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Zoning Regulations

of the

TOWN of MILFORD

Connecticut

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1954

As Amended to January 29, 1955

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THE ZONING REGULATIONS OF THE TOWN OF MILFORD

Pursuant to the authority vested in it by law, the Town Planning and Zoning Board of the Town of Milford hereby establishes a comprehensive zoning plan for the Town of Milford, which plan is set forth in the text, schedule and map which constitute the Town Zoning Regulations.

CHAPTER I

PURPOSES

The purpose of these Zoning Regulations is to encourage the most appropriate use of land throughout the Town and to conserve the value of property, with reasonable consideration for the character of the district and its peculiar suitability for particular uses; all in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; and to that end to regulate the height, design, appearance, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts, 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 and location of advertising signs and billboards within the limits of the Town.

CHAPTER II

ESTABLISHMENT OF ZONES

Section 1. The Town of Milford is hereby divided into the following classes of zones:

R-A	(Acre)	One-Family Residence Zone
R-30	(30,000 sq. ft.)	One-Family Residence Zone
R-18	(18,000 sq. ft.)	One-Family Residence Zone
R-10	(10,000 sq. ft.)	One-Family Residence Zone
R- 7	(7,500 sq. ft.)	One-Family Residence Zone
R-2F		Two-Family Residence Zone
R-MF		Multi-Family Residence Zone
B-1		Neighborhood Business Zone
B-2		Central Business Zone
M-1		Light Industrial Zone
M-2		Heavy Industrial Zone

Section 2. Where zones are referred to as "higher" or "lower", the designation shall refer to the order in which the zones are named above, the first named being the higher.

Section 3.A. The boundaries of these zones are hereby established, as shown on a map entitled "Building Zone Map of Milford, Connecticut", dated January 1, 1952, as amended, which, with all explanatory matter thereon, is hereby made a part of these Regulations. In cases of uncertainty, the Town Planning and Zoning Board shall determine the location of the boundaries.

B. The zone boundaries are, unless otherwise indicated, either street lines or lines drawn parallel to and one hundred feet back from one or more of the street lines bounding the block. Where two or more designations are shown between streets less than two hundred feet apart, the boundary of the higher classified zone shall be deemed to be one hundred feet back from the street line it faces.

C. Where two or more zone designations are shown between streets more than two hundred feet apart, the boundary of the lower classified zone shall be deemed to be one hundred feet back from the street line it faces.

D. Where zone boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be boundaries.

E. If all or any portion of any public street, alley, right-of-way, easement, or land, which is not included in any zone on the zoning map, shall ever revert to, come into or be in private ownership, or shall ever be used for any purpose other than a public purpose, at such time the land and any structures that are included within such public street, alley, right-of-way, easement, or land, or portion thereof, shall be subject to all of these regulations which apply within the zone immediately adjacent thereto or within the higher of the immediately adjacent zones if there be more than one.

CHAPTER III

GENERAL PROVISIONS

Section 1. General Provisions

In interpreting and applying these Regulations, the requirements contained herein are declared to be the minimum requirements for the protection of the public health, morals, safety, comfort, convenience 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 between parties, provided, however, that where these Regulations impose a greater restriction upon the use of buildings or land, or upon the erection, construction, establishment, moving, alteration or enlargement of buildings than are imposed by other ordinances, rules, regulations, licenses, certificates or other authorizations, or by easements, or covenants, or agreements, the provisions of these Regulations shall prevail. Except as hereinafter provided, the following general regulations shall apply:

A. No land, building, or premises, or part thereof, shall hereafter be used, and no building, or part thereof, or other structure shall be constructed, reconstructed, extended, enlarged, moved or altered, except in conformity with these Regulations, and no lot shall be less in area or width, nor have smaller yards, nor shall any building or buildings occupy in the aggregate a greater percentage of the lot, nor shall any building be greater in height than is prescribed in the schedule applicable to the zones in which it is located, except as otherwise provided in these Regulations.

B. Every building hereafter erected shall be located on a lot as herein defined and, except as herein provided, there shall be not more than one building on one lot.

