boats, except for rental automobiles and trucks associated with a new/used automobile and truck sales and *service establishment*, subject to the following:
- (a) An accurate site plan drawn to scale shall be required to be filed with and approved by the Zoning Enforcement Officer before any conforming gasoline station, boat *marina* or new/used boat sales and service *premises* shall be occupied by rental vehicles/boats. Such site plan shall show the location of existing *buildings* and improvements, existing off-street *parking spaces* required for the principle use, the location and dimensions of *parking spaces* for rental vehicles/boats, the number, types and sizes of the rental vehicles/boats, fencing or *landscaping* to be provided, dimensions and area of the *premises* and such other information as the Zoning Enforcement Officer shall require.
  - (b) Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.
  - (c) When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six (6) feet, or other screening device, as required, to be installed along said rear of side property line. Said required fence or *landscaping* shall extend along the rear or side of the *parking spaces* provide for storage.
  - (d) For the propose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.
17. Printing, photoengraving and bookbinding
18. Research and development laboratories, provided that:
- (a) *Buildings* shall be used only for experimental, design, development, photographic, medical, electronic, computing or testing purposes;
  - (b) A *building* used as research laboratory may also contain offices and open floor space, but any assembling manufacturing or fabricating processes must be subordinate to and incidental to the principal use of the *building*; and

#### 404.1 Continued

- (c) The outside storage of inventory, machinery, or other materials shall be screened from abutting properties, *streets* and highways by *grading* or by appropriate fencing and *landscaping*.

- 19. *Restaurant/eating establishments*
- 20. *Service establishments*, excluding auto service and repair
- 21. Skilled artisan shops where goods such as, but not limited to, pottery, glassware and leather are manufactured and sold on the *premises*
- 22. Stores for the sale of goods sold at retail first hand (including auto parts and accessories), provided there be no outside display of inventory unless it is within the roofed area of the *building*
- 23. *Telecommunication Sites (Commercial Wireless)*<sup>28</sup>, where the antenna is mounted on existing towers, utility poles, non-residential buildings, light standards and other structures subject to the provisions of Section 225: Commercial Wireless Telecommunication - General Requirements and Section 702.
- 24. *Truck terminal, class II*
- 25. Wholesale storage and warehousing, provided that there be no unreasonable emission of dust, smoke, fumes, glare, noise or vibration beyond the *lot line*
- 26. *Public storage*<sup>29</sup>

b. Permitted *accessory uses* and use

- 1. Exterior parking
- 2. Interior storage of goods
- 3. Outdoor display and storage of rental vehicles/boats, except for rental automobiles and trucks associated with a new/used automobile and truck sales and *service establishment*, only to conforming automobile filling stations and *repair garages*, boat sales and boat *marinas*, subject to the following:
  - (a) An accurate site plan drawn to scale shall be required to be filed with and approved by the Zoning Enforcement Officer before any conforming gasoline station, boat *marina* or new/used boat sales and service *premises* shall be occupied by rental vehicles/boats. Such site plan shall show the location of existing *buildings* and improvements, existing off-street *parking spaces* required for the principle use, the location and dimensions of *parking spaces* for rental vehicles/boats, the number, types and sizes of the rental vehicles/boats, fencing or *landscaping* to be provided, dimensions and area of the *premises* and such other information as the Zoning Enforcement Officer shall require.
  - (b) Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.
  - (c) When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six (6) feet, or other screening device, as required, to be installed along said rear or side

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<sup>28</sup> Amendment to Article IV, Section 404.1, Business District Zoning Regulations: addition to Permitted Uses. Effective Date: July 18, 1997

<sup>29</sup> Amendment to Article IV, Section 404.1a, Permitted Uses. Effective Date: January 12, 2005

#### 404.1 Continued

property line. Said required fence or *landscaping* shall extend along the rear or side of the *parking spaces* provide for storage.

- (d) For the propose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.
- 4. *Signs*, subject to the provisions of Section 210
- 5. <sup>30</sup>*Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that:
  - (a) Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;
  - (b) *Seasonal outdoor dining facility* can not exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.
  - (c) No outside audio systems or live entertainment shall be permitted;
  - (d) No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
  - (e) Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.
  - (f) *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.
  - (g) Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.
  - (h) The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license
  - (i) *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

#### 404.2 Special Permit Uses

The following uses may be permitted by the Planning and Zoning Commission subject to the general provisions of Article II and the following conditions and safeguards.

