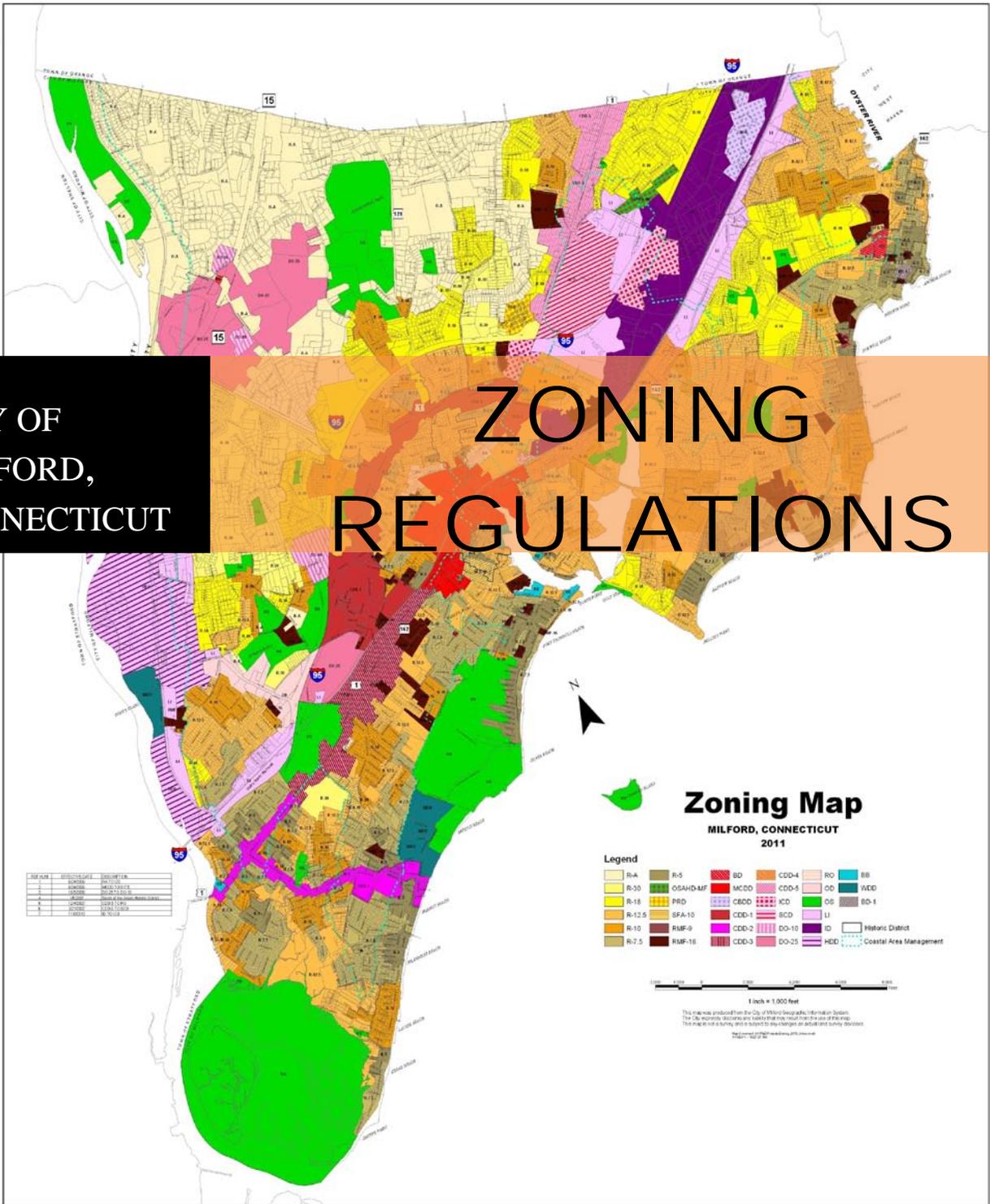


CITY OF  
MILFORD,  
CONNECTICUT

# ZONING REGULATIONS



**Revised: August 1, 2011**



# **Zoning Regulations of the City of Milford, Connecticut**

**First Adopted June 11, 1930**

**Re-Adopted October, 1973**

**Amended to July 2011**



**CITY PLANNER: David B. Sulkis, AICP**  
**ASSISTANT CITY PLANNER: Emmeline Harrigan, AICP**  
**ZONING ENFORCEMENT OFFICER: Kathy Kuchta**



## **PREAMBLE**

**RESOLVED**, the City Planning and Zoning Board of the City of Milford, Connecticut, pursuant to the authority vested in it by law, hereby ordains and enacts as follows:

**THESE REGULATIONS** governing and restricting the height, number of stories and size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, and the height, size, location and type of signs, providing for the administration and enforcement of provisions herein and imposing penalties for their violation; all for the purpose of promoting the health, safety, and general welfare of the inhabitants of the City of Milford, Connecticut, and consistent with the policies and objectives of the Milford Plan of Conservation and Development.

**HEREAFTER** these regulations shall be known and may be cited by the title of the *"Zoning Regulations of the City of Milford, Connecticut."*

**ADOPTED:** December 2, 2003  
**EFFECTIVE DATE:** January 2, 2004

## **SALE OF PUBLICATIONS**

Copies of the current regulations and zone map may be purchased at the Planning and Zoning Office.

Copies of the regulations and/or zoning maps may be mailed if a request for the publications is accompanied by a check to cover the full cost of the publication ordered including handling charges.

The Planning and Zoning Office may be contacted at the following for quotations of current costs and handling charges:

Phone: (203) 783-3245

Fax: (203) 783-3303

City of Milford Website: [www.ci.milford.ct.us](http://www.ci.milford.ct.us)

# City of Milford, Connecticut Zoning Regulations

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## ARTICLE I PURPOSES

### SECTION 1.1 PURPOSES

There is hereby established a comprehensive zoning plan for the City of Milford, which plan is set forth in the text, schedule, and maps, all of which constitute these Regulations. Said plan is adopted for the purposes set forth in the General Statutes of the State of Connecticut and is consistent with the policies and objectives of the current Plan of Conservation and Development, which, in the interest of protecting and promoting the public health, safety and welfare, shall be deemed to include the following, among others:

**1.1.1 EXISTING DEVELOPMENT:** The protection of the character of existing built-up areas and the enhancement of the appearance of the community as a whole.

**1.1.2 HISTORIC SITES:** The preservation of sites, buildings and uses of historical significance to the community.

**1.1.3 EXISTING NON-CONFORMITIES:** The minimization of non-conforming buildings, uses and lots in existing built-up areas.

**1.1.4 RENEWED DEVELOPMENT:** The encouragement to renew and upgrade neighborhoods in which deterioration has become apparent.

**1.1.5 NEW DEVELOPMENT:** The control of the form of growth in newly developing areas.

**1.1.6 ECONOMIC HEALTH:** The provision for economic health of the community.

**1.1.7 OPEN SPACE:** The preservation of open spaces and natural features of the land.

**1.1.8 PUBLIC FACILITIES:** The provision of adequate and efficient public facilities and services.



## **ARTICLE II ESTABLISHMENT OF DISTRICTS**

### **SECTION 2.1 LISTING OF DISTRICTS**

The City of Milford is hereby divided into the classes of Zoning Districts as listed below:

3.1 - R-A, R-30, R-18, R-12.5, R-10, R-7.5, R-5	One Family Residential
3.2 - SFA-10	Single Family Attached
3.3 - RMF-9 & RMF-16	Multi-Family Residential
3.4 - RO	Residential Office
3.5 - OD	Office
3.6 - DO-10 & DO-25	Design Office
3.7 - BB	Boating Business
3.8 - BD	Business
3.8-1 BD-1	Business
3.9 - SCD	Shopping Center Design
3.10 - LI	Limited Industrial
3.11 - ID	Industrial
3.12 - HDD	Housatonic Design District
3.13 - WDD	Waterfront Design District
3.14 - OS	Open Space
3.15 - BEZ	Beach Erosion Zone
<b>CDD - Corridor Design Development Districts</b>	
3.16 - CDD-1	Community Design
3.17 - CDD-2	Devon Center – Naugatuck Avenue
3.18 - CDD-3	Bridgeport Avenue
3.19 - CDD-4	New Haven Avenue
3.20 - CDD-5	Regional Business Design
3.21 - MCDD	Milford Center Design Development District
3.22 - ICD	Interchange Commercial District
3.23 - CBDD	Cascade Boulevard Design Development
3.24 - OSAHD-MF	Open Space Affordable Housing Development – Multi-Family

### **SECTION 2.2 ZONING MAPS**

The boundaries of these Zoning Districts are hereby established, as shown on maps entitled, "Zoning Maps of the City Milford, Connecticut," as amended, which, with all explanatory matter thereon, is hereby adopted and made a part of these Regulations. A copy of said Zoning Maps, indicating the latest amendments, shall be kept up to date in

the office of the Zoning Enforcement Officer for the use and benefit of the public. Other maps pertinent to these regulations include:

<b>Subject</b>	<b>Number of Maps</b>
Zone District Map	1
CAM Maps (including boundary maps)	12
Flood Insurance Rate Map	14
Historic District Map	2
Inland Wetland Maps	42
Tidal Wetlands Maps	17

These maps are available for inspection during regular office hours. Arrangements can be made to purchase zoning maps.

### **SECTION 2.3 DISTRICT BOUNDARIES**

In determining the boundaries of Zoning Districts shown on the Zoning Maps the following rules shall apply:

**2.3.1 Center Lines:** Where district boundaries are indicated as approximately following the center lines of railroads, state highways, streets, water bodies or watercourses, such center lines shall be construed to be such boundaries.

**2.3.2 Lot Lines:** Where district boundaries are indicated as approximately following street or lot lines of record, such lines shall be construed to be such boundaries.

**2.3.3 Dimensions:** Unless otherwise shown, all district boundaries running parallel to street or other physical features shall be determined by the exact dimensions between the street line or other established line and said district boundary as shown on the Zoning Maps.

**2.3.4 Uncertainty:** In all other cases where exact dimensions are not shown on the Zoning Maps, the location of district boundaries shall be determined by the Planning and Zoning Board.

### **SECTION 2.4 EXTENT OF DISTRICTS**

It is the intent of these Regulations that all areas within the jurisdictional limits of the City of Milford, including all buildings, land and water areas, shall be included in the Zoning Districts established by these Regulations.

## **SECTION 2.5                    EFFECT OF ESTABLISHMENT OF DISTRICTS**

Following the effective date of these Regulations and except as hereinafter provided:

**2.5.1 Building and Uses:** No building, or part thereof, shall be constructed, reconstructed, extended or enlarged nor shall any land or building, or part thereof, be used, designed, or arranged to be used for any purpose or in any manner except in conformity with these Regulations.

**2.5.2 Principal Building:** Every building hereafter erected shall be located on a lot, and no more than one allowable principal building or a group of allowable principal buildings under the same ownership or sponsorship as part of an ownership arrangement, shall be located on a lot as herein defined.

**2.5.3 Yards:** No yard or open space area required in connection with any building use shall be considered as providing a required yard or open space area for any other building or any other lot.

**2.5.4 New Lots:** No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith, and the remaining lot comply with all requirements prescribed by these Regulations for the Zoning District in which said lot is located. Neither a Zoning Permit nor a Building Permit shall be issued for the erection of a building on any lot thus created unless such building and lot comply with all the provisions of these Regulations.

**2.5.5 Lot Access and Rear Lots:** No Zoning Permit or Building Permit shall be issued for any building unless the lot, upon which such building is to be erected, fronts on a municipally acceptable street, on an accepted public street, or on a street in an approved subdivision; except that one allowable office, business, industrial, or other non-residential use in an applicable Zoning District, or one single family dwelling in an applicable District may be permitted on a lot of one or more acres, provided that a private means of access of at least fifty feet in width for such office, business, industrial, or other non-residential use, or twenty-five feet in width for such dwelling, as applicable, shall be provided to an accepted public street or street in an approved subdivision. Such rear lots shall have 150 foot minimum lot width and depth, exclusive of access ways, and shall be generally rectangular in shape. The required lot area shall not include the area of the private means of access. This provision shall not be deemed to prevent the issuance of a Zoning Permit and Building Permit for farm or accessory buildings not designed or used for human occupancy. Said access for such office, business, industrial, or other non-residential use shall not be included in the required area of the lot or any other lot.

**2.5.6 Non-Conforming Plan, Construction or Use:** Nothing contained in these Regulations shall require any change in the plans, construction, or designated use of a building complying with laws in force prior to the effective date of these Regulations, provided that:

**2.5.6.1** The use shall be lawfully existing on the effective date of these Regulations; or

**2.5.6.2** (1) A complete application for approval of a Zoning Permit shall have been made prior to the date of publication of notice of the public hearing on these Regulations or amendment thereto; and

(2) Construction as defined in accordance with said Zoning Permit shall be commenced within one year of its issuance and construction shall be completed within three years of the effective date of these Regulations or amendment thereto, unless an extension of time for completion is granted by the Board.

(3) If an approved Site Plan and/or Special Permit contains multiple buildings, the construction of any major building will preclude the necessity of requesting an extension of time to complete the remaining project buildings.

**2.5.7 Flood Hazard Areas:** All land areas situated below the regulatory flood protection elevation, defined herein, shall be subject to the Flood Hazard Regulations, Section 5.8 herein.

**2.5.8 Historic District:** On April 5, 1976, an Historic District and Historic District Commission were established. Any building or structure within the Historic District boundaries, which is to be erected, altered, restored, moved or demolished, shall require a Certificate of Appropriateness from the Milford Historic District Commission.

(1) The certificate must be obtained prior to commencement of the activities described in this section.

(2) A map of the Historic District Boundaries may be examined at the Office of the City Clerk.

(3) Applicants contemplating activities described in Section 2.5.8 are urged to coordinate their proposals concurrently with both the Planning and Zoning Board and Historic District Commission.

## **SECTION 2.6                    EFFECT OF ZONING CHANGES ON SUBDIVISIONS**

Notwithstanding the provisions of these Regulations or any other City ordinance, when a change is adopted in the Zoning Regulations or boundaries of Zoning Districts, no lot or lots shown on a subdivision plan for residential property, which has been approved prior to the effective date of such change by the Planning and Zoning Board and recorded with the City Clerk, shall be required to conform to such change until a period of five years has elapsed from the effective date of such change.

## **SECTION 2.7                    GENERAL REGULATIONS**

In addition to the requirements set forth in each zoning district herein, all buildings and uses shall adhere to the following provisions:

**2.7.1** All off-street parking and loading required herein shall be in accordance with Section 5.1.

**2.7.2** All exterior lighting required herein shall be in accordance with Section 5.2.

**2.7.3** All permitted signage provided herein shall be in accordance with Section 5.3.

**2.7.4** All general landscaping, buffering, screening and landscaping of off-street parking areas required herein shall be in accordance with Section 5.14.

**2.7.5** All buildings and uses requiring Site Plan review and approval shall comply with the provisions of Section 7.1.

**2.7.6** All buildings and uses requiring Special Permit shall comply with the provisions of Section 7.2.

**2.7.7** All buildings and uses requiring Special Exception shall comply with the provisions of Section 7.3.

**2.7.8** All buildings and uses shall comply with the provisions of Section 5.11, Performance Standard Regulations.

**2.7.9** All buildings and uses located within the Coastal Area Management Zone boundary shall comply with the provisions of the Connecticut Coastal Management Act and the Milford Coastal Management Plan



## ARTICLE III DISTRICT USE REGULATIONS

### SECTION 3.1 ONE FAMILY RESIDENTIAL DISTRICTS: R-A, R-30, R-18, R-1 2.5, R-10, R-7. 5 AND R-5

**3.1.1 Permitted Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board shall permit the following buildings and uses in One Family Residential Districts.

**3.1.1.1** One family detached dwelling, provided that the minimum required ground floor area shall be not less than 625 square feet and the minimum required total floor area shall not be less than 900 square feet.

- (1) Family day care home as licensed by the State of Connecticut.
- (2) Adult group day care home which houses four or fewer developmentally disabled persons and necessary staff as licensed by the State of Connecticut.

**3.1.1.2** Earth Sheltered Dwellings: Subject to Site Plan Approval in accordance with ARTICLE VII, Earth Sheltered Dwellings shall be fully or mostly recessed with not more than two fully exposed sides excluding the roof (see definition).

Applicants electing to construct this type of single family residence shall include with their application, in addition to those requirements of Section 7.1, the following items:

- (1) Investigation report prepared by a professional engineer (registered in Connecticut) regarding proposed site drainage and the highest seasonal elevation attained by the water table on the site.
- (2) Design of the structure shall be certified by an architect/ professional engineer (registered in Connecticut) at the discretion of the Building Inspector.
- (3) Applicants are, therefore, encouraged to discuss their design plans before applying to the Planning and Zoning Board for Site Plan Approval.

**3.1.1.3** Temporary Trailers or Motorized Homes:

In the event that a single family residence is damaged by any means to an extent which would preclude continued occupancy as determined in writing (by either the Building Inspector or his designees, or the Fire Chief or the Fire Marshal), the owner or former occupants may place a trailer or motorized home on the site for a period not exceeding six months from the date the initial damage occurred which caused the residence to become uninhabitable.

Before being placed on the property, said trailer or motorized home shall require a Zoning Permit. Applicants for approval under this section shall further agree to:

- (1) Locate the temporary trailer or motorized home in compliance with the required setbacks and flood hazard regulations as applicable.
- (2) Receive electricity from the public utility company via a separate temporary electric service. Running the engine of a motorized home to recharge batteries to provide electricity for habitation of the motorized home is prohibited.
- (3) Provide a means of temporary water supply/waste disposal acceptable to the Director of Public Health. The manner in which water is obtained and waste is disposed shall not cause a public nuisance.

**3.1.1.4** Farms, as defined herein.

**3.1.1.5** Truck Gardens, Nurseries or Garden Centers, subject to Site Plan Review in accordance with ARTICLE VII, herein, and subject to the following:

- (1) Provided that only produce raised or grown on the premises is sold therefrom;
- (2) The sale by a nursery or garden center of plants, flowers and shrubs started elsewhere, but sold from an enclosed greenhouse, shall be allowed;
- (3) The lot size shall be not less than three (3) acres:
- (4) The buffer strip of not less than thirty (30) feet in width shall be provided adjacent to a residential district.

**3.1.1.6** Cluster Developments shall be permitted in R-A, R-30, R-18 and R-12.5 Residential Districts only in accordance with Section 5.9 herein.

**3.1.1.7** Accessory Apartments: It is the intent of this section to preserve/maintain the character of existing single-family neighborhoods, but at the same time recognize that certain family members related by blood, marriage or legal adoption may need the support and close physical proximity of other family members, yet desire the ability to maintain their own semi-independent living space. For this reason, an accessory apartment is allowed under the following conditions:

A single-family dwelling may have a portion converted for use as an accessory apartment, which can include kitchen facilities. For purposes of this Regulation, the term converted shall mean either completely within an existing principal building or added to the already existing principal building. Both dwelling units shall be attached by a common wall, floor, ceiling with access through a common living space from the main house and cannot be attached by a breezeway, porch, deck or garage and must be contained as one building. No accessory apartment application shall be accepted unless the property is in compliance with all current lot requirements. Applicants must provide a current A-2 survey, and full floor plans and full elevation views of the entire structure.

Including the aforementioned, all Accessory Apartments shall conform to the following requirements:

- (1) In no instance shall an accessory apartment have its own doorway on the front of the dwelling. Any existing doorway other than the main front door to the dwelling shall be removed if it provides exclusive ingress and egress to the accessory apartment. Any new means of ingress and egress if required will be provided at the rear of the house or accessory apartment.
- (2) No single-family dwelling can contain more than 1 accessory apartment. Non-conforming lots with more than 1 single family dwelling are prohibited from having an accessory apartment in any structure.
- (3) The dwelling shall be owner-occupied during the entire duration of the Permit.

- (4) One portion of the dwelling is to be occupied by a person related by blood, marriage or legal adoption to one or more family members related by blood, marriage or legal adoption living in the other portion of the dwelling.
- (5) The proposed accessory 800 square feet as measured from the exterior walls. Staircases providing exclusive access to the accessory apartment will be counted toward calculating the 800 Sq. ft. limit. Exterior patios, decks and porches without roofs will not be included toward calculating the 800 sq ft. limit.
- (6) The accessory apartment shall be accessible to and from the main dwelling.
- (7) The accessory apartment shall utilize the existing dwelling's driveway and utilities; i.e., electric, gas, water; and, if applicable, single mailbox. Separate utilities including but not limited to heating systems, electrical service, water service and gas service are prohibited.
- (8) Kitchen facilities consist of individual units of refrigerator, stove and sink and associated cabinetry, counters, and the related electrical and plumbing hook-ups. All shall be removed when the permit expires and/or not renewed, or when the property is sold except as provided in 3.1.1.7 (13) below.
- (9) No accessory apartment shall be utilized for income purposes.
- (10) The Permit shall expire 3 years from the date the application is approved by the Planning and Zoning Office. The applicant may, at least 2 months prior to the three-year expiration date, apply to extend the previous approval for an additional 36-month period. Proof in a form acceptable to the Planning and Zoning Office will be provided by the applicant verifying the relationship of the family member occupying the apartment to the property owner residing in the house.
- (11) If requested by the Planning and Zoning Office, The applicant will allow the dwelling to be inspected for compliance with these regulations.
- (12) If the Permit expires or the property is to be sold before the 36-month termination date, the seller shall, at his or her expense, remove all kitchen facilities.

- (13) If the property is to be sold before the permit issued pursuant to this section expires, the kitchen facilities may remain provided that the new owner(s) apply for and are granted a new permit for the accessory apartment pursuant to these regulations before occupancy commences.
- (14) Any previously approved but non-conforming accessory apartment shall be removed upon the sale or transfer of property ownership, unless the dwelling and apartment are brought into compliance with these regulations.
- (15) A numeric address of at least 5" in height must be affixed to the main dwelling. A separate numeric address for the accessory apartment is prohibited.
- (16) Upon expiration and/or non-renewal of the permit, the property owner is required to notify the Planning and Zoning Office to inspect and certify removal of the accessory apartment.
- (17) Application to the Zoning Board of Appeals to vary any part of 3.1.1.7 shall be prohibited.
- (18) Accessory apartments greater than 800 sq. ft. are prohibited.

**3.1.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may permit the following building and uses, subject to Special Permit, Special Exception (as specifically noted), and Site Plan Approval in accordance with ARTICLE VII, herein.

**3.1.2.1** Boarding houses subject to the following conditions and safeguards:

- (1) The owner shall reside therein.
- (2) A Certificate of Zoning Compliance with all applicable provisions of the State and City Building, Housing, Health and Sanitation Codes and Ordinances shall be obtained from the proper official for each dwelling unit and rooming unit.

**3.1.2.2** Group day care home or adult group day care home, as defined.

**3.1.2.3** Public or Parochial Schools.

**3.1.2.4** Private Non-Profit Schools.

**3.1.2.5** Private non-profit or charitable organizations, subject to the following conditions and safeguards.

- (1) The lot shall be at least three (3) acres.
- (2) The lot shall be located on an arterial street or major collector.
- (3) All buildings and parking areas, except those existing and approved for use under this section, shall be set back at least 50 feet from all street and lot lines.
- (4) Only the principal building may have provisions for private kitchens, snack bars or similar accessory uses.
- (5) Outdoor public address systems shall be prohibited.
- (6) The site shall be suitably landscaped in accordance with Article V, Section 5.14. The Board may require a suitable buffer strip to minimize visual impact upon the surrounding residential area.
- (7) Lot coverage of up to 50% may be allowed for these uses.
- (8) Any retail activities shall be accessory to the principal purpose of the property.

**3.1.2.6** Churches or religious institutions.

**3.1.2.7** Public charitable institutions.

**3.1.2.8** Public or private hospitals, subject to the following conditions and safeguards:

- (1) The lot area for each eight patient beds shall not be less than the minimum required lot area of the applicable Zoning District.
- (2) The lot shall have direct access from an arterial street.

**3.1.2.9** Convalescent home, nursing home or rest home, subject to Special Exception and in accordance with Article VII, Section 7.3, herein.

**3.1.2.10** Libraries or community centers.

**3.1.2.11** Other public buildings.

**3.1.2.12** Cemeteries.

**3.1.2.13** Golf Courses.

**3.1.2.14** Parks, playgrounds or other public facilities.

**3.1.2.15** Beach Clubs, subject to the following conditions and safeguards:

- (1) The lot area shall be at least two acres, except that the Board may permit lots of at least one acre where historic buildings exist and are found suitable for beach club purposes.
- (2) The lot shall have a shorefront location on a navigable, tidal waterbody or watercourse and shall have a sufficiently large shorefront boundary to provide suitable bathing, boating or other water connected activity.
- (3) All buildings, except those existing and approved for use under this section, shall be set back at least 50 feet from all street and lot lines and shall not cover more than 10 percent of the lot.
- (4) Only the principal club building may have provisions for restaurants, snack bars or similar accessory uses.
- (5) All sales of alcoholic liquor shall be prohibited.
- (6) All recreational areas, excluding permissible water connected activities and golf courses shall be set back at least 30 feet from all street and lot lines.
- (7) All parking areas shall be set back at least 30 feet from all street and lot lines and shall not occupy more than 25 percent of the lot.
- (8) The club membership shall be limited by the number of parking spaces provided in accordance with Section 5.1; and the number of bath houses,

lockers, cabanas or similar accessory structures designed to serve individuals shall be limited accordingly.

(9) No more than one single family dwelling may be located on any club site, provided, however, that the dwelling conforms to all the requirements of the zoning district in which it is located. Alternatively, one dwelling unit may be located in the club house for the use of the club manager or caretaker and his family.

(10) Outdoor public address systems shall be prohibited.

(11) The site shall be suitably landscaped in accordance with Article V, Section 5.14. The Board may also require a suitable buffer strip and fence as may be necessary to reasonably safeguard the public health, safety and welfare of the neighborhood.

**3.1.2.16** Private boathouses, landings or docks, subject to the following conditions and safeguards:

(1) The number of boat slips, berths, moorings and similar spaces proposed shall be consistent with the Milford Harbor Management Plan as determined by the Milford Harbor Management Commission, the Milford Coastal Management Plan and the Connecticut Coastal Management Act, where applicable;

(2) The lot owner shall obtain all necessary State and Federal permits prior to constructing such boating facilities;

(3) Such boat facilities shall be designated for the exclusive use of the owner.

**3.1.2.17** Public Utility Buildings or Facilities with completely enclosed service or storage areas.

**3.1.2.18** Communication buildings, stations or towers subject to the following conditions and safeguards:

(1) The lot area shall not be less than five (5) acres.

(2) Any tower shall be set back from all street and lot lines by a distance equal to or greater than the height of such tower.

(3) Any other building, structure or parking area shall be set back at least 50 feet from all street and lot lines.

**3.1.2.19** Removal of or filling with earth products in accordance with the provisions of Section 5.7 herein.

**3.1.2.20** Conversion of an existing building to accommodate a use allowed in the zoning district in which said building is located, subject to the following conditions and safeguards:

(1) The building so converted shall conform, in all respects, to the use, lot and building, and supplementary regulations of the applicable zoning district.

(2) The building so converted shall comply with all applicable provisions of the State and City Building, Housing, Health, and Sanitation Codes and Ordinances, as approved by the proper official.

(3) The building so converted shall be placed in a reasonable state of repair and modernization.

**3.1.2.21** Other related or equivalent principal buildings and uses, which are not specifically listed and are not prohibited, may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.1.2.22** Accessory buildings and uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing principal uses shall be approved by the Board in the same manner as a permitted use, unless the Board requires a public hearing.

**3.1.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.1.3.1** A home occupation shall be a use customarily conducted for compensation, only by the occupant(s) of a single family residence.

**3.1.3.2** A home occupation shall adhere to the following standards:

(1) The home occupation shall be conducted by the owner/occupant(s) of a single family dwelling entirely within the confines of the single family residential structure.

(2) There shall be not more than one non-resident employed.

- (3) All work shall be confined to 50% of the cellar or 25% of the first floor of the dwelling.
- (4) A home occupation shall utilize hand tools or appliances customarily found in a residential household.
- (5) Raw materials shall be brought to the dwelling only by the owner/occupant.
- (6) Product(s) that may result from the operation of a home occupation shall not be sold on the premises.
- (7) No raw materials or finished goods shall be stored outside or within any detached accessory building.
- (8) No site or external structural modification/change shall be permitted in order to accommodate a home occupation.
- (9) Home occupation proprietors purporting to adhere to the above standards shall be required to provide written documentation satisfactory to the Zoning Enforcement Officer, whereupon the Zoning Enforcement Officer shall decide whether to issue a Certificate of Zoning Compliance.

**3.1.3.3** Any home occupation which does not meet the standards of Section 3.1.3.2(1) - (9) may be permitted or permitted on a trial basis by the Board by Special Permit, the length of which shall be determined by the Board, provided that it is determined that:

- (1) Excessive traffic shall not be generated, and
- (2) The tranquility of the immediate area shall not be unduly disturbed, and
- (3) The residential character of the site and principal single family structure is not altered.

**3.1.3.4** Poultry coops and area subject to Site Plan approval in accordance with ARTICLE VII, herein, and the following conditions and safeguards:

- (1) Poultry kept on any lot shall not exceed twenty birds, except when on a regularly operated farm, as defined herein.
- (2) All poultry shall be fenced in so that the birds cannot pass or fly to another property.
- (3) An annual review shall be conducted by the Planning and Zoning Board.

**3.1.3.5** Pigeon or dove cotes subject to Site Plan review in accordance with ARTICLE VII, herein, and the following conditions and safeguards:

- (1) Pigeons or doves kept on any residential lot shall not exceed 60 birds.
- (2) Pigeons or doves shall be housed in a structure meeting the yard requirements of principal uses of Section 3.1.4.1.
- (3) All pigeons shall be registered with a national pigeon organization by use of a seamless numbered leg band.
- (4) All grain and food stored for the keeping of pigeons and doves shall be kept in vermin-proof containers.
- (5) Up to 25 pigeons/doves shall be allowed to exercise for up to 3 hours after sunrise and/or 2 hours before sunset.
- (6) An annual review shall be conducted by the Planning and Zoning Board.

**3.1.3.6** Horses or ponies up to five in number may be kept on lots of one acre or more at the rate of one horse or pony per 2/3 acre, subject to Site Plan Approval in accordance with ARTICLE VII, herein. In addition, the keeping of such animals shall be in accordance with the following conditions and safeguards:

- (1) No building for the housing of such animals shall be located closer than 50 feet from any lot line and 100 feet from a street.
- (2) Adequate fencing to confine such animals as follows:

**Figure 1: Fence Setback Requirements from Property Lines  
for Horses and Ponies**

<u>Lot Size</u>	<u>Front Yards</u>	<u>Side Yards</u>	<u>Rear Yards</u>
Under 2 Acres	40'	25'	15'
Over 2 Acres	15'	25'	15'

(3) Stable manure shall be kept in a covered watertight pit or chamber and shall be removed at least once a week during the period from May 1 to October 1 and during other months at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the Director of Public Health.

**3.1.3.7** Private garage with space for not more than one vehicle for each 2,000 square feet of lot area and not exceeding three spaces.

**3.1.3.8** Except on a regularly operated farm as is defined herein, there shall not be more than one commercial type vehicle garaged and it shall not exceed 3/4 ton capacity. (Performing maintenance on vehicles regulated by this section shall be prohibited. Maintenance shall include, but will not be limited to vehicle washing, changing oil, changing tires, tuning engines, etc.).

**3.1.3.9** One camp trailer or camper, as defined herein, except that occupancy of such vehicle is prohibited while located on any lot. No such vehicle shall be located in any front yard or within six feet of any lot line.

**3.1.3.10** During regular school hours only, one school bus in current use for the transportation of Milford school children.

**3.1.3.11** Off-street parking and loading in accordance with Section 5.1 herein.

**3.1.3.12** Signs in accordance with Section 5.3 herein.

**3.1.3.13** Other accessory uses clearly subordinate and customarily incidental to and located on the same lot with the principal use and that will not be hazardous to the public health, safety and welfare.

**3.1.4 Lot and Building Requirements:** Buildings and uses shall comply with all requirements of the applicable Zoning District in the Schedule of Lot and Building Requirements for One Family District in Section 3.1.4.1 herein.

**3.1.4.1 Schedule of Lot and Building Requirements for One Family Residential Districts**

**Figure 2: Lot and Building Requirements for One Family Residential Districts**

	Categories						
	R-A	R-30	R-18	R-12.5	R-10	R-7.5	R-5
<b>Minimum Requirements</b>							
Lot Area (Square Feet)	43,560	30,000	18,000	12,500	10,000	7,500	5,000
Lot Width (Feet)	150	125	100	80	70	60	50
Lot Depth (Feet)	150	135	125	100	100	85	70
<b>Principal Uses</b>							
Front Yard (Feet)	50	50	40	30	25	20	*
Each Side Yard (Feet)	25	20	15	10	10	**	**
Rear Yard (Feet)	50	40	30	25	25	25	20
*Ten feet or the actual front yard setback, whichever is greater; except that the minimum required front yard shall not be required to exceed 20 feet.							
**One side ten (10) feet; other side five (5) feet							
<b>Accessory Structures:</b>							
Side Yard (Feet)	15	15	10	4	4	4	4
Rear Yard (Feet)	10	10	10	5	5	5	5
Distance from dwelling unit = 8 ft. – all residential zones (Sec.4.1.1.4 – No accessory building shall be less than 8 feet from dwelling unit)							
Maximum Height = 15 ft. – all residential districts (Sec. 4.1.1.3. – No accessory building shall exceed 15 feet in height)							
<b>Maximum Permitted</b>							
Bldg. Height Stories	3	3	3	3	3	3	3
Feet (in height)	35	35	35	35	35	35	35
Bldg. Area as % of Lot	15%	20%	25%	30%	35%	40%	45%
Lot Coverage	25%	30%	40%	45%	50%	60%	65%

**3.1.5 Prohibited Uses:** The following uses shall be expressly prohibited.

**3.1.5.1** No addition shall exceed 15' in height which connects to an existing principal use by a one-story open breezeway or lesser structure; nor shall the aforementioned breezeway or lesser structure exceed 12' in length; nor shall the sum total of each floor's square footage (of the addition) exceed 50% of the first floor of the existing principal residence.

**3.1.5.2** The use of an accessory building for residence purposes, except by persons employed by the occupant of the premises for the purpose of household and domestic management of the premises.

**3.1.5.3** The parking or storing of commercial-type vehicles on residential property except as permitted in Section 3.1.3.8, above.

**3.1.5.4** A driveway or similar vehicular easement, not including public streets, in or through a Residential District for access to an office, business or industrial use or zoning district.

**3.1.5.5** No part of any required parking area shall be used for the storage of new or used vehicles for sale or hire, or for the storage of unregistered vehicles.

**3.1.5.6** Home occupational uses such as a clinic, hospital, barber shop, beauty shop, tea room, tourist home, or animal hospital or any other similar use shall not be deemed to be a home occupation.

**3.1.6 Planned Elderly Community for Persons Fifty-Five Years of Age or Older**

**3.1.6.1** In recognition of the unique and special needs of the elderly, this Section is intended to both promote housing choice and to encourage the development of housing alternatives and opportunities for the elderly residents of the City of Milford consistent with current developments in private elderly housing. It is further intended to provide a flexible and workable concept of community living, including the provision, within a single development, of a range of optional nutritional, recreational, housekeeping and health related services, as well as assistance with daily living activities designed to maintain a maximum level of independent living. This Section provides both standards and procedures for the development of a "Planned Elderly Community For Persons Fifty-Five Years of Age or Older" (also referred to in these Regulations as a "Planned Elderly Community"). It is recommended

that the developer of a proposed Planned Elderly Community meet with the staff of the Planning and Zoning Office and with the Planning Subcommittee of the Planning and Zoning Board prior to the submission of an application to give the developer the opportunity to discuss these regulations informally and to ask any questions he or she may have in the interest of avoiding delays and excessive revisions after submission of a formal application.

**3.1.6.2** A Planned Elderly Community shall be designed for and shall be occupied exclusively by persons fifty-five (55) years of age or older, but may include persons less than fifty-five years of age provided that person's spouse meets the minimum age requirement at the time of entry. In order to provide for the safety, health and general welfare of the residents, and a choice of independent, semi-independent and assisted living arrangements, a Planned Elderly Community may consist of a combination of residential housing types, including multifamily units and detached, cluster or attached single family units.

A Planned Elderly Community may offer the following services to its residents who may choose to use any or all of the services:

- (1) Meal service for up to three (3) meals per day;
- (2) Laundry service for personal laundry and linens;
- (3) Transportation service for personal shopping, social and recreational events, health care appointments and similar needs or services;
- (4) Housekeeping services;
- (5) Maintenance service for residents, living units, including chore services for routine domestic tasks; and
- (6) Community areas suitably equipped and laid out to address the social and recreational needs of the residents;
- (7) Assisted living services as defined by the Connecticut Department of Public Health.

In addition to the foregoing services, a Planned Elderly Community may contain additional facilities or accessory uses to provide other services for the safety, health and general welfare and convenience of the residents.

**3.1.6.3** Qualifying Standards: No tract of land shall be considered for a Planned Elderly Community unless it meets the following minimum standards:

- (1) The tract shall be located in an R-A, R-30, R-18, CDD-2 or CDD-4 zoning district.
- (2) The tract shall consist of a single lot or a number of contiguous lots to be merged under one ownership or control having a total area of not less than ten (10) acres in the R-A and R-30 and five (5) acres in the R-18, CDD-2 and CDD-4 districts.
- (3) The tract shall have frontage on an arterial or major collector street as shown in the Plan of Conservation and Development, dated September 20, 2002.

**3.1.6.4** Site Development Plan: In addition to the Site Plan elements set forth in Section 7.1.2 of these Regulations, the applications for Special Permit and Site Plan Approval for the establishment of a Planned Elderly Community, shall include a site development plan for the development of the entire tract. The purposes of the site development plan shall be: (i) to show the intent and arrangement of the proposed residential housing types and of the uses to be included in the Planned Elderly Community; (ii) the number, order and timing of development phases if the applicant proposes to develop the tract in phases; and, (iii) the applicant's qualifications to assure the successful completion of such development.

The following shall be required as part of the site development plan:

- (1) A tabulation of proposed buildings and housing units by type, size (number of bedrooms, floor area), ground coverage, and a summary showing the percentages of the tract to be occupied by buildings, parking and other paved vehicular areas, and walkways, and open space, as well as an overall map showing same at a scale of no smaller than 1"=100' with an accompanying A-2 survey map of the entire tract.
- (2) Descriptive material providing information in narrative form about the developer, the developer's experience in building elderly or multi-family housing, the name of the architect, engineer, and landscape architect, if any, and any other pertinent information the Board may request.

- (3) Descriptive material providing information in narrative form about the types of services and facilities to be provided as part of the Planned Elderly Community. The site development plan should also include a description in narrative form of the developer's program to interrelate the facilities, services and uses, as well as a proposed marketing plan, i.e. will the dwelling units be sold, rented, etc.
- (4) A general description of the tract in question and surrounding areas, describing the degree of compatibility of the proposed use with the existing neighborhood and roadway network.
- (5) An evaluation of the probable impact of the proposed development on the services, facilities and environment of the City of Milford.
- (6) A description of the transportation plan and a traffic impact study.
- (7) A landscaping plan showing all grading, drainage, fences, walls, exterior lighting, signage, shrub and tree plantings, and other landscaping features.

**3.1.6.5 Design Standards:** The following standards shall apply to the design and development of a Planned Elderly Community.

- (1) The maximum number and designation of all units by type shall be determined by allocating the total area of the tract of land in accordance with the following schedule:
  - (a) 1,000 square feet per one bedroom or efficiency unit; and
  - (b) 2,000 square feet per two-bedroom unit.
- (2) The maximum building coverage shall be twenty five percent (25%); maximum lot coverage shall be sixty percent (60%).
- (3) The minimum size of the living area of each type of unit shall be determined in accordance with the following schedule:
  - (a) Two-bedroom Units - 900 sq. ft. minimum;
  - (b) One-bedroom Units - 800 sq. ft. minimum;
  - (c) Efficiency Units - 450 square feet per unit minimum.

(4) No building shall extend within less than fifty (50) feet of any street line, fifty (50) feet of any sideline and fifty (50) feet of any rear line. No free standing garage shall extend within less than fifty (50) feet of any street line.

(a) No building shall exceed three (3) stories or forty (40) feet in height.

(5) Parking spaces shall be provided in accordance with Section 5.1, Parking & Loading Regulations.

All parking spaces shall meet the requirements of Section 5.1 of these Regulations and shall not extend within fifteen (15) feet of any street line. Driveways for the exclusive use of a particular unit shall be deemed to be a parking space provided said private driveway shall be at least twenty five (25) feet in length.

(6) Signs shall be in accordance with Section 5.3, herein.

(7) All utilities shall be underground.

(8) Buildings shall be designed in such a manner that their physical dimensions, configuration, articulation and style shall be compatible with the lot and in harmony with the general character and appearance of the surrounding area and of the managed residential community. No residential building shall exceed a length of one hundred sixty (160) feet, and no exterior wall of such building shall exceed fifty (50) feet in length in an unbroken plane, without an offset of at least five (5) feet, unless design considerations, as determined by the Board, make this requirement impractical. Separate residential buildings may be connected by fully or partially enclosed links, containing community and ancillary services only. Such links shall not be considered when computing the maximum length of a residential building.

(9) Public sanitary sewers shall be required.

(10) A Planned Elderly Community shall include one or more community area or areas suitably designed and equipped to meet the social, interactional and leisure time needs of the residents of the Planned Elderly Community. The community area or areas shall total a minimum of twenty five (25) square feet per bedroom, and shall be conducive to

activities such as conversational seating, quiet areas for reading, television viewing, table games and puzzles, and provide space for other recreational programs and social activities; but shall exclude areas such as kitchen facilities, administrative offices, storage and other areas typically not used by residents for social or recreational events.

- (11) The Planned Elderly Community shall provide safe and adequate walkways for residents within the development. The applicant shall provide for adequate transportation services for the residents to provide access to necessary community services.
- (12) The Planning and Zoning Board may approve the construction of a Planned Elderly Community in phases as proposed by the applicant.
- (13) When adjacent to a residential zone district RA and R-30, there shall be a landscaped buffer of a minimum of 100 feet. When adjacent to all other residential zone districts, there shall be a landscaped buffer of a minimum of 20 feet or 10% of the lot width for side yards and lot depth for rear yards, whichever is greater.

**SECTION 3.2 SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT: SFA-10**

**3.2.1 Permitted Uses** Subject to Site Plan review and all other applicable provisions and limitations of these Regulations, the Board shall permit the following buildings and uses in Single Family Attached Residential Districts.

**3.2.1.1** Any building or use permitted and regulated in One Family Residential Districts, Section 3.1 herein, with the exception of 3.1.6 Planned Elderly Community.

**3.2.1.2** Single Family Attached Dwellings provided that:

- (1) The structure shall contain a minimum of 800 square feet on the ground floor and each dwelling shall contain within it a minimum floor area as follows:
- (2) Floor Areas:
  - a) Efficiency Bedroom Unit 425 square feet
  - b) One Bedroom Unit 575 square feet
  - c) Two Bedroom Unit 750 square feet
- (3) Bedrooms: The Board shall determine which rooms shall be construed to be bedrooms.
- (4) Utilities: No two family dwelling shall be approved by the Board unless each dwelling unit in such buildings is served by an approved public sanitary sewerage system or subsurface sewage disposal system.
- (5) Driveways: Every driveway shall be located at least 2.5 feet from a side property line.
- (6) Facades: A uniform texture and color shall be used for both units.

**3.2.1.3** This regulation shall apply to subdivisions approved on or after January 1, 1975.

**3.2.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may permit the following buildings and uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII, herein.

**3.2.2.1** Any building or use as provided and regulated in One Family Residential Districts, Section 3.1.2 herein.

**3.2.2.2** Other related or equivalent principal buildings and uses, which are not specifically listed and are not prohibited may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.2.3 Accessory Uses:** The following accessory uses shall be allowed.

**3.2.3.1** A home business shall be defined as the principal or part-time activity pursuit conducted by the occupants of a residence for remuneration.

**3.2.3.2** A home business shall adhere to the following standards:

- (1) The home business shall be conducted by the owner occupants of a single family attached dwelling.
- (2) All work shall be confined to 25% of the cellar or 25% of the first floor of the dwelling. Operations may, however, be conducted in any detached or attached garage which meets or exceeds the setback requirements for a principal structure in the applicable district.
- (3) A home business shall utilize non-powered hand tools or appliances customarily found in a residential household.
- (4) Raw materials shall be brought to the dwelling only by the owner occupant and/or the nonresident assistant.
- (5) The product produced shall not be sold on the premises.
- (6) No raw materials or finished goods shall be stored outside.
- (7) Home business proprietors purporting to adhere to the above standards shall be required to provide written documentation satisfactory to the Zoning Enforcement Officer, where upon the Zoning Enforcement Officer shall decide whether to issue a Certificate of Zoning Compliance.

**3.2.3.3 Signs:** In accordance with Section 5.3 herein.

**3.2.4 Lot and Building Requirements:** Buildings and uses shall comply with all lot and building requirements of the applicable zoning district as set forth in this section

**Figure 3: Lot and Building Requirements for Single Family Attached Dwelling Districts**

		<b>SFA-10</b>		
<b>3.2.4.1</b>	<b>Minimum Lot Requirements</b>			
		DOUBLE LOT		SINGLE LOT
	(1) Minimum Lot Area	10,000 sq ft		5,000 sq. ft
	(2) Lot Width (feet)	100 feet		50 feet
	(3) Lot Depth (feet)	100 feet		100 feet
<b>3.2.4.2</b>	<b>Minimum Yard Requirements</b>			
	(1) Principal Uses:			
	(a) Front Yard Setback	20 Feet		20 feet
	(b) Side Yard Setback	10 feet		10 feet
	(c) Common Side	0	Other side	5 feet
	(d) Rear Yard Setback	25 feet		25 feet
	(2) Accessory Buildings:			
	(a) Side yards	4 feet		
	(b) Rear Yard	5 feet		
<b>3.2.4.3</b>	<b>Building Requirements</b>			
	(1) Maximum Building Height:			
	(a) Stories	3 stories		
	(b) Feet	35 feet		
	(2) Building area as % of lot	35 %		
	(3) Lot Coverage	50 %		

**3.2.5 Prohibited Uses:** Any building or use prohibited in Section 3.1.5 herein.

**SECTION 3.3 MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICTS**  
**RMF-9 AND RMF-16**

**3.3.1 Permitted Uses:** Subject to Site Plan review and all other applicable provisions and limitations of these Regulations, the Board shall permit the following buildings and uses in Multiple-Family Residential Districts.

**3.3.1.1** Any building or use permitted in One-Family Residential Districts, Section 3.1 herein.

**3.3.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings and uses, subject to Special Permit approval in accordance with ARTICLE VII, herein.

**3.3.2.1** Any building or use as provided and regulated in One-Family Residential Districts, Section 3.1.2 herein.

**3.3.2.2** Multiple-Family dwellings under one sponsorship or ownership, whether owned and operated under rental apartment, cooperative, or condominium arrangement subject to the following conditions and safeguards:

- (1) Site Plan Requirement: A detailed landscaping plan in accordance with Article V Section 5.14 shall be required showing all grading, drainage, fences, walls, shrub and tree plantings, and other landscaping features.
- (2) Exterior Lighting: Exterior lighting shall be provided by the applicant at all access points to street, parking areas, building entrances and elsewhere, where required for the safety of vehicular or pedestrian traffic.
- (3) Street Access: No Multiple-Family dwelling shall be approved by the Board unless the lot has suitable access to an adequate collector or arterial street. No zoning permit shall be issued by the Zoning Enforcement Officer for any Multiple-Family dwelling until any required street improvements have been suitably guaranteed.
- (4) Utilities: No Multiple-Family dwelling shall be approved by the Board unless each dwelling unit in such building is:
  - (a) Served by an approved public sanitary sewerage system; and

(b) Supplied with water from an adequate public water supply.

No Certificate of Zoning Compliance shall be issued by the Zoning Enforcement Officer for any dwelling unit until such unit has been connected to said utilities.

- (5) Improvement Standards: Plans and specifications for the construction and/or improvement of all streets, curbs and gutters, sidewalks, storm drainage facilities, sanitary sewerage facilities, water supply facilities, electric and telephone facilities, and other improvements shall comply with all applicable City and State laws, codes, ordinances, and regulations, and shall be submitted to the Board for approval.
- (6) Ownership and Maintenance: All private streets, parking areas, sidewalks, utilities, recreation facilities, open space areas, and other private improvements, facilities and areas shall be owned, maintained and operated by the applicant, owner, association or corporation without expense to the City. Legal documentation, satisfactory to the City Attorney, shall be submitted assuring the ownership, maintenance, and operation of such private improvements, facilities, and areas. Suitable restrictive covenants, particularly with regard to the minimum open space requirements, shall be included in all legal conveyances. The entire lot area of a multiple-family development shall, at all times, be maintained in a safe, sanitary and presentable condition.

**3.3.2.3** Other related or equivalent principal buildings and uses, which are not specifically listed and are not prohibited, may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.3.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.3.3.1** Buildings and uses accessory to the principal building and/or use, such as golf courses, tennis courts, swimming pools, recreation facilities and buildings, meeting halls, maintenance, storage and utility buildings, parking garage, but not necessarily limited to these uses, shall be permitted for multiple-family dwellings when provided as an integral part of the overall development.

**3.3.3.2** Accessory buildings or uses incidental to allowable uses other than multiple-family dwellings as provided in Section 3.1.3, herein.

**3.3.3.3** Off-Street Parking and Loading: In accordance with Section 5.1, herein. Parking areas shall be landscaped in accordance with Article V Section 5.14.

**3.3.3.4** Signs: In accordance with Section 5.3, herein.

**3.3.4 Lot and Building Requirements:** Buildings and uses, exclusive of multiple-family dwellings, shall comply with the requirements of R-10 Residential Districts as set forth in the Schedule of Lot and Building Requirements, Section 3.1.4, herein. All multiple-family dwellings shall comply with all lot and building requirements as set forth hereinafter.

**3.3.4.1** Minimum Lot Requirements:

		<b>RMF-9</b>	<b>RMF-16</b>
(1)	Lot Area:	2 acres	43,560 sq.ft.
(2)	Lot Area per dwelling unit:		
	(a) Efficiency bedroom units	3,600 sq.ft.	2,000 sq.ft.
	(b) One-Bedroom unit	4,800 sq.ft.	2,700 sq.ft.
	(c) Two-Bedroom unit	9,600 sq.ft.	5,400 sq.ft.
	(d) Three-Bedroom unit	14,400 sq.ft.	8,100 sq.ft.
	(e) The Board shall determine which rooms may be constructed to be bedrooms.		
(3)	Lot Width:	150 feet	150 feet
(4)	Lot Depth:	150 feet	150 feet

**3.3.4.2** Minimum Yard and Open Space Requirements:

(1) Principal Uses: Minimum Front Yard shall be equal to the height of the wall of the building adjacent to said yard, but not less than 25 feet; side & rear yards, 25 feet.

(2) Accessory Uses: 25 feet, except community buildings, swimming pools, or similar recreation facilities, 50 feet.

(3) Usable Open Space Per Dwelling Unit:

	<u>RMF-9</u>	<u>RMF-16</u>
(a) Efficiency bedroom unit	500 sq. ft.	300 sq. ft.



- (e) Not more than 50% of the total floor area of any dwelling unit shall be located in a basement.
- (7) Mixed Building Types: Notwithstanding any other provisions of this section, all standards of the RMF-16 zone, including lot area per dwelling unit, shall apply to the units within all buildings.
- (8) In RMF-9 Districts, all parking except that provided for visitors shall be under cover.

**3.3.5 Prohibited Uses:**

Any building or use prohibited in Section 3.1.5, herein

**SECTION 3.4 RESIDENTIAL OFFICE DISTRICT: RO**

**3.4.1 Permitted Uses:** Subject to all other applicable provisions and limitation of these Regulations, the Board shall permit the following buildings and uses in Residential Office Districts.

**3.4.1.1** Any building or use permitted in One-Family Residential Districts, Section 3.1 herein, with the exception of 3.1.6 Planned Elderly Community.

**3.4.1.2** Subject to Site Plan review in accordance with Section 3.4.1.3 and Section 7.1 herein, offices for business, financial, professional or personal services or other similar offices, but excluding funeral homes and music and dance studios.

**3.4.1.3** Mixed use buildings containing allowable offices and dwelling units, subject to the following conditions and safeguards:

(1) Such buildings and uses shall be subject to Site Plan review in accordance with 3.4.1.4 and Section 7.1, herein.

(2) No mixed use building shall have more than 50% of the total gross floor area devoted to residential use nor shall the maximum number of efficiency units be greater than two (2).

(3) Each dwelling unit shall comply with the following minimum floor area requirements:

- |     |                             |                 |
|-----|-----------------------------|-----------------|
| (a) | Efficiency bedroom unit:    | 425 square feet |
| (b) | One bedroom unit:           | 575 square feet |
| (c) | Two bedroom unit:           | 750 square feet |
| (d) | Three or more bedroom unit: | 925 square feet |
- plus 175 square feet for each additional bedroom over three (3).

**3.4.1.4** Use Conditions: All office and mixed use buildings shall be subject to the following additional conditions and safeguards.

(1) Site Plan Requirement: Any application for new buildings or structural alterations shall be accompanied by building plans, floor plans and elevations prepared by a Registered Architect and/or Professional Engineer and by a detailed landscaping plan showing all grading,

drainage, fences, walls, shrub and tree plantings, and other landscaping features. Landscaping shall be in accordance with Article V, Section 5.14.

- (2) Exterior Lighting: Only exterior lighting of a type, nature and intensity approved by the Board shall be permitted on the premises. Permitted exterior lighting shall be provided by the applicant only at locations deemed necessary for public safety as determined by the Board.
- (3) Street Access: No office use shall be approved by the Board unless the lot has suitable access to an adequate collector or arterial street.

**3.4.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may permit the following buildings or uses, subject to Special Permit and Site Plan review in accordance with Section 3.4.1.4 and Section 7.1, herein.

**3.4.2.1** Any building or use as provided and regulated in One-Family Residential Districts, Section 3.1.2, herein with the exception of 3.1.6 Planned Elderly Community.

**3.4.2.2** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited, may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.4.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.4.3.1** Any accessory building or use in conjunction with principal uses as provided in One-Family Residential District, Section 3.1.1 and 3.1.2 herein, except those listed in Section 3.1.2.2, boarding houses.

**3.4.3.2** Accessory storage in conjunction with an allowable office use, of merchandise, materials and supplies within completely enclosed buildings.

**3.4.3.3** Accessory buildings or uses clearly subordinate and customarily incidental to and located on the lot with the principal use.

**3.4.3.4** Off-Street Parking and Loading: In accordance with Section 5.1, herein; except that off-street parking, loading and vehicular access areas shall be provided in the manner and to the extent determined by the Board to be adequate for any office use, notwithstanding the applicable provisions of Section 5.1.4, herein. Parking areas shall be planted in accordance with Article V, Section 5.14.

**3.4.3.5** Signs: In accordance with Section 5.3, herein.

**3.4.4 Lot and Building Requirements:** Building and uses shall comply with all lot and building requirements as set forth hereinafter.

**3.4.4.1** Minimum Lot Requirements:

- (1) Lot Area: 10,000 square feet
- (2) Lot Width: 70 feet
- (3) Lot Depth: 100 feet

**3.4.4.2** Minimum Yard and Open Space Requirements:

- (1) Principal Uses:
  - (a) Front Yard: 20 feet
  - (b) Side Yard: 10 feet
  - (c) Rear Yard: 25 feet
- (2) Accessory Buildings:
  - (a) Side Yard: 4 feet
  - (b) Rear Yard: 5 feet
- (3) Accessory Uses: Front yards for parking and loading areas shall not be less than 20 feet.
- (4) Usable Open Space per Dwelling Unit:
  - (a) Efficiency bedroom unit: 300 square feet
  - (b) One bedroom unit: 500 square feet
  - (c) Two bedroom unit: 1,000 square feet
  - (d) Three bedroom unit: 1,500 square feet plus 500 square feet for each additional bedroom over three (3).
  - (e) Three bedroom unit: 1,500 square feet
  - (e) The open space so set aside for any mixed use building shall be properly laid out, graded, and suitably landscaped according to Article V Section 5.14 herein
- (5) Buffer Strip: At least 10 feet adjacent to any other Residential District. Such buffer strips shall be planted in accordance with

Article V, Section 5.14. The Board may substitute appropriate fencing of suitable type and height which shall be installed and maintained by the applicant to effectively screen the use from adjoining Residential Districts.

**3.4.4.3 Building Requirements:**

- (1) Design: Office and mixed use buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood.
- (2) Length: Office and mixed use buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed three (3) stories or 35 feet in height.
- (4) Building Area: A maximum of 35 percent.
- (5) Lot Coverage: A maximum of 70 percent.

**3.4.5 Prohibited Uses:** Any building or use prohibited in Single Family Residential Districts, Section 3.1.5, herein.

**3.4.5.1** No merchandise, material, supplies, or other products shall be manufactured, fabricated, processed or assembled on the premises of any office or mixed use.

**SECTION 3.5            OFFICE DISTRICT: OD**

**3.5.1 Permitted Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board shall permit the following buildings and uses in Office Districts.

**3.5.1.1** Any building or use permitted in One-Family Residential Districts, Section 3.1 herein, with the exception of 3.1.6 Planned Elderly Community.

**3.5.1.2** Subject to Site Plan Approval in accordance with Section 3.5.1.5 and ARTICLE VII herein, offices for executive, professional or administrative purposes.

**3.5.1.3** Subject to Site Plan Approval in accordance with Section 3.5.1.5 and ARTICLE VII, herein, computer centers housing data processing, accounting or similar types of equipment or business machines and related facilities, equipment and machines.

**3.5.1.4** Subject to Site Plan Approval in accordance with Section 3.5.1.5 and ARTICLE VII, herein, motels, hotels or extended stay hotels.

**3.5.1.5** Use Conditions: All of the above Permitted Uses shall be subject to the following conditions and safeguards:

- (1) Site Plan Requirements: A detailed landscaping plan shall be required showing all grading, drainage, fences, walls, shrub and tree plantings and other landscaping features. Landscaping shall be in accordance with Article V, Section 5.14.
- (2) Exterior Lighting: Exterior lighting shall be provided by the applicant at all access points to streets, parking areas, building entrances and elsewhere, where required for safety of vehicular or pedestrian traffic.
- (3) Street Access: No office use shall be approved by the Board unless the lot has suitable access to an adequate collector or arterial street.
- (4) Utilities: No office use shall be approved by the Board unless the building is:
  - (a) Served by an adequate public sanitary sewerage system, community subsurface sewage disposal system, or private, individual sewage disposal facilities approved by the Director of Public Health; and

(b) Supplied with water from an adequate public water supply, community water supply, or private individual wells and approved by the Director of Public Health.

**3.5.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with Section 3.5.1.5 and ARTICLE VII, herein.

**3.5.2.1** Any building or use as provided and regulated in One-Family Residential Districts, Section 3.1.2, herein with the exception of 3.1.6 Planned Elderly Community.

**3.5.2.2** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited, may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.5.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.5.3.1** Any accessory building or use in conjunction with principal uses as provided in One-Family Residential Districts, Section 3.1.3, herein.

**3.5.3.2** Accessory storage of merchandise, materials or supplies within completely enclosed buildings, in conjunction with the allowable uses, of merchandise, materials or supplies.

**3.5.3.3** Accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with the principal use.

**3.5.3.4** Off-Street Parking and Loading: In accordance with Section 5.1, herein; except that off-street parking, loading and vehicular access areas shall be provided in the manner and to the extent determined by the Board to be adequate for any office use, notwithstanding the applicable provisions of Section 5.1.4, herein. Landscaping shall be in accordance with Article V, Section 5.14.

**3.5.3.5** Signs: In accordance with Section 5.3, herein.

**3.5.4 Lot and Building Requirements:** Buildings and uses shall comply with all lot and building requirements set forth hereinafter.

**3.5.4.1**    Minimum Lot Requirements:

- (1) Lot Area:     2 acres
- (2) Lot Width:    180 feet
- (3) Lot Depth:    180 feet

**3.5.4.2**    Minimum Yard and Open Space Requirements:

- (1) Principal Uses:
  - (a)    Front Yard: 50 feet
  - (b)    Side Yard: 25 feet or 50 feet contiguous to any Residential District
  - (c)    Rear Yard: 50 feet
- (2) Accessory Uses: Front, side and rear yards for all accessory uses, exclusive of signs, shall not be less than the principal use yard requirements.
- (3) Open Space: At least 50 percent of the actual lot area shall be suitably landscaped and/or left in its natural state in accordance with Article V, Section 5.14.

**3.5.4.3**    Building Requirements:

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood.
- (2) Length: No building shall exceed 160 feet in its greatest dimension, unless physical site conditions make this requirement impractical or unreasonable, as determined by the Board.
- (3) Height: No building or structure shall exceed 35 feet in height.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-half the sum of the heights of the affected buildings.
- (5) Floor Area Ratio: A maximum of 0.3 FAR, exclusive of accessory parking garages and structures.

