

## ARTICLE 3 – CITYWIDE USE REGULATIONS

### SECTION 40 – GENERAL PURPOSE

#### 40 GENERAL PURPOSE

##### 40.1 Purpose.

It is the intent of this Article to provide supplementary regulations to establish additional controls, standards and requirements for certain specific types of land use. Because the matters presented in this Article relate to various principal *uses* which may be reflected in several other articles, they are set forth in detail in this Article and are intended to apply whenever the situation exists concerning these matters.

##### 40.2 Conflict.

The requirements set forth in this Article supplement those in other Articles and it is intended that they shall be read in conjunction with requirements elsewhere in these Regulations. However, when it appears that a conflict may exist between various provisions that cannot be resolved within the confines of these regulations, those provisions which are more specific shall control the more general requirements.

## 41 – HOME OCCUPATIONS

### 41 HOME OCCUPATIONS

#### 41.1 Definitions.

HOME OCCUPATION: Any use customarily conducted entirely within a *dwelling* or an *accessory building* to a *dwelling* which use is clearly incidental and secondary to the use of the *dwelling* for dwelling purposes and carried on by the residents of the premises employing not more than one person on the premises who is not a resident thereof. Home occupations may include, but need not be limited to: accountant, architect, artist, author, consultant, dressmaker, lawyer, professional office, or teacher, but does not include animal hospital, auto-repair, barber, beautician, massage therapist or masseuse, musician, restaurant, tavern, tearoom, or veterinarian.

#### 41.2 Use Controls.

*Home occupations* are permitted as shown in **Table 39.1 Summary of Uses in Residential Districts** and **Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial and Other Districts**, subject to all the applicable **General Standards** of the district in which the *use* is located and the additional requirements below.

#### 41.3 Conditions of Approval shall be limited within the following guidelines:

1. The applicant shall furnish annually an affidavit on a form furnished by the Planning and Development Department that the approved *use* has been maintained and is in accordance with all conditions of approval imposed by the Commission.
2. *Use* for a *home occupation* may continue following sale, but within thirty (30) days of the sale the new owner must furnish an affidavit on a form furnished by the Planning and Development Department that the use has been maintained and is in accordance with conditions of approval imposed by the Commission.
3. No construction or alteration of the *building* shall be permitted that alters the normal residential character of the *building*.
4. No *illuminated signs* shall be permitted, and the area of any *business sign(s)* on the premises shall not be greater than four (4) square feet.
5. No outside storage of materials or display of stock-in-trade.
6. Floor area exclusively for such *use* shall be equal to or less than 25 percent of the floor area of the dwelling unit.
7. A Special Use Exception shall be permitted only when a property has an *average lot width* of at least fifty (50) feet.
8. Unobstructed interior access between the residential the non-residential *uses* of the premises must be fully maintained, and no change in the design or character of the *structure*, including the free access to and from all parts of the *dwelling*, shall be permitted.
9. The use must not create nuisance, odor, noise, glare, vibration, or safety hazard noticeable off the premises.
10. A sale of articles on premises is allowed (i.e., sample are allowed, but no stock shall be maintained).
11. The use shall not generate pedestrian or automobile traffic other than that normally generated by a residence.
12. Nothing herein shall prevent the Commission from establishing additional conditions or requirements stricter than these minimum standards.

## 42 – ACCESSORY APARTMENTS

### 42 ACCESSORY APARTMENTS

#### 42.1 Definition.

ACCESSORY APARTMENT: A portion of a single-family dwelling within which exists additional separate cooking facilities. Such apartment is not a separate and distinct dwelling and must have freely accessible interior access to the principal dwelling unit. An *accessory apartment* shall not have more than one (1) bedroom or a floor area of more than 550 square feet and shall not be occupied by persons not related by blood, marriage or adoption to the occupants of the main dwelling.

#### 42.2 Use Controls.

*Accessory Apartments* are a use allowed by Special Use Exception as shown in **Table 39.1 Summary of Uses in Residential Districts** and **Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial and Other Districts**, subject to all the applicable **General Standards** of the district in which the Use is located and the additional requirements below.