- a. Automobile filling station and *repair garages*, provided that:

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<sup>30</sup> *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

#### 404.2 Continued

1. The *lot* shall have an area of at least ten thousand (10,000) square feet and have a frontage on one (1) *street* of at least one hundred (100) feet;
  2. The use and service area of the *lot* shall be separated from any *street line* by curbed islands at least five (5) feet in width except for clearly defined lanes of ingress and egress that shall be thirty (30) feet in width at the *lot line* with a ten (10) foot curb radius;
  3. All pumps and other service equipment shall be located at least fifteen (15) feet from any *side* or *front lot line*;
  4. Any filling station, *repair garage*, or other service station providing self service car wash shall provide five (5) additional off-street *parking spaces* for each installation; and
  5. The applicant must apply to the Town Planning and Zoning Commission for site location approval under Section 14-54 (for *repair garages*) or Section 14-321 (for automobile filling stations) of the Connecticut General Statutes after receiving approval for a special permit.
- b. *Caterers and catering halls*, provided that:
1. The *lot* shall have an area of at least ten thousand (10,000) square feet and have frontage on one (1) *street* of at least sixty (60) feet; and
  2. When said *premises* are improved with a *building* and abuts a Residential Zone, there shall be a thirty (30) foot landscaped buffer strip. The buffer strip may consist of shrubs, hedges, planted *berms* or trees of sufficient mass to be opaque. In addition, *buildings* must also be set back from Residential Zones two (2) feet for every foot of *building height*.
- c. *Commercial Recreation - indoor and outdoor*
- d. Daycare centers/nurseries as defined in Connecticut General Statutes Section 19a-77(a), provided that:
1. The minimum *lot* size shall be twenty thousand (20,000) square feet;
  2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front* or *side yards* of the *premises* where such facility is located;
  3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop off and delivery of children;
  4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on site unless greater requirements are imposed by the regulations of any other State or Federal agency. This play area must be fenced to a minimum height of at least four (4) feet. The designated play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the Commission. The designated play area shall be designed and located for safety to avoid the possibility of receiving bodily injury from accident hazards;
  5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and
  6. Required parking shall be one (1) space for each five hundred (500) square feet of *gross building floor area* exclusive of the dedicated office area plus one (1) space for each teaching station and one (1) space for each two hundred (200) square feet of gross dedicated office area
- e. *Drive-through facilities* subject to the provisions of Section 228<sup>31</sup>.

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<sup>31</sup> Amendment to Article IV, Section 404.2: addition to Special Permit Uses: Effective Date: March 1, 2006

#### 404.2 Continued

- f. Fuel storage for retail distribution
- g. Funeral homes
- h. *Hotels and motels*, provided that:
  - 1. The minimum *lot* size shall be forty thousand (40,000) square feet; and
  - 2. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic.
- i. *Hotels and motels* serving alcoholic beverages under a *hotel* permit, as defined under Connecticut General Statutes, provided that:
  - 1. The *building* (defined to include a group of *buildings* on the same *premises*) shall offer not less than fifty (50) units for the accommodations of and rental by guests; and
  - 2. It meets the conditions established under Section 222.
- j. Liquor stores subject to the provisions of Section 222
- k. <sup>32</sup>*Permanent Seasonal Outdoor Restaurant Dining Facilities Associated with Restaurant/Eating Establishment* provided that:
  - 1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.
  - 2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
  - 3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.
  - 4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.
  - 5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.
  - 6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.
  - 7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:
    - (a) The safe use of the required *parking spaces* and their required drives;
    - (b) Interior pedestrian circulation;
    - (c) Adjacent properties;

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<sup>32</sup> Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003

**404.2 Continued**

- (d) The access driveway from any public street; or
  - (e) Traffic on any abutting public street.
8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying.
1. <sup>33</sup>*Permanent Seasonal Outdoor Restaurant Dining Facilities* Associated with *Restaurant/Eating Establishment* Serving Alcoholic Beverages
- 1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.
  - 2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.
  - 3. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
  - 4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.
  - 5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.
  - 6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.
  - 7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.
  - 8. *Permanent seasonal outdoor dining facilities* shall be located on the lot as to not interfere with:
    - (a) The safe use of the required *parking spaces* and their required drives;
    - (b) Interior pedestrian circulation;
    - (c) Adjacent properties;
    - (d) The access driveway from any public street; or
    - (e) Traffic on any abutting public street.
  - 9. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying equipment" as amended.

**404.2 Continued**

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<sup>33</sup> *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

- m. *Restaurant/automobile oriented use*, provided that:
1. The restaurants shall be located on a *lot* of at least forty thousand (40,000) square feet with a frontage of at least two hundred (200) feet;
  2. Lanes of ingress and egress shall be at least thirty (30) feet wide and clearly defined by curbing; and
  3. Parking areas shall be separated from the *street* and adjacent property lines by curbed and landscaped buffer strips at least five (5) feet in width.
- n. *Restaurant/eating establishment* serving alcoholic beverages subject to the conditions under Section 222.
- o. <sup>34</sup>*Substance Abuse Treatment Facilities* provided that:
1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public school, *house of worship*<sup>35</sup>, charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.
  2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.
- p. *Telecommunication Towers (Freestanding Commercial Wireless)*<sup>36</sup> provided that:
1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider's planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.
  2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.
  3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.
  4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.
  5. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225:

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<sup>34</sup> *Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 13, 2003*

<sup>35</sup> *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*

<sup>36</sup> *Amendment to Article IV, Section 404.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997*

#### 404.2 Continued

Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.