**3.5.5 Prohibited Uses:** Any building or use prohibited in One-Family Residential Districts, Section 3.1.5, herein.

**3.5.5.1** No merchandise, material, or supplies or other products shall be manufactured, fabricated, processed or assembled on the premises of any office or computer center.

**3.5.5.2** No land shall be subdivided for residential purposes.

**SECTION 3.6                      DESIGN OFFICE DISTRICTS: DO-10 AND DO-25**

**3.6.1 Permitted Uses:** Subject to Site Plan review and to all other applicable provisions and limitations of these Regulations, the Board shall permit the following buildings or uses in Design Office Districts.

**3.6.1.1** Subject to Site Plan Approval in accordance with ARTICLE VII herein, offices for executive, professional or administrative purposes.

**3.6.1.2** Subject to Site Plan Approval in accordance with ARTICLE VII, herein, computer centers housing data processing, accounting or similar types of equipment or business machines and related facilities, equipment and machines.

**3.6.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII, herein. Such Special Permit may be for a group of uses within a Design Office Park or may be individual uses, both of which must comply with all regulations herein.

**3.6.2.1** Scientific or research laboratories devoted to research, design, and/or experimentation.

**3.6.2.2** Farms, as defined herein.

**3.6.2.3** Truck Gardens, Nurseries or Garden Centers, subject to Site Plan Review in accordance with ARTICLE VII, herein, and subject to the following:

- (1) Provided that only produce raised or grown on the premises is sold there from;
- (2) The sale by a nursery or garden center of plants, flowers and shrubs started elsewhere, but sold from an enclosed greenhouse, shall be allowed;
- (3) The lot size shall be not less than three (3) acres:
- (4) The buffer strip of not less than thirty (30) feet in width shall be provided adjacent to a residential district.

**3.6.2.4** Hotels or motels containing a minimum of one hundred (100) rooming units subject to the following conditions:

- (1) The hotel or motel shall be part of a mixed use development within the parcel and shall not be permitted prior to the construction of at least 100,000 square feet of office development on the parcel.
- (2) Rooming Units: Each rooming unit shall have a minimum floor area of 250 square feet and shall contain private bathing, lavatory and flush toilet facilities.
- (3) Common Floor Area: There shall be provided lobby and common floor area, excluding hallways, equal to at least 5% of the total floor area of all rooming units, but not less than 300 square feet.
- (4) Site Plan Requirements: Any application for new buildings or structural alterations shall be accompanied by building plans, floor plans and elevations and by a detailed landscaping plan showing all grading, drainage, fences, walls, shrub and tree plantings, and other landscaping features.
- (5) Utilities: No hotel or motel shall be approved by the Board unless the building is served by an approved public sanitary sewerage system.
- (6) Minimum Lot Requirements: Lot Area per rooming unit: 1,100 square feet.
- (7) Minimum Yard and Open Space Requirements: The minimum yard and open space requirements shall be those for the DO-10 and DO-25 districts.

**3.6.2.5** Extended stay hotels.

**3.6.2.6** Use Conditions: All of the above Special Uses shall be subject to the following additional conditions and safeguards:

- (1) Site Plan Requirements: Any application for new buildings or structural alterations shall be accompanied by building plans, floor plans and elevations prepared by a Registered Architect and/or Professional Engineer and by a detailed landscaping plan showing all grading,

drainage, fences, walls, shrub and tree plantings, and other landscaping features.

- (2) Exterior Lighting: Exterior lighting shall be provided by the applicant at all access points to streets, parking areas, building entrances and elsewhere, where required for safety of vehicular or pedestrian traffic.
- (3) Street Access: No use shall be approved by the Board unless the lot and/or subdivision has suitable access to an adequate major collector or arterial street.
- (4) Utilities: No use shall be approved by the Board unless the building is:
  - (a) Served by an adequate public sanitary sewerage system, community subsurface sewage disposal system, or private, individual sewage disposal facilities approved by the Director of Public Health; and
  - (b) Supplied with water from an adequate public water supply, community water supply or private, individual wells approved by the Director of Public Health.
  - (c) All utilities serving the site are to be underground.

**3.6.2.7** Other related or equivalent principal buildings and uses, which are not specifically listed and are not prohibited may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.6.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.6.3.1** Accessory buildings or uses for principal office uses may include the following:

- (1) Medical clinics, gift shops, restaurants, concession stands, daycare, recreation facilities or other similar uses for the exclusive use of employees and offices.
- (2) Converting, altering, finishing, cleaning, assembly or other processing of products which is clearly subordinate and customarily incidental to the principal use and where goods so produced or processes are used or sold exclusively on the premises; provided that the area used for such purposes

shall be within a completely enclosed building, and it will not be detrimental to nearby residential uses.

**3.6.3.2** Accessory storage of merchandise, materials or supplies within completely enclosed buildings.

**3.6.3.3** Other accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with the principal use.

**3.6.3.4** Off-Street Parking and Loading: In accordance with Section 5.1, herein; except that off-street parking, loading and vehicular access areas shall be provided in the manner and to the extent determined by the Board to be adequate for any office use, notwithstanding the applicable provisions of Section 5.1.4, herein. Parking areas shall be landscaped in accordance with Article V, Section 5.14.

**3.6.3.5** Signs: In accordance with Section 5.3, herein.

**3.6.4 Lot and Building Requirements:** Buildings and uses, shall comply with all lot and building requirements as set forth hereinafter.

**3.6.4.1** Minimum Lot Requirements:

	DO-10	DO-25
(1) Lot Area:	10 contiguous acres	25 contiguous acres
(2) Lot Width:	300 feet	400 feet
(3) Lot Depth:	300 feet	400 feet

**3.6.4.2** Minimum Yard and Open Space Requirements:

(1) Principal Uses:	<u>DO-10</u>	<u>DO-25</u>
(a) Front Yard	100 feet	200 feet
(b) Side Yard	100 feet	200 feet
(c) Rear Yard	100 feet	200 feet
(d) The Board may reduce any yard which abuts a limited access highway to not less than 50 feet.		

(2) Accessory Uses:

- (a) Front, side and rear yards for parking, loading, and vehicular access areas shall not be less than one-half the applicable principal use yard requirements except that with respect to abutting lots in a Design Office District, the PZB may, subject to Site Plan review, reduce such setback requirements for off-street parking adjacent to a common property line.
  - (b) Front, side and rear yards for all other accessory uses, exclusive of signs, shall not be less than the applicable principal use yard requirements.
- (3) Open Space: At least 50 percent of the actual lot area shall be suitably landscaped and/or left in its natural state in accordance with Article V, Section 5.14.

**3.6.4.3** Division of Land: A Special Permit for a Design Office Park in this district may include or may be amended to permit a division or divisions of the land comprising the Design Office Park. Each separate parcel need not comply with frontage, setbacks, lot coverage, minimum building area and floor area, off-street parking and off-street loading requirements of the Zoning Regulations, provided that:

- (1) All of the parcels continue to function as integrated parts of the approved Design Office Park; and
- (2) Adequate provision is made for ingress and egress to and from a public highway; and
- (3) Adequate provision is made for parking; and
- (4) Adequate provision is made for the care and maintenance of the entire Design Office Park, which care and maintenance provision shall be recorded on the land records of the City of Milford.

**3.6.4.4** Building Requirements:

- (1) Design: All buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood.

- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height:
  - (a) DO-10: No building or structure shall exceed 60 feet in height.
  - (b) DO-25: No building or structure shall exceed 60 feet in height.
- (4) Spacing: Multiple buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-half of the sum of the heights of the affected buildings; exclusive of accessory parking structures which are designed to function in conjunction with the principal building.
- (5) Floor Area Ratio: DO-10 and DO-25: A maximum of 0.35 FAR, exclusive of accessory parking garages and structures.

### **3.6.5 Prohibited Uses**

Unless otherwise permitted in section 3.6, the following uses are prohibited:

- (1) Residential Dwellings of any type.
- (2) A driveway or similar vehicular easement, not including public streets, in or through a Residential District for access to an office, business or industrial use or zoning district.
- (3) Storage of new or used vehicles for sale or hire, or for the storage of unregistered vehicles.

**SECTION 3.7                      BOATING BUSINESS DISTRICT:                      BB**

**3.7.1 Permitted Uses:** All uses permitted in the Boating Business District shall be deemed to be Special Uses.

**3.7.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval, in accordance with ARTICLE VII, herein.

**3.7.2.1**     Boat clubs, marinas or yards subject to the following conditions and safeguards.

- (1)     Health and Sanitation: The use shall comply with all applicable provisions of the State and City Building, Housing, Health, and Sanitation Codes and Ordinances, as approved by the proper Official. Adequate toilet facilities shall be provided on the lot and shall be located so as to be easily accessible to boat owners and guests.
- (2)     Filling and Dredging: The use shall comply with all applicable provisions of the Earth Fill and Removal Regulations, Section 5.7, herein, the Milford Coastal Management Plan and the Connecticut Coastal Management Act, where applicable.
- (3)     Flood Hazards: The use shall comply with all applicable provisions of the Flood Hazard Regulations, Section 5.8, herein.
- (4)     Site Plan Requirements: A detailed landscaping plan shall be required showing all grading, drainage, fences, walls, shrub and tree plantings, and other landscaping features. Landscaping shall be in accordance with Article V, Section 5.14.
- (5)     Exterior Lighting: Exterior lighting shall be provided by the applicant at all access points to streets, parking areas, building entrances and elsewhere, where required for safety of vehicular or pedestrian traffic, except that no lighting shall be directed on to navigable water bodies or watercourses.
- (6)     Utilities: No use shall be approved by the Board unless the lot is served by an approved public sanitary sewage system.

**3.7.2.2** Dwelling units, limited to one per property, for caretakers of marinas or boat yards.

**3.7.2.3** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited, may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.7.3 Accessory Uses:** The following accessory uses shall be allowed.

**3.7.3.1** Any accessory building or use in conjunction with principal uses as provided in One-Family Residential Districts, Section 3.1.3, herein.

**3.7.3.2** Accessory buildings or uses for principal boat clubs, marina, or yards may include the following:

- (1) A boat way, ramp or dock.
- (2) Fuel filling facilities for boats.
- (3) Commercial garage for boats.
- (4) A vehicle dealership for boats.
- (5) A vehicle repair and/or service garage for boats.
- (6) Any special facility for the overhaul, repair and/or service of boats, shall be stored in a completely enclosed building when required by the Board.
- (7) A boat storage yard subject to the limitations of Section 3.7.5.3, herein.
- (8) Buildings to house storage lockers.
- (9) A building for retail sales of boating equipment, material and supplies.
- (10) A restaurant, subject to the applicable provisions of Section 5.5, herein.
- (11) A refreshment stand or snack bar attached to or inside the principal building with a seating capacity not to exceed eight (8) seats per acre of the lot.

**3.7.3.3** Other accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with the principal use.

**3.7.3.4** Off-Street Parking and Loading: In accordance with Section 5.1, herein; except that off-street parking, loading and vehicular access areas shall be provided in the manner and to the extent determined by the Board to be adequate for any boating use, notwithstanding the applicable provisions of Section 5.1.4, herein. Landscaping within parking areas shall be in accordance with Article V, Section 5.14.

**3.7.3.5** Signs: In accordance with Section 5.3, herein.

**3.7.4 Lot and Building Requirements:** Buildings or uses, exclusive of boat clubs, marinas, or yards, shall comply with the requirements of R-12.5 Residential Districts as set forth in the Schedule of Lot and Building Regulations, Section 3.1.4, herein. Boat clubs, marinas or yards shall comply with all lot and building requirements as set forth hereinafter, the Milford Coastal Management Plan and the Connecticut Coastal Management Act, where applicable.

**3.7.4.1** Minimum Lot Requirements:

- (1) Lot area: 2 acres
- (2) Lot width: 150 feet at the established building setback line for the actual front yard
- (3) Lot depth: 200 feet
- (4) Street frontage: 50 feet
- (5) Water frontage: 150 feet, if desirable

**3.7.4.2** Minimum Yard and Open Space Requirements:

- (1) Principal Uses:
  - (a) Front Yard: 30 feet
  - (b) Side Yard: Optional only for the portion abutting navigable water; otherwise, 30 feet.
  - (c) Rear Yard: Optional only for the portion abutting navigable water; otherwise, 30 feet.
- (2) Accessory Uses: Front, side and rear yards for all accessory uses, exclusive of signs, shall not be less than the established principal use yard requirements.

- (3) Buffer Strip: An adequate buffer strip shall be provided adjacent to any Residential District. Said buffer strip shall be equal to or greater than 10 percent of the actual lot width for side yards or actual lot depth for rear yards, whichever is applicable, but not less than 30 feet. The planting in such buffers shall be in accordance with Article V, Section 5.14.

**3.7.4.3 Building Requirements:**

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood.
- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed two (2) stories nor fifty (50) feet in height, provided that such building or structure shall be setback from all abutting streets and properties a distance equal to or greater than the actual height of such building or structure.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-half the sum of the heights of the affected buildings.
- (5) Lot Coverage: A maximum of 75 percent.
- (6) Floor Area: The minimum aggregate floor area for buildings shall not be less than one (1) percent of the actual lot area.

**3.7.5 Prohibited Uses:** Any building or use prohibited in One-Family Residential Districts, Section 3.1.5, herein.

**3.7.5.1** No part of any parking or loading area shall be used for the storage of any boats or boat trailers.

**3.7.5.2** No sale of alcoholic liquor shall be permitted; except for accessory restaurants.

**3.7.5.3** The Board may restrict or prohibit outdoor storage during the winter in areas where such outdoor boat storage would, in its judgment, be objectionable or hazardous to adjoining residential or public areas.

**3.7.5.4** All residential uses, with the exception of caretaker facilities under Section 3.7.2.2

**SECTION 3.8 BUSINESS DISTRICT: BD**

**3.8.1 Permitted Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board shall permit the following buildings or uses in Business Districts, subject to Site Plan Approval in accordance with ARTICLE VII, herein.

**3.8.1.1** Any building or use permitted in One-Family Residential districts, provided the lot area per dwelling or use is 20,000 square feet or greater, Section 3.1 herein.

**3.8.1.2** Stores for sale of goods or establishments for performance of allowable personal services.

**3.8.1.3** Offices for business, financial, professional or personal services or other similar offices.

**3.8.1.4** Self-service laundry not using steam, provided that the floor area shall not exceed 3,000 square feet per establishment.

**3.8.1.5** Dry cleaning establishment, provided that the floor area shall not exceed 3,000 square feet per establishment and subject to approval of the cleaning solvents by the Fire Department and approval of the method of waste disposal by the Departments of Public Works and Public Health.

**3.8.1.6** Mixed use buildings containing permitted business and/or offices.

**3.8.1.7** Sale of alcoholic liquor in package, drug or grocery stores subject to the applicable provisions of Section 5.5, herein.

**3.8.1.8** Eating Places, without facilities for banquets, group meetings, conventions or entertainment, subject to the provisions of Section 5.5, where applicable.

**3.8.1.9** Martial arts studios or instructional facilities for weaponless self-defense techniques.

**3.8.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII, herein, and subject to the following:

- (1) Site Plan Requirements: A detailed landscaping plan shall be required showing all grading, drainage, fences, walls, shrub and tree plantings, and other landscaping features. Landscaping shall be in accordance with Article V, Section 5.14.
- (2) Exterior Lighting: Exterior lighting shall be provided by the applicant at all access points to streets, parking areas, building entrances and elsewhere, where required for safety or vehicular or pedestrian traffic.
- (3) Street Access: No use shall be approved by the Board unless the lot has suitable access to an adequate collector or arterial street.

**3.8.2.1** Clubs or fraternal organizations may be allowed subject to the following conditions and safeguards and provisions of Section 5.5, where applicable:

- (1) All principal buildings shall be set back at least 50 feet from any Residential District boundary.
- (2) All off-street parking areas shall be set back at least 25 feet from any Residential District boundary.
- (3) No such use shall create any traffic hazard or nuisance to residential areas.
- (4) Appropriate landscaping and screening shall be installed and suitably maintained in accordance with Article V, Section 5.14.

**3.8.2.2** Printing or publishing establishments.

**3.8.2.3** Funeral home or mortuary.

**3.8.2.4** Public utility buildings or facilities with completely enclosed service or storage areas.

**3.8.2.5** Mixed use buildings containing one or more allowable Special Uses.

**3.8.2.6** Accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing special uses may be approved by the Board in the same manner as Permitted Uses, unless the Board requires a public hearing.

**3.8.2.7** Restaurants with an outdoor customer dining area as defined in Section 11-2.

**3.8.2.8** Boarding houses, as provided and regulated in One Family Residential Districts, Section 3.1.2.2 herein.

**3.8.2.9** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.8.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.8.3.1** Converting, altering, finishing, cleaning, assembly or other processing of products which is clearly subordinate and customarily incidental to the principal use and where goods so produced or processed are used or sold exclusively on the premises; provided that the area used for such purposes shall be within a completely enclosed building and shall not exceed 25% of the floor area of the principal use.

**3.8.3.2** Accessory storage of merchandise, materials or supplies within completely enclosed buildings, or within completely fenced and screened areas.

**3.8.3.3** Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use.

**3.8.3.4** Off-Street Parking and Loading: In accordance with Section 5.1, herein.

**3.8.3.5** Signs: In accordance with Section 5.3, herein.

**3.8.4 Lot and Building Requirements:** Buildings or uses shall comply with all lot and building requirements for the applicable Zoning District as set forth hereinafter.

**3.8.4.1 Minimum Lot Requirements**

	BD
(1) Lot Area	10,000 sq. ft
(2) Lot area permitted residential uses per Section 3.8.1.1: 20,000 sq. per bldg. use	
(3) Lot Width	50 feet
(4) Lot Depth	100 feet

**3.8.4.2 Minimum Yard and Open Space Requirements:**

(1) Principal Uses

	<u>BD</u>
(a) Front Yard	25 feet
(b) Side and Rear Yards	10 feet

(2) Accessory Buildings

	<u>BD</u>
(a) Front Yard	Same as for Principal Uses
(b) Side Yard	4 feet
(c) Rear yard	5 feet

(3) Accessory Uses

Front, side and rear yards for parking, loading and vehicular access areas shall not be less than 10 feet.

(4) Buffer Strip:

- (a) At least ten (10) feet adjacent to any Residential District in accordance with Article V, Section 5.14, except that the Board may substitute appropriate fencing of suitable type and height which shall be installed and maintained by the applicant to effectively screen the use from adjoining Residential Districts.
- (b) Lots that are developed/used as permitted in Section 3.8.1.1 herein shall not be required to be buffered from adjacent lots either zoned or used as single family lots.

**3.8.4.3** Building Requirements:

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood.
- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed 30 feet in height.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory building shall be equal to or greater than one-half the sum of the heights of the affected buildings.
- (5) Floor Area: A maximum of 7,500 square feet per establishment, except for a supermarket which shall not exceed 20,000 square feet.
- (6) Floor Area Ratio: A maximum of 0.5 F.A.R.

**3.8.5 Prohibited Uses:** The following uses shall be expressly prohibited.

**3.8.5.1** Unless permitted in single family residential districts, no residential uses shall be permitted.

**3.8.5.2** No health center or club, including reducing salons, steam baths or similar uses shall be permitted.

**3.8.5.3** No display of goods or sales outdoors or from open counters or with curb service shall be permitted; except during seasonal sidewalk sales.

**3.8.5.4** No drive-in establishment shall be permitted; except for drive-in banks.

**3.8.5.5** No commercial garage, gasoline station, vehicle repair and/or service garage, vehicle dealership, vehicle washing establishments, or other similar use shall be permitted.

**3.8.5.6** No parking or loading area shall be used for the storage of new or used vehicles for sale or hire or for the storage of unregistered vehicles.

**3.8.5.7** No principal warehouse or storage, junk yard, or outside storage yards shall be permitted.

**3.8.5.8** No trucking distribution centers or other principal terminal facilities for handling freight or material with or without maintenance facilities shall be permitted; except for clearly subordinate and customarily incidental delivery departments or off-street loading facilities operated by business concerns for their own use.

**3.8.5.9** No principal manufacturing, fabricating, assembling or processing of goods or products shall be permitted.

**3.8.5.10** Any building or use which will not comply with the Performance Standards of Section 5.11, shall be prohibited.

**3.8.5.11** No other building or use which may be inconvenient or detrimental to the general character and appearance of the surrounding neighborhood or impair the value thereof or which shall be inconsistent with the Current Plan of Conservation and Development and policy for future development of the area shall be allowed.

**SECTION 3.8-1 BUSINESS DISTRICT: BD-1**

**3.8.1-1 Permitted Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board shall permit the following buildings or uses in Business Districts, subject to Site Plan Approval in accordance with ARTICLE VII, herein.

**3.8.1.1-1** One or two family dwellings.

**3.8.1.2-1** Stores for sale of goods or establishments for performance of allowable personal services.

**3.8.1.3-1** Offices for business, financial, professional or personal services or other similar offices.

**3.8.1.4-1** Self-service Laundromat.

**3.8.1.5-1** Dry cleaning establishment subject to approval of the cleaning solvents by the Fire Department and approval of the method of waste disposal by the Departments of Public Works and Public Health.

**3.8.1.6-1** Mixed use buildings containing permitted business and dwellings.

**3.8.1.7-1** Sale of alcoholic liquor in package, drug or grocery stores subject to the applicable provisions of Section 5.5, herein.

**3.8.1.8-1** Eating Places, without facilities for banquets, group meetings, conventions or entertainment, subject to the provisions of Section 5.5, where applicable.

**3.8.2-1 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII, herein, and subject to the following:

- (1) Site Plan Requirements: A detailed landscaping plan shall be required showing all grading, drainage, fences, walls, shrub and tree plantings, and other landscaping features. Landscaping shall be in accordance with Article V, Section 5.14.

- (2) Exterior Lighting: Exterior lighting shall be provided by the applicant at all access points to streets, parking areas, building entrances and elsewhere, where required for safety or vehicular or pedestrian traffic.
- (3) Street Access: No use shall be approved by the Board unless the lot has suitable access to an adequate collector or arterial street.

**3.8.2.1-1** Public utility buildings or facilities with completely enclosed service or storage areas.

**3.8.2.2-1** Mixed use buildings containing one or more allowable Special Uses.

**3.8.2.3-1** Accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing special uses may be approved by the Board in the same manner as Permitted Uses, unless the Board requires a public hearing.

**3.8.2.4-1** Restaurants with an outdoor customer dining area as defined in Section 11-2.

**3.8.2.5-1** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.8.3-1 Accessory Uses:** The following accessory uses shall be allowed:

**3.8.3.1-1** Converting, altering, finishing, cleaning, assembly or other processing of products which is clearly subordinate and customarily incidental to the principal use and where goods so produced or processed are used or sold exclusively on the premises; provided that the area used for such purposes shall be within a completely enclosed building and shall not exceed 25% of the floor area of the principal use.

**3.8.3.2-1** Accessory storage of merchandise, materials or supplies within completely enclosed buildings, or within completely fenced and screened areas.

**3.8.3.3-1** Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use.

**3.8.3.4-1** Off-Street Parking and Loading: Optional. See also Section 6.3.3 Replacement.

**3.8.3.5-1** Signs: In accordance with Section 5.3, herein. Requirements specified for zone BD shall apply.

**3.8.4-1** Lot and Building Requirements: Buildings or uses shall comply with all lot and building requirements for the applicable Zoning District as set forth hereinafter.

**3.8.4.1-1** Minimum Lot Requirements

	<u>BD -1</u>
(1) Lot Area	2,000 sq. ft
(2) Lot Width	25 feet
(3) Lot Depth	80 feet

**3.8.4.2-1** Minimum Yard and Open Space Requirements:

- |   |                         |
|---|-------------------------|
| (1) Principal Uses  | <u>BD-1</u>             |
| (a) Front Yard  | optional                |
| (b) Side and Rear Yards   | 0 or 4 feet if provided |
| (2) Accessory Buildings and Accessory Uses  | <u>BD-1</u>             |
| (a) Front Yard - All accessory buildings and uses must be in the rear of the principal building except outside dining |                         |
| (b) Side Yard   | 4 feet                  |
| (c) Rear yard   | 5 feet                  |

(3) Buffer Strip:

- (a) At least ten (10) feet adjacent to any Residential District in accordance with Article V, Section 5.14, except that the Board may substitute appropriate fencing of suitable type and height which shall be installed and maintained by the applicant to effectively screen the use from adjoining Residential Districts.
- (b) Lots that are developed/used as permitted in Section 3.8.1.1-1 herein shall not be required to be buffered from adjacent lots either zoned or used as single family lots.

**3.8.4.3-1 Building Requirements:**

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood.
- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed 30 feet in height.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory building shall be equal to or greater than 10 feet between the affected buildings.
- (5) Floor Area: A maximum of 7,500 square feet per establishment.
- (6) Floor Area Ratio: A maximum of 1.0 F.A.R.

**3.8.5-1 Prohibited Uses:** The following uses shall be expressly prohibited.

**3.8.5.1-1** No health center or club, including reducing salons, steam baths or similar uses shall be permitted.

**3.8.5.2-1** No display of goods or sales outdoors or from open counters or with curb service shall be permitted; except during seasonal sidewalk sales.

**3.8.5.3-1** No drive-in establishment shall be permitted.

**3.8.5.4-1** No commercial garage, gasoline station, vehicle repair and/or service garage, vehicle dealership, vehicle washing establishments, or other similar use shall be permitted.

**3.8.5.5-1** No parking or loading area shall be used for the storage of new or used vehicles for sale or hire or for the storage of unregistered vehicles.

**3.8.5.6-1** No principal warehouse or storage, junk yard, or outside storage yards shall be permitted.

**3.8.5.7-1** No trucking distribution centers or other principal terminal facilities for handling freight or material with or without maintenance facilities shall be permitted; except for clearly subordinate and customarily incidental delivery departments or off-street loading facilities operated by business concerns for their own use.

**3.8.5.8-1** No principal manufacturing, fabricating, assembling or processing of goods or products shall be permitted.

**3.8.5.9-1** Any building or use which will not comply with the Performance Standards of Section 5.11, shall be prohibited.

**3.8.5.10-1** No other building or use which may be inconvenient or detrimental to the general character and appearance of the surrounding neighborhood or impair the value thereof or which shall be inconsistent with the current Plan of Conservation and Development and policy for future development of the area shall be allowed.

**SECTION 3.9 SHOPPING CENTER DESIGN DISTRICT: SCD**

**3.9.1 Permitted Uses:** All uses permitted in Shopping Center Design Districts shall be deemed to be Special Uses.

**3.9.2 Special Uses** Subject to all other applicable provisions and limitations of these Regulations, the Board may permit the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII, herein.

**3.9.2.1** Mixed uses containing allowable businesses, offices, and multi-family dwelling units; subject to the limitations of Section 3.3 medium density multi-family residential districts (RMF-16): subject to the limitations of Section 3.9.4.3 herein, and provided that the minimum lot area utilized for multi-family dwelling units shall not be less than 20 acres.

**3.9.2.2** Multi-Family Dwelling Units as provided and regulated in Section 3.3 medium density multi-family residential districts, subject to the limitations of Section 3.9.4.3, herein, and provided that the minimum lot area shall not be less than 20 acres.

**3.9.2.3** Offices for business, financial, professional or personal services or other similar offices.

**3.9.2.4** Hotels or motels as provided and regulated in the Design Office District, Section 3.6.2.3.

**3.9.2.5** A retail store containing at least 40,000 square feet of floor area.

**3.9.2.6** A shopping center containing at least 60,000 square feet of floor area and containing stores for sale of goods at retail or for performance of personal services clearly subordinate and customarily incidental to retail sales.

**3.9.2.7** Eating places subject to the provisions of Section 5.5 where applicable.

**3.9.2.8** Restaurants with an outdoor customer dining area as defined in Section 11-2.

**3.9.2.9** Sale of alcoholic liquor, subject to the applicable provisions of Section 5.5 herein.

**3.9.2.10** Stores for sale of goods at wholesale.

**3.9.2.11** Indoor places of entertainment, amusement, recreation or assembly such as theaters, billiard rooms, bowling alleys or other similar indoor uses. A public hearing shall be required for all uses designated in this subsection.

**3.9.2.12** Dry cleaning or dyeing establishments using non-inflammable solvents; provided that the floor area shall not exceed 3,000 square feet per establishment, and subject to approval of the cleaning solvents by the Fire Department and approval of the method of waste disposal by the Departments of Public Works and Public Health.

**3.9.2.13** Off-street parking garages or lots.

**3.9.2.14** Accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing special uses shall be approved by the Board in the same manner as a Special Use.

**3.9.2.15** A change in the use of interior space of an existing building in a Shopping Center Design District shall not require either an amendment to a Special Permit and/or Site Plan Approval, provided that such use is listed in Section 3.9.2 or Section 3.9.3, and further provided that no exterior structural changes to the existing building shall be made in connection with such changed use.

**3.9.2.16** Extended stay hotels.

**3.9.2.17** Health centers or clubs provided that the maximum gross building area devoted to such health center or club use shall not exceed 41,000 square feet.

**3.9.2.18** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited may be permitted by the Board by Special Exception in accordance with Section 7.3.

Requests for change of use to be considered under the provisions of this Section shall be in accordance with Section 8.8.2 Change of Use.

**3.9.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.9.3.1** Converting, altering, finishing, cleaning, assembly or other processing of products which is clearly subordinate and customarily incidental to a principal use and where goods so produced or processed are used or sold exclusively on the premises provided that the area used for such purposes shall be within a completely enclosed building.

**3.9.3.2** Accessory vehicle repair and/or service garages, subject to the applicable provisions of Section 5.4 herein.

**3.9.3.3** Accessory storage of equipment, merchandise, materials or supplies within completely enclosed buildings.

**3.9.3.4** Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use, and that will not be hazardous to the public health, safety and welfare.

**3.9.3.5** Off-Street Parking and Loading: In accordance with Section 5.1, herein; except that off-street parking, loading and vehicular access areas shall be provided in the manner and to the extent determined by the Board to be adequate for any mixed use building, notwithstanding the applicable provisions of Section 5.1.4, herein. Landscaping in parking areas shall conform with Article V, Section 5.14.

**3.9.3.6** Signs: In accordance with Section 5.3 herein.

**3.9.4 Lot and Building Requirements:** Subject to all other applicable provisions and limitations of these Regulations, buildings and uses shall comply with all lot and building requirements as set forth herein.

**3.9.4.1** Minimum Lot Requirements:

- (1) Lot Area:
  - (a) with dwelling units 20 acres
  - (b) without dwelling units 10 acres
- (2) Lot Width: 300 feet
- (3) Lot Depth: 300 feet

**3.9.4.2** Minimum Yard and Open Space Requirements:

- (1) Principal Uses: Front, side and rear yards for all principal uses shall not be less than 50 feet.
- (2) Accessory Uses: Front, side and rear yards for all accessory uses, exclusive of signs, shall not be less than 25 feet.
- (3) Buffer Strip: At least 10 feet adjacent to any Residential District for the first 50 required off-street parking spaces or any portion thereof, plus an additional 10 feet of buffer strip adjacent to any Residential District for each additional 50 required off-street parking spaces, or major fraction thereof, up to a maximum of 100 feet of buffer strip. The planting shall conform with Article V Section 5.14.

**3.9.4.3** Building Requirements:

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood.
- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed 10 stories or 120 feet in height; except that multiple-family dwellings shall comply with the applicable height provisions for RMF-16 Residential Districts.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-third the sum of the heights of the affected buildings; exclusive of parking structures which are designed to function in conjunction with a principal building.
- (5) Building Area: A maximum of 50 percent or less as required by off-street parking and loading regulations.
- (6) Floor Area Ratio: A maximum of 1.5 FAR, exclusive of accessory parking garages and structures.

- (7) Dwelling Units/Business Floor Area: Where multi-family dwelling units are proposed, a maximum of 40 percent of the aggregate floor area, exclusive of accessory parking and loading garages and structures, shall be used for dwelling purposes and a minimum of 50% shall be used for business and/or office uses.
- (8) Dwelling Units: Where dwelling units are proposed not to be part of a mixed use development, density shall be allowed within the following limitations: a medium density of 16 to 24 bedrooms per acre; multi-family residential shall be allowed within buildings or structures of 3 or less stories or a height of 35 feet. Increased densities are subject to Planning and Zoning Board review of building and site design to include roof style screening of mechanical equipment, facade treatments, minimum re-grading and/or changes to topography, sign designs and location, underground utilities, on site lighting and design and landscape and grading design of the site.

The provisions shall not be construed to allow a greater density than is otherwise allowable within the limitations of Section 3.9.2.2, herein.

**3.9.5 Prohibited Uses:** The following uses shall be expressly prohibited:

- 3.9.5.1** No display of goods outdoors, exclusive of nursery stock, shall be permitted except in courts or malls.
- 3.9.5.2** No retail sales outdoors, from open counters, or with curbside service shall be permitted; except for seasonal sidewalk sales.
- 3.9.5.3** No drive-in establishment shall be permitted; except for drive-in banks.
- 3.9.5.4** No commercial garage, gasoline station, vehicle repair and/or service garage, vehicle dealership, vehicle washing establishment, or other similar use shall be permitted; except for one accessory gasoline station per lot, and for one accessory vehicle repair and/or service garage per lot.
- 3.9.5.5** No parking or loading area shall be used for the storage of new or used vehicles for sale or hire or for the storage of unregistered vehicles.
- 3.9.5.6** No warehouse or storage; junk yard; or outside storage yards shall be permitted.

**3.9.5.7** No trucking terminal facilities for handling freight or material with or without maintenance facilities shall be permitted; except for clearly subordinate and customarily incidental delivery departments or off-street loading facilities operated by business concerns for their own use.

**3.9.5.8** No principal manufacturing, fabricating, assembling or processing of goods or products shall be permitted.

**3.9.5.9** Any building or use which will not comply with the Performance Standards of Section 5.11 shall be prohibited.

**3.9.6** Modification of Requirements:

**3.9.6.1** A lot or lots on which a lawful non-conforming use exists at the time of adoption of these Regulations, shall be subject to the foregoing requirements, except that the Board may allow continuation of such use on the portion of the lot which it occupies, and pro-rate the requirements of these Regulations on the remaining lot area if it deems such modification is within the purpose of intent of these Regulations.

**3.9.6.2** A development site may be subdivided for separate sale of the components of a plan approved under this Section, provided the overall development complies with these Regulations. Any such subdivision shall be in accordance with the provisions of the Subdivision Regulations of the City of Milford. That, in the event of the foregoing, any subdivision for separate sale of a development site shall be deemed to meet the requirements of these Regulations if the overall development complies with these Regulations.

**SECTION 3.10. LIMITED INDUSTRIAL DISTRICT: LI**

**3.10.1 Permitted Uses:** Subject to all other applicable provisions and limitations of these Regulations the Board shall permit the following buildings or uses in Limited Industrial Districts, subject to Site Plan Approval in accordance with ARTICLE VII, and Section 3.10.1.11.

**3.10.1.1** The manufacturing, fabricating, assembling or processing of goods or products; provided that the principal use is within a completely enclosed building.

**3.10.1.2** Warehousing and/or wholesaling business, provided the principal use is within a completely enclosed building.

**3.10.1.3** Building equipment, merchandise, material or supply businesses; provided that the principal use is within a completely enclosed building.

**3.10.1.4** Offices for business, financial, professional or personal services or other similar offices.

**3.10.1.5** Computer centers.

**3.10.1.6** Scientific or research laboratories devoted to research, design and/or experimentation.

**3.10.1.7** Printing or publishing establishments.

**3.10.1.8** Public buildings, uses, or facilities.

**3.10.1.9** Off-street parking garages or lots.

**3.10.1.10** Mixed use buildings containing Permitted Uses.

**3.10.1.11 Use Conditions:** All of the above Permitted Uses shall be subject to the following conditions and safeguards:

- (1) **Site Plan Requirements:** A landscaping plan shall be required showing all proposed re-grading, drainage, fences, walls, and other landscaping features. The landscaping plan shall be in conformance with Article V, Section 5.14.

- (2) Exterior Lighting: Exterior lighting shall be provided by the applicant at all access points to streets, parking areas, building entrances and elsewhere, where required for safety of vehicular or pedestrian traffic.
- (3) Street Access: No use shall be approved by the Board unless the lot and/or subdivision has suitable access to a street which is adequate to accommodate the potential traffic generation from such use.
- (4) Utilities: No use shall be approved by the Board unless the use is:
  - (a) Served by an adequate public sanitary sewerage system, community subsurface sewage disposal system, or private, individual sewage disposal facility approved by the Director of Public Health; and
  - (b) Supplied with water from an adequate public water supply; community water supply or private, individual wells approved by the Director of Public Health.
  - (c) The Board may require the use to be served by an approved public sanitary sewage disposal system in order to protect the public health.

**3.10.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Boards may allow the following buildings or uses; subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII, herein and Section 3.10.1.11.

**3.10.2.1** Public utility buildings or facilities.

**3.10.2.2** Railroad rights-of-way or stations including customary accessory services thereto.

**3.10.2.3** Vehicle repair garages or services within completely enclosed buildings, subject to all applicable provisions of Section 5.4, herein and provided that the minimum required lot area shall not be less than one (1) acre.

**3.10.2.4** Mixed use buildings containing one (1) or more Special Use.

**3.10.2.5** Accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing special uses may be approved by the Board in the same manner as a Permitted Use, unless the Board requires a public hearing. Those not complying with Section 3.10.3.2 shall require a Special Permit.

**3.10.2.6** Vocational or training schools.

**3.10.2.7** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.10.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.10.3.1** Accessory warehousing and/or sales which are clearly subordinate and customarily incidental to and located on the same lot with the principal use.

**3.10.3.2** Accessory outside storage of equipment, merchandise, materials or supplies which is clearly subordinate and customarily incidental to a permitted use and where goods so stored are used or sold on the premises; provided that the area used for outside storage shall be effectively screened on all sides by appropriate structures, fencing, walls, or landscaping of suitable type and height, and the area shall be limited to 15% of the lot area.

**3.10.3.3** Accessory gas liquefaction or petroleum distillation and only as an accessory use.

**3.10.3.4** Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use; provided that such accessory building or use will not be dangerous, injurious, detrimental or objectionable to the public health, safety or welfare of the neighborhood or community.

**3.10.3.5** Off-Street Parking and Loading: In accordance with Section 5.1, herein; except that off-street parking, loading, and vehicular access shall be provided in the manner and to the extent determined by the Board to be adequate for any mixed use building, notwithstanding the applicable provisions of Section 5.1.4, herein. Parking areas shall be landscaped in accordance with Article V, Section 5.14.

**3.10.3.6** Signs: In accordance with Section 5.3, herein.

**3.10.4 Lot and Building Requirements:** Buildings and uses shall comply with all lot and building requirements as set forth hereinafter.

**3.10.4.1** Minimum Lot Requirements:

- ..
- |                |                    |
|----------------|--------------------|
|                | <u>LI</u>          |
| (1) Lot Area:  | 10,000 square feet |
| (2) Lot Width: | 50 feet            |
| (3) Lot Depth: | 100 feet           |

**3.10.4.2** Minimum Yard & Open Space Requirements:

- |                     |  |
|---------------------|--|
| (1) Principal Uses: | <u>LI</u>  |
| (a) Front Yard:     | 20 feet  |
| (b) Side Yard:      | None required but at least 10 feet, if provided. |
| (c) Rear Yard:      | None required but at least 20 feet if provided.  |
- 
- |                          |   |
|--------------------------|---|
| (2) Accessory Buildings: | <u>LI</u>   |
| (a) Side Yard:           | None required, but at least 10 feet, if provided. |
| (b) Rear Yard:           | None required, but at least 10 feet, if provided. |
| (c) Front Yard:          | Same as for principal use.                        |
- (3) Accessory Uses: No parking or loading areas shall be permitted in the minimum required front yard.
- (4) Buffer Strip: An adequate buffer strip shall be provided adjacent to any Residential District. Said buffer strip shall be equal to or greater than 10 percent of the average lot width for side yards or average lot depth for rear yards, whichever is applicable, but not less than 20 feet; except that the Board may substitute, for 10 feet of any required buffer, appropriate fencing of suitable type and height which shall be installed and maintained by the applicant to which shall be installed and maintained by the applicant to effectively screen the use from adjoining Residential Districts. The buffer shall be planted in accordance with Article V, Section 5.14.

- (5) Landscaping: The front yard shall be appropriately landscaped except for required access ways. This landscaping shall be in accordance with Article V, Section 5.14.

**3.10.4.3 Building Requirements:**

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood.
- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed 35 feet in height.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-half the sum of the heights of the affected buildings; exclusive of parking structures which are designed to function in conjunction with the principal building.
- (5) Building Area: A maximum of 50 percent or less as required by off-street parking and loading regulations.
- (6) Floor Area Ratio: A maximum of 1.0 FAR, exclusive of accessory parking garages or structures.

**3.10.5 Prohibited Uses:** The following uses shall be expressly prohibited.

**3.10.5.1** No dwellings or dwelling units shall be permitted; except for accommodations for watchmen, caretakers or custodians in conjunction with a principal use on the same premises.

**3.10.5.2** No customer or employee parking spaces or loading areas shall be used for the display storage of new or used vehicles for sale or hire, for the storage of unregistered vehicles, or any other outside storage.

**3.10.5.3** No commercial garage, gasoline station, vehicle dealership, vehicle washing establishment, or other similar use shall be permitted.

**3.10.5.4** No trucking terminal facilities for handling freight or material with or without maintenance facilities shall be permitted; except for clearly subordinate and customarily incidental delivery departments or off-street loading facilities operated by business concerns for their own use.

**3.10.5.5** No principal outside storage yards shall be permitted.

**3.10.5.6** No storage of petroleum shall be permitted; except for petroleum in locations and tanks of a size approved by the Fire Department to be used exclusively by an allowable use in connection with its own operation on the premises.

**3.10.5.7** No allowable use shall be construed to include the following uses; and no land, building or structure shall be used for any of the following purposes:

- (1) Manufacturing of mineral acids, such as sulphurous, sulfuric, nitric and hydrochloric acid.
- (2) Asphalt manufacture or refining or manufacture of products with asphalt including the preparation or mixing of tar or asphalt with sand or aggregates.
- (3) Ammunition, explosives or fireworks manufacture.
- (4) Asbestos manufacture.
- (5) Animal black, lamp black, or bone black manufacture.
- (6) Blast furnaces, coke ovens, forge plants or foundries.
- (7) Blooming or hot rolling mill.
- (8) Cement manufacture or manufacture of shingles made with cement
- (9) Crematory or cemetery
- (10) Creosote treatment or manufacture.
- (11) Excelsior manufacture.

- (12) Fat rendering.
- (13) Fertilizer manufacture.
- (14) Hydrogenation processes.
- (15) Industrial smoke house.
- (16) Junk yards, as defined herein, and any place in or on which any old metal, glass, paper, cordage, or other waste or discarded or secondhand material is stored or deposited.
- (17) Match manufacture.
- (18) Petroleum refinery.
- (19) Raw hide or skin curing or tanning.
- (20) Reduction of wood, bones, dead animals or offal.
- (21) Rock or stone crusher or other processing of sand, gravel, or other earth products, except in accordance with the Earth Fill and Removal Regulations, Section 5.7, herein.
- (22) Slaughtering of animals.
- (23) Soap manufacture.
- (24) Stock yards.
- (25) Tallow, grease or lard manufacture or refining.
- (26) Vinegar or sauerkraut manufacture or treatment.
- (27) Yeast plant.
- (28) Mining, quarrying or processing of earth products, except that site preparation of specifically proposed building sites may be allowed in accordance with the Earth Fill & Removal Regulations, Section 5.7, herein.

**3.10.5.8** No building or use which will be dangerous, injurious, detrimental or objectionable to the public health, safety or welfare of the neighborhood or community shall be allowed.

**3.10.5.9** Any building or use which will not comply with the Performance Standards of Section 5.11, shall be prohibited.

**SECTION 3.11 INDUSTRIAL DISTRICT.. ID**

**3.11.1 Permitted Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board shall permit the following buildings and uses in Industrial Districts, subject to Site Plan approval in accordance with ARTICLE VII and Section 3.10.1.11, herein.

**3.11.1.1** The manufacturing, fabricating, assembling or processing of goods, or repair services, but not including any of those uses set forth in the Limited Industrial District, Section 3.10.5.7, herein.

**3.11.1.2** Building equipment, merchandise, material or supply businesses.

**3.11.1.3** Offices for business, financial, professional or personal services or other similar offices.

**3.11.1.4** Computer centers.

**3.11.1.5** Scientific or research laboratories devoted to research, design and/or experimentation, including pilot plants.

**3.11.1.6** Printing or publishing establishments.

**3.11.1.7** Metal, woodworking or other similar shops or repair services.

**3.11.1.8** Vocational training schools.

**3.11.1.9** Principal warehousing and/or wholesaling business uses.

**3.11.1.10** Public utility buildings or facilities.

**3.11.1.11** Off-street parking garages or lots.

**3.11.1.12** Eating Places: Those eating places containing a minimum floor area of 2,000 square feet subject to the provisions of Section 5.5 herein, notwithstanding 5.5.1.2 and 5.5.4.1.

**3.11.1.13** Mixed use buildings containing Permitted Uses.

**3.11.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings and uses; subject to Special

Permit and Site Plan Approval in accordance with ARTICLE VII and Section 3.10.1.11 herein.

**3.11.2.1** Places of entertainment, amusement, recreation and/or assembly such as an archery range, golf driving range, theater, stadium, racetrack, field house, auditorium or other similar uses.

**3.11.2.2** Vehicle dealerships, subject to all applicable provisions of Section 5.4 herein; but not including new or used passenger vehicle dealerships.

**3.11.2.3** Vehicle repair garage or services; subject to all applicable provisions of Section 5.4 herein.

**3.11.2.4** Public buildings, uses or facilities.

**3.11.2.5** Trucking terminal facilities for handling freight or material with or without maintenance facilities including accessory trucking facilities; provided that such facilities, including any truck entrance, exit, driveways, maneuvering, parking or loading area, shall not be located or operated within a distance of 300 feet of any Residential District, measured in a straight line between such facility and said boundary. Trucking terminal facilities shall not be construed to include clearly subordinate and customarily incidental delivery departments or off-street loading facilities operated by business concerns for their own use.

**3.11.2.6** Principal outside storage yards or uses including, but not limited to, building or contractors' equipment, merchandise, materials or supplies, but not including junk yards; provided that the area used for outside storage shall be effectively screened on all sides by appropriate structures, fencing, walls, or landscaping of suitable type and height, and that such storage uses do not exceed a height equal to the height of any principal use structures or 60 feet, whichever is lowest.

**3.11.2.7** Manufacturing uses as set forth in Limited Industrial Districts, Section 3.10.5.7 except those listed in Section 3.11.5.7, herein; subject to the following specific conditions and safeguards and provided that the Board finds, to its satisfaction, that the proposed use will, in all respects, comply with the purpose and intent of these Regulations.

(1) The Board may require any reasonable means necessary to adequately protect the public health, safety or welfare of the neighborhood or

community from dangerous, injurious, detrimental or objectionable elements and to prevent any unnecessary environmental pollution.

- (2) The Board may require the applicant to submit all appropriate plans, specifications and other documents certified by a registered professional engineer, qualified scientist or recognized authority in his field or area of concern to the effect that all necessary environmental protection measures are consistent with recognized standards and will protect the public health, safety and welfare of the neighborhood and community.

**3.11.2.8** Railroad rights-of-way or stations including customary accessory services thereto.

**3.11.2.9** Recycling plants, including accessory junk yard; provided that any such junk yard shall be effectively screened on all sides by appropriate structures, fencing, walls, or landscaping of suitable type and height.

**3.11.2.10** Mixed use buildings containing one or more Special Uses.

**3.11.2.11** Motels or hotels containing a minimum of 10 rooming units; subject to the following conditions and safeguards:

- (1) Rooming Units: Each rooming unit shall have a minimum floor area of 250 square feet and shall contain private bathing, lavatory and flush toilet facilities. No rooming unit shall contain kitchen or cooking facilities.
- (2) Common Floor Area: There shall be provided lobby and common floor areas, excluding hallways, equal to at least 5% of the total floor area of all rooming units, but not less than 300 square feet.
- (3) Site Plan Requirements: Any application for new buildings or structural alterations shall be accompanied by building plans, floor plans and elevations prepared by a Registered Architect and/or Professional Engineer and by a detailed landscaping plan showing all grading, drainage, fences, walls, shrub and tree plantings and other landscaping features.
- (4) Utilities: No motel or hotel shall be approved by the Board unless the building is served by an approved public sanitary sewage system, or private on-site septic system approved by the Director of Public Health.

(5) Minimum Lot Requirements:

Lot Area:	1 acre
Lot Area per Rooming Unit:	1,100 square feet
Lot Width:	150 feet

**3.11.2.12** Accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing special uses may be approved by the Board in the same manner as a Permitted Use, unless the Board requires a public hearing.

**3.11.2.13** Extended stay hotels.

**3.11.2.14** Restaurants with an outdoor customer dining area as defined in Section 11-2.

**3.11.2.15** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.11.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.11.3.1** Accessory outside storage of equipment, merchandise, materials or supplies which is clearly subordinate and customarily incidental to a principal use; provided that the area used for outside storage shall be effectively screened on all sides by appropriate structures, fencing, walls, or landscaping of suitable type and height, as determined by the Board and in accordance with Article V, Section 5.14, and that such storage uses do not exceed a height equal to the height of any principal use structures.

**3.11.3.2** Accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use; provided that such accessory building or use will not be dangerous, injurious, detrimental or objectionable to the public health, safety or welfare of the neighborhood or community.

**3.11.3.3** Accessory warehousing and/or sales uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use.

**3.11.3.4** Off-Street Parking and Loading: In accordance with Section 5.1 herein; except that off-street parking, loading, and vehicular access areas shall be provided in the manner and to the extent determined by the Board to be adequate for any mixed use building, notwithstanding the applicable provisions of Section 5.1.4 herein.

**3.11.3.5** Signs: In accordance with Section 5.3 herein.

**3.11.4 Lot and Building Requirements:**

- (1) Lot Area: 1 acre
- (2) Lot Width: 100 feet
- (3) Lot Depth: 200 feet

**3.11.4.1** Minimum Yard & Open Space Requirements:

(1) Principal Uses:

- (a) Front Yard: 30 feet
- (b) Side Yard: None required but at least 4 feet if provided.
- (c) Rear Yard: None required but at least 15 feet if provided.

(2) Accessory Buildings:

- (a) Side Yard: None required but at least 4 feet if provided.
- (b) Rear Yard: None required but at least 10 feet if provided.

(3) Accessory Uses: Front yards for parking areas shall not be less than 20 feet. Front yards for all other accessory uses, exclusive of signs, shall not be less than 30 feet.

(4) Buffer Strip: An adequate buffer strip shall be provided adjacent to any Residential District. Said buffer shall be equal to or greater than 10 percent of the average lot width for side yards or average lot depth for rear yards, whichever is applicable, but not less than 20 feet. Landscaping within buffer strips shall comply with Article V, Section 5.14.

(5) Landscaping: The front yard of buildings and/or parking lots shall be appropriately landscaped except for required access ways. Landscaping shall comply with Article V, Section 5.14.

**3.11.4.2 Building Requirements:**

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood.
- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed 120 feet in height.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-third the sum of the heights of the affected buildings; exclusive of parking structures which are designed to function in conjunction with the principal building.
- (5) Building Area: A maximum of 50 per cent or less as required by off-street parking and loading regulations.
- (6) Floor Area Ratio: A maximum of 2.0 FAR, exclusive of accessory parking garages or structures.

**3.11.5 Prohibited Uses:** The following uses shall be expressly prohibited:

**3.11.5.1** No dwellings or dwelling units shall be permitted; except for accommodations for watchmen, caretakers or custodians in conjunction with a principal use on the same premises.

**3.11.5.2** No parking or loading area shall be used for the storage of new or used vehicles for sale or hire or for the storage of unregistered vehicles.

**3.11.5.3** No gasoline station, new or used automobile dealerships, vehicle washing and/or detailing establishment or other similar uses shall be permitted.

**3.11.5.4** No storage of petroleum shall be permitted; except for petroleum in locations and tanks of a size approved by the Fire Department.

**3.11.5.5** No building or use which will be dangerous, injurious, detrimental or objectionable to the public health, safety or welfare of the neighborhood or community.

**3.11.5.6** Any building or use which will not comply with the Performance Standards of Section 5.11, shall be prohibited.

**3.11.5.7** Any building or use prohibited in Section 3.10.5.7.

**SECTION 3.12                    HOUSATONIC DESIGN DISTRICT                    HDD**

**3.12.1 Permitted Uses:** Subject to all other applicable provisions and limitations of these regulations, the Board shall permit the following buildings or uses in the Housatonic Design District, subject to Site Plan Approval in accordance with ARTICLE VII and Section 3.10.1.11, herein.

**3.12.1.1** Any building or use as permitted and regulated in Industrial District, Section 3.11.1 herein.

**3.12.2 Special Uses:** Subject to all other applicable provisions and limitations of these regulations, the Board may allow the following buildings or uses subject to Special Permit in accordance with ARTICLE VII and Section 3.10.1.11, herein.

**3.12.2.1** Any building or uses as provided and regulated in Industrial Districts, Section 3.11.2, herein; but not including principal trucking terminal facilities in Section 3.11.2.5, thereof.

**3.12.2.2** Boat clubs, marinas or boat yards per Section 3.7 herein.

**3.12.2.3** Hotels or motels as provided and regulated in CDD District -1, Section 3.16, herein.

**3.12.2.4** Extended stay hotels.

**3.12.2.5** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.12.3 Accessory Uses:** The following accessory uses shall be allowed.

**3.12.3.1** Any accessory building or use as provided for principal use in Industrial Districts, Section 3.11.3, herein.

**3.12.3.2** Any accessory building or use, as provided for principal boat clubs, marinas or boat yards in the Boating Business District, Section 3.7.2.2, herein when in conjunction with Section 3.7.1.1.

**3.12.3.3** Off-Street Parking and Loading: In accordance with Section 5.1 herein; except that off-street parking, loading, and vehicular access areas shall

be provided in the manner and to the extent determined by the Board to be adequate for any mixed use building, notwithstanding the applicable provisions of Section 5.1.4, herein. Landscaping in parking areas shall comply with Article V, Section 5.14.

**3.12.3.4** Signs: In accordance with Section 5.3, herein.

**3.12.4 Lot and Building Requirements:** Hotels or motels shall comply with all lot and building requirements for such uses located in CDD-1, Section 3.16, herein. Other buildings and uses shall comply with all lot and building requirements as set forth hereinafter.

**3.12.4.1** Minimum Lot Requirements:

- (1) Lot Area: 1 acre
- (2) Lot Width: 100 feet
- (3) Lot Depth: 200 feet

**3.12.4.2** Minimum Yard and Open Space Requirements:

(1) Principal Uses:

- (a) Front Yard: 30 feet
- (b) Side and Rear Yards: 20 feet except side and rear yards option when abutting navigable water.

(2) Accessory Uses: Front, side and rear yards for parking not less than 20 feet. Front, side and rear yards for all other accessory uses, exclusive of signs, shall not be less than the established principal use yard requirements.

(3) Buffer Strip: An adequate buffer strip shall be provided adjacent to any Residential District. Said buffer strip shall be equal to or greater than 10 percent of the average lot width for side yards or average lot depth for rear yards, whichever is applicable, but not less than 30 feet. The landscaping in buffer strips shall comply with Article V, Section 5.14.

**3.12.4.3 Building Requirements:**

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood.
- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed 120 feet in height.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-third the sum of the heights of the affected buildings; exclusive of parking structures which are designed to function in conjunction with a principal building.
- (5) Building Areas: A maximum of 50 percent or less as required by off-street parking and loading regulations.
- (6) Floor Area Ratio: A maximum 0.75 FAR, exclusive of accessory parking garages or structures.

**3.12.5 Prohibited Uses:** The following uses shall be expressly prohibited.

**3.12.5.1** Any building or use prohibited in Industrial Districts, Section 3.11.5, herein except as provided for in 3.11.5.1.

**3.12.5.2** No trucking terminal facilities for handling freight or material with or without maintenance facilities shall be permitted; except for clearly subordinate and customarily incidental delivery departments or off-street loading facilities operated by business concerns for their own use.

**3.12.5.3** Trash hauling, solid waste processing, construction and demolition debris storage and processing, recycling plants, and volume reduction facilities. To the extent that these uses are accessory to the permitted principal uses, they shall be allowed.

**SECTION 3.13 WATERFRONT DESIGN DISTRICT: WDD**

There exists in the City of Milford, community assets of such character that it is not in the public interest to establish specific development characteristic for each parcel of land. The Plan of Conservation and Development recognizes the asset of shorefront property and its great value to the community. Therefore, in harmony with the principles of the Plan of Conservation and Development, a special district known as "Waterfront Design District" is hereby established in areas which are found to comply with the conditions and safeguards as set forth hereinafter.

**3.13.1 Permitted Uses:** All uses in Waterfront Design Districts shall be deemed to be Special Uses.

**3.13.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings or uses in Waterfront Design Districts, subject to Special Permit and Site Plan approval in accordance with ARTICLE VII, herein.

**3.13.2.1** One-Family dwellings as provided and regulated in One-Family Residential Districts, Section 3.1 herein; subject to the limitations of Section 3.13.4, herein.

**3.13.2.2** Boarding houses, as provided and regulated in One Family Residential Districts, Section 3.1.2.2 herein.

**3.13.2.3** Multiple-family dwellings as provided and regulated in RMF-16 Residential Districts, Section 3.3.2.2(5) and (6), 3.3.3.1, 3.3.4.2(1) and 3.3.4.3(1), (3) & (6), thereof, subject to the limitations of Section 3.13.4, herein.

**3.13.2.4** Marinas as provided and regulated in the Boating Business District, Section 3.7 herein; but not including outdoor boat storage.

**3.13.2.5** Retail businesses as provided and regulated in Milford Center Design Development District, Section 3.21.1.1, herein.

**3.13.2.6** A private beach with accessory uses including bath houses, swimming pool or off-street parking areas.

**3.13.2.7** Public buildings, uses or facilities.

**3.13.2.8** Public utility buildings or facilities.

**3.13.2.9** Mixed use buildings containing one or more Special Uses, but not including any dwelling units.

**3.13.2.10** A change in the use of interior space of an existing building in a Waterfront Design District shall not require either an amendment to a Special Permit and/or Site Plan Approval provided that such use is listed in Section 3.13.2 or 3.13.3 and further provided that no exterior structural changes to the existing building shall be made in connection with such changed use; and further provided that a public hearing shall be required for all uses regulated by this section (indoor places of entertainment and other similar indoor uses). Requests for change of use to be considered under the provisions of this section shall be in accordance with Section 8.8.2 Change of Use.

**3.13.2.11** Use Conditions: Notwithstanding any other applicable provisions of these Regulations, the above Special Uses shall be subject to the following additional conditions and safeguards:

- (1) Site Plan Requirement: Any application for new buildings or structural alterations shall be accompanied by building plans, floor plans and elevations prepared by a Registered Architect and/or Professional Engineer, and by a detailed landscaping plan showing all grading, drainage, fences, walls, shrub and tree plantings, and other landscaping features.
- (2) Exterior Lighting: Only exterior lighting of a type, nature and intensity approved by the Board shall be permitted on the premises. Permitted exterior lighting shall be provided by the applicant only at locations deemed necessary for public safety, as determined by the Board.
- (3) Street Access: No use shall be approved by the Board unless the lot and/or subdivision has suitable frontage on a street which is adequate to accommodate the potential traffic generation from such use.
- (4) Utilities: No use shall be approved by the Board unless the use is served by an approved public sanitary sewerage system and supplied with water from an approved public water supply.

**3.13.2.12** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited, may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.13.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.13.3.1** Any accessory building or use as otherwise provided for principal uses in Section 3.13.2 above.

**3.13.3.2** Accessory storage of equipment, material or supplies within completely enclosed buildings.

**3.13.3.3** Other accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with the principal use.

**3.13.3.4** Off-Street Parking and Loading: In accordance with the applicable provisions of Section 5.1, herein, subject to the following additional conditions and safeguards:

- (1) Off-street parking shall be so located that it is within reasonable walking distance of any relationship to the use served. Off-street parking areas shall be set back at least 10 feet from any street or lot line and the space between said street or lot line and such parking area shall be suitably landscaped.
- (2) Under no condition shall a parking lot be designed to contain more than 50 spaces, and if more spaces are required in the general area, a suitably landscaped area, at least 10 feet wide, shall separate the parking areas. Landscaping in parking areas shall conform with Article V, Section 5.14.

**3.13.3.5** Signs: In accordance with the applicable provisions of Section 5.3, herein.

**3.13.4 Lot and Building Requirements:** The allowable uses shall comply with all applicable lot and building requirements governing such use as specified in Section 3.13.2, herein; except where the lot and building requirements as set forth hereinafter, are more restrictive. The Board shall determine which provisions may be construed to be more or less restrictive.