C. No yard or other open space provided about any building for the purpose of complying with the provisions of these Regulations shall be included as any part of the yard or open space for any other building; no yard or any other open space on one lot shall be considered as a yard or open space for a building on any other lot. Where a lot is hereafter formed from the part of a lot already occupied by a building, such separation shall be affected in such manner as not to impair conformity with any of the requirements of these Regulations with respect to the existing building and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with all the provisions of these Regulations.

D. No building permit shall be issued for any structure unless the lot upon which such structure is to be built fronts on an accepted Town Street or a State Highway, which is then being currently maintained by the Town, or on a street in a subdivision approved by the Town Planning and Zoning Board, which street shall be improved or a bond posted for such improvements as required by the Planning and Zoning Board, in its approval; except that one single-family dwelling or one industry shall be permitted on parcels of two or more acres where a private street or other exclusive easement of access at least fifty feet wide is provided to an accepted Town street or street in an approved subdivision, the area of such private street or easement of access not to be included in the required area of the parcel. This provision shall not be deemed to prevent the issuance of a building permit for farm or accessory buildings not designed or used for human occupancy.

E. The Building Inspector shall issue only such building permits as conform to the architectural control ordinance. In the absence of such an ordinance, the Building Inspector shall not issue a permit for any one-family residence structure if, within the same block and within 150 feet of the premises for which such permit is sought, the front elevation of any other one-family residence structure in existence or for which plans have been filed with the Building Inspector is excessively similar in design to that of the structure for which the permit is sought.

F. & G. See Page 35
for Amendment

CHAPTER IV

ZONE REGULATIONS

Section 1. Residence Zone Uses

A. The following uses are permitted in the various residential zones as indicated under the appropriate zone designation in the table below. Specific uses, not included but related or equivalent to a listed use may be permitted subject to study and approval by the Town Planning and Zoning Board.

Uses Permitted in All Residence Zones

- One-family dwellings +
- Community and other public buildings *
- Day schools *, day nurseries *, churches *, cemeteries *, and religious institutions *
- Farms (see Definitions)
- Golf courses not operated for profit *
- Public parks and playgrounds *

- Private boathouses, landings, and docks, not operated for profit *
- Public charitable institutions *
- Public utility buildings having no service yards *
- Schools - Public and Private (non-profit) *
- Colleges and college dormitories *
- Signs as permitted under Chapter V, Section 2 (Page 18)
- Truck gardens and nurseries when only products raised or grown on the premises are sold therefrom.
- Accessory buildings and uses customarily incident to the above uses within the limitations of the specific provisions of subsections B, C and D below.
- Removal of sand and gravel subject to requirements of Chapter V, Section 5. (Page 23)

Uses Permitted Only in Residence Zones Listed Below

<u>Use</u>	<u>Residence Zone</u>
Boarding and rooming houses (see definition)	R-A, R-10, R-7, R-2F, R-MF
Hospitals * and convalescent homes *	R-10, R-7, R-2F, R-MF
Multiple dwellings	R-MF
Two-family dwellings	R-2F, R-MF
Accessory buildings and uses customarily incident to the above uses within the limitations of the specific provisions of subsections B, C and D below.	

* Subject to the obtaining of a special permit from the Town Planning and Zoning Board in accordance with the procedure outlined in Section 8 of this Chapter.

* Conversion of one-family dwellings existing prior to June 11, 1930, to two-family use may be permitted subject to Zoning Board of Appeals approval as provided in Chapter 7, Section 2-F. (Page 29)

B. The following accessory uses shall be permitted in Residence Zones under the following conditions:

1. The office of persons such as an architect, artist, chiropractor, dentist, dressmaker, engineer, lawyer, musician, osteopath, physician or surgeon, provided the office is situated in the same structure occupied by any such listed person as his private dwelling, and provided that not more than one non-resident assistant is employed.
2. Home occupations, as defined by these Regulations.
3. A private garage with space for not more than one vehicle for each 2,000 square feet of lot area and not exceeding three spaces, except on a regularly operated farm of three acres or more, and in the case of multiple dwellings in the R-MF Zone or Business B-2 Zone, one car space for each unit of the dwelling. Except on a regularly-operated farm, there shall not be garaged more than one commercial-type vehicle, and it shall not exceed 1/2 ton capacity.
4. The keeping of poultry not exceeding thirty (30) birds, except when on a regularly-operated farm as defined in these Regulations; but in any case, they must be fenced so that the birds cannot pass or fly to the property of another.

