

Planning and Zoning Code- Section 61

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SECTION 61- BUSINESS ZONES, INDUSTRIAL ZONES AND OTHER NON-RESIDENTIAL ZONES USES SCHEDULE-

61.00- No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use of the following permitted uses, special exception uses, accessory uses, permitted home occupation uses or uses by temporary uses.

In any case where a use is alleged to be similar to a specified use referred to in the following schedule, its status shall be determined by the Commission by reference to the most clearly similar uses or uses that are specifically referred to in the use schedule or declare that the use is not similar. When the status of a use has been so determined, such determination shall thereafter have general applicability to all uses of the same type.

61.01- PERMITTED USES- The following uses may be operated as permitted uses:

- 61.01.01- Agriculture, including nurseries and farms, hydroponics farming.
ZONES: I-1, I-2, I-3, IT
- 61.01.01A- Raising crops, nursery stock or trees.
ZONE: I-4 (Added effective 11/10/88)
- 61.01.02- Animal hospitals, veterinary clinics, etc. Animal hospitals, kennels, display and housing and board of pets and other domestic animals, provided that any enclosures or buildings in which animals are kept shall be at least two hundred (200) feet from any residential zone or residential structure, and at least one hundred (100) feet from any B-1 zone, and exercise runs shall be enclosed on four (4) sides by a sight-obscuring unpierced fence or wall at least five (5) feet in height. Noise and other possible disturbing aspects connected with the operation of such use shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the use of properties or streets in the surrounding area.
ZONE: I-1, IRA (Amended effective 3/5/18)
- 61.01.03- Automobile, truck, repair garages to provide services such as rebuilding, body and paint work, overhauling, tire retreading or recapping, but not to include commercial wrecking, dismantling or junk yards- all parking and storage areas shall be paved with concrete, asphalt or comparable hard surface.
ZONE: I-1

- 61.01.04- Automobile services, farm implements--automobile, truck trailers, farm implements, for sale, display, hire or repair, including sales lots, used car lots, trailer lots, repair garages, body and fender shops, paint shops, but not within fifty (50) feet from any residential zone.
ZONE: I-1
- 61.01.05- Banks--savings and loan companies, finance companies and similar services.
ZONES: B1, B2, TD*, NPC (Added effective 1/15/99)
- 61.01.06- Blacksmith shop, welding or other metal working shop and machine shops.
ZONES: I-1, I-2, IT, IRA (Revised 8/1/86), NPC (Added effective 1/15/99)
- 61.01.07- Building and related trades--including carpenter shops, electrical, plumbing, paint shops, heating shops, paper hanging shops, furniture upholstery and similar enterprises, but not within one hundred (100) feet from any residential zone. In the B-2 Zone no exterior storage shall be permitted.
ZONES: B2, I-1, I-2, IRA (Revised 8/1/86), NPC (Added effective 1/15/99)
- 61.01.08- Commercial studies and art studios--including automobile driving schools, business colleges, trade schools, dancing studios, photographic studios, radio and telecasting studios.
ZONES: B1, B2 (Revised 5/8/96), NPC (Added effective 1/15/99) I2 (Added effective 2/10/12)
- 61.01.09- Commercial Parking Lots, need not be enclosed.
ZONES: B1, B2
- 61.01.10- Contractor's yard and related establishments--including building material yards (excluding concrete mixing, contractor's equipment storage yard or plant); or storage yard for rental of equipment commonly used by contractors; trucking or motor freight stations or terminals; retail lumber yards, including incidental millwork; storage and sale of grain, livestock feed or fuel; carting, express or hauling establishments, including storage of vehicles; provided new uses are conducted either (1) wholly within a completely enclosed building or buildings, except for storage of vehicles, which building shall be distant at least one hundred (100) feet from any residential zone or (2) when conducted within an area completely enclosed on all sides with a solid wall or uniformly painted solid board fence not less than six(6) feet high, but not within two hundred (200) feet of any residential zone; provided further that all storage yards related to the uses in this paragraph shall be enclosed.
ZONE: I-1
- 61.01.11- Eating and drinking establishments--including eating and drinking places, summer gardens, and roadhouses (Excluding drive-in restaurants); provided that such use is not within two hundred (200) feet of any residential zone.
ZONES B2, TD*
- 61.01.12- Eating and drinking places--including soda fountains, ice cream parlors, tea rooms, private dining rooms and restaurants, banquet halls and clubs, subject to all applicable regulations and such permits and licenses as may

be required by, but not including drive-in restaurants.