**3.13.4.1 Minimum Lot Requirements:**

- (1) Lot Area: 2 acres
- (2) Lot Width: Optional
- (3) Lot Depth: 300 feet
- (4) Water Frontage: At least 1/5 of the perimeter of the site must abut navigable tidal water body and/or public lands which abut said water body.

**3.13.4.2 Minimum Yard & Open Space Requirements:**

- (1) Principal & Accessory Uses: Front, side and rear yards for:
  - (a) All residential and accessory residential buildings shall be not less than 30 feet and not less than the height of the building.
  - (b) All non-residential buildings shall be not less than 20 feet.
- (2) Usable Open Space: Subject to all other applicable provisions and limitations of these Regulations, the Board shall require recreation areas suitable for all facilities.

**3.13.4.3 Building Requirements:**

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood.
- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed the applicable height limitations governing such use as specified by reference to Section 3.3.4.3(3) in Section 3.13.2, herein.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-third the sum of the heights of the affected buildings; exclusive of parking structures which are designed to function in conjunction with a principal building.

- (5) Building Area: A maximum of 30 percent; provided that no more than 20 percent of the lot shall be occupied by mid-rise residential buildings.
- (6) Dwelling Units: The maximum permitted number of dwelling units to be contained in any combination of residential buildings shall not exceed a net density of 10 dwelling units per acre, nor 22 bedrooms per acre, where net density refers to the parcel of land exclusive of street rights-of-way. The Board shall determine which rooms may be construed to be bedrooms.

**3.13.5 Prohibited Uses:** Any building or use which will not comply with the Performance Standards of Section 5.11, shall be prohibited.

### **SECTION 3.14      OPEN SPACE DISTRICT: OS**

Definition: Land that is dedicated to remain largely in an undeveloped state for purposes of providing passive or active recreation, wildlife or nature preserves, farmland, forests, and other open space purposes, shall be classified as Open Space.

The following classes of land dedicated to remain in an undeveloped state shall be classified as Open Space:

**3.14.1**      Municipally owned beaches, forests, wetlands, parks or outdoor recreation areas, excluding recreation areas of public schools.

**3.14.2**      State or Federal parks, forests, wetlands, beaches, wildlife or nature preserves, and other areas permanently dedicated to open space.

**3.14.3**      Private forests, wildlife or nature preserves or other areas held in open space or conservation use in perpetuity by the Milford Land & Conservation Trust or similar organizations.

**3.14.4**      Farmland dedicated to farming through the transfer of development rights pursuant to Section 22-26CC of the Connecticut General Statutes.

**3.14.5**      Land reserved for open space in accordance with Section 3.10 of the Subdivision Regulations of the City of Milford.

**3.14.6**      Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited, may be permitted by the Board by Special Exception in accordance with Section 7.3.

**SECTION 3.15 BEACH EROSION ZONE: BEZ**

The Beach Erosion Zone shall include all land area created by fill operations or other engineering works after January 1, 1955, as part of any beach improvement, beach maintenance, erosion control, or flood control program instituted by a public agency and located to the water side of the mean high watermark of Long Island Sound as it existed or exists on the date such project is begun, and as shall be more specifically determined by the Director of Public Works. Such map of the existing mean high watermark will be part of these Regulations.

**3.15.1 Permitted Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board shall permit the following uses, but not including buildings, in Beach Erosion Zones, subject to Site Plan Approval in accordance with ARTICLE VII, herein.

**3.15.1.1** Public parks or playgrounds or public beach facilities, and accessory uses to such public facilities.

**3.15.1.2** Private beach or recreation facility accessory to a residential use located on the same lot or an adjoining lot, provided such facility shall not be operated as a club.

**3.15.1.3** Private beach or recreation facility accessory to a club, association, or similar organization not operated for compensation.

**3.15.1.4** Parking area accessory to a use allowed on the lot or an adjoining lot.

**3.15.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may permit the following structures or uses, subject to Special Permit and Site Plan approval in accordance with ARTICLE VII, herein.

**3.15.2.1** Structures, piers, seawalls, bulkheads, docks or fences constructed as part of a public program for beach maintenance or protection.

**3.15.2.2** Groins or jetties constructed by non-public persons, clubs or associations, for the purpose of preventing erosion, may not be erected higher than two feet above mean high watermark. Groins and jetties shall comply with the Milford Coastal Management Plan and the Connecticut Coastal Management Act, where applicable.

**3.15.2.3** Such other structures intended and designed to protect the beach and/or uplands from erosion, may be constructed after Special Exception and consent of the Planning and Zoning Board.

**3.15.2.4** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited, may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.15.3 Accessory Uses:** Only accessory structures or uses as provided in Section 3.15.1 and 3.15.2 above, shall be permitted in Beach Erosion Zones.

**3.15.4 Lot and Building Requirements:** Structures and uses shall comply with all lot and building requirements, as determined by the Board; except for approved flood and erosion control works and structures.

**3.15.5 Prohibited Uses:** Any building, structure, or use which will not comply with the Flood Hazard Regulations of Section 5.8, shall be prohibited.

**SECTION 3.16      CORRIDOR DESIGN DEVELOPMENT DISTRICT 1 – COMMUNITY DESIGN: CDD-1**

Purpose: The purpose of the Corridor Design Development District 1 – Community Design is to enhance a section of U.S. Route 1 which serves as a gateway to Milford as well as a location of uses which support the tax base, provide goods and services, and housing development which transitions to adjacent neighborhoods. As is the case with all Corridor Design Development Districts, a high level of design is established for the review of development proposals within the Site Plan review procedure.

**3.16.1 Permitted Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board shall permit the following buildings or uses in the Corridor Design Development District 1 – Community Design, subject to Site Plan Approval in accordance with ARTICLE VII, herein.

**3.16.1.1** Stores for sale of goods or for performance of personal services, provided that the floor area shall not exceed 10,000 square feet nor have a drive-up window service.

**3.16.1.2** Food or beverage service establishments, without the sale of alcoholic liquor, except as otherwise provided herein. This shall not include fast food restaurants as defined in Article XI, 11-2.

**3.16.1.3** Offices for business, financial, professional or personal services or other similar offices, provided that the floor area shall not exceed 10,000 square feet.

**3.16.1.4** Building equipment, merchandise, materials or supply businesses, provided that the principal use is within a completely enclosed building.

**3.16.1.5** Printing or publishing establishments, provided that the floor area shall not exceed 3,000 square feet per establishment.

**3.16.1.6** Metal, woodworking or other similar shops or repair services, provided that the floor area shall not exceed 3,000 square feet per shop.

**3.16.1.7** Self-service laundry not using steam, provided that the floor area shall not exceed 1,500 square feet per establishment.

**3.16.1.8** Dry cleaning or dyeing establishments using non-flammable solvents, provided that the floor area shall not exceed 3,000 square feet per

establishment and subject to approval of the cleaning solvents by the Fire Department and approval of the method of waste disposal by the Departments of Public Works and Public Health.

**3.16.1.9** Off-street parking garages or lots.

**3.16.1.10** Mixed Use buildings containing two or more Permitted Uses.

**3.16.1.11** Sale of alcoholic liquor subject to the applicable provisions of Section 5.5 herein.

**3.16.1.12** Commercial schools as defined herein.

**3.16.1.13** Health centers or clubs, including reducing salons, steam baths or other similar uses.

**3.16.1.14** Outdoor places of entertainment, amusement, recreation or assembly such as miniature golf, golf driving range or other similar open space uses.

**3.16.1.15** Drive-in establishments, as defined herein and including retail sales with curb service and carry out food service.

**3.16.1.16** Eating places containing a minimum floor area of 2,000 square feet, subject to the provisions of Section 5.5 herein, notwithstanding Sections 5.5.1.2 and 5.5.4.1.

**3.16.1.17** Veterinary hospitals.

**3.16.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII herein.

**3.16.2.1** Mixed use buildings containing dwelling units, subject to the following conditions and safeguards:

- (1) No mixed use building shall have more than 67% of the total gross floor area devoted to residential use.
- (2) Each dwelling unit shall comply with the following minimum floor area requirements:

- (a) Efficiency bedroom unit: 425 square feet
- (b) One bedroom unit: 575 square feet
- (c) Two bedroom unit: 750 square feet
- (d) Three bedroom units: 925 square feet
- (e) Plus 175 square feet for each additional bedroom over three.

**3.16.2.2** Multi-family residential buildings when at least 30% of the units are defined as affordable housing in accordance with Section 8-30g of the Connecticut General Statutes.

- (1) Such developments shall be limited to efficiency, one bedroom and two bedroom units.
- (2) The maximum number and designation of all units by type shall be determined by allocating the total area of the tract of land in accordance with the following schedule:
  - (a) 1,000 square feet per one bedroom or efficiency unit; and
  - (b) 2,000 square feet per two-bedroom unit.
- (3) The maximum building coverage shall be twenty five percent (25%); maximum lot coverage shall be sixty percent (60%).
- (4) The minimum size of the living area of each type of unit shall be determined in accordance with the following schedule:
  - (a) Two-bedroom Units - 900 sq. ft. minimum;
  - (b) One-bedroom Units - 800 sq. ft. minimum;
  - (c) Efficiency Units - 450 square feet per unit minimum.
- (5) The minimum lot size shall be 40,000 square feet.
- (6) No building shall exceed three (3) stories nor forty (40) feet in height.

**3.16.2.3** Commercial garage, gasoline station, vehicle repair and/or service garage, vehicle dealership, vehicle washing establishment, or other similar uses; subject to all applicable provisions of Section 5.4 herein.

**3.16.2.4** Hotels or motels containing a minimum of fifty (50) rooming units, subject to the following conditions and safeguards:

- (1) Rooming Units: Each rooming unit shall have a minimum floor area of 250 square feet and shall contain private bathing, lavatory and flush toilet facilities.
- (2) Common Floor Area: There shall be provided lobby and common floor area, excluding hallways, equal to at least 5% of the total floor area of all rooming units, but not less than 300 square feet.
- (3) Site Plan Requirements: Any application for new buildings or structural alterations shall be accompanied by building plans, floor plans and elevations prepared by a Registered Architect and/or Professional Engineer and by a detailed landscaping plan showing all grading, drainage, fences, walls, shrub and tree plantings, and other landscaping features.
- (4) Utilities: No hotel or motel shall be approved by the Board unless the building is served by an approved public sanitary sewerage system.
- (5) Minimum Lot Requirements: Lot Area per rooming unit: 1,100 square feet.
- (6) Minimum Yard and Open Space Requirements:
  - (a) Principal Uses: Front Yards: 50 feet; Side and Rear yards: 10 feet, or 25 feet if contiguous to any Residential District.
  - (b) Accessory Uses: Front, side and rear yards for parking, loading and vehicular access areas shall not be less than 10 feet. Front, side and rear yards for other accessory uses, exclusive of signs, shall not be less than the principal use yard requirements.
  - (c) Buffer Strip: A Buffer Strip shall be required in accordance with Section 3.16.4.2(4) herein.
- (7) Building Requirements: Building requirements shall be subject to the provisions of Section 3.16.4.3 herein, except that the building area shall not exceed 25 percent.

**3.16.2.5** Clubs, lodges or fraternal organizations in accordance with the provisions of Section 3.8.2.1 herein.

**3.16.2.6** Churches or religious institutions.

- 3.16.2.7** Public charitable institutions.
- 3.16.2.8** Library, community center or other public buildings.
- 3.16.2.9** Parks, playgrounds or other public facilities.
- 3.16.2.10** Public utility buildings or facilities.
- 3.16.2.11** Mixed use buildings containing one or more Special Uses.
- 3.16.2.12** Indoor places of entertainment, amusement, recreation or assembly, such as theaters, billiard rooms, bowling or other similar indoor uses.
- 3.16.2.13** The manufacturing, fabricating, assembling or processing of goods and products; provided that the use, as well as storage and accessory uses, are completely within an enclosed building.
- 3.16.2.14** Stores for sale of goods or for the performance of personal services when the floor area exceeds 10,000 square feet or has drive-up window service.
- 3.16.2.15** Fast food restaurants as defined in Article XI, 11-2.
- 3.16.2.16** Restaurants with an outdoor customer dining area as defined in Section 11-2.
- 3.16.2.17** Offices for business, financial, professional or personal services or other similar offices when the floor area exceeds 10,000 square feet.
- 3.16.2.18** Accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing Special Uses may be approved by the Board in the same manner as a Permitted Use, unless the Board requires a public hearing. Those not complying with 3.16.3.3 shall require a Special Permit.
- 3.16.2.19** Extended stay hotels.

**3.16.2.20** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited, may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.16.2.21** Any building may be converted to 100% residential use exceeding the 50% limitation imposed by Section 3.16.2.1(1). Such building shall be subject to the provisions of 3.16.2.2.

**3.16.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.16.3.1** Converting, altering, finishing, cleaning, assembly or other processing of products which is clearly subordinate and customarily incidental to the principal use and where goods so produced or processed are used or sold exclusively on the premises; provided that the area used for such purposes shall be within a completely enclosed building.

**3.16.3.2** Accessory outside storage of equipment, merchandise, materials or supplies which is clearly subordinate and customarily incidental to the principal use and where goods so stored are used or sold exclusively on the premises; provided that the area used for outside storage shall be limited to 15% of the lot area and shall be effectively screened on all sides by appropriate structures, fencing, walls or landscaping of suitable type, density and height, as determined by the Board.

**3.16.3.3** Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use, and that will not be hazardous to the public health, safety and welfare.

**3.16.3.4** Off-street parking and loading in accordance with Section 5.1, herein; except that off-street parking, loading, and vehicular access shall be provided in the manner and to the extent determined by the Board to be adequate for any mixed use building notwithstanding the applicable provisions of Section 5.1.4, herein.

**3.16.3.5** Signs: In accordance with Section 5.3, herein.

**3.16.4 Lot and Building Requirements:** Buildings and uses shall comply with all lot and building requirements as set forth hereinafter.

**3.16.4.1** Minimum Lot Requirements:

- (1) Lot Area: 10,000 square feet
- (2) Lot Width: 50 feet
- (3) Lot Depth: 100 feet

**3.16.4.2** Minimum Yard and Open Space Requirements:

(1) Principal Uses:

- (a) Front Yard: 20 feet
- (b) Side & Rear Yards: None required, but at least 4 feet if provided. Lots adjacent to any Residential District shall comply with 3.16.4.2(4).

(2) Accessory Buildings: Front yard same as for principal uses. Side and rear yards are not required, but shall be at least four (4) feet, if provided.

(3) Usable Open Space Per Dwelling Unit:

- (a) Efficiency Unit: 300 sq. ft.
- (b) One Bedroom Unit: 400 sq. ft.
- (c) Two Bedroom Unit: 800 sq. ft.
- (d) Three or More Bedroom Unit: 1,200 sq. ft.

(4) Buffer Strip: An adequate buffer strip, in accordance with Article V Section 5.14 shall be provided adjacent to any Residential District. Said buffer strip shall be equal to or greater than 10% of the average lot width for side yards or average lot depth for rear yards, whichever is applicable but not less than 20 feet; except that the Board may substitute, for a required 10 foot buffer, appropriate fencing or landscaped berm of suitable type and height which shall be installed and maintained by the applicant to effectively screen the use from adjoining Residential Districts.

**3.16.4.3** Building Requirements:

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood. Specific attention shall be given to the physical relationship to adjacent residential areas as well as the view from such areas.

- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed 40 feet in height.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-third the sum of the heights of the affected buildings; exclusive of parking structures which are designed to function in conjunction with a principal building.
- (5) Building Area: A maximum of 50 percent or less as required by off-street parking and loading regulations.
- (6) Floor Area Ratio: A maximum of 1.0 FAR, exclusive of accessory parking garages and structures.
- (7) Access Management: The points of vehicular access to Route 1 shall be limited to one (1) for each fifty (50) feet of street frontage.
- (8) Landscaping: All site landscaping must comply with the provisions of Article V, Section 5.14

**3.16.5 Prohibited Uses:** The following uses shall be expressly prohibited.

**3.16.5.1** No required parking or loading area shall be used for the storage of new or used vehicles for sale or hire, or for the storage of unregistered vehicles.

**3.16.5.2** No principal warehouse or storage, junk yard, or principal outside storage yards shall be permitted.

**3.16.5.3** No trucking terminal facilities for handling freight or material with or without maintenance facilities shall be permitted; except for clearly subordinate and customarily incidental delivery departments or off-street loading facilities operated by business concerns for their own uses.

**3.16.5.4** Any building or use which will not comply with the Performance Standards of Section 5.11 shall be prohibited.

**SECTION 3.17           CORRIDOR DESIGN DEVELOPMENT DISTRICT 2 – DEVON CENTER –  
NAUGATUCK AVENUE : CDD-2**

**Purpose:** The purpose of the Corridor Design Development District 2 – Devon – Naugatuck Avenue Center is to establish the area as a neighborhood center to provide goods and services for the surrounding area as well as specialty retailing with a broader market area. Development in this area must balance this neighborhood center use with the corridor functions of Route 1 as well as Naugatuck Avenue. Development in Devon Center should be based around sound design principles as well as integration with adjacent residential areas. It must be recognized that successful development of Devon as a neighborhood center may require some expansion of the Corridor Design Development District boundaries into some residential districts.

**3.17.1 Permitted Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board shall permit the following buildings or uses in the Corridor Design Development District 2 – Devon – Naugatuck Avenue Center, subject to Site Plan approval in accordance with ARTICLE VII, herein.

**3.17.1.1** Single family or two-family dwellings.

**3.17.1.2** Stores for sale of goods or for performance of personal services, but not including health centers or clubs, including reducing salons, steam baths or similar uses provided that the floor area shall not exceed 5,000 square feet nor have a drive up window service.

**3.17.1.3** Food or beverage service establishments without the sale of alcoholic liquor, except as otherwise provided herein.

**3.17.1.4** Offices for business, financial, professional or personal services or other similar offices provided that the floor area shall not exceed 5,000 square feet.

**3.17.1.5** Dry cleaning or dyeing establishments using non-flammable solvents; provided that the floor area shall not exceed 3,000 square feet per establishment, and subject to approval of the cleaning solvents by the Fire Department and approval of the method of waste disposal by the Departments of Public Works and Public Health.

**3.17.1.6** Printing or publishing establishments; provided that the floor area shall not exceed 3,000 square feet per establishment.

**3.17.1.7** Off-street parking garages or lots.

**3.17.1.8** Mixed use buildings containing two or more permitted uses.

**3.17.1.9** Mixed use building containing dwelling units as well as one other permitted use, subject to the following conditions and safeguards:

(1) Each dwelling unit shall comply with the following minimum floor area requirements:

- |     |                         |                 |
|-----|-------------------------|-----------------|
| (a) | Efficiency bedroom unit | 425 square feet |
| (b) | One bedroom unit        | 575 square feet |
| (c) | Two bedroom unit        | 750 square feet |

(2) No residential use shall be permitted on the ground floor level.

(3) The number of bedrooms per building shall not exceed a total of six (6).

**3.17.1.10** Sale of alcoholic liquor subject to the applicable provisions of Section 5.5 herein.

**3.17.1.11** Eating places containing a minimum floor area of 2,000 sq. ft. subject to the provisions of Section 5.5 where applicable, notwithstanding Sections 5.5.1.2 and 5.5.4.1.

**3.17.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval, in accordance with ARTICLE VII.

**3.17.2.1** Clubs or fraternal organizations in accordance with the provisions of Section 3.8.2.1, herein.

**3.17.2.2** Boarding houses, as provided and regulated in One Family Residential Districts, Section 3.1.2.2 herein.

**3.17.2.3** Indoor places of entertainment, amusement, recreation or assembly such as theaters, clubs, museums, art galleries, billiard rooms, bowling alleys or other similar indoor uses.

**3.17.2.4** Multi-family residential buildings when at least 30% of the units are defined as affordable housing in accordance with Section 8-30g of the Connecticut General Statutes.

(1) Such developments shall be limited to efficiency, one bedroom and two bedroom units.

(2) The maximum number and designation of all units by type shall be determined by allocating the total area of the tract of land in accordance with the following schedule:

(a) 2,000 square feet per unit.

(3) The maximum building coverage shall be twenty five percent (25%); maximum lot coverage shall be sixty percent (60%).

(4) The minimum size of the living area of each type of unit shall be determined in accordance with the following schedule:

(a) Two-bedroom Units - 900 sq. ft. minimum;

(b) One-bedroom Units - 800 sq. ft. minimum;

(c) Efficiency Units - 450 square feet per unit minimum.

(5) The minimum lot size shall be 40,000 square feet.

(6) No building shall exceed three (3) stories nor forty (40) feet in height.

(7) Such development shall only be permitted at locations where 50% or greater of the block street frontage is in non-residential use.

**3.17.2.5** Health center or clubs, including reducing salons, steam baths or similar uses.

**3.17.2.6** Public charitable institutions, churches or religious institutions.

**3.17.2.7** Parks, playgrounds or other public facilities; library, community center or other public buildings.

**3.17.2.8** Public utility buildings or facilities with completely enclosed service or storage areas.

**3.17.2.9** Mixed use buildings containing one or more Special Uses.

**3.17.2.10** Commercial garage, gasoline station, vehicle repair and/or service garage, vehicle dealership, vehicle washing establishment or other similar uses; subject to all applicable provisions of Section 5.4 herein.

**3.17.2.11** Stores for sale of goods or for performance of personal services, but not including health centers or clubs, including reducing salons, steam baths or similar uses when the floor area exceeds 5,000 square feet or have a drive up window service.

**3.17.2.12** Offices for business, financial, professional or personal services or other similar offices when the floor area exceeds 5,000 square feet.

**3.17.2.13** Accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing Special Uses may be approved by the Board in the same manner as a Permitted Use, unless the Board requires a public hearing.

**3.17.2.14** Bed and breakfast establishments.

**3.17.2.15** Restaurants with an outdoor customer dining area as defined in Section 11-2.

**3.17.2.16** Mixed-residential use lots containing low-rise multiple family dwellings and one or more of the additional uses described in Section 3.17.2.16 (4), subject to the following conditions and safeguards:

(1) A mixed-residential use shall only be allowed on lots of two or more acres meeting the following minimum lot requirements:

- a) Lot width: 200 feet
- b) Lot depth: 200 feet

(2) Not more than 80% of the total gross floor area of the lot in a mixed-residential use shall be devoted to residential use.

(3) Each dwelling unit shall comply with the following minimum floor area requirements:

- a) Efficiency bedroom unit: 425 square feet

- b) One bedroom unit: 575 square feet
  - c) Two bedroom unit: 750 square feet
  - d) Three bedroom unit: 925 square feet
- (4) At least 20% of the total gross floor area of the buildings in a mixed-residential use shall contain one or more of the following uses:
- a) Stores for sale of goods or for the performance of personal services, but not including health centers or clubs, reducing salons, steambaths and similar uses, provided that the floor area shall not exceed 4,800 square feet;
  - b) Eating places, with or without outside dining, containing a minimum floor area of 600 sq.ft. subject to the provisions of Section 5.5 where applicable, notwithstanding Sections 5.5.1.2, 5.5.4.1 and 5.5.4.2;
  - c) Sale of alcoholic liquor subject to the applicable provisions of Section 5.5. herein, notwithstanding Sections 5.5.1.2, 5.5.4.1 and 5.5.4.2; however, there shall be only one tavern per lot;
  - d) Offices for business, financial, professional and personal services and other similar offices provided that the floor area shall not exceed 3,200 sq.ft.; and
  - e) Art galleries provided that the floor area shall not exceed 4,800 square feet.
- (5) Accessory uses to a mixed-residential use shall be permitted to the same extent as provided in Section 3.17.3.
- (6) Off-street parking, loading, and vehicular access areas shall be provided in the manner and to the extent determined by the Board to be adequate for any mixed-residential use, except that where public, on-street parking is available there shall be no off-street parking or loading requirement for commercial storefront uses, notwithstanding the applicable provisions of Section 5.1.4, herein. In addition, parking may be provided on a lot other than the building lot either in a public lot or as private lot within 500 feet of the building lot with evidence of a signed lease.
- (7) The following minimum setback and open space requirements shall apply to a mixed-residential use:

a) Principal Uses

- (i) Front yard: 10 feet or the same as the lowest average front yard of existing structures on the same block or any adjacent block, including blocks separated by a public right-of-way, whichever is less.
- (ii) Side and Rear Yards: None required, but must comply with Section 3.17.4.2 (4).

b) Accessory Buildings: Front yard; same as for principal uses. Side and rear yards are not required, but must comply with Section 3.17.4.2 (4).

c) Buffer Strip: Must comply with Section 3.17.4.2 (4).

d) Open Space: A mixed-residential use shall provide not less than 1,000 square feet of open space per residential dwelling unit.

(8) The building and site requirements for a mixed-residential use shall be the same as provided in Section 3.17.4.3 for the CDD-2 generally, except that the maximum permitted number of dwelling units to be contained in any combination of residential buildings shall not exceed a density of 12 dwelling units per acre, or 28 bedrooms per acre. The Board shall determine which rooms may be construed to be bedrooms.

**3.17.2.17** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited, may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.17.2.18** Public or parochial school, private non-profit school, licensed child-care center.

**3.17.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.17.3.1** Converting, altering, finishing, cleaning, assembly or other processing of products which is clearly subordinate and customarily incidental to the principal use and where goods so produced or processes are used or sold exclusively on the premises; provided that the area used for such purposes shall be within a completely enclosed building.

**3.17.3.2** Accessory outside storage of equipment, merchandise, materials or supplies which is clearly subordinate and customarily incidental to the principal use and where goods so stored are used or sold exclusively on the premises; provided that the area used for outside storage shall be effectively screened on all sides by appropriate structures, fencing, walls, or landscaping of suitable type, density and height, as determined by the Board.

**3.17.3.3** Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use, and that will not be hazardous to the public health, safety and welfare.

**3.17.3.4** Off-Street Parking and Loading in accordance with Section 5.1, herein; except that off-street parking, loading, and vehicular access areas shall be provided in the manner and to the extent determined by the Board to be adequate for any mixed use building, notwithstanding the applicable provisions of Section 5.1.4, herein. In addition, parking may be provided on a lot other than the building lot either in a public lot or a private lot with evidence of a signed lease.

**3.17.3.5** Signs: In accordance with Section 5.3, herein.

**3.17.4 Lot and Building Requirements:** Buildings and uses shall comply with all lot and building requirements as set forth hereinafter.

**Section 3.17.4.1 Minimum Lot Requirements:**

- |     |            |   |
|-----|------------|---|
| (1) | Lot Area:  | 2,000 square feet;<br>4,000 square feet for two-family dwellings. |
| (2) | Lot Width: | 20 feet   |
| (3) | Lot Depth: | 70 feet   |

**3.17.4.2 Minimum Yard and Open Space Requirements:**

- (1) Principal Uses:
  - (a) Front Yard: 10 feet or the same as the average front yard of existing structures on the block.
  - (b) Side and Rear Yards: None required, but at least 4' if provided. If the subject use abuts a residential zone, the required yard shall not encroach on any required buffer strip.
- (2) Accessory Buildings and Accessory Uses: Front yard: same as principal uses. Side and rear yards are not required, but shall comply with Section 3.17.4.2(1)(b) above.
- (3) Buffer Strip: At least 10 feet adjacent to any Residential District; except that the Board may substitute appropriate fencing or landscaped berm of suitable type and height which shall be installed and maintained by the applicant to effectively screen the use from adjoining Residential Districts. The buffer strip shall be planted in accordance with Article V Section 5.14.

**3.17.4.3 Building and Site Requirements:**

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood. All buildings and other improvements shall be constructed in accordance with the Corridor Design Development District 2 – Devon Center-Naugatuck Avenue Design Guidelines attached hereto as Appendix A.
- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed three (3) stories or 40 feet in height.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-third the sum of the heights of the affected

buildings; exclusive of parking structures which are designed to function in conjunction with a principal building.

- (5) Building Area: A maximum of 50 percent or less as required by off-street parking and loading regulations.
- (6) Floor Area Ratio: A maximum of 1.5 FAR, exclusive of accessory parking garages and structures
- (7) All site development shall be consistent with and enhance the Master Plan For Devon Center dated September 22, 2000.
- (8) Access driveways to Route 1 shall be limited to 1 per lot. One additional driveway shall be permitted for each additional 50 feet of lot width.

**3.17.5 Prohibited Uses:** The following uses shall be expressly prohibited:

**3.17.5.1** No drive-in establishment shall be permitted; except for drive-in banks.

**3.17.5.2** No parking or loading area shall be used for the storage of new or used vehicles for sale or hire; or for the storage of unregistered vehicles.

**3.17.5.3** No principal warehouse or storage; junkyard; or principal outside storage yards shall be permitted.

**3.17.5.4** No trucking distribution centers or other principal terminal facilities for handling freight or material with or without maintenance facilities shall be permitted; except for clearly subordinate and customarily incidental delivery departments or off-street loading facilities operated by business concerns for their own use.

**3.17.5.5** No principal manufacturing, fabricating, assembling or processing of goods or products shall be permitted.

**3.17.5.6** Any building or use which will not comply with the Performance Standards of Section 5.11 shall be prohibited.

**SECTION 3.18 CORRIDOR DESIGN DEVELOPMENT DISTRICT 3 – BRIDGEPORT AVENUE DESIGN CORRIDOR DISTRICT : CDD-3**

Purpose: The purpose of the Corridor Design Development District 3 – Bridgeport Avenue Design District is to enhance a section of U.S. Route 1 which serves as a critical transportation link between Milford Center and the southwestern area of the City, as well as a location of uses which support the tax base, provide goods and services, and transition to adjacent neighborhoods. As is the case with all Corridor Design Development Districts, a high level of design is established for the review of development proposals within the Site Plan review procedure.

**3.18.1 Permitted Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board shall permit the following buildings or uses in the Corridor Design Development District 3 – Bridgeport Avenue Design District, subject to Site Plan Approval in accordance with ARTICLE VII, herein.

**3.18.1.1** Commercial garage, gasoline station, vehicle repair and/or service garage, vehicle dealership, vehicle washing establishment, or other similar uses, subject to the following:

- (a) No display or parking of vehicles shall be permitted within buffer or pedestrian areas within the parcel or within any public right-of-way.
- (b) All applicable provisions of Section 5.4 herein.

**3.18.1.2** Stores for sale of goods or for performance of personal services.

**3.18.1.3** Food or beverage service establishments, without the sale of alcoholic liquor, except as otherwise provided herein. This shall not include fast food restaurants as defined in Article XI, 11-2.

**3.18.1.4** Offices for business, financial, professional or personal services or other similar offices.

**3.18.1.5** Building equipment, merchandise, materials or supply businesses, provided that the principal use is within a completely enclosed building.

**3.18.1.6** Printing or publishing establishments.

**3.18.1.7** Metal, woodworking or other similar shops or repair services

**3.18.1.8** Self-service laundry.

**3.18.1.9** Dry cleaning or dyeing establishments using non-flammable solvents, subject to approval of the cleaning solvents by the Fire Department and approval of the method of waste disposal by the Departments of Public Works and Public Health.

**3.18.1.10** Off-street parking garages or lots, provided that no display or parking of vehicles shall be permitted within buffer or pedestrian areas or within any public right-of-way.

**3.18.1.11** Mixed use buildings containing two or more Permitted Uses.

**3.18.1.12** Sale of alcoholic liquor subject to the applicable provisions of Section 5.5 herein.

**3.18.1.13** Commercial schools as defined herein.

**3.18.1.14** Health centers or clubs, including reducing salons, steam baths or other similar uses.

**3.18.1.15** Outdoor places of entertainment, amusement, recreation or assembly such as miniature golf, golf driving range or other similar open space uses.

**3.18.1.16** Drive-in establishments, as defined herein and including retail sales with curb service and carry-out food service.

**3.18.1.17** Eating places containing a minimum floor area of 2,000 square feet subject to the provisions of Section 5.5 herein, notwithstanding Sections 5.5.1.2 and 5.5.4.1.

**3.18.1.18** Veterinary hospitals.

**3.18.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII herein.

**3.18.2.1** Clubs, lodges or fraternal organizations in accordance with the provisions of Section 3.8.2.1 herein.

- 3.18.2.2** Churches or religious institutions.
- 3.18.2.3** Public charitable institutions.
- 3.18.2.4** Library, community center or other public buildings.
- 3.18.2.5** Parks, playgrounds or other public facilities.
- 3.18.2.6** Public utility buildings or facilities.
- 3.18.2.7** Mixed use buildings containing one or more Special Uses.
- 3.18.2.8** Indoor places of entertainment, amusement, recreation or assembly, such as theaters, billiard rooms, bowling or other similar indoor uses.
- 3.18.2.9** The manufacturing, fabricating, assembling or processing of goods or products, provided that the use as well as storage or accessory uses are completely within an enclosed building.
- 3.18.2.10** Fast food restaurants as defined in Article XI, 11-2.
- 3.18.2.11** Accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing Special Uses may be approved by the Board in the same manner as a Permitted Use, unless the Board requires a public hearing. Those not complying with 3.16.3.3 shall require a Special Permit.
- 3.18.2.12** Restaurants with an outdoor customer dining area as defined in Section 11-2.
- 3.18.2.13** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited, may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.18.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.18.3.1** Converting, altering, finishing, cleaning, assembly or other processing of products which is clearly subordinate and customarily incidental to the principal use and where goods so produced or processed are used or sold exclusively on the premises, provided that the area used for such purposes shall be within a completely enclosed building.

**3.18.3.2** Accessory outside storage of equipment, merchandise, materials or supplies which is clearly subordinate and customarily incidental to the principal use and where goods so stored are used or sold exclusively on the premises, provided that the area used for outside storage shall be limited to 15% of the lot area and shall be effectively screened on all sides by appropriate structures, fencing, walls or landscaping of suitable type, density and height, as determined by the Board and in accordance with Article V, Section 5.14.

**3.18.3.3** Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use, and that will not be hazardous to the public health, safety and welfare.

**3.18.3.4** Off-street parking and loading in accordance with Section 5.1, herein; except that off-street parking, loading, and vehicular access shall be provided in the manner and to the extent determined by the Board to be adequate for any mixed use building notwithstanding the applicable provisions of Section 5.1.4, herein.

**3.18.3.5** Signs: In accordance with Section 5.3, herein.

**3.18.4 Lot and Building Requirements:** Buildings and uses shall comply with all lot and building requirements as set forth hereinafter.

**3.18.4.1** Minimum Lot Requirements:

- (1) Lot Area: 10,000 square feet
- (2) Lot Width: 50 feet
- (3) Lot Depth: 100 feet

**3.18.4.2** Minimum Yard and Open Space Requirements:

- (1) Principal Uses:

- (a) Front Yard: 20 feet.
  - (b) Side & Rear Yards: None required, but at least 4 feet if provided. Lots adjacent to any Residential District shall comply with 3.18.4.2(3).
- (2) Accessory Buildings: Front yard: 20 feet. Side and rear yards are not required, but shall be at least four (4) feet, if provided.
- (3) Buffer Strip: An adequate buffer strip shall be provided adjacent to any Residential District. Said buffer strip shall be equal to or greater than 10% of the average lot width for side yards or average lot depth for rear yards, whichever is applicable, but not less than 20 feet; except that the Board may substitute, for a required 10 foot buffer, appropriate fencing or landscaped berm of suitable type and height which shall be installed and maintained by the applicant to effectively screen the use from adjoining Residential Districts.
- (4) Landscaping: All site landscaping must comply with the provisions of Section 5.14 and Section 3.19.4.2(5) below.
- (5) Landscaping of Surface Parking Lots: In addition to the site landscaping requirements provided in Section 5.14, the following provisions shall apply to vehicle dealership establishments in regard to the landscaping of surface parking lots.
- (a) Portions of a land parcel used for the outdoor display of vehicles for sale or lease shall not be required to provide internal landscaping for such display areas.
  - (b) In lieu of internal landscaping in outdoor vehicle display areas, a ten (10) foot-wide buffer strip, landscaped in accordance with Section 5.14, shall be provided along the length of those sides of the display area that face a street or other public right-of-way, and along the length of those sides of the display area that face any lot line shared with an adjacent non-residential use.
  - (c) In lieu of internal landscaping in outdoor vehicle display areas, a twenty (20) foot-wide buffer strip, landscaped in accordance with Section 5.14, shall be provided along the length of those sides of the display area

that face any residential zone boundary line or lot line shared with an adjacent residential use.

- (d) Portions of a land parcel used for parking purposes for customers and employees shall be landscaped in accordance with Section 5.14.

**3.18.4.3 Building Requirements:**

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood. Specific attention shall be given to the physical relationship to adjacent residential areas as well as the view from such areas.
- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed 40 feet in height.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-third the sum of the heights of the affected buildings; exclusive of parking structures which are designed to function in conjunction with a principal building.
- (5) Building Area: A maximum of 50 percent or less as required by off-street parking and loading regulations.
- (6) Floor Area Ratio: A maximum of 1.0 FAR, exclusive of accessory parking garages and structures.
- (7) Access Management: The points of vehicular access to Route 1 shall be limited to one vehicular access point per property, plus one additional vehicular access point for every 100 feet of frontage beyond the minimum lot width.

**3.18.5 Prohibited Uses:** The following uses shall be expressly prohibited.

**3.18.5.1** No trucking terminal facilities for handling freight or material with or without maintenance facilities shall be permitted; except for clearly subordinate and customarily incidental delivery departments or off-street loading facilities operated by business concerns for their own uses.

**3.18.5.2** Residential uses of any type shall be prohibited.

**3.18.5.3** Any building or use which will not comply with the Performance Standards of Section 5.11 shall be prohibited.

**SECTION 3.19 CORRIDOR DESIGN DEVELOPMENT DISTRICT 4 – NEW HAVEN AVENUE DESIGN CORRIDOR DISTRICT: CDD-4**

Purpose: The purpose of the Corridor Design Development District 4 – New Haven Avenue Design District is to facilitate good urban design and sensible land use patterns which will provide an aesthetically and functionally smooth transition from the high density uses of Milford Center to the lower density residential neighborhoods in the southeastern section of the City, while supporting New Haven Avenue’s role as a vibrant commercial area that provides goods and services to residents and supports the City’s tax base. As is the case with all Corridor Design Development Districts, a high level of design is established for the review of development proposals within the Site Plan review procedure.

**3.19.1 Permitted Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board shall permit the following buildings or uses in the Corridor Design Development District 4 – New Haven Avenue Design District, subject to Site Plan Approval in accordance with ARTICLE VII, herein.

**3.19.1.1** Mixed use building containing dwelling units, subject to the following conditions and safeguards:

(1) No mixed use building shall have more than 67% of the total gross floor area devoted to residential use.

(2) Each dwelling unit shall comply with the following minimum floor area requirements:

- |     |                         |                 |
|-----|-------------------------|-----------------|
| (a) | Efficiency bedroom unit | 425 square feet |
| (b) | One bedroom unit        | 575 square feet |
| (c) | Two bedroom unit        | 750 square feet |

**3.19.1.2** Single-family or two-family housing.

**3.19.1.3** Stores for sale of goods or for performance of personal services provided that the floor area shall not exceed 10,000 square feet nor have a drive up window service.

**3.19.1.4** Food or beverage service establishments, without the sale of alcoholic liquor, except as otherwise provided herein. This shall not include fast food restaurants as defined in Article XI, 11-2.

**3.19.1.5** Offices for business, financial, professional or personal services or other similar offices, provided that the floor area shall not exceed 10,000 square feet.

**3.19.1.6** Building equipment, merchandise, materials or supply businesses, provided that the principal use is within a completely enclosed building.

**3.19.1.7** Printing or publishing establishments, provided that the floor area shall not exceed 5,000 square feet per establishment.

**3.19.1.8** Metal, woodworking or other similar shops or repair services.

**3.19.1.9** Self-service laundry.

**3.19.1.10** Dry cleaning or dyeing establishments using non-flammable solvents, provided that the floor area shall not exceed 5,000 square feet per establishment and subject to approval of the cleaning solvents by the Fire Department and approval of the method of waste disposal by the Departments of Public Works and Public Health.

**3.19.1.11** Off-street parking garages or lots.

**3.19.1.12** Mixed use buildings containing two or more Permitted Uses.

**3.19.1.13** Sale of alcoholic liquor subject to the applicable provisions of Section 5.5 herein.

**3.19.1.14** Commercial schools as defined herein.

**3.19.1.15** Health centers or clubs, including reducing salons, steam baths or other similar uses.

**3.19.1.16** Outdoor places of entertainment, amusement, recreation or assembly such as miniature golf, golf driving range or other similar open space uses.

**3.19.1.17** Eating places containing a minimum floor area of 2,000 square feet subject to the provisions of Section 5.5 herein, notwithstanding Sections 5.5.1.2 and 5.5.4.1.

**3.19.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII herein.

**3.19.2.1** Multi-family residential buildings when at least 30% of the units are defined as affordable housing in accordance with Section 8-30g of the Connecticut General Statutes.

- (1) Such developments shall be limited to efficiency, one bedroom and two bedroom units.
- (2) The maximum number and designation of all units by type shall be determined by allocating the total area of the tract of land in accordance with the following schedule:
  - (a) 1,000 square feet per one bedroom or efficiency unit; and
  - (b) 2,000 square feet per two-bedroom unit.
- (3) The maximum building coverage shall be twenty-five percent (25%); maximum lot coverage shall be sixty percent (60%).
- (4) The minimum size of the living area of each type of unit shall be determined in accordance with the following schedule:
  - (a) Two-bedroom Units - 900 sq. ft. minimum;
  - (b) One-bedroom Units - 800 sq. ft. minimum;
  - (c) Efficiency Units - 450 square feet per unit minimum.
- (5) The minimum lot size shall be 40,000 square feet.
- (6) No building shall exceed three (3) stories or forty (40) feet in height.

**3.19.2.2** Multi-family housing of seven (7) or more dwelling units.

- (1) Such developments shall be limited to efficiency, one bedroom, two bedroom and three bedroom units.
- (2) The maximum number and designation of all units by type shall be determined by allocating the total area of the tract of land in accordance with the following schedule:

- (a) 2,000 square feet per one bedroom or efficiency unit; and
  - (b) 3,000 square feet per two-bedroom and three-bedroom unit.
- (3) The maximum building coverage shall be twenty-five percent (25%); maximum lot coverage shall be sixty percent (60%).
- (4) The minimum size of the living area of each type of unit shall be determined in accordance with the following schedule:
- (a) Three-bedroom Units - 1,000 sq. ft. minimum
  - (b) Two-bedroom Units - 900 sq. ft. minimum;
  - (c) One-bedroom Units - 800 sq. ft. minimum;
  - (d) Efficiency Units - 450 square feet per unit minimum.
- (5) No building shall extend within less than fifty (50) feet of any street line, fifty (50) feet of any sideline and fifty (50) feet of any rear line. No free-standing garage shall extend within less than fifty (50) feet of any street line.
- (a) No building shall exceed three (3) stories or forty (40) feet in height.

**3.19.2.3** Boarding houses, as provided and regulated in One Family Residential Districts, Section 3.1.2.2 herein.

**3.19.2.4** Clubs, lodges or fraternal organizations in accordance with the provisions of Section 3.8.2.1 herein.

**3.19.2.5** Churches or religious institutions.

**3.19.2.6** Public charitable institutions.

**3.19.2.7** Library, community center or other public buildings.

**3.19.2.8** Parks, playgrounds or other public facilities.

**3.19.2.9** Public utility buildings or facilities.

**3.19.2.10** Mixed use buildings containing one or more Special Uses.

**3.19.2.11** Indoor places of entertainment, amusement, recreation or assembly, such as theaters, billiard rooms, bowling or other similar indoor uses.

**3.19.2.12** The manufacturing, fabricating, assembling or processing of goods or products; provided that the use as well as storage or accessory uses are completely within an enclosed building.

**3.19.2.13** Fast food restaurants as defined in Article XI, 11-2.

**3.19.2.14** Stores for sale of goods or performance of personal services where the floor area exceeds 10,000 square feet or has a drive-up window service.

**3.19.2.15** Offices for business, financial, professional or personal services or similar offices where the floor area exceeds 10,000 square feet.

**3.19.2.16** Accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing Special Uses may be approved by the Board in the same manner as a Permitted Use, unless the Board requires a public hearing. Those not complying with 3.16.3.3 shall require a Special Permit.

**3.19.2.17** Veterinary hospitals.

**3.19.2.18** Restaurants with an outdoor customer dining area as defined in Section 11-2.

**3.19.2.19** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited, may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.19.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.19.3.1** Converting, altering, finishing, cleaning, assembly or other processing of products which is clearly subordinate and customarily incidental to the principal use and where goods so produced or processed are used or sold exclusively on the premises, provided that the area used for such purposes shall be within a completely enclosed building.

**3.19.3.2** Accessory outside storage of equipment, merchandise, materials or supplies which is clearly subordinate and customarily incidental to the

principal use and where goods so stored are used or sold exclusively on the premises, provided that the area used for outside storage shall be limited to 15% of the lot area and shall be effectively screened on all sides by appropriate structures, fencing, walls or landscaping of suitable type, density and height, as determined by the Board and in accordance with Article V, Section 5.14.

**3.19.3.3** Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use, and that will not be hazardous to the public health, safety and welfare.

**3.19.3.4** Off-street parking and loading in accordance with Section 5.1, herein; except that off-street parking, loading, and vehicular access shall be provided in the manner and to the extent determined by the Board to be adequate for any mixed use building notwithstanding the applicable provisions of Section 5.1.4, herein.

**3.19.3.5** Signs: In accordance with Section 5.3, herein.

**3.19.4 Lot and Building Requirements:** Buildings or uses shall comply with all lot and building requirements as set forth hereinafter.

**3.19.4.1** Minimum Lot Requirements:

- (1) Lot Area: 7,500 square feet
- (2) Lot Width: 50 feet
- (3) Lot Depth: 75 feet

**3.19.4.2** Minimum Yard and Open Space Requirements:

(1) Principal Uses:

(a) Front Yard: 20 feet.

(b) Side & Rear Yards: None required, but at least 4 feet if provided. Lots adjacent to any Residential District shall comply with 3.20.4.2(4).

(2) Accessory Uses: Front yard: 20 feet. Side and rear yards are not required, but shall be at least four (4) feet, if provided.

- (3) Usable Open Space Per Dwelling Unit: Section 3.16.4.2 (3) herein shall apply.
- (4) Buffer Strip: An adequate buffer strip shall be provided adjacent to any Residential District. Said buffer strip shall be equal to or greater than 10% of the average lot width for side yards or average lot depth for rear yards, whichever is applicable, but not less than 20 feet; except that the Board may substitute, for a required 10 foot buffer, appropriate fencing or landscaped berm of suitable type and height which shall be installed and maintained by the applicant to effectively screen the use from adjoining Residential Districts.
- (5) Landscaping: All site landscaping must comply with the provisions of Section 5.14.

**3.19.4.3 Building Requirements:**

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood. Specific attention shall be given to the physical relationship to adjacent residential areas as well as the view from such areas.
- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed 30 feet in height.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-third the sum of the heights of the affected buildings; exclusive of parking structures which are designed to function in conjunction with a principal building.
- (5) Building Area: A maximum of 50 percent or less as required by off-street parking and loading regulations.
- (6) Floor Area Ratio: A maximum of 1.0 FAR, exclusive of accessory parking garages and structures.

(7) Access Management: The points of vehicular access to New Haven Avenue shall be limited to one (1) for each fifty (50) feet of street frontage.

**3.19.5 Prohibited Uses:** The following uses shall be expressly prohibited.

**3.19.5.1** No trucking terminal facilities for handling freight or material with or without maintenance facilities shall be permitted; except for clearly subordinate and customarily incidental delivery departments or off-street loading facilities operated by business concerns for their own uses.

**3.19.5.2** No commercial garage, gasoline station, vehicle repair and/or service garage, vehicle dealership, vehicle washing establishment, or other similar uses shall be permitted.

**3.19.5.3** Any building or use which will not comply with the Performance Standards of Section 5.11 shall be prohibited.

**3.19.5.4** No junkyard; or outside storage yards shall be permitted.

**SECTION 3.20 CORRIDOR DESIGN DEVELOPMENT DISTRICT 5 – REGIONAL BUSINESS DESIGN CORRIDOR DISTRICT : CDD-5**

Purpose: The purpose of this district is to provide sites for the development of uses which are high-traffic generating and value the direct access to Route I-95 and regional markets. These uses also may require large parking areas due to the size of buildings. The specific use is less important than the provision of well designed development with access to I-95 and limited impact on adjacent residential areas.

**3.20.1 Permitted Uses:** All uses permitted in the Corridor Design Development District 5 – Regional Business Design Corridor District shall be deemed to be Special Uses.

**3.20.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may permit the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII, herein.

**3.20.2.1** Hotels, motels or extended stay hotels.

**3.20.2.2** A retail store containing at least 20,000 square feet of floor area.

**3.20.2.3** A shopping center containing at least 40,000 square feet of floor area and containing stores for sale of goods at retail or for performance of personal services clearly subordinate and customarily incidental to retail sales.

**3.20.2.4** Eating places subject to the provisions of Section 5.5 where applicable.

**3.20.2.5** Sale of alcoholic liquor, subject to the applicable provisions of Section 5.5 herein.

**3.20.2.6** Stores for sale of goods at wholesale containing at least 20,000 square feet of floor area.

**3.20.2.7** Indoor places of entertainment, amusement, recreation or assembly such as theaters, billiard rooms, bowling alleys or other similar indoor uses.

**3.20.2.8** Commercial garage, gasoline station, vehicle repair and/or service garage, vehicle dealership, vehicle washing establishment, or other similar uses; subject to all applicable provisions of Section 5.4 herein.

**3.20.2.9** Warehousing and/or wholesaling business, provided the principal use is within a completely enclosed building.

**3.20.2.10** Multi-family residential buildings when at least 30% of the units are defined as affordable housing in accordance with Section 8-30g of the Connecticut General Statutes.

(1) Such developments shall be limited to efficiency, one bedroom and two bedroom units.

(2) The maximum number and designation of all units by type shall be determined by allocating the total area of the tract of land in accordance with the following schedule:

- (a) 1,000 square feet per one bedroom or efficiency unit; and
- (b) 2,000 square feet per two-bedroom unit.

(3) The maximum building coverage shall be twenty-five percent (25%); maximum lot coverage shall be sixty percent (60%).

(4) The minimum size of the living area of each type of unit shall be determined in accordance with the following schedule:

- (a) Two-bedroom Units - 900 sq. ft. minimum;
- (b) One-bedroom Units - 800 sq. ft. minimum;
- (c) Efficiency Units - 450 square feet per unit minimum.

(5) No building shall extend within less than fifty (50) feet of any street line, fifty (50) feet of any sideline and fifty (50) feet of any rear line. No free standing garage shall extend within less than fifty (50) feet of any street line.

- (a) No building shall exceed three (3) stories or forty (40) feet in height.

**3.20.2.11** Off-street parking garages or lots.

**3.20.2.12** Restaurants with an outdoor customer dining area as defined in Section 11-2.

**3.20.2.13** Eating places containing a minimum floor area of 2,000 square feet subject to the provisions of Section 5.5 herein, notwithstanding Sections 5.5.1.2 and 5.5.4.1.

**3.20.2.14** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.20.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.20.3.1** Converting, altering, finishing, cleaning, assembly or other processing of products which is clearly subordinate and customarily incidental to a principal use and where goods so produced or processed are used or sold exclusively on the premises provided that the area used for such purposes shall be within a completely enclosed building.

**3.20.3.2** Accessory vehicle repair and/or service garages, subject to the applicable provisions of Section 5.4 herein.

**3.20.3.3** Accessory storage of equipment, merchandise, materials or supplies within completely enclosed buildings.

**3.20.3.4** Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use, and that will not be hazardous to the public health, safety and welfare.

**3.20.3.5** Off-street parking and loading in accordance with Section 5.1, herein; except that off-street parking, loading, and vehicular access shall be provided in the manner and to the extent determined by the Board to be adequate for any mixed use building notwithstanding the applicable provisions of Section 5.1.4, herein.

**3.20.3.6** Signs: In accordance with Section 5.3 herein.

**3.20.4 Lot and Building Requirements:** Subject to all other applicable provisions and limitations of these Regulations, buildings and uses shall comply with all lot and building requirements as set forth herein.

**3.20.4.1** Minimum Lot Requirements:

(1) Lot Area: 40,000 sq. ft.

- (2) Lot Width: 150 feet
- (3) Lot Depth: 150 feet

**3.20.4.2 Minimum Yard and Open Space Requirements:**

- (1) Principal Uses: Front, side and rear yards for all principal uses shall not be less than 50 feet.
- (2) Accessory Uses: Front, side and rear yards for all accessory uses, exclusive of signs, shall not be less than 25 feet.
- (3) Buffer Strip: At least 10 feet adjacent to any Residential District for the first 50 required off-street parking spaces or any portion thereof, plus an additional 10 feet of buffer strip adjacent to any Residential District for each additional 50 required off-street parking spaces, or major fraction thereof, up to a maximum of 100 feet of buffer strip.

**3.20.4.3 Building Requirements:**

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood.
- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed 5 stories or 60 feet in height.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-third the sum of the heights of the affected buildings; exclusive of parking structures which are designed to function in conjunction with a principal building.
- (5) Building Area: A maximum of 50 percent or less as required by off-street parking and loading regulations.
- (6) Floor Area Ratio: A maximum of 2.5 FAR, exclusive of accessory parking garages or structures.

**3.20.5 Prohibited Uses:** The following uses shall be expressly prohibited:

**3.20.5.1** No principal manufacturing, fabricating, assembly or processing of goods or products shall be permitted.

**3.20.5.2** No junk yard; or outside storage yards shall be permitted.

**3.20.5.3** No trucking terminal facilities for handling freight or material with or without maintenance facilities shall be permitted; except for clearly subordinate and customarily incidental delivery departments or off-street loading facilities operated by business concerns for their own use.

**3.20.5.4** Any building or use which will not comply with the Performance Standards of Section 5.11 shall be prohibited.

**3.20.6 Other Requirements**

**3.20.6.1** Traffic Study: All uses generating over one hundred (100) vehicle trips during a peak hour shall submit a traffic study prepared by a licensed traffic engineer.

**3.20.6.2** Landscaping: All Site Plans shall conform with the requirements of Section 5.14 Landscaping, Screening and Buffer Area Standards.

**SECTION 3.21 MILFORD CENTER DESIGN DEVELOPMENT DISTRICT: MCDD**

Purpose: The purpose of the Milford Center Design Development District is to preserve the unique character of Milford Center including the natural and built environment. The vision for Milford Center is one of economic and social vitality with a mixture of uses which brings people together as a community within the heart of Milford.

**3.21.1 Permitted Uses**: Subject to all other applicable provisions and limitations of these Regulations, the Board shall permit the following buildings or uses in the Milford Center Design Development District, subject to Site Plan approval in accordance with ARTICLE VII, herein.

**3.21.1.1** Stores for sale of goods or for performance of personal services, but not including health centers or clubs, including reducing salons, steam baths or similar uses.

**3.21.1.2** Food or beverage service establishments without the sale of alcoholic liquor, except as otherwise provided herein.

**3.21.1.3** Offices for business, financial, professional or personal services or other similar offices.

**3.21.1.4** Dry cleaning or dyeing establishments using non-flammable solvents, provided that the floor area shall not exceed 3,000 square feet per establishment, and subject to approval of the cleaning solvents by the Fire Department and approval of the method of waste disposal by the Departments of Public Works and Public Health.

**3.21.1.5** Printing or publishing establishments, provided that the floor area shall not exceed 3,000 square feet per establishment.

**3.21.1.6** Off-street parking garages or lots.

**3.21.1.7** Mixed use buildings containing two or more permitted uses.

**3.21.1.8** Mixed use buildings containing dwelling units, subject to the following conditions and safeguards:

(1) Each dwelling unit shall comply with the following minimum floor area requirements:

- (a) Efficiency bedroom unit            425 square feet
- (b) One bedroom unit                    575 square feet
- (c) Two bedroom unit                    750 square feet

(2) There shall be no first floor residential use in mixed use buildings.

(3) The number of bedrooms per building shall not exceed a total of six (6) without an approved Site Plan in accordance with Article VII.

**3.21.1.9** Sale of alcoholic liquor subject to the applicable provisions of Section 5.5 herein.

**3.21.1.10** Eating places containing a minimum floor area of 2,000 sq. ft. subject to the provisions of Section 5.5 where applicable, not withstanding Sections 5.5.1.2 and 5.5.4.1.

**3.21.1.11** Funeral home or mortuary.

**3.21.1.12** Public or parochial schools.

**3.21.1.13** Private non-profit schools.

**3.21.1.14** Cemeteries.

**3.21.1.15** Single family or two-family dwellings.

**3.21.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval, in accordance with ARTICLE VII.

**3.21.2.1** Clubs, lodges or fraternal organizations in accordance with the provisions of Section 3.8.2.1, herein.

**3.21.2.2** Indoor places of entertainment, amusement, recreation or assembly such as theaters, clubs, museums, art galleries, billiard rooms, bowling alleys or other similar indoor uses.

**3.21.2.3** Business schools including teaching of shorthand, typing, bookkeeping, office skills, accounting, computer services, language skills or similar activities as determined by the Board as well as commercial schools.

**3.21.2.4** Health center or clubs, including reducing salons, steam baths or similar uses.

**3.21.2.5** Public charitable institutions, churches or religious institutions.

**3.21.2.6** Parks, playgrounds or other public facilities; library, community center or other public buildings.

**3.21.2.7** Railroad, bus, taxi, or other similar passenger terminals or stations.

**3.21.2.8** Public utility buildings or facilities with completely enclosed service or storage areas.

**3.21.2.9** Mixed use buildings containing one or more Special Uses.

**3.21.2.10** Accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing Special Uses may be approved by the Board in the same manner as a Permitted Use, unless the Board requires a public hearing.

**3.21.2.11** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited, may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.21.2.12** Multi-family residential buildings:

(1) The maximum number and designation of all units by type shall be determined by allocating the total area of the tract of land in accordance with the following schedule:

- (a) 1,000 square feet per one bedroom or efficiency unit; and
- (b) 2,000 square feet per two-bedroom unit.
- (c) 2,500 square feet per three-bedroom unit or larger.

(2) The maximum building coverage shall be thirty percent (30%); maximum lot coverage shall be seventy-five percent (75%).

(3) The minimum size of the living area of each type of unit shall be determined in accordance with the following schedule:

- (a) Three-bedroom units – 1,000 sq. ft. plus 100 square feet for each additional bedroom over three (3).
- (b) Two-bedroom Units - 900 sq. ft. minimum;
- (c) One-bedroom Units - 800 sq. ft. minimum;
- (d) Efficiency Units - 450 square feet per unit minimum.

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

(5) No building shall exceed three (3) stories or forty (40) feet in height.

**3.21.2.13** Restaurants with an outdoor customer dining area as defined in Section 11-2.

**3.21.2.14** Bed and breakfast establishments.

**3.21.2.15** Boarding houses, as provided and regulated in One Family Residential Districts, Section 3.1.2.2 herein.

**3.21.3** **Accessory Uses:** The following accessory uses shall be allowed:

**3.21.3.1** Converting, altering, finishing, cleaning, assembly or other processing of products which is clearly subordinate and customarily incidental to the principal use and where goods so produced or processes are used or sold exclusively on the premises, provided that the area used for such purposes shall be within a completely enclosed building.

**3.21.3.2** Accessory outside storage of equipment, merchandise, materials or supplies which is clearly subordinate and customarily incidental to the principal use and where goods so stored are used or sold exclusively on the premises, provided that the area used for outside storage shall be effectively screened on all sides by appropriate structures, fencing, walls, or landscaping of suitable type, density and height, as determined by the Board.

**3.21.3.3** Accessory buildings or uses for principal hotels or motels may include the following:

- (1) Facilities for conventions and/or group meetings.
- (2) A restaurant, subject to the applicable provisions of Section 5.5, herein.
- (3) An inside concession stand for the sale of refreshments, tobacco products, souvenirs or similar items.
- (4) A swimming pool or other recreation facilities.

**3.21.3.4** Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use, and that will not be hazardous to the public health, safety and welfare.

**3.21.3.5** Off-Street Parking and Loading in accordance with Section 5.1, herein; except that off-street parking, loading, and vehicular access areas shall be provided in the manner and to the extent determined by the Board to be adequate for any mixed use building, notwithstanding the applicable provisions of Section 5.1.4, herein. Furthermore, the Board may determine that parking located in a publicly owned or managed facility may meet the parking requirements of a particular use.

**3.21.3.6** Signs: In accordance with Section 5.3 herein.

**3.21.4 Lot and Building Requirements** Buildings and uses shall comply with all lot and building requirements as set forth hereinafter.

**3.21.4.1** Minimum Lot Requirements:

- (1) Lot Area: 2,000 square feet
- (2) Lot Width: 20 feet
- (3) Lot Depth: 70 feet

**3.21.4.2** Minimum Yard and Open Space Requirements:

(1) Principal Uses:

- (a) Front Yard: None required, but shall be no greater than the average front yard as measured at 100 feet in either direction.
- (b) Side and Rear Yards: None required, but at least 4 feet, if provided.

(2) Accessory Buildings: Front yard: same as for principal uses. Side and rear yards are not required, but shall be at least 4 feet if provided.

