

SUBDIVISION REGULATIONS

City of Milford, Connecticut

Adopted February 27, 1973
Effective March 3, 1973
Amended to September 29, 1978
Amended to July 19, 1983
Amended to August 20, 1983
Amended to December 6, 1983
Amended to November 29, 1985
Amended to May 8, 1989

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CHAPTER II SUBMISSION PROCEDURES

SECTION 2.1 GENERAL The Planning and Zoning Board strongly recommends that the applicant discuss informally with the Board, City Engineer, Health Administrator, and other interested parties, his plan of subdivision prior to submitting an application. This is recommended in order that the applicant may acquaint himself with any current plans for development of the City. It is contemplated that such discussions will inform the applicant as to the desires of the Board, City Engineer, Health Administrator, and other interested parties, as regards street, public facility, and utility development in the City. The majority of these informal discussions can be held by the applicant without notification to the Board. Informal discussion with the Board itself, prior to filing an official application for a Final Subdivision Plan, can be obtained by submitting a letter to the Board requesting a place on the agenda at least two weeks prior to a regular public meeting.

SECTION 2.2 REQUIRED FINAL SUBDIVISION PLAN Whenever any subdivision of land (as defined in these regulations and including resubdivision) is proposed to be made, and before any lots are sold, and before any building permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for approval of such proposed subdivision in accordance with the following procedures.

2.2.1 DISCUSSION OF REQUIREMENTS Before preparing the Final Subdivision Plan, the applicant should discuss with the Board's Executive Secretary and the City Engineer the requirements for the subdivision of land.

2.2.2 APPLICATION The subdivider shall file, in duplicate, an application for the consideration of a Final Subdivision Plan, on forms prescribed by the Board, accompanied by a fee of fifty dollars (\$50.00) or ten dollars (\$10.00) per lot for each lot shown on the Final Subdivision Plan, whichever fee is greater. A resubdivision is an additional seventy-five dollars (\$75.00).

2.2.3 SUBMISSION OF MAPS The applicant shall cause the proposed subdivision to be accurately surveyed, and shall submit four paper prints of each of the maps required under Section 4.1, herein. The Final Subdivision Plan including the Record Map, Construction Plans and the Plan-Profiles shall, in all respects, be in conformity with Chapter IV of these Regulations entitled, Specifications for Final Subdivision Plans and As-Built Plans.

2.2.9 PUBLIC HEARING A public hearing regarding a subdivision application may be held by the Board, if, in its judgment, the circumstances require such action. The Board shall hold a public hearing on any application for a resubdivision. Notice of any public hearing shall be given in accordance with State Statutes. Whether or not a public hearing is held, every applicant shall be afforded the opportunity to appear before the Board to discuss the application before final action by the Board.

2.2.10 ACTION BY BOARD Within 65 days after the public hearing thereon or, if no public hearing was held, within 65 days after the date of submission of the Final Subdivision Plan, (as defined in these Regulations), the Board shall take action on the application. Such action shall consist of tentative approval to become final upon the submission of any required bond or easement rights, tentative approval to become final upon the completion of required improvements, or disapproval. In tentatively approving or disapproving an application, the Board shall state in its records any conditions of approval, any modifications required, and the grounds for its action.

2.2.11 NOTIFICATION OF ACTION The executive Secretary shall, within 15 days, post notice of the decision of the Board in accordance with State Statutes. In the case of an approval given, subject to the posting of a performance bond, said bond shall be posted in accordance with the provisions of Section 2.4, herein.

2.2.12 FILING PLANS WITH THE BOARD The applicant shall file with the Board, two mylar tracings of the Record Map, one mylar of the Record Map at a scale of one inch equals one hundred feet, together with one mylar tracing of the Construction Plans and one mylar tracing of the Plan-Profiles.

2.2.13 ENDORSEMENT OF PLAN The Chairman of the Board or the Executive Secretary shall endorse the Final Subdivision Plan on behalf of the Board when all the conditions of approval have been complied with.

2.2.14 VOID IF ALTERED If the Final Subdivision Plan is altered, changed, erased, or revised between the time the Board's approval is endorsed on the Plan and the time the Plan is filed with the City Clerk, the approval shall be null and void unless the alterations have been approved by the Board and so indicated on said Plan.