ZONES: B1, B2, TD*

- 61.01.13- Dry Cleaning Establishments (Addition, Effective 3/115/85) ZONE: I-2, NPC (Added effective 1/15/99)
- 61.01.14- Entertainment--including theaters, radio and television studios, bowling alleys, assembly halls, or similar places of assembly or entertainment.
ZONES: B1, B2
- 61.01.15- DELETED (Effective 8/15/94)
- 61.01.16- DELETED (Effective 2/14/96)
- 61.01.17- Hotels and Inns- but not including Motels. ZONES: B1, NPC (Added effective 1/15/99)
- 61.01.18- Laboratories--including experimental, photographic or testing laboratories, dental and medical, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
ZONES: I-1, I-2, I-3, IT, IRA, IOP (Revised effective 4/10/92) NPC (Added eff. 1/15/99)
- 61.01.19- Manufacturing- A use engaged in the basic processing and manufacturing of materials, parts or products from extracted or raw materials or from previously prepared materials, including processing, fabrication, assembly, treatment, packaging, and incidental storage, sales and distribution of such products.
ZONES: I-1, I-2, I-3, TD*, IT, IRA, NPC (Section amended 3/30/99)
- 61.01.19A- Enterprises which perform the following activities with non-primary, finished components or goods; manufacturing with all its integral functions, fabrication, assembly, testing, packaging, storage and distribution.
ZONE: I-4 (Added effective 11/10/88)
- 61.01.20- Mortuaries or funeral homes--including ambulance service.
ZONES: B1, B2, TD*
- 61.01.21- Newspaper and job printing.
ZONES B1, I-1, NPC (added effective 1/15/99)
- 61.01.22A- Non-commercial uses such as churches and other places of worship; libraries, museums, and similar institutions; private clubs or lodges. (Revised effective 4/15/94) ZONES: B1, B2, TD*, NPC (Added effective 3/15/02)
- 61.01.22B- Housing for the elderly or handicapped within 1,000 feet of public transportation and shopping; single family dwelling detached; two family dwelling; Urban Core Living Units. (Amended 7/15/85)
ZONES: B1, TD*
- 61.01.23- Professional and Business offices and office buildings--including general and professional tenants as well as banking, savings and loan and other financial institutions but not including medical or dental clinics or mental health/substance abuse treatment facilities, offices or clinics.
ZONES: B1, B2, TD* (Amended effective 5/1/97) NPC (added effective 1/15/99)
- 61.01.24- Printing and related trades--including publishing, job printing, lithographing; blueprinting, etc., but not within one hundred (100) feet of any residential zone.
ZONES: B2, I-1, I-2, I-3, TD* IT, IRA (Revised 8/1/86) NPC (Added eff. 1/15/99)