6. The minimum lot area shall be one and a half times the underlying zone, or twenty thousand (20,000) square feet, whichever is greater.
  7. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.
  8. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.
  9. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.
- q. Theaters, provided that vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic.
- r. *Truck terminals, Class I* provided that:
1. The minimum *lot* size shall be ten (10) acres with a minimum frontage on one (1) *street* of two hundred (200) feet;
  2. No docking apron space shall be used for parking of vehicles not at the docking platform;
  3. No *building* shall be within twenty (20) feet of any *lot line*; and
  4. There shall be not more than two (2) curb cuts having a fifty (50) foot radius at the curb and having a width of at least forty (40) feet at the *street*.
- s. Used automobile and truck sales and service, provided that:
1. The *lot* shall have an area of at least twelve thousand (12,000) square feet and have a frontage on one (1) *street* of at least one hundred (100) feet;
  2. The use and service area of the *lot* shall be separated from the street and adjacent property lines by curbed and landscaped islands at least five (5) feet in width except for clearly defined lanes of ingress and egress;
  3. No vehicles shall be parked in the required *front yard*;
  4. The outside storage of vehicles shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission;
  5. No automobile filling station shall be permitted nor may there be any sales of gasoline in connection with the permitted uses; and
  6. Service and repair may be conducted only as part of or in connection with a sales facility and only when the sale of automobiles or trucks constitutes the major portion of the business conducted on the *premises*.

#### **404.3 Lot Sizes and Areas**

Each *lot* shall have an area of at least ten thousand (10,000) square feet and a width of at least one hundred (100) feet. Furthermore, each *lot* shall have a minimum of sixty (60) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street* or approved subdivision *street*. The provisions of these regulations do not allow for *lots* without the required *street* frontage.

#### **404.4 Yards**

- a. *Front yard* dimensional requirements of Section 212 shall be required unless a part of the block frontage falls in a Residence Zone. If so, the *front yard* shall conform to the *front yard* requirements of the abutting Residence Zone. The Planning and Zoning Commission may modify these requirements in the area designated as Downtown Commercial by the Plan of Development only by special permit.
- b. Where a *building* has a party wall with a *building* on an adjoining *lot*, one (1) *side yard* having a minimum width of fifteen (15) feet shall be required. Where a *building* does not have a party wall with a *building* on an adjoining *lot*, two (2) *side yards* shall be provided; one (1) *yard* shall have a minimum width of five (5) feet and the other a minimum width of ten (10) feet.
- c. A minimum rear *yard setback* of twenty-five (25) feet, inclusive of the required buffer strip, shall be provided when the *rear lot line* of the *premises* is located within or adjacent to a Residential Zone.

#### **404.5 Lot Coverage**

- a. All *buildings* including *accessory buildings* shall cover not more than seventy-five (75) percent of the area of the *lot*.
- b. The maximum impervious surface area shall be eighty-five (85) percent.
  1. Exemption from maximum impervious surface requirement

*Lots* which existed prior to March 15, 1997 which exceed the maximum impervious surface requirement above shall be exempt from the maximum impervious surface requirement. Additions which do not increase the impervious surface area, constructed on such existing *lots* shall also be exempt from the maximum impervious surface requirement. The plans for any addition to such *buildings* must contain an on-site storm water management program that is acceptable to the Town Engineering Department.

#### **404.6 Maximum Height**

No *building* shall exceed fifty (50) feet in height, subject to applicable State and Federal Regulations dealing with air lanes.

## Section 405            **Business (B-4) Zone**

### 405.1 Permitted Uses and *Accessory Uses* and Use

- a. Permitted uses
  1. Antique and second-hand stores, provided no outside storage or display of inventory
  2. Boat *marinas*
  3. Nonprofit civic clubs, lodges and recreation facilities
  4. Offices and financial institutions
  5. Printing, photo-engraving and bookbinding
  6. *Restaurant/eating establishment*
  7. *Service establishments*, excluding automobile service and repair
  8. Skilled artisan shops in which goods such as but not limited to pottery, glassware and leather are manufactured and sold on the *premises*
  9. Stores for the sale of goods sold at retail, first hand (excluding automobile parts and accessories), provided there be no outside display of inventory
  10. *Telecommunication Sites (Commercial Wireless)*<sup>37</sup>, where the antenna is mounted on existing towers, utility poles, non-residential buildings, light standards and other structures subject to the provisions of Section 225: Commercial Wireless Telecommunication - General Requirements and Section 702.
- b. *Accessory uses* and use
  1. Daycare centers/nurseries, as defined in Connecticut General Statutes Section 19a-77(a), when associated with an office or financial institution as a principal use
  2. Exterior parking
  3. Interior structured garage parking
  4. Outdoor display and storage of boats, only for conforming boat sales and boat *marinas*, subject to the following:
    - (a) An accurate site plan drawn to scale shall be required to be filed with and approved by the Zoning Enforcement Officer before any conforming gasoline station, boat *marina* or new/used boat sales and service *premises* shall be occupied by rental vehicles/boats. Such site plan shall show the location of existing *buildings* and improvements, existing off-street *parking spaces* required for the principle use, the location and dimensions of *parking spaces* for rental vehicles/boats, the number, types and sizes of the rental vehicles/boats, fencing or *landscaping* to be provided, dimensions and area of the *premises* and such other information as the Zoning Enforcement Officer shall require.
    - (b) Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.