- (3) Accessory Uses: Front yard: none required. Side and rear yards are not required, but shall be at least 4 feet if provided.
- (4) Buffer Strip: At least 10 feet adjacent to any Residential District; except that the Board may substitute appropriate fencing of suitable type and height which shall be installed and maintained by the applicant to effectively screen the use from adjoining Residential Districts. Said buffer strips shall be planted in accordance with the requirements of Article V Section 5.14 Landscaping, Screening and Buffer Area Standards.

**3.21.4.3 Building Requirements:**

- (1) Height: No building or structure shall exceed 40 feet in height.
- (2) Floor Area Ratio: A maximum of 3.0 FAR, including accessory parking garages and structures based on the gross floor area of all structures. The gross floor area shall not include an underground parking area.

**3.21.4.4 Design Guidelines**

All buildings and other improvements shall be constructed in accordance with the Milford Center Design Development District Guidelines attached hereto as Appendix B.

**3.21.5 Prohibited Uses:** The following uses shall be expressly prohibited:

**3.21.5.1** No drive-in establishment shall be permitted; except for drive-in banks.

**3.21.5.2** No commercial garage, gasoline station, vehicle repair and/or service garage, vehicle dealership, vehicle washing and/or detailing establishment or other similar use shall be permitted, including accessory gasoline stations.

**3.21.5.3** No parking or loading area shall be used for the storage of new or used vehicles for sale or hire; or for the storage of unregistered vehicles.

**3.21.5.4** No principal warehouse or storage; junkyard; or principal outside storage yards shall be permitted.

**3.21.5.5** No trucking distribution centers or other principal terminal facilities for handling freight or material with or without maintenance facilities shall be permitted; except for clearly subordinate and customarily incidental delivery departments or off-street loading facilities operated by business concerns for their own use.

**3.21.5.6** No principal manufacturing, fabricating, assembling or processing of goods or products shall be permitted.

**3.21.5.7** No hotels or motels shall be permitted.

**3.21.5.8** Any building or use which will not comply with the Performance Standards of Section 5.11 shall be prohibited.

## **SECTION 3.22 INTERCHANGE COMMERCIAL DISTRICT: ICD**

Purpose: The purpose of the Interchange Commercial District is to provide sites for the development of uses which are high traffic-generating and value the direct access to Route I-95. These uses also may require large parking areas to serve both trucks and automobiles. The specific use is less important than the provision of well designed development with access to I-95 and limited impact on the local street network.

**3.22.1 Permitted Uses:** All uses permitted in the Interchange Commercial District shall be deemed to be Special Uses.

**3.22.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may permit the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII, herein.

**3.22.2.1** Hotels, motels or extended stay hotels.

**3.22.2.2** A retail store containing at least 10,000 square feet of floor area.

**3.22.2.3** A shopping center containing at least 40,000 square feet of floor area and containing stores for sale of goods at retail or for performance of personal services clearly subordinate and customarily incidental to retail sales.

**3.22.2.4** Eating places subject to the provisions of Section 5.5 where applicable.

**3.22.2.5** Sale of alcoholic liquor, subject to the applicable provisions of Section 5.5 herein.

**3.22.2.6** Stores for sale of goods at wholesale containing at least 20,000 square feet of floor area.

**3.22.2.7** Indoor places of entertainment, amusement, recreation or assembly such as theaters, billiard rooms, bowling alleys or other similar indoor uses.

**3.22.2.8** Commercial garage, gasoline station, vehicle repair and/or service garage, vehicle dealership, vehicle washing establishment, or other similar uses; subject to all applicable provisions of Section 5.4 herein.

**3.22.2.9** Off-street parking garages or lots.

**3.22.2.10** Accessory buildings or uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing special uses shall be approved by the Board in the same manner as a Special Use.

**3.22.2.11** Other related or equivalent principal buildings or uses, which are not specifically listed and are not prohibited may be permitted by the Board by Special Exception in accordance with Section 7.3.

**3.22.3 Accessory Uses:** The following accessory uses shall be allowed:

**3.22.3.1** Converting, altering, finishing, cleaning, assembly or other processing of products which is clearly subordinate and customarily incidental to a principal use and where goods so produced or processed are used or sold exclusively on the premises, provided that the area used for such purposes shall be within a completely enclosed building.

**3.22.3.2** Accessory vehicle repair and/or service garages, subject to the applicable provisions of Section 5.4 herein.

**3.22.3.3** Accessory storage of equipment, merchandise, materials or supplies within completely enclosed buildings.

**3.22.3.4** Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use, and that will not be hazardous to the public health, safety and welfare.

**3.22.3.5** Signs: In accordance with Section 5.3 herein.

**3.22.4 Lot and Building Requirements:** Subject to all other applicable provisions and limitations of these Regulations, buildings and uses shall comply with all lot and building requirements as set forth herein.

**3.22.4.1** Minimum Lot Requirements:

- (1) Lot Area: 40,000 sq. ft.
- (2) Lot Width: 150 feet
- (3) Lot Depth: 150 feet

**3.22.4.2** Minimum Yard and Open Space Requirements:

- (1) Principal Uses: Front, side and rear yards for all principal uses shall not be less than 50 feet.
- (2) Accessory Uses: Front, side and rear yards for all accessory uses, exclusive of signs, shall not be less than 25 feet.
- (3) Buffer Strip: At least 10 feet adjacent to any Residential District for the first 50 required off-street parking spaces or any portion thereof, plus an additional 10 feet of buffer strip adjacent to any Residential District for each additional 50 required off-street parking spaces, or major fraction thereof, up to a maximum of 100 feet of buffer strip.

**3.22.4.3** Building Requirements:

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood.
- (2) Length: Buildings shall not be of such unreasonable length as to adversely affect the general character and appearance of the surrounding neighborhood.
- (3) Height: No building or structure shall exceed 10 stories or 120 feet in height.
- (4) Spacing: Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-third the sum of the heights of the affected buildings; exclusive of parking structures which are designed to function in conjunction with a principal building.
- (5) Building Area: A maximum of 50 percent or less as required by off-street parking and loading regulations.
- (6) Floor Area Ratio: A maximum of 1.5 FAR, exclusive of accessory parking garages and structures.

**3.22.5 Prohibited Uses** The following uses shall be expressly prohibited:

**3.22.5.1** No residential uses other than hotels or motels shall be permitted.

**3.22.5.2** No principal manufacturing, fabricating, assembly or processing of goods or products shall be permitted.

**3.22.5.3** No junk yards or outside storage yards shall be permitted.

**3.22.5.4** No trucking terminal facilities for handling freight or material with or without maintenance facilities shall be permitted; except for clearly subordinate and customarily incidental delivery departments or off-street loading facilities operated by business concerns for their own use.

**3.22.5.5** Any building or use which will not comply with the Performance Standards of Section 5.11 shall be prohibited.

**3.22.6 Other Requirements**

**3.22.6.1** Traffic Study: All uses generating over one hundred (100) vehicle trips during a peak hour shall submit a traffic study prepared by a licensed traffic engineer.

**3.22.6.2** Landscaping: All Site Plans shall conform with the requirements of Section 5.14 Landscaping, Screening and Buffer Area Standards.

**SECTION 3.23      CASCADE BOULEVARD DESIGN DISTRICT:    CBDD**

Purpose: The purpose of the Cascade Boulevard Design District is to enable the creation of a residential area in an area of the City where there are features appropriate for environmental protection. Because of these natural features, including extensive wetland areas and topographic variations, sites with more densely clustered single family housing developments in exchange for the retention of large areas of open space are encouraged to protect these important natural features. As is the case with the Corridor Design Development Districts, a high level of design is established for the review of development proposals within the Site Plan review procedure.

**3.23.1    Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII herein.

**3.23.1.1**    One family detached dwellings.

**3.23.1.2**    Single family cluster housing developments, subject to the provisions and regulations of Section 5.9 herein and the following conditions:

- (1) Minimum Gross Site Area: 10 acres.
- (2) Maximum Number of Lots: The maximum number of lots allowed in a cluster housing development shall be based upon a minimum lot area of 3,000 square feet. The number of lots allowed shall be calculated using the method stated in Section 5.9.4.2 herein. This method deducts wetlands from the computation of its gross site acreage.
- (3) Minimum Ground Floor Area: 550 square feet.
- (4) Landscaping: All site landscaping must comply with the provisions of Section 5.14 herein.

**3.23.1.3**    Boarding houses, as provided and regulated in One Family Residential Districts, Section 3.1.2.2 herein.

**3.23.2 Accessory Uses:** The following accessory uses shall be allowed:

**3.23.2.1**    Private garage with space for not more than one vehicle for each 2,000 square feet of lot area and not exceeding three spaces.

**3.23.2.2** Off-street parking and loading in accordance with Section 5.1, herein.

**3.23.2.3** Other accessory uses clearly subordinate and customarily incidental to and located on the same lot with the principal use and that will not be hazardous to the public health, safety and welfare.

**3.23.2.4** Signs: In accordance with Section 5.3, herein.

**3.23.3 Lot and Building Requirements:** Buildings and uses shall comply with all lot and building requirements as set forth hereinafter.

**3.23.3.1** Minimum Lot Requirements:

- (1) Lot Area: 10,000 square feet
- (2) Lot Width: 50 feet
- (3) Lot Depth: 100 feet

**3.23.3.2** Minimum Yard and Open Space Requirements:

(1) Principal Uses:

- (a) Front Yard: 25 feet.
- (b) Rear Yard: 25 feet. Lots adjacent to any Residential District shall comply with 3.23.3.2(4).
- (c) Side Yards: 10 feet. Lots adjacent to any Residential District shall comply with 3.23.3.2(4).

(2) Accessory Buildings: Front yard: 25 feet. Side and rear yards are not required, but shall be at least four (4) feet, if provided.

(3) Buffer Strip: An adequate buffer strip shall be provided adjacent to any commercial or industrial district. Said buffer strip shall be equal to or greater than 10% of the average lot width for side yards or average lot depth for rear yards, whichever is applicable, but not less than 20 feet; except that the Board may substitute, for a required 10 foot buffer, appropriate fencing or landscaped berm of suitable type and height which shall be installed and maintained by the applicant to effectively screen the use from adjoining commercial or industrial districts.

- (4) Landscaping: All site landscaping must comply with the provisions of Section 5.14 herein.

**3.23.3.3 Building Requirements:**

- (1) Design: Buildings shall be designed in such a manner as to be compatible with the lot and in harmony with the general character and appearance of the surrounding neighborhood. Specific attention shall be given to the relationship between the buildings and the natural environment, particularly topography and wetlands.
- (2) Bulk: Individual buildings shall not be of such unreasonable size along any dimensions as to adversely affect the general character and appearance of the surrounding neighborhood. Visual or physical variations should be provided along any dimension (length, height or width) of a building's façade that is greater than 150% of the average of such dimension for all adjacent properties.
- (3) Height: No building or structure shall exceed 25 feet in height.
- (4) Building Area: A maximum of 40 percent or less as required by off-street parking.

**3.23.4 Prohibited Uses:** The following uses shall be expressly prohibited.

**3.23.4.1** No trucking terminal facilities for handling freight or material with or without maintenance facilities shall be permitted; except for clearly subordinate and customarily incidental delivery departments or off-street loading facilities operated by business concerns for their own uses.

**3.23.4.2** Any building or use which will not comply with the Performance Standards of Section 5.11 shall be prohibited

**SECTION 3.24 OPEN SPACE AFFORDABLE HOUSING DEVELOPMENT - MULTI-FAMILY DISTRICT: OSAHD-MF**

**3.24.1 Purpose:** This Section provides a District which encourages flexibility in housing construction; provides a variety of housing opportunities to meet the needs of the community; encourages the construction of housing that is “affordable” as defined by state statutes, consistent with design and construction standards present in the community; and assists in meeting the City’s need for affordable residential alternatives. A further purpose and intent of this Section is to encourage the preservation of natural resources of the City through the maximum protection of woodlands, waterbodies, watercourses, steep slopes, scenic vistas, conservation areas, recreation areas, and similar natural features, characteristics and open spaces.

**3.24.2 Definitions**

**3.24.2.1** “Affordable Housing Development” means a proposed housing development, as defined by Section 8-30g(a) of the Connecticut General Statutes, (A) which is “assisted housing” as defined in Section 8-30g(a)(3) of the Connecticut General Statutes; or (B) in which not less than twenty-five percent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in Section 8-39a of the Connecticut General Statutes, for persons and families whose income is less than or equal to eighty percent of the area median income or eighty percent of the state median income, whichever is less, for at least thirty years after the initial occupation of the proposed development.

**3.24.2.2** “Open Space Affordable Housing Development,” as used in this Section, means a multi-family residential site development that provides, at minimum, the requisite number of Affordable Housing Units necessary to qualify as an Affordable Housing Development as provided by Section 8-30g of the Connecticut General Statutes, as may be amended, and further satisfies all requirements of this Section.

**3.24.2.3** “Open Space Affordable Housing Development - Multi-Family District” (“OSAHD-MF”) is a zoning district within which multi-family open space affordable housing developments are permitted in accordance with the requirements set forth in this Section.

**3.24.2.4** “Affordable Housing Unit.” As used in this Section, “Affordable Housing Unit” means housing for which persons and families pay thirty

percent (30%) or less of their annual income, where such income is less than or equal to the area median income for the City of Milford, as determined by the U. S. Department of Housing and Urban Development.

**3.24.2.5** “Monthly Payment,” as used in connection with an Affordable Housing Unit for sale, shall mean the amount paid monthly for mortgage principal and interest, property taxes and insurance, and common charges in the case of ownership in a common interest community; and utility costs, including hot water and electricity, but excluding telephone and cable television. The maximum allowable monthly payment for an Affordable Housing Unit that is rented shall include the cost of rent; common charges if the tenant is directly responsible; heat and utility costs, including hot water and electricity, but excluding telephone and cable television.

**3.24.3 Permitted Uses:** The Board may allow open space affordable housing developments, with Affordable Housing Units, subject to Special Permit approval, in accordance with Article VII, herein, and the standards provided in this Section. If there is a conflict between a standard of another Section of these zoning regulations and this Section, the standards of this Section shall control and apply to the proposed site development.

**3.24.4 General Standards:** In order to increase the supply of affordable housing in the City of Milford, and promote the preservation of open space, the lot, prior to a request for approval of a change of zone to an Open Space Affordable Housing Development - Multi-Family District (“OSAHD-MF”) as provided by this Section, must be located in a residential zoning district, and/or in an industrial zoning district that permits a residential use, and any specific affordable housing site development proposal, shall be subject to the following standards:

**3.24.4.1 Site Plan Requirement:** A detailed landscaping plan shall be required showing all grading, drainage, fences, walls, shrub and tree plantings, and other landscaping features.

**3.24.4.2 Exterior Lighting:** Exterior lighting shall be provided by the applicant at all access points to street, parking areas, building entrances and elsewhere, where required for the safety of vehicular or pedestrian traffic.

**3.24.4.3 Street Access:** No open space affordable housing development shall be approved by the Board for a lot unless the lot is located within one mile of a designated interstate highway, which distance shall be measured from the closest point of the lot to an interstate highway, and the lot has access to an

adequate collector or arterial street. No zoning permit shall be issued by the Zoning Enforcement Officer for any open space affordable housing site development until any required street improvements have been suitably guaranteed.

**3.24.4.4** Utilities: No open space affordable housing site development shall be approved by the Board unless each dwelling unit in such building is: (a) served by an approved public sanitary sewerage system; and (b) supplied with water from an adequate public water supply. No Certificate of Zoning Compliance shall be issued by the Zoning Enforcement Officer for any dwelling unit until such unit has been connected to said utilities.

**3.24.4.5** Improvement Standards: Plans and specifications for the construction and/or improvement of all streets, curbs and gutters, sidewalks, storm drainage facilities, sanitary sewerage facilities, water supply facilities, electric and telephone facilities, and other improvements shall comply with all applicable City and State laws, codes, ordinances, and regulations, and shall be submitted to the Board for approval.

**3.24.4.6** Ownership and Maintenance: All private streets, parking areas, sidewalks, utilities, recreation facilities, and other private improvements, facilities and areas shall be owned, maintained and operated by the applicant, owner, association or corporation without expense to the City. Open space areas are subject to Section 3.24.7.3. If required by the Board during the public hearing process, legal documentation shall be submitted assuring the ownership, maintenance and operation of such private improvements, facilities, and areas. Suitable restrictive covenants, particularly with regard to the minimum open space area requirements, may be required by the Board during the public hearing process, and such covenant(s) shall be included in all post-approval legal conveyances as a condition of a site development approval. The entire lot of an open space affordable housing development shall, at all times, be maintained in a safe, sanitary and presentable condition.

**3.24.4.7** Compliance with Chapter 126a of the Connecticut General Statutes:

- (1) Affordable Housing Units shall be of a construction quality and size that is comparable to market-rate units within the development, and shall be dispersed throughout the development.
- (2) If the development is to be built in phases, the Affordable Housing Units will be built on a pro rata basis as construction proceeds.

- (3) An Affordable Housing Unit shall be occupied only as the purchaser's or tenant's primary residence. To the extent that subletting is permitted by the lease, subletting at a rental greater than the "maximum monthly payment" as defined in this Section shall be strictly and specifically prohibited in the lease for each Affordable Housing Unit.
- (4) The developer or its successor may change the designation of which units within the development shall be set aside as affordable, provided that the minimum twenty-five percent (25 %) set aside shall be maintained, for a thirty (30) year period as provided by Section 8-30g(a)(1)(B) of the Connecticut General Statutes, as may be amended, and the development as a whole shall continue to comply with all paragraphs of this Section.
- (5) At the same time that the market-rate units in an Open Space Affordable Housing Development are first advertised to the general public, notice of availability of such units shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the City of Milford, and by providing notice to the City of Milford Municipal/City Clerk, Mayor of the City of Milford, and the Milford Planning and Zoning Board.
- (6) Each deed or lease for an Affordable Housing Unit shall contain substantially the following provision:

This unit is sold or rented as an "affordable housing unit" as defined in Sections 8-30g and 8-39a of the Connecticut General Statutes, and is available only to persons or families whose income is at or below eighty percent (80%) of the area median income for Milford, or of the state median income, whichever is less, as determined by the Connecticut Department of Housing and the U.S. Department of Housing and Urban Development. This development has been approved by agencies of the City of Milford based in part on the condition that a defined percentage of units will be preserved as affordable housing units. The restrictions related to affordability are required by law to be strictly enforced.

Any deed for the lot shall contain restrictive language substantially the same as the aforementioned.

As part of the public hearing process, the Board may require the applicant to provide a draft deed, restrictive covenant, and/or lease associated with the open space affordable housing development, incorporating the

aforementioned language, or substantially the same language, of this Section 3.24.4.7(6). Such deed, restrictive covenant, and/or lease may be incorporated by the Board as a condition of an approval of an open space affordable housing development.

- (7) The monthly rent for an Affordable Housing Unit includes a monthly allowance for utilities, which includes heat, hot water and electricity, but excludes telephone and cable television. Heat and utility costs may be calculated by reasonable estimate.
- (8) The thirty (30) year affordability period shall be calculated separately for each Affordable Housing Unit in the open space affordable housing site development, and the period shall begin on the date of occupancy of the Affordable Housing Unit.
- (9) The Board may, as a condition of approval, require an annual report from the owner of the open space affordable housing development verifying unit occupant income and compliance with the requirements of this Section 3.24.4.7. As part of this report, the Board may further require, as a condition of approval, that the owner provide a written statement including, but not limited to, the procedure utilized by the owner to verify unit occupant income, and further information to ensure compliance with the requirements of this Section 3.24.4.7.

**3.24.5 Accessory Uses:** The following accessory uses shall be allowed:

**3.24.5.1** Accessory buildings and uses, such as tennis courts, swimming pools, recreation facilities and buildings, meeting halls, model unit and office, maintenance, storage and utility buildings, parking garages, or garage bay structures, but not necessarily limited to these uses, shall be permitted for open space affordable housing developments when provided as an integral part of the overall development.

**3.24.6 Signs:** The following requirements apply to signage within the open space affordable housing development:

**3.24.6.1** Signs shall be permitted whereby any individual sign panel shall not exceed 35 sq. ft., and the aboveground support structure of any individual sign panel shall not exceed 350 sq. ft., whereby such support structure may include fencing and wall structure material.

**3.24.6.2** Accessory signs, including, but not limited to, directional and informational signs, necessary for the public safety or convenience of the open space affordable housing development, shall be permitted whereby any individual sign panel shall not exceed 20 sq. ft.

**3.24.7 Lot and Building Requirements:** A open space affordable housing development must comply with the following lot and building requirements:

**3.24.7.1 Minimum Lot Requirements:**

(1) Lot Area: 20 acres  
[the lot must have existed as a single lot, comprising at least 20 acres, for at least two years prior to an application being filed pursuant to this Section 3.24]

Lot area per dwelling unit:

(a) efficiency bedroom 2,000 sq.ft.

(b) one bedroom 2,500 sq. ft.

(c) two bedroom 5,000 sq. ft.

(3) Lot Width: 150 feet

(4) Lot Depth: 150 feet

**3.24.7.2 Minimum Yard Requirements:**

(1) Principal Uses:

(a) front yard 50 feet

(b) side yard 25 feet

(c) rear yard 30 feet

(2) Accessory Uses:

(a) front yard 25 feet

(b) side yard 25 feet

(c) rear yard 25 feet

(d) for community buildings, swimming pools and similar recreational buildings, the minimum front, side and rear yard setbacks shall be 50 feet.

### **3.24.7.3 Open Space Requirements:**

- (1) Minimum Open Space Requirements: For an open space affordable housing development, under this Section, there shall be a minimum of 40% of the total lot area dedicated to open space.
- (2) Open Space Reservations: Any land area allocated as open space shall be permanently reserved as open space for purposes approved by the Board. The areas to be reserved for open space shall be land with suitable access, shape, dimensions, character, location, topography and/or improvements for an open space affordable housing development as deemed necessary by and acceptable to the Board. All open space areas shall be shown on the applicable approved final site development plan and shall be appropriately identified to indicate that they are not intended for use as building sites.
- (3) Means of Open Space Reservations: Such open space reservations shall be permanently reserved as open space by one or more of the following means; provided that the proposed means are acceptable to and approved by the Board:
  - (a) Deeded to the City of Milford or deeded to the Milford Land Conservation Trust, Inc., or similar non-profit organization acceptable to the Planning and Zoning Board. Where open space areas are intended to be conveyed to the City or said non-profit organization, the applicant shall convey them at the stage and in the condition agreed upon in connection with processing and approval of the development. Title to the land shall be unencumbered. The City, or said non-profit organization, shall take title to such land at a time approved by the Board as a condition of the site development approval. Acceptance of an open space area, when conveyed by the applicant, shall be endorsed upon the deed by the Chairman of the Planning and Zoning Board, or the president of said non-profit organization, and shall be duly recorded with the deed stating that such land is reserved for use as open space in perpetuity.
  - (b) Held in corporate ownership by owner(s) of the lot, and/or dwelling units, within the development. Where open space areas are intended to be held in corporate ownership, the Board may require, during the public hearing process, the applicant to file with the Board a statement verifying the intended means by which title to such open space area will be transferred. Each deed or lease conveyance to unit or lot

owners in said development shall include this stipulation, the beneficial right to use of the open land, and all other restrictions pertaining thereto. The applicant shall record such deeds with all necessary legal documents in the City land records as a condition of approval of any site development.

(c) A combination of the above means.

**3.24.7.4 Building Requirements:**

- (1) Design: There shall be no less than ten dwelling units per site complex. In addition, there shall be no less than three (3) units in any building. A completely enclosed storage area shall be provided for each dwelling unit, but it shall not be computed as part of the minimum required floor area for such dwelling unit.
- (2) Length: No building shall exceed 225 feet in its greatest dimension, unless physical design considerations related to site conditions make this requirement impractical, as determined by the Board.
- (3) Height: Building shall not exceed four stories, excluding basement, nor 55 feet.
- (4) Spacing: The space between any buildings, principal or accessory, located on the same lot shall be not less than one-half the sum of the heights of the affected buildings; accessory parking structures designed in conjunction with a principal building shall be excluded from this requirement.
- (5) Lot Coverage: Maximum lot coverage shall not exceed 40%.
- (6) Minimum Floor Area Contained Within Each Dwelling Unit:
  - (a) Efficiency bedroom unit 450 sq. ft.
  - (b) One bedroom unit 575 sq. ft.
  - (c) Two bedroom unit 750 sq. ft.

**3.24.8 Parking Requirements:** To accommodate the purpose of this Section, specifically, to maximize open space area consistent with the needs associated with the proposed open space affordable housing site development, all provisions of Section 5.1 area hereby incorporated, subject to the following exception for minimum off-street parking requirements for multi-family dwellings:

- (1) one bedroom unit     1.5 space per unit
- (2) two bedroom unit    2 spaces per unit

**3.24.9 Enforcement:** The Board retains all enforcement powers granted by the Connecticut General Statutes, including, but not limited to, Section 8-12 of the Connecticut General Statutes, to ensure that the ownership, maintenance and operation of the open space affordable housing site development provided by this Section, is, at all times, in compliance with this Section, and Chapter 126a of the Connecticut General Statutes entitled “Affordable Housing Land Use Appeals”.

**3.24.10 Application of OSAHD - Multi-Family District to Lot Area Previously Zoned LI-30**

If a lot, with any area zoned LI-30, is approved for a change of zone to OSAHD-MF as provided by this Section, then that area of the lot previously zoned LI-30 will retain all permitted uses as provided by these regulations for LI-30 zoned lot area, in addition to those uses permitted by this Section, within the discretion of the Board. The open space affordable housing development use permitted by this Section 3.24, shall not be prohibited, nor limited, by any provision that applies to LI-30 zoned lot area. However, any LI-30 use in a OSAHD-MF zone shall be limited to all standards that apply to a LI-30 zoning district under these regulations, and shall not be limited by the standards of this Section 3.24.

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## **ARTICLE IV    GENERAL REGULATIONS**

### **SECTION 4.1            GENERAL LOT, YARD, HEIGHT AND USE REGULATIONS**

**4.1.1       Structures or Accessory Buildings in Residential Districts:** Structures or accessory buildings shall conform to the following requirements governing their location upon a lot:

**4.1.1.1**        No structure or accessory building shall be located in any required front yard.

**4.1.1.2**        Side and rear yard requirements in accordance with the applicable Residential District.

**4.1.1.3**        No structure or accessory building shall exceed 15 feet in height.

**4.1.1.4**        No structure or accessory building shall be less than 8 feet from a dwelling unit.

**4.1.1.5**        In the event that a garage or accessory storage building is damaged, by any means, to an extent which would preclude continued use as determined by the Zoning Enforcement Officer, the owner or tenants leasing the property, may locate a transient storage trailer on the site for a period not exceeding 3 months from the date of the initial damage occurred which caused the garage or accessory building to become unusable. Before being placed on the property, said transitory storage trailer shall require a zoning permit. Applicants applying for approval under this section shall further agree to:

- (1) Locate the temporary trailer in compliance with the required accessory structure setbacks as applicable;
- (2) Limit the size/bulk of the temporary trailer not to exceed the size/bulk of the building, which is to be repaired or not to exceed 400 square feet, whichever is less;
- (3) Limit the use of the temporary trailer for storage only, i.e., not for use as construction or contractor's trailer or habitation.

**4.1.1.6** In the aggregate, all such structures or accessory buildings on a lot together with the principal building shall not occupy a greater percentage of the lot than is allowable in the zone. (See Building Area as % of Lot, Sections 3.1.4 and 3.2.4.)

**4.1.1.7** No structure or accessory building shall be constructed to house animals unless such buildings are located at least 100 feet from any street and 50 feet from any lot line.

**4.1.1.8** Any structure or accessory building with all dimensions six feet or less, shall be exempt from these Regulations provided that no such structure or building shall be located in any front yard, nor within 4 feet of any lot line.

**4.1.2 Corner Lots:** On a corner lot, front yards are required on both street frontages, and one yard other than the front yard shall be deemed to be a rear yard and the others, side yards.

**4.1.3 Through Lots:** On a through lot, front yards are required on all streets.

**4.1.4 Projections into Required Yards:** The space in any required yard shall be open and unobstructed except for the ordinary projection of open entries, steps, decks, stoops, or porches, cantilever roofs, eaves, cornices, chimneys, belt courses, window sills, balconies, decks and similar architectural features as defined and generally used in architectural or building construction vernacular, provided that such features shall not project more than four (4) feet into any required yard nor more than a distance equal to twenty percent (20 %) of the required yard.

**4.1.4.1** Any open entries or porches constructed or for which a permit was issued prior to 12/2/70, which comply with the reduced yard requirements of the Section may be enclosed.

**4.1.4.2** Porches which do not meet the required setbacks and which appear on the 1948 Assessor's cards shall be allowed to be enclosed provided they are not extended farther into any required yard.

**4.1.4.3** Notwithstanding the provisions of ARTICLE VI, Section 6.3 of these Regulations, a zoning permit may be issued to allow the height of an existing structure to be increased when said dwelling does not conform to current required yards caused by adoption of subsequent zoning regulations,

subsequent to the dwelling's construction. The provisions of the prior sentence shall also include the minimal stairway/landing extensions necessitated if the building is being raised to comply with the flood hazard provisions of Section 5.8.

This section shall not apply to any building additions erected in violation of the zoning regulations attached garages, porches, accessory buildings or structures, or structures and additions which have received approval from the Zoning Board of Appeals.

**4.1.5 Paved Areas:** Open, uncovered terraces, patios and similar paved areas, exclusive of access drives, shall not project within 15 feet of a street line or four feet of any lot line.

**4.1.6 Fire Escapes and Stairways:** Open fire escapes and outside stairways may extend not more than six feet into any required rear or side yard; provided that such fire escape or stairway shall not be closer than four feet to any lot line.

**4.1.7 Fences and Walls:** Fences and walls not exceeding three feet in height in any front yard (see 4.1.2) nor six feet in height in any side or rear yard may be erected without a zoning permit.

**4.1.7.1** Fences and walls more than three feet, but less than six feet in height, other than retaining walls, may be erected in a required front yard subject to the granting of a Variance by the Zoning Board of Appeals in accordance with ARTICLE IX, herein.

**4.1.7.2** Notwithstanding the foregoing, wire, chain link or similar fences, which do not impair visibility, may be 4 feet in height in any front yard.

**4.1.7.3** In the case of any yard which abuts Long Island Sound only, no fences/walls or shrub rows shall be permitted within the area located between the mean high water mark (boundary) and the applicable wall of the principal structure and a line extension projected perpendicular from the side property lines to the rear corners of the principal building except where required by the State of Connecticut building code as interpreted by the City of Milford Building Official. The maximum height of the fence is the minimum required by the building code. The fence will be of such design as to minimize obstructions to view as interpreted by the City Planner and approved by the Planning & Zoning Board. Privacy style fencing is prohibited. Said prohibition

shall include fences/walls and shrub rows proposed to be located on property lines.

**Sec. 4.1.7.4** The following requires a permit to be issued by the Planning and Zoning Office. In the HDD, ID and LI zones, an eight (8) foot chain link or similar security fence that does not obscure visibility may be erected along the property line and behind the front set back requirement for the district. Barbed wire or similar security wire may be allowed atop the fence, provided the parcel does not abut a residential district. The maximum 8 foot height shall include the barbed or similar security wire.

**4.1.8 Existing Setback Lines:** If on one side of the street within a given block and within 150 feet of any lot there is pronounced uniformity of a building setback line greater than the minimum required front yard, a front yard shall be required in connection with any new building which shall conform, as nearly as practical, with those existing on the adjacent lots; except that no such building shall be required to be set back from the street a distance greater than 50 feet.

**4.1.9 Existing Narrow Streets:** (Not applicable in R-5, R-7.5 and R-10 zones.) On streets with less than a 50 foot right-of-way, the minimum required front yard setback shall be measured from the center line of the existing street right-of-way. In such instances, 25 feet shall be added to the minimum required front yard setback for the applicable Zoning District.

**4.1.10 Side Yards for Dwellings:** Wherever practical, new dwellings proposed without garages, shall be located on the lot so that all yard requirements may be complied with if an attached garage is later constructed.

**4.1.11 Waiver of Yards:** In any non-residential district, no side or rear yard shall be required where such yards abuts an operating railroad right-of-way.

**4.1.12 Courts:** The minimum horizontal distance between facing walls of any inner court shall not be less than twice the height of the facing wall having the greatest height, and the depth of any outer court shall not exceed its width.

**4.1.13 Exceptions to Height Requirements:** No structure shall be erected or altered to exceed the height limit herein established for the Zoning District in which such structure is located; except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, spires, belfries, towers, steeples,

stage lofts and screens, flag staffs, chimneys, flues, smokestacks, individual domestic radio, television aerials and wireless masts, water tanks, standpipes, or other similar structures may be erected above the height limits herein prescribed. No such structure shall be erected to exceed by more than fifteen feet, the height limits of the Zoning district in which it is located; nor shall such structures have a total area greater than ten percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the principal use of the building.

**4.1.14 Trailer Coaches:** Trailer coaches which are in fact or construed to be dwellings shall be subject to these Zoning Regulations as they pertain to dwellings. (See ARTICLE XI, Definitions of Dwellings: Trailer Coaches.)

**4.1.15 Flood Protection:** No land, building, structure or use shall be developed, constructed, or occupied below the regulatory flood protection elevation, except in accordance with the Flood Hazard Regulations, Section 5.8 herein.

**4.1.16 Waterbodies and Watercourses:** Unless and until the Planning and Zoning Board has previously approved a Site Plan and authorized the issuance of a Special Permit in accordance with ARTICLE VII, herein.

**4.1.16.1** No fill shall be deposited in or within 25 feet of any tidal waterbody, watercourse, or wetland except in accordance with the Earth Fill and Removal Regulations, Section 5.7 herein.

(1) Any fill to be deposited within 150 feet of an inland wetland shall be subject to review by the Milford Inland Wetlands Agency.

**4.1.16.2** No building or structure shall be constructed or located within 25 feet of the seasonal high water level, mean high watermark, or legally established boundary of any tidal waterbody, watercourse, wetland or flood hazard area (natural or man-made and named or unnamed) per the Milford Coastal Management Plan and the Connecticut Coastal Management Act, where applicable; and further provided that:

(1) Any building or structure to be constructed or located within 150 feet of any wetland shall be subject to review by the Milford Inland Wetlands Agency.

- (2) No revetment, seawall, bulkhead, fence or similar flood and erosion control works shall be erected higher than two feet above the regulatory flood protection elevations.

**4.1.16.3** No structure of any type nor the performance of any type of work incidental thereto shall be permitted on the water side of the seasonal high water level, mean high watermark or legally established boundary of any water body, watercourse, wetland or flood hazard area (natural or manmade and named or unnamed); and further provided that:

- (1) No groin, jetty or similar structure shall be extended into any water body, watercourse wetland, or flood hazard area further than the mean low water mark, nor shall such structure be constructed at an elevation higher than two feet above the mean high water mark.
- (2) No watercourse or open drainage ditch shall be walled up, filled in, narrowed down, altered, or otherwise obstructed, except for necessary clearing of debris, unless a favorable report from the City Engineer is first received by the Planning and Zoning Board.
- (3) No watercourse or open drainage ditch shall be piped or otherwise enclosed unless the size, type, grade and nature of such enclosure is first approved in writing by the City Engineer; and
- (4) Any new drainage ditch shall be so constructed that it shall have a flat bottom of sufficient width to carry the normal flow of water, and shall have sides sloping at a grade of not greater than one foot vertical to one and one-half feet horizontal, and such sides shall be adequately protected by revetment, bulkheads, rip-rap, planting suitable vegetation, or other protective measures.

## ARTICLE V SUPPLEMENTARY REGULATIONS

### SECTION 5.1 PARKING AND LOADING REGULATIONS

**5.1.1 General Procedure:** It is the intention of these Regulations that all buildings and uses be provided with a sufficient amount of off-street parking and loading space to meet the needs of persons employed at or making use of such buildings or uses. No permit for the erection or substantial alteration of a building, or for the development of a use, shall be issued unless off-street parking and loading facilities shall have been laid out in a plot plan in accordance with the appropriate requirements for buildings and uses set forth in this Section and until the drainage plan for such parking and/or loading area, except in conjunction with single family dwellings not located in flood hazard areas, shall have been approved by the City Engineer.

**5.1.2 Zoning Permits:** The plot plans for any new building or any replacement or reconstruction of any existing buildings, when submitted to the Zoning Enforcement Officer for a Zoning Permit in accordance with ARTICLE VII, herein, shall show specifically the location and size of the off-street parking and/or loading areas required to comply with this Section, and the means of access to such space from the public streets or highways. The drainage plan of such parking and/or loading area shall be approved by the City Engineer with regard to safety to the area and adjoining properties. The Zoning Enforcement Officer shall not issue a Zoning Permit until the drainage plan of such parking and/or loading area has been endorsed with such approval.

**5.1.3 Completion of Required Parking and Loading Areas:** The use of any property for a principal or accessory off-street parking and/or loading area shall not commence until all work required in connection therewith is either completed or until the Zoning Enforcement Officer approves postponement of the improvements, or portion thereof, and accepts satisfactory surety in order to guarantee the completion of such postponed work.

**5.1.4 Off-Street Parking Requirements:** Adequate off-street parking spaces, open or enclosed, shall be provided for any building or use in accordance with the minimum requirements of this Section. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these parking regulations. Reasonable and appropriate off-street parking requirements for buildings and uses which do not fall within the categories listed shall be determined in each case by the Board upon consideration of all factors entering into the parking needs of such use.

**Figure 4: Minimum Off-Street Parking Requirements**

<b>Type of Building or Use</b>	<b>Minimum Required Parking Spaces</b>
(1) One Family Dwellings	2 spaces
(2) Two Family Dwellings	4 spaces
(3) Multiple Family Dwellings	
(a) Efficiency bedroom units	2 space minimum per dwelling unit
(b) One bedroom unit	2 space minimum per dwelling unit
(c) Two bedroom units	3 space minimum per dwelling unit
(d) Three bedroom units	3 space minimum per dwelling unit
(4) Housing for elderly	1 space per dwelling unit
(5) Home occupation or accessory professional or home office	2 spaces in addition to dwelling requirements.
(6) Places of assembly, including but not limited to churches, auditoriums, theaters, and stadiums	1 space for each 4 fixed to seats or equivalent gross floor area. (50 sf/space)
(7) Food and beverage establishments including, but not limited to restaurants, outdoor luncheonettes, soda fountains, clubs (public and private), coffee houses, and fraternal organizations	1 space for each 75 sq. ft. of gross floor area, including service areas if any.
(8) Take Out Restaurants	1 space for each 250 sq. ft.
(9) Taverns, Cafes	1 space for each 50 sq. ft. of gross floor area including outdoor service areas, if any
(10) Health Clubs	1 space for each 50 sq. ft.
(11) Hotels, motels and boarding houses	1 space for each rooming unit, plus required parking for facilities used for eating, drinking, assembly, and other such uses.
(12) Automotive services, including but not limited to gas stations, auto accessories, auto repair, auto body and paint shop, muffler installation, tire and engine and transmission overhaul shops	1 space for each 250 sq. ft. of gross floor area; or 3 spaces per bay, lift or equivalent for customer and employee parking only, whichever is greater.
(13) Vehicular dealerships including, but not limited to, those which sell new and used: motor vehicles, trailers, watercraft and mobile homes.	1 space for each 250 sq. ft. of gross floor area, or 1 space for each 1,500 sq. ft. of open sales display lot, whichever is greater.
(14) Open or outdoor businesses, including but not limited to those businesses, which sell new and used: motor vehicles, trailers, mobile homes; building supplies, machinery, equipment, swimming pools, nurseries and garden supplies.	1 space for each 250 sq. ft. of enclosed sales floor area plus 1 space for each 1,000 sq. ft. of open sales display lot area.
(15) Boat docks, marinas and boat yards	1 space for each boat dock or mooring facility.
(16) Appliance, carpet, furniture, electrical,	1 space for each 500 sq. ft. of gross floor area.

**Figure 4: Minimum Off-Street Parking Requirements**

<b><u>Type of Building or Use</u></b>	<b><u>Minimum Required Parking Spaces</u></b>
heating, plumbing and glass retail sales	
(17) Other retail sales and service establishments	1 space for each 250 sq. ft. of gross floor area.*
(18) General business and professional offices	1 space for each 250 sq. ft. of gross floor area or two spaces for each office or tenant, whichever is greater, or 3 spaces per 1,000 sq. ft. of gross floor area in a DO-10 or DO-25 zone district with the reserve parking area of 1 space for each 1,000 sq. ft. of gross floor area retained in suitably located open space areas so as to be utilized for required parking at such time as the Planning and Zoning Board shall require.*
(19) General Hospital	1 space per patient bed plus 1 space per employee during the maximum work shift, plus 1.5 spaces per operating and/or treatment room that is part of an outpatient surgical facility or wing of a hospital.
(20) Convalescent, nursing or rest home	1 space per four patient beds plus 1 space per employee during the maximum work shift
(21) Wholesale and distribution, warehousing and storage, truck terminals, and other enclosed storage uses, and manufacturing and industrial establishments	1 space for each 750 sq. ft. of gross floor area or 1 space for each employee on the maximum work shift, whichever is greater.
(22) Schools - Public, Parochial, Private Non-Profit commercial (Elementary, Middle or Junior High School)	1 space for each 6 seats or equivalent.
(23) Schools – Public, Parochial, Private Non-Profit commercial (High School)	1 space for each 2 seats or equivalent.
(24) Regional Shopping Malls	1 space for each 250 sq. ft. of gross buildable area. Storage areas of more than 10,000 sq. ft. per store unit shall not be included in the parking calculations and shall be a deduction from gross buildable area.
<p>* An establishment may reduce its parking requirement down to a minimum of 1 space for each 400 sq. ft. of gross floor area, in exchange for an increase in buildable floor area equal to one-half of the difference between the reduced parking requirement and the general minimum of 1 space for each 250 sq. ft. of gross floor area. The remaining one-half of this difference must be maintained as additional landscaped open space on the site, in accordance with Article V, Section 5.14 of these Regulations. The Board, if it determines upon review of a Site Plan for such establishment that a reduction in the number of parking spaces is suitable and proper for the site, may grant this reduction by way of a Special Exception.</p>	

**5.1.4.1**     Drive-In Establishments:

- (1) A drive-in bank window shall have at least ten waiting positions between the street line and said window for cars approaching and at least two waiting positions for cars leaving said window. Such approach(es) shall be so arranged so as not to conflict with required off-street parking facilities and access thereto.
- (2) An attendant-operated or self-service car wash shall have at least ten waiting positions for each bay between the street line and such bay for cars approaching and at least two waiting positions for cars leaving said bays.
- (3) A fast-food drive-through window shall have at least ten waiting positions between the street line and said window for cars approaching and at least two waiting positions for cars leaving said window. Such approach(es) shall be so arranged so as not to conflict with required off-street parking facilities and access thereto.
- (4) A pharmacy drive-through window shall have at least five waiting positions between the street line and said window for cars approaching and at least two waiting positions for cars leaving said window. Such approach(es) shall be so arranged so as not to conflict with required off-street parking facilities and access thereto.

**5.1.5**     **Off-Street Loading Requirements:** Adequate off-street loading berths, open or enclosed, shall be provided for any building or use in accordance with the minimum requirements of this Section. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these minimum loading requirements. Reasonable and appropriate off-street loading requirements for buildings and uses which do not fall within the categories listed shall be determined in each case by the Board upon consideration of all factors entering into the loading needs of such use.

**5.1.5.1**     Every hospital, institution, hotel, retail store, office building, wholesale house, warehouse, or industrial building, or additions thereto, totaling 8,000 square feet or more in floor area hereafter erected or established, shall have on the lot one permanently maintained loading space, and one additional loading space for each additional 16,000 square feet of floor area, or major portion thereof, excluding basements. Except that the

Planning and Zoning Board may determine that optional proposals for providing service entrance areas or space may be allowed.

**5.1.6 Space Computations:** When units of measurements determining the number of required parking and/or loading spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one additional space.

**5.1.7 Size of Spaces:** Any off-street parking spaces as used herein shall be a space of not less than 9 feet in width and 18 feet in length. A waiting position shall be a 9 ft. by 18 ft. space in a line of approach. An off street loading space as used herein shall be a space of not less than 12 feet in width, 40 feet in length, and 14 feet in height.

**5.1.7.1 Parking Structures:** The Board may permit smaller parking spaces for any area located within or under a principal building or located within a multi-level parking structure; provided that such parking area shall contain at least three parking spaces. In general, such smaller parking spaces shall not be less than 8 feet in width and 18 feet in length.

**5.1.7.2 Attendant Parking:** The Board may, subject to Special Permit and Site Plan Approval, in accordance with ARTICLE VII, herein, permit smaller aisle and spaces for any use which will be served by attendant parking; provided that: (a) such attendant parking is customarily incidental to the principal use; and (b) adequate waiting positions are provided for vehicles approaching and leaving the principal use. In general, such smaller parking spaces shall not be less than 8 feet in width and 18 feet in length.

**5.1.8 Multiple Uses and Facilities:** When two or more different uses are located on a single lot, the total amount of parking and/or loading spaces to be provided shall be the sum of the requirements for each individual use on the lot. The Board may, subject to Site Plan review in accordance with ARTICLE VII, herein, approve the joint use of space by two or more establishments on the same or on contiguous lots where the total capacity of such space is less than the sum of the spaces required for each use; provided that the Board finds that the capacity to be provided will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments, and further provided that such approval of such joint use shall be automatically terminated upon the termination of any such establishments.

**5.1.9 Location and Ownership:** Required parking and/or loading spaces shall be provided upon the same lot as the principal building or use which they serve. If the Board determines that it is impractical to provide all or part of the parking spaces on the same lot with the principal building or use, it may permit all or part of the parking spaces to be located on any lot which is within 250 feet of the principal building or use, measured along access ways to the lot. In all such cases, such parking spaces shall be in the same ownership as the use to which they are accessory and shall conform to all the regulations of the Zoning District in which they are located; but in no event shall such parking spaces be located in any Residential District unless the use which the spaces serve are allowed in such Residential Districts. Any such approval by the Board shall be subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII, herein, and shall be recorded in the Land Records of the City as an encumbrance on the land designated for off-street parking, and such land shall not be released from parking use unless and until alternative space is provided and approved elsewhere.

**5.1.10 General Layout and Design:** The general layout and traffic circulation of parking and loading areas shall be designed so as to avoid unsafe conditions and traffic congestion in the streets upon which the area has access and to provide for the safety and adequacy of access for vehicles and pedestrians using the area.

**5.1.10.1** Parking spaces and aisles shall be laid out in accordance with the "Design Standards for Off Street Parking", as set forth hereinafter. All proposed curb cuts, access drives, and parking areas shall comply with all applicable requirements of the State Department of Transportation.

**5.1.10.2** All parking lots for new buildings or existing buildings to be substantially renovated, except as noted below, shall provide parking spaces for handicapped individuals according to the following schedule:

Total Parking Spaces In Lot	Required Number of Accessible Spaces
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 % of total
over 1,000	20 plus 1 for each 100 over 1,000

**5.1.10.2.1** If a curb exists between a parking lot surface and sidewalk surface, an inclined curb approach or a curb cut flush with the parking lot surface having textured or rippled surface shall be provided for wheelchair access.

**5.1.10.2.2** Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways and entrances. These spaces should also be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways and elevators.

**5.1.10.2.3** These provisions shall not be mandatory for high hazard buildings, low or moderate storage buildings, residential hotels or multi-family dwellings having less than 25 units; or one or two family structures.

**5.1.10.2.4** If a question should arise as to which use group, as described above, a building belongs, the decision of the Building Inspector shall prevail.

**5.1.10.3.** Any enclosed loading space shall be located at least 30 feet from any street line and any open loading space shall be so designed that trucks when loading or unloading will not project over any street line.

**5.1.10.4** Individual parking and loading spaces, maneuvering areas, entrances and exits shall be suitably identified with lines and arrows, as deemed necessary by the Zoning Enforcement Officer.

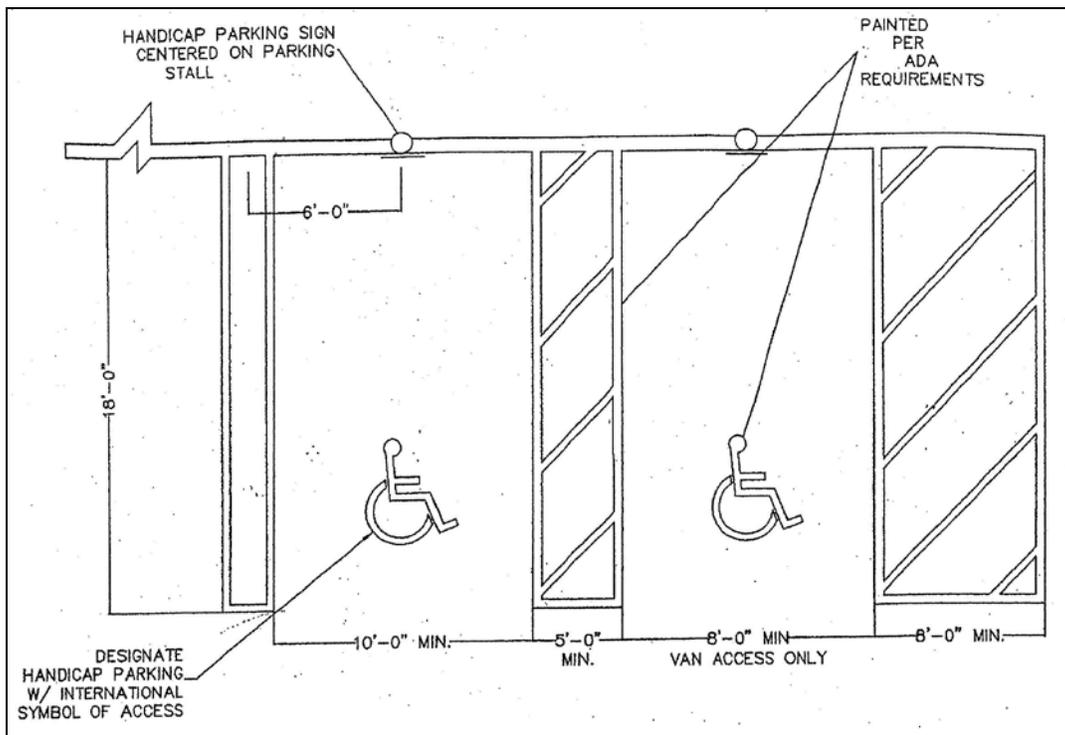
**5.1.10.5** No access drive, aisle or maneuvering area shall have a turning radius of less than 20 feet.

**5.1.10.6** Where vehicles will be located against sidewalks, fences, walls, required buffer strips, trees, landscaping or similar constructions, a suitable bumper strip shall be provided in such a location that the vehicle cannot overhang or otherwise damage said obstruction.

**5.1.10.7** In any parking area containing 20 or more parking spaces, suitable speed bumps at reasonable intervals may be required in order to protect the public safety.

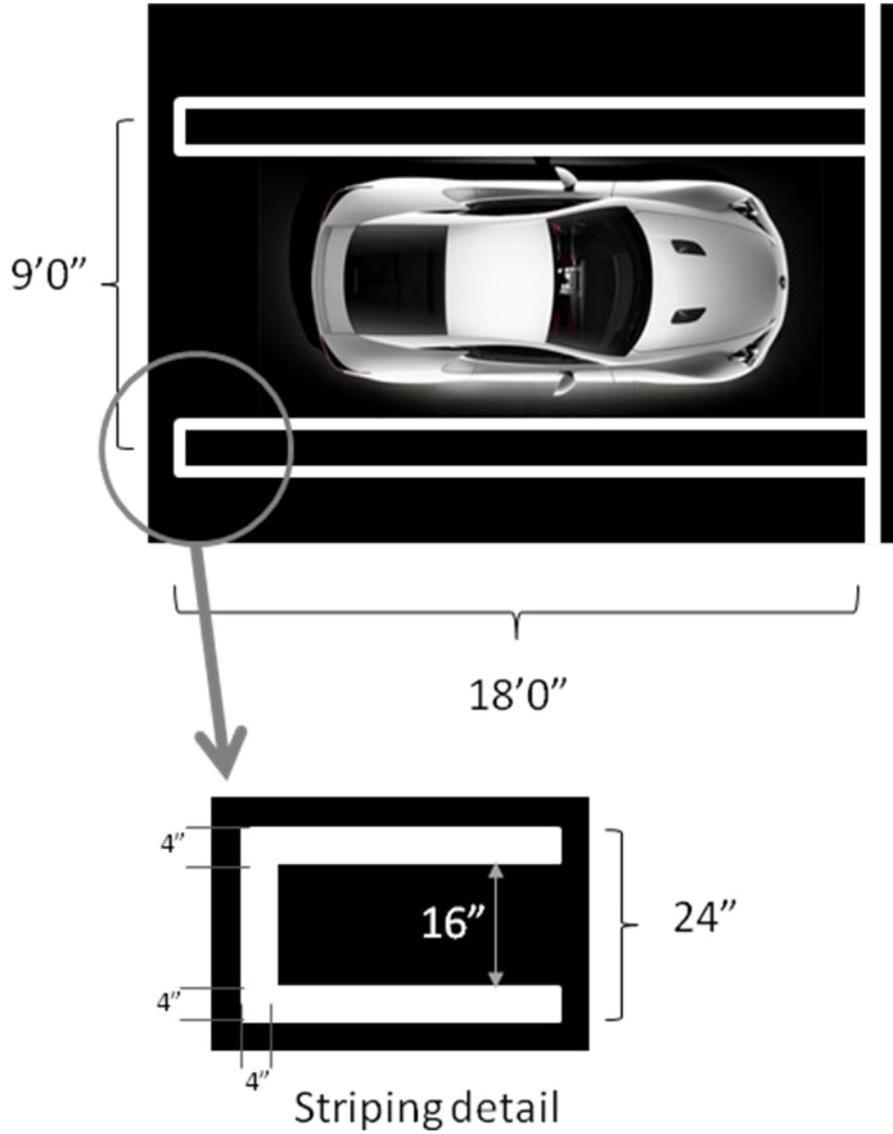
**5.1.10.8** In any parking area containing 20 or more parking spaces and two or more parallel aisles, suitable guard rails or esplanades may be required in order to protect the public safety and/or to promote a more aesthetic parking area.

**Diagram 1: Accessible Parking Design Requirements**

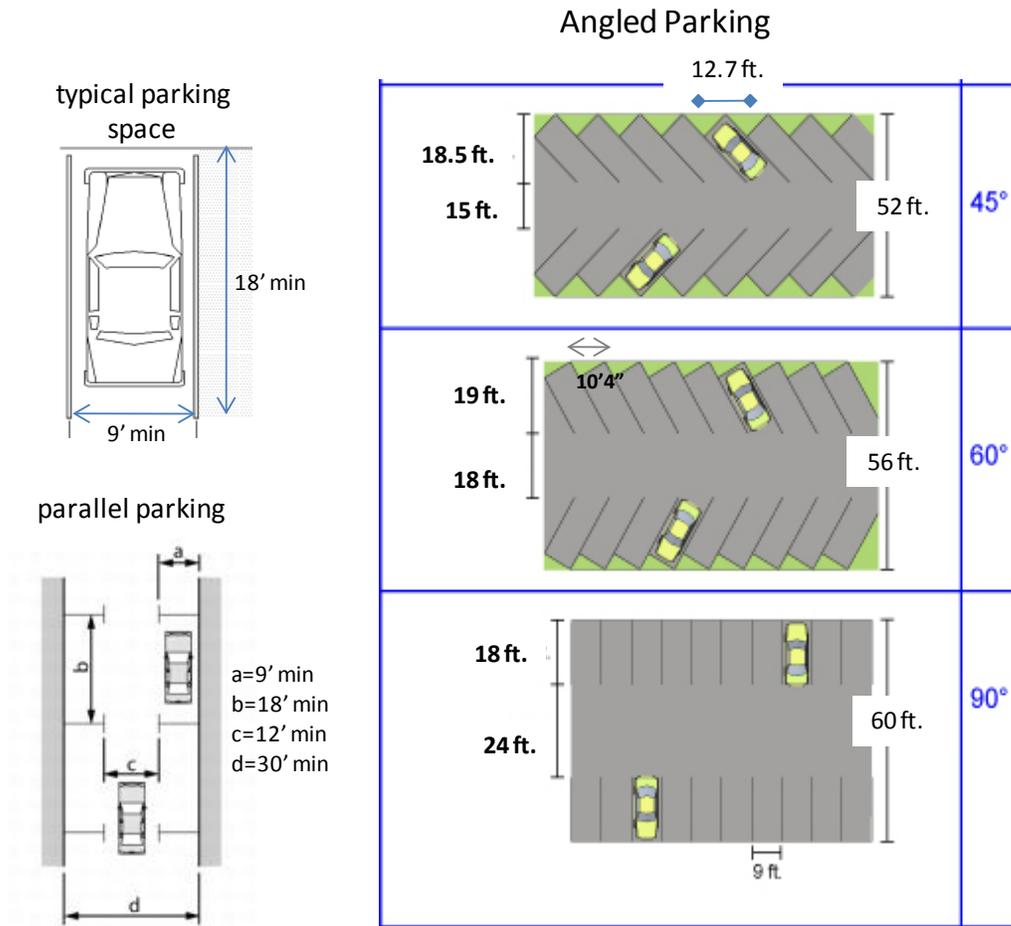


*Note: Every 6<sup>th</sup> handicapped space or fraction thereof rounded up must be a van accessible space.*

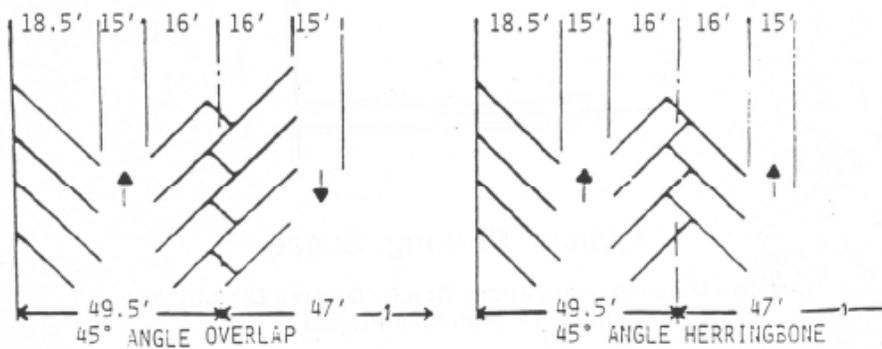
**Diagram 2: Parking Space Striping Requirements With Striping Detail**



**Diagram 3: Design Standards for Off-Street Parking**



**Angled Overlapping**



**5.1.11 Access Drives:** No driveway or access road, to or from any property shall be so located at its juncture with a street as to create a danger or menace to the community or to the convenience or proper use of the adjoining property. No driveway shall provide access through a residential district to a lot located in another Zoning District.

**5.1.11.1** No driveway approach shall be less than 10 feet in width nor greater than 30 feet in width at the street line.

**5.1.11.2** No driveway shall be located closer than 25 feet to any street intersection measured along the street lines. In any nonresidential district, no two driveways on the same lot shall be located closer than 25 feet to each other at their closest limits.

**5.1.11.3** No lot having less than 200 feet of street frontage shall have more than two driveway entrances and/or exits on each street abutting the lot. Lots with more than 200 feet of street frontages may have up to one driveway entrance and/or exits for each 100 feet of additional street frontage.

**5.1.12 Drainage and Surfacing:** All off-street parking and loading areas, whether open or enclosed, shall be suitably graded, surfaced, curbed, drained and maintained as deemed necessary by the Zoning Enforcement Officer and approved by the City Engineer to avoid hazards or nuisances of dust, erosion, damage to any buffer strip planting or storm water flow onto public streets.

**5.1.13 Buffer Strips and Screening:** All parking areas with more than 5 spaces and/or loading areas shall be bordered on all sides that are contiguous to or across the street from a Residential District, with a suitable buffer strip on which shall be located and maintained appropriate fencing and landscaping of suitable type density and height to effectively screen the parking area and the lights of motor vehicles adjoining residential areas, as deemed necessary by the Zoning Enforcement Officer. All landscaping shall be in accordance with Article V Section 5.14.

**5.1.14 Landscaping:** Where 10 or more surface parking spaces are provided on any lot, the lot containing those spaces shall be suitably landscaped in accordance with Article V, Section 5.14.

**5.1.15 Lighting:** Necessary lighting of parking areas shall be permitted subject to Section 5.2 Exterior Lighting Regulations. The Board may limit the hours of lighting and the number and location of lights for any parking and/or loading area that is subject to Site Plan Approval in accordance with ARTICLE VII, herein.

**5.1.16 Operation and Maintenance:** Required off-street parking and/or loading facilities shall be maintained with any required markings thereon so long as the building or use which the facilities are designed to serve exists. Required parking areas shall be available to those who make use of buildings and uses for which they are required. Required off-street parking and/or loading areas which after development are later offered to and accepted by the City, shall be deemed to continue to serve the buildings or uses to meet the requirements for which they were originally approved.

**5.1.16.1** No motor vehicle sales or service and no motor vehicle storage or display shall be permitted on any required parking and/or loading areas in any Zoning District.