- 61.01.25- Public building--including post office; fire and police stations; bus passenger terminal, telephone exchange or office or other public utility office; and governmental buildings.
ZONES: B1, B2, TD*, NPC (Added effective 1/15/99)
- 61.01.26- Public utilities buildings and structures--including Storage yards and vehicle parking are.
ZONES: I-1, I-2, I-3, TD*, IRA (Revised 8/1/86)
- 61.01.27- Recreation (commercial)--including baseball field, swimming pools, skating rinks, golf driving ranges, stadiums or arenas and similar open air facilities; livery stables or riding academies, amusement parks, or similar recreational establishments shall be at least two hundred (200) feet from any residential zone. ZONES: B2, I-1
- 61.01.28A- Product testing, Research and Development facilities
ZONES: IT, IOP (Amended effective 8/15/94), NPC (added eff. 1/15/99)
- 61.01.28B- Physical Fitness Centers
ZONES: B1, B2, I-2, and IRA (Effective 6/20/88), NPC (added eff. 1/15/99)
- 61.01.29- Retail sales distribution facility for the processing of orders for and preparation of pharmaceutical and related products in the health care field but not to include sale and delivery of product to customers on premises. (1/84)
ZONE: IT
- 61.01.30- Restaurant--With or without alcoholic beverages.
ZONES: B1, B2, I-1, TD*, NPC (Added eff. 1/15/99)
- 61.01.31- Retail business--whose principal activity is the sale of merchandise in an enclosed building (except automobile sales, boat sales, mobile home sales; etc., which tend to detract or interfere with a high intensity of pedestrian shopping activity).
ZONES: B1, B2, NPC (added effective 1/15/99)
- 61.01.32 - Retail sales or rental-including lumber, paints, hardware and other building supplies; automobiles, trucks, trailers, boats, motorcycles, new or used; warehousing and distribution of unprepared food products at no cost to general public for consumption off-site. Further, the location of the "distribution of unprepared food products" use shall not have frontage on a state highway; construction equipment, agricultural equipment, power tools, new or used; scientific and laboratory supplies. ZONES: B2 I1 IRA (Revised 8\1\86.) (amended effective 5/1/09)
- 61.01.33- Retail sales in which both a workshop and a retail outlet are required, such as interior decorating, dressmaking, upholstering, printing, photographic reproducing, radio and home appliances, provided that no more than fifty (50) percent of the total usable floor area of the establishment shall be used for servicing, repair or processing activities.
ZONES: B1, B2, TD*, NPC (Added eff. 1/15/99)
- 61.01.34- Retail services--including grocery stores; supermarkets; fruit, meat and vegetable stores; drug stores; garden store; barber shops; beauty parlors; clothes cleaning and laundry pick-ups; art and antique shops, artists supply stores; self-service laundries; departments stores including discount houses; variety and dime stores; dry goods and apparel stores; mail-order houses; and

similar uses.

ZONES: B1, B2, TD, B3* (added effective 9/20/12)

- 61.01.35- Service establishments, including barber shops and beauty parlors; dry cleaning and laundry pickup stations for work to be done elsewhere; dry cleaning, using non-inflammable cleaning agents only, for work accepted on the premises; locksmith; radio and television repair shop; shoe repair; tailoring, dressmaking and pressing; newspaper stand; and similar uses. (Revised effective 4/15/94)

ZONES: B1, B2, NPC (Added eff. 1/15/99)

- 61.01.36- Studios--motion picture, recording, television and radio production studios, transmitters and related equipment.

ZONES: I-1, I-2, IT (Revision effective 7/1/86), NPC (added effective 1/15/99)

- 61.01.37A- Wholesale and warehousing of items manufactured on the premises.

ZONES: I-1, I-2, IT (Revision effective 7/1/86), NPC (Added effective 1/15/99)

- 61.01.37B- Warehousing of items or materials not produced or created on the premises (except items prohibited as shown elsewhere in this Code).

ZONE: I-1 (Revision effective 7/1/86), IRA (Revised 8/1/86), I-2 (Addition 2/15/88), I-4 (Added eff. 11/10/88), NPC (added eff. 1/15/99)

- 61.01.38- Office buildings--including general and professional tenants but not including mental health/substance abuse treatment facilities, offices or clinics. (Amended effective 5/1/97)

ZONES: I-1, I-2, IT, IRA (revised 8/1/86)

- 61.01.38A- Offices except medical and dental but not including mental health/substance abuse treatment facilities, offices or clinics. (Amended eff. 5/1/97)

ZONE: I-4 (Added effective 11/10/88)

- 61.01.39- Interstate Office Park Zone

The use of the zone shall be limited to business and professional offices and corporate \ business offices. Business uses shall include but not be limited to, any occupation or trade primarily of a clerical nature such as insurance company or sales offices but shall not include commercial activities such as the manufacturing or assembling of wares.