#### 42.3 Conditions of Approval. After a public hearing and consideration of the impact of the request on the surrounding neighborhood an *Accessory Apartment* may be granted with the conditions listed below:

1. A Special Use Exception shall be permitted only when a property has an *average lot width* of at least fifty (50) feet.
2. Unobstructed interior access between the residential the non-residential *uses* of the premises must be fully maintained, and no change in the design or character of the *structure*, including the free access to and from all parts of the *dwelling*, shall be permitted.
3. No construction or alteration of the *building* shall be permitted that alters the normal residential character of the *building*.
4. No *illuminated signs* shall be permitted, and the area of any *business sign(s)* on the premises shall not be greater than four (4) square feet.
5. Nothing herein shall prevent the Commission from establishing additional conditions or requirements stricter than these minimum standards.
6. The applicant shall furnish annually an affidavit on a form furnished by the Planning and Development Department that the approved *use* has been maintained and is in accordance with all conditions of approval imposed by the Commission.
7. *Use* as an *accessory apartment* may continue following sale, but within thirty (30) days of the sale the new owner must furnish an affidavit on a from furnished by the Planning and Development Department that the uses has been maintained and is in accordance will conditions of approval imposed by the Commission.

## 43 – DAYCARE

### 43 DAYCARE

#### 43.1 Intent and Purpose

It is the intent of this section to regulate the care of children and/or senior citizens.

#### 43.2 Daycare Defined.

DAYCARE: The term *daycare* includes any of the 4 (four) specifically defined daycare uses listed below. The following definitions conform to the daycare permit categories defined by Public Act 82-35 of the Connecticut General Statutes.

- **Child daycare center** – Any premises used for care of more than 12 children, and meeting all standards of the Connecticut Department of Health Services.
- **Group daycare home** – Any premises used for the care of not less than 7 nor more than 12 related or unrelated children, and meeting all standards of the Connecticut Department of Health Services.
- **Family daycare home** – A private family home caring for not more than 6 children, including the provider's own children not at school full time, and meeting all standards of the Connecticut Department of Health Services.
- **Special workplace daycare** – Any above-described use primarily serving employees of the immediate zoning district in which the workplace is located.

#### 43.3 Use Controls.

*Daycare* is permitted as shown in **Table 39.1 Summary of Uses in Residential Districts** and **Table 39.2 Summary Table of Uses in Commercial, Mixed Use, Industrial and Other Districts**, subject to all the applicable **General Standards** of the district in which the *use* is located and the additional requirements below.

#### 43.4 Requirements.

1. **Family Daycare Homes** shall be permitted *as-of-right* in a freestanding *single family dwelling* in any residential zoning district, provided the *daycare use* is clearly incidental and supplementary to the principal residential *use*.
2. **Group Daycare Homes, Child Daycare Centers** and **Special Workplace Daycare** may be allowed by Special Permit by the Commission, provided it meets the standards of the State of Connecticut, the Building Official and the Commission after public hearing wherein a finding of suitability in accord with §43.5 below is made, as follows:
  - b. **Group Daycare Homes** in any Residence District except in an apartment *structure* containing four (4) or more units, or in CB, LM or SPD zoning districts.
  - c. **Child Daycare Centers** in any public or private school, house of worship, community center, social club or social hall in any district, or in any commercial district, in similar *structures* or storefronts.
  - d. **Special Workplace Daycare** limited to serving children of employees only as an ancillary at any work site. Nothing herein shall prohibit any employer from establishing Special Workplace Daycare in a *building* or other *structure* apart from the principal place of employment.