2.2.15 RECORDING OF ENDORSED PLAN Within ninety days following the tentative approval by the Board, the applicant shall file the endorsed Final Subdivision Plan and any required easements, restrictions or deeds with the City Clerk. Any Final Subdivision Plan not so filed or recorded shall become null and void.

2.4.1.1 The subdivider shall specify in his application which of the two alternatives he proposed to follow. In any event, no construction work shall be started before the Board has granted tentative approval to the Final Subdivision Plan, and a bond is posted with the Executive Secretary. If a public utility is required by the Board, the Board may accept assurance in writing from each public utility company whose facilities are proposed to be installed, in lieu of bond. If said subdivider transfers or sells 50% or more of his interest in the land for which no Certificate of Occupancy has yet been issued and which is covered by the Final Subdivision Plan, the bond covering such plan shall be in default until such time as the new owner shall endorse the agreement and the bond as an additional Party of the First Part and as an additional principal with the written consent of the surety, or until the new owner presents an acceptable agreement and surety bond in his own name.

2.4.2 BOND The performance bond shall be a licensed surety company bond, written in accordance with a form supplied by the Board and satisfactory to the City Attorney as to form, sufficiency and manner of execution. The terms of such bond shall require completion of the work within two year. Alternately, the Board may, upon written request, allow the assignment of a Savings Bank Deposit Book or a Certified Check.

2.4.2.1 A performance bond equal to 10% of the total original bond shall be required for a period of one year after the initial acceptance of the required improvements to guarantee the quality of workmanship, material and construction of these improvements. The developer shall comply with the instructions of the Director of Public Works and also institute correction measures, repairs, and maintenance on his own initiative, as needed, to insure the first class condition of all municipal improvements during the year and at the termination of the maintenance period.

2.4.3 INSPECTION The City Director of Public Works shall be the inspection agent of the Board to assure that all City specifications and Board requirements are met during the construction of the required improvements. Said inspector shall notify in writing the Executive Secretary of progress during construction and upon completion of the required improvements.

2.5.1 FORMAL NOTATION OF INTENT Streets, recreation areas, easements, and other improvements or open space areas shown on the Final Subdivision Plan may be offered for dedication to the City by formal notation thereof on the approved Plan. The Board may require the filing of a written agreement between the subdivider and the City regarding the future ownership and maintenance responsibilities for such formally offered improvements or open space areas.

2.5.2 FORMAL OFFER OF DEDICATION The recording of an endorsed Final Subdivision Plan shall constitute an irrevocable offer of dedication by the subdivision owner to the City of Milford for streets, recreation areas, easements, and other improvements and open space areas which are formally offered and so noted on the approved Plan.

2.5.3. OFFICIAL ACCEPTANCE Official acceptance of formal offers of dedication of streets, recreation areas, easements, and other improvements and open space areas shown on the approved Final Subdivision Plan shall rest with the City. The City shall not officially accept any such formally offered improvements of open space areas unless and until all taxes thereon for any fiscal year or portion thereof have been paid by the subdivider. The subdivider shall be required to maintain such improvements and open space areas until they are officially accepted by the City.

CHAPTER III DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS

SECTION 3.1 GENERAL Proposed subdivisions and all street, drainage and other improvements shall be designed and constructed in accordance with the Plan of Development, Plan of Sewerage System, and the Zoning Regulations; any other official plans and applicable laws, ordinances, codes and regulations; and the standards and specifications hereinafter specified.

SECTION 3.2 BUILDING LOTS Proposed building lots shall be of such size, shape, location, topography and character that buildings can be reasonably constructed, occupied and used for building purposes without danger to the health and safety of the occupants and the public. Land of such a character in its natural state that it is unsuitable for occupancy of building purposes because of danger to the public health, safety and welfare by reason of inaccessibility, difficult configuration, high ground water, flooding conditions, erosion hazards, ledge rock, steep sloping topography, severe soil conditions or other similar conditions shall be appropriately identified as a "Protection Area" on the Final Subdivision Plan and shall not be subdivided for residential use nor for such other uses as may increase danger to health, life or property or otherwise aggravate the hazard; unless and until appropriate corrective measures have been taken by the subdivider to eliminate such hazards, subject to approval by the Planning and Zoning Board, City Engineer and Health Administrator.