ZONE: IOP

- 61.01.40- DELETED (Effective 7/1/95)

- 61.01.41- Institutions

ZONE: ID

- 61.01.42- Repair, replacement and reconditioning of diesel engines, components, power trains and equipment, but not to include junkyards or permanent outside storage of dismantled or salvaged parts, equipment or vehicles.

ZONE: IT

- 61.01.43- DELETED (Effective 9/15/94)

- 61.01.44- Servicing repair, installation and assembly of computers and communication equipment, including two-way marine and automobile radios, emergency alarms and lighting systems, but not to include the general retail

sales thereof.

ZONE: IT

- 61.01.45- Motor vehicle services and repair and body and fender repair and paint shop, provided that no building or structure for said use is located within fifty feet of any residential zone and further provided that all outside storage of material associated with said business be screened so as to not be observable from abutting properties. (Revised effective 4/15/94)

ZONES: I-1, I-2, IRA (Revised 8/1/86), B2

- 61.01.46- Conference Center Complex. A hotel with a minimum area of 200,000 square feet on at least fifteen (15) acres and a minimum of two hundred fifty (250) rooms with multipurpose public meeting and conference rooms, auditoriums, ballrooms and assembly halls, together with customary conference center-hotel accessory uses, including, but not limited to, eating establishments, dining facilities and entertainment areas, all serving food only as well as those serving both food and alcoholic beverages, gift and other shops; swimming pools, sauna and steam rooms; barber shops and beauty parlors; secretarial and other services. (Effective 8/1/84)

ZONE: IT

- 61.01.47- Manufacturing and distribution. Only in buildings which have been used, historically, for this purpose, and only in buildings with more than 40,000 S.F.

ZONES: B1 (Added effective 3/12/92)

- 61.01.48- DELETED (Effective 5/8/96)
- 61.01.49- Business and Professional Offices

ZONE: B3 (Added effective 6/30/93), NPC (Added effective 1/15/99)

- 61.01.50- A Golf Driving Range subject to conditions described hereafter: (1) that not more than 25% of the I-4 parcel is used as a driving range; (2) that not more than 10 acres of the I-4 zone parcel is used as such golf driving range; (3) that the sales office/pro shop has a land foot print not any greater than 900 square feet; and (4) that the Planning and Zoning staff approve the site plan as a whole including location of protective fencing and such other structures and improvements as the particular site shall demand.

ZONE I-4 (Added effective 10/30/93)

- 61.01.51- Wholesaling, warehousing and distribution facilities employing greater than 50 employees (not to include terminal exclusively for the transfer of freight not owned by the building occupant).

ZONE: IT (Added effective 8/15/94)

- 61.01.52- Biotech, telecommunication, and environmental service industries excluding those dealing with the transfer and/or final disposition of solid waste.

ZONES: IT, I-2, IRA, I-4 (Added effective 8/15/94), NPC (added eff. 1/15/99)

- 61.01.53- Sports training facilities solely for the use by a professional sports team.

ZONES: ID, IT, IOP (Added effective 8/15/94), NPC (added eff. 1/15/99)

- 61.01.54- Medical and Dental Offices

Medical and Dental Offices with less than five (5) practitioners, specifically excluding those whose principal service is mental health and/or substance abuse

diagnosis and treatment.

ZONES: B1, B2, TD, MX (Added effective 5/1/97), NPC (added eff. 1/15/99)

- 61.01.55- Vocational School for Massage Therapy
Including classroom training facilities, administrative offices, Student Clinic, Professional Graduate Clinic, and associated services and support activities involved in the daily operation of a Professional Massage Therapy Vocational School. All activities are to be in compliance with state statutes regulating the training and practice of Massage Therapy.
ZONE: IT (Amended effective 3/30/99)
- 61.01.56- Design Center approved by issuance of a Special Permit (Special Exception) where the Design Center, including corporate offices, sales area, warehousing, and stone and tile distribution, is part of a Stone Fabrication facility. And where such Center:
 1. is located not less than a 1/2 mile from the entrance to an interstate highway; and
 2. is not greater in size than thirty (30) percent of the area of the combined facility and where such center is found to support or enhance employment in the on-site manufacture and fabrication of such items as are on display.