**5.1.16.2** No display or parking of vehicles shall be permitted within buffer or pedestrian areas within the parcel or within any public right-of-way.

**5.1.16.3** In approving any off-street parking and/or loading areas that are subject to Site Plan Approval in accordance with ARTICLE VII, herein, the Board may also require satisfactory evidence that the parking and loading areas including buffer and landscape areas will be maintained in full compliance with these requirements. The Zoning Enforcement Officer shall inspect the parking and loading areas on an annual basis. If the areas are not being maintained in accordance with the Site Plan, the owner of record shall be required to improve the property to the level in the Site Plan.

**5.1.17 Tandem Parking:** Any application that proposes a parking plan where one car is parked in front of the other, whether open or enclosed, shall be subject to Section 7.2. This section shall not apply to single family residences in single family residential zones.

**SECTION 5.2 EXTERIOR LIGHTING REGULATIONS**

**5.2.1 General Purpose:** This regulation of outdoor lighting applies to both permanently installed outdoor light fixtures and temporary installation of lighting for special events (i.e. carnivals, grand openings), and is necessary to prevent misdirected or excessive artificial light, caused by inappropriate or misarranged light fixtures that produce direct glare, light trespass, and also that such regulation is necessary to improve or maintain nighttime public safety, utility and security.

**5.2.1 Design Standard**

**5.2.2.1** Where used for security purposes or to illuminate walkways, and parking lots, only shielded light fixtures shall be used and mounted no higher than 20 feet.

**5.2.2.2** Where used for commercial and industrial purposes such as in merchandise display area, work areas, platforms, signs, architectural, landscape, or sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and comply with the following:

- (1) Indirect uplighting of signs shall be limited to two (2) seventy-five (75) watt incandescent bulbs per sign. If the sign is double-faced, the same type and amount of lighting may be used on each side. The seventy-five (75) watt incandescent bulbs shall be limited to seven hundred fifty (750) lumens per bulb, and shall be completely shielded from view at the nearest property line or street line. All lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained to the target area. Internally lighted signs are acceptable. Indirect uplighting may be included as part of landscaping, walls or other architectural features.
- (2) Recreational and sports facility lighting shall comply with IES recommendations and shall be shielded.
- (3) All other outdoor light fixtures shall be shielded to prevent misdirected or excessive artificial light.
- (4) Merchandise display area lighting shall be turned off within 30 minutes after closing of the business. Under no circumstances shall the full illumination of the display area be permitted after 11:00 p.m. Any lighting used after 11:00 p.m. shall be used for security purposes only.

(5) All outdoor lighting fixtures necessary for security purposes shall be activated by motion sensor devices, or turned off during non-operating hours. Illuminated signs are excluded from this requirement.

**5.2.2.3** Foundations supporting lighting poles shall not be less than 24 inches above grade.

**5.2.2.4** Light fixtures shall not be mounted on the lighting pole higher than 20 feet from grade

**5.2.3 Light Trespass:** All light fixtures shall be designed, installed, and maintained to prevent light trespass, as specified in Section 5.2.3.1 and 5.2.3.2 below.

**5.2.3.1** At the property line of the originating property (light source), illumination from light fixtures shall not exceed 0.1 foot-candle on residentially zoned property or 0.5 foot-candle on business zoned property, measured in a vertical plane.

**5.2.3.2** Exterior light fixtures properly installed and thereafter maintained shall be directed so that there will be no direct glare light emissions.

Exterior light fixtures in close proximity to adjacent property may require special shielding devices to prevent light trespass.

**5.2.4 Submission of Lighting Plans:** All applications for subdivisions and Site Plan reviews shall include a lighting plan. The lighting plan shall include the following items:

**5.2.4.1** Location, size, height, orientation, design, and plans for all illuminated signs and outdoor lighting. A detail drawing showing type of fixture and level of wattage shall be provided. For Site Plans showing a high level of illumination the board shall require an Iso-Lux plan indicating the levels of illumination in foot-candles, at ground level.

**5.2.4.2** Show location of all security lighting on the site.

**5.2.4.3** Show foundation details and location of poles when applicable.

**5.2.4.4** The hours of operation for the business at the site location shall be indicated.

**SECTION 5.3 SIGN REGULATIONS**

**5.3.1 General Procedure:**

It is the intention of these sign regulations to promote the public safety, protect property values, create an attractive business climate and enhance the physical appearance of the community. No sign, except as provided in Section 5.3.3 hereof, shall be erected or structurally altered unless an application for a Zoning Permit has been approved by the Zoning Enforcement Officer, in accordance with ARTICLE VIII, herein. The Zoning Enforcement Officer shall act on all sign permit applications within 30 days after receipt exclusive of weekends and holidays. Failure of the Zoning Enforcement Officer to approve or deny the application within said period shall constitute approval of the application.

**5.3.2 General Requirements:**

**5.3.2.1 Maintenance:** All signs together with their supports, braces, guys, and anchors shall be kept in good repair and in safe condition. The owner of the premises on which a sign is erected shall be directly responsible for keeping such sign and premises around it in a safe, sanitary, neat and clean condition.

**5.3.2.2** Any commercial sign now or hereafter existing which no longer identifies or advertises a bonafide business conducted, product sold, or activity or campaign being conducted shall be taken down and removed by the owner, agent or person having beneficial use of the building, structure, or lot upon which sign is located within 65 days of such cessation.

**5.3.2.3 Illumination:** Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity and shall be designed, located, erected and maintained only for the purposes of illuminating the subject sign and/or premises.

**5.3.2.4** Any non-residential building or use that requires Site Plan review subject to Section 7.1 herein shall include a freestanding sign displaying the street address number or numbers of the building or use placed perpendicular to the roadway on which the building or use has its primary frontage. Such freestanding sign shall have a minimum size of 0.5 square feet and a maximum size of 2 square feet, shall be clearly visible from the roadway and shall have street address numbers that are a minimum of 5 inches in height. The area of such freestanding sign shall not count toward the total allowed signage area for the property.

**5.3.3 Signs Exempted from these Regulations:**

Subject to the conditions applicable in each instance and provided they are maintained in a safe, sanitary, neat and clean condition, the following signs shall not be subject to Section 5.3.1 and 5.3.2.1 hereof.

**5.3.3.1 Purpose and Findings:**

The City of Milford Planning & Zoning Board is enacting this Regulation to establish reasonable regulations for the posting of temporary signs on public and private property. The Board finds that temporary signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, temporary signs can become a threat to public safety as a traffic hazard and detriment to property values and the City's overall public welfare as an aesthetic nuisance. By enacting this Regulation the Board intends to:

- (1) balance the rights of individuals to convey their messages through temporary signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (2) further the objectives of the City's Plan of Conservation and Development;
- (3) protect the public health, safety, and welfare;
- (4) reduce traffic and pedestrian hazards;
- (5) protect property values by minimizing the possible adverse effects and visual blight caused by temporary signs;
- (6) promote economic development; and
- (7) ensure the fair and consistent enforcement of the temporary sign regulations specified below.

**5.3.3.2 Definitions.** For the purposes of this Regulation, the following words have the meanings respectively ascribed to them in this Section only, except where the context clearly indicates a different meaning:

- (1) BUILDING LOT means any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purposes of transfer of ownership.
- (2) COMMERCIAL SIGN means a sign which identifies, advertises, or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including, without limitation, any sign naming a brand of goods or service and real estate signs, as further defined below.
- (3) POST means to erect, attach, or affix in any manner, including without limitation nailing, tacking, tying, gluing, pasting, painting, staking, marking or writing.
- (4) PUBLIC RIGHT-OF-WAY means the entire area between property boundaries; which is owned by a government, dedicated to public use, or impressed with an easement for public use; which is primarily used for pedestrian or vehicular travel; and which is publicly maintained, in whole or in part, for such use; and includes without limitation the street, gutter, curb, shoulder, sidewalk, sidewalk area, parking or parking strip, planting strip, and any public way.
- (5) REAL ESTATE SIGN means a sign indicating the availability for sale, rent, or lease of the specific lot, building, or portion of a building upon which the sign is posted.
- (6) CONSTRUCTION SIGN means a sign identifying the development of land or construction or alteration of buildings. Such signs must be set back at least 10 feet from any street line and may not exceed 32 square feet in area.
- (7) SIGN means any writing, pictorial representation, illustration, decoration (including any material used to differentiate sign copy from its background), landscaping form, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that:
  - (a) Is a structure or any part thereof (including the roof or wall of a building); or
  - (b) Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into landscaping or a structure or

a board, plate, canopy, awning, marquee, or vehicle, or upon any material object or device whatsoever; and

- (c) By reason of its form, color, wording, symbol, design, illumination, or motion attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, or announcement or political or artistic expression or decoration; but
- (d) Landscaping constitutes a sign only to the extent that it is planted, trimmed, graded, arranged or installed in such a manner as to convey an explicit commercial message.

(8) TEMPORARY SIGN means a sign that is:

- (a) Intended for a temporary period of posting on public or private property;
- (b) Typically constructed from nondurable materials, including paper, cardboard, cloth, plastic, and/or wallboard.

**5.3.3.3** Temporary Signs Permitted in All Zones. Temporary signs may be posted on property in all zones, subject to the following requirements and those applicable provisions stated elsewhere in the Regulations.

- (1) A permit shall be required for all temporary signs posted in the City of Milford, with the exception of temporary political and real estate signs. Each individual temporary sign proposed for posting shall require its own temporary sign permit. Permitted temporary signs may be posted for a period of 14 days from the date of the temporary sign permit. No owner or leaseholder of a commercial establishment shall be granted more than one temporary sign per allowed time period and no more than six (6) temporary sign permits in a single calendar year.
- (2) The total square footage for temporary signs posted on a building lot in a residential zone, in the aggregate, shall not exceed 16 square feet, with no individual sign exceeding 8 square feet. The total square footage for temporary signs posted on a building lot in all other zones, in the aggregate, shall not exceed 32 square feet, with no individual sign exceeding 8 square feet. The total square footage of a sign is measured to include all of the visible display area of one side of the sign.

- (3) No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.
- (4) A temporary sign shall be designed to be stable under all weather conditions, including high winds.
- (5) No temporary sign shall be illuminated or painted with light reflecting paint.
- (6) A temporary sign shall only be posted with the consent of the property owner or occupant.
- (7) Temporary signs shall not be subject to the provisions of Section 5.3.2.1.

**5.3.3.4** Temporary Signs. Time period for posting.

- (1) Temporary political signs shall be posted no earlier than 90 days prior to the voting day to which the political party, election issue or candidate for public office identified on said sign pertains. Such signs shall be removed within five (5) days following said voting day.
- (2) Temporary signs advertising a cultural, civic, charitable, educational or entertainment event, or any event operated by a non-profit, social service, educational or religious organization, shall be posted no earlier than 30 days prior to the day of any such event, or the first day of a multiple day event. Such signs shall be removed within three (3) days following the day of the event, or the last day of a multiple day event.
- (3) Temporary signs advertising a commercial sales event or promotion, or any function or event conducted and operated by a commercial enterprise, shall be posted no earlier than fourteen (14) days prior to the day of any such event, promotion or function, or the first day of a multiple day event, promotion or function. Such signs shall be removed within two (2) days following the day of the event, promotion or function, or the last day of a multiple day event, promotion or function.
- (4) Temporary signs advertising the grand opening of a commercial enterprise shall be posted for a maximum of 45 days. Such signs shall be posted no

earlier than 30 days prior to the date of the grand opening, and shall be removed within 21 days following the day of the grand opening, with the aggregate of the two time periods not to exceed 45 days.

- (5) Temporary signs advertising a temporary commercial activity or event on a residential property, including, but not limited to, yard sales and tag sales, shall be posted no earlier than five (5) days prior to the day of the activity or event, or the first day of a multiple day event. Such signs shall be removed within two (2) days following the day of the activity or event, or the last day of a multiple day activity or event.

**5.3.3.5 Temporary signs, real estate.**

In addition to the requirements of this Section, real estate signs shall also conform to the following standards:

- (1) Individual lots. On lots that are for sale or for rent, not more than two temporary signs may be erected. These signs may advertise the land or premises and the sale or rental agent. Such signs shall be removed within fourteen (14) days following the sale or rental of such property. The foregoing signs shall not exceed the following sizes:
  - a) A single residential lot: six square feet; an approved subdivision of three or more lots: 10 square feet; and an approved subdivision of six or more lots: 20 square feet.
  - b) Commercial or industrial lots: six square feet in area per acre (or fractional acre), not exceeding 20 square feet in area in any commercial district or 30 square feet each in any industrial district.
  - c) Directional signs indicating the location of private real properties or facilities for sale or rent may be erected for open houses, provided that each sign shall not exceed four square feet in area. The sign locations shall not obstruct traffic or traffic visibility and shall be maintained by the applicant for the duration of the activity. Not more than four such temporary signs shall be allowed for a single lot or facility for sale or rent or for subdivision lots or homes for sale.

**5.3.3.6 Removal of Signs.**

- (1) The person who has posted or directed the posting of a temporary sign is responsible for the removal of that sign in accordance with this Regulation.
- (2) If that person does not remove the temporary sign in accordance with this Regulation then the property owner or occupant of the building lot where the sign is posted is responsible for the sign's removal.
- (3) The Zoning Enforcement Officer is authorized to physically remove any temporary signs posted in violation of this Regulation that are not removed in accordance with the provisions above. Temporary signs posted on private property in violation of this Regulation shall be deemed a public nuisance.

**5.3.3.7 Severability.**

This Regulation or any portion shall be severable from all or any portion of the City of Milford Zoning Regulations if any portion of these regulations shall be adjudged invalid by a court of competent jurisdiction.

**5.3.4 Signs Allowable in Residential, Residential-Multiple Family, Residential-Office.**

In addition and subject to all other applicable provisions and limitations contained in these regulations, the following signs shall be allowable in One and Two Family Residential, Medium Density Multiple-Family Residential, and Residential-Office.

**5.3.4.1** One non-illuminated or indirectly illuminated identification sign for each separate street line not to exceed 9 square feet in area nor 8 feet in height; and further limited as follows: said sign shall be located not less than 10 feet from the front property line; the height of such sign shall not be greater than the distance it is located from any lot line. Noncommercial speech may be placed on any sign permitted by this portion of the Regulations.

**5.3.4.2** Other signs shall be limited to directional signs necessary for public safety or convenience and shall be designed and approved only as an integral part of the Site Plan.

**5.3.5 Signs Allowable in Office, Business and Industrial Districts:**

In addition and subject to all other applicable provisions and limitations contained in these Regulations, the following on-premise signs shall be allowable in Office, Limited Industrial, Industrial, Business, Corridor Design Districts, Interchange Commercial, Design Office, *Milford Center Design District* and Housatonic Design District in accordance with Section 8.3 herein, and shall be allowable in Shopping Center Design and Waterfront Design Districts. On-premise signs shall be allowable along each separate street frontage, but no such sign shall be allowed within required side or rear yards adjoining a residential district, nor within the part of any front yard within 35 feet of a residential district.

**5.3.5.1 Ground Signs:** There shall be only one sign along any front property line.

- (1) Minimum setback shall be 10 feet except as follows: DO, BD, LI, ID, HDD, ICD, SCD, WDD, 15 feet.
- (2) Maximum Sign Area shall be 40 square feet except as follows: MCDD, 20 square feet; CDD-1, CDD-3, CDD-5, ID, HDD, ICD, 100 square feet; SCD and WDD, identification of shopping center, 75 square feet, tenant identification, 16 square feet.
- (3) Maximum height shall be 18 feet except as follows: MCDD, 12 feet; ID, LI, CDD-1, CDD-3, CDD-5 and HDD, 25 feet; SCD and WDD, 20 feet.

**5.3.5.2 Wall Signs:** The total sign area on each building façade viewable from a public street or way, or from a parking area, shall not exceed 10 percent of the gross area of said wall, except as follows: ID, CDD-1, CDD-3, CDD-5 and HDD, 15 percent. The Board may, as deemed appropriate in its judgment, allow additional wall signs in the same manner as above on a building wall which faces and adjoins an accessory off-street parking structure or lot.

**5.3.5.3 Canopy Signs:** One sign along any building façade viewable from a public street or way, or from a parking area, shall be allowable for each separate use of the building provided that the sign area is included as part of the total allowable sign area for wall signs and provided it is located under a roof over a walkway. No such sign shall exceed 16 square feet.

**5.3.5.4 Other signs** shall be limited to those necessary for directional or safety purposes and shall be approved only as an integral part of a Site Plan.

**5.3.5.5 Window Signs:** Window signs shall not exceed 35% of the total window display area for each building façade viewable from a public street or way, or from a parking area; with the exception of the Milford Center Design Development District, where window signs shall not exceed 25% of the total window display area for each building façade viewable from a public street or way, or from a parking area. Any internal wall sign that is clearly visible from the public right-of-way through any window shall count towards the 35% of the total window display area, or the 25% of the total window display area in the Milford Center Design Development District.

**5.3.5.6 Directional Signs:** No more than two traffic, directional or warning signs with no advertising thereon and not exceeding 4 square feet in area, may be located at each driveway entrance or exit, or anticipated hazard area, providing access to any parking, loading or building area.

**5.3.5.7 Directory Signs:** Directory signs shall be located internal to the site so as to require users to drive in off the main street to view the sign copy. Directory signs shall not exceed 32 square feet. However, more than one directory sign may be allowed if the number of tenants or number of company departments/divisions exceed 10. In general, such signs shall be located on internal site road or pedestrian intersections as necessary.

**5.3.5.8 Clocks and Thermometers:** The square footage of clocks and/or thermometers shall count as part of the total allowed sign square footage per establishment.

**5.3.6 Commercial Advertising Signs in CDD-1, CDD-3, CDD-5, ICD & ID Zoning Districts:**

Subject to all other provisions and limitations of these regulations, indirectly illuminated commercial advertising signs shall be allowed in CDD-1, CDD-3, CDD-5, Interchange Commercial and Industrial Districts, subject to Special Permit and Site Plan Approval and the following additional conditions and safeguards.

**5.3.6.1 SIGN, COMMERCIAL ADVERTISING -** Any sign owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for compensation for the use of such signs.

**5.3.6.2** Not more than one commercial advertising signs shall be permitted on any lot and the sign area of such sign shall not exceed an area of 672 square feet. All such commercial advertising signs shall be ground signs.

**5.3.6.3** Such signs shall be located only where the applicable zoning districts extend at least 150 feet in all directions from the proposed sign and shall not be placed closer than 300 feet apart measured along the center line of the street or streets to any other such sign.

**5.3.6.4** Such signs shall comply with all yard requirements for principal buildings in the applicable zoning district, but in no case shall such yard setback be less than 20 feet from any lot line and 50 feet from any intersection abutting the lot.

**5.3.6.5** The maximum height of the structure shall not exceed the maximum height for principal buildings in the applicable zoning district nor shall it exceed a height of 40 feet above the ground level nor 24 feet above the pavement level of the street to which it is oriented.

**5.3.6.6** When such signs are visible from the main traveled way of a limited access highway and are located within 150 feet of such highway, they shall not be placed closer than 50 feet from the right-of-way and shall be a minimum of 1,500 feet apart as measured on the same side of the road (along the center line of the road).

**5.3.6.7** Where a non-conforming commercial advertising sign exists, the owner may apply to the Planning and Zoning Board to remove such sign and replace it with a new relocated commercial advertising sign which conforms to this section in all respects; except that such relocated sign may be 50% closer to other commercial signs than is otherwise required.

**5.3.7** General Prohibitions:

The prohibitions contained in this Section shall apply to all signs in all zoning districts, regardless of designation, within the City of Milford.

**5.3.7.1** No allowable sign, including canopy signs, shall be located in or project over, any street right-of-way.

**5.3.7.2** No sign or advertising device shall be erected, used or maintained which in any way simulates official directional or warning signs erected or maintained by the Federal, State and City Governments for the protection of the public health and safety.

**5.3.7.3** No sign or advertising device shall be erected or maintained in such a manner as to obstruct or interfere with the free and clear vision on any street, sidewalk, driveway or navigable channel.

**5.3.7.4** No sign or advertising device shall be erected or maintained with any lighting or control mechanism which may cause radio or television interference.

**5.3.7.5** No illuminated sign or lighting device shall be placed or directed on any property in a manner that would permit the light beams and illumination therefrom to be directed or beamed onto a public street or walkway, or onto adjoining properties so as to cause glare or reflection that might constitute a traffic hazard or public nuisance.

**5.3.7.6** No animated sign or advertising device shall be allowed.

**5.3.7.7** No advertising banner shall be attached to any on-premise light pole, utility pole, tree, or other free-standing vertical site element. Advertising banners shall only be permitted to be attached to building façades, at a minimum height of twelve (12) feet above grade.

**5.3.7.8** No advertising balloon, inflatable sign or advertising streamer shall be allowed.

**5.3.7.9** No flashing sign or advertising device which creates intermittent or varying light intensity shall be allowed.

**5.3.7.10** No projecting sign shall extend more than 15 inches beyond the building walls or parts thereof, except as otherwise provided in these sign regulations.

**5.3.7.11** No roof sign shall be erected, except that signs on architecturally detailed facades such as mansard roofs shall not be construed to be roof signs. Such signs shall not extend above the parapet of the structural roof.

**5.3.7.12** No sign shall be painted or erected on any fence or retaining wall.

**5.3.7.13** No building or part thereof, such as a gable, roof or wall shall be outlined by direct illumination for the purpose of commercial advertising.

**5.3.7.14** No sign shall be attached to or be erected or maintained in such a manner as to obstruct any fire escape, windows, door or other building opening used for egress and ingress, ventilation or other fire fighting purposes.

**5.3.7.15** No temporary pennants or A-frame signs shall be allowed as permanent signs.

**5.3.7.16** Electronic message signs are prohibited. An electronic message sign shall not be defined to include clocks and/or thermometer displays.

**SECTION 5.4 COMMERCIAL GARAGE AND SERVICE STATION REGULATIONS**

**5.4.1 General Procedure:** Gasoline stations, vehicle dealerships and vehicle repair and/or service garages as defined by State Statutes, shall be subject to both Special Permit approval in accordance with ARTICLE VII, herein, and Approval of Location by the Planning and Zoning Board in accordance with the location requirements of Section 5.4.3 as well as the provisions of ARTICLE IX, herein.

**5.4.2 General Conditions:**

**5.4.2.1** There shall be a minimum lot area of 22,000 square feet and a minimum lot width of 100 feet for all uses regulated by this Section except where zone district regulations may require a larger minimum lot size and/or width.

**5.4.2.2** The storage of petroleum products in underground tanks not to exceed 40,000 gallons and the storage of fuel oils in above ground tanks not to exceed 275 gallons shall be the total allowable per lot.

**5.4.2.3** Provisions shall be made for entering and leaving the lot in such a manner that traffic hazards are minimized. Driveway aprons shall be a minimum distance of 25 feet from any street intersection and 10 feet from any adjacent lot line.

**5.4.2.4** Fuel pumps and above ground fuel storage tanks shall be located at least 25 feet from any street line or adjacent lot line.

**5.4.2.5** Servicing, other than retail sale of gasoline and oil and minor services customarily incidental thereto, shall be conducted within a building. No repair work, except of an emergency nature, will be performed out-of-doors. No servicing or storage of any vehicle shall take place on any adjacent public street or sidewalk. Outside storage and display of vehicles shall be restricted to areas no closer than 10 feet from any street line or adjacent lot line.

**5.4.2.6** Adequate area for parking, storage and servicing shall be provided on private property.

**5.4.2.7** Appropriate and necessary lights shall be installed and maintained. All free-standing lights shall be designed so that lights are diffused and

shielded so that glare onto adjacent properties is minimized. No free-standing light shall be permitted in any required rear or side yard adjacent to a Residential District.

**5.4.2.8** Appropriate landscaping and screening of suitable type, density and height shall be installed and suitably maintained in accordance with Article V, Section 5.14.

**5.4.3 Location Requirements:** Subject to Special Permit and Site Plan Approval, no commercial garage, gasoline station, vehicle dealerships, vehicle repair and/or service garages, or other similar commercial garages, shall be located on any lot until such location has been found suitable for the business intended, with due consideration to its location in reference to schools, churches, theaters, traffic conditions width of highway and effect on public travel.

**5.4.3.1** No gasoline station shall be located on any lot within 300 feet, measured in a straight line between the nearest lot and/or boundary lines, from any Residential District boundary; except that no existing gasoline station shall be deemed to become a non-conforming use through the subsequent change of such Residential District boundary.

**5.4.4 Modified Requirements for Special Fuel Retailers:** Filling or service stations selling special fuels, as defined by State Statutes, shall comply with the foregoing regulations, except that locations where more than four (4) fuel filling devices are used for special fuels and/or where the use is designed, intended or arranged for service primarily to truck traffic, the following standards shall apply in lieu of Sections 5.4.2.1 through 5.4.2.3:

**5.4.4.1** There shall be a minimum lot area of six (6) acres and a minimum frontage of 400 feet on a State highway.

**5.4.4.2** The storage of special fuels in underground tanks not to exceed 100,000 gallons and the storage of fuel oils in above-ground tanks not to exceed 275 gallons shall be the total allowable per lot.

**5.4.4.3** Provisions shall be made for entering and leaving the lot in such a manner that traffic hazards are minimized. Driveway aprons shall be a minimum distance of 100 feet from any street intersection and 25 feet from any adjacent lot line.

**5.4.5 Prohibited Uses:**

**5.4.5.1** No alcoholic liquor shall be sold from the premises of or site area allocated to any use regulated in this Section.

**5.4.5.2** Section 5.4.5.1 shall not apply to the sale of gasoline by a grocery store, as defined in Connecticut General Statutes Section 30-20(c), containing at least 40,000 square feet of gross floor area which sells only beer and other beverages pursuant to a grocery beer permit provided: (i) the premises shall be a minimum of five (5) acres and, (ii) the distance between any public entrance to the grocery store and any gasoline pump shall not be less than one hundred fifty feet (150').

**SECTION 5.5                    ALCOHOLIC LIQUOR REGULATIONS**

**5.5.1        General Requirements:** The sale of alcoholic liquor as defined by State Statutes shall be regulated in accordance with the requirements hereinafter specified.

**5.5.1.1     Endorsement of State Applications:** The Zoning Enforcement Officer shall have authority to certify compliance with these Regulations on all applications for alcoholic liquor permits, when required under the provisions of the State Liquor Control Act or the regulations of the State Liquor Control Commission.

**5.5.1.2     Restriction of Permit Locations:** Except where specifically exempted by these Regulations, no establishment selling or serving alcoholic liquor shall be located on any lot within a distance of 300 feet measured in a straight line between the nearest lot lines of any public park or playground; public, parochial or private nonprofit or for-profit school; place of worship; public library, auditorium, theater, or other public assembly place; or hospital or other duly authorized health institution. No existing permit premises shall be deemed to become non-conforming by the subsequent establishment of the foregoing uses.

In any shopping center exceeding 40,000 square feet (see Section 5.4.5) notwithstanding the foregoing, an establishment selling or serving alcoholic liquor may be located at least 400 feet from the uses listed in this Section, i.e., public park, playground, public, parochial or nonprofit school; place of worship; public library, auditorium, theater, or other public assembly places; or hospital or other duly authorized health institution.

The required distance (400 feet) shall be measured from the nearest public entrance door of the proposed liquor establishment (closest point to closest point in a straight line) to the nearest common boundary line shared by the above listed uses, i.e., public park, or playground, public, parochial or private, non-profit school, place of worship; public library, auditorium, theater, or other public assembly places; or hospital or other duly authorized health institution.

**5.5.1.3     Temporary Permits:** The Planning & Zoning Board may approve applications for one day permits for the sale of beer or ale, subject to appropriate conditions and safeguards deemed necessary by the Board, notwithstanding the provisions of Section 5.5.1.2 above.

**5.5.2 Warehouses and Wholesale Uses:** Selling alcoholic liquor at wholesale as defined by State Statutes, shall be allowable in applicable Zoning Districts subject to the same conditions as any other warehouse or wholesale use in the respective zone, notwithstanding the provisions of Section 5.5.1.2 above.

**5.5.3 Package Store, Drug Store and Grocery Stores:** Permits shall be allowable in applicable Zoning Districts, provided that they are located 1,500 feet as measured from the nearest public entrance door to the nearest public entrance door (within street rights-of-way) of any other location at which alcoholic liquor is sold for off-premises consumption.

**5.5.4 Restaurant, Tavern, Cafe, Hotel and Club Permits:** Subject to the requirements of the applicable Zoning District for each type of use, the following shall be allowable:

**5.5.4.1 Restaurant Permits:** As defined by State Statutes may be allowed provided the use shall be located at least 1,500 feet as measured from the nearest public entrance door to nearest public entrance door (within street rights-of-way) of any other restaurant or from any tavern, cafe, or hotel permit, except as provided in these Regulations.

**5.5.4.2 Tavern and Cafe Permits:** As defined by State Statutes may be allowed provided the use shall be located at least 1,500 feet as measured from the nearest public entrance door to nearest public entrance door (within street rights-of-way) of any other tavern, cafe, or hotel permit or from any restaurant permit, except as provided in Section 5.5.5.

**5.5.4.3 Hotel Permits:** As defined by State Statutes shall be allowable in applicable Zoning Districts.

**5.5.4.4 Clubs, Lodges and Fraternal Organizations:** Serving alcoholic liquor shall be allowable in applicable Zoning Districts.

**5.5.5 Shopping Centers Containing a Minimum of 40,000 Square Feet of Floor Area:**

Notwithstanding the provisions of Sections 5.5.3 and 5.5.4, such shopping centers shall be allowed to have one liquor permit to each 40,000 square feet of floor area or major fraction thereof in said shopping center, except not more than one package or drug store permit shall be allowed in any such center. There shall be no limit to the number of

grocery beer permits nor shall they be counted as liquor permits as mentioned in the foregoing paragraphs.

**5.5.6 Removal to New Location:** Any permittee using any premises for serving or selling alcoholic liquor under a permit issued by the State Liquor Control Commission may move said place of business to another premise located in a Zoning District which allows such use, subject to the same procedures as a new location and the rules and regulations of the State Liquor Control Commission.

**5.5.7 Change of Use:** The change of an existing use of a building or structure, whether or not a liquor permit exists at the location, to a proposed use either serving or selling alcoholic liquor shall be subject to this Section in the same manner as a new use either serving or selling alcoholic liquor.

**5.5.8 Outdoor entertainment decks** may be permitted by Special Permit in accordance with ARTICLE VII provided all of the following criteria are met:

- (1) Decks must be constructed in accordance with all appropriate setbacks without variances.
- (2) Entertainment on the outside deck must be strictly limited to pre-recorded music via permanently mounted speakers attached to main building. Live entertainment such as musical bands, of any variety, disc jockeys or the like are prohibited. Volume of said music shall not exceed the level of normal personal conversation (i.e., background music).
- (3) The tranquility of the surrounding area is not violated.

The Planning & Zoning Board reserves the right to review all Special Permits issued under this section in order to insure that the aforementioned criteria is consistently adhered to by the applicant.

New owners must re-apply for a Special Permit before commencing any activities relating to this section.

**SECTION 5.6                    ADULT ORIENTED ESTABLISHMENTS**

**5.6.1            Legislative Findings and Statement of Purpose:** The Planning and Zoning Board of the City of Milford has made the following findings of fact:

- (1) That the secondary effects and impacts from adult oriented establishments have been documented in other municipalities, as evidenced by studies, court decisions and testimony.
- (2) That adult oriented establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values and other health, safety and welfare problems for the community.
- (3) That certain conduct occurring on the premises of adult oriented establishments is detrimental to the public health, safety, and general welfare of citizens of the City and, therefore, such conduct must be regulated as provided herein.
- (4) That adult oriented establishments are associated with and promote prostitution, illegal drug use and other criminal activity which constitutes an immediate threat to the public peace, health, morals and safety.
- (5) That adult oriented establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
- (6) That commercial development in the Milford Center Design District and the Corridor Design Development District 2 – Devon Center-Naugatuck Avenue in Milford is unique in that development began prior to zoning and was designed to accommodate pedestrian, rather than vehicular traffic.
- (7) These regulations are based on evidence of the adverse secondary effects of adult uses that is within the common knowledge of municipalities and is widely reported in judicial opinions, media reports, land use studies, and crime impact reports made available to the Board, several of which are set forth herein. Additionally, the Board relies on repeated judicial findings of municipalities' reasonable reliance on this body of secondary effects evidence to support time, place, and manner regulations of sexually oriented businesses. The Board relies upon and incorporates the findings of secondary effects discussed in the following non-exhaustive list of cases from the U.S. Supreme Court and Federal Appellate and Trial Courts: *Pap's A.M. v City of Erie*, 529 U.S. 277 (2000); *City of Los Angeles v Alameda Books, Inc.*, 122 S. Ct. 1728 (2002); *City*

of *Renton v Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v American Mini Theatres*, 426 U.S. 50 (1976); *Barnes v Glen Theatre, Inc.*, 501 U.S. 560 (1991); *FW/PBS, Inc. v City of Dallas*, 493 U.S. 215 (1990); *California v. LaRue*, 409 U.S. 109 (1972); *Charette v Town of Oyster Bay*, 2001 U.S. App. LEXUS 746 (Jan. 18, 2001); *Beal v Stern*, 184 F.3d 117 (2d Cir. 1999); *Buzzetti v City of New York*, 140 F.3d 134 (1998); *Marty's Adult World v Town of Enfield*, 20 F.3d (512) (2<sup>nd</sup> Cir. 1994); *Hickerson v City of New York*, 146 F.3d 99 (2<sup>nd</sup> Cir. 1998); *United States v Kinzler*, 55 F.3d 70 (2<sup>nd</sup> Cir. 1995); *Derusso v City of Albany*, 205 F. Supp.2d 198 (E.D.N.Y. 1998); *DLS, Inc. v City of Chattanooga*, 107 F.3d 403 (6<sup>th</sup> Cir. 1997); *Colacurcio v City of Kent*, 163 F.3d 545 (9<sup>th</sup> Cir. 1998).

- (8) The Planning and Zoning Board further relies on reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona – 1984; Minneapolis, Minnesota – 1980; Houston, Texas – 1997; Indianapolis, Indiana – 1984; Amarillo, Texas – 1977; Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Austin, Texas – 1986; Seattle, Washington – 1989; Oklahoma City, Oklahoma – 1986; Cleveland, Ohio – 1977; Dallas, Texas – 1997; McCleary Report, Alliance, Ohio –2002; Tucson, Arizona – 1990; Testimony, Warner-Robins, Georgia – 2000; St. Croix County, Wisconsin – 1993; Bellevue, Washington – 1998; Newport News, Virginia – 1996; St. Cloud, Minnesota – 1994; New York Times Square study – 1994; Phoenix, Arizona – 1995-98; and also on findings of physical abuse from the paper entitled “Stripclubs According to Strippers: Exposing Workplace Sexual Violence,” by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from “Sexually Oriented Businesses: An Insider’s View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General’s Working Group On The Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota).

- (9) Further, the Planning & Zoning Board recognizes that there are Adult Oriented Establishments in existence prior to the enactment of these regulations. In the event that any of these establishments do not conform to the LOCATION requirements established in SECTION 5.6.3 the USE as an ADULT ORIENTED ESTABLISHMENT is hereby defined as NON-CONFORMING and subject to SECTION 7.2 of these regulations.

The Planning and Zoning Board has a substantial interest in minimizing and controlling the adverse and negative secondary effects of adult oriented establishments and desires to control these adverse effects in an effort to protect the health, safety and welfare of the general public; protect the citizen of the City of Milford from increased

crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight.

It is not the intent of this regulation to suppress any speech activities protected by the First Amendment but to enact a content-neutral regulation which addresses the secondary effects of adult oriented establishments.

### 5.6.2 Definitions

For the purposes of this regulation the words and phrases used herein shall have the following meanings unless otherwise clearly or plainly required by context:

- (1) "Adult Oriented Establishment" shall include,
  - a) Adult Cabaret
  - b) Adult Bookstore, Adult Novelty Store, Adult Video Store
  - c) Adult Motion Picture Theater
  - d) Adult Mini-Motion Picture Theater
  - e) Any Commercial establishment that *regularly features* adult entertainment
- (2) "Adult Entertainment" means exhibition of motion pictures, displays or live performances which are characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as defined herein.
- (3) "Adult Bookstore, Adult Novelty Store, or Adult Video Store means a commercial establishment which has a significant or substantial portion of its inventory, or derives a significant or a substantial portion of its revenues, or maintains a significant or substantial section of its sales and display space, to the sale or rental, for any form of consideration, of any one or more of the following:
  - a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides or other visual representations which are characterized by their emphasis upon the exhibition of description of "specified sexual activities" or "specified anatomical areas";
  - b) Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

For purposes of this definition, “significant or substantial portion” means thirty (30%) percent or more of the term modified by such phrase.

- (4) “Adult Cabaret” means a nightclub, bar, juice bar, lounge, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features live conduct characterized by an emphasis on any specified anatomical areas, as defined herein.
- (5) “Regularly features” means a consistent course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the on-going business of the sexually oriented business.
- (6) "Adult Motion Picture Theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or "specified anatomical areas", and defined below, for observation by patrons therein.
- (7) "Adult Mini-Motion Picture Theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.
- (8) "Entertainer" means any person who provides entertainment within an adult oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or as an independent contractor.
- (9) "Minor" means a person under the age of eighteen (18) years.
- (10)"Operator" means any person, or any proprietor, shareholder, general partner or limited partner who participates in the management or day-to-day operations and/or control of the establishment.
- (11)"Sexual Activity," as used in this regulation, is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications which devote at least twenty-five (25%) percent of the lineage of each issue to articles and advertisements dealing with

subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nude is indigenous to the population.

(12) "Specified Anatomical Areas" means:

- (a) Less than completely and opaquely covered:
  - (i) human genitals, pubic region;
  - (ii) buttocks;
  - (iii) female breasts below a point immediately above the top of the areola; and
- (b) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

(13) "Specified Sexual Activities" means and includes any of the following:

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Sex acts, human masturbation of the clothed or unclothed genitals, sexual intercourse, or sodomy.

**5.6.3 Location Requirements:** Except as provided herein, no adult oriented establishment shall be permitted unless the following conditions exist:

- (1) The premises for which an application for an adult oriented establishment has been made is not located within the following distances of pre-existing uses and zones:
  - (a) 150 feet from any residential zone line boundary;
  - (b) 300 feet from any public, private or parochial educational facilities including licensed day care facilities which serve persons age 17 or younger;
  - (c) 300 feet from liquor or package store;
  - (d) 300 feet from place of worship with certificate of occupancy;
  - (e) 1,000 feet from other adult oriented establishment.

- (2) The above distances shall be measured from the nearest public entrance of the proposed establishment to the nearest public entrance of the existing uses set forth in (b) to (e) above. In the case of subsection (a) above, the distance shall be measured from the nearest public entrance to the nearest residential zone lot line. All of the above distances shall be measured commencing from the nearest public entrance of the proposed establishment in a straight line to the nearest street right of way, then proceeding along said street right of way to a point perpendicular to the uses set forth in Sections 5.6.3(1)(a) through (e) inclusive, thence proceeding in a straight line to the nearest public entrance or residential zone lot line.
- (3) The proposed use must conform to the uses permitted in underlying zone and to all other applicable zoning regulations. The submission of a complete application in accordance with the application form requirements shall be required.
- (4) Notwithstanding the foregoing, adult oriented establishments are specifically prohibited from the Milford Center Design Development District, the Corridor Design Development District 2 – Devon Center-Naugatuck Avenue and Shopping Center Districts.

**5.6.4 Exterior Display:** No adult oriented establishment shall be conducted in any manner so as to permit the observation of human genitals, sex acts, masturbation, sexual intercourse, or sodomy from a public right-of-way outside the establishment.

**5.6.5 Severability:** This Chapter and each section and provision of said chapter hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent of the City of Milford Board of Aldermen that if any provisions of said Chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.

**SECTION 5.7            EARTH FILLING AND REMOVAL REGULATIONS**

**5.7.1        General Procedure:** The Planning and Zoning Board may permit the filling with and/or removal of any earth, loam, topsoil, sand, gravel, clay, stone or other material (hereafter referred to as earth products) in accordance with the procedures and requirements hereinafter specified.

**5.7.2        Removal Permits:** No removal of any earth products shall be permitted from any lot or property in any Zoning District until the Planning and Zoning Board approves a Special Permit in accordance with ARTICLE VII, herein.

**5.7.3        Filling Permits:** No filling with any earth products or any other material shall be permitted on any land located in or within a distance of 25 feet of any flood hazard area, waterbody, watercourse, or wetland until the Planning and Zoning Board approves a Special Permit in accordance with ARTICLE VII, herein.

**5.7.3.1     Said distance of 25 feet shall be measured in a straight line from:**

- (1) The regulatory flood protection elevation;
- (2) The mean high water watermark of tidal waterbodies and tidal watercourses;
- (3) The seasonal high water level of all other waterbodies, watercourses; or
- (4) The legally established wetland boundaries, as applicable.

**5.7.3.2     The City Engineer shall approve said elevations, marks, levels, and boundaries when same are not otherwise established by an agency of the State and/or Federal Government.**

**5.7.4        Exemptions:** The provisions of this Section and the requirements to obtain a Special Permit shall not apply to filling or removal in the following cases, provided that such will not otherwise be subject to Flood Hazard Regulations, Section 5.8 herein.

**5.7.4.1     Necessary filling with or removal of earth products in direct connection with the building construction, structural alteration or site improvements on a lot for which a building permit has been issued or in direct connection with required site improvements in accordance with an approved subdivision plan, provided that the filling or removal shall be deemed the minimum quality necessary to make such site suitable for the proposed use.**

**5.7.4.2** Necessary filling with or removal of earth products in direct connection with street or utility improvements within a public right-of-way.

**5.7.5 Site Plan Requirements:** Applications for a Special Permit shall include a Site Plan, in accordance with ARTICLE VII, herein, showing the following additional information, where appropriate:

**5.7.5.1** The amount, area, and type of proposed fill, other structure elevating techniques, retaining walls, levees, channel modifications, seawalls, rip rapping and other methods designed to overcome flood and/or erosion related hazards.

**5.7.5.2** The amount, area and nature of proposed grading, dredging, excavating, or removing of earth products. It shall be the responsibility of the petitioner to justify the need for any earth product removal, and blasting associated therewith, and any processing required of earth products at the excavation site. It shall be the prerogative of the Board to deny or alter any such request if it deems that such has not been justified.

**5.7.5.3** Grading plans, based on actual surveys and referenced to U.S.G.S. datum, indicating the elevations and extent and the slopes of all proposed contour lines at intervals of two feet or less or by other appropriate means.

**5.7.5.4** Storm drainage plans showing the drainage area and estimated runoff of the area to be served by any existing drainage facilities, together with detailed plans and specifications of all proposed drainage facilities or other protective devices to be constructed in connection with the proposed use.

**5.7.5.5** Landscaping plans showing the type, location and extent of all proposed planting or vegetation to be retained on or restored to the site for erosion prevention.

**5.7.5.6** Proposed vehicular access to the site and proposed work roadways within the site.

**5.7.5.7** The estimated number and types of trucks and other machinery including separators or processing equipment, where applicable, proposed to be used on the site.

**5.7.5.8** The estimated starting and completion dates and the estimated hours and days of the week proposed for the operation on the site.

**5.7.5.9** Approval by the Fire Department of plans for any proposed blasting and/or storing of explosives on the site.

**5.7.5.10** Approval by the appropriate State Department for any regulated activity within a legally established wetland shall be submitted with the application.

**5.7.5.11** The Board may, when deemed necessary to protect the public health, safety, and general welfare, environment, require a soils investigation, based on the most recent grading plan. Such reports shall include data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and the effect of soil conditions on the proposed development.

**5.7.6 Standards and Conditions:**

**5.7.6.1** The filling or removal shall be carried out in accordance with the maps and plans as approved by the Board and within the limits shown thereon; and within the time limits imposed by the Board.

**5.7.6.2** The filling or removal shall not result in steep slopes, pits or depressions, or soil erosion, drainage or sewage problems or conditions which would impair the reasonable reuse and development of the site.

**5.7.6.3** At all stages of the work or operation, proper drainage shall be provided to avoid stagnant water, soil erosion problems, excessive runoff, silting of streams and damage to public property, streets or drainage facilities.

**5.7.6.4** At all stages of the work or operation where any excavation or fill will have a depth of ten feet or more and/or will create a slope of more than 1 foot vertical to 2 feet horizontal, the Board may require a substantial fence enclosing the fill or excavation. Such fence shall be at least six feet in height with suitable gates and shall be located at least 25 feet from the edge or toe of the excavation or fill.

**5.7.6.5** Truck access to the lot and the work area shall be so arranged as to minimize traffic hazards on streets and to avoid nuisance to residents of the neighborhood.

**5.7.6.6** No grading, excavating or removal shall be carried to a depth below the regulatory flood protection elevation, nor to a depth below the mean high water level of any waterbody, watercourse, or seasonal high water table on the lot; unless:

- (1) The Board specifically authorized as an integral part of the Special Permit a proposed man made water area, or provisions to refill and compact the area with suitable material, or similar provision to otherwise protect the area from flood and erosion related hazards; and
- (2) Such grading, excavation or removal is in strict accordance with all applicable provisions of the Flood Hazard Regulations, Section 5.8, herein.

**5.7.6.7** No grading, excavation or removal shall extend below the elevation of any abutting street or lot line; unless:

- (1) Either grading, excavation or removal is set back at least 100 feet from said street or lot line; or
- (2) The Board finds, after a study of the proposed Site Plan, that the public health, safety and general welfare would be best served by a lesser setback distance.

**5.7.6.8** No filling shall extend above any street, lot or portion thereof, which is located below the regulatory flood protection level; unless:

- (1) Both such filling is authorized as an integral part of the Special Permit; and
- (2) Such filling is in strict accordance with all applicable provisions of the Flood Hazard Regulations, Section 5.8, herein.

**5.7.6.9** The Board may require the applicant to reserve adequate slope and/or drainage easements on the lot in order to allow the necessary coordination of any grading, filling, excavating, or removal operations that might be permitted on any abutting lot or street.

**5.7.6.10** No rock crushers, separators or processing machinery shall be allowed unless located on a lot which was zoned M-2 Heavy Industrial as of October 1, 1973 (Refer to Zoning Regulations of the City of Milford, Connecticut, 1968 and accompanying Map, Building Zones, July 1969 as amended) and unless the number, type, size and nature of machinery is specifically authorized by the Board as a integral part of a Special Permit.

Approval for removal of earth products. Any such machinery shall be set back from any street or lot line a minimum prescribed distance as deemed necessary by the Board to protect the health, safety and general welfare, but in no case shall such setback be less than 200 feet from a street and all lot lines and 250 feet from a Residential Zone. Any such machinery shall be used only for materials originating on the site covered by the Special Permit for removal operations, and shall be removed from the lot upon termination of the Special Permit. Further, allowance of such machinery shall be limited to a maximum of three years, subject to approval by the Planning and Zoning Board for each one year for continuation up to said three year maximum.

**5.7.6.11** No materials shall be stockpiled and no equipment or structures authorized by the Special Permit shall be operated or located beyond the limits of the specific area approved for filling or removal.

**5.7.6.12** All work in connection with filling or removal operations shall be limited to the hours and days of the week that may be specified by the Board.

**5.7.6.13** In order to minimize any flooding hazard, the applicant shall comply with all applicable provisions of Section 5.8, Flood Hazard Regulations, herein.

**5.7.6.14** In order to minimize any dust and/or noise pollution, the applicant shall comply with all applicable provisions of Section 5.11, Performance Standard Regulations, herein.

**5.7.6.15** Upon completion of the work or operation authorized, the area graded, filled, removed or otherwise disturbed ground shall be prepared or restored as follows:

- (1) Materials used for filling shall have been approved by the Planning and Zoning Board and the City Engineer. All fills shall be adequately compacted to an acceptable density, as determined by the Board or its authorized agent, in order to safely support any buildings, structures or uses and to

aid in preventing the saturation, slipping or erosion of fill. Where wind or water erosion is a factor, fill shall be adequately protected by bulkheads, rip-rap, planting suitable grass or other vegetation, or other protective measures.

- (2) Such area shall be evenly graded to slopes not exceeding one foot vertical to two feet horizontal distance or to such lesser slope necessary for soil stability, safety and reasonable reuse and development of the lot; in addition, the area shall be evenly graded with sufficient slopes to assure adequate drainage of the area, so that stagnant pools of water will be avoided.
- (3) Suitable drainways of gradual slope shall be provided to assure adequate drainage.
- (4) All loose debris shall be incorporated into the improvement of the lot or shall be removed from the lot.
- (5) Sufficient topsoil or loam shall be retained on, or otherwise provided for, the lot and shall be spread over the entire area to a depth of at least 6 inches; and the area shall then be suitably seeded, planted, landscaped and maintained until the ground shall be completely stabilized with a dense cover of vegetation and there exists no danger of erosion; except that this provision shall not apply to areas of water nor to exposed areas of ledge either existing prior to the work or specifically authorized as part of the Special Permit.

**5.7.6.16** The Board may require the applicant to submit periodic reports, prepared and certified by a professional engineer licensed in the State of Connecticut, showing the status and progress of the work or operation.

**5.7.6.17** When a Special Permit is granted involving filling and/or removal of earth products over an area of two acres or more, the permittee shall, before commencing operations:

- (1) File with the Planning & Zoning Board a set of drawings, in ink, on transparent linen tracing cloth, or reproducible copies on mylar, of the approved plan.

- (2) Install one or more permanent bench marks (where they will remain throughout the life of the Permit) at locations designated by the City Engineer.

**5.7.7 Existing Operations:** Legally established filling and removal projects in actual operation and not under a valid Special Permit on the effective date of these Regulations, may continue operations, provided that once each year, within 65 days after notice by the Board, the owner of such existing project shall present plans showing the present conditions of the property, the extent of excavations contemplated and proposed ultimate development of the property, and further provided that the Board approves said plans subject to such conditions as may be in the best interests of the City and in harmony with these Regulations.

**SECTION 5.8**                    **FLOOD HAZARD AND FLOOD DAMAGE PREVENTION**  
**REGULATIONS**

**5.8.1 Purpose:** It is the purpose of these flood hazard and flood damage regulations to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Require that land, buildings, structures and uses thereof which are vulnerable to floods, including facilities which serve such uses, be provided with a safe building site and access and be adequately protected against flood and erosion damage at the time of initial construction.
- (2) Require that land areas which are unsuited for intended purposes because of flood or erosion hazard be delineated on any site or subdivision plan and that such areas which are not suitable for development be subject to easements or other legal restrictions necessary for the protection thereof.
- (3) Control grading, filling, dredging, excavating and removal of any material which may increase erosion or damage.
- (4) Control the alteration of dunes and other natural protective barriers.
- (5) Regulate the construction of seawalls, bulkheads, groins, jetties and other work which may increase flood and erosion damage to other lands.
- (6) Protect human life and health.
- (7) Minimize expenditure of public money for costly flood control projects.
- (8) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (9) Minimize prolonged business interruptions.
- (10) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- (11) Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas.

- (12) Ensure that potential buyers are notified that property is in an area of special flood hazard.
- (13) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**5.8.2 Zoning Applicability:** Flood Hazard and Flood Damage Prevention Regulations shall apply to all lands, buildings, structures, structural alterations and uses in any Zoning District where lands, buildings, structures, structural alterations and uses are, or are proposed to be located, below the regulatory flood protection elevations as defined herein. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated December 17, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated December 17, 2010, and other supporting data applicable to the City of Milford, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A, AE, and VE, including areas designated as a floodway on a FIRM. Zone VE is also identified as a Coastal High Hazard Area. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

**5.8.3 Procedure:** No land, building, structure or use shall be developed or constructed below the regulatory flood protection elevation in any Zoning District unless and until the Planning and Zoning Board has previously approved a Site Plan and authorized the issuance of a special permit in accordance with ARTICLE VII herein, and the procedures, requirements, conditions and standards set forth hereinafter. Single family homes and buildings, or structures accessory to a residential use, shall be subject to Site Plan Review only and may be exempted from full compliance with Section 5.8.5.1 by the Planning & Zoning Board.

**5.8.4 Compliance:** No land, buildings, structure or use shall hereafter be developed or constructed without full compliance with the provisions of this Section; the Earth Fill & Removal Regulations, Section 5.7 where applicable; and all other applicable provisions of these Regulations, the City Subdivision Regulations, State and City Health and/or Sanitary

Codes, and other laws and regulations which apply to land buildings, structures and uses within the jurisdiction of these regulations.

**5.8.4.1** Establishment of Development Permit: A Development Permit shall be obtained before construction or development begins within an area of special flood hazard established in Section 5.8.2. Application for a Development Permit shall be made on forms furnished by the Zoning Enforcement Officer for the Planning and Zoning Board and may include, but not be limited to, plans, drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures based on U.S.G.S Datum.
- (2) Elevation in relation to mean sea level to which any structure has been flood-proofed.
- (3) Certification by a registered professional engineer or architect that the flood-proofing criteria in Section 5.8.13.2 has been complied with.
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (5) Plans for any walls to be used to enclose space below the base flood level (nonresidential only).

**5.8.4.2** Designation of the Zoning Enforcement Officer for the City of Milford: The Zoning Enforcement Officer for the City of Milford is hereby appointed to administer and implement this Section 5.8 by granting or denying development permit applications in accordance with its provisions.

**5.8.4.3** Duties and Responsibilities of the Zoning Enforcement Officer for the City of Milford: Duties of the Zoning Enforcement Officer shall include, but not be limited to:

- (1) Review all development permits to determine that the permit requirements of this Section 5.8 have been satisfied as approved by the

Planning & Zoning Board and to determine if proposed building site will be reasonably safe from flooding.

- (2) Review all development permits to assure all necessary State or Federal permits have been received that are specifically required as a condition of approval as imposed by the Planning & Zoning Board.
- (3) Review all development permits in the area of special flood hazard except in the coastal high hazard area to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purpose of this Section 5.8, "adversely affects" means the cumulative effect of the proposed development when, combined with all other existing and anticipated development, increases the water surface elevation of the base flood more than one foot at any point.
- (4) Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.
- (5) Review plans for walls to be used to enclose space below the base flood level in accordance with Section 5.8.14.2(4).

**5.8.4.4** Use of Other Base Flood Data: When base flood elevation & floodway data has not been provided in accordance with Section 5.8 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Enforcement Officer for the City of Milford shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal/State or other source, in order to administer Section 5.8.13.1 SPECIFIC STANDARDS, Residential Construction and 5.8.13.2 SPECIFIC STANDARDS Nonresidential Construction.

When BFEs have been determined within Zones A and AE on the community's FIRM but a regulatory floodway has not been designated, the Zoning Enforcement Officer must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing

and anticipated development is considered cumulatively with the proposed development.

The Zoning Enforcement Officer may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.

**5.8.4.5** Information to be Obtained and Maintained:

- (1) Obtain and record the actual elevation in relation to mean sea level of the lowest floor including basement, of all new or substantially improved structures.
- (2) For all new substantially improved flood-proofed structures.
  - (a) Verify and record the actual elevation (in relation to mean sea level).
  - (b) Maintain the flood-proofing certifications required in Section 5.8.4.1 (3).
- (3) In coastal high hazard areas, certification shall be obtained from a licensed professional engineer or land surveyor that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.
- (4) Maintain for public inspection all records pertaining to the provisions of this Section 5.8.

**5.8.4.6** Alteration of Watercourses:

- (1) Notify adjacent communities, the South Central Regional Council of Governments and the Greater Bridgeport Regional Planning Agency prior to any alteration or relocation of a watercourse, and submit

evidence of such notification to the Federal Emergency Management Agency.

- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

**5.8.4.7** Interpretation of Firm Boundaries: Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.8.4.8.

- (1) Portion of a Structure in Flood Zone – If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure.
- (2) Structures in Two Flood Zones – If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

**5.8.4.8** Variance Procedure:

5.8.4.8.1 Appeal Board:

- (1) The Zoning Board of Appeals as established by the City of Milford shall hear and decide appeals and requests for variances from the requirements of this Section 5.8.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or

determination made by the Zoning Enforcement Officer in enforcement or administration of this Section 5.8.

- (3) Those aggrieved by the decision of the Zoning Board of Appeals, or any taxpayer, may appeal such decision to the Superior Court, as provided in the Connecticut General Statutes.
- (4) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Section 5.8 and:
  - (a) The danger that materials may be swept onto other lands to the injury of others.
  - (b) The danger to life and property due to flooding or erosion damage.
  - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - (d) The importance of the services provided by the proposed facility to the community.
  - (e) The necessity to the facility of a waterfront location where applicable.
  - (f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage.
  - (g) The compatibility of the proposed use with existing and anticipated development.
  - (h) The relationship of the proposed use to the current Plan of Conservation and Development and flood plain management program of that area.
  - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.

- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable expected at the site; and,
  - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Generally, a variance may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in Section 5.8.4.8.1 (4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (6) Upon consideration of the factors in Section 5.8.4.8.2(4) and the purposes of this Section 5.8, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section 5.8.

5.8.4.8.2 Conditions for Variances:

- (1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.
- (4) Variances shall only be issued upon:
  - (a) A showing of good and sufficient cause;

(b) A determination that the granting of a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**5.8.5 New Building Applications** Any application for new buildings shall be accompanied by building plans, floor plans and elevations prepared by a professional engineer and/or architect licensed in the State of Connecticut.

**5.8.5.1** Statutory Authorization: The Legislature of the State of Connecticut has in the Connecticut General Statutes delegated the responsibility to locate governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Planning and Zoning Board of Milford, Connecticut does ordain as follows:

**5.8.5.2** Findings of Fact:

- (1) The flood hazard areas of Milford are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

**5.8.5.3** Abrogation and Greater Restrictions: This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**5.8.6 Use Requirements:** No building, structure or use shall be allowed which, alone or in combination with existing or proposed uses, will adversely affect the capacity of channels, watercourses, drainage ditches, or other drainage facilities and/or will increase flood damages to other lands or accelerate erosion. When the Planning and Zoning Board determines that only a portion of a lot can be safely developed or used, it shall limit such development or use to that portion and shall require that the method of development or usage be consistent with its determination.

**5.8.6.1** All Buildings and Structures in any AE & VE Flood Zone:

- (1) Buildings and structures shall be designed with low flood damage potential.
- (2) Buildings and structures shall be constructed and placed on the lot so as to offer the minimum resistance to the flow of flood waters.
- (3) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (4) Service facilities such as electrical and heating equipment shall either be constructed at or above the regulatory flood protection elevation or be otherwise structurally flood-proofed.

**5.8.6.2** Residential Buildings: Dwellings and other similar buildings designed for human habitation shall be constructed on fill, pilings, interrupted walls, or elevated by other acceptable means so that the lowest floor level is at the regulatory flood protection elevation or higher. Elevating members of the structure should be properly footed to withstand saturated conditions and located so as to reduce scour effects.

**5.8.6.3** Non-Residential Buildings and Structures: Buildings and structures, other than dwellings and similar buildings designed for human habitation, shall ordinarily be elevated as provided in Section 5.8.2 above. However, the Board may permit non-residential buildings and structures,

with the lowest floor level below the regulatory flood protection elevation, where adjacent streets or utilities already exist below said elevation or other special circumstances make strict compliance with Section 5.8.6.2 above, impractical. Such non-residential buildings and structure may, in special circumstances be otherwise structurally flood-proofed as provided in Section 5.8.8 herein.

- (1) Structurally, flood-proofed buildings shall be designed to withstand:
  - (a) Crushing from weight of water on outside walls.
  - (b) Uplift pressures on the basement or slab foundations.
  - (c) Wind action from hurricanes.

**5.8.6.4** Open Space Uses: Other structures and uses which have a predominantly open space character, which will not be subject to substantial flood damage, and which will not cause flood damage to other lands, as determined by the Board, may be allowed at an elevation below the regulatory flood protection elevation.

**5.8.6.5** Storage of Material and Equipment: The storage or processing of materials that are (in time of flooding) flammable, explosive or injurious to human, animal or plant life is prohibited. Open or outdoor storage of any material or equipment is prohibited.

**5.8.6.6** Grading, Filling, Dredging, Excavating and Removing: The Board may permit grading, filling, dredging, excavating or removing of any earth products subject to the Earth Fill and Removal Regulations, Section 5.7, herein. The Board may permit the proposed activity only if it will not increase flood hazards, cause or accelerate erosion or otherwise interfere with natural drainage.

**5.8.6.7** Alteration of Natural Protective Barriers: Sand dunes, barrier beaches and other natural protective barriers shall remain intact to provide protection against wind, waves and erosion damage. The Board may, subject to the Earth Fill and Removal Regulations, Section 5.7, herein, permit the removal of sand blown or washed upon improved properties by action of high winds and tides, provided that the sand removal will not create a hazardous condition upon the improved property or other properties.

**5.8.6.8** Flood and Erosion Control Works: Necessary and appropriate flood and erosion control works may be permitted by the Board provided that:

- (1) Detailed plans, specifications and costs for the proposed work shall be prepared by a registered professional engineer licensed in the State of Connecticut.
- (2) No such works shall damage the subject or adjoining properties.
- (3) All such works shall be designed to provide a degree of protection consistent with the intended use of the subject property.
- (4) Any fill and other materials for protective works shall be adequately protected against erosion by bulkheads, rip-rap, planting suitable vegetation or other protective measures.
- (5) The applicant shall first obtain all necessary State and Federal approvals for the proposed works.