C. The term "accessory use" shall not include or permit:

1. The use of an accessory building for residence purposes except by domestic employees of the occupant of the premises.
2. The parking or storing of commercial vehicles on residential property except housed as permitted in item B-3 above, or on a regularly-operated farm as defined in these Regulations.
3. Signs or billboards other than permitted in Chapter V, Section 2. (Page 18)
4. A driveway, walk or similar easement in or through a residential zone used for access to a business or industrial use or zone.

D. Accessory buildings in residence zones shall conform to the following regulations as to their location upon the lot:

1. No accessory building shall be erected or altered so as to encroach upon:
 - a. that fourth of the lot depth nearest every street the lot faces in the case of interior lots having frontage on more than one street.
 - b. that half of the lot nearest each and every street in the case of other lots.
2. No accessory building shall be located within a distance from the street line equal to the front yard setback for the zone in which the lot is located.
3. Notwithstanding any requirement in this section, the foregoing rules shall not prohibit any accessory building seventy feet or more from any street bounding the block.
4. No accessory building shall be less than 12 feet from a residence.
5. No accessory farm building shall be constructed to house animals unless 100 feet from any street and 50 feet from any property line.

Section 2. B-1 Business Zone Uses

A. Subject to all other applicable provisions and limitations contained in these Regulations, the following uses shall be permissible in a B-1 Business Zone:

1. Any use permitted in a Residence Zone, subject to the same special permit requirements there stated and subject to the limitations in Paragraph B and C below.
2. A store for sale of goods at retail, or performance of customary personal services, or services clearly incident to retail sales, but no fabrication, manufacturing, converting, altering, finishing or assembly, except incidental to such retail sale on the premises. The sale of alcoholic liquor, beer, ale and wine shall not be permitted. Public garages and gas stations shall not be included in the permitted uses. No retail sales shall be

permitted outdoors, from open counters, or with curb service.

- 3. An office for business, banking or professional purposes.
 - 4. Restaurants, tearooms (without entertainment and liquor).
 - 5. Signs as permitted and regulated by Chapter V, Section 2, except that the total area of all signs on the exterior of the building shall not exceed one square foot of area for each foot of building frontage.
 - 6. Parking lot for motor vehicles, but not for storage of new or used motor vehicles for sale, hire, or the storage of unregistered motor vehicles.
- B. 1. No residential subdivision of any sort shall be permitted.
 - C. 1. No Quonset Hut or similar type of building shall be permitted.

Section 3. B-2 Business Zone Uses

A. Subject to all other applicable provisions and limitations contained in these Regulations, the following uses shall be permissible in a B-2 Business Zone:

- 1. Any use permitted in a B-1 Business Zone, subject to the limitations of Paragraph C below.
- 2. Printing and publishing establishment.
- 3. Places of amusement or assembly, including theaters, clubs, billiard rooms and bowling alleys, provided they are located at least 200 feet from any residence zone measured along a street line, but not including a carousel, roller coaster, whirligig, merry-go-round, ferris wheel, open-air theater, race tracks or similar amusement device.
- 4. Hotels
- 5. Garages and Gas Stations subject to Section #3, Chapter 5, and the State Statutes.
- 6. Metal or woodworking shop employing not more than four persons.
- 7. Laundry employing not more than four persons.
- 8. Dry cleaning or dyeing establishment using non-inflammable solvents and employing not more than four persons, provided the local Fire Marshall shall have approved the solvent to be used as non-inflammable under applicable State Rules and Regulations, and provided the Town Engineer shall have approved the method of disposal of waste materials from the cleaning process, and provided that odors and fumes from the establishment are sufficiently dissipated so that they are not offensive or detrimental to neighboring property.
- 9. Public passenger terminal.
- 10. Stoneyard or monument works, but only when immediately adjoining or opposite a cemetery.

- 11. Sale of alcoholic liquor, beer, ale and wine, subject to the provisions of Chapter V, Section 4. (Page 21)
 - 12. Signs as permitted and regulated by Chapter V, Section 2, except that the total area of all signs on the exterior of the building shall not exceed three (3) square feet for each lineal foot of building frontage.
- B. The following uses may be permitted by special permit under Section 8 of Chapter 4. (Page 13)
 - 1. Tourist Courts
 - C. No residential subdivision of any sort shall be permitted.