3.2.8 LOT MARKERS All lots shall be clearly defined by iron or steel stakes at least three-quarters inch in diameter and thirty inches in length and placed in the ground to existing grade, or by a suitable dial adequately imbedded in ledge-rock, or by requirements or by other appropriate means subject to approval by the Board. The accurate placement and location of such lot markers shall be certified by the developer's surveyor.

3.2.9 ZONING COMPLIANCE Each lot shall comply with the minimum requirements of the Zoning Regulations for the Zoning District in which it is located.

SECTION 3.3 STREETS Streets shall be of sufficient width, suitably located and adequately constructed to accommodate the prospective traffic and to afford access of police, fire fighting, snow removal and other road maintenance equipment and shall be coordinated so as to compose a safe and convenient system. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties.

3.3.1 STREET LAYOUT The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building lots as possible at or above the grade of the streets.

3.3.2 CONTINUATION OF EXISTING STREETS The arrangement of streets in the proposed subdivision shall provide for the continuation of existing streets in adjoining subdivisions and for the proper projection of proposed streets into adjoining properties which are not yet subdivided, except where topography, soils, or other conditions make such continuance impractical or undesirable, as determined by the Board.

3.3.2.1 When a subdivision proposes the continuation of an existing dead-end street, it shall be the full responsibility of the subdivider to improve said street extension or connection; including, but not limited to, the removal of any temporary turnaround, the replacement of all curbs and driveway aprons, the replanting of all unpaved areas and the extension or connection of all other required improvements.

The Board may require the subdivider to post satisfactory surety to sufficiently cover the estimated cost of removing any existing turnaround area, replacing all curbs and driveway aprons, replanting of all unpaved areas extending the future street together with all other required improvements, or any portion of said removing, replacing, replanting, and extending which is or would be located between the point of termination of such dead-end street and the boundary of the subdivision.

(2) When a subdivision is proposed to be developed in stages, the Board may require the subdivider to post satisfactory surety to sufficiently cover the estimated cost of removing any temporary turnaround, replacing all curbs and driveway aprons, replanting all unpaved areas extending the future street together with all other required improvements, or any portion of said removing, replacing, replanting, and extending which is or would be located between the point of termination at the beginning of the temporary turnaround area and the boundary of such subdivision section.

(3) The Board may require all buildings, structures, and uses to be setback from the street lines of a temporary turnaround area in the same manner as a permanent turnaround area.

3.3.4.2 A temporary dead-end street without turnaround provisions may be approved by the Board for the projection of future streets; provided that its length is equal to or less than the minimum required lot depth for the Zoning District in which it is located and further provided that it extends to the boundary of the subdivision.

The Board may require the subdivider to improve such dead-end street up to the boundary of the subdivision; or the Board shall require the subdivider to dedicate to the City or otherwise permanently secure for the City such dead-end street right-of-way. In addition, any necessary slope rights on abutting property shall be either temporarily or permanently secured for the City by the subdivider, as required by the Director of Public Works.

3.3.5 STREET GRADES Streets shall be designed so as to avoid excessive cuts and fills and to avoid a combination of steep grades and sharp curves. Grades of all streets shall conform, in general, to the natural terrain and shall not be less than 1.0 percent nor more than five percent for arterial streets and not less than 1.0 percent nor more than eight percent for collector and minor streets; except that the Board may permit maximum grades of ten percent on minor streets only, and then only for reasonably short distances, subject to approval by the Board and the City Engineer.

3.3.6 VERTICAL CURVES Appropriate vertical curves for all changes in gradient shall be established on all streets and at street intersections where the algebraic difference in grades exceeds 0.5 percent. Vertical curves shall provide a minimum safe stopping sight distance along the street centerline based on the applicable design or posted speed.

3.3.9 STREET NAMES All street names shown on a proposed subdivision shall be named. Streets shall have names and not numbers or letters like 1st, First, or "A" Street. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names in the City of Milford, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name.