#### 43.5 Finding of Suitability

**Daycare** uses shall only be granted upon the Commission making a finding of suitability pursuant to Connecticut General Statutes following a public hearing where testimony shall be taken based upon the following procedure and findings:

1. The owner of the property has consented to the *use*.

2. Adequate provisions are made for the physical safety of the clients.
3. Sufficient provision is made for the discharge and pick-up of clients.
4. The **use** does not create a nuisance or hazard to the area, including any disruption to normal traffic flows.
5. The City of West Haven Building, Fire, and Health Departments letters of compliance with conditions stating that all applicable codes are or can be met.
6. The **use** has the approval of the State of Connecticut.
7. Required outdoor space is or can be fenced and screened from adjoining properties.
8. A safe drop-off/pick-up point is established that will not interfere with the free flow of traffic.
9. Each non-resident employee shall be provided with an off-street **parking space**.
10. Signage for a Family *Daycare* or Group *Daycare* Home shall be limited to one (1) **sign** of two (2) square feet and subject to Article 6 Sign requirements.
11. All **Child Daycare Centers** and **Group Day Care Homes** shall be subject to the Connecticut Fire Safety Code irrespective of the number of children attending the facility.
12. That all the enumerated conditions can and will be met without harming the integrity of the neighborhood or the district regulations intent.

43.6 **Pre-Existing Daycare Uses.**

**Child Daycare Centers** and **Group Day Care Homes** in residential districts licensed by the State prior to the effective date of these regulations may continue to exist. However, license type changes shall be considered a new **use** and shall require a public hearing and the applicant shall be required to meet all pertinent regulations then in effect.

44 – AUTOMOTIVE USES

**44 AUTOMOTIVE USES**

**44.1 Purpose and Intent.**

It is the intent of this section to provide controls for the storage, sale, rental, service, parking and repair of **vehicles** on all public and private land. It is hereby found that regulation of **vehicles** is necessary to promote the public safety, health, and general welfare, including protection of property values.

**44.2 Certificate of Approval of Location (CAL) and Special Permit Required.**

No permit for construction of automotive **uses** shall be issued, nor shall any area be used for those purposes until the proposed location has been found suitable and a Certificate of Approval of Location (hereafter CAL) approved by the Zoning Board of Appeals and a Special Permit approved by the Planning and Zoning Commission.

**44.3 Automotive Use Types that Certificate of Approval of Location (CAL).**

The following **uses** shall require a CAL from the Zoning Board of Appeals:

1. New or Used **Vehicle** Dealerships.
2. Gasoline, Diesel or Other Filling Stations.
3. **Vehicle** Wash (i.e., Car and/or Truck Wash).
4. Limited or General **Vehicle** Repair.

**44.4 Distance Restrictions from Specific Uses**

None of the above **uses** shall be allowed if the premises are located within:

1. A radius of 200 feet of any **lot** used or reserved for the purpose of a house of worship, school library or playground.
2. A radius of 100 feet of any **lot** (on the same streetface) located within a Residential District.
3. A **Flood Hazard Area, Flood Plain** or **Floodway**.

No permit for the above stated uses shall be issued, nor shall any area, lot, or property shall be used for these uses until the Planning and Zoning Commission, following a Public Hearing, has granted approval. These uses shall be considered Special Permit uses and shall be required to meet all of the General and Specific Findings.

**44.5 Site Plan Review Required for Automotive Uses.**

*All automotive uses shall to Section 75 Site Plan Review requirements.*

**44.6 Automotive Storage** for New and Used **Vehicle** Dealers, Limited or General Repairers shall be subject to the provisions of this Section and Section 75 Site Plan Review.

**Table 44.1: Area and Bulk Requirements for New and Used Vehicle Dealers**

KEY	REQUIREMENT	STANDARD
A.	Minimum <b>Lot Area</b>	
	New Car Dealer	5 Acres
	Used Vehicle Dealer	2 Acres
B.	Minimum <b>Lot Frontage</b>	
	New Car Dealer	500 Feet
	Used Vehicle Dealer	200 Feet
C.	Minimum <b>Lot Depth</b>	
	New Car Dealer	500 Feet
	Used Vehicle Dealer	200 Feet
D.	Landscape Buffers	
	Minimum <b>Front Yard</b>	5 Feet
	Minimum <b>Side and Rear Yards</b>	15 Feet

## 45 – LIQUOR USES

### 45 LIQUOR USES

#### 45.1 Definitions

ALCOHOLIC LIQUOR: The four varieties of liquid defined as alcoholic spirits, wine, beer, and every liquid (patented or not) containing alcohol, spirits, wine, or beer and capable of being consumed by human beings for beverage purposes.