Section 4. M-1 Light Industrial Zone Uses

A. In a Light Industrial Zone no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for any of the following specified trades, industries or uses:

- 1. Acid manufacturing
- 2. Asphalt manufacture or refining, or manufacture of products with asphalt
- 3. Asbestos manufacture, or manufacture of products made with asbestos
- 4. Acetylene gas manufacture
- 5. Animal black, lamp black or bone black manufacture
- 6. Blast furnaces
- 7. Brick, pottery, tile or terracotta manufacture
- 8. Boiler works
- 9. Brewery or distillery
- 10. Bronze or aluminum powder manufacture
- 11. Cement manufacture or manufacture of shingles made with cement
- 12. Chemical manufacturing
- 13. Coke ovens
- 14. Crematory
- 15. Creosote treatment or manufacture
- 16. Disinfectant, insecticide or poison manufacture
- 17. Dye manufacture
- 18. Excelsior and fiber manufacturing
- 19. Emery cloth and sandpaper manufacture
- 20. Forge plant
- 21. Fresh or green hides or skins, storage, cleaning, curing or tanning, except as a contributory process or use in the hat industry and carried on without noxious or offensive odors.
- 22. Gas (illuminating or heating) storage
- 23. Grain drying or feed manufacture from refuse, meal or grain.
- 24. Iron, steel, brass, or copper works or foundry
- 25. Lime, cement or plaster of paris manufacture
- 26. Match manufacture
- 27. Paint, oil, varnish turpentine, lacquer, shellac, enamel manufacture.
- 28. Potash works
- 29. Printing ink manufacture
- 30. Pyroxlin plastic manufacture
- 31. Race track and other sporting activities conducted for profit, except on special permit in accordance with the procedure in Section 8. Chap.
- 32. Rock or stone crusher or other processing of sand and gravel
- 33. Rubber or gutta percha manufacture

- 34. Shoeblacking or stove polish manufacture
- 35. Steel furnace, blooming or rolling mill
- 36. Sugar refining
- 37. Synthetic and plastic manufacture
- 38. Tar roofing or waterproofing manufacture
- 39. Tobacco (chewing) manufacture or treatment
- 40. Vinegar and sauerkraut manufacture or treatment
- 41. Wool pulling and scouring
- 42. Yeast Plant
- 43. Any other trade or use which is injurious to health or is noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration
- 44. Any trade, industry or use prohibited in a Heavy Industrial zone.

B. No use permitted in a residence zone or a business zone shall be excluded from Light Industrial zone except:

- 1. A dwelling accommodating more than two families
- 2. A residential subdivision of any sort
- 3. The retail sale of alcoholic liquor, beer, ale or wine
- 4. Tourist Courts shall be subject to the same special permit as required under Business #2 zone

Section 5. M-2 Heavy Industrial Zone Uses

A. In a Heavy Industrial Zone no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for any of the following specified trades, industries or uses:

- 1. Ammonia, chlorine or bleaching powder manufacture
- 2. Arsenal
- 3. Automobile junk yard or wrecking area including sale, storage or reduction to junk metal of used automotive vehicles of all kinds, or the sale or storage of parts thereof.
- 4. Candle manufacturing
- 5. Cemeteries
- 6. Distillation of petroleum, refuse, grain, wood, or bones except in manufacturing of gas
- 7. Explosives, manufacture or storage except small arms manufacture
- 8. Fat rendering
- 9. Fertilizer manufacture
- 10. Gas liquefaction
- 11. Glue, size or gelatine manufacture
- 12. Junk yards, storage, sorting, baling and processing of scrap paper, iron, bottles or rags
- 13. Oilcloth or linoleum manufacture
- 14. Petroleum refining
- 15. Race Track and other sporting activities conducted for profit, except on special permit in accordance with the procedure outlined in Section 8. (Page 13)
- 16. Raw hides or skins, storage curing or tanning
- 17. Reduction of garbage, dead animals offal or refuse
- 18. Rock or stone crusher or other processing of sand and gravel except as permitted under Chapter V, Section 5. (Page 23)
- 19. Slaughtering of animals
- 20. Soap manufacture
- 21. Starch, glucose or dextrine manufacture
- 22. Stock yards
- 23. Sulphurous, sulphuric, nitric or hydrochloric acid manufacture