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<sup>37</sup> *Amendment to Article IV, Section 405.1, Business District Zoning Regulations: addition to Permitted Uses. Effective Date: July 18, 1997*

#### 405.1 Continued

- (c) When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six (6) feet, or other screening device, as required, to be installed along said rear or side property line. Said required fence or *landscaping* shall extend along the rear or side of the *parking spaces* provide for storage.
  - (d) For the propose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.
5. *Signs*, subject to the provisions of Section 210
6. <sup>38</sup>*Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that:
- (a) Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;
  - (b) *Seasonal outdoor dining facility* can not exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.
  - (c) No outside audio systems or live entertainment shall be permitted;
  - (d) No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
  - (e) Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.
  - (f) *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.
  - (g) Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.
  - (h) The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license.
  - (i) *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

#### 405.2 Special Permit Uses

- a. Auditorium, concert hall, convention hall, lecture hall, theater or similar place or public assembly, provided that the minimum *lot* size shall be eighty thousand (80,000) square feet.
- b. *Commercial recreation - indoor*

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<sup>38</sup> *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

#### 405.2 Continued

- c. Daycare centers/nurseries, as defined in Connecticut General Statutes Section 19a-77(a), provided that:
  1. The minimum *lot* size shall be twenty thousand (20,000) square feet;
  2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front* or *side yards* of the *premises* where such facility is located;
  3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop off and delivery of children;
  4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on site unless greater requirements are imposed by the regulations of any other State or Federal agency. This play area must be fenced to a minimum height of at least four (4) feet. The designated play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the Commission. The designated play area shall be designed and located for safety as to avoid the possibility of receiving bodily injury from accident hazards;
  5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and
  6. Required parking shall be one (1) space for each five hundred (500) square feet of *gross building floor area* exclusive of the dedicated office area, plus one (1) space for each teaching station and one (1) space for each two hundred (200) square feet of gross dedicated office area.
- d. *Drive-through facilities* subject to the provisions of Section 228<sup>39</sup>.
- e. High density, mixed use high-rise development consisting of office/retail, restaurants and/or *multiple-family dwellings* in one (1) or more *buildings*, provided that:
  1. The minimum development site size shall be five (5) acres. A development site is defined as a parcel or parcels of land under the control of a single entity at the time the application for a special permit is made upon which the proposed development is to be constructed. High-rise *multiple-family dwellings* in excess of one hundred (100) feet in height will qualify under this section with a minimum development site of thirty thousand (30,000) square feet;
  2. The site shall have frontage on the Connecticut River. For the purposes of this section, frontage shall be defined as property that abuts the Connecticut River in which the applicant has a legal or equitable interest that gives the applicant and its assignees the right to limit *building* development on the property;
  3. The maximum height of any *building(s)* on the site shall be three hundred (300) feet, subject to applicable State and Federal regulations dealing with air lines;
  4. The minimum *livable floor area* shall be five hundred (500) square feet for each efficiency unit, six hundred fifty (650) square feet for each one-bedroom unit and an additional one hundred twenty-five (125) square feet of floor area for each additional bedroom, provided, however, that the minimum *livable floor area* shall be no less than that required by the Connecticut State Building Code, as the same may be amended;
  5. The minimum *front, side* and *rear yards* shall be as set forth in Section 405.4 of these regulations. However, that said minimum *front, side* and *rear yard* requirements for the *building(s)* and parking shall not apply in the event that the development provides for a plaza developed for usable open space that meets the following criteria:

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<sup>39</sup> Amendment to Article IV, Section 405.2: addition to Special Permit Uses. Effective Date: March 1, 2006