PACKAGE PERMIT: A package store permit, a package store beer permit, a grocery store beer permit, a druggist liquor permit, a druggist permit for beer only, or any combination of the same, as issued or to be issued from time to time by the Liquor Control Commission. In addition this term shall include any other permit which shall from time to time be authorized by the General Statutes of the State of Connecticut and issued by the Liquor Control Commission, which permit shall be for the purpose of permitting the sale of any type of *alcoholic liquor* in sealed containers at retail for consumption off the premises.

SPECIAL LIQUOR PERMIT: A tavern permit or cafe permit as issued or to be issued from time to time by the Liquor Control Commission. In addition, this term shall include any similar permit with the exception of those permits labeled *restaurant* or *club*, that shall be authorized by the State of Connecticut General Statutes and issued by the Liquor Control Commission, which permit shall be for the purpose of permitting the sale of any type of *alcoholic liquor* at retail for consumption on the premises.

RESTAURANT PERMIT: Restaurant liquor, beer, and wine and beer permits as issued by the Liquor Control Commission. In addition the term *restaurant permit* shall include any additional type of permit that may be authorized by the State of Connecticut General Statutes and issued by the Liquor Control Commission, which permit shall be for the purpose of permitting the sale of any type of *alcoholic liquor* at retail for consumption on the premises of an establishment organized as and meeting all requirements of state and local statutes pertaining to restaurants.

CLUB: Chartered organizations serving *alcoholic liquor* to members for on premises consumption.

#### 45.2 General Provisions

1. No *building* or premises which prior to the effective date of these regulations, is not the site of a business where *alcoholic liquor* is sold at retail for consumption off or on the *premises* under a *package permit* or *special liquor permit* as issued by the Liquor Control Commission shall be used either in whole or in part for the sale of *alcoholic liquor* at retail for consumption off or on *premises* under a *package permit* or *special liquor permit* if any entrance to such *building* or *premises* shall be within fifteen hundred (1500) feet from any entrance to any other *building* or *premises* that is legally being used for the sale of *alcoholic liquor* at retail for consumption off or on the *premises* under a valid *package permit* or *special liquor permit*.
2. This Regulation shall permit any permittee using any *building* or *premises* for the sale of *alcoholic liquor* under a *package permit* or *special liquor permit* to move said place of business to any other *building* or *premises* within the fifteen hundred (1500) foot radius described above provided said other *building* or *premises* is within a five hundred (500) foot radius from the *building* or *premises* formerly occupied by said permittee for *alcoholic liquor* sale under a *package* or *special liquor permit*, provided that said location shall be in accordance with the Liquor Control Act of the State of Connecticut and the rules and regulations of the Liquor Control Commission.

3. In the event that the site of any **building** or **premises** shall be removed from such use for a public or semi-public use at condemnation proceedings the above limitation shall be increased to a radius of one thousand (1000) feet from the present site, such location to be in accordance with the Liquor Control Act of the State of Connecticut and the rules and regulations of the Liquor Control Commission.
4. In no event shall any **building** or **premises** located within one thousand (1000) feet of a public or private school, public library, playground, playfield, or house of worship be used for the sale of **alcoholic liquor** at retail under a **package permit** or a **special liquor permit**.
5. Any Permittee using any building or premises for the sale of **alcoholic liquor** at retail under a **package permit** or **special liquor permit** as a **non-conforming use** under the provisions of Section 81 Nonconforming Uses, Lots, or Structures shall be permitted to continue a **non-conforming use** when said **package permit** expires and application for renewal of the exact same type of permit is made; no change from one type of permit to another type of permit shall be permitted for such **non-conforming use**.
6. If the **use** of any **building** or **premises** for the sale of **alcoholic liquor** at retail under a **package permit** or **special liquor permit** as a **non-conforming use** actually ceases for more than thirty (30) days the **use** shall be determined abandoned.