- 24. Tallow, grease or lard manufacture or refining
- 25. Tar distillation or manufacturing
- 26. Trailer camp
- 27. Smelting or iron, copper, tin, zinc or lead from ores
- 28. The storage of petroleum in excess of 10,000 gals. except that the storage of petroleum or petroleum products to be used exclusively in a manufacturing plant, except a refinery in connection with its own operations on the premises, shall be permissible.
- 29. Any other trade or use which is injurious to health or that is noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

B. No Quonset Huts or similar type of building shall be used as a residence.

C. No use permitted in a Residence, Business, or a M-1 Light Industrial Zone shall be excluded from a M-2 Heavy Industrial Zone except as follows:

- 1. A dwelling accommodating more than two families.
- 2. A residential subdivision of any sort.
- 3. A retail liquor outlet for the sale of alcoholic liquors, beer, ale or wine.
- 4. Tourist Courts shall be subject to the same special permit as required under Business #2 Zone.

Section 6. Schedule of Regulations

The schedule of regulations appended hereto defines the height of buildings, the yards, courts, and other open spaces to be provided contiguous to or in connection with buildings, the area of lots, the number of families per lot or building, the maximum coverage of land by buildings, and the minimum floor area per dwelling unit for the zone in which such building is located, is hereby adopted and declared to be a part of these Regulations and may be amended in the same manner as any other part of these Regulations. The Regulations listed for each district as designated reading from left to right across the schedule are subject to any other pertinent provisions of these Regulations, and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

Section 7. General Provisions Relative to Area, Setback, Height and Use Regulations

A. LOTS

1. Lots in Two Zones

Where a zone boundary line divides a lot in one ownership of record at the time when such line is adopted, regulations for the lower zoned portion of such lot may be applied not more than twenty-five (25) feet into the higher zoned portion, provided the lot has frontage on a street in the lower zone.

2. Dwellings on Non-Conforming Lots

A permit may be issued for the erection of a one-family dwelling on a lot or parcel which is below the standards for area or frontage required by the regulations for the particular zone, if:

1. the lot was of legal size on the date on which it was created as a lot; and
2. the owner of such lot owns no adjacent land which could be combined with it to decrease or eliminate the non-conformity; and
3. the present owner or any prior owner did not illegally create this non-conforming lot; and
4. all yard, set-back and other requirements can be complied with.

B. YARDS

1. Terraces

A paved terrace shall not be considered in determination of lot size or yard coverage, provided, however, that such terrace is unroofed and without walls, parapets or other forms of enclosure. Such terrace, however, may have an open guard railing not over three feet high, and shall not project into any yard to a point closer than four feet from any lot line.

2. Unenclosed Porches

No porch may project into any required yard.

3. Enclosed Porches

Any two-story or any enclosed porch, or one having a solid foundation or capable of being enclosed, shall be considered a part of the building in the determination of the size of yard or amount of lot coverage.

4. Projecting Architectural Features

The space in any required yard shall be open and unobstructed except for the ordinary projection of the window sills, belt-courses, cornices, eaves, and other architectural features, provided, however, that such features shall not project more than four (4) inches into any required yard.

5. Fire Escapes

Open metal fire escapes may extend into any required rear or side yard not more than six feet, provided, however, that such fire escape shall not be closer than four feet at any point to any lot line.

6. Walls and Fences

The yard requirement of these Regulations shall not be deemed to prohibit any necessary retaining wall nor to prohibit any fence or wall, providing that in any residence district no fence or wall shall exceed four feet in height in any front or side yard, or six feet in height in any rear yard, measured above the finished grade.

7. Corner Lots

On a corner lot in any residence zone the structure shall conform to the front yard set-back requirements on both streets.

8. Exception for existing alignment of buildings

If on one side of a street within a given block and within 150 feet of any lot there is pronounced uniformity of alignment of the fronts of existing buildings and of the depths of front yards greater than the depths specified in the accompanying schedule, a front yard shall be required in connection with any new building which shall conform as nearly as practicable with those existing on the adjacent lots, except that no such building shall be required to set back from the street a distance greater than 50 feet.