## 405.2 Continued

- (a) Such plaza is a portion of the principal *building(s)*.
  - (b) Such plaza does not exceed a height equal to fifty (50) feet above sea level and shall not be lower than the top of the existing *flood* protection wall located on the Connecticut River.
  - (c) *Accessory uses* including, but not limited to, walkways, stairways, amphitheaters, handicapped access ways and water-related *structures* may be located at a height lower than the top of the existing *flood* protection wall.
  - (d) Such plaza has access to grade.
  - (e) Only uses such as vehicular parking, mechanical equipment required to operate and maintain said principal *building(s)* or vehicular parking area, storage areas or retail or restaurant establishments may be located beneath such plaza.
  - (f) Such plaza shall be accessible on a normal basis to all the occupants, tenants, visitors, employees or patrons of the use or uses located in said principal *building(s)* and shall not unduly burden the public's access to the Connecticut River.
  - (g) Such plaza shall be furnished with benches, chairs, plantings, works of art, adequate illumination and/or other appropriate features conducive to usable open space purposes.
  - (h) Such furniture, kiosks and other obstructions shall occupy not more than a total of fifty (50) percent of the floor area of such plaza and shall be located as not to impede the free flow of pedestrian traffic or be of such a nature, material or design to endanger the health or safety of the users of the plaza, the users of said principal *building(s)* or the general public.
  - (i) In the event that no exterior walls are provided from grade level to the plaza level, the parking or other uses located beneath such plaza shall be screened with suitable *landscaping* or other material.
  - (j) The entire plaza perimeter except where access is provided or required shall be enclosed by adequate fencing, railings or plantings. A plaza is defined as a continuous above grade area constructed of hard surfaced material surrounding and/or connecting one (1) or more *buildings* not intended for the permanent shelter, housing or enclosure of *persons*, animals and/or materials, is primarily open to the sky and is open to the occupants, tenants, visitors, employees or patrons of the use or uses located in said *building(s)* on a regular basis for possible recreational purposes; provided, however, that the foregoing shall not be deemed a limitation of the uses permitted in such area and the applicant may make such use of the plaza that is not inconsistent with the above.
6. The *buildings* may cover up to seventy-five (75) percent of the area of the site. Where plazas are developed for usable open space, said plazas and *buildings* may cover up to one hundred (100) percent of the area of the Site, provided that the *buildings* shall not cover more than seventy-five (75) percent of the site;
  7. The separate *buildings* on the site shall be at least thirty (30) feet from any other separate *building* on the site;
  8. After the issuance of a special permit and in the event the site or a portion of it be developed as a condominium, the control of the site may be divided among two (2) or more entities and the so-divided parcels need not meet the acreage, *front*, *side* and *rear yard* and *lot coverage* requirements set forth herein, provided that the development as a whole meets these requirements.

## 405.2 Continued

9. Notwithstanding anything in these regulations to the contrary, the minimum *parking spaces* required shall be as follows:
  - a. Retail stores, personal service shops or similar business - *buildings* one (1) space for each two hundred fifty (250) square feet of *gross floor area*.
  - b. *Restaurant/eating establishment* - one (1) space for every three (3) legal occupants.
  - c. Residential use - One and one-half (1.5) spaces per *dwelling unit* for *dwelling unit* not assigned a tandem space. Tandem parking may be used for two-bedroom units. A tandem space shall be a minimum, of thirty-four (34) feet in length by nine (9) feet in width.
- f. *Hotels and motels*
- g. *Hotels and motels* serving alcoholic beverages under a *hotel* permit, as defined under Connecticut General Statutes, provided that:
  1. The *building* (defined to include a group of *buildings* on the same *premises*) shall offer not less than fifty (50) units for the accommodation of and rental by guests; and
  2. It is subject to the provisions of Section 222.
- b. Liquor stores subject to the provisions of Section 222
- i. *Multiple-family dwellings* (one (1) to four (4) stories) provided that:
  1. The minimum *lot area* per *dwelling unit* shall be two thousand five hundred (2,500) square feet, except that in the case of a *building* that is fifty (50) or more feet in height, the minimum *lot area* per *dwelling unit* shall be five hundred five hundred (500) square feet. The minimum *lot* size shall be twenty-five thousand (25,000) square feet;
  2. The minimum average *lot width*, (defined as the average width between the required *front* and *rear yards* measured in the same manner as for *lot width*,) shall be eighty (80) feet plus four (4) feet for each *dwelling unit*, with a maximum required width of four hundred twenty-five (425) feet;
  3. The minimum *lot frontage* shall be eighty (80) feet plus one (1) foot for each *dwelling unit*, with a maximum required frontage of two hundred (200) feet;
  4. Not more than thirty-five (35) percent of the area of the *lot* shall be covered by *buildings*;
  5. The principal entrance for each separate dwelling *structure* shall front on a separate *yard* not less than thirty (30) feet in depth with access to the public right-of-way and provide adequate emergency vehicle access to each dwelling *structure*;
  6. Each separate *structure* shall have *side* and *rear yard* separations between *buildings* of at least thirty (30) feet, which separations shall be increased by one (1) foot for each additional foot such *structure* exceeds thirty (30) feet in height;
  7. Each separate dwelling *structure* shall be located not less than twenty-five (25) feet from any *lot line*;
  8. The *lot* shall be located on and have direct access to a *street* having a right-of-way width of fifty (50) feet and a pavement width of thirty (30) feet minimum, connecting to main arterial roads directly or indirectly by *streets* not less than these widths;
  9. No parking shall be permitted in any required *front yard*;

## 405.2 Continued

10. All parking and parking access drives, other than garage access, shall be located at least fifteen (15) feet from any dwelling *structure* or any *side* or *rear lot line*. When located within thirty (30) feet of any *lot line*, parking and parking access drives shall be screened from abutting property lines by fencing with a minimum height of six (6) feet or by shrubs, hedges, planted *berms* or trees of a sufficient mass to be opaque (refer to East Hartford Design Manual); and
  11. Each *dwelling unit* shall provide a minimum *livable floor area* of five hundred (500) square feet in any efficiency or one-bedroom unit and shall provide an additional six hundred fifty (650) square feet of livable floor for each additional bedroom.
- j. Outdoor display and storage of boats, provided that:
1. Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.
  2. When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six feet, or other screening devices shall be installed along said rear or side property line. Said required fence or *landscaping* shall extend along the rear or side of the *parking spaces* provide for storage.
  3. For the purpose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.
- k <sup>40</sup>*Permanent Seasonal Outdoor Restaurant Dining Facilities Associated with Restaurant/Eating Establishment* provided that:
1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.
  2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
  3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.
  4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.
  5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.
  6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.
  7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:
    - (a) The safe use of the required *parking spaces* and their required drives;