**5.8.7 Improvement Requirements:** No land, building structure, or use shall be allowed without necessary and appropriate improvements to minimize any flood and erosion related hazards and to protect the public health, safety and welfare.

**5.8.7.1** Street and Driveways: All proposed streets and at least one proposed access driveway shall be adequate to allow emergency evacuation from the lot and from such principal building or use thereon. Any proposed roads or modification of existing road elevations in a VE Zone shall, in accordance with accepted engineering practice, follow the contour of the land without creating a ditch effect or a dike effect. Necessary drainage openings, such as culverts or bridges, shall be sufficient to discharge flood flows without unduly increasing flood heights. All proposed street and driveway intersections with existing public streets shall be subject to approval by the City Engineer and shall be designed with adequate control distances, grades, vertical curves, and similar design criteria, as deemed necessary by the City Engineer.

**5.8.7.2** Drainage Facilities: Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property and to prevent the discharge of excess runoff onto adjacent

properties, and shall be subject to approval by the City Engineer. The system shall insure adequate drainage at all points along street and lot lines, and shall provide positive drainage away from buildings. The Board may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods.

**5.8.7.3** Sewer Facilities: No land, building, structure or use thereof shall be approved by the Board unless said use is served by an approved public sanitary sewage disposal system. The Board shall require the applicant to provide adequate sewage facilities to connect to said system, and shall prescribe the procedures to be followed by the applicant in connecting thereto. All proposed sewage facilities shall be structurally flood-proofed or otherwise protected to a height above the regulatory flood protection elevation, and shall be subject to approval by the City Engineer and the Director of Public Health.

**5.8.7.4** Water Supply Facilities: If there is an existing public water supply system on or near the lot, the Board may require the applicant to connect to such system, and shall prescribe the procedures to be followed by the applicant in connecting thereto. All proposed water supply facilities shall be structurally flood-proofed or otherwise protected to a height above the regulatory flood protection elevation, and shall be subject to approval by the City Engineer and the Director of Public Health.

**5.8.8 Conditions and Safeguards:** The Planning and Zoning Board may attach necessary conditions and appropriate safeguards to a special permit approval for areas subject to flood, erosion and similar development hazards. Such conditions and safeguards may include, but shall not be limited to, the following:

**5.8.8.1** Construction and modification of drainage, waste disposal and water supply facilities to meet the provisions of these regulations.

**5.8.8.2** Construction and modification of channel improvements, groins, jetties, bulkheads, levees and other flood protective or erosion control measures.

**5.8.8.3** Imposition of operation controls, sureties, and legal restrictions.

**5.8.8.4** Flood-Proofing Measures: Flood-proofing measures such as the following, shall be designed consistent with the flood protection elevation, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board shall require that the applicant submit all necessary plans, specifications and other documents certified by a registered professional engineer, that the flood-proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. The following flood-proofing measures may be required:

- (1) Anchorage to resist flotation and lateral movement.
- (2) Installation of water-tight doors, bulkheads, and shutters or similar methods of construction.
- (3) Reinforcement of walls to resist water pressures.
- (4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
- (5) Addition of mass or weight to structures to resist flotation.
- (6) Installation of pumps to lower water levels in structures.
- (7) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
- (8) Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
- (9) Construction to resist rupture or collapse caused by floating debris.
- (10) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity draining of basements may be replaced by mechanical devices.
- (11) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to

flooding and to provide protection from inundation by the regulatory flood.

- (12) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials, which could be hazardous to public health, safety and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regulatory protection elevation or are adequately flood-proofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.

**5.8.9 Methods of Reducing Flood Losses:** In order to accomplish its purposes, this Section 5.8 includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards which result in damaging increases in erosion or in flood heights or velocities.
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
- (4) Controlling filling, grading, dredging and other development which may increase flood damage.
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**5.8.10 Warning and Disclaimer of Liability:** The degree of flood protection required by this Section 5.8 is considered reasonable for regulatory purposes. This Section 5.8 shall not create liability on the part of the City of Milford or any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this Section 5.8 or any responsibility or liability arise from the design or operation of any street, utility or similar improvements dedicated to the City, if the City has not officially accepted in writing the dedication and agreed to maintain and operate such improvements.

The degree of flood protection required by this Section 5.8 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural courses. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

**5.8.11 Interpretation:** In the interpretation and application of this Section 5.8, all provisions shall be:

- (1) Considered as minimum requirements.
- (2) Liberally construed in favor of the governing body and applies to this Section 5.8 only, not to these regulations in general.
- (3) Deemed neither to limit nor repeal any other powers granted under State Statutes.

**5.8.12 General Standards & Provisions for Flood Hazard Reduction:** In all areas of special flood hazards, the following standards are required:

**5.8.12.1** Anchoring:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) Manufactured Homes (A and AE Zones):
  - (a) All manufactured homes placed or substantially improved in A and AE Zones, including "mobile" homes and recreational vehicles placed on a site for 180 consecutive days or longer, shall be elevated so that the lowest floor is above the base flood elevation. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood;

- (b) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured (mobile) home will be at or above the base flood elevation. For elevation on pilings, piling foundation must be placed in stable soil no more than 10 feet apart and reinforcement must be provided for pilings more than six feet above the ground level. Lots must be large enough to permit steps.
- (c) All manufactured homes shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
- (d) Adequate surface drainage and access for a hauler must be provided.
- (e) Recreational vehicles placed on sites within A and AE Zones shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the standards of Section 5.8 and the elevation and anchoring requirement of Section 5.8.12.1(2)(a), (b), (c), and (d). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**5.8.12.2 Construction Materials and Methods:**

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

**5.8.12.3** Utilities:

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. (See Section 5.8.7.4)
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. (See Section 5.8.7.3)
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contaminator from them during flooding.
- (4) Above ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

**5.8.12.4** Waterfront Sites: New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

**5.8.12.5** Parking: Enclosed areas below the Finished First Floor may be utilized for parking in excess of the requirements of Section 3.1.3.7 by waiver of the Planning & Zoning Board provided that no more than two (2) garage doors are provided.

**5.8.13 Specific Standards:** In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 5.8.2. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or in Section 5.8.4, USE OF OTHER BASE FLOOD DATA, the following standards are required:

**5.8.13.1** Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation. Such plans shall be certified by a licensed professional engineer or land surveyor that the provisions of this subsection are satisfied.

**5.8.13.2** Non Residential Construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (1) Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 5.8.4.1 (3).

**5.8.13.3** Manufactured Mobile Homes (VE Zones):

- (1) All manufactured (mobile) homes placed or substantially improved in a coastal high hazard area (VE zone) shall be anchored in accordance with Section 5.8.12.1. Adequate surface drainage and access for a hauler must be provided.
- (2) No manufactured (mobile) homes shall be placed in a coastal high hazard area (VE Zone) except in an existing manufactured (mobile) home park or subdivision.
- (3) Manufactured (mobile) homes placed or substantially improved in VE Zones in an existing manufactured (mobile) home park or subdivision shall be elevated so that the bottom of the lowest horizontal structural member is at or above the base flood elevation (BFE). The manufactured home must also meet all the construction standards for VE Zones as per Section 5.8.14.
- (4) Recreational vehicles placed on sites within VE Zones shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the general standards of Section 5.1, the V Zone construction requirements of Section 5.3.2, and the

elevation and anchoring requirements of Sections 5.3.3.1, 5.3.3.3, and 5.3.3.4. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**5.8.13.4** The following section shall apply to residential or non-residential buildings in an A or AE zone only, not VE zones.

**Elevated Buildings:** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space, and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
  - (a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (b) The bottom of all openings shall be no higher than one foot above grade; and,
  - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of flood waters in both directions.

**5.8.14 Coastal High Hazard Area:** Coastal high hazard areas (V Zones) are located within the areas of special flood hazard established in Section 5.8.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

**5.8.14.1** Location of Structures: All buildings or structures shall be located landward of reach of the mean high tide.

**5.8.14.2** Construction Methods:

- (1) Elevation: All buildings or structures shall be elevated so that the bottom of the lowest supporting member is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in Section 5.8.14.2 (4).
- (2) Structural Support:
  - (a) All buildings or structures shall be securely anchored on pilings or columns.
  - (b) Pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the base flood flow.
  - (c) There shall be no fill used for structural support.
- (3) Certification: Compliance with the provisions of Section 5.8.14.2(l) and 5.8.14.2(2) (a) and (b) shall be certified to by a registered professional engineer or architect.
- (4) Space Below the Lowest Floor:
  - (a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls are used as is provided for in this Section.
  - (b) Breakaway walls shall be allowed below the base flood elevation provided they are not a part of the structural support of the building and are designed so as to breakaway under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used.
  - (c) If breakaway walls are utilized, such enclosed space shall not be used for human habitation.

- (d) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Zoning Enforcement Officer for approval.
- (e) Design safe loading resistance of each breakaway wall shall not be less than 10 nor more than 20 pounds per square foot; or:
- (f) If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components during the base flood event. Maximum wind and water loading values to be used in this determination shall each have one percent (1%) chance of being equaled or exceeded in any given year, 100 year mean recurrence interval.
- (g) If breakaway walls, lattice work or screening are utilized the resulting enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
- (h) Prior to construction, plans for any structures that will have breakaway walls, lattice work or screening must be submitted to the Zoning Permit Official for approval.
- (i) Any alteration, repair, reconstruction, or improvement to a structure shall not enclose the space below the lowest floor except with breakaway walls, lattice work or screening as provided for in Section (e, f, and g) above.

**5.8.14.3** Sand Dunes: There shall be no alteration of sand dunes which would increase potential flood damage.

**5.8.15 Floodways:** Located within areas of special flood hazard established in Section 5.8.2 are areas designated as floodways. Since the floodway is an extremely hazardous

area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during the occurrence of the base flood discharge. Fences are prohibited in the floodway unless required by the Inland Wetlands Officer for wetlands protection. Required fences must be aligned with the flow and be of an open design.
- (2) If Section 5.8.15(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.8.12  
GENERAL STANDARDS AND PROVISIONS FOR FLOOD HAZARD REDUCTION.

**5.8.16 Compensatory Storage:** The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

**5.8.17 Equal Conveyance:** Within in the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

**SECTION 5.9                      CLUSTER DEVELOPMENTS**

**5.9.1        Purpose:** The purpose of this Section is: (1) to promote the most appropriate use of the land at the population density permitted in the applicable Zoning District; (2) to provide flexibility in the design of the development by permitting a variation in lot requirements; (3) to facilitate the adequate design and economical provision of streets, utilities and other site improvements; and (4) to preserve the natural resources of the City through the maximum protection of woodlands, waterbodies, watercourses, steep slopes, scenic vistas, conservation areas, recreation areas, and similar natural features, characteristics and open spaces.

**5.9.2        Definition:** A Cluster Development shall constitute a development site under one ownership or control containing one or more building lots for residential dwellings each containing one or two (SFA-10 District, only) dwelling units, which shall be owned and operated under a cooperative or condominium arrangement or developed as a legal subdivision or a combination of the above arrangements.

**5.9.2.1     Where** an applicant proposes a subdivision, or any portion thereof, which is subject to Final Subdivision Plan Approval under the Subdivision Regulations, the Board may approve and permit said subdivision, or portion thereof, subject to all applicable procedures and requirements of both these Regulations and the Subdivision Regulations.

**5.9.3        General Procedures:** Cluster developments, comprising one-family dwellings, may be permitted by the Planning & Zoning Board in R-A, R-30, R-18 and R-12.5 Districts, and one and/or two family dwellings in SFA-10 Districts, subject to the procedures, requirements, and limitations set forth hereinafter.

**5.9.3.1     Application:** The applicant shall submit an application accompanied by the following additional information:

- (1) A written statement of the intended ownership arrangement for the proposed Cluster Development, including means of open space reservation, whether streets are to be public or private, and ownership of common facilities.
- (2) Legal documentation, satisfactory to the City Attorney, assuring ownership, maintenance and operation of all private streets, parking areas, sidewalks, utilities, recreation facilities, open space areas and other private improvements, facilities and areas proposed for the Cluster Development.

- (3) Worksheets showing calculation of GROSS ACREAGE as defined in Section 5.9.4.1 herein.
- (4) Map showing all protected areas (inland wetlands other legal restrictions) easements and topographical conditions to be considered by the Board when determining reasonably permitted lots as stipulated in Section 5.9.3.2 and the reasonably permitted dwelling units as stipulated in Section 5.9.3.3 herein.
- (5) Include an overlay depicting the location of lots/streets if the parcel were developed in accordance with lot and area requirements dictated in Sections 3.1.4 and Section 3.2.4 of the District in which said development is proposed. This overlay shall be compatible with the maps/sheets presented depicting the proposed Cluster Development for use by the Board in reviewing the subject proposal.

**5.9.3.2** Review: The Board may approve a Cluster Development, provided it finds that:

- (1) The development site shall contain not less than the minimum gross site area required under this Section for the Residential District in which said development is located.
- (2) The maximum number of lots to be created under the provisions of this Section shall not exceed the number which could be reasonably created in accordance with the provisions of the Residential District in which said development is located;
- (3) The maximum number of dwelling units to be erected under the provisions of this Section shall not exceed the number which could be reasonably created in accordance with the provisions of the Residential District in which said development is located;
- (4) The land and buildings shall be used only for one and two-family dwellings and accessory uses permitted in the applicable Residential District;
- (5) The open space and natural features of the site will be advantageously used and beneficially preserved; and,

(6) The proposed development shall be in harmony with the purpose and intent of these Regulations.

**5.9.3.3** Surety: Final approval of the proposed Cluster Development shall be contingent upon the applicant posting surety with the Board in order to assure satisfactory completion of all proposed improvements, not including dwellings shown on the approved Site Plan and other approved documents.

**5.9.4** **General Requirements**: A Cluster Development shall comply with all requirements of the District in which it is located, except as said requirements may be modified in this Section.

**5.9.4.1** Minimum Gross Site Area: The gross acreage of a Cluster Development site shall not be less than three times the minimum lot area requirement from Sections 3.1.4 or 3.2.4 of the District in which said development is located. All protected areas (wetlands and other legally restricted areas) are to be omitted when computing GROSS ACREAGE available for development. (NOTE: the 50% factor will no longer be applied).

**5.9.4.2** Maximum Number of Lots: The maximum number of lots that may be approved by the Board shall be computed by subtracting from the total gross site area available for use under this Section, a fixed percentage of said total for street right-of-way purposes and dividing the remaining site area by the minimum lot area requirement from Section 3.1.4 or 3.2.4 of the District in which said development is located. This method shall apply regardless of the amount of land actually required for street rights of way. The fixed percentages for street rights-of-way purposes to be subtracted from the total gross area to be developed shall be as follows:

**Figure 6: Lot Calculations for Cluster Developments**

Residential Districts	Fixed Street ROW Reduction Factor (%)	Dwelling Units per Gross Acre
R-A	10	0.9000
R-30	11	1.2923
R-18	14	2.0812
R-12.5	17	2.8924

In order to maintain compatibility with surrounding residential neighborhoods, all portions of a cluster development with street frontage or adjacent to

existing residential development must be either a landscaped buffer of 150 feet or residential lots in accordance with the requirements of the adjacent residential district.

**5.9.4.3** Minimum Floor Area: As required in applicable District, Section 3.1.1.1 for one family dwellings; Section 3.2.1.2 (1) through (4) for two-family dwellings.

**5.9.4.4** Minimum Lot & Building Requirements: Under this Section, no lot or development site in a permitted Residential District shall be reduced below the applicable minimum lot and building requirements as set forth hereinafter.

**Figure 7: Modified Lot and Building Requirements for Cluster Developments**

Allowable Residential District	Sections 3.1.4 & 3.2.4 Required Minimum Lot Area of Residential District (Sq. Ft.)	Modified Lot Area Requirements for Cluster Subdivision	Modified Lot Area Required for Co-Op or Condominium Cluster Developments (per 1-family dwelling)
R-A	43,560	18,000	18,000
R-30	30,000	12,500	12,500
R-18	18,000	10,000	10,000
R-12.5	12,500	7,500	7,500

**5.9.4.5** Additional Cooperative or Condominium Requirements:

- (1) Buildings shall be so arranged that adequate light and air are provided to each dwelling and shall be so grouped that the minimum distance between buildings shall not be less than one half the sum of their heights.
- (2) Each dwelling shall have suitable access to an adequate street with a minimum pavement width of not less than 14 feet.
- (3) Off-street parking areas shall be located so as not to encroach in any required yard as measured from the development site boundary and shall have a suitable location in relation to dwelling units or facilities served.

**5.9.4.6** Open Space Reservations: The land area not allocated to building lots, buildings and/or streets shall be permanently reserved as open space for purposes approved by the Board. The areas to be reserved for open space

shall be land with suitable access, shape, dimensions, character, location, topography and/or improvements for said development as deemed necessary by and acceptable to the Board. All open space areas shall be shown on the Site Plan and/or Final Subdivision Plan and shall be appropriately identified to indicate that they are not intended for use as building sites.

All Open Space Requirements will adhere to Section 3.10 of the SUBDIVISION REGULATIONS OF THE CITY OF MILFORD.

**5.9.4.7** Means of Open Space Reservations: Such open space reservations shall be permanently reserved as open space by one or more of the following means, provided that the proposed means are acceptable to and approved by the Board:

- (1) Deeded to the City of Milford or deeded to the Milford Land Conservation Trust, Inc. or similar non-profit organization acceptable to the Planning and Zoning Board. Where open space areas are intended to be conveyed to the City or said non-profit organization, the applicant shall convey them at the stage and in the condition agreed upon in connection with processing and approval of the development. Title to the land shall be unencumbered. The City or said non-profit organization shall take title to such land at a time approved by the Board. Acceptance of an open space area, when conveyed by the applicant, shall be endorsed upon the deed by the Chairman of the Planning and Zoning Board or the President of said non-profit organization and shall be duly recorded with the deed stating that such land is reserved for use as open space in perpetuity.
- (2) Held in corporate ownership by owners of the lots, dwelling units or lots within the development. Where open space areas are intended to be held in corporate ownership, the applicant shall file with the Board the intended means by which title will be transferred. Membership in said corporation shall be mandatory for all lot owners in said development. Each deed conveyance to unit or lot owners in said development shall include the membership stipulation, the beneficial right in use of the open land, and all other restrictions pertaining thereto. The applicant shall record such deeds with all necessary legal documents in the City land records.
- (3) Held in private ownership provided such open space consists of a minimum of seventy five (75) acres of contiguous land and said open space is to be

used for recreational purposes such as a country club or golf course. In such case, membership to the country club or golf course shall be open to the public. A deed restriction shall be placed on the Milford Land Records restricting said facility in accordance with the Open Space Reservations as set forth in Section 5.9.4.6 of the regulations.

(4) A combination of the above means.

**5.9.4.8** Landscaping: The Board shall require adequate landscaping of the development site or lot with suitable vegetation in order to provide auxiliary screening for the proposed uses, aid in air purification and sound absorption and to generally promote an aesthetic development in accordance with Article V, Section 5.14.

**5.9.4.9** Screening: The Board may require appropriate fencing and/or landscaping of suitable type, density and height in order to effectively screen the proposed uses from adjacent properties and streets.

**5.9.4.10** Street Access: No Cluster Development shall be approved by the Board unless the subdivision or development site has suitable access to a street which is adequate to accommodate the potential traffic generation from such development.

**5.9.4.11** Utilities: No Cluster Development shall be approved by the Board unless each dwelling unit or lot in said development is: (a) served by an adequate public sanitary sewerage system, a community subsurface sewage disposal system or private, individual sewage disposal facilities and approved by the Director of Public Health; and (b) supplied with water from an adequate public water supply, community subsurface water supply or private, individual wells and approved by the Director of Public Health.

(1) Where a utility is lacking, the Board may increase the required lot size. However, public water and sanitary sewer systems shall be required for any cluster development with building lot sizes of less than 12,500 square feet or equivalent area per dwelling in the case of co-op or condominium developments.

**5.9.4.12** Improvement Standards: Plans and specifications for the construction and/or improvements of all streets, parking areas, curbs and gutters, sidewalks, storm drainage facilities, sanitary sewage facilities, water

supply facilities, electric and telephone facilities, and other improvements shall comply with all applicable City and State laws, codes, ordinances, and regulations and shall be submitted to the Board for approval.

- (1) Utility lines within the development site shall be placed underground in order to promote an aesthetic development.
- (2) Notwithstanding any other City ordinances or regulations, the Board may permit private streets with a pavement width of not less than 24 feet for two-way traffic and 14 feet for one-way traffic.

**5.9.4.13** Ownership and Maintenance: All private streets, parking areas, sidewalks, utilities, recreation facilities, open space areas and other private improvements, facilities and areas shall be owned, maintained and operated by the applicant, owner, association or corporation without expense to the City. The development site shall, at all times, be maintained in a safe, sanitary and presentable condition.

**5.9.5** **Effect of Approval**: An approved Cluster Development shall be deemed to conform to the provisions of the Zoning District in which it is located so long as all applicable regulations and conditions of approval are met.

**SECTION 5.10                    PLANNED RESIDENTIAL DEVELOPMENT**

**5.10.1** Planned Residential Development, of the Zoning Regulations of the City of Milford is hereby amended by substituting the following language:

- (1) Elimination of PRD as Permitted Use in New Projects and Purpose: Effective upon passage in accordance with law, the PRD is eliminated as a permitted use in new projects under these regulations. The purpose of the discontinuation of the PRD as a permitted use in future projects is to protect the public health, safety, convenience and property values by addressing issues arising from intensive development, density, traffic, and burdens on City services and resources and by encouraging the enhanced benefits and development objectives which may be achieved via the use of cluster and multi-family residential development as a better alternative to the PRD.
  
- (2) Approved PRDs Governed by Existing Regulations: Planned Residential Developments approved by the Planning and Zoning Board on or before the effective date of this amendment (including current or future amendments and modifications to approved plans) shall continue to be administered and governed in accordance with Sections 5.10.2 through 5.10.5 below and with the conditions of approval of said PRD.
  
- (3) Section 5.10.1 Supersedes Wording in Sections 5.10.2- 5.10.5: With respect to any application for a planned residential development not approved by the Board on or before the effective date of this amendment, the provisions of this Section 5.10.1 shall be deemed to supersede and control over any inconsistent provision which may be contained in Sections 5.10.2 through 5.10.5, inclusive.

**\*\*\*Incorporated for reference. Relevant for existing PRD's only.  
See provisions of Section 5.10.1 (2)\*\*\***

**5.10.2 Definition:** A Planned Residential Development, hereafter referred to as PRD, shall constitute a development site under one ownership or control containing single family detached dwelling units, which shall be owned and operated under a cooperative or condominium arrangement.

**5.10.3 General Procedures:** Planned Residential Developments, comprising of single family detached dwellings, may be permitted by the Planning and Zoning Board in R-30, R-18, R-12.5 and R-10 Residential Districts; subject to Special Permit and Site Plan Approval, in accordance with ARTICLE VII, herein, and the procedures, requirements, and limitations set forth hereinafter.

5.10.3.1 Application: The applicant shall submit an application accompanied by legal documentation, satisfactory to the City Attorney, assuring ownership, maintenance and operation of streets parking areas, sidewalks, utilities, recreation facilities, open space areas and other improvements, facilities and areas proposed for the PRD.

5.10.3.2 Site Plan: The applicant shall submit a Site Plan prepared by a Landscape Architect and/or Site Planner and by a Professional Engineer and/or Architect licensed in the State of Connecticut. Such plan shall take into account and illustrate the natural features and characteristics of the site, vistas between the site and adjacent properties and streets, and the buildings on and/or the uses of adjacent properties.

5.10.3.3 Review: The Board may approve a PRD provided it finds, to its satisfaction, that the open space and natural features of the site will be advantageously used and beneficially preserved and that such development will be in harmony with the purpose and intent of these Regulations.

5.10.3.4 Surety: Final approval of the proposed PRD shall be contingent upon the applicant posting satisfactory surety with the Board in order to assure satisfactory completion of and full compliance with all proposed improvements, not including buildings, shown on the approved Site Plan and other approved documents.

**\*\*\*Incorporated for reference. Relevant for existing PRD's only.  
See provisions of Section 5.10.1 (2)\*\*\***

**5.10.4 General Requirements:** The Board may permit an applicant to develop a PRD subject to Special Permit and Site Plan Approval and the following limitations, conditions, and safeguards:

**5.10.4.1** Minimum Development Site Area: The development site for any proposed PRD shall contain at least 10 acres of contiguous land with a minimum of 400 square feet of frontage on a municipally accepted or acceptable arterial, major collector or minor street.

**5.10.4.2** Permitted Accessory Uses: Accessory facilities and uses including golf courses, tennis courts, swimming pools, recreation facilities and buildings, meeting halls, maintenance, storage and utility buildings shall be permitted when provided as an integral part of the overall development. No commercial sales of any type or a home business shall be allowed.

**5.10.4.3** Maximum Number of Dwelling Units: The maximum number of dwelling units shall not exceed 1 dwelling unit per 12,500 square feet in R-30 zone districts measured on a sliding scale of two acres of 30,000 square feet as required in the respective zone districts up to a density of 12,500 square feet provided the applicant complies to the satisfaction of the Board with building and site design criteria; and 1 dwelling unit per 10,000 square feet in R-18, R-12.5 and R-10 zoning districts measured on a sliding scale of 18,000 square feet, or 10,000 square feet as required in the respective zone district up to a density of 10,000 square feet provided the applicant complies to the satisfaction of the Board in building and site design criteria.

**5.10.4.4** Minimum Floor Area: The minimum required floor area contained within each dwelling shall not be less than 625 square feet within the ground floor area and a minimum required total floor area shall not be less than 900 square feet.

**5.10.4.5** Building Design: Buildings shall be designed in such a manner as to be compatible with the development site and in harmony with the general character and appearance of the surrounding neighborhood. Buildings shall not adversely affect the general character

**\*\*\*Incorporated for reference. Relevant for existing PRD's only.  
See provisions of Section 5.10.1 (2)\*\*\***

and appearance of the surrounding neighborhood and shall conform to the following criteria:

- (1) Height shall be a maximum of 35 feet.
- (2) All roofs shall be pitched to be compatible with neighborhood architecture and acceptable to the Planning and Zoning Board.
- (3) All utilities and mechanical enclosures shall be architecturally coordinated with the residential structures.
- (4) Facade material shall be compatible and coordinated throughout the proposed development and with the surrounding neighborhood.
- (5) On development sites greater than 50 acres the Planning and Zoning Board may permit up to 25% of the approved single family residences to be attached, not to exceed two single family residences per building, provided such attached single family residences shall be of an architectural design and site layout which is consistent with the theme and general plan for the proposed PRD and shall otherwise comply with the applicable provisions of these regulations.

**5.10.4.6 Building Heights and Setbacks:** Notwithstanding any other applicable provisions of these Regulations, building heights and setbacks shall be regulated as follows:

- (1) One and two-story, excluding basements, buildings shall be permitted, provided that:
  - (a) The height of such buildings shall not exceed 35 feet.
  - (b) Such buildings shall be setback at least 50 feet from all municipal street and lot lines.
  - (c) Such buildings shall be so arranged that adequate light and air are provided to each dwelling unit and that the minimum distance between principal and/or accessory buildings shall not be less than one half the sum of the heights of the affected buildings.

**\*\*\*Incorporated for reference. Relevant for existing PRD's only.  
See provisions of Section 5.10.1 (2)\*\*\***

**5.10.4.7** Lot Coverage and Open Space Areas:

- (1) The total lot coverage by all buildings, structures, parking areas, and driveways shall not exceed 25 percent of the total acreage of the development site.
- (2) No less than 30% of the total acreage of the development site shall remain as open space, which shall be defined as areas of not less than two acres with a minimum average dimension of not less than 200 feet.

Established wetlands are to be calculated at a percentage of 50%.

- (3) Suitable restrictive covenants guaranteeing compliance with the minimum open space requirements as set forth herein shall be included in all legal conveyances.

**5.10.4.8** Off Street Parking:

- (1) Ratio: Notwithstanding any other provisions of these Regulations, off street parking spaces shall be provided at a ratio of not less than 2.0 spaces per dwelling unit. In addition, a suitable number of parking spaces shall be provided for any accessory use located on the development site.
- (2) All dwelling units shall have at least one parking space within an attached garage. No parking lots shall be permitted for residential use.
- (3) Location: Open, uncovered parking areas shall be located at least 100 feet from any street or lot line. All parking areas shall have a suitable location within a reasonable walking distance of any relation to dwelling units or facilities served.

**5.10.4.9** Landscaping: The Board shall require adequate landscaping of the development site with suitable vegetation in order to provide auxiliary screening for the proposed uses, aid in air purification and sound absorption and to generally promote an aesthetic development in accordance with Article V, Section 5.14.

**\*\*\*Incorporated for reference. Relevant for existing PRD's only.  
See provisions of Section 5.10.1 (2)\*\*\***

**5.10.4.10 Screening:** The Board may require appropriate fencing and/or landscaping of suitable type, density and height in order to effectively screen the proposed uses from adjacent properties and streets.

**5.10.4.11 Street Access:** No PRD shall be approved by the Board unless the development site has suitable access to an arterial major collector or minor collector street which is adequate to accommodate the potential traffic generation from such development.

**5.10.4.12 Utilities:** No PRD shall be approved by the Board unless each dwelling unit in said development is:

- (1) Served by an adequate public sanitary sewerage system and community subsurface sewage disposal system or private, individual sewage disposal facilities and approved by both the City and State Departments of Health; and
- (2) supplied with water from an adequate public water supply.

**5.10.4.13 Improvement Standards:** Plans and specifications for the construction and/or improvement of all streets, parking areas, curbs and gutters, sidewalks, storm drainage facilities, sanitary sewage facilities, water supply facilities, electric and telephone facilities, earth work including filling, fill removal, re-grading, and other improvements shall comply with all applicable City and State laws, codes, ordinances, and regulations and shall be submitted to the Board for approval.

- (1) Utility lines within the development site shall be placed underground in order to promote an aesthetic development.
- (2) Notwithstanding any other City ordinances or regulations, the Board may permit private, interior streets with a pavement width of not less than 24 feet for two-way traffic and 14 feet for one-way traffic.
- (3) All Site Plans shall show all areas and/or locations of utilities and services as described in Section 7.1.2.17 adequately screened within a structure or with landscape plantings.

**\*\*\*Incorporated for reference. Relevant for existing PRD's only.  
See provisions of Section 5.10.1 (2)\*\*\***

**5.10.4.14** Ownership and Maintenance: All private streets, parking areas, sidewalks, utilities, recreation facilities, open space areas and other private improvements, facilities and areas shall be owned, maintained and operated by the applicant, owner, association or corporation without expense to the City. The development site shall, at all times, be maintained in a safe, sanitary and presentable condition.

**5.10.5** **Effect of Approval:** An approved Planned Residential Development shall be deemed to conform to the provisions of the Zoning District in which it is located, so long as applicable regulations and conditions of approval are met.

**SECTION 5.11 PERFORMANCE STANDARD REGULATIONS**

**5.11.1** No building or use shall create any dangerous, injurious, noxious or otherwise detrimental condition so as to adversely affect the public health, safety or welfare of the neighborhood or community.

**5.11.2 Zoning Districts:** Performance Standards shall apply to all lands, buildings, structures, and uses in any Zoning District, whether a permitted use, a special use, an accessory use, a use allowed by variance, or a non-conforming use.

**5.11.3 Procedure:** The Planning and Zoning Board or Zoning Enforcement Officer may require, as a part of any application for a Special Permit or Zoning Permit that the applicant submit a written description of any proposed machinery, operations and products, and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements.

**5.11.4 Compliance:** Initial and continued compliance with these Performance Standards shall be required of every building, structure and use.

**5.11.5 Enforcement:** Measurements to determine present compliance and estimates to determine future compliance may be made by and at the discretion of the Zoning Enforcement Officer, Fire Chief or Fire Marshal, Air Pollution Control Officer, Director of Public Health, or any other public or private agency, firm, or person competent to make such measurements or estimates. The Zoning Enforcement Officer may, at his discretion, require the owner or user of property to furnish current measurements or estimates within a reasonable time in appropriate cases.

**5.11.6 Standards for Dangerous or Objectionable Elements:** In addition to the performance standards set forth hereinafter, all relevant provisions of any other Federal, State and City laws, and regulations shall also apply.

**5.11.6.1 Smoke, Fly Ash and Other Dusts, Gases, Fumes, Odors, and Dust-Producing Substances:** No person shall cause or allow any smoke, fly ash and other dusts, gases, fumes, odors, and dust-producing substances to be discharged or emitted into the open air, except in accordance with the "Air Pollution Control Ordinance" of the City of Milford, Connecticut, as amended.

**5.11.6.2 Fire and Explosion Hazards:** All activities involving, and all storage of, inflammable and explosive materials shall be protected at any

point, with adequate safety devices protecting against the hazard of fire and explosion and with adequate fire fighting and fire suppression equipment and devices as prescribed by the Fire Chief or Fire Marshal.

**5.11.6.3**      Noise: The maximum sound pressure level radiated at the lot or street line by any use or facility subject to these regulations shall not exceed the values tolerable in a specifically affected neighborhood, unless such levels are specifically authorized as an integral part of a Special Permit and Site Plan Approval.

**5.11.6.4**      Direct and Indirect Glare: Any source of illumination shall employ only sources emitting a light of constant intensity and shall be designed, located, erected, and maintained in such manner that glare is not emitted to nearby properties or streets subject to Section 5.2 Exterior Lighting Regulations.

**5.11.7**      Notwithstanding any of the foregoing standards, State and Federal standards, controls and regulations shall apply where any such standards, controls or regulations have more stringent requirements.



- (8) Minor changes in use of building, structure or property except those changes occurring on property adjacent to or abutting coastal waters.
- (9) The foregoing exemptions from Coastal Site Plan Review requirements shall apply to the following Site Plans, plans and applications:
  - (a) Applications for a Site Plan Review submitted to the Planning and Zoning Board in accordance with Section 2a-109 of the Connecticut General Statutes.
  - (b) Petitions for a Special Permit submitted to the Planning and Zoning Commission in accordance with Section 8-2 of the Connecticut General Statutes and Section 7.2 of these regulations.
  - (c) Applications for a variance submitted to the Zoning Board of Appeals in accordance with subdivision (3) of Section 8-6 of the Connecticut General Statutes and Section 9.2 of these regulations.
  - (d) A referral of proposed municipal project to the Planning and Zoning Commission in accordance with Section 8-24 of the Connecticut General Statutes.

**5.12.3 Application Requirements:** Except as exempted in Section (b) above, all applications for Zoning Permits, Special Permits (or Special Exceptions), Variances, Subdivisions or Resubdivisions, municipal projects, or planned unit developments within the coastal boundary, shall file with the appropriate board or commission a Coastal Site Plan and application on such form as prescribed by the Board or Commission. Pursuant to Section 22a-105 and 22-106 of the Connecticut General Statutes, a Coastal Site Plan shall include the following information; a plan showing the location and spatial relationship of coastal resources on and contiguous to the site; a description of the entire project with appropriate plans, indicating project locations, design, timing, and methods of construction; an assessment of the capability of the resources to accommodate the proposed use, an assessment of the suitability of the project for the proposed site; an evaluation of the potential beneficial and adverse effects on coastal resources. In addition, the applicant shall demonstrate that the adverse impacts of the proposed activity are acceptable and that such activity is consistent with the coastal policies of Section 33a-92 of the Connecticut General Statutes.

**5.12.4 Commission Action:**

- (1) In addition to reviewing Coastal Site Plans for compliance with any other applicable standards, requirements, or criteria set forth by these regulations, the Board or Commission with jurisdiction shall review coastal Site Plans for compliance with the following criteria established in Section 22a-106 of the Connecticut General Statutes:
  - (a) Consistency of the proposed activity with the applicable coastal policies in Section 22a-92 of the Connecticut General Statutes.
  - (b) The acceptability of potential adverse impacts of the proposed activity on coastal resources as defined in Section 22a-93(15) of the Connecticut General Statutes.
  - (c) The acceptability of potential adverse impacts of the proposed activity on future water dependent development opportunities as defined in Section 22a-93(17) of the Connecticut General Statutes.
  - (d) The adequacy of any measures taken to mitigate the adverse impacts of the proposed activity on coastal resources and future water dependent development opportunities.
- (2) The Board or Commission with jurisdiction shall approve, modify, condition, or deny the Coastal Site Plan for the proposed activity on the basis of the criteria listed in Section 22a-105 of the Connecticut General Statutes to ensure that the proposed activity is consistent with the coastal policies in Section 22a-92 of the Connecticut General Statutes and that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development opportunities are acceptable.
- (3) Pursuant to Section 22a-106 of the Connecticut General Statutes, the Board or Commission with jurisdiction shall state in writing the findings, and reasons for its action with respect to any Coastal Site Plan approved, conditioned, modified or denied. Further, in approving any coastal Site Plan, the Board or Commission with jurisdiction shall make a written finding that:
  - (a) The proposed activity with any conditions or modifications imposed by the Board or Commission is consistent with the coastal policies in Section 22a-92 of the Connecticut General Statutes.

- (b) That the proposed activity incorporates as conditions or modifications all reasonable measures which would mitigate potential adverse impacts on both coastal resources and future water dependent development activities.
- (c) That the potential adverse impacts of the proposed activity on coastal resources and future water dependent development opportunities with any conditions or modifications imposed by the commission are acceptable.
- (4) In accordance with Sections 22a-105 through 22a-109 of the Coastal Management Act, hearing notification requirements, time limits for making a decision and decision publication and notification requirements for Coastal Site Plans shall be as set forth in the Connecticut General Statutes for the type of permit or approval being requested.
- (5) If the Board fails to render a decision, the Coastal Site Plan shall be deemed rejected.

**5.12.5 Violations:** In accordance with Section 22a-108 of the Connecticut General Statutes, any activity undertaken within the coastal boundary without the required Coastal Site Plan review and approval shall be considered a public nuisance and shall be subject to enforcement remedies authorized in that section or Section 8.13.1 of these regulations.

**SECTION 5.13            ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN**

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre. The Plan shall comply with Connecticut DEP and U.S. EPA requirements for Phase II Storm Water Management.

**5.13.1        Exemptions:** A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

**5.13.2        Erosion and Sediment Control Plan:**

(1) To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Board.

(2) Said plan shall contain, but not be limited to:

- (A) A narrative describing:
  - (1) The development.
  - (2) The schedule for grading and construction activities including:
    - (a) Start and completion dates;
    - (b) Sequence of grading and construction activities;
    - (c) Sequence for installation and/or application of soil erosion and sediment control measures;
    - (d) Sequence for final stabilization of the project site.
  - (3) The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
  - (4) The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
  - (5) The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.

- (6) The operations and maintenance program for proposed soil erosion and sediment control measures and storm management facilities.
- (B) A Site Plan map at a sufficient scale to show:
  - (1) The location of the proposed development and adjacent properties;
  - (2) The existing and proposed topography including soil types, wetlands, watercourses and water bodies;
  - (3) The existing structures on the project site, if any;
  - (4) The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
  - (5) The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
  - (6) The sequence of grading and construction activities;
  - (7) The sequence for installation and/or application of soil erosion and sediment control measures;
  - (8) The sequence for final stabilization of the development site.
- (C) Any other information deemed necessary and appropriate by the applicant or requested by the Board or its designated agent.

**5.13.3 Minimum Acceptable Standards:**

- (1) Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off site erosion and/or sedimentation.
- (2) The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Board (or County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.
- (3) The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Board.

**5.13.4 Issuance or Denial or Certification:**

- (1) The Planning and Zoning Board (or the New Haven County Soil and Water Conservation District) shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- (2) Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.
- (3) Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.
- (4) The Board may forward a copy of the development proposal to other review agencies or consultants for review and comment.

**5.13.5 Conditions Relating to Soil Erosion and Sediment Control:**

- (1) The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified Site Plan may be required to be covered in a performance bond or other assurance acceptable to the Board in accordance with the provisions specified under Section 7.1.1.4 of the regulations.
- (2) Site development shall not begin unless the soil erosion and control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- (3) Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- (4) All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

**5.13.6 Inspection:**

- (1) Inspections shall be made by the Board or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are

properly performed or installed and maintained. The Board may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

**SECTION 5.14: LANDSCAPING, SCREENING AND BUFFER AREA STANDARDS**

**5.14.1 Purpose**

The following standards are intended to preserve and enhance the character, appearance and natural beauty of the City and to protect property values through preservation of existing vegetation, the planting of new screening and landscaping material, and to accomplish transition or separation between areas of unlike character. Specifically, these standards are intended to reduce excessive heat, glare and accumulation of dust, to provide privacy from noise and visual intrusion, and to prevent the erosion of the soil, excessive run-off of drainage water, and the consequent depletion of the ground water table and the pollution of water bodies, watercourses, wetlands and aquifers.

**5.14.2 General Landscaping Requirements**

- (1) Any portion of a developed lot which is not used for the location of buildings, structures, accessory uses, outside storage areas, off-street parking and loading areas, sidewalks or other paved areas, shall be landscaped in accordance with a landscaping plan. Any area of the lot which will not be disturbed by filling, grading, excavation or other construction activity may be left as natural terrain when having a location, size, shape and existing vegetation that supports the landscaping plan for the lot in such a manner as to minimize storm water runoff, sedimentation and erosion and meets other landscape purposes.
- (2) Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and shall be maintained in a healthy growing condition. Any landscaping, trees and plants which shall be shown on an approved Site Plan and which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material. Permanent watering systems shall be encouraged. Species of trees and shrubs planted should be reviewed by a licensed arborist, landscape architect or architect.
- (3) Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced in kind within six months after receipt of notice to the owner by the Zoning Enforcement Officer. Failure to maintain required landscaping shall be enforced in the same manner as any other violation of these Regulations. Pursuant to applicable law, fines shall be levied and orders issued requiring the installation of new plants.

- (4) All landscaping, trees and planting material located adjacent to parking areas, loading areas, or driveways shall be properly protected from damage by vehicles by barriers, curbs, or other means.
- (5) To the maximum extent possible, existing trees, vegetation, and unique site features such as stone walls, large boulders or rock outcroppings shall be retained and protected during construction with protective fencing during construction activity. Such fencing shall be located at a minimum distance of seven (7) feet from existing vegetation and/or landscape elements that are scheduled to be preserved. All existing vegetation and/or landscape elements to be preserved may be inspected prior to construction and during construction. All fencing shall be removed after the ground has been stabilized. If grading is required in their vicinity, trees shall be appropriately welled or mounded to protect them from damage. Tree wells must be of sufficient size to protect the tree roots. Existing healthy mature plant materials, especially trees, if properly located, shall be fully credited against the requirements of these regulations. Landscaping plans shall be reviewed for general appropriateness by the Planning and Zoning Board, and any grading elements of the landscaping plan shall be reviewed by the City Engineer.
- (6) Existing trees in good condition that are four inches or greater in diameter at breast height shall be preserved per (8) below unless approved for removal by the Board. All trees to be saved shall be tagged prior to any site work.
- (7) For all new landscaping, an ample variety and quantity of ornamental plants shall be provided, with a few dominant species chosen to create unity and subordinate types interspersed for accent. Variety should be achieved with respect to seasonal changes, species selected, texture, color and size at maturity. The use of native plant species indigenous to the region is encouraged.
- (8) Landscaping shall serve to integrate the proposed development to the site, with particular consideration for natural topography and existing vegetation. Where terrain is uneven, the Board will consider and may approve parking areas at different levels. Preservation of existing landscape materials and landforms is desirable.
- (9) In all residential zones, with the exception of the Multi-Family Districts, there shall be a minimum aggregate of seventy-five (75) inches of tree diameter, measured at breast height, for every acre of site area. This minimum shall be met either through the preservation of trees or the planting of additional trees. Any trees planted or retained to meet this requirement must be at least three inches in diameter measured at breast height.

- (10) Landscape composition shall be complimentary to scale and style of existing and proposed buildings.

#### **5.14.3 Specific Landscaping Requirements**

- (1) Evergreen trees and large deciduous trees should be spaced using accepted landscaping practices, usually forty (40) feet or more on center.
- (2) Flowering trees should be spaced using accepted landscaping practices, usually twenty (20) or more feet on center.
- (3) Evergreen trees shall be a minimum of seven (7) feet in height at the time of plantings; deciduous shade trees shall be a minimum of 3" caliper and ten feet in height at the time of planting; and flowering trees shall be a minimum of eight (8) feet in height at the time of planting and 2" caliper.
- (4) Native New England plants, trees and shrubs should be used whenever possible. The incorporation of existing vegetation, particularly large-caliper trees, in all buffer areas and landscaping plans is strongly encouraged. Invasive or potentially invasive plant species shall not be allowed. For specific species which cannot be used refer to annual (updated) list prepared by the Center for Conservation and Biodiversity at the University of Connecticut and maintained at the Planning and Zoning Department.
- (5) Landscape and buffer areas shall include an adequate mixture of deciduous, coniferous and flowering trees, evergreen and deciduous shrubs and bushes, flowering plants and bushes, and ground cover. A list of suggested species of trees and shrubs shall be available at the Planning and Zoning Department office and shall be updated and amended, as appropriate, by the Milford Tree Commission.
- (6) The Board may modify proposed landscaping plans to require more mature plantings, different species, or alternative design, in order to afford a functional and aesthetically pleasing landscape.

#### **5.14.4 Front Landscape Areas**

The purpose of a front landscape area is to enhance the appearance of the subject property and the street in all non-residential districts, and to provide shade on the adjacent streets and sidewalks.

- (1) Front landscape areas, where required by these regulations, shall extend across the full width of the lot along the interior side of the front lot line except where driveway entrances and exits are located. This area shall be at a depth which is equal to the front yard requirement for the district.
- (2) Every required landscape area shall be planted with trees (shade or ornamental), shrubbery and ground cover or grass. As a minimum, one deciduous shade tree of at least three inches in diameter at breast height, and a height of ten (10) feet measured from grade, shall be planted within the front landscape area for each forty (40) feet or fraction thereof of lot frontage. The spacing of trees or groups of trees shall be appropriate to the species selected.
- (3) Front yard landscaping shall not obstruct line-of-sight for vehicles entering and exiting the premises, nor shall it obstruct line-of-sight for vehicles traveling on abutting City or State highway. Existing plant materials may be used to meet all or part of the landscape regulations.

#### **5.14.5 Buffer Area Standards**

The purpose of the buffer area is to provide privacy from noise, headlight glare, site lighting and visual intrusion to any residential district.

- (1) A buffer area shall be required along and within all boundaries of a lot abutting a Residential Zone. In addition, Special Uses in all residential zones must provide buffer areas along all side and rear lot lines that abut any residential property. Single-family dwellings shall not be required to provide a buffer.
- (2) The buffer strip shall be provided and maintained by the owner of the land zoned for business, industrial or multi-family purposes, or the owner of the land for which a Special Use has been granted. Trees and shrubs must be replaced as necessary. Failure to maintain such strip shall constitute a violation of these regulations by the owner of the land zoned for business, industrial or multi-family use, or the owner of the land for which a Coastal Area Site Plan Review, Site Plan Review, Special Exception Special Use has been granted.
- (3) The minimum width of all buffer areas are contained in the individual district sections.
- (4) Buffer areas must comply with all applicable general and specific landscaping requirements provided above.

- (5) When mature existing vegetation is not being incorporated into the buffer plantings, or when such vegetation comprises a relatively insignificant proportion of the buffer, the buffer area shall be composed of a suitable combination of evergreen, deciduous, and flowering trees and shrubs.
- (6) Plantings shall be staggered/clustered so that the field of view between abutting residential and non-residential uses shall be obscured visually within one (1) years time to such an extent that activity on the abutting lot is not immediately apparent.
- (7) The buffer area may include fencing in order to effectively screen the activity on the lot from the abutting area. Buffer and screening areas with a mixed evergreen component are strongly encouraged. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.
- (8) Where the existing topography and/or vegetation provide natural screening, which satisfies the purpose of this regulation, no additional screening may be required.
- (9) The Board may allow an alternative landscaped buffer design which meets, or exceeds, the performance level of the buffer. Said alternative buffer shall include trees and shrub plantings, and may include hedges, earthen berms, fencing, or other treatments.
- (10) The Board strongly recommends that developers begin installing the entire buffer on a parcel well in advance of planned building activities for the balance of the parcel, as smaller plantings can be utilized. The buffer may then exceed the required specifications at the time a C.O. is requested.

#### **5.14.6 Landscaping of Off-Street Parking Areas**

- (1) Any lot which contains parking facilities for more than ten cars shall also provide landscaped areas within the parking lot equal to at least ten percent (10%) of the gross parking lot area. Gross parking area shall include the area of parking stalls, aiseways and associated landscaping. This landscaped area shall require landscaped end islands and landscaped center islands within the parking area. Shade trees shall be provided in quantity not less than one tree per five parking spaces. This provision shall not apply to parking garages or parking decks. For parking facilities with fewer than ten parking spaces, at least one shade tree must be provided.
- (2) Applicants may prepare landscaping plans for off-street parking areas as required or submit an alternative landscaping plan that places the landscaping entirely in the perimeter of the parking area and either equals or exceeds the landscaping requirements

in terms of both area and number of plantings for standard parking area landscaping plans. The acceptability of the alternative landscaping plan will be at the Board's discretion.

- (3) In lieu of landscaping requirements for parking garages and parking decks, ten percent (10%) of the footprint area of any parking garage or parking deck shall be added to the balance of the total required area of landscaping for on-site parking facilities. This additional area shall be landscaped in a manner that conforms with Section 5.14 inclusive.
- (4) Intermediate landscaped islands measuring 9 feet wide by 20 feet in length shall be provided in parking rows for every 16 spaces. The landscaped area shall require landscaped end islands and landscaped center islands within the parking area. Each island shall have a suitable curb of granite or concrete. This provision shall not apply to parking garages or parking decks.
- (5) Along any boundary line of an off-street parking area that runs along a sidewalk or street line, a landscaped buffer strip with a minimum width of six (6) feet shall be provided between the parking area and the sidewalk or street line. For the Milford Center Design Development District, the minimum width shall be four (4) feet. Said buffer strip shall comply with all applicable landscaping requirements of this Section.
- (6) Along any boundary line of an off-street parking area that runs along a property line that is not a sidewalk or street line, a landscaped buffer strip with a minimum width of ten (10) feet shall be provided between the parking area and the property line. Said buffer strip shall comply with all applicable landscaping requirements of this Section.
- (7) Along the entire length of any entrance driveway to an off-street parking area, a landscaped buffer strip with a minimum width of four (4) feet shall be provided between the parking area and the entrance driveway. Said buffer strip shall comply with all applicable landscaping requirements of this Section.
- (8) Along the entire length or width of any building, along which any parking area or driveway shall terminate or abut, exclusive of any entrances and/or exits, a landscaped buffer strip with a minimum width of five (5) feet, measured from the foundation of the building, shall be provided between the parking area or driveway and the building. Said buffer strip shall comply with all applicable landscaping requirements of this Section.

#### **5.14.7 Refuse and Recycling Receptacles**

- (1) Any refuse or recycling dumpster or receptacle located on an industrial, commercial or mixed use property, or any residential property where there are four or more dwelling units, and equaling or exceeding two (2) cubic yards in capacity shall be suitably screened from view from any street line or adjacent property.
- (2) Such screening may include trees or shrubs of suitable size, fencing, berms or a combination of any of these elements. The screening elements shall be arranged so that the field of view between the dumpster or receptacle and any street line or adjacent property shall be obscured visually within one (1) years time.

#### **5.14.8 Bonding**

Bonding is to be submitted at the time of approval in the form of a cash bond or letter of credit in the amount recommended by the City Planner in consultation with the City Engineer. A cash bond shall not be released until a licensed landscape professional certifies that the installation of landscaping material meets the approved plans in terms of quantities, sizes, and methods of installation.

**SECTION 5.15 ANNUAL SIDEWALK SEATING PERMIT**

Seating and/or table service will be allowed in the public right-of-way (sidewalk) immediately adjacent to a restaurant, restaurant fast food, or café providing the following criteria is met:

- A minimum of 4 feet of unobstructed sidewalk exists between the curb and the seating area.
- The seating area is separated from the public sidewalk by planters, fencing or other structure approved by the Planning & Zoning Office.
- No permanent structures or alterations to the public right-of-way will be allowed.
- A Site Plan will show at a minimum the building frontage, seating location, separation apparatus, and distance of seating area from curb.

**SECTION 5.16 ARCHITECTURAL STANDARDS**

The purpose of this regulation is to promote a higher quality and visually appealing streetscape and building form. To encourage traditional New England design elements which include but are not limited to building articulations, pitched roofs, overhangs, projections, reveals, awnings and combinations of natural materials and colors.

To use natural materials in their traditional applications (e.g. wood, stone, brick, glass, metal) and avoid vinyl or aluminum siding, texture-111, Dryvit or similar stucco masonry treatments.

All building materials, texture, and color used on the exterior walls and roof shall be of traditional styles and shapes and shall comply with the requirements set forth below. These standards apply to all sides of the structure.

Unless otherwise waived by the Planning and Zoning Board, exterior building materials shall conform to the following requirements:

**5.16.1** For all buildings subject to a Special Permit or Special Exception in any CDD-1, CDD-2, CDD-3, CDD-4, CDD-5, BB, BD, BD-1, ICD, ID, MCDD, SCD, and WDD zone, for all such facades and exterior walls, a substantial portion of the area of all siding materials on that wall shall consist of quality shingle or clapboard wood siding, Hardie board or similar fiber cement shingle or clapboard siding, brick and/or stone masonry siding material. For purposes of such determination, the area of siding on any wall shall consist of its total exterior wall area minus the area of all windows, doors and roof eaves, overhang canopies and similar roof treatments.

The balance of these and other exterior walls may consist of other permitted materials, including split faced block, other finished masonry units, painted masonry blocks, pre-cast concrete panels, stucco, Dryvit or similar stucco masonry treatment. The use of asphalt shingle siding, aluminum or vinyl siding or grooved plywood siding treatments such as texture-111 and similar materials is strongly discouraged.

**5.16.2** All new construction shall have its utility connections located underground.

**5.16.3** Utility meters including but not limited to electrical and gas service meters, air conditioning condensers and the like are prohibited from being located on the front of the building.

**5.16.4** All dumpsters shall be enclosed and the enclosure shall be similar in design and materials to the main structure. Dumpsters shall not be located in required buffer areas.

**5.16.5** All building elevations will be submitted to the Board in color and will list the material type by name and manufacture where appropriate, as well as the color by name and manufacture.

**5.16.6** In zones that allow a zero side yard setback, and the structure is constructed to the property line, the utility meters may be located in the front provided that:

- (a) They shall only be located on the front if it can be demonstrated with good cause that they can't be placed on the rear of the structure.
- (b) They are architecturally integrated with the front façade (i.e. recessed and/or otherwise concealed).

**5.16.7** The Board at its discretion can waive any requirement of Section 5.16.

**5.16.8** It will be the applicant's burden to show that the waivers are appropriate for the specific application.

**Section 5.17                      ROUTE ONE INTERCONNECTING DRIVEWAY ACCESS**

Along Route One from the Stratford border to the Orange border (Bridgeport Avenue, Boston Post Road), where practical, the Board may require of any application for a Site Plan, Special Permit or Special Exception, an interconnection to the neighboring property in order to facilitate access of properties for the purpose of removing vehicular traffic from Route One.

In instances where the Board deems this interconnecting driveway access appropriate, the Board shall waive any parking and landscape computation requirements that would have been required in the location of the easement.

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## ARTICLE VI - NON-CONFORMING USES, STRUCTURES AND LOTS

### SECTION 6.1      DECLARATION

**6.1.1 Definition:** A non-conforming use, structure or lot is one which existed lawfully on the effective date of these Regulations or any amendment thereto, and which fails to conform to one or more of the applicable provisions or requirements of these Regulations or such amendment thereto.

**6.1.2 Continuance:** Notwithstanding any other provision of these Regulations, a non-conforming use, structure or lot, as defined herein, may be continued, except as otherwise specified in this ARTICLE.

**6.1.3 Ownership:** Nothing in these Regulations shall be deemed to require discontinuance of a non-conformity because of mere change of title or possession or right of possession of property, except as otherwise provided in Section 6.4.1, herein.

**6.1.4 Certificate of Zoning Compliance:** No non-conforming use, structure or lot shall be constructed, reconstructed, enlarged, extended, altered, moved, changed, maintained, restored or replaced unless a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer stating that such use, structure or lot is an existing legal non-conforming use, structure or lot and/or that such construction, reconstruction, enlargement, extension, alteration, movement, change, maintenance, restoration or replacement is in compliance with the applicable provisions of these Regulations.

## **SECTION 6.2            NON-CONFORMING USES**

**6.2.1        Enlargement, Extension or Alteration:** No non-conforming use of land shall be enlarged, extended, or altered, and no structure or part thereof devoted to a non-conforming use shall be enlarged, extended, constructed, reconstructed, or structurally altered, except in changing the use to one which is allowable in the Zoning District in which such use is located; except in the case of single family homes. No non-conforming use of a structure shall be extended to occupy land outside such structure or space in another structure.

**6.2.2        Movement:** No non-conforming use of land shall be moved to another part of a lot or outside the lot, and no non-conforming use of a structure shall be moved to any part of the structure not manifestly arranged and designed for such use at the time the use became non-conforming. No structure containing a non-conforming use shall be moved, unless the result of any such moving is to end the non-conforming use.

**6.2.3        Change:** No non-conforming use of land or of a structure shall be changed to any use which is substantially different in nature and purpose from the former non-conforming use, except such uses as are allowable in the Zoning District in which they are located: unless a Special Permit is granted by the Planning and Zoning Board under ARTICLE VII, herein, after a public hearing and upon written finding, among other things, that the new use will have a lesser impact upon the surrounding area than the old one.

**6.2.4        Variance:** Notwithstanding Sections 6.2.1, 6.2.2 and 6.2.3, a Variance shall be granted in accordance with ARTICLE IX, SECTION 9.2.2 Variances to extend, enlarge, or alter any legal non-conforming lot, structure or use.

**6.2.5        Maintenance:** Nothing in these Regulations shall be deemed to prohibit:

- (1) Work in any period of 12 consecutive months or ordinary repairs and replacement of existing materials with similar material placed in similar manner, to an extent not exceeding 50 percent of the physical structure, excluding the foundation, as determined by the Zoning Enforcement Officer and/or the Building Inspector of the City of Milford; or,
- (2) Any work required by the codes and ordinances of the City or ordered by any City official charged with protecting the public health, safety or welfare, if such work does not enlarge or extend a non-conforming use or otherwise increase any non-conformity, in order to assure that structures will be maintained in a safe and sanitary condition.

**6.2.6        Restoration:** If any structure shall be destroyed by any means to an extent of more than 50 percent of the physical structure, excluding the foundation, as determined by the Zoning Enforcement Officer and/or the Building Inspector of the City of Milford, no repairs or

reconstruction shall be made unless every portion of such structure and the use thereof is made to conform to all the regulations of the District, except as stated in Section 6.3.3. Nothing in these Regulations shall be deemed to prohibit the restoration of any structure and its use where such structure has been destroyed by any means out of the control of the owner to an extent of 50 percent or less of the physical structure, provided that the restoration of such structure and its use shall in no way increase any former non-conformity, and further provided that the restoration of such structure is started within one year of such destruction and is diligently prosecuted to completion within two years following such destruction.

**6.2.7 Abandonment:** Any non-conforming use which has been abandoned shall not thereafter be re-established. Any structure or land, or structure and land in combination which was formerly devoted to a non-conforming use which has been abandoned, shall not again be devoted to any use other than those uses which are allowable in the Zoning District in which it is located.

**6.2.7.1** The term abandonment, as used herein, shall mean the voluntary discontinuance of a use, when accompanied by an intent not to re-establish such use. Any one of the following shall constitute prima facie evidence of intent to abandon:

- (1) Any failure to take all necessary steps to resume the non-conforming use with reasonable dispatch in the circumstances, including advertising of the property for sale or for lease; or
- (2) In the case of a non-conforming use of a structure or of a structure and land in combination, discontinuance of the non-conforming use for 6 consecutive months, or for a total of 18 months during any three year period; or
- (3) In the case of land only, discontinuance of the non-conforming use for 30 consecutive days, or for a total of 3 months during a one year period.

**6.2.7.2** The provisions of Sections 6.2.7.1(2) and (3), above, shall apply to customary seasonal uses in the same proportional time frame, or fraction thereof.

**6.2.8 Special Permits:** Any Use allowed by Special Permit within an applicable Zoning District and approved by the Planning and Zoning Board as a Special Permit or Special Exception Use shall be deemed to be a conforming use in the applicable Zoning District. The Expansion or substantial alteration of such Special Permit shall be governed by ARTICLE VII of these Regulations.

**SECTION 6.3                      NON-CONFORMING STRUCTURES**

**6.3.1            Use:** A non-conforming structure may be used for any use allowed in the Zoning District in which such structure is located; provided that any requirements for the new use of such structure, such as off-street parking and loading spaces, shall not increase the existing non-conformity of such structure.