A Design Center shall display stone items fabricated on-site and may incorporate other interior and exterior decorating items including architectural woodwork, wood inlays, cabinets, plumbing fixtures, works of art, and other accessory and coordinated items and may also include offices, meeting areas for architects, decorators, and designers.

ZONE: IT (Added effective 7/31/01)

- 61.01.57- Retail Sales and Self Storage. Retail Sales and Self Storage in commercial buildings where the currently existing space, used for hardware stores, paint shops, other building supplies and similar business shall be separately petitioned, for self storage purposes.
ZONE: B-2 (Added effective 9/30/10)
- 61.01.58 - Sale or Dispensation of any form of marijuana and/or medical marijuana by a CT licensed pharmacist on the premises of a pharmacy or standalone Medical Marijuana Dispensary Facility licensed by the State of Connecticut provided the State of Connecticut legalizes said use.
ZONES: TD*, B-2, NPC (Added effective 7/29/11) (Amended effective 3/15/18)
- 61.01.59 - Corporate office for high technology/environmental services uses and related storage of equipment and materials provided that such uses do not create hazardous, noxious or offensive conditions, and specifically excluding the on-site storage, transfer or disposal of hazardous, regulated, medical, solid or bulky wastes which are not otherwise permitted by the Connecticut DEEP and/or the City of Middletown, as may be required. ZONE: IOP (Added effective 9/10/13)
- 61.01.60 - Data Center- The following standards shall apply to data centers: (A) Building Facades visible from a City Street or Right of Way, shall avoid the use of undifferentiated surfaces by including at least two (2) of the following design

elements: change in building height, building step-backs or recesses, fenestration, change in building material, pattern, texture, color, or use of accent materials. When a building has more than one facade visible from a City Street or City Right of Way, such principal building facades shall be consistent in terms of design, materials, details, and treatment. (B) Screening of Mechanical Equipment. In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical equipment shall be screened. This screening may be provided by a principal building. Mechanical equipment not screened by a principal building shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. (c) Exterior Lighting. All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties. (H) Buffer Yard Requirement. Any property that abuts a residential zone shall site the proposed data center in a manner to screen or buffer the data center by use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, with landscaped earthen berm. ZONE: IT, I-1, I-3, I-4 Added effective 3/15/15)

61.02- SPECIAL EXCEPTION USES- The following uses by special exception may be permitted in accordance with the provisions of Section 44.

- 61.02.01- Gasoline filling stations (44.08.13)
ZONES: B2, TD (Amended effective 3/1/98)
- 61.02.02- DELETED (Effective 3/1/98)
- 61.02.03- DELETED (Effective 3/1/98)
- 61.02.04- Drive-in establishment, limited to drive-in banks (44.08.12)
ZONES: B2, TD (Amended effective 3/1/98)
- 61.02.05- Eleemosynary or philanthropic institutions--need not be enclosed (44.08.15)
ZONES: B1, B2
- 61.02.06- General retail use not expressly prohibited by this Code (44.04)
ZONES: B1, B2
- 61.02.07- Junkyards and building material salvage yards.
ZONES: I-1, I-2, I-3
- 61.02.08- DELETED (Effective 5/1/97)
- 61.02.09- DELETED (Effective 7/1/95)
- 61.02.10- Public utility structures. (44.08.11)
ZONES: B1, B2, TD, IT, I-4 (added effective 11/10/88), NPC (added eff. 1/15/99)
- 61.02.11- Readymix concrete plant. (44.08.18)
ZONE: I-1
- 61.02.12- Restaurant or lunch room (44.08.19)
ZONES: I-1, I-2, TD
- 61.02.13- Taxi cab stand --need not be enclosed. (44.08.20)
ZONES: B1, B2