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<sup>40</sup> *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

**405.2 Continued**

- (b) Interior pedestrian circulation;
  - (c) Adjacent properties;
  - (d) The access driveway from any public street; or
  - (e) Traffic on any abutting public street.
8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying.
1. <sup>41</sup>*Permanent Seasonal Outdoor Restaurant Dining Facilities Associated with Restaurant/Eating Establishment Serving Alcoholic Beverages*
- 1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.
  - 2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.
  - 3. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
  - 4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.
  - 5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.
  - 6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.
  - 7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.
  - 8. *Permanent seasonal outdoor dining facilities* shall be located on the lot as to not interfere with:
    - (a) The safe use of the required *parking spaces* and their required drives;
    - (b) Interior pedestrian circulation;
    - (c) Adjacent properties;
    - (d) The access driveway from any public street; or
    - (e) Traffic on any abutting public street.

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<sup>41</sup> *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

## 405.2 Continued

9. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying equipment" as amended.
- m. *Restaurant/eating establishment*, serving alcoholic beverages subject to the conditions set forth in Section 222
- n. <sup>42</sup>*Substance Abuse Treatment Facilities* provided that:
  1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public school, *house of worship*<sup>43</sup>, charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.
  2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.
- o. *Telecommunication Towers (Freestanding Commercial Wireless)*<sup>44</sup> provided that:
  1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider's planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.
  2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.
  3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.
  4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.
  5. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225: Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.
  6. The minimum lot area shall be one and a half times the underlying zone, or twenty thousand (20,000) square feet, whichever is greater.

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<sup>42</sup> Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 13, 2003

<sup>43</sup> Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004

<sup>44</sup> Amendment to Article IV, Section 405.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997

#### 405.2 Continued

7. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.
  8. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.
  9. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.
- p. A vertical take-off and landing (VTOL) field, including a helicopter landing field, where such use is deemed necessary to the public convenience and welfare.

#### 405.3 Lot Sizes and Areas

Each *lot* shall have an area of at least ten thousand (10,000) square feet and a width of at least eighty (80) feet. Furthermore, each *lot* shall have a minimum of fifty-five (55) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street* or approved subdivision *street*. The provisions of these regulations do not allow for *lots* without the required *street* frontage.

#### 405.4 Yards

- a. Each *lot* shall have a *front yard* of not less than twenty-five (25) feet in depth provided that where part of the block frontage falls in a Residence Zone, there shall be a *front yard* which conforms to the *front yard* requirements of the abutting Residence Zone.
- b. Each *lot* shall have two (2) *side yards* having a total width of twenty-five (25) feet but no *side yard* shall be less than ten (10) feet in width.
- c. Each *lot* shall have a *rear yard* of not less than twenty (20) feet in depth. Where the abutting property is permanent public open space such as parks, highways, rivers, or cemeteries, a *rear yard* shall not be required.
- d. Each separate *building* on a *lot* shall be at least fifteen (15) feet from any other separate *building* on the *lot*.
- e. Surface parking areas shall be set back twenty-five (25) feet in the *front yard* and ten (10) feet from the *side* and *rear lot lines*, except where the *side* and *rear lot lines* are adjacent to railroad rights-of-way. All landscaped areas shall be naturally landscaped.

#### 405.5 Lot Coverage

- a. All *buildings* including *accessory buildings* shall not cover more than seventy-five (75) percent of the area of the *lot*.
- b. The maximum impervious surface area shall be eighty-five (85) percent.
  1. Exemption from maximum impervious surface requirement

*Lots* which existed prior to March 15, 1997 which exceed the maximum impervious surface requirement above shall be exempt from the maximum impervious surface requirement. Additions which do not increase the impervious surface area, constructed on such existing *lots* shall also be exempt from the maximum impervious surface requirement. The plans for any addition to such *buildings* must contain an on-site storm water management program that is acceptable to the Town Engineering Department.

#### **405.6 Maximum Height**

Except for high density, mixed use high-rise development, no *building* shall exceed two hundred ten (210) feet in height, subject to applicable state and Federal regulations dealing with air lanes.

#### **405.7 Compact Parking**

For long-term stay uses (e.g., offices and financial institutions or residential), compact *parking spaces* may be used for not more than twenty (20) percent of the total required spaces. Compact space shall be a minimum of sixteen (16) feet in length by eight and one-half (8.5) feet in width and must be clearly designated.