3.3.10 STREET IMPROVEMENTS The developer shall install all required sidewalks, curbs, storm drains and pavement on proposed streets, as well as curbs, sidewalks, and pavement between the edge of existing pavement and the new curb line on existing streets which bound or intersect the proposed subdivision. The developer shall also install all required street signs, monuments, driveway aprons and shade trees. Such improvements shall be installed in accordance with City or utility company standards and specifications. The developer shall make the necessary provisions with the utility companies for the installations of fire hydrants as directed by the Fire Department prior to occupancy of adjacent residences in accordance with the City Policy on location, and also guarantee to pay any rental or service charges until such time as the Board releases the developer's bond in accordance with Section 2.4 herein.

3.3.10.1 STREET PAVEMENT All proposed streets shall be improved to their full width and shall be paved between curbs in accordance with specifications prepared by the Department of Public Works.

(1) Minor Streets All minor streets shall be improved to their full width and shall be paved between curbs in accordance with "Specifications for Minor Residential Streets" as prepared by The City Department of Public Works and dated October 10, 1962, revised July 17, 1964, as amended.

(2) Collector Streets All collector streets shall be improved to their full width and shall be paved between curbs as follows:

(a) Sub-Base Course Ten-inch depth of compacted gravel.

(b) Base Course Five-inch depth of compacted processed aggregate.

(c) Surface Course Three-inch depth of compacted bituminous concrete.

3.3.10.4 SIDEWALKS Sidewalks shall be provided in all proposed Residential Districts, except R-AA, R-A, and R-30. The Board may require sidewalks on all proposed street in R-AA, R-A, and R-30 Districts, as well as all other Zoning Districts. All required sidewalks shall be constructed in accordance with "Standard Specifications for Concrete Sidewalks and Curbs" as prepared by the Department of Public Works and dated March, 1967, as amended.

3.3.10.5 STREET SIGNS Street Signs shall be provided at all proposed street intersections and shall be installed in accordance with "Specifications for Crisscross Street Name Signs" as prepared by the Department of Public Works and dated March 18, 1955, as amended.

3.3.10.6 MONUMENTS Monuments shall be provided and constructed in accordance with Section 3.4 herein.

3.3.10.7 STORM DRAINAGE Storm drainage facilities shall be provided and constructed in accordance with Section 3.5 herein.

3.3.10.8 SPECIAL STRUCTURES Special Structures shall be provided and constructed in accordance with Section 3.6 herein.

3.3.10.9 SANITARY SEWERAGE Sanitary sewerage facilities shall be provided and constructed in accordance with Section 3.7 herein.

3.3.10.10 OTHER UTILITIES All other utilities, such as fire hydrants, gas lines, and street lights, shall be provided and constructed in accordance with Section 3.8 herein.

3.3.10.11 SHADE TREES Shade trees shall be provided in accordance with Section 3.11, herein.

SECTION 3.4 MONUMENTS Reinforced concrete monuments of 1:2:4 mix and at 3" square at top, 6" square at the bottom and 3'6" long shall be set on street lines at all angle points, points of curvature and other critical points as determined by the Board, that will enable the land surveyor or engineer to correctly stake out any lot in the subdivision. Each monument shall have a brass plug or iron rod at least 6" long in the top or shall be marked with a cross at lease one-half inch deep in the top, and shall be so set that the marked center of the top shall be the point of reference. The tops of such monuments shall be set in place after all other street construction is completed. The accuracy of location of such monuments shall be certified in writing by the land surveyor or engineer making the Final Subdivision Plan, before the city will consider acceptance of the street.