- 61.02.14- Adaptive residential use for structures currently or recently occupied by non-conforming use. (Effective 5/1/89)
ZONE: B1
- 61.02.15- Natural Resource Extraction (44.08.10)(Effective 5/1/86)
ZONES: B1, I-1, I-2, I-3
- 61.02.16- Alcoholic Liquor Establishments (44.08.23)
ZONES: B1, B2, NPC (Added eff. 10/22/03) (Amended effective 8/25/05)
- 61.02.17- Automobile, truck, trailer, farm implements and similar automotive equipment sales, new and used. (44.008.24)
ZONES: I-1, I-2, NPC (Added effective 1/15/99)
- 61.02.18- Bustop Passenger Shelters (44.08.25)
ZONES B1, B2, I-1, I-2, I-3, TD, IT, I-4 (Added effective 11/10/8), ID (Added effective 12/31/03)
- 61.02.19- Adaptive historic preservation use harmonious with the physical characteristics and originally designed use of the structure. (44.08.26)
ZONES: B1, B2, I-1, I-2, I-3, TD, IT, B3 (Added effective 6/30/93), NPC (added eff. 1/15/99)
- 61.02.20- Banking facilities with drive-up windows. (44.08.12)
ZONES: B1, I-2, IT, I-4 (Added effective 11/10/88), NPC (added eff. 1/15/99)
- 61.02.21- Child Care Facilities (44.08.12)
ZONES: B1, I-1, I-2, I-3, TD, IT, B2 (Added effective 7/1/94)
- 61.02.22-Care/nursing homes (44.08.29)
ZONES: TD, B2 (revised 5/1/97)
- 61.02.23- Solid Waste Facility (44.08.32)
All proposals including expansion to existing facilities shall be subject to Category 4 Site Plan Approval.
ZONES: I-1, I-2, I-3, ID, IT
Except that: Solid Waste Disposal Areas (16.19.05) shall not be permitted in the IT zone. (Amended effective 9/15/96)
- 61.02.24- DELETED (Effective 5/8/96)
- 61.02.25- DELETED (Effective 5/8/96)
- 61.02.26- Upper story multi-family dwelling designed as an integral part of a mixed use development.
ZONE: B3 (Amended effective 6/30/93)
- 61.02.27- DELETED (Effective 5/8/96)
- 61.02.28- Recreation (commercial)--including billiard parlors and pool halls; bowling alleys; night clubs; theaters and other assembly halls; subject to all applicable regulations and such permits and licenses as may be required by law, and expressly prohibiting CT Liquor Control Commission Cafe Liquor Permits and drive-in theaters.
ZONES: B1, B2 (Added effective 2/28/94), (NPC (Added effective 1/30/04) (Amended Effective 8/15/12)
- 61.02.29- Research, experimental and testing laboratories and light manufacturing in existing buildings in excess of 15,000 square feet.
ZONE: B2 (Added effective 8/15/94), NPC (Added effective 1/15/99)