45.3 **Scope**

This Regulation shall affect all **buildings** or **premises**, **package permits** and **special liquor permits** which may be used in the future as authorized by the Liquor Control Commission of the State of Connecticut.

## 46 – KEEPING OF ANIMALS

### 46 KEEPING OF ANIMALS

#### 46.1 Purpose

The purpose of this section is to regulate the keeping of farm animals in the City of West Haven in order to protect the health, safety, and public welfare of residents of the community and to insure their right of quiet enjoyment of their property.

#### 46.2 Scope

Farm animals include all those animals traditionally raised on farms or ranches such as but not limited to chickens, geese, ducks, turkeys, hogs, rabbits, cattle, sheep, goats, horses, ponies, donkeys, etc., whether for the residents pleasure or consumption, or for breeding or other commercial purposes. This shall not include animals listed above for which one (1) farm animal less than 100 pounds in weight is kept on the property as a pet.

#### 46.3 Health Hazard or Nuisance

A health hazard or nuisance shall include situations of rat harborage, noxious odors, excessive noise, animals running loose and any other situation or nuisance which might be mentioned in the health code, zoning regulation, local ordinance, state statutes or accepted legal interpretation.

#### 46.4 Keeping of Farm Animals

The keeping of one or more farm animals whether of one species or more than one species will be permitted in any district provided:

1. The animal or animals are housed overnight in a structure which is a minimum of 100 feet from any dwelling unit.
2. The animal or animals shall be kept a minimum distance of 25 feet from all adjoining property lines and that they shall be prevented from straying onto any street, roadway or adjoining private property;
3. The premises or operation meet all applicable local and state health codes;
4. No nuisance is created or maintained; and
5. Any manure, feces or animal droppings shall be kept in a covered watertight pit or chamber and shall be removed at least once weekly.

## 47 – VACANT LOTS

### 47 VACANT LOTS

47.1 **Previously Approved Vacant Lots.** The Commissioner of Planning and Development may administratively approve development of previously approved vacant lots in subdivisions or re-subdivisions in accordance with the provisions of Section 8-26a of the Connecticut General Statutes as follows:

1. There has been no prior *merger* of the *lot* with an adjoining *lot*.
2. The applicant shall present materials that document the approved subdivision or re-subdivision to the satisfaction of the Commissioner of Planning and Development or a designee.
3. An A-2 survey of the proposed development at a scale of not less than 1 IN = 20 FT shall be submitted.
4. Scaled plans and elevations of the home or homes to be built are presented.
5. If the materials above are satisfactory the infill homes may be developed in accord with the setbacks in effect at the time of approval of the subdivision or re-subdivision.

47.2 **Administrative Approval Process for Vacant Lots.** The Commissioner of Planning and Development may administratively approve development of 1 or 2 existing vacant lots only in accordance with the alternate provisions that follow:

1. There has been no prior *merger* of the *lot* with an adjoining *lot*.
2. The *lot* is of the same size and general configuration as at least 75% of the *lots* on both sides of the street in the block in which the *lot* is located.
3. The proposed *front yard* setback conforms to the neighborhood development pattern.
4. *Side yard* setbacks are not less than:
  - a. 8 FT in one *side yard* and 12 FT in the other if no *garage* is provided in the *dwelling*.
  - b. 8 FT for each *side yard* if a *garage* is provided in the *dwelling* and the driveway is not less than 18 FT to the rear of the public sidewalk.
5. Sidewalks and curbs in accordance with City standard are provided.
6. The Commissioner may impose additional conditions or restrictions relative to the size, height or other construction characteristics to make the proposed construction conform to the existing neighborhood development pattern.