#### **405.8 Shared Parking**

When associated with mixed use components exhibiting complimentary parking characteristics (e.g., office, *hotel*, museum), shared parking may be utilized, provided that:

- a. The total number of *parking spaces* for mixed use components shall equal or exceed seventy-five (75) percent of the total required spaced for all individual uses.
- b. A parking study, prepared by a qualified parking engineer, shall present the shared parking plan including the proposed number of shared spaces and compact spaces. The difference between the number of spaces proposed under the shared parking plan and that required based on individual uses shall be clearly identified, and a location shall be clearly designated on the site plan and set aside to be used for parking, should it be determined necessary by the Commission. In the event of changes to the mixed use components of any project utilizing shared parking, the Commission may review the shared parking plan and require construction of additional spaces if, in its opinion, the mix of uses no longer supports the original shared parking plan.
- c. Upon approval of a shared parking plan, the Commission may require that the developer post a bond equal to twenty-five (25) percent of the cost of constructing any spaces that would have been required based on individual uses. Such bond shall be posted prior to issuance of a certificate of zoning compliance for the project and shall remain in effect for a period set by the Commission not to exceed five (5) years. If during such five (5) year period in which the bond is in effect, the Commission determines, supported by a study conducted by a qualified parking engineer, that the approved shared parking plan is inadequate to handle parking demand for the site, the Commission may:
  1. Require the developer/*owner* to provide additional spaces up to the number that would have been required had no shared parking plan been approved or develop an alternate plan for parking management. The Commission may require that any bond posted pursuant to this section remain in effect until additional spaces are constructed or such alternate plan is implemented.
  2. Call the bond and utilize those funds to construct additional spaces on the site. The Town of East Hartford may also construct additional spaces up to the number that would have been required had no shared parking plan been approved and charge the cost of such additional spaces beyond bond proceeds, if any, to the *owner*, provided however that the Town shall not proceed with this option 405.8c2 until after the developer/*owner* has been given reasonable notice to provide such additional parking and has failed to do so and a public hearing on the proposal to call the bond and provide additional parking has been held.
  3. Such spaces shall be located in the area designated for parking on the approved site plan unless modified by the Commission.

## **Section 406            Business 5 (B-5) Zone**

### **406.1    Permitted uses and *accessory uses* and use**

- a. Permitted uses
  1. Antique and second-hand stores including outside storage of display of inventory subject to the following:
    - (a) Access to retail area shall be controlled with appropriate barrier;
    - (b) Sidewalk access shall be maintained; and
    - (c) Any such display shall not interfere with doorways or other required access.
  2. Catering without a *catering hall*<sup>45</sup>
  3. Commercial bakeries engaged in processing sale and distribution of food products
  4. *Commercial recreation, indoor and outdoor*
  5. Liquor stores subject to the requirements of Section 222
  6. Nonprofit civic clubs, lodges and recreation facilities
  7. Offices and financial institutions
  8. Personal service shops
  9. *Restaurant/eating establishment* and *restaurant/automobile oriented use* including outside *building* food consumption subject to the following:
    - (a) Access to seating area shall be controlled with appropriate barrier;
    - (b) Sidewalk access shall be maintained; and
    - (c) Public right of way permission shall be granted to the owner.
  10. *Restaurant/eating establishment* serving alcoholic beverages subject to the conditions under Section 222
  11. *Service establishments* excluding auto service and repair
  12. Skilled artisan shops where goods such as, but not limited to pottery, glassware and leather are manufactured and sold on the *premises*
  13. Stores for sale of goods sold at retail first hand (including auto parts and accessories, including outside display of inventory, subject to the following:
    - (a) Public access to sidewalks shall be maintained;
    - (b) No outside display shall extend beyond the boundaries of the storefront responsible for the display; and
    - (c) Any such display shall not interfere with doorways or other required access.

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<sup>45</sup> *Amendment to Section 406.1, Addition of Catering without a catering hall, Effective Date: January 9, 2008*

#### 406.1 Continued

14. *Telecommunication Sites (Commercial Wireless)*<sup>46</sup>, where the antenna is mounted on existing towers, utility poles, non-residential buildings, light standards and other structures subject to the provisions of Section 225: Commercial Wireless Telecommunication - General Requirements and Section 702.
  15. Theaters
- b. *Accessory uses* and use
1. Exterior parking
  3. *Home occupations* incidental to one-, two- and three-family dwellings
  4. Interior storage of goods
  5. *Signs*, subject to the provisions of Section 210
  6. <sup>47</sup>*Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that:
    - (a) Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;
    - (b) *Seasonal outdoor dining facility* can not exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.
    - (c) No outside audio systems or live entertainment shall be permitted;
    - (d) No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
    - (e) Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.
    - (f) *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.
    - (g) Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.
    - (h) The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license.
    - (i) *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

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<sup>46</sup> Amendment to Article IV, Section 406.1, Business District Zoning Regulations: addition to Permitted Uses. Effective Date: July 18, 1997

<sup>47</sup> Amendment to Article II: General Provisions, Section 200. Effective Date: January 8, 2003

## 406.2 Special Permit Uses

- a. Drive-thru facilities subject to the provisions of Section 228<sup>48</sup>.
- b. <sup>49</sup>*Permanent Seasonal Outdoor Restaurant Dining Facilities Associated with Restaurant/Eating Establishment* provided that:
  1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.
  2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.
  3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.
  4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.
  5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.
  6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.
  7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:
    - (a) The safe use of the required *parking spaces* and their required drives;
    - (b) Interior pedestrian circulation;
    - (c) Adjacent properties;
    - (d) The access driveway from any public street; or
    - (e) Traffic on any abutting public street.
  8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying.
- c. *Permanent Seasonal Outdoor Restaurant Dining Facilities Associated with Restaurant/Eating Establishment Serving Alcoholic Beverages*
  1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.
  2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.
  3. No advertising *signage* on outdoor umbrellas, awnings or chairs is permitted unless it complies with section 210 of these regulations herewith in.