**6.3.2            Enlargement, Extension or Alteration:** Structures failing to meet any requirement of these Regulations other than use, including lack of required parking or loading spaces, shall not be enlarged, extended, or altered, if the result would be an increase in non-conformity.

**6.3.2.1                      Required parking and loading spaces for any enlargement or extension of such structure shall be provided as a condition for the issuance of any Certificate of Zoning Compliance for such enlarged or extended portion of such structure.**

**6.3.3            Replacement:** Any existing structure which does not have sufficient off street parking or loading spaces to comply with these Regulations may be replaced by a new structure provided that the replacement structure shall contain no more floor area than the existing structure, and further provided that the amount of existing off-street parking and loading space and lot area available for off-street parking or loading is not reduced, nor the requirements therefore increased by a new use.

**6.3.4            Signs:** Signs of a size or type not allowed in the Zoning District in which they are located or which are improperly located or illuminated, or non-conforming in any other way, shall be considered non-conforming structures under this Section; and any increase in size or intensity of illumination of such signs shall be deemed to be an enlargement or extension producing an increase in non-conformity.

**6.3.5            Movement:** No non-conforming structure shall be moved or relocated unless the result of such moving or relocation is to reduce or eliminate its non-conformity.

**SECTION 6.4                      NON-CONFORMING LOTS**

**6.4.1            Use of Non-Conforming Lots Where Applicant or Predecessors Never Owned Any Adjacent Land:** A zoning permit may be issued for an allowable use on a lot which does not meet the standards for lot area and/or width of the particular zone in which said lot is located if:

- (1) The present owner or his predecessors in title did not illegally create this non-conforming lot and that the lot was of legal size when it was created as a lot.
- (2) The present owner or his predecessors in title, as determined by an attorney, did not or does not own any land adjacent to such lot since the lot was caused to become non-conforming by virtue of revised zoning regulations.
- (3) All yard, setback, coverage and other zone requirements can be met, and further provided the owner or his agent presents satisfactory evidence of compliance with this section.
- (4) The lot was never sold by the City of Milford with any stipulation that would prohibit its use as a separate building lot.
- (5) Upon satisfactory compliance with items 1-4 provisions of this section, the applicant or his agent shall erect a 24" by 36" panel sign with a poster furnished by the City of Milford stating the following:

*On \_\_\_\_\_ (date) \_\_\_\_\_ the Zoning Enforcement Officer has received verification, including survey map with proposed construction thereon, and has ascertained that this lot is a legal non-conforming lot under the provisions of Section 6.4.1 of the Milford Zoning Regulations. Documentation is on file at the Planning & Zoning Board Office.*

The applicant shall be required to affix the poster, supplied by the City, to his own panel within 5 days of the date zoning approval was received. The applicant shall generally locate the panel within the center of the lot but not more than 5 feet from an accepted street line except in cases involving unaccepted City streets. In cases of non-conforming lots involving unaccepted City streets, the location of the panel shall be determined at the discretion of the Zoning Enforcement Officer.

The panel with poster shall remain on the property for an unbroken period of 15 days. At the end of 15 days, the applicant shall submit the following notarized statement to the Zoning Enforcement Officer:

*1.. (applicant) duly swear to the Zoning Enforcement Officer of the City of Milford that the property at (address) has been posted for a period of 15 days from (date) to (date) in accordance with the notice requirements of Section 6.4.1 (5) of the Milford Zoning Regulations.*

**6.4.2 Use of Non-Conforming Lots when Applicants or Predecessor Own/Owned Adjacent Land:** A zoning permit may be issued subject to a application granted by the Zoning Officer for an allowable use on a lot which does not meet the standards for lot area and/or width of the particular zone in which said lot is located if:

- (1) The present owner or his predecessors in title did not illegally create this non-conforming lot and that the lot was of legal size when it was created as a lot.
- (2) The present owner or his predecessors in title, as determined by an attorney, do now or have owned adjacent land since the time the lot was caused to become non-conforming by virtue of revised zoning regulations.
- (3A) Since the time the lot was caused to become non-conforming by virtue of a revised zoning regulation, the lot has never been utilized in conjunction with adjacent property so that the identity of the lot in question has not merged with adjacent property.
- (3B) The determination of whether a lot has been so utilized in conjunction with adjacent property so that its identity as a separate lot has ceased and it has merged with the adjacent property is a factual determination to be made on a case by case basis upon the facts and circumstances of each individual application. Therefore, no fixed set of criteria can be said to establish such a merger for all cases. Listed below by way of example only, and not of limitation are some factors which may be indicative of a merger, depending upon the surrounding circumstances of the particular case.
  - (a) If, at the time the house was constructed, the minimum lot size required by the Zoning Regulations exceeded the size of the house lot itself, the vacant lot will be considered merged with the original house lot, i.e., if the minimum lot size could only be achieved by utilizing both lots together at the time the house was constructed, a merger will have occurred. (See sample below)

**Diagram 4: Lot Merger Description**



- (b) The vacant lot is regularly utilized to provide off street parking for the existing dwelling on the adjacent house lot.
  - (c) A structure on the adjacent house lot encroaches over onto the vacant lot, or hearing evidence establishes that the vacant lot has been cleared of such an encroachment.
  - (d) The vacant lot contains some non-temporary structure or improvement used in relationship with the adjacent house lot; e.g., storage shed, garage, tennis court, swimming pool, barbecue facility, patio, etc.
  - (e) The applicant or his predecessor characterized the adjacent house lot and the vacant lot as one lot for purposes of some prior building or zoning approval; e.g., to construct a deck on the house without violating side yard setback requirements.
- (3C) Some factors which are not sufficient in and of themselves to constitute a merger of a vacant lot with an adjoining house lot include, but are not limited to:
- (a) The fact that grass on the vacant lot has been mowed and leaves have been raked.
  - (b) The fact that a vegetable or flower garden has existed on the vacant lot.
  - (c) The fact that the vacant lot has been used for occasional recreational pursuits, e.g. picnics, baseball, badminton, volleyball, etc.
  - (d) The fact that the vacant lot has been utilized for overflow parking for the house lot, on an occasional, non-frequent basis.

- (4) All yard setback, coverage and other zone requirements can be met; and further provided the owner or his agent presents satisfactory evidence of compliance with this Section.
- (5) The lot was never sold by the City of Milford with any stipulation that would prohibit its use as a separate building lot.

**PLEASE NOTE: Attorney must address all items (1) through (5)**

- (6) Notice: Upon satisfactory compliance with items 1 - 5 provisions of this section, the applicant or his agent shall erect a 24" by 36" panel sign with a poster furnished by the City of Milford stating the following:

*On \_\_\_(date)\_\_\_ the Zoning Enforcement Officer has received written verification, including survey map with construction thereon, and has ascertained that this lot is a legal non-conforming lot under the provisions of Section 6.4.2 of the Milford Zoning Regulations. Documentation is on file at the Planning and Zoning Board Office.*

The applicant shall be required to affix the poster, supplied by the City, to his own panel within 5 days of the date zoning approval was received. The applicant shall generally locate the panel within the center of the lot but not more than 5 feet from an accepted street line except in cases involving unaccepted City streets. In cases of non-conforming lots involving unaccepted City streets, the location of the panel shall be determined at the discretion of the Zoning Enforcement Officer.

The panel with poster shall remain on the property for an unbroken period of 15 days. At the end of 15 days, the applicant shall submit the following notarized statement to the Zoning Enforcement Officer:

*I, \_\_\_\_\_(applicant)\_\_\_\_\_ duly swear to the Zoning Enforcement Officer of the City of Milford that the property at \_\_\_\_\_(address)\_\_\_\_\_ has been posted for a period of 15 days from \_\_\_\_\_(date)\_\_\_\_\_ to \_\_\_\_\_(date)\_\_\_\_\_ in accordance with the notice requirements of Section 6.4.2(6) of the Milford Zoning Regulations.*

**6.4.3** Notwithstanding the provisions of 6.4.1 and 6.4.2, vacant non-conforming lots may be combined to reduce any non-conformity with respect to lot size in accordance with Section 2.3.1 of the subdivision regulations.

## **ARTICLE VII PLANNING AND ZONING BOARD**

### **SECTION 7.1 SITE PLAN APPROVAL**

In all cases where these Regulations require Site Plan Approval, no permit shall be issued by the Zoning Enforcement Officer except in conformity with the Site Plan approved by the Planning and Zoning Board.

#### **7.1.1 Site Plan Procedures**

**7.1.1.1 Application:** Each application for a Site Plan Review approval shall be submitted to the City Planner, Assistant City Planner, or other authorized persons as designated by the City Planner; henceforth, designated as Reviewing Officer, on a form prescribed by the Planning and Zoning Board, and shall be accompanied by ten (10) copies of the Site Plan, eight (8) if a Health Department report is not required. The applicant shall have all zoning related plans reviewed by the Reviewing Officer at the Planning and Zoning Board Office prior to the applicant distributing said plans to the various City Departments as required by the Reviewing Officer. If a subsequent review of the application by a City Department reveals the need to revise a plan, such revisions shall be noted on the title block of the revised plan, with a note indicating the nature of the revision; and then be re-circulated through the Reviewing Officer's office prior to proceeding back to the department requiring the revision. When the applicant receives all required department approvals, the Reviewing Officer will then accept an application form and fee, and will determine whether or not such application can be certified, i.e., that the proposed building construction and uses are in conformance with all applicable provisions of these Regulations and those requirements of this Section regarding Site Plan Review.

**7.1.1.2 Acceptance by Board:** The Board shall accept certified applications at the next regular meeting after certification provided the information provided by the applicant under Section 7.1.2 is complete to its satisfaction. In the event any application is not accepted, the applicant shall be notified in writing within 10 days.

**7.1.1.3 Board Action:** In reviewing the application, the Board shall consider the objectives and standards as set forth in Section 7.1.3 herein. The Board shall approve, modify\* and approve or disapprove the Site Plan within 65 days of the date of acceptance of said application, unless an extension of time is granted by the applicant. Failure to act within such time period shall be deemed approval.

Any disapproval shall include written findings on any Site Plan element found contrary to either the provisions or intent of these Regulations.

*\*See Section 9.2.3*

*Variances of Planning & Zoning Board stipulations are prohibited.*

**7.1.1.4** Surety: The Board may require the applicant, as a condition of Site Plan approval, to post satisfactory surety in order to assure completion of proposed improvements not including buildings and compliance with the approved Site Plan and other documents.

**7.1.1.5** Issuance of Zoning Permit: Upon certification of an approved Site Plan by the Board, the applicant shall comply with all applicable provisions of ARTICLE VIII, herein, for the issuance of a zoning permit by the Zoning Enforcement Officer.

**7.1.1.6** Expiration: Any approved Site Plan for which construction has not commenced or which is not otherwise put into effect within a period of one year of the effective date of approval shall become null and void, unless an extension of time is applied for by the applicant and granted by the Board.

**7.1.1.7** Amendments: Applications for Site Plan amendments of a material nature shall be made to the Zoning Enforcement Officer in the same manner as the original application.

## **7.1.2 Site Plan Elements**

Applications submitted shall include a description of all proposed uses including all intended operations, equipment and material; and shall be accompanied by a current property survey to A-2 standards prepared by a Connecticut licensed land surveyor, drawn to scale of not less than one inch equals 100 feet in size, not to exceed 24" x 36" and a proposed Site Development Plan based on the current certified survey showing the proposal and all buildings on adjacent lots within 100 feet of the lot lines of the subject lot. In addition to the Survey and Site Development Plan, the application shall also be accompanied by floor and elevation plans for alterations of all existing structures and for proposed structures. All elevations must show location detail of street number to be utilized by the building. Such numbers shall not be located on any door nor shall any number be less than 5 inches tall and must be legible from the street. Signs, specifications for building construction and materials proposed for flood-proofing, where applicable, and any such other plans as may be required to fully present the proposal, including the following information where applicable:

**7.1.2.1** The name and address of owner or owners of land to be developed, the name and address of the applicant, if other than the owner and the name, original signature and seal, originally stamped or embossed on each sheet of the licensed land surveyor, professional engineer or professional architect, licensed in the State of Connecticut, as may be applicable.

**7.1.2.2** The date, true north point and graphic written scales.

**7.1.2.3** A key map of approximately one inch to 400 or 800 feet, showing the existing Zoning Districts and street pattern within 500 feet of the site. The north arrow orientation of the key map shall match the north arrow orientation of the Site Plan.

**7.1.2.4** The locations and names of owners of record of all abutting property and developments.

**7.1.2.5** The purpose, locations, dimensions and areas of all existing and proposed rights-of-way, easements, reservations and open space areas dedicated to or offered for public use or otherwise set aside, both within and adjoining the site.

**7.1.2.6** A complete outline of existing and proposed deed restrictions or covenants applying to the premises.

**7.1.2.7** Existing and proposed elevations based on actual surveys and referenced to USGS datum shall be shown:

- (1) At each lot corner;
- (2) Along each lot line at intervening intervals, if such line is 100 feet or more in length, at each five foot change in elevation; and
- (3) At the approximate location of each foundation corner of all proposed or anticipated principal building or structure. Additional elevations and/or elevations at lesser intervals may be required as deemed necessary or appropriate by the Board.

**7.1.2.8** The location of existing and proposed waterbodies, watercourse, swamps, marshes and wetlands, with the direction of flow and water surface levels, as well as other significant physical features such as wooded areas and rock outcrops, and existing trees equal to or larger than 4" in diameter at breast

height on the site and in the public right-of-way, identified by their common name.

**7.1.2.9** The location of the regulatory flood protection elevation, established wetland boundaries and boundaries of other flood-prone area, including the seasonal high water level, apparent high water mark and mean high water mark as appropriate.

**7.1.2.10** Location and design of all existing and proposed flood protection and erosion control works.

**7.1.2.11** Location, design, height and setback lines of all existing and proposed buildings and structures, including but not limited to signs, fences and walls.

**7.1.2.12** Location, design and setback lines of all existing and proposed uses not within a building or structure.

**7.1.2.13** Location and design of all existing and proposed paved areas, sidewalks, streets, curbs, driveways and parking and loading areas (showing the number of stalls provided therewith), with grades, elevations and cross sections, as appropriate.

**7.1.2.14** Location and design of all existing and proposed storm drainage in accordance with the EPA Storm Water Phase II Program regulations, sanitary sewage, and water supply facilities and easements, as well as other underground and above ground utilities, with grades, pipe sizes, elevations, points of discharge and hydrants as appropriate.

**7.1.2.15** Location and design of all required buffer strips, landscaping and screening, final site landscaping and/or grading plans. For plans other than for single family homes, landscape plans should be prepared, signed and sealed by a licensed landscape architect. Planting plans should include a plant list keyed to the plan with the proposed plants listed by their common and botanical names and specified sizes and quantities, with notes about minimum branch height, root condition and other pertinent information.

**7.1.2.16** Location, design and height of external lights and lighted areas, as appropriate.

**7.1.2.17** All Site Plans must show all areas and/or location of the following:

- (1) Outside storage areas or structures.
- (2) Utility transformers.
- (3) Utility meters (free standing or attached to a structure), i.e. electrical, gas, water.
- (4) Telephone/cable television equipment.
- (5) Fuel oil storage facilities.
- (6) Refuse/trash containers of any type.
- (7) Postal facilities.
- (8) Exterior mechanical equipment such as, but not limited to HVAC items. If any or all of the services are not to be provided or are included in a prior approval, a statement to that effect shall be included as a note on the Site Plan.

**7.1.2.18** In the case of uses or facilities requiring approval by any other agency of the State or City, the approval or status of approval of said agency shall be submitted with the application.

**7.1.2.19** Where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development shall be presented for approval.

**7.1.2.20** In order to assist the Board to determine conformity of the Site Plan with the intent and purpose of these regulations, the following information should be submitted:

- (1) Photographs of the site including all adjacent properties as viewed from all public streets as well as adjacent properties.
- (2) Elevation drawings of proposed buildings, landscaping, outdoor storage areas and refuse/trash containers and free-standing signs. The elevation views shall correspond to the site photographs.
- (3) Applications for buildings containing over 5,000 square feet shall include graphics, such as pictures, drawings or digital views, whereby the proposed development is integrated with existing adjacent development.

- (4) All Site Plan Applications shall include a narrative including graphics as necessary which presents information as to the impact of the Site Plan on natural resources as described in the Natural Resource Inventory attached as Appendix C. The Site Plan Application shall specifically address how the proposed project complies with the “Recommendations” section of Appendix C.

**7.1.2.21** Any other information deemed necessary by the Board to determine conformity of the Site Plan with the intent and purpose of these regulations.

In general, except for very minor additions, all development proposals for Site Plan review will include individual sheets:

- (1) Title sheet with locus map.
- (2) Site Plan building size, setbacks, zoning requirements required and proposed.
- (3) Landscaping Lighting Plan-site signage may be included on this sheet.
- (4) Utility/Grading/Contour Plan including catch basins, curbs, paving details if necessary.
- (5) Sediment and erosion control plans if applicable.
- (6) For multiple building projects or multi-tenant facilities, mylar address map, may be provided after receiving Site Plan approval; must be provided before obtaining a zoning permit.

**7.1.3 Site Plan Review:** In approving any Site Plan, the Planning and Zoning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and of the immediate neighborhood in particular, and may attach reasonable conditions and safeguards as a precondition to its approval. The City Planner shall be responsible for circulating the Site Plan submission to all applicable boards, commissions and departments for review and comment, and shall prepare a detailed summary of the issues, concerns and comments generated by these boards, commissions and departments for review and consideration by the Planning and Zoning Board. The Board shall also consider the following general objectives and design criteria:

**7.1.3.1 Zoning Districts:** That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the Zoning District in which it is proposed to be situated

and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

**7.1.3.2** Traffic Access: That proposed traffic access ways are: adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners and similar safety considerations.

**7.1.3.3** Public Safety: That proposed buildings, structures, uses, equipment or material shall be readily accessible for fire and police protection.

**7.1.3.4** Circulation and Parking: That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use, and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking.

**7.1.3.5** Landscaping and Screening: That proposed buildings, structures, uses, recreation areas, and parking, loading and vehicular access areas are reasonably landscaped and/or screened with appropriate vegetation and/or fencing of suitable type, density and height adjacent to residential lots and streets, where appropriate; notwithstanding the procedural provisions of Section 4.1.7 herein.

**7.1.3.6** Illumination: That lighting from the installation of outdoor lighting and illuminated signs shall be designed in accordance with Section 5.2 Exterior Lighting Regulations and Section 5.3 Sign Regulations.

**7.1.3.7** Public Health: That utility systems will be suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the City.

**7.1.3.8** Character and Appearance: That the character and appearance of the proposed buildings, structures, uses and/or outdoor signs will not be detrimental to the character and appearance of the surrounding neighborhood and will not adversely affect the general welfare of the inhabitants of the City.

**7.1.3.9** Surety: The Board may require surety in accordance with Section 7.1.1.4 herein.

**7.1.3.10** Zoning Permit: Upon approval of a Site Plan Review by the Board, the applicant shall comply with all applicable provisions of ARTICLE VIII, herein for the issuance of a Zoning Permit by the Zoning Enforcement Officer.

**7.1.3.11** Effect of Site Plan Review: Any use for which a Site Plan Review has been approved shall be deemed to be a conforming use in the zoning district in which such use is located, as long as all applicable regulations and conditions of approval are met.

**7.1.3.12** Statutory Completion Schedules:

(1) In the case of any Site Plan approved on or after October 1, 1984, except as provided in paragraph (2) of this subsection, all work in connection with such Site Plan shall be completed within five years after the approval of the plan. The certificate of approval of such Site Plan shall state the date on which such five-year period expires. Failure to complete all work within such five-year period shall result in automatic expiration of the approval of such Site Plan, except in the case of any Site Plan approved on or after October 1, 1989, the Planning and Zoning Board or the Zoning Enforcement Officer approving such Site Plan may grant one or more extensions of such five year period, provided the total extension or extensions shall not exceed ten years from the date such Site Plan is approved. "Work" for purpose of this subsection means all physical improvements required by the approved plan.

(2) In the case of any Site Plan for a project consisting of four hundred or more dwelling units approved on or after June 19, 1987, all work in connection with such Site Plan shall be completed within ten years after the approval of the plan. In the case of any commercial, industrial or retail project having an area equal to or greater than four hundred thousand square feet (400,000) approved on or after October 1, 1988, the Planning and Zoning Board or the Zoning Enforcement Officer approving such Site Plan shall set a date for the completion of all work in connection with such Site Plan, which date shall be not less than five nor more than ten years from the date of approval of such Site Plan, provided such commission, agency or official approving such plan and setting a date for completion which is less than ten years from the date of approval may extend the date of completion for an additional period or periods, not to exceed ten years in the aggregate from the date of the original approval of such Site Plan. The certificate of approval of such Site Plan shall state the date on which such work shall be completed. Failure to complete all work within such period shall result in automatic expiration of the approval of such Site Plan. "Work" for purposes of this subsection means all physical improvements required by the approved plan.

**7.1.3.13** Expiration: Any authorized Site Plan Review for which construction has not commenced or which is not otherwise put into effect within a period of one year, shall become null and void, unless an extension of time is applied for by the applicant and granted by the Board.

**7.1.3.14** Revocation: An authorized Site Plan Review shall be subject to revocation by the Board if any conditions or safeguards imposed by the Board upon land, buildings, structures, or uses for said permits are not strictly adhered to by the applicant and/or owner. However, before the Board may revoke any Site Plan Review, the Board shall hold a public hearing thereon.

**7.1.3.15** Waivers: The Board may waive, subject to appropriate conditions such requirements of this Section 7.1 and standards as set forth in the regulations governing uses requiring Site Plan Review as in its judgment of the special circumstances and conditions relating to a particular application, are not requisite in the interest of the public health, safety and general welfare. When making its determination as to the extent of variation from the standards as set forth in these Regulations, the Board shall take into consideration the prospective character of the use, the interests of the City as a whole, and the purpose and intent of these Regulations.

**SECTION 7.2                      SPECIAL PERMIT APPROVAL**

In all cases where these Regulations require Special Permit Approval, no permit shall be issued by the Zoning Enforcement Officer except upon approval of a Special Permit by the Planning and Zoning Board.

**7.2.1        Application:** Each application for a Special Permit shall be submitted in accordance with Sections 7.1.1 and 7.1.2 and the following:

- (1) Plans shall be reviewed by the City Engineer, with regard to parking layout, ingress and egress; drainage facilities; grading or regrading; sanitary sewer connections; all conditions of approval and any other engineering consideration at the discretion of the City Engineer. Such review shall be set forth in a report and conditions, if any, shall be detailed therein, and stamped on the Site Plans.
- (2) Plans shall be reviewed by the Police Department with regard to public safety and traffic conditions. Such review shall be set forth in a report detailing existing or anticipated traffic conditions and/or hazards on streets leading to the site, ingress and egress to the site; and any other public safety consideration. The applicant shall be required to submit a traffic study prepared by a licensed traffic engineer with any application which generates 100 or more vehicular trips during the peak hour.
- (3) Plans shall be reviewed by the Director of Public Health or Sewer Commission, whichever is applicable. Such review shall be set forth in a report, and conditions, if any, shall be detailed therein.
- (4) Plans shall be reviewed by the Fire Department and such review shall be set forth in a report and conditions, if any, shall be detailed therein.
- (5) Plans shall be reviewed by the Tree Commission and the Conservation Commission, in an advisory role, with regard to trees and natural resources. Such review shall be set forth in a report.

**7.2.2        Public Hearing:** The Board shall hold a public hearing on all applications for Special Permit within 65 days of the date of acceptance of application or within 130 days if consented to by the applicant, in accordance with State Statutes; and give notice of such hearing as required by law.

- (1) In addition, the applicant shall, at least twelve (12) days prior to said hearing, prominently post and maintain a placard prescribed by the Board on the site for which the Special Permit is requested.

(2) If the site is a corner lot or a through lot, both streets will be titled in the legal notice.

**7.2.3 Board Action:** The Board shall approve, modify and approve, or disapprove such application for a Special Permit within 65 days of the date of public hearing, unless an extension of time is consented to by the applicant in accordance with State Statutes. Failure of the Board to act within such time period shall be deemed approval. The decision of the Board shall be published in accordance with State Statutes. In approving the application, the Board may place conditions on such approval and shall consider, in addition to the criteria of Section 7.1.3, the following:

- (1) Plan of Conservation and Development: That the proposed Site Plan shall be in general conformance with the intent and purpose of the current Plan of Conservation and Development of the City of Milford.
- (2) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous, inconvenient or detrimental to or conflict with the flow of traffic in the neighborhood; and
- (3) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, the location and height of buildings, structures, walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.

**7.2.4 Renewal of Special Permit:** The Board may require as a condition of approval of a Special Permit that it be periodically resubmitted and considered for renewal, as deemed necessary for enforcement purposes by the Board.

**7.2.5 Surety:** The Board may require surety in accordance with Section 7.1.1.4 herein.

**7.2.6 Zoning Permit:** Upon approval of a Special Permit by the Board, the applicant shall comply with all applicable provisions of ARTICLE VIII, herein, for the issuance of a Zoning Permit by the Zoning Enforcement Officer.

**7.2.7 Effect of Special Permit:** Any use for which a Special Permit has been approved shall be deemed to be a conforming use in the Zoning District in which such use is located, as long as all applicable regulations and conditions or approval are met.

**7.2.8 Expiration:** Any authorized Special Permit for which construction has not commenced or which is not otherwise put into effect within a period of one year shall become null and void, unless an extension of time is applied for by the applicant and granted by the Board.

**7.2.9 Revocation:** An authorized Special Permit shall be subject to revocation by the Board if any conditions or safeguards imposed by the Board upon land, buildings, structures or uses for said permit are not strictly adhered to by the applicant and/or owner. However, before the Board may revoke any Special Permit, the Board shall hold a public hearing thereon in accordance with Section 7.2.2 herein.

**7.2.10 Amendments:** Applications for Special Permit amendments shall be made to the Zoning Enforcement Officer in the same manner as the original application; except that amendments which are found to be of a minor nature or which do not materially alter either the Special Permit or Site Plan, as determined by the Board, may be authorized after Board review only, in lieu of Section 7.2.2 herein.

**7.2.11 Waivers:** The Board may waive, subject to appropriate conditions, such requirements of this Section 7.2 and the standards as set forth in the regulations governing uses requiring Special Permits as in its judgement of the special circumstances and conditions relating to a particular application, are not requisite in the interest of the public health, safety and general welfare. When making its determination as to the extent of variation from the standards as set forth in these Regulations, the Board shall take into consideration to prospective character of the use, the interest of the City as a whole and the purpose and intent of these regulations.

**SECTION 7.3                      SPECIAL EXCEPTIONS**

The Planning and Zoning Board shall hear and decide, approval shall require a two-thirds vote of the entire Board, requests for Special Exceptions where allowed by the terms of these Regulations. Each Special Exception being brought shall be considered as an individual case and shall, in addition to other standards prescribed in these Regulations, conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such use:

**7.3.1**        The nature, location, size, intensity and site layout of the use shall be such that it will be in harmony with the appropriate and orderly development of the area in which it is situated and that its operations will comply with the Performance Standard Regulations, Section 5.11, herein.

**7.3.2**        The nature and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relations to streets giving access to it shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the predominant character of the neighborhood, or conflict with the normal traffic of the neighborhood, taking into consideration, among other things, convenient routes of pedestrian traffic, particularly street intersections, vehicular turning movements in relation to routes and volume of traffic flow, sight distances, and adequacy of parking facilities.

**7.3.3**        The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

**7.3.4**        The Planning and Zoning Board may require that Special Exceptions be periodically renewed with a time period prescribed by the Planning and Zoning Board. Any approval shall commence within one year from date of issuance unless the Planning and Zoning Board grants an extension of time.

**7.3.5**        The Board shall hold a public hearing on all applications for Special Exception within 65 days of the date of acceptance of application or within 130 days if consented to by the applicant, in accordance with State Statutes; and given notice of such hearing as required by law.

**7.3.6**        An owner of a legal non-conforming 2, 3, or 4-family dwelling, office or restaurant use of land or structure which preexisted the original adoption of Zoning Regulations by the City of Milford, or are non-conforming as a result of the adoption of subsequent zoning

regulations shall be authorized to make application for a Special Exception to extend, enlarge or alter said legal non-conforming lot, structure or use, provided that the applicant meets minimum development standards of the SFA-10 District for a 2, 3 or 4-family use, RO District for an office use, and CDD-5 District for a restaurant use.

**7.3.7** Nursing Homes shall be permitted by Special Exception in any zone district provided the criteria of Sections 7.3.1, 7.3.2, 7.3.3, 7.3.4 7.3.5, and 7.3.6, as required, are met and that:

- (1) The lot and building requirements are met.
- (2) Departures from other district requirements are noted on the Site Plan.
- (3) The site is served by the municipal sewer system.
- (4) The site has access to a major or collector street as designated in the Milford Plan of Conservation and Development.

## **ARTICLE VIII INTERPRETATION, ADMINISTRATION AND ENFORCEMENT**

### **SECTION 8.1 INTERPRETATION**

In interpreting and applying these Regulations, the requirements contained herein are declared to be the minimum requirements for the protection of the public health, safety, and general welfare. These Regulations shall not be deemed to interfere with, or abrogate, or annul, or otherwise affect, in any manner whatsoever, any easements, covenants, or other agreements running with the land, provided, however, that where these Regulations, or portion thereof, impose a greater restriction upon structures, buildings, or land that is imposed by other laws, ordinances, easements, covenants, agreements, or provisions herein, the more stringent provisions of these Regulations shall prevail.

### **SECTION 8.2 ZONING ENFORCEMENT OFFICERS**

The Zoning Enforcement Officers of the City of Milford shall be charged with the responsibility and authority to enforce the provisions of these Regulations. The City Planning & Zoning Board may appoint Deputy Zoning Enforcement Officers as deemed necessary to assist and act for the Zoning Enforcement Officer in the performance of his various duties and functions.

**8.2.1 Expiration.** Any application approved by the Zoning Enforcement Officer (as opposed to approval by the Planning & Zoning Board or Zoning Board of Appeals) for a zoning permit for which construction has not commenced or which is not otherwise put into effect within a period of one year shall become null and void, unless an extension of time is applied for by the applicant, and granted by the Zoning Enforcement Officer.

For expiration of permits approved by the Planning and Zoning Board see Section 7.1.3.12 Site Plan Review and Section 7.2.8 Special Permits. For expiration of permits approved by the Zoning Board of Appeals, see Section 9.2.2.4.

**8.2.2 Authority to Enforce.** The Chairman of the Planning and Zoning Board, City Planner and Assistant City Planner shall have the responsibility and authority to enforce the provisions of these regulations in the same capacity as the Zoning Enforcement Officers in the performance of the Zoning Enforcement Officer's duties and functions in the absence of the Zoning Enforcement Officer and at such times as circumstances may require.

### **SECTION 8.3 APPLICATION FOR ZONING PERMIT**

Application for a zoning permit shall be submitted to the Zoning Enforcement Officer prior to construction, reconstruction, extension, enlargement, moving or alteration of any building, or other structure and prior to the use or occupancy of any land, building or other structure. The application shall be submitted in duplicate and shall be accompanied by two or more copies, as required by the Zoning Enforcement Officer, of a layout or plot plan drawn to scale. The application and plot plan shall also show the following information:

**8.3.1** The actual shape and dimensions and area of the lot with all easements, whether existing or proposed.

**8.3.2** The actual height, dimensions, use, floor area, ground coverage, location of all buildings and other structures, whether existing or proposed.

**8.3.3** The actual number of bedrooms where appropriate and other type of units that each building is intended to accommodate, whether existing or proposed.

**8.3.4** The location, area and dimensions of all curbs and sidewalks, off street parking and loading spaces, and buffers or screening required in connection therewith, and the means of access to such spaces.

**8.3.5** Such additional information including other plans, drawings, data, statements, certifications and documents as may be necessary to determine compliance with these Regulations. Important supplemental information must include proposed items, such as but not limited to, hatchways, air conditioning units, exterior generators, chimneys, bay windows, porches, decks, steps/stairways. Roof overhangs may be stated if the scale of the drawing precludes easily drafting such detail.

**8.3.6 Principal Building or Use:** If the Zoning Permit sought is for a principal building or use, all dimensions shown on the plot plan relating to the location and size of the lot to be built upon shall be submitted on an A-2 property survey prepared by a Land Surveyor and/or Professional Engineer licensed in the State of Connecticut. This requirement shall be met when deemed necessary by the Zoning Enforcement Officer for any other building, structure or use. At the discretion of the Zoning Enforcement officer, the lot shall be staked out on the ground before construction is started.

### **SECTION 8.4 FEES**

Each application for a Zoning Permit shall be accompanied by the applicable fee, as determined from time to time by the Planning and Zoning Board.

**SECTION 8.5                    APPROVAL OF APPLICATION FOR ZONING PERMIT**

The Zoning Enforcement Officer shall approve an application for a Zoning Permit to allow the construction, reconstruction, extension, enlargement, moving or alteration of any building or other structure and/or to allow the use or occupancy of any land, building, or other structure after he determines that all requirements of these Regulations have been met. The Zoning Enforcement Officer shall approve or disapprove all applications within a reasonable time, and shall forthwith return one copy of the approved application to the applicant for submission to the Building Inspector. In the event the Zoning Enforcement Officer shall disapprove an application for a Zoning Permit, he shall, at the request of the applicant; set forth in writing the reasons for such disapproval.

**8.5.1        Expiration of Approval:** Any approved application for a Zoning Permit for which construction has not commenced or which is not otherwise put into effect within a period of one year shall become null and void, unless an extension of time is applied for by the applicant and granted by the Zoning Enforcement Officer.

**SECTION 8.6                    BUILDING PERMIT**

No building permit for any building, structure or use subject to these Regulations shall be issued by the Building Inspector unless and until the applicant shall have previously received an approved application for a Zoning Permit from the Zoning Enforcement Officer.

**8.6.1        Expiration of Approval:** Any building permit issued by the Building Inspector under the provisions of these Regulations, but under which no work is commenced within one year from the date of the approved application for a Zoning Permit, shall expire by limitation.

**SECTION 8.7                    INSPECTIONS**

The Zoning Enforcement Officer is hereby authorized to inspect or cause to be inspected any land, building, structure or use to determine compliance with these Regulations.

**SECTION 8.8                    ISSUANCE OF CERTIFICATE OF ZONING COMPLIANCE**

A Certificate of Zoning Compliance shall be applied for from the Zoning Enforcement Officer at the same time as application is made for a Certificate of Occupancy from the Building Inspector. Within ten days after notification from the applicant that the land, building or structure is ready for occupancy or use, the Zoning Enforcement Officer shall determine if they are in full compliance with these Regulations. Within ten days of receipt of both a

Certificate of Building Compliance from the Building Inspector and other information necessary to make a determination and an "as built" certified plot plan, as defined, from the applicant, as required by the Zoning Enforcement Officer, said Zoning Enforcement Officer shall issue a Certificate of Zoning Compliance.

In situations where an application for Zoning Compliance concerns property within an incomplete subdivision, an official confirmation from the City Engineer that the first course of paving has been installed and is adequate to provide ingress and egress, and that the additional public improvements required are of a sufficient state of completeness so as not to significantly diminish the use of said property, shall be required prior to the issuance of the Certificate of Zoning Compliance. Said Certificate of Zoning Compliance shall state that such land, building, or structure, or part thereof, and the proposed use thereof, are in full compliance with the provisions of these Regulations, or in the case of variances or preexisting structure or uses, that such are lawfully existing.

**8.8.1 Temporary Certificate of Zoning Compliance:** The Zoning Enforcement Officer is hereby authorized to issue a temporary Certificate of Zoning Compliance, having a duration of not more than six months, for the temporary use of land, buildings, and other structures in the process of completion which are in conformity with these Regulations and the approved Site Plan.

**8.8.2 Change of Use:** The change of an existing use of land, buildings or structures, or part thereof, to another proposed use which is allowable in the applicable zoning district shall be subject to the provisions of this Section for the issuance of a Certificate of Zoning Compliance in the same manner as a new building, structure or use.

## **SECTION 8.9 CERTIFICATES OF OCCUPANCY**

No land shall be used except for farming or gardening purposes, and no building or structure or part thereof hereafter constructed, reconstructed, extended, enlarged, altered, moved, changed or converted, wholly or partly in its use or structure, shall be occupied or used unless a Certificate of Zoning Compliance shall have been issued by the Zoning Enforcement Officer and until a Certificate of Occupancy shall have been issued by the Building Inspector.

**8.9.1 Certificate of Zoning Compliance – Conversions:** In the event a request is made for a Certificate of Zoning Compliance for a two or three family existing dwelling in a single or two family zone, the Zoning Officer(s) shall be authorized to issue a letter of intent in cases where the conversion took place before 1958, but subsequent to June 1930, the inception of Zoning Regulations.

This letter of intent may be issued in cases where incomplete or conflicting records prevail, provided that the number of units of discrepancy does not exceed one (1).

The letter of intent shall state that if the structure is brought up to current building, fire and housing codes, as applicable, a Certificate of Zoning Compliance will be issued by the Zoning Officer at the satisfactory completion of said required code improvements.

## **SECTION 8.10 ADMINISTRATIVE PROCEDURES**

The City Planning and Zoning Board may adopt administrative rules and procedures necessary to enforce these Regulations.

**8.10.1 Code Enforcement Committee:** The Zoning Enforcement Officer may, at his discretion or upon the request of any applicant, call the Code Enforcement Committee to expedite, correlate, and act upon the approval of applications for any required certificate or permits.

**8.10.1.1** In addition to Section 8.3, herein, the applicant shall submit building plans and plot plans, as deemed necessary by the Committee's scheduled meeting date.

**8.10.1.2** The Committee may approve, approve with modifications, or disapprove the plot plans and/or building plans in whole or in part.

**8.10.1.3** Upon review and approval of all plans, the Committee may authorize the issuance of applicable certificates or permits or the applicant may obtain the necessary certificates or permits by applying to each applicable department individually.

## **SECTION 8.11 SPECIAL CONDITIONS**

Any maps, plans, documents, statements and stipulations submitted to and approved by the Planning & Zoning Board and/or the Zoning Board of Appeals in connection with a Special Permit, Special Exception, Variance or other action of said Boards, as required by these Regulations, and any conditions of such approvals attached by said Board(s) shall be conditions for the approval of an application for and the issuance of a Zoning Permit by the Zoning Enforcement Officer.

**SECTION 8.12.. RECORDS**

The Zoning Enforcement Officer shall keep records of all approved applications for Zoning Permits and Certificates of Zoning Compliance; and shall keep records of all identifiable violations and action taken under these Regulations and all notices of violation served by him and the action taken thereon. Such records may be disposed of after five years or in accordance with State Law.

**SECTION 8.13.. VIOLATIONS AND PENALTIES**

Any building or structure constructed, reconstructed, extended, enlarged, altered, converted, moved, changed or used contrary to any of the provisions of these Regulations, or any approvals or permits issued pursuant thereto and any use of any land, building or structure which is conducted, operated or maintained contrary to any of the provisions of these Regulations, or any approvals or permits issued pursuant thereto, shall be, and the same is hereby declared to be, unlawful.

**8.13.1 Action:** The Zoning Enforcement Officer may initiate an injunction, mandamus, abatement, summons, or any other appropriate action to prevent, enjoin, abate, or remove such construction, reconstruction, extension, enlargement alteration, conversion, or use in violation of any of the provisions of these Regulations. Such action may also be instituted by any property owner who may be particularly damaged by any violation of these Regulations.

**8.13.2 Notice:** The Zoning Enforcement Officer shall serve notice to the person or corporation committing or permitting the violations and if such violation does not cease within such time as the Zoning Enforcement Officer may specify, he may institute such of the foregoing actions as may be necessary to terminate the violation. Such notice may be served by mailing to said person or posting the lot or building.

**8.13.3 Effect of Notice:** On the serving of notice of any violation of any provisions or requirements of these Regulations in respect to any building or structure, the Certificate of Zoning Compliance for such use shall thereupon become null and void and a new Certificate of Zoning Compliance shall be required for any further use of such building or structure.

**8.13.4 Penalties:** In accordance with Connecticut General Statutes Section 8-12 as may be amended from time to time.

**8.13.5 Remedies:** The remedies provided for herein are cumulative and not exclusive and shall be in addition to any other remedies provided by Law.

## **ARTICLE IX    ZONING BOARD OF APPEALS**

### **SECTION 9.1            ADMINISTRATION**

The Zoning Board of Appeals as provided by State Statute, shall have the power to adopt from time to time such rules and procedures consistent with law, as may be necessary to carry out the provisions of these Regulations and to exercise the authority vested in it by State Statute.

### **SECTION 9.2            POWERS AND DUTIES**

The Zoning Board of Appeals shall have the following powers and duties all of which shall be exercised subject to appropriate conditions and safeguards, in harmony with the purpose and intent of these Regulations and in harmony with the public health, safety and welfare.

**9.2.1        Appeals:** To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer of the City of Milford. Any appeal of a decision of the Zoning Enforcement Officer shall be taken within 15 days (as required by action taken by the Zoning Board of Appeals on August 2, 1977). Any appeal taken pursuant to this section shall be made on a form available at the Planning and Zoning Office.

**9.2.2        Variances:** To vary the strict application of any of the requirements of these Regulations in the case of an exceptionally irregular, narrow, shallow, or steep lot or other physical conditions for which strict application would result in exceptional difficulty or unusual hardship that would deprive the owner of the reasonable use of the land or building involved. No variance in the strict application of any provision of these Regulations shall be granted by the Zoning Board of Appeals unless it finds:

**9.2.2.1**    That there are special circumstances or conditions fully described in the written findings of the Zoning Board of Appeals, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the district, and have not resulted from any act subsequent to the adoption of these Regulations, whether in violation of the provisions hereof or not; and

**9.2.2.2**    That, for reasons fully set forth in the written findings of the Zoning Board of Appeals, the aforesaid circumstances or conditions are such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of such land or building and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the Zoning Board of Appeals is the minimum variance that will accomplish this purpose; and

**9.2.2.3** That the granting of the variance will be in harmony with the purposes and intent of these Regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**9.2.2.4** That any variance hereafter granted for a non-conforming use or structure shall become null and void twelve months after such granting, if such non-conforming use or structure shall not have commenced.

**9.2.3 Prohibited Variances:**

- (1) Except to the extent uses are not otherwise allowed in one underlying zone, use variances are explicitly prohibited.
- (2) No application to vary any Site Plan requirement imposed by the Planning & Zoning Board shall be accepted by the Zoning Board of Appeals.
- (3) No application to perform new construction or substantial improvements (as defined) to any dwelling with a lowest floor elevation below the regulatory flood protection shall be accepted by the Zoning Board of Appeals.

**9.2.4 Approval of Location:** To approve the location of gasoline stations, motor vehicle dealerships, and motor vehicle repair garages as defined by State Statutes; and in the case of new locations including site expansion subject to prior Special Permit & Site Plan Approval by the Planning and Zoning Board and to the Location Requirements of Section 5.4, herein.

**SECTION 9.3 PROCEDURES**

**9.3.1 Applications:** All appeals and applications made to the Zoning Board of Appeals shall be in writing, on forms prescribed by the Board, and each appeal or application shall fully set forth the circumstances of the case. Every appeal or application shall refer to the specific provision of the regulations involved, and shall exactly set forth as the case may be, the interpretation that is claimed, use for which the special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted.

**9.3.1.1** All applications for appeals and variances to the Zoning Board of Appeals shall contain, in addition to five plot plans submitted on standard letter or legal size sheets of paper, location of the buildings on adjacent property on either side, drawn to the same scale as the plot plan and the specific location of all proposed buildings, if applicable. This does not in any way authorize trespassing for any purpose

- (1) Plot plans prepared on larger sheets of paper may be submitted to and accepted by the Zoning Board of Appeals, provided that such plot plans are duly certified by a Registered Land Surveyor.

- (2) No division of a lot, reduction in lot area, reduction in lot width or relocation of common lot lines shall be considered by the Zoning Board of Appeals unless a certified plot plan is submitted with the application.
- (3) No division of a lot, which would reduce the area of the resulting lots below the minimum required lot area of the applicable Zoning District, shall be considered by the Zoning Board of Appeals unless the lot owner obtains a satisfactory sanitation report from the Director of Public Health and submits same with the application.

**9.3.1.2** All applications for approval of location shall be accompanied by an approved Site Plan and/or an authorized Special Permit, as applicable, in accordance with ARTICLE VII, herein.

**9.3.2 Fees:** All applications and appeals shall be accompanied by a fee, as determined from time to time by the Zoning Board of Appeals, to cover the cost of advertising and processing. Said fee shall be paid to the secretary of the Zoning Board of Appeals at the time of filing the application.

**9.3.3 Public Hearing:** The Zoning Board of Appeals shall hold a public hearing on all applications and appeals within 65 days after receipt of the application or notice of appeal and notice of said hearing shall be published in accordance with the provisions of the State Statutes.

**9.3.3.1** If the site is a corner lot or a through lot, both streets will be titled in the legal notice.

**9.3.3.2** At the time of a public hearing on any application for a variance, the applicant shall present Certificates of mailing showing that notice has been sent at least seven days in advance of the hearing to each of the owners of land within 200 feet of the property on which a variance is requested, as their names appear upon the last completed assessment roll of the City. If the boundaries of any condominium project are within the 200 foot notice area, the appropriate unit owners and the condominium association must be notified.

**9.3.3.3** A sign as prescribed by the Zoning Board of Appeals, shall be posted and maintained not more than ten (10) feet from the street and as close to the center of the frontage as possible on the lot where a variance is requested for at least seven days prior to the public hearing. A corner or through lot shall be posted facing every street on which the property fronts

**9.3.4 Board Action:** The Zoning Board of Appeals shall decide each case within 65 days after the date of the public hearing. Notice of the decision of the Zoning Board of Appeals shall be published in accordance with State Statutes.

**9.3.5 Surety:** The Zoning Board of Appeals, in authorizing any use, may require as a precondition to its approval, the filing of satisfactory surety in a form satisfactory to the City Attorney and in an amount established by the Zoning Board of Appeals as sufficient to guarantee completion of those items specified by the Zoning Board of Appeals and in conformity with the provisions of these Regulations or any amendments thereto in force at the time of filing. Such surety shall not be released by the Zoning Board of Appeals until it is satisfied that all of the requirements of these Regulations and all stipulations established as part of the approval have been fully satisfied by the applicant.

**9.3.6 Records:** The Zoning Enforcement Officer shall act as the Executive Secretary to the Zoning Board of Appeals, shall review all applications, shall keep all records of the Zoning Board of Appeals, and shall furnish copies of records, upon request, to any person having a proprietary or tenancy interest in the use, structure or lot affected.

**9.3.6.1** Any variance which is granted by the Zoning Board of Appeals shall be placed upon the land records of the city by filing a record of such variance with the City Clerk.

**9.3.6.2** The Zoning Enforcement Officer shall report any variance to the Federal Insurance Administration upon request.

#### **SECTION 9.4 REVOCATION AND REHEARING**

**9.4.1 Revocation:** Any variance granted by the Zoning Board of Appeals, pursuant to any prescribed conditions or safeguards, shall be subject to revocation by the Zoning Board of Appeals if the said conditions or limitations are not adhered to strictly. Before the Zoning Board of Appeals may revoke its action in granting such variance, it shall hold a public hearing thereon, of which the applicant and property owner in each case shall be given notice and afforded an opportunity to be heard.

**9.4.2 Rehearing:** No application for a rehearing shall be presented to the Zoning Board of Appeals within a period of 6 months from the date of a decision of the Zoning Board of Appeals, which decision denied the application; unless, in the opinion of the Zoning Board of Appeals, there has been an unusual change in conditions, or an error in the decision, or new evidence warrants a rehearing. Approval of Justification for rehearing must be granted by the Zoning Board of Appeals before acceptance of such application.

## ARTICLE X AMENDMENTS

### SECTION 10.1 AUTHORITY

The Planning and Zoning Board on its motion or on petition may amend, change or repeal those Regulations of the Zoning Map, after public notice and hearing, in accordance with the General Statutes of the State of Connecticut. If the site is a corner lot or a through lot, both streets will be titled in the legal notice.

**10.1.1 Notice of Proposed Change of Districts:** Before a public hearing on any petition concerning an amendment to the official zoning map of the City of Milford, the petitioner shall notify by certified mail, return receipt requested, at least twenty (20) days in advance of the hearing, each of the owners of land within 200 feet of the property on which a zone change is requested, as their names appear upon the last completed assessment roll of the City. A sign, as prescribed by the Planning and Zoning Board, shall be posted and maintained on the lot where a zone change is requested for at least seven (7) days prior to the public hearing.

**10.1.2 Proposed Change of District - Petition for Change of Zone-Special Permit/Site Plan Review required:** A petition for a change of zone shall be accompanied by a concurrent petition for special permit/application or Site Plan review for proposed development unless a prior determination that a petition for special permit/application or Site Plan review is not appropriate has been made by the Planning and Zoning Board. The petition for a change of zone shall include a fiscal impact study including the impact of school children to be generated by the proposed development.

In the event that the Board has granted a petition for a change of zone and a petition for special permit/application for Site Plan review, or has granted a petition for a change of zone where a concurrent special permit/Site Plan review was not required, the applicant shall commence construction or file a petition for a special permit/application for Site Plan review (as the case may be) within a period of two (2) years from the granting of the zone change. Failure to comply with said two (2) year time limit shall cause the Planning and Zoning Board to consider a change of zone for said property.

**10.1.3 Affidavit of Compliance:** The petitioner requesting a proposed change of district shall, at least four (4) calendar days before the date of the public hearing, file with the Planning and Zoning Board all returned receipts and undelivered mailings with a signed and notarized affidavit setting forth the manner of compliance with Section 10.1.1 herein.

**10.1.4 Approval of Location:** The Planning and Zoning Board shall determine whether a proposed junkyard location is suitable in accordance with the factors specified in Section 14-67K of the Connecticut General Statutes.

In considering such application, the Board shall take into account the nature and development of surrounding property; the proximity of churches, schools, hospitals, public buildings or other places of public gathering; the sufficiency in number of other such yards or business in the vicinity; whether or not the location is within a restricted district; the health, safety and general welfare of the public; and the suitability of the applicant to establish, maintain or operate such yard or business and receive a license therefore.

**10.1.5 Exemptions:** The provisions of Section 10.1.1 and 10.1.2, above, shall not apply in the case of an amendment, change or repeal proposed by the Board on its own motion.

**SECTION 10.2 PETITION AND FEES**

Each petition for a zoning amendment shall be submitted in writing and in a form prescribed by the Planning & Zoning Board and shall be accompanied by a fee in accordance with the Schedule of Zoning Fees as established by the Planning & Zoning Board.

**SECTION 10.3 REFERRALS**

The Planning & Zoning Board shall give written notice to the regional planning agency of proposed zoning amendments in accordance with the General Statutes of the State of Connecticut, as applicable.

**SECTION 10.4 PENDING DISTRICT CHANGES**

Whenever there may be pending before the Planning and Zoning Board any proposal for an amendment to the Zoning Map or Regulations, the Zoning Enforcement Officer, for a period of not more than 145 days from the date of first public notice of the public hearings, shall have the authority to withhold the approval of any Zoning Permit for the construction or substantial alteration of any building upon any lot likely to be affected by the final determination of such motion pending the public hearing and final decision by the Planning and Zoning Board.

**SECTION 10.5 PROTEST OF ZONE CHANGE**

Where a protest is filed with the Planning & Zoning Board at a public hearing on a proposed amendment signed by the owners of 20 percent or more of the area of the lots included in such proposed change, or of the lots within 500 feet in all directions of the lots included in the proposed change, such change shall not be adopted except by a vote of two-thirds of the entire membership of said Board.

**SECTION 10.6            EFFECTIVE DATE OF AMENDMENTS**

Zoning regulations, boundaries or zoning district and any amendments or changes thereto, shall become effective the day following publication of said action taken by the Board or at such time as may be fixed by the Planning and Zoning Board, provided notice shall have been published in a newspaper having a substantial circulation in the City of Milford.

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## ARTICLE XI DEFINITIONS

### SECTION 11.1 GENERAL TERMS

In the interpretation and use of these Regulations, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in law, shall be construed and understood accordingly. All words used in the present tense include the future tense; all words in the plural number include the singular number; and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The words "shall" and "will" are mandatory and not directory. The word "used" shall be deemed also to include "designed, intended or arranged to be used". Unless otherwise specified, all distances shall be measured horizontally.

### SECTION 11.2 OTHER TERMS

For the purpose of these Regulations, certain words and terms shall have the meanings as listed below. Doubts as to the precise meaning of other words and terms shall be determined by the Planning and Zoning Board with reference to the Connecticut General Statutes and Webster's Third New International Dictionary, respectively. Words in the present tense include the future, the singular includes the plural and vice versa.

Except as otherwise stated, or as the context may otherwise require, the following words, for the purpose of these Regulations, shall be defined as follows:

**THESE REGULATIONS** - The words "These Regulations" and "these regulations" shall be deemed to refer to the "Zoning Regulations of the City of Milford" as amended.

**A-2 SURVEY** - A property or boundary survey meeting the horizontal accuracy tolerances for class A-2, Section 20-300b-11(b) of the "Standards for Surveys and Maps in the State of Connecticut" as published by the State of Connecticut Department of Consumer Protection.

**ABUTTING** - Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

**ADJACENT** - Touching or contiguous.

**ALCOHOLIC LIQUOR** - The term "alcoholic liquor" as used in these regulations shall have the same meaning as that defined in the General Statutes, as amended.

**APARTMENT** - A room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by an individual or a family, located in a building

containing two or more such rooms or suites or located in a building devoted primarily to nonresidential use.

**APPARENT HIGH WATER MARK** - The average height of the tide measured and recorded during any given day or cycle period.

**APPLICATION** - An application shall consist of a completed form and fee as prescribed by the Board including all necessary and required documents/Department approvals.

**APPROVED** - Means a signed, written approval by the Planning & Zoning Board (its designated agent or the New Haven County Soil Water Conservation District) that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

**ARBORIST** - An individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees. This definition shall also incorporate the term urban forester.

**AREA OF SPECIAL FLOOD HAZARD** - The land in the flood plain within a community subject to a one percent or greater change of flooding in any given year.

**AS BUILT CERTIFIED PLOT PLAN** - Shall be an existing conditions survey prepared/signed/sealed by a Connecticut Licensed Surveyor. The level of detail to be shown will match the level of detail shown on the original application. Other details, such as underground utilities, are required on a separate map or maps which will be provided as an adjunct.

**ATTIC** - An unfinished space between the roof framing of a building and the ceilings of the rooms below. Any attic that has access by means of a stairway, and where a height of six (6) feet or more is achieved in an area that is ten (10) feet or more in width and has a length equal to 50% or more of the total building length may be determined to be habitable space by the Board.

**AUTOMATIC TIMING DEVICES** - A switching device, part of which is a clock, set to the prevailing time (EST) Eastern Standard Time, that will control the period of illuminating outdoor light fixture and outdoor signs.

**AWNING** - A roof-like cover, often of fabric, metal or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

**BALLOON, ADVERTISING** - A nonporous bag of light material filled with air, heated air or a gas lighter than air so as to rise and float in the atmosphere and intended to be either

flown in the air at the end of a cable, wire, or rope, or attached directly to the ground or a structure, pole or other on-site object for the purposes of advertising a commercial enterprise or event.

**BASE FLOOD** - The flood having a one percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE)** – The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

**BASEMENT** – A story in a building located partly underground, but having less than one-half of its clear floor to ceiling height below the average level of finished grade adjoining the exterior walls of the building. For floodplain management purposes, a basement is any area of the building having its floor subgrade (below ground level) on all sides.

**BED AND BREAKFAST** - An owner-occupied building designed for and used as a single-family or two family dwelling that provides four or fewer lodging rooms or accommodating no more than eight adults, in which overnight accommodations and a morning meal are provided to transients for compensation, and that is open to the traveling public for a stay not to exceed 20 days.

**BERM** - An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

**BOARD** - The Planning and Zoning Board of the City of Milford.

**BOARDING HOUSE** - A dwelling in which no more than one (1) rooming unit is rented for compensation, with or without provisions for meals. No in-room kitchen or cooking facilities are to be provided. No provision permitted to operate a bed and breakfast, guest house, or tourist home for transient use.

**BREAKAWAY WALLS** - Any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material which are not part of the structural support of the building and which are so designed as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

**BUFFER STRIP** - A strip of land along a property line or zone line abutting properties zoned residential, which shall be free of any building or use other than existing natural woody growth and appropriate landscaping and screening of suitable type, density and height and which may be a part of the minimum yard requirements, and at the discretion of the Board may be within a Residential District.

**BUILDING** - A structure having a roof supported by columns or walls along whose outside face can be traced an unbroken line for the complete circumference of the building, which is permanently affixed to a lot or lots for the housing or enclosure of persons, animals or chattels, and shall include each of the independent units into which it is divided by party walls. The connection of two buildings by means of an open porch, breezeway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building, except in the case of a private garage so attached to a dwelling.

**BUILDING, ACCESSORY** - A building which is clearly incidental or subordinate customarily in connection and located on the same lot with the principal building or use; and the square footage (footprint) and floor area of such accessory building does not exceed 50% of same of the principal building (footprint). Decks, open porches or stairs shall not be included in determining the 50%.

**BUILDING AREA** - The aggregate of the maximum horizontal cross section area enclosed by the walls of all buildings on a lot, together with the area enclosed by the columns of all covered porches and similar roofed structures.

**BUILDING FACING WALL** - The exterior wall surface of a building which is visible from and generally parallel to a street line.

**BUILDING FRONTAGE** - Those building elevations that face upon a road or a parking area between the building and the road.

**BUILDING GROUP** - Two or more principal buildings located on a single lot.

**BUILDING HEIGHT** - The vertical distance measured in feet from the average existing level of the ground surrounding the building or addition thereto and within ten (10) feet thereof up to the midpoint height of a pitched roof or up to the level of the highest main ridge or peak of any other type of structure, or the total number of stories in a building including basements and/or half-stories. The number of points necessary for an “average” computation shall be based on appropriate contour intervals or spot elevations as required by the Planning and Zoning Board. The existing level shall mean the actual or approved elevations of the property at the time of application. The provisions with respect to height shall apply to solar panels and roof-top mechanical equipment but shall not apply to the following:

- Roof parapets and turrets of less than 3 feet;
- Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators; provided however that the total area covered by such features shall not exceed 15 percent of the roof area, and that such features shall extend

not more than 5 feet above the highest main ridge or flat roof lines of a structure; and

- Church spires and belfries, pole-type television antennas and chimneys

The interpretation of this definition shall be at the sole discretion of the Planning and Zoning Board.

**BUILDING HEIGHT WITHIN A FLOOD HAZARD AREA** - The building height as defined above, but including all portions of a building situated below the regulatory flood protection elevation and all portions of basements or cellars that extend above the finished grade adjacent to the building.

**BUILDING, PRINCIPAL** - A building in which is conducted the main or principal use of the lot on which said building is located.

**BUILDING SETBACK LINE** - The line within a lot defining the minimum required horizontal distance between the principal building or use to be erected and an adjacent street or lot line.

**CAFÉ** - An establishment where the retail sale of alcoholic liquor to be consumed on the premises occurs in conjunction with the sale of food to be consumed on the premises.

**CAMP TRAILER** - A trailer designed, manufactured and used solely for camping or pleasure purposes or for the purpose of transporting personal property of the owner and bearing a current "Camp Trailer" registration.

**CAMPER** - Any motor vehicle bearing a "camper" registration which is designed for, or permanently altered in such a way as to provide temporary living quarters for travel, camping or recreational purposes, or which is used for the purpose of transporting personal property of the owner.

**CAR WASH** - The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**CARETAKER** - One who is employed to maintain, repair and protect a facility or property.

**CELLAR** - A portion of a building located partly or wholly underground and having half or more of its clear floor to ceiling height below the average level of finished grade adjoining the exterior walls of the building.

**CHURCH** - A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a recognized and legally established religious body organized to sustain public worship.

**CIVIC CENTER** - An area developed with a substantial concentration of public and governmental buildings or uses.

**CLUB** - An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose whose activities are confined to the members and guests, are not extended to the general public, and include the establishment so operated; but does not include such clubs, the chief activity of which is a service customarily carried on primarily for business or gain.

**CLUB, BEACH** - A membership establishment, not available for use by the general public, providing for recreational and social activities related to and in close proximity to the beach.

**CLUSTER DEVELOPMENT** - A development site under one ownership or control containing one or more building lots for residential dwellings each containing one or two (SFA-10 District, only) dwelling units, which is owned and operated under a cooperative or condominium arrangement or developed as a legal subdivision, or a combination of the above arrangements.

**COASTAL HIGH HAZARD AREA** – The area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms, hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone VE or V.

**COFFEE HOUSE** - An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

**COMMUNITY CENTER** - A building used as and providing a place of meeting for religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**CONDOMINIUM** - As defined by State Statute, (Refer to the Housing Laws of the State of Connecticut, Chapter 825, entitled, "Unit Ownership Act", as amended).

**CONSTRUCTION, NEW** – Structures for which the “start of construction” commenced on or after September 29, 1978, the effective date of Section 5.8, and includes any subsequent improvements to such structures.