## 48 – TELECOMMUNICATIONS REGULATION

### 48 TELECOMMUNICATION REGULATION

#### 48.1 Description and Purpose.

These regulations exist to protect neighborhoods, minimize conflict with adjacent uses and the surrounding area, and to assure the health and safety of the public. The City recognizes the quasi-public nature of wireless communications systems and finds that these regulations are necessary to protect the ecological, scenic, historical and recreational values of the City and to ensure that adverse visual and operational effects will not contribute to blighting or deterioration of the surrounding neighborhood. More specifically, the purposes are:

- To accommodate the need for wireless communications *antennas* while regulating their location and number.
- To minimize adverse visual effects of wireless communications *antennas* and *wireless site towers* through proper design, siting and vegetative screening.
- To avoid potential damage to adjacent properties from *antennas* or *wireless site towers* and falling ice through their proper siting and engineering.
- To encourage the joint use of any new *antennas* or *wireless site tower*.
- To reduce the number of *antennas* or *wireless site towers* needed in the future.

#### 48.2 Definitions

When used in this section words or phrases shall have the meaning defined below:

**ANTENNA:** A device used to collect or transmit telecommunications or radio signals.

Examples include panels, microwave dishes and single pole devices known as whips.

**ANTENNA HEIGHT:** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**WIRELESS SITE:** The equipment and structures involved in receiving or transmitting telecommunications or radio signals from a mobile radio communications source and transmitting those signals to another wireless site, another communications source or receiver, or to a central switching computer that connects the mobile unit with land-based telephone lines.

**TOWER:** A structure that is intended to support equipment used to transmit and/or receive telecommunications or radio signals. Examples of such structures include monopoles and lattice construction steel structures.

#### 48.3 Site Selection Policies.

*Wireless sites* shall be located in the following order of preference:

1. On existing structures such as buildings, communications towers and smokestacks.
2. In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.

**On new *towers*** on bare ground in business and industrial districts:

3. With visual mitigation.
4. Without visual mitigation in business and industrial districts.

**In Residential Districts:**

5. On government or institutional structures.
6. On new *towers* with visual mitigation.
7. On new *towers* without visual mitigation.

48.4 **Application Required.**

All applications for *wireless sites* and *antennas* shall be filed with the City of West Haven and concurrently with the Connecticut Siting Council filing if it is required. The filing shall include a Map that shows:

48.4.1 the extent of planned coverage within the City of West Haven, and

48.4.2 approved locations of the applicant's other *wireless sites* in the city, and

48.4.3 the location and service area of the proposed *wireless site*.

48.4.4 If the *antenna* is to be mounted on an existing structure and all associated equipment is contained within the structure or on its roof, a full site plan shall not be required

48.5 **Location Constraints.**

48.5.1 **As-of-Right.** Any *antenna* that is attached to an existing communications tower, smoke stack, water tower, government or institutional building, or other tall structure is permitted in all zoning districts, subject to the following maximum height and other provisions:

a. Omni-directional or whip *antennas* shall not exceed twenty (20) feet in height or seven (7) inches in diameter.

b. Directional or panel *antennas* shall not exceed 6 feet in height or 2 feet in width.

c. Satellite and microwave dish *antennas* shall not exceed six (6) feet in diameter and when building or rooftop mounted shall be located or screened so as not to be visible from abutting public streets.

d. Materials and colors shall match the building or structure exterior, as may be determined by City staff.

e. An *antenna* may not be located on a building or structure that is listed on an historic register or is within an historic district, except by special permit from the Planning and Development Commission.

48.5.2 **Special Permit.** An *antenna* that is not mounted on an existing structure or a new *antenna* or *tower* is permitted by special permit from the Planning and Development Commission in all districts, subject to the **§48.6 Review Standards for Special Permit Approval.**

48.6 **Application Standards.**

The application shall include the following:

48.6.1 **Site Justification Statement**, including a description of the narrowing process that eliminated other potential sites.