- 3.5.2.1 All open ditches, except existing natural watercourses, shall have a minimum depth of six inches, a maximum depth of four feet, and side slopes not exceeding one foot vertical to one and one-half feet horizontal distance or such lesser slope necessary for soil stability, as determined by the Board.
- 3.5.2.2 The Board may require open ditches to be lined with gravel, crushed stone, or other permeable material to permit subsurface seepage necessary to recharge groundwater supplies.
- 3.5.2.3 The Board may require fencing, rip-rap, planting suitable vegetation, or other protective measures to protect the public health, safety and welfare.
- 3.5.3 PIPE SIZE All storm drain pipe sizes shall be determined by actual design with due consideration to the avoidance of problems which may arise from the concentration of storm water run-off from or onto adjacent properties; provided that the minimum pipe size shall be fifteen (15) inches in diameter. All pipe for storm drains shall be reinforced concrete pipe; except that asphalt coated corrugated metal pipe may be used in special cases; subject to approval by the Director of Public Works or City Engineer.
- 3.5.4 PIPE COVER No storm drain shall be constructed with less than three feet cover; except that where it is impossible or undesirable to obtain the required depth, the cover may be reduced to not less than eighteen (18) inches if the pipe and method of construction in that section are approved by the City Engineer.
- 3.5.5 GRADIENTS The minimum grade for storm drains or open ditches shall not be less than .005 feet per foot, or sufficient to give a mean velocity of three feet per second when pipe or ditch is flowing one-half full. The maximum grade for storm drains or open ditches shall not exceed 9.2 per foot, or sufficient to give a mean velocity of 15 feet per second when pipe or ditch is flowing one-half full.
- 3.5.6 MANHOLES, CATCH BASINS, ENDWALLS AND HEADWALLS Such structures shall conform to the Connecticut Department of Transportation standards.
- 3.5.7 UNDERDRAINS Where excessive groundwater, swampy, marshy, or wetland conditions are encountered or where difficult drainage configuration is anticipated, the Board may require that suitable underdrains be installed for the affected land area and be connected to the nearest drainage facility, subject to approval by the City Engineer.

SECTION 3.7 SANITARY SEWERAGE The Planning and Zoning Board may require the developer to provide adequate sanitary sewers to and/or in the proposed subdivision, in appropriate instances. No sanitary sewerage system, or part thereof, serving proposed lots, shall be constructed unless the design of such facilities has been approved by the Sewer Commission, the Director of Public Works, City Health Administrator, and/or Connecticut Department of Health, as applicable

3.7.1 DESIGN: All sanitary sewerage disposal systems shall be designed and constructed in accordance with the pertinent specifications of the State Water Resources Commission, State & City Health and/or Sanitary Codes, and the City "Regulations to Control the Installation of Sanitary Sewers in Subdivision & Residential & Commercial Developments" dated September, 1971, as amended.

3.7.2 PIPE SIZE All sanitary sewers shall be sized and designed on the basis of the type, density and intensity of development existing, proposed and planned within the area tributary to a sewage treatment plant. In addition, an appropriate allowance for infiltration of ground water shall be made in accordance with City specifications.

3.7.3 SANITARY SEWER CONNECTIONS The subdivider shall provide sanitary sewer connections and/or extensions to each lot in any subdivision which is either:

- (1) Located within an area currently served by an existing public sanitary sewerage system; or
- (2) Located within such a reasonable distance of an existing sanitary sewerage system as to make extension thereof economically feasible, as determined by the Board.

3.7.4 SANITARY SEWER PROJECTIONS In addition to the temporary provision for private, individual, on-site sewage disposal systems, the Board shall require the subdivider to install and cap sanitary sewer mains in all proposed streets with connections to each lot in any subdivision which is located within an area proposed to be served by a sewer system which is planned, programmed and funded in an officially adopted Capital Budget. Where a subdivision is located within an area proposed to be served by a public sanitary sewer system in an officially approved Capital Improvement Program and located such an unreasonable distance from an existing public sanitary sewer system as to make the complete extension thereof uneconomic and infeasible as determined by the Board., the Board may require the subdivider to install and cap sanitary sewer mains with connections to each lot, as is required above.

3.7.7.1 The subdivider shall provide and record suitable restrictive covenants, satisfactory to the City Attorney and Board, for each lot which is intended to be served by a private individual on-site sewage disposal system.

SECTION 3.8 OTHER UTILITIES The Planning and Zoning Board may require the developer to provide adequate water, gas, and electric services to and/or in the proposed subdivision in appropriate instances. No water, gas, and electric systems, facilities or parts thereof, serving proposed lots, shall be constructed unless the design of such systems or facilities has been approved by the local Utility Company, City Engineer, City Health Administrator, Connecticut Department of Health, and/or Connecticut Public Utilities Commission, as applicable.

3.8.1 GENERAL DESIGN All water, gas, and electric systems or facilities shall be designed and constructed in accordance with the accepted standards and pertinent specifications of the State and City Health and/or Sanitary Codes, State Public Utility Commission Regulations, and the local Utility Company.