**CONSTRUCTION, START OF** – Includes substantial improvement, and means the date the building permit was issued, provided the improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of

excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**CONVALESCENT HOME, NURSING HOME OR REST HOME** - An institution licensed by the State Department of Health having facilities and all necessary personnel to provide services of a personal nature, nursing care under medical supervision and direction to carry out nonsurgical treatment and dietary procedures for chronic diseases or convalescent stages of acute diseases or injuries.

**COOPERATIVE** - A form of ownership in which more than one stockholder of a corporation has control over a certain property jointly with one or more other stockholders.

**CORNICE** - Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhangs.

**COST** – As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor’s estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor’s overhead; contractor’s profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

**COUNTY SOIL & WATER CONSERVATION DISTRICT** - Means the New Haven County Soil and Water Conservation District established under subsection (a) of Section 22a - 315 of the General Statutes.

**COURT** - An unoccupied open space, other than a yard, on the same lot with a building and which is bounded on three or more sides by the walls of such building. An OUTER

court extends to a street line or opens upon a front, side or rear yard. An INNER court is enclosed on all sides by the walls of the building.

**CRAWL SPACE** - An area below the lowest floor of a structure used for the purpose of gaining access to the mechanical items with not more than 4 ft. in the clear as measured from the inside grade to the bottom of the floor joists.

**CURB CUT** - The providing of vehicular ingress and/or egress between a property and an abutting public street.

**CURB LEVEL** - The permanently established grade of the street at the edge of pavement or at the base of the curb in front of the lot.

**DAY CARE CENTER, ADULT** - A facility providing care for five or more elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

**DAY CARE HOME, ADULT GROUP** - A dwelling in which a permanent occupant of the dwelling, licensed by the State of Connecticut, provides for the care of four or fewer elderly and/or functionally impaired adults, not all of whom are related by blood or marriage, for a portion of a 24-hour day.

**DAY CARE CENTER, CHILD** - A facility which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week.

**DAY CARE HOME, FAMILY** - A private family home in which a permanent occupant of the dwelling, licensed by the State of Connecticut, provides for the care of six or fewer children, including the provider's own children not in school full time, for a portion of a 24-hour day not less than three hours nor more than twelve hours.

**DAY CARE HOME, GROUP** - A facility which offers or provides a program of supplementary care to not less than seven nor more than twelve related or unrelated children outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week.

**DESIGN CORRIDOR** - A designated zoning district, usually centered around one or more arterial or main collector roadways, and whose width is generally substantially smaller than its length, in which particular emphasis is placed on building siting and design, parking, landscaping, and other physical design elements for the expressed purpose of promoting and achieving specific physical design goals.

**DESIGN STANDARDS** - A set of guidelines regarding the architectural appearance of a building, or improvement, that governs the alteration, construction, demolition, or relocation of a building or improvement.

**DEVELOPMENT** – Any man-made change to improved or unimproved real estate, including but not limited to, the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings and structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

**DIAMETER AT BREAST HEIGHT** - The diameter of a tree measured at a point four and one-half feet above grade.

**DIRECT GLARE** - Direct glare is defined as the visual discomfort resulting from insufficiently shielded light sources in the field. One should “see the effect, not the light source”.

**DIRECT LIGHT EMISSIONS** - Light emissions visible above a height of 5 feet at the subject property line. A bulb, a reflective device, a refractive lens device, a globe, or diffuse panel shall be considered a direct light emission source.

**DISTURBED AREA** - Means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

**DORMITORY** - A building or group of buildings designed or altered for the purpose of accommodating students or members of religious orders with sleeping quarters with or without communal kitchen facilities and administered by a bona fide educational or religious institution. Dormitory includes fraternity and sorority houses, covenants, priories and monasteries, but does not include clubs.

**DRIVE-IN ESTABLISHMENTS** - A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicles or else intended to permit consumption in the motor vehicle of food or beverage obtained by a patron from said business establishment. (e.g. restaurants, service stations, cleaners, banks, theaters, etc.)

**DUMPSTER** - A container for garbage or recyclable materials that has a hooking mechanism that permits it to be raised and dumped into a sanitation truck.

**DWELLING** - A building, or portion thereof, used exclusively for residential occupancy, including one family, two family and multiple family dwellings. Any trailer coach, or

manufactured mobile home, not located in a trailer park, as defined herein, which remains on any lots within the limits of this City for more than 48 hours within a six month period shall be construed to be a dwelling except for those that are only displayed for sale in a zoning district permitting such.

**DWELLING, ATTACHED** - A dwelling having any portion of one or more walls in common with another dwelling.

**DWELLING, MULTIPLE FAMILY** - A dwelling containing three or more dwelling units.

**DWELLING, ONE FAMILY** - A detached dwelling containing one dwelling unit. The presence of a second "full scale kitchen" in such dwelling shall raise a rebuttable presumption that more than a one family dwelling unit is within said dwelling.

**DWELLING, TWO FAMILY OR DUPLEX** - A dwelling containing 2 dwelling units.

**DWELLING UNIT** - A dwelling or portion thereof, providing a single housekeeping unit with living, sleeping, cooking, eating and bathroom facilities.

**EARTH SHELTERED DWELLINGS** - Shall be any residence built entirely below grade or partially below grade with two (2) but not more than two (2) sides constructed as basement walls. (See Basement and Cellar definitions)

**EATING PLACES** - A business establishment open to the general public for the primary purpose of serving prepared food for consumption on the premises.

**EAVE** – The projecting lower edges of a roof overhanging the wall of a building.

**EROSION** - Means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**FAÇADE** - The exterior wall of a building exposed to public view or that wall viewed by persons not within the building, extending from grade to the top of the parapet, wall or eaves, and including the entire width of the building elevation.

**FAMILY** - Persons related by blood, marriage or adoption, or a reasonable number of individuals occupying a dwelling unit who are committed to living together as a single housekeeping unit, in harmony with the surrounding neighborhood, responsible for maintaining a common household. A boarder shall not be considered a member of the family for the purpose of this definition.

**FARM** - A lot of 3 acres or more, used for the raising of crops or pasture or both. Stock raising, dairying, poultry raising and kindred activities are to be considered as a part of and included within farming.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** – The federal agency that administers the National Flood Insurance Program (NFIP)

**FINISHED LIVING SPACE** – As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.) has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces, and other items that are easily damaged by floodwaters and expensive to clean, repair, or replace.

**FIRST FLOOR** - The lowest floor above grade; or partly below grade and not qualifying as a basement or cellar. (See also definition lowest floor.)

**FLAG, BUSINESS** - A flag displaying the name, insignia, emblem, or logo of a commercial entity.

**FLOOD OR FLOODING** - A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters and/or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD FREQUENCY** - The average frequency statistically determined for which it is expected that a specific flood level or discharge may be equaled or exceeded.

**FLOOD HAZARD AREA** - Areas shown on the flood insurance rate map as Zones A, AI, A30 and Zone V, VI and V30.

**FLOOD INSURANCE RATE MAP** - The official map on which the Federal Emergency Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** – The official report provided in which the Federal Emergency Management Agency (FEMA) has provided flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

**FLOODPLAIN** - The land area susceptible to inundation by water as a result of flooding.

**FLOODWAY** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.

**FLOOR AREA** - The floor area of a building is the sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of exterior walls or from

the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes, but need not include a cellar or portion of a basement used for incidental storage or housing of mechanical or central heating equipment.

**FLOOR AREA RATIO (F.A.R.)** - The floor area of buildings on a lot divided by the area of such lot.

**FOOT-CANDLE** - The illuminance on a surface of one square foot in area on which there is uniformly distributed a light flux of one lumen.

**FULL CUT-OFF TYPE FIXTURES** - A luminaire or light fixture that, be design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree, horizontal plane from the base of the fixture. Full cut-off fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated, and disability glare will result.

**FUNCTIONALLY DEPEDENT USE OR FACILITY** – A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

**GARAGE, COMMERCIAL** - Any lot, building or part thereof, used for the storage, service or repair of motors, or motor vehicles for remuneration, including any rental, lease or sale of motor vehicles.

**GARAGE, PRIVATE** - An accessory building or portion of a principal building used for the storage of vehicles as an accessory use.

**GARAGE, VEHICLE REPAIR AND/OR SERVICE** - A commercial garage or gasoline station used for repairing, overhauling, removing, adjusting, replacing, assembling or disassembling any parts of any motor, engine, or vehicle.

**GASOLINE STATION** - Any lot, building or part thereof, used for the sale of gasoline or motor vehicle fuel which may include facilities for lubrication, washing, or otherwise servicing vehicles, but not including painting of vehicles.

**GOLF COURSE** - A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards, within which the playing area is not artificially illuminated.

**GRADE** - The level of the finished surface of the ground or pavement at a stated location.

**GRADING** - Means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

**GROSS BUILDABLE AREA** - The sum of the gross horizontal areas of the several floors of all buildings enclosed by walls on the property excluding parking decks and basement areas used for storage, loading and unloading or for housing of mechanicals or central heating and air conditioning equipment.

**GROUND COVER** - Any shrub, plant or grass that does not attain a mature height of more than one foot. Such plants shall be characterized by a growth habit in which the shrub, plant or grass spreads across the ground to connect with similar plants forming a continuous vegetative cover on the ground.

**HABITABLE FLOOR** - Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used for commercial and/or industrial storage purposes is not a "habitable floor".

**HISTORIC STRUCTURE** – Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirement for individual listing on the National Register; (b) Certified or preliminary determined by the Secretary of Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

**HOME BUSINESS USE** - A use customarily conducted for compensation entirely within a dwelling and carried on only by the residents thereof which use is clearly incidental and secondary to the use of the building for dwelling purposes and does not change the residential character thereof. The conducting of a clinic, hospital, barber shop, beauty shop, tea room, tourist home, bed and breakfast, animal hospital, or any other similar use shall not be deemed to be a home business use.

**HOME OCCUPATION** - A use customarily conducted for compensation only by occupant(s) of a single family residence that is performed/carried out entirely within a principal single family residential structure, is clearly incidental and subordinate to the

principal single family use and requires no modification of the lot or external structural renovation to accommodate said home occupation.

**HOSPITAL** - A building licensed by the State of Department of Health having facilities, medical staff and all necessary personnel to provide diagnosis, care and treatment of a wide range of acute conditions or chronic diseases, including injuries.

**HOTEL** - A building or portion thereof which has a common entrance and common heating system and which contains one or more rooming units designed to be occupied by individuals or groups of individuals for compensation and including such business as may be incidental thereto for the sole convenience of the occupants. For the purpose of these Regulations, hotel shall include "tourist home".

**HOTEL, EXTENDED STAY** - One or more buildings designed and used exclusively for temporary occupancy by travelers who have a permanent residence elsewhere, provided:

- i. such extended stay hotel shall have a lobby and shall contain no fewer than seventy (70) guest rooms;
- ii. each guest room shall contain a private bath, lavatory and kitchen facilities;
- iii. access to each guest room shall be from one or more interior corridors; and
- iv. no guest room, including bath, lavatory and kitchen facilities, shall be less than four hundred twenty-five (425) square feet of gross floor area.

**IES** – Illuminating Engineering Society of North America, an organization that establishes standards for the lighting industry.

**IMPERVIOUS SURFACE** - Any hard-surfaced, man-made area that does not readily absorb or retain water including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreational areas.

**IMPROVEMENT, SUBSTANTIAL** – Any repair, reconstruction, or improvement of a structure, taking place during a ten year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure as determined at the beginning of such ten year period. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a "historic" structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**INSPECTION** - means the periodic review of sediment – and erosion control measures shown on the certified plan.

**JUNK YARD** - See Motor Junk Business

**LANDSCAPED BUFFER** - An area of landscaping separating two distinct land uses, or a land use and a public right-of-way, that acts to soften or mitigate the effects of one land use on the other.

**LANDSCAPING PLAN** - A plan, drawn to scale, showing dimensions and details for vegetating a property, or a portion of a property, including maintenance and protection measures.

**LEGAL NON-CONFORMING LOT** - Any lot legally existing in accordance with the then applicable regulations which has been made non-conforming by subsequent adoption of zoning regulations or amendments thereof. Such a lot may not be conforming to the present zoning district regulations for any prescribed lot requirements, such as lot area, width or depth.

**LEGAL NON-CONFORMING STRUCTURE** - A structure or building legally existing on the effective date of these regulations or any amendment thereto which does not conform to the zoning district regulations for any prescribed structure or building requirements, such as front, side or rear yards; building height; building area or lot coverage; lot area per dwelling unit; dwelling units per building; parking and loading spaces, etc.

**LEGAL NON-CONFORMING USE** - A use whether of a building, structure or lot, legally existing on the effective date of these regulations or any amendments thereto which does not conform to the use regulations of the zoning district in which it is located.

**LIBRARY** - A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

**LIGHT TRESPASS** - Any form of artificial illumination emanating from a light fixture or illuminated sign that penetrates the adjoining property.

**LINE OF SIGHT** - A visual path emanating from an average eye level adjudged to be five feet above the ground level.

**LOT** - A parcel of land occupied or to be occupied by a building or group of buildings and accessory buildings, together with such open spaces as are required under the provisions of these regulations.

**LOT AREA** - The gross horizontal area contained within the property lines of the lot.

**LOT, CORNER** - A lot located at the junction of two or more intersecting streets, having an interior angle of less than 135 degrees, with a boundary line thereof bordering on two of the streets.

**LOT COVERAGE** - The portion or percentage of a lot occupied or intended to be occupied by all buildings, structures and paved areas other than walkways.

**LOT DEPTH** - The mean distance from the front line of the lot to the rear lot line measured in the general direction of the side lines of the lot.

**LOT FRONTAGE** - The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

**LOT, INTERIOR** - A lot other than a corner lot.

**LOT LINE** - Any property line bounding a lot.

**LOT LINE, REAR** - The lot line generally opposite the street line; if the rear lot line is less than ten feet in length, or if the lot comes to a point in the rear, the rear lot line shall be deemed to be a line parallel to the street line, not less than ten feet in length, lying farthest from the street line.

**LOT, THROUGH** - A lot other than a corner lot which has frontage on two or more streets.

**LOT WIDTH** - The horizontal distance between side lot lines measured parallel to the street line and along the building setback line for the front yard.

**LOWEST FLOOR** - Means the lowest floor of the lowest enclosed area, including basement, an unfinished or flood resistant enclosure, usable solely for parking of vehicles or building access in an area other than a basement area is not considered a building's lowest floor.

**LUMEN** - A unit of measure of the quantity of light which falls on an area of one square foot every point of which is one foot from the source of one candela. A light source of one candela emits a total of 12.57 lumens.

**MANUFACTURED (MOBILE) HOME** - A structure transportable in one or more sections, built on a permanent chassis and is designed to be used with or without a permanent foundation, when connected to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable

structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

**MANUFACTURED MOBILE HOME PARK OR MOBILE HOME SUBDIVISION- EXISTING** - A parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale, for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed before the effective date of Section 5.6.

**MANUFACTURED MOBILE HOME PARK OR MOBILE HOME SUBDIVISION - EXPANSION TO EXISTING** - The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete or the construction of streets.)

**MANUFACTURED MOBILE HOME PARK OR MOBILE HOME SUBDIVISION NEW** - A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the effective date of Section 5.6.

**MANUFACTURED HOME PARK OR SUBDIVISION** A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

**MARKET VALUE** – The market value of the structure shall be determined by the appraised value of the primary building per the Tax Department’s current property record card prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

**MEAN HIGH WATER MARK** - The average height of all apparent high water marks recorded over a 19 year period or a computed equivalent period.

**MEAN SEA LEVEL** - The average height of the surface of the sea for all stages of the tide, usually determined from hourly readings during any given period. For the purposes of these regulations, mean sea level shall be deemed to be an elevation of 0.0 feet (USGSS datum, MSL). For floodplain management purposes, the North American Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map (FIRM) are referenced.

**MIXED USE DEVELOPMENT** - A single building containing more than one type of land use, or a single development of more than one building and land use, where the different types of land uses are in close proximity, planned as a unified complementary

whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

**MOTEL** - A building or group of buildings which contains ten or more rooming units, each generally having a separate outside entrance; and designed to be occupied by individuals or groups of individuals for compensation and including such business as may be incidental thereto for the sole convenience of the occupants. For the purpose of these regulations, motel shall include buildings designated as motor inns and tourists courts.

**MOTOR JUNK BUSINESS OR JUNK YARD** - The term "junk yard" shall be construed to include any "junk yard," "motor vehicle junk business" and "motor vehicle junk yard" as defined in State Statutes. Any place of business or of outside storage or deposit, whether in connection with any business or not, which has stored or deposited two or more unregistered vehicles, which are no longer intended or in condition for legal use on the public highways or used parts of vehicles or old iron, metal, glass, paper, cordage, or other waste material or discarded second hand material which has been a part, or intended to be a part, of any vehicle, the sum of which parts or materials shall be equal in bulk to two or more vehicles. Said term shall also include any place of business or of outside storage or deposit of vehicles for parts or for use of the metal for scrap and where it is intended to burn material which are parts of a vehicle or cut up the parts thereof.

**MOTORIZED HOMES** - Any building, structure or vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes, and including pick-up coaches, campers, recreational vehicles, travel trailers and camping trailers not meeting the specifications required for a manufactured home, trailer coach or mobile home.

**MOTION SENSOR DEVICE** - A device that will sense motion electronically and switches lighting on for a brief duration of time, not to exceed 1 hour.

**MULTI-FAMILY BUILDING** - A detached building designed and used exclusively as a dwelling by three or more families occupying separate suites.

**NATURAL FEATURES** - Components and processes present or produced by nature, including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life and wildlife.

**NON-CONFORMING LOT** - Any lot which does not conform to the current lot requirements such as lot area, width and/or depth. See also legal non-conforming lot definition.

**NON-CONFORMING STRUCTURE** - Any structure or building which does not conform to the zoning district regulations for any prescribed structure or building requirements, such as front, side or rear yards; building height, building area or lot coverage; lot area per dwelling unit; dwelling units per buildings; parking and loading spaces; etc. See also legal non-conforming structure definition.

**NON-CONFORMING USE** - A use, whether of a building, structure or lot which does not conform to the use regulations of the zoning district in which it is located. See also legal non-conforming use definition.

**NURSERY SCHOOL** - A building or portion thereof, licensed by the State Department of Health, having facilities and all necessary personnel for the care guidance and/or supervision of five or more children not of common parentage.

**OPEN SPACE** - The portion of the ground space on the same lot and contiguous to the principal building which is either landscaped, or developed and maintained for recreation or conservation purposes. Open space shall not include those portions of a lot that are utilized for off-street parking or loading, driveway or building purposes. This area of the lot shall be used in the calculation of open space to meet the percentage of the lot area or square feet per dwelling unit requirement as specified in various use districts.

In general, when the Board identifies the portion of a site that shall remain as open space, such open space should serve one or more of the following functions:

- a) Natural Resource Protection, such as habitat protection for plants and animals, streambelt or riparian corridor protection, shoreline protection, or the provision of greenbelt linkages, forest land, agricultural land and fisheries;
- b) Outdoor Recreation, including parks, playgrounds, beaches, and trails for active recreation, and nature preserves for passive recreational uses, serenity and sites that contribute to quiet experiences;
- c) Protection of Public Health and Safety, such as floodplains, inland and tidal wetlands, unbuildable areas or areas with limitations for development including steep slopes, high water table or shallow depth of bedrock;
- d) Promotion and Maintenance of Community Character, such as the development of greenbelts, open space dedication related to development, scenic vistas, and appropriate buffer strips;
- e) Protection of Historic or Archeological Sites, such as the North Street Green, the Town Green, historic districts and historic structures and grounds;
- f) Environmental Education, including school-based and citizen-based programs to advance the knowledge of the natural environment and Milford's cultural heritage.

**ORGANIZATION, CHARITABLE** - A non-profit organization that is supported primarily by charity and whose principal function is the performance of charitable works or religious activities.

**ORGANIZATION, FRATERNAL** – A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.

**ORGANIZATION, PRIVATE NON-PROFIT** - Any person(s), partnership, association, corporation or other group whose activities are conducted for civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group and may include, but shall not be limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.

**OUTDOOR CUSTOMER DINING AREA** - An outdoor area of designated size used as a seating area with tables and chairs for the contiguous restaurant. This seating may be in addition to the indoor seating or it may be the only seating available for the restaurant.

**OUTDOOR LIGHT FIXTURE** - An electronically powered illuminating device containing a total light source of more than 1800 initial lumens per fixture (this is greater than a single 100 watt incandescent lamp, or two 75 watt reflectorized bulbs), which is permanently installed outdoors, including but not limited to devices used to illuminate any site, architectural structure, or sign.

**PARCEL** - Any legally described piece of land of any size that may or may not be subdivided or improved.

**PARKING LOT** - A area other than a street used for the parking of registered vehicles.

**PASSIVE SOLAR ENERGY TECHNIQUES** - Site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. The site design techniques shall include, but not be limited to: (1) house orientation; (2) street and lot layout; (3) vegetation; (4) natural and man-made topographical features; and (5) protection of solar access within the development.

**PENNANT** - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

**PLACE OF PUBLIC ASSEMBLY** - An outdoor area, building or portion of a building specifically identified and used for gathering together 50 or more persons for such

purposes as deliberation, worship, entertainment, eating, drinking, amusement or awaiting transportation.

**PREMISES** - A lot, plot or parcel of land including the buildings or structures thereon.

**PUBLIC CHARITABLE INSTITUTION** - Any partnership, association, corporation or other group whose activities are conducted for selfless, civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group, and for which said institution receives financial support from a governmental entity or other public organization. Such institution may include, but shall not be limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.

**RECREATIONAL VEHICLE** - See Vehicle, Recreation.

**REGIONAL SHOPPING MALL** - A planned commercial development consisting of a building or group of buildings for retail purposes and related activity containing at least (a) two department stores of not less than 100,000 sq. ft. each with an enclosed mall and (b) 800,000 sq. ft. of Gross Buildable Area.

**REGULATORY FLOOD** - A flood which is representative of large floods known to have occurred generally in the area and is reasonably characteristic of what can be expected to occur. The regulatory flood generally has a flood frequency of approximately 100 years as determined from analyses of floods or other waterbodies and watercourses in the same general region.

**REGULATORY FLOOD PROTECTION ELEVATION** - The level to which buildings, structures and uses controlled by these regulations are required to be flood-proofed. In the absence of specifically established regulatory flood protection elevation, such level shall be deemed to be 10 feet above mean sea level.

**RELIGIOUS INSTITUTION** - A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent; meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

**RESTAURANT** - A business establishment open to the general public for the principal purpose of preparing and serving food for consumption primarily on the premises. A type of eating place. (See definition of "EATING PLACE")

**RESTAURANT, FAST FOOD** – Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

**RETAIL** - The buying or selling of goods or merchandise directly to the consumer for their personal consumption or use.

**RIGHT-OF-WAY** - An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system for allowing the free passage of people and goods. Right-of-ways include, but are not limited to, highways, streets, roads, private roads, rail lines, and sidewalks.

**RIVERINE** - Means relating to, formed by, or resembling a river, including tributaries, streams, brooks, etc.

**ROOF, GABLE** - A double sloping roof with a ridge and gables at each end.

**ROOF, GAMBREL** - A gable roof with two slopes on each side, and the lower slope being steeper.

**ROOF, HIP** - A roof having sloping ends as well as sloping sides.

**ROOF RIDGE** - The line of the junction of two roof surfaces sloping upwards toward each other.

**ROOMING UNIT** - A building or portion thereof providing a single housekeeping unit with living and sleeping facilities, but excluding cooking and eating facilities.

**SAND DUNES** - Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**SCHOOL, BUSINESS** - Any business or school operated for the compensation or gain of its owner or operator, where students or enrollees are assembled for the purpose of instruction in business-related skills including, but not limited to, the teaching of shorthand, typing, bookkeeping, office skills, accounting, computer services and language skills.

**SCHOOL, COMMERCIAL** - Any business or school operated for the compensation or gain of its owner or operator, where students or enrollees are assembled for the purpose of instruction and generally confined to one area of interest, such as bartending, beauty culture, dancing, or sewing.

**SCHOOL, PAROCHIAL** - A private school maintained by a religious body or organization for the purpose of elementary and/or secondary instruction.

**SCHOOL, PRIVATE** - A school that is established, conducted, and primarily supported by a nongovernmental agency or organization.

**SCHOOL, PRIVATE NON-PROFIT** - Any private educational facility owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

**SCHOOL, PUBLIC** - Any educational facility owned and operated by a governmental entity.

**SCHOOL, VOCATIONAL OR TRAINING** - A specialized instructional establishment that provides on-site training of one or more trade skills and/or skills with commercial or business applications, such as computer repair, computer software and hardware applications, welding, carpentry and office administration. Incidental instructional services in conjunction with another principle use shall not be considered a vocational or training school.

**SCREENING** - A method of visually shielding or obscuring one abutting nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**SEASONAL HIGH WATER LEVEL** - The extreme height of water measured and recorded during any given season of the year, usually occurring during the spring.

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

**SETBACK** - The horizontal distance from any street or lot line to any building, structure or use, measured in a straight line from and perpendicular to such street or lot line.

**SIGN** - Any device used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties.

**SIGN, A-FRAME** - A temporary, double-faced sandwich board sign that is not permanently fixed and is used for advertising purposes including any type of graphics, lettering and other content intended to identify the place of business.

**SIGN, ANIMATED** - Any sign or source of light or part thereof which flashes, rotates, moves or in any way simulates motion.

**SIGN, AREA** - The number of square feet contained within a single continuous perimeter enclosing the extreme limits of the actual sign surface. Structural members and supports required by Building Codes and not bearing advertising matter and not forming an integral part of the display shall be excluded from the sign area. The allowable area of a double-face sign shall be computed on one side only.

**SIGN, BANNER** - A sign having characters, letters or illustrations applied to cloth, paper, flexible plastic or fabric of any kind, with only such material for backing.

**SIGN, COMMERCIAL ADVERTISING OR OFF-PREMISES** - Any sign owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for compensation for the use of such signs.

**SIGN, DIRECTIONAL** - A sign intended to direct the way to a place or activity or to point toward a place of activity.

**SIGN, DOUBLE-FACE** - A sign containing the same advertisement on both sides of the supporting structure.

**SIGN, ELECTRONIC MESSAGE** - A sign with a fixed or changing display or message composed of a series of lights that may be changed through electronic means.

**SIGN, FLASHING** - Any sign, the illumination of which is not kept constant in intensity at all times, and/or which exhibits sudden or marked changes in such light intensity or color effects.

**SIGN, GROUND OR FREESTANDING** - A sign supported by one or more uprights or braces in or above the ground.

**SIGN, HEIGHT OF** - The vertical distance between the curb level and the top of a sign.

**SIGN, ILLUMINATED** - A sign which is illuminated by either internal or external lighting devices or sources.

**SIGN, INDIRECTLY ILLUMINATED** - A sign which is illuminated by either external lighting devices or sources.

**SIGN, ON-PREMISE** - A sign advertising a use conducted on the premises where the sign is located.

**SIGNS, NUMBER OF** - For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

**SIGNS, OFF-PREMISE** - A sign advertising a use not conducted on the premises or a product not sold on the premises where the sign is located.

**SIGN, POLITICAL** - A sign identifying and urging voter support for a particular election issue, political party, or candidate for public office.

**SIGN, PROJECTING** - A sign which is affixed to an exterior wall of any building and extending more than 15 inches beyond the building walls or parts thereof.

**SIGN, ROOF** - A sign attached to a building and erected upon the roof or extending above the roof line, eaves, parapet of such building.

**SIGN, TEMPORARY** - Any sign not intended for permanent display.

**SIGN, WALL** - A sign which is affixed to the exterior walls of any building and projecting not more than 15 inches from the building wall or parts thereof. Wall signs shall also include illuminated signs erected inside window display area of a building.

**SINGLE FAMILY ATTACHED DWELLING** - A one family residence of which one straight side only is common to its immediate adjoining residence. The straight wall common to each residence may be subject to a property line which will become a boundary line which coincides with the exact center of the wall common to both residences. Such common boundary shall be perpendicular to the street line. No single family attached residence shall be attached to more than one other residence.

**SOIL** - Means any unconsolidated mineral or organic material of any origin.

**SOIL EROSION & SEDIMENT CONTROL PLAN** - Means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative, but excluding cellars, between any floor and floor above or in its absence, the ceiling or roof above, notwithstanding the foregoing cellars as defined in the case of earth sheltered dwellings (as defined) shall be counted as stories.

**SPECIAL EXCEPTION** - A use that would not be appropriate generally or without restrictions throughout a given zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as special exceptions, if specific provisions for such special exceptions are made in this ordinance.

**SPECIAL FLOOD HAZARD AREA (SFHA)** – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily

limited to, the land shown as Zones A and AE and the Coastal High Hazard Areas shown as Zone VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

**SPECIAL PERMIT** - Authorization by the Planning and Zoning Commission for a particular land use in a zoning district in which such use is not permitted as of right. Such authorization may include specific conditions that must be satisfied in order for the land use in question to receive a Special Permit.

**START OF CONSTRUCTION** - see CONSTRUCTION START OF.

**STORY** - That part of a building, including basements, but excluding cellars, between any floor and floor above or in its absence, the ceiling or roof above, notwithstanding the foregoing cellars as defined in the case of earth sheltered dwellings (as defined) shall be counted as stories.

**STREAMER, ADVERTISING** - Any long, narrow, wavy strip of cloth, paper, flexible plastic or fabric of any kind attached to a building, vehicle or other property fixture along only one side of its length or width, and having characters, letters or illustrations applied to it for the purposes of attracting public attention to a commercial enterprise or event.

**STREET** - Any right-of-way used for streets, roads, highways, avenues, boulevards, lanes or other vehicular access ways.

**STREET, PRIVATE** - Any street other than a public street.

**STREET LINE** - The dividing property line between the street and lot.

**STREETSCAPE** - The visual image of a street, including the combination of buildings, parking, signs, street trees and landscaping, and other hardscape and street furniture.

**STRUCTURE** - Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground. Except as otherwise indicated, "structure" as used in these regulations shall be deemed to include buildings, swimming pools, open entries, signs, and fences or walls more than three feet in height other than retaining walls. For floodplain management purposes, a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**STRUCTURAL ALTERATION** - Any change in or addition to the structural or supporting members of a building, such as bearing walls, columns, beams or girders.

**SUBSTANTIAL DAMAGE**- Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

**SWIMMING POOL** - Any "swimming pool" as defined and regulated in "The Public Health Code of the State of Connecticut" and/or Building Code.

**TAVERN** - An establishment where the retail sale of beer, cider not exceeding six percent of alcohol by volume, and/or wine to be consumed on the premises occurs, either with or without the sale of food.

**TERRACE** - A structure not more than 18 inches in height above average grade on any side and located on the ground with no structural supports other than subsurface base material.

**TRAILER COACHES** - A vehicle with or without motive power designed to be self-propelled or to be drawn by a motor vehicle and to be used for human habitation or for the carrying of a person. Includes mobile homes.

**TRAILER PARK** - A lot on which there is located or intended to be located two or more trailer coaches occupied for living purposes.

**TRAILER, TEMPORARY** – A temporary portable unit for office or construction-related use that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels.

**UPLIGHTING** – Any light source that distributes illumination above a 90 degree horizontal plane.

**USE** - The specific purpose for which a lot or a building is designed, arranged, intended to be used, or for which it is or may be occupied or maintained. The terms permitted use, special use, or its equivalent shall not be deemed to include a non-conforming use, as defined herewith.

**USABLE OPEN SPACE** - The portion of the ground space on the same lot and contiguous to the principal building which is either landscaped, or developed and maintained for recreation or conservation purposes. Usable open space shall not include those portions of a lot that are utilized for off-street parking or loading, driveway or building purposes.

**USE, ACCESSORY** - A use of land, buildings or structures which is clearly incidental to, and customarily in connection with, and located on the same lot with the principal building or use.

**USE, PERMITTED** - A use permitted in a zoning district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of these Zoning Regulations.

**VARIANCE (FLOOD HAZARD REGULATIONS)** – A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

**VEHICLE** - Any motor vehicle as defined by the General Statutes of the State of Connecticut, as amended.

**VEHICLE DEALERSHIP** - A commercial garage or lot primarily used for merchandising vehicles.

**VEHICLE, RECREATION** - Recreation Vehicle is any towed or self-propelled residence, coach, trailer, truck body converted for residential occupancy primarily designed or utilized for seasonal and/or vacation use. For floodplain management purposes, a recreational vehicle is any vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**VERNAL POOL** - A watercourse consisting of a confined basin depression which contains a small body of standing water usually drying out for part of the year during warm weather. It can be natural or man-made and usually lacks a permanent outlet or any fish population. Further, the occurrence of one or more of the obligate species which include the fairy shrimp, spotted salamander, Jefferson salamander, marbled salamander, wood frog and eastern spadefoot toad are necessary to conclusively define a vernal pool.

**VIOLATION (FLOOD HAZARD REGULATIONS)** – Failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** - The height, in relation to the North American Vertical Datum (NAVD) of 1988 or other datum where specified, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

**WETLANDS** - Any wetland as defined by State Statutes.

**WHOLESALE** - The buying or selling of goods or merchandise in bulk or large quantities to those actively involved in the trades for the purposes of resale of said goods or merchandise directly to the consumer for their use.

**YARD, FRONT** - An open, unoccupied space extending across the full width of the lot between the front wall of the principal building and the street line. The depth of the required front yard shall be measured horizontally from and perpendicular to the nearest point of the front lot line toward the nearest part of the building on the lot.

**YARD, SIDE** - An open, unoccupied space between a principal building and the side lot line extending from the front yard, to the rear yard. The width of the required side yard shall be measured horizontally from and perpendicular to the nearest point of the side lot line toward the nearest part of the principal building on the lot.

**YARD, REAR** - An open, unoccupied space extending across the full width of the lot between the most rear principal building and the rear lot line. The depth of the required rear yard shall be measured horizontally from and perpendicular to the nearest part of the rear lot line toward the nearest part of the principal building on the lot. (See also Lot line, Rear).

**ZONING ENFORCEMENT OFFICER** - An individual duly appointed by the City with the authority and responsibility to enforce the provisions of the Zoning Regulations of the City of Milford.

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## **ARTICLE XII    VALIDITY, REPEALER AND EFFECTIVE DATE**

### **SECTION 12.1            VALIDITY**

If any Article, Section, or provision of these Regulations shall be adjudged invalid, such adjudication shall apply only to the provision so adjudged invalid, and the rest and remainder of these Regulations, as they shall not or hereafter exist, shall be deemed to be valid and effective.

### **SECTION 12.2            REPEALER**

All zoning regulations previously adopted for the City of Milford, are hereby repealed.

### **SECTION 12.3            EFFECTIVE DATE**

These Regulations shall become effective, as provided by law, upon enactment by the Planning and Zoning Board of the City of Milford, Connecticut.

Date of Adoption:                    December 2, 2003

Effective Date                        January 2, 2004

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## **APPENDIX A - CORRIDOR DESIGN DEVELOPMENT DISTRICT 2 – DEVON CENTER-NAUGATUCK AVENUE DESIGN GUIDELINES**

Purpose: The purpose of these design regulations is to foster good urban design in the Devon Center-Naugatuck Avenue area of Milford, and protect the health, safety and welfare of the residents of Milford by creating an inviting, pedestrian-oriented atmosphere throughout Devon Center.

### General Guidelines

- 1) Primary entrances to non-accessory buildings must be oriented toward the sidewalk and street.
- 2) The building street wall must provide significant modulation in horizontal and vertical rhythms that facilitates a lively relationship between materials, light, shadow, texture, and solids and voids. Such modulation may include, but is not limited to: windows; doors; building bulb-outs; building recesses; façade materials; and specific architectural elements such as columns, cornices, sills, distinct bands between floors, and other ornamentation. As a general rule, building modulations should occur at least every 25 to 30 feet of street wall length.
- 3) Buildings shall have a significant level of transparency along the ground floor fronting on any sidewalk or street. In general, 50% or more of the ground floor façade should be comprised of windows, doors, or other transparent elements that are subdivided appropriately, where practical.
- 4) Mechanical equipment located outside of a building must be screened from view on all sides in a manner that is architecturally consistent and integrative with the associated building.
- 5) Roof treatments shall be harmonious with the built form of the surrounding area. Cornices, roof terraces and other architectural elements that aid in visually terminating the roofline of a building are strongly encouraged.
- 6) Bay windows, balconies, and other functional or ornamental architectural elements may project a maximum of three (3) feet beyond the front property line, provided that the base of the projection is a minimum of fourteen (14) feet above the ground. Awnings must be professionally manufactured and mounted. They must be well maintained, and the awning frame must be located no lower than seven feet six inches (7'6") above the

ground. Bright colors are acceptable, but gaudy or loud patterns on awnings are not allowed.

7) The colors of façade materials of a building should generally coordinate with, but not necessarily match, the colors used in other building facades along the same block. Unusual, bright, or contrasting colors should be limited to the details of a building façade.

8) Surface parking lots adjacent to a street must have a low screening wall, hedgerow or similarly opaque feature of three to four feet in height along the length of the parking lot boundary line facing the public right-of-way and a four foot-wide landscaped buffer strip between the parking area and the back of the sidewalk. Acceptable materials for a screening wall include decorative concrete, stone, brick or ornamental ironwork. The wall, hedgerow or other feature may be open in places to allow free movement of pedestrians into, through and out of the parking area. The general overall design of any screening wall should compliment the surrounding building architecture.

9) Curb cuts for surface parking lots are limited to a maximum of twelve (12) feet in width for one-way access and twenty-five (25) feet in width for two-way access, with two curb cuts allowed per surface parking lot, provided that they are a minimum of 50 feet, edge to edge, from one another.

10) All signage shall be well-crafted and maintained, professionally made and securely and appropriately attached to buildings. Flashing signs, roof signs, free-standing signs and excessively large projecting signs that interrupt the visual continuity and harmony of the street are not permitted. Projecting signs and banners attached to building façades should be placed no lower than twelve (12) feet above grade. Signage should be at a scale that does not overwhelm the building to which it is attached. Signs should also be tastefully integrated into the overall design of a building.

## **APPENDIX B - MILFORD CENTER DESIGN DEVELOPMENT DISTRICT – DESIGN GUIDELINES**

**Purpose:** The purpose of these design regulations is to promote and protect the unique architectural and design qualities of Milford Center, to foster good urban design within the Milford Center Design Development District, and protect the health, safety and welfare of the residents of Milford by creating an inviting pedestrian-oriented atmosphere throughout Downtown Milford.

**Subdistrict Designations:** Different parts of Milford Center require separate and distinct design considerations due to variations in land use and building typology. Therefore, for the purposes of this section, the Milford Center Design Development District is further broken down into the following six subareas.

**Civic Center Subdistrict**  
**Medical Center Subdistrict**  
**River Street Corridor Subdistrict**  
**Adaptive Reuse Subdistrict**  
**Commercial Core Subdistrict**  
**Transition Area Subdistrict**

### **General Guidelines for All Subdistricts**

#### Building Placement

1. The placement of buildings directly against the back of the sidewalk is strongly encouraged. Buildings may be set back from the sidewalk a maximum distance equal to the average front yard setback as measured at 100 feet in either direction.
2. Primary entrances to non-accessory buildings must be oriented toward the sidewalk and street.

#### Building Articulation

1. The building street wall must provide significant modulation in horizontal and vertical rhythms that facilitates a lively relationship between materials, light, shadow, texture, and solids and voids. Such modulation may include, but is not limited to: windows; doors; building bulb-outs; building recesses; façade materials; and specific architectural elements such as columns, cornices, sills, distinct bands between floors, and other ornamentation. As a general rule,

building modulations should occur at least every 25 to 30 feet of street wall length.

2. Buildings shall have a significant level of transparency along the ground floor fronting on any sidewalk or street. In general, 50% or more of the ground floor façade should be comprised of windows, doors, or other transparent elements that are subdivided appropriately, where practical.
3. Mechanical equipment located outside of a building must be screened from view on all sides in a manner that is architecturally consistent and integrative with the associated building.
4. Roof treatments shall be harmonious with the built form of the surrounding area. Cornices, roof terraces and other architectural elements that aid in visually terminating the roofline of a building are strongly encouraged.
5. Corner entry architecture must be designed in a manner that visually enlivens the intersection upon which it faces and enhances the pedestrian flow around the building. Additional architectural elements such as distinctive round or angled corners entrances, towers and other unique corner roof treatments, and archways and colonnades are encouraged.
6. Bay windows, balconies, and other functional or ornamental architectural elements may project a maximum of three (3) feet beyond the front property line, provided that the base of the projection is a minimum of fourteen (14) feet above the ground. Awnings must be professionally manufactured and mounted. They must be well maintained, and the awning frame must be located no lower than seven feet six inches (7'6") above the ground. Bright colors are acceptable, but gaudy or loud patterns on awnings are not allowed.

#### Façade Design

1. Façade materials for buildings within the Commercial Core subdistrict should reflect the preponderance of material types used in Downtown Milford. The use of brick, stone and wood in building facades is strongly encouraged. Other materials may be utilized if they produce a level of detailing and quality of construction consistent with the building facades of Downtown Milford.
2. The colors of façade materials of a building should generally coordinate with, but not necessarily match, the colors used in other building facades along the same block. Unusual, bright, or contrasting colors should be limited to the details of a building façade.

## Surface Parking

1. Surface parking lots adjacent to a street must have a low screening wall, hedgerow or similarly opaque feature of three to four feet in height along the length of the parking lot boundary line facing public right-of-way and a four foot-wide landscaped buffer strip between the parking area and the back of the sidewalk. Acceptable materials for a screening wall include decorative concrete, stone, brick or ornamental ironwork. The wall, hedgerow or other feature may be open in places to allow free movement of pedestrians into, through and out of the parking area. The general overall design of a screening wall should complement the surrounding building architecture.
2. For every one parking space, ten (10) square feet of interior landscaping must be provided in the surface lot.
3. Surface parking lots should be located to the rear of buildings.
4. Curb cuts for surface parking lots are limited to a maximum of twelve (12) feet in width for one-way access and twenty-five (25) feet in width for two-way access, with two curb cuts allowed per surface parking lot, provided that they are a minimum of 75 feet, centerline to centerline, from one another. A curb cut may be placed directly next to an existing curb cut on an adjacent parcel.

## Additions to and Renovations of Existing Buildings

New additions to existing buildings should be harmonious with the built form of the surrounding area. Construction of additions should seek to minimize the loss of historic materials on exterior walls. The building finish used for the addition should be similar to the existing structure in material, quality, color and dimension. If an addition will have too overwhelming an impact upon the architecture and/or the historic qualities of an existing building, visual separation of the addition and the existing structure should be employed to protect the nature of the building.

The scale of an addition should be at a scale compatible with the existing building. Damaged or deteriorated significant architectural features should be repaired rather than replaced. If replacement is necessary, the new material should match the material being replaced.

Faux historic treatments for additions are discouraged. The architecture of additions should complement the existing character while still remaining a product of their own time period.

## Signage

## General

1. All signage shall be well-crafted and maintained, professionally made and securely and appropriately attached to buildings.
2. Flashing signs, roof signs, and excessively large projecting signs that interrupt the visual continuity and harmony of the street are not permitted.
3. Projecting signs and banners attached to building façades should be placed no lower than twelve (12) feet above grade.
4. Signage should be at a scale that does not overwhelm the building to which it is attached. Signs should also be tastefully integrated into the overall design of a building.

## Specific

In a single tenant building, the sole business shall have one primary identification sign for each street-facing building façade. The area of each sign shall not exceed 5% of the total area of the building façade upon which it is attached, and must comply with the following dimensional requirements.

- Height of Sign: A maximum of 15% of the building façade height, as measured from grade to the roof line.
- Length of Sign: A maximum of 75% of the building façade length.

A multiple tenant building, in addition to the primary identification sign permitted above, may have one additional sign for each additional business, not to exceed ten (10) square feet in area each, to identify the location of said business or businesses. Additional tenant signs must comply with the following dimensional requirements.

Height of Sign: A maximum of seven (7) feet.

Length of Sign: A maximum of seven (7) feet.

Window Signs: The total square footage of all window signs shall not exceed 25% of the total window display area.

Aggregate Signage Area: The total aggregate square footage of all building signage, including window signs, viewable from outside of a building for each façade of a building visible from a public street or way, or parking area, shall not exceed 15% of the total area of said façade.

## Buffers

A buffer strip of a minimum of 10 feet shall be provided and maintained by the owner of non-residential, mixed use and multi-family parcels when such parcels abut a residential use property.

## URBAN DESIGN PRINCIPLES FOR SUBDISTRICTS

### Civic Center Subdistrict

1. New buildings must be in keeping with the overall civic architecture of the Government Center area.
2. Axial site designs that effectively integrate new buildings with existing ones, promote pedestrian circulation, and tie open space into their design are encouraged.
3. Highly ornamental architectural elements, such as statues, bas reliefs, columns and colonnades, scrollwork, archways, towers, parapets, and domes are encouraged.
4. Stone and brick should be the primary materials for building façades.

### Commercial Core Subdistrict

1. New buildings should reflect and respect the high-density, compact development form of Downtown Milford's prime commercial area. Buildings should generally be constructed to the sidewalk line, and side alleys accessible to the public are encouraged for use as additional commercial frontage. A minimum of two stories should be mandated.
2. The renovation of existing façades should be a high priority, as should the improvement of signage and window displays.
3. The buffering and landscape requirements for the Commercial Core subdistrict, particularly along the southern edge of the area, should enhance the aesthetics of the commercial core while providing ample separation between the commercial uses of the subdistrict and the residential area to the south.

### Adaptive Reuse Subdistrict

1. Reuse of existing residential structures for commercial purposes must not diminish the unique residential architectural qualities of these structures. Additions to these structures must reflect the residential nature of the existing building in scale, material, and design.
2. Front yards may not be removed, built upon, or used for parking.
3. All new buildings must provide and maintain a landscaped front yard similar in design to other front yards within the subdistrict and be setback a similar distance from the street. A low wooden fence, painted to match the color of the new building, should be provided along the back of the sidewalk.

4. Signage must be small and be compatible with the architectural style of the building.

#### Medical Center Subdistrict

1. Residential structures within the Medical Center subdistrict that are converted to medical office use should retain their residential architectural features despite the change in use. Any additions built onto these structures should reflect the residential nature of the existing building in scale, material, and design.
2. New medical buildings should provide visual stimulation and pedestrian circulation that relates to sidewalks and streets.

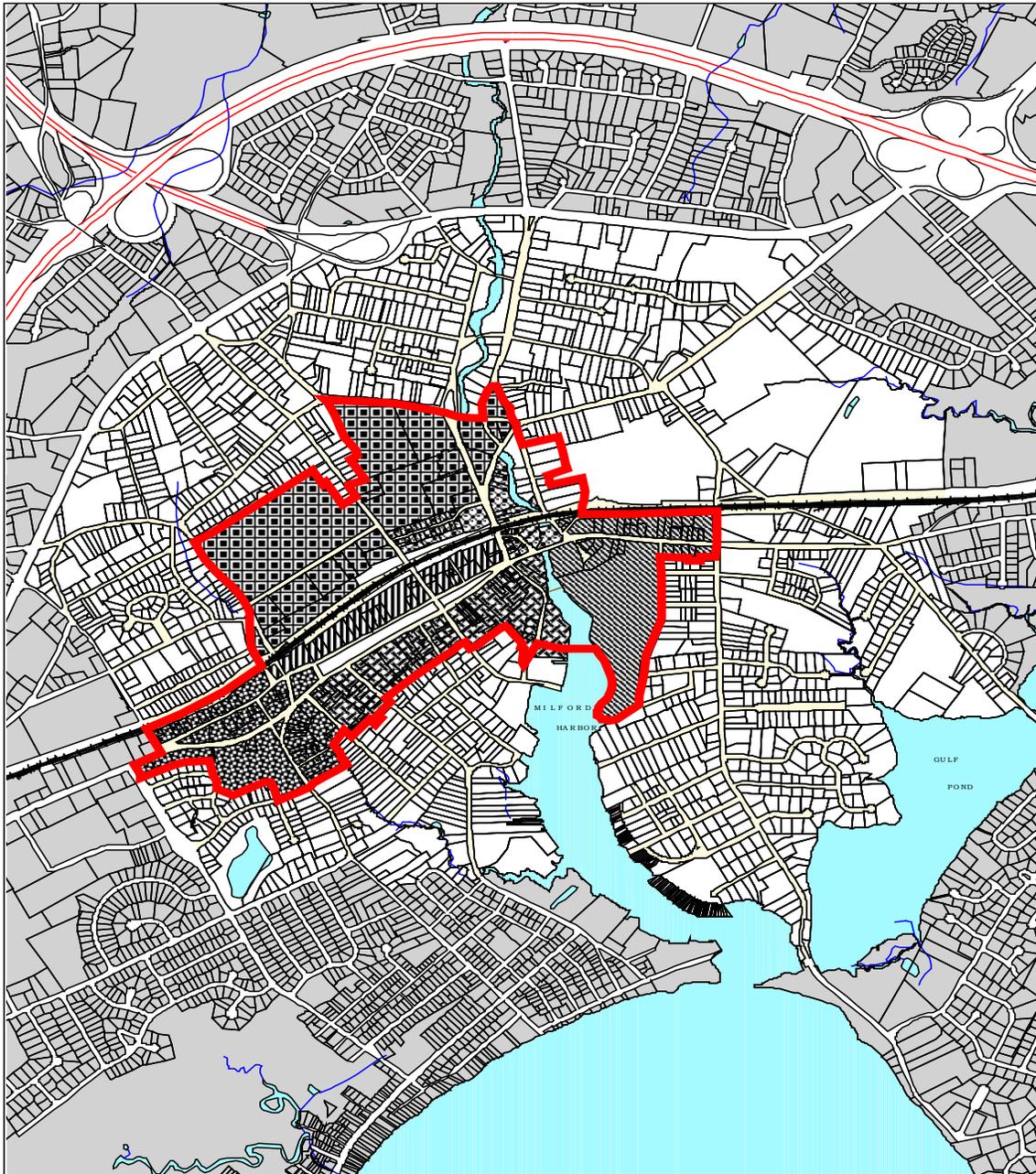
#### River Street Subdistrict

1. Buildings along River Street should have at least two stories with retail frontages and be built to the sidewalk line.
2. Buildings should be designed in such a way as to capitalize upon the potential Riverwalk linear park connection between the harbor and Government Center.
3. Excessive curb cuts should be prevented and parking areas more suitably integrated with the built form.

#### Transition Area Subdistrict

1. Buildings along New Haven Avenue should complement the density and design of the downtown core while providing a smooth built form transition from the high-density commercial core to the less intense uses to the south and east.
2. Minimal setbacks and quality façade designs should be high priorities.

**Diagram 5: Milford Center Design Development District Map**



Source of Base Map:  
 City of Milford  
 Management Information Systems Department  
 Milford, CT, 2000

**LEGEND**

- Design Development District
- Commercial Core Subdistrict
- Medical Center Subdistrict
- Civic Center Subdistrict
- River Street Subdistrict
- Transition Area Subdistrict
- Adaptive Reuse Subdistrict

THIS MAP WAS DEVELOPED FOR USE AS A  
 PLANNING DOCUMENT. DELINEATIONS MAY  
 NOT BE EXACT.

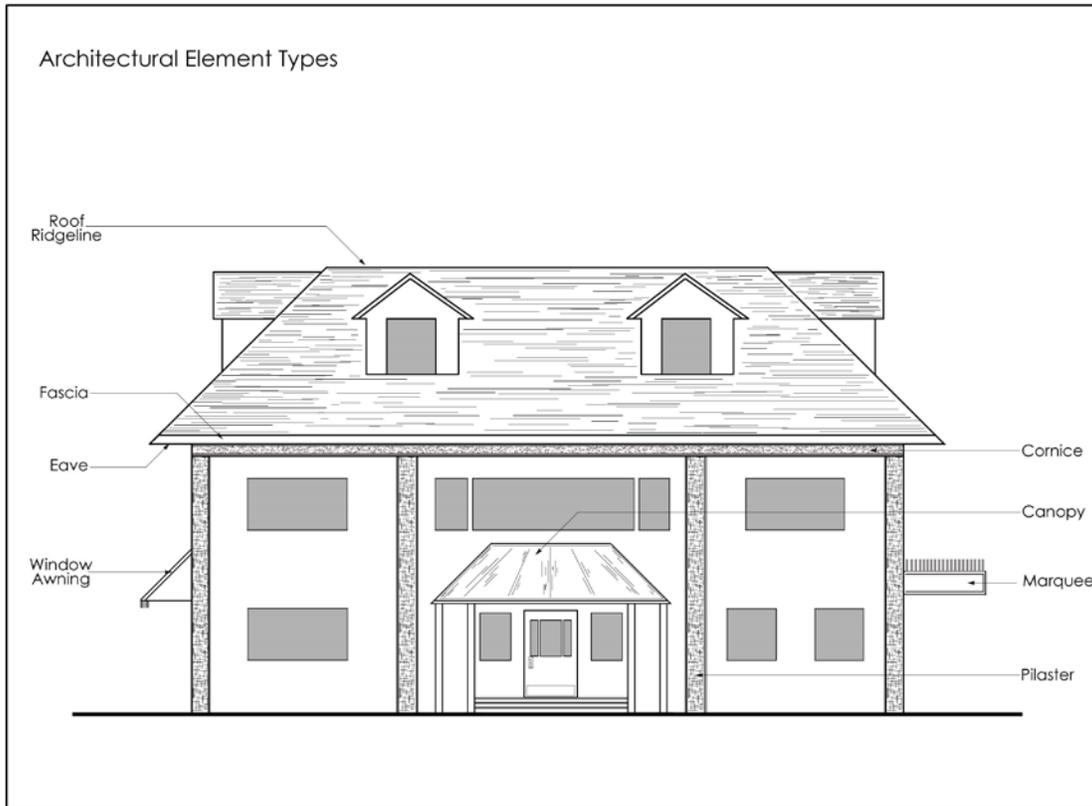
**Design Development District  
 Milford Center**

City of Milford  
 Plan of Conservation and Development  
 HARRALL-MICHALOWSKI  
 ASSOCIATES, Incorporated  
 Hamden, Connecticut June 2002  
 WESTCOTT & MAPES, INC.  
 Consulting Engineers & Architects

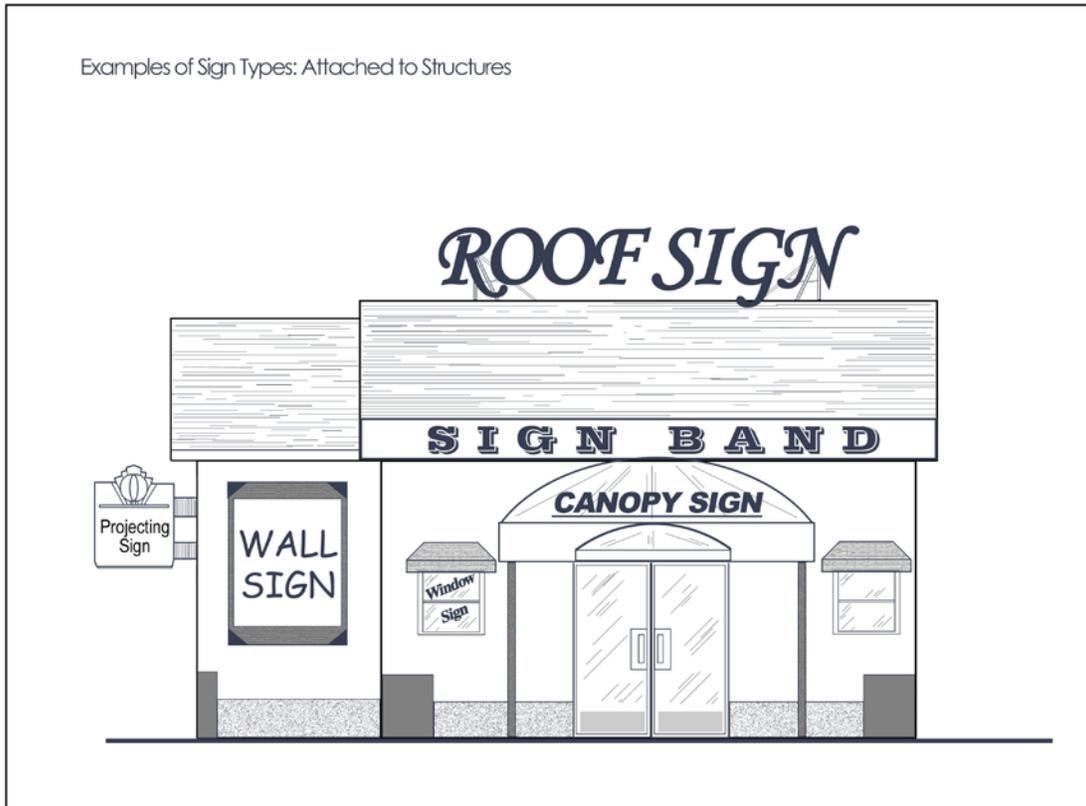


## APPENDIX C - ADDITIONAL DIAGRAMS

Diagram 6: Architectural Element Types



**Diagram 7: Examples of Sign Types: Attached to Structures**



*Note: For reference only: Certain sign types may not be permitted under Milford Zoning Regulations*

**Diagram 8: Setback versus Buffer**

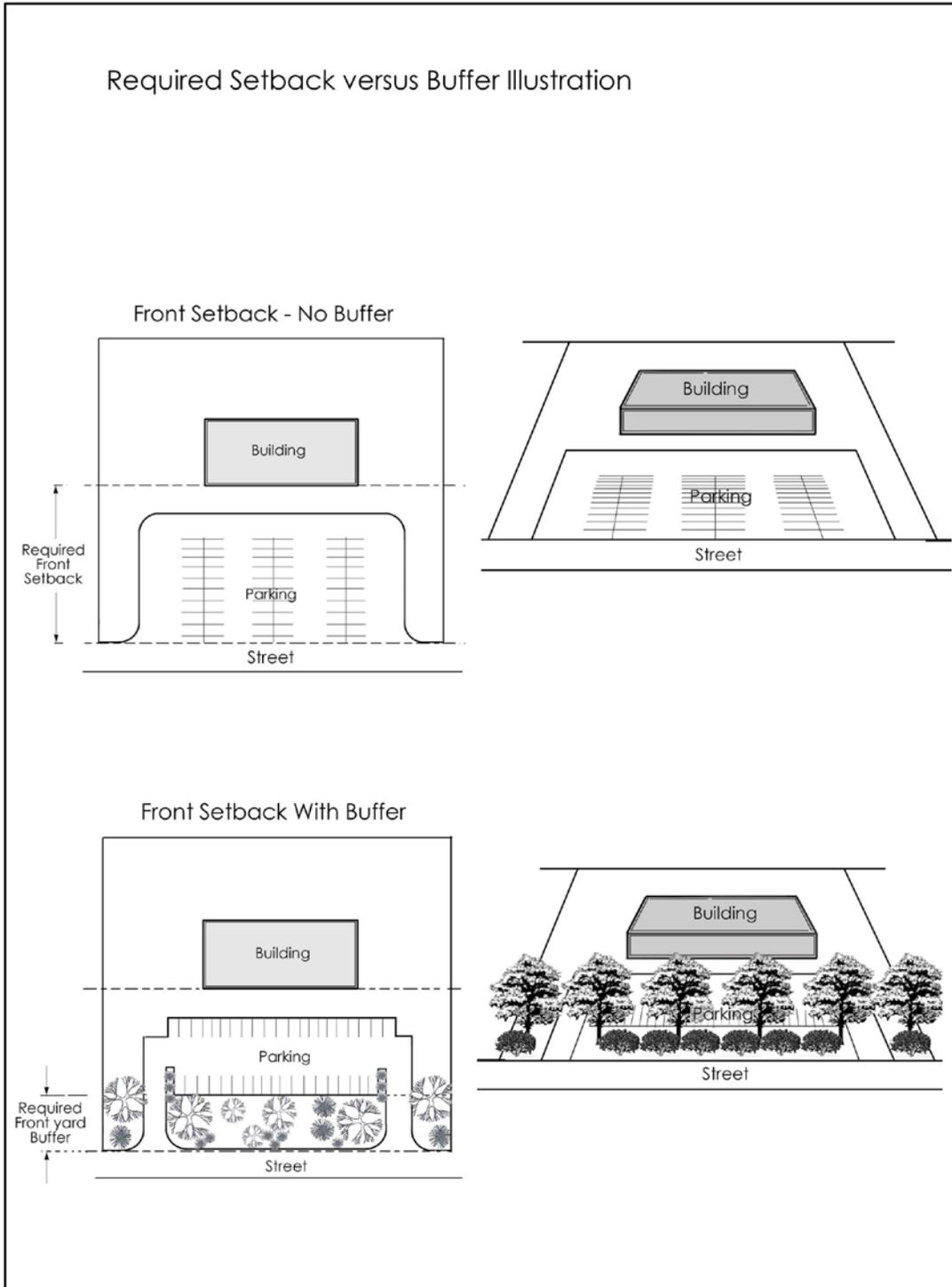


Diagram 9: Roof Types