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<sup>48</sup> Amendment to Article IV, Section 406.2: addition to Special Permit Uses. Effective Date: March 1, 2006

<sup>49</sup> Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003

#### 406.2 Continued

4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.
  5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.
  6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.
  7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.
  8. *Permanent seasonal outdoor dining facilities* shall be located on the lot as to not interfere with:
    - (a) The safe use of the required *parking spaces* and their required drives;
    - (b) Interior pedestrian circulation;
    - (c) Adjacent properties;
    - (d) The access driveway from any public street; or
    - (e) Traffic on any abutting public street.
  9. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by
- d. <sup>50</sup>*Substance Abuse Treatment Facilities* provided that:
1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public school, *house of worship*<sup>51</sup>, charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.
  2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.

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<sup>50</sup> Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 13, 2003

<sup>51</sup> Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004

#### 406.2 Continued

- e. *Telecommunication Towers (Freestanding Commercial Wireless)*<sup>52</sup> provided that:
1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider's planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.
  2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.
  3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.
  4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.
  5. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225: Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.
  6. The minimum lot area shall be one and a half times the underlying zone, or twenty thousand (20,000) square feet, whichever is greater.
  7. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.
  8. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.
  9. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.
- f. *Work studio/dwelling*, provided that:
1. *Work studio/dwelling unit* shall be confined to *structures* existing at the time of adoption of this section;
  2. No *building* or *structure* containing said use shall be enlarged or structurally altered except in accordance with the development provisions of the Business 5 (B-5) zoning district and as such as may be required for safety, or as may be necessary to secure or insure the continued advantageous use of the *building* or *structure*;
  3. No *building* or *structure* adaptable for joint *work studio/dwelling* purposes shall be subdivided into joint residential/work quarters having a combined *gross floor area* of less than six hundred twenty-five (625) square feet. The residential portion of the *work studio/dwelling* quarters shall contain a minimum of five hundred (500) square feet of usable floor area;

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<sup>52</sup> Amendment to Article IV, Section 406.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997

#### **406.2 Continued**

4. All spaces used for *work studio/dwelling* purposes shall be physically separated, when on the same floor, or shall be located above existing commercial or industrial uses which may be part of a mixed occupancy *building* or *structure*; in no instance shall space utilized for *work studio/dwelling* purposes be located below any such commercial or industrial use; and
5. All work activity shall be conducted within the existing *building* or *structure*. The *owner* or his agent shall certify annually that the *work studio/dwellings* continue to conform to the requirements of this section and Section 200.

#### **406.3 Lot sizes and areas**

Each *lot* shall have an area of at least ten thousand (10,000) square feet and a width of at least eighty (80) feet measured at the *front lot line*.

#### **406.4 Yards**

- a. Each *lot* shall have a *front yard* consistent with existing *buildings*. *Buildings* which are set back from the *front lot line* shall use courtyards, plazas or similar features to create visual continuity. Additionally, if part of the block frontage falls in a Residence Zone, there shall be a *front yard* which conforms to the *front yard* requirements of the abutting Residence Zone.
- b. Each *lot* shall have two (2) *side yards* having a total width of twenty-five (25) feet, but no *side yard* shall be less than ten (10) feet in width.
- c. Each *lot* shall have a *rear yard* of not less than twenty (20) feet in depth. Where the abutting property is permanent public open space such as parks, highways, rivers, or cemeteries, a *rear yard* shall not be required.
- d. Each separate *building* on a *lot* shall be at least fifteen (15) feet from any other separate *building* on the *lot*.

#### **406.5 Lot coverage**

All *buildings*, including *accessory buildings* shall cover not more than seventy-five (75) percent of the area of the *lot*.

#### **406.6 Maximum height**

No *building* shall exceed forty (40) feet in height, subject to applicable State and Federal Regulations dealing with air lanes.

#### **406.7 Parking Requirements**

It is recognized that many existing *buildings* within the Central Business District were built prior to the widespread use of automobiles, and thus, were not designed to accommodate parking. It is further recognized that public parking is available in several locations within the district. Therefore, required parking for permitted uses shall be limited to the parking available to existing *buildings*. All change of uses which are permitted uses shall be deemed to have sufficient parking. Moreover, any *building* additions, enlargements or new construction shall provide required parking associated with the addition, enlargement or new construction as required by Section 209.