3.8.1.1 All such utility work on any existing or approved City street and any street proposed for City acceptance shall also comply with the requirements of the City Ordinance Relating to Street openings providing for permits and establishing regulations for such work dated May 22, 1954, as amended.

3.8.2 PUBLIC WATER SUPPLY CONNECTIONS The Board may require public water supply connections and/or extensions to be made available to each lot in any subdivision which is either:

- (1) Located within an area currently served by an existing public water supply system; or
- (2) Located within such a reasonable distance of an existing public water supply system as to make extension thereof economically feasible.

3.8.3 PRIVATE, INDIVIDUAL, ON-SITE WATER SUPPLY SYSTEMS All water wells and other individual water supply systems, or parts thereof, shall be constructed in accordance with the specifications and designs approved by the City Health Administrator.

3.8.4 UNDERGROUND UTILITIES The Planning and Zoning Board may require the underground installation of any telephone, electric, or power utility system, or portion thereof, intended to serve any proposed subdivision, if it is deemed aesthetically desirable, in the judgment of the Board, and if such installation is determined, by or to the satisfaction of the Board, to be economically feasible.

3.10.1 ACCEPTANCE OF CASH PAYMENT Where a subdivision is too small to establish an adequate recreation area, where the land in a subdivision is unsuitable in character, or where the City Development Plan or good judgment would not locate a recreation area or other public reservation; the Planning and Zoning Board may accept cash payment from the applicant to the City of Milford, deposited to the account of the Park and Playground Fund to be used for acquisition of such areas in suitable locations, as determined by the Board, The cash payment shall be payable in accordance with Chapter 126, Section 8-22 of the General Statutes. Said cash payment shall be determined on a per lot basis as follows:

<u>ZONE</u>	<u>FEE</u>
R-A	\$500.00/lot
R-30	\$400.00/lot
R-18	\$250.00/lot
R-12.5	\$175.00/lot
R-10 & SFA-10	\$150.00/lot
R-7.5 & R-5	\$100.00/lot
SFA-20, RO, LO, BB	\$250.00/lot
GO, LB-50, LB-10, LB-2, CBD	\$500.00/lot
GB, MB, LI-30, LI-10, GI, HI	\$750.00/lot

The number of lots in a subdivision shall be considered the maximum possible under the Zoning Regulations for lots which cannot be further subdivided because of lot arrangement or deed restriction. (Effective 5/20/89)

3.10.2 IMPROVEMENTS The Board shall require the subdivider to grade, loam, and seed as the Board deems appropriate such sites reserved for parks, playgrounds, recreation or other open space purposes and may require the subdivider to fence in said site.

SECTION 3.11 SHADE TREES Shade trees shall be planted by the subdivider as required by the Board; and the size, kind and location of such trees shall be subject to the approval of the Board. In the determination of tree requirements, the following principals shall be used as a guide:

- (1) Trees shall be planted along each side of every street and shall be located near the street or lot lines, as determined by the Board.
- (2) Trees shall be planted approximately 60 feet apart, subject to location of driveways, cross streets or walks, and variations made necessary by the tree species.
- (3) The diameter of trees shall be not less than 1-1/2 inches.
- (4) Trees shall be planted in such locations as to least interfere with overhead telephone, electric or power lines.

CHAPTER IV SPECIFICATIONS FOR FINAL SUBDIVISION PLANS
AND AS-BUILT PLANS

SECTION 4.1 FINAL SUBDIVISION PLAN Final subdivision plans submitted to the Board for approval and recording shall be certified that the accuracy of the information on these maps meets standards for a "Class A-2 Transit Survey" of the Connecticut Technical Council, Inc., shall be signed by a Registered Land Surveyor or Professional Engineer licensed in the State of Connecticut, and shall be clearly and legibly drawn on mylar with black waterproof ink. The Plan shall preferably be drawn at a scale of one inch equals 40 feet or, if necessary, at one inch equals 100 feet on sheets 25" x 37"; and, when more than one sheet is required, an index sheet of the same size, showing the entire subdivision, shall be submitted with the Plan. An additional mylar with black waterproof ink shall be provided for recording with the City Clerk. The Final Subdivision Plan shall include a Record Map, a Construction Plan, and Plan-Profiles, as applicable.