1. If a proposed *antenna tower* exceeds 200 feet height or is within 20,000 feet of Tweed-New Haven Airport, proof is required that the applicant has filed a notice of proposed construction with the Federal Aviation Administration.

48.6.2 **Antenna Height.** The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.

48.6.3 **Antenna Tower Setback.** If a new tower is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the tower and any guy wire anchors or any property line shall be the largest of the following:

1. 30 percent of *antenna height*.

2. the minimum setback in the underlying zoning district.

3. 40 feet.

- 48.6.4 **Roof Mounted Antenna.** If the equipment is located on the roof of a building, the area of the equipment building and other equipment structures shall not occupy more than twenty-five (25) percent of the roof area. **Setbacks from roof edge** shall be ten (10) feet, or 10% of roof depth (measured from edge facing a public street to opposite edge of roof), whichever is greater.
- 48.6.5 **Antenna Tower Safety.** The antenna tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended.
- 48.6.6 **Site Soil Report.** A soil report complying with Appendix I: Geotechnical Investigations, ANSI/EIA-222-E manual standards, as amended, shall be submitted to verify the design specifications of the foundation for the tower and anchors for the guy wires, if used.
- 48.6.7 **Fencing.** Unless the *antenna* is mounted on an existing structure, a fence with a maximum height of seven (7) feet shall be required around the *tower* and other equipment.
- 48.6.8 **Landscaping.** To soften the appearance of a *wireless site* and screen as much of the *tower* as possible, a fence surrounding the *tower* and other ground level features such as a building, ground landscaping shall be required.
1. Any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping may be permitted if the same degree of screening as the required landscaping is achieved, as determined by the Commissioner (or designee) of the Planning and Development Department.
    - a. An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of 6 feet at planting and shall grow to a minimum of 15 feet at maturity.
- 48.6.9 **Commercial advertising** shall not be allowed on an *antenna* or *antenna tower*.
- 48.6.10 **Signal lights** or **illumination** shall not be permitted unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA) or the Connecticut Siting Council.
- 48.6.11 **Ancillary Uses Prohibited.** All other uses ancillary to the *antenna* and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited.
- 48.6.12 **Joint use accommodated.** To minimize the number of *antenna* or *wireless site towers* in the community in the future, the proposed support structure shall be required to accommodate other users, including other wireless communication companies and local police, fire and ambulance companies unless it is determined to be technically unfeasible based on information submitted by the applicant. The City may require independent outside evaluation of such materials at the applicant's expense.
- 48.6.13 **Equipment Building Size.** The related unmanned equipment and/or building(s) shall not contain more than 750 square feet of gross floor area or be more than twelve (12) feet in height.

48.7 **Review Standards for Special Permit Approval.** Using technological evidence the applicant must demonstrate that the proposed location is necessary to satisfy its function in the company's grid system. Specific locations will be evaluated using the following criteria (not listed in any priority order).

- availability of suitable structures for *antenna* mounting.
- topography as it relates to line of sight transmission for optimum service efficiency.
- leasable lands and willing landlords.
- screening potential of existing vegetation, structures and topographic features.
- compatibility with adjacent land uses.
- least number of sites to cover desired area.
- greatest coverage consistent with physical requirements.
- opportunities to mitigate possible visual impact.
- availability of sites *not* within an established single family community.
- preservation of view corridors, vistas.
- potential for preservation of pre-existing character of site.
- minimal impact on residential areas surrounding commercial or industrial zoned sites.
- selection of sites which lend themselves to visual mitigation.
- availability of road access.
- availability of electric power.
- availability of land based telephone lines or microwave link capability.

*If it is determined that the applicant has not made a good faith effort to mount the antenna on an existing structure.*

48.8 **Certificate of Continued Use.**

The owner of the subject property shall submit to the Zoning Administrator annually during the month of January an affidavit that the facility is in active use as a *wireless site* and the owner or operator shall certify that such use will continue for the coming calendar year.

49.9 **Abandonment.**

A *wireless site* not in use for six (6) months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such six month period. Upon removal the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area.