- 61.02.30- Trucking company terminals for storage, assembly, distribution, handling or transfer of freight.
ZONE: IT (Added effective 8/15/94)
- 61.02.31- Golf Driving Ranges, Miniature Golf Courses, and golf courses.
ZONE: I-2 (Amended effective 8/15/95, NPC (Added effective 1/15/99)
- 61.02.32- Antique/Flea Market whose principal activity would be to allow antique dealers and other vendors to see their merchandise.
ZONE: I-2 (Added effective 7/1/95)
- 61.02.33- Commercial schools and art studios, business colleges, trade schools, dancing studios, photographic studios, radio and telecasting studios. There shall be no more than one (1) satellite dish per property and the diameter shall not be more than six (6) feet.
ZONE: B-3 (Added effective 5/8/96)
- 61.02.34- Landscaping and Garden Center
ZONE: I-2 (Added effective 1/31/97), NPC (Added effective 1/15/99)
- 61.02.35- Medical and Dental Clinics
Medical and Dental Offices with more than five (5) practitioners, specifically excluding those whose principal service is mental health and/or substance abuse diagnosis and treatment.
ZONES: B1, B2, TD, MX (Added effective 5/1/97), NPC (added eff. 1/15/99) Zone B3 (Added Effective 12/30/16)
- 61.02.36- Corporate office/high technology processing of previously manufactured parts used in aerospace, automotive, medical and similar industries, provided, that such processing does not create hazardous, noxious or offensive conditions, and specifically excluding (a) traditional manufacturing (i.e. conversion of raw materials) and (b) the use, storage or disposal of medical or solid wastes. (44.08.42)
ZONE: IOP (Added effective 7/3/98)
- 61.02.37- Indoor Recreational Facility. A facility where a fee is paid in exchange for activities, events, or programs related to athletics, physical conditioning and accessory activities conducted indoors.
ZONES: I-4 (Added effective 10/13/06)
- 61.02.38 - Transitional development housing is allowed immediately adjacent to R-15 zones on parcels with no frontage on a state highway, at a density not to exceed twelve (12) units per acre, and for parcels smaller than one acre at a density not to exceed twelve (12) units, to serve as a buffer zone between commercial and residential areas. Appropriate setbacks and parking to be determined by the Commission during site plan review process. Advisory opinion from Design Review Board shall be submitted with site plan. ZONE B-2 Added Effective 9/30/14
- 61.02.39 Data Centers. (44.08.45) ZONE: IOP, ID, I-2 (Added Effective 3/15/15)

61.03- ACCESSORY USES- The following Accessory Use shall be permitted in accordance with the provisions of subsection 10.07 of this Code.

- 61.03.01- Use customarily incidental to the main or principal building or land use such as business office, conference/meeting facilities, data processing/storage, personnel services (i.e. dining facilities, child care facilities, medical services) and off street parking and

loading space.

ZONES: ALL (Revised effective 11/10/88)

- 61.03.02- Closely associated accessory uses as an integral part of the principal or main use or the premises, conference/meeting facilities, data processing/storage, personnel services (i.e. dining facilities, child care facilities, medical and emergency services), off-street parking and loading space, research laboratories and solid waste facility. Dining facilities serving both food and alcoholic beverages shall be permitted in any office building housing any corporate headquarters or corporate branch office provided that the uses occupy a minimum of 500,000 square feet on a single parcel. Heliports or Helicopter landing areas shall be permitted as an accessory use only if the principal use is conducted on a single lot having an area of 20 acres or larger.

ZONE: IOP, IT (Revised Effective 8/1/86)

61.04- USES BY TEMPORARY PERMIT- The following are permitted as Temporary Uses.

- 61.04.01- Temporary office and building or yard for construction material of equipment and model all incidental and related to construction within the immediate area; provided, however, that each permit shall not be renewed for more than four (4) successive periods at the same location.

ZONES: ALL

61.05- PROHIBITED USES- Any Uses can be reasonably considered to cause, despite existing environmental safeguards, hazardous or noxious conditions or which would violate Section 15.01, Performance Standards. Further any use not specified as a permitted use, special exception use, accessory use, permitted home occupation use or use by temporary permit are prohibited uses including but not limited to the incineration of solid waste, correctional facilities, alternate incarceration centers, methadone clinics, half way houses, rooming houses, tattoo and/or body piercing studios, pawn shops, check cashing establishments, and asphalt/batch plants. (Amended effective 4/15/98)

ZONES: All

- 61.05.01- no land or building, or any portion thereof, shall be used in the City of Middletown, for gambling purposes as a principal or accessory use (including land use for parking or other uses to benefit water based gambling). No manually or automatically operated gambling devices, video or otherwise, including, but not limited to slot machines, shall be permitted as principal or accessory use in any zone in the City of Middletown. Where such land or building is used solely for the benefit of charitable or non profit institutions this section shall not apply. Nothing in this section shall be construed to prohibit the sale of State of Connecticut lottery tickets in the City of Middletown.

ZONES: ALL (Added effective 4/3/95)

- 61.05.02- Junk Yards

ZONES: ALL (Added effective 1/22/03)