4.1.1 RECORD MAP The final Subdivision Plan shall include a Record Map showing the following information:

- (1) Proposed subdivision name or identifying title, which shall not duplicate or too closely approximate that of any other development in the City.
- (2) The name and address of the owner of the land to be subdivided, the name and address of the subdivider, if other than the owner, and the name and seal or certification of the Registered Land Surveyor and/or Professional Engineer licensed in the State of Connecticut.
- (3) The date, approximate true north point, graphic and written scales, City and State.
- (4) An accurate boundary survey of the applicant's property showing the location and dimensions of all existing street and lot lines (include entire area proposed to be subdivided and remainder of the tract owned by the subdividing owner).
- (5) Where the applicant wishes to develop the proposed subdivision in stages, the Plan shall indicate initial, intermediate, and ultimate development stages or sections.

4.1.2 CONSTRUCTION PLANS The Final Subdivision Plan shall include a Construction Plan showing the following information:

- (1) The location of existing and proposed waterbodies, watercourses, swamps, marshes, and wetlands, with the direction of flow and water surface elevations; as well as other significant physical features such as wooded areas and rock outcrops.
- (2) The accurate location of the regulatory flood protection elevation, established wetland boundaries and boundaries of other flood-prone areas including the seasonal high water level, apparent high water mark and mean high water mark, where applicable.
 - (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - (d) Base flood elevation data shall be provided for subdivision proposals.
- (3) The accurate locations and dimensions of existing and proposed flood protection and erosion control works, where appropriate.
- (4) The location and dimensions of all existing buildings and structures including but not limited to signs, fences, and walls.
- (5) Existing and proposed elevations based on actual field or aerial surveys and referenced to U.S.G.S. datum shall be shown:
 - (a) at each lot corner;
 - (b) along each lot line at intervening intervals, if such line is 100 feet or more in length, and at each 5 foot change in elevation; and

- (5) Profiles, cross-sections and drawings of special structures and other installations, as required by the Board.
- (6) Stations at grade changes, centerline intersections, and at 100 foot intervals.
- (7) Percent grade, and elevations where there is a change in grade.
- (8) Elevations shall be based on actual field or aerial surveys and shall be referenced to U.S.G.S. datum where possible, or to other datum approved by the Director of Public Works.
- (9) The locations of all bench marks shall be shown by proper notations.
- (10) Sufficient computations to permit the Director of Public Works to check utility design, particularly drainage facilities.

4.1.4 PRIOR APPROVALS In the case of any use, improvement, system facility or other item requiring approval of any Department of the Federal, State or City Governments, the approval for such Department shall be submitted by the applicant.

4.1.5 OFFERS OF DEDICATION The applicant shall tender official offers of dedication, in a written form satisfactory to the City Attorney and Board, for all land including rights-of-way, easements, open space areas, and other proposed public uses which are not otherwise specifically reserved and retained under restrictive covenants by the subdivider.

4.1.6 RESERVATIONS The applicant shall submit to the Planning and Zoning Board written copies of all agreements, restrictive covenants, or other legal documents governing the use, reservation, ownership, and/or maintenance of all land including rights-of-way, easements, open space areas, and other proposed areas which are not otherwise subject to Offers of Dedication.

4.1.7 ENVIRONMENTAL REPORT The Planning and Zoning Board may, when deemed necessary to protect the public health, safety, and welfare, require the applicant to prepare and submit appropriate environmental impact studies and shall prescribe the conditions of any such study.

4.1.8 OTHER INFORMATION The Planning and Zoning Board may, require any other information deemed necessary to determine conformity of the proposed Final Subdivision Plan with the intent and provisions of These Regulations.

CHAPTER V DEFINITIONS

SECTION 5.1 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 word "shall" and "will" are mandatory and not directory. "Unless otherwise specified, all distances shall be measured horizontally."

SECTION 5.2 OTHER TERMS 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:

5.2.1 APPLICANT Means any person, firm or corporation, partnership or association owning land or his agent who shall apply to the Board for approval of the laying out of such land into any subdivision, as hereinafter defined.

5.2.2 APPROVED Means a signed, written approval by the Planning and Zoning Board (its designated agent or the New Haven County Soil and Water Conservation District) that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.

5.2.3 BOARD Means the Planning and Zoning Board of the City of Milford, Connecticut.

5.2.4 CITY DEVELOPMENT PLAN Means the development plan prepared and adopted by the Board pursuant to Section 856 of the General Statutes, and includes any part of such Plan separately adopted and any amendment to such plan, or parts thereof.

5.2.5 COUNTY SOIL AND WATER CONSERVATION DISTRICT Means the Milford County Soil and Water Conservation District established under subsection (a) of section 22a-315 of the General Statutes.

5.2.6 DATE OF SUBMISSION Means the regular public meeting of the Board at which the application appears on the agenda.

5.2.7 DEVELOPER Shall be synonymous with "applicant" as above defined.

5.2.8 DEVELOPMENT Means any construction or grading activities to improved or unimproved real estate.

5.2.9 DISTURBED AREA Means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion to improved or unimproved real estate.

5.2.21 RIGHT-OF-WAY The street or lot lines defining the limits of land dedicated, secured, or reserved for public use.

5.2.22 SEDIMENT Means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by explosion.

5.2.23 SOIL Means any unconsolidated mineral or organic material of any origin.

5.2.24 SOIL EROSION AND 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.

5.2.25 STREET Means and includes any right-of-way used for streets, roads, highways, avenues, boulevards, lanes. or other vehicular access ways. Streets are further classified by the following functions:

5.2.25.1 Arterial A street which serves or is designed to serve as a major artery and is designated on the Plan of Development.

5.2.25.2 Collector: A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street and is so designated on the Plan of Development.

5.2.25.3 Minor A street intended to serve primarily as an access to abutting properties.

5.2.25.4 Dead-End A minor street or a portion of a street with only one vehicular outlet.

5.2.26 STREET PAVEMENT The wearing or exposed surface of the roadway used by vehicular traffic, including the sub-base and base course.

5.2.27 SUBDIVIDER Shall be synonymous with "applicant" as defined above.

5.2.28 SUBDIVISION The division of a tract or parcel of land into three or more lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for agricultural purposes, and shall include resubdivision

5.2.29 SURVEYOR A currently practicing surveyor licensed or registered in the State of Connecticut.

5.2.30 THESE REGULATIONS The Subdivision Regulations of the City of Milford, Connecticut as contained herein and including any amendments thereto.

SECTION 6.5 VALIDITY If any part of these Regulations shall, for any reason, be held to be invalid or unconstitutional, the validity of any other section or remaining portion of these Regulations shall not be affected or impaired.

SECTION 6.6 REPEALER All Subdivision Regulations previously adopted for the City of Milford are hereby repealed.

SECTION 6.7 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. However, any Final Subdivision Plan officially submitted to the Board prior to the date of adoption of these revised Subdivision Regulations or any amendments thereto, may be approved by the Board under the terms of the prior Subdivision Regulations of the City of Milford, and the construction of improvements required in such (or prior) approval may be continued to completion in accordance with the then applicable specifications.

Amended pages —
Zoning Regulation
6/28/89

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SECTION 3.4 RESIDENTIAL OFFICE DISTRICTS: 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 3.1.1, herein.
- 3.4.1.2 Subject to site plan approval in accordance with Section 3.4.1.3 and ARTICLE VII herein, offices for business, financial, professional and personal services and 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 condition and safeguards:
- (1) Such buildings and uses shall be subject to site plan approval in accordance with 3.4.1.4 and ARTICLE VII. 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) (effective 4/6/85).
 - (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.
- (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) 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 or more bedroom unit: 1,500 square feet plus 500 square feet for each additional bedroom over three (3)
 - (e) The open space so set aside for any mixed use building shall be properly laid out, graded, and suitably landscaped, as determined by the Board.
- (5) Buffer Strip: At least 10 feet adjacent to any other 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.

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 nor 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 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.

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 (effective 9/19/87).

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.

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.

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 2 (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.

EROSION - Means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

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 roomer, boarder or lodger shall not be considered a member of the family for the purpose of this definition. (Effective 9/10/88)

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.

First Floor - The lowest floor above grade; or partly below grade and not qualifying as a basement or cellar. (See also definition lowest floor.)

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 equalled or exceeded.

FLOOD HAZARD AREA - Areas shown on the flood insurance rate map as Zones A, A1, A30 and Zone V, VI and V30.