9. Visibility at Street Intersections

On a corner lot in any zone, no planting, structure, fence, wall or obstruction to vision more than three feet in height above the center line of the road shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines each of which points is twenty-five (25) feet distant from the point of intersection.

C. COURTS

1. Inner Court

The least dimension of any inner court at the sill level of the lowest windows shall be equal to the height of the highest wall forming part of such court.

2. Outer Court

The depth of any outer court shall not exceed one-half its width, and such width shall not be less than fifteen (15) feet.

D. Dwellings in Rear of Other Buildings

No building to be used as a dwelling shall be constructed or altered in the rear of, or moved to the rear of, a building situated on the same lot. Nor shall any building be constructed in front of, or moved to the front of, a dwelling situated on the same lot. These provisions shall not be construed,

SCHEDULE LIMITING HEIGHT AND BULK OF BUILDINGS

Building Zones	Maximum Height		Minimum Lot Size in Feet		Maximum Families per lot	Minimum Floor Area in Sq. Ft. per fam. unit			MANDATORY OPEN SPACES			MAXIMUM BUILDING AREA			
						If all on one floor	If on 1 1/2 or more *Ground Floor Area	Stories Total for all floors	MAIN BUILDING		ACCESSORY				
	Stories	Feet	Sq. Area	Frontage	Front yard on a street 50 ft. or more wide				Two Side Yards Minimum Width	Rear Yard Minimum	Side		Rear		
Residential Zones	R-A	2 1/2	35	1 Acre 43,560	175 200	1	1,000	800	1,200	** 50'	25' on each side	50'	15'	10'	==
	R-30	2 1/2	35	30,000	150	1	1,300	1,000	1,500	** 50'	25' on each side	40'	15'	10'	20%
	R-18	2 1/2	35	18,000	125	1	1,200	900	1,300	** 40'	15' one side - 20' other	30'	10'	10'	25%
	R-10	2 1/2	35	10,000 12,500	80 100	1	1,000	800	1,200	** 30'	Lots 75' or more in width 10' each side, total, however, not less than 25% of lot width	25'	4'	5'	30%
	R-7	2 1/2	35	7,500	75	1	900	800	1,000	** 20'	Lots 50' but less than 75' in width	25'	4'	5'	40%
	R-2F	2 1/2	35	10,000	100	2	900	For Duplex 650	1,000	** 20'	10' one side - other side 6' or attached garage may be not less than 4'. Total, however, may not be less than 25% of lot width.	25'	4'	5'	40%
	R-MF	3	35	6,500	65	One to each 1,500 sq.ft. lot area	800	For 2-F House For 1-F House	R-2F Applies R-7 Applies	** 25'	Lots under 50' in width 5' one side - other side 10' or attached garage may be not less than 6'	25'	4'	5'	40%
Residential Use of Business and Industrial Zones	2 1/2	35	For 1 Family For 2 Family	2	use, use,	requirements requirements	of of	R-7 R-2F	Apply Apply	** 20'		20'	4'	5'	40%
Business Zones	B-1	2 1/2	35	Optional	--	--	--	--	** 20'	None required, but if provided must be at least 4'	15% of lot depth or more as required by off- street parking regulations	None required but if provided at least 4'			70% of Lot Area or less as required by off- street parking regulations
	B-2	3	35	Optional	--	--	--	--	** 10'	Where adjacent to boundaries of Residential Zones 15' side yard must be provided.					
Industrial Zones	M-1	3	50	Optional	--	--	--	--	** 10'						
	M-2	3	50	Optional	--	--	--	--	** 10'						

* Measured on a horizontal section taken 5 feet above first floor level

** For streets under 50' wide, add 25' to these figures and measure from the center line of existing pavement. See Also Chapter IV, Section 7-B, Par. 9 for additional requirements. (Page 11)

however, as preventing the erection, alteration, and maintenance of dwelling quarters in connection with an accessory building upon the rear of the lot when the persons occupying such quarters are employed in domestic service upon the premises, and after the person so desiring any such permit has appeared before the Zoning Board of Appeals and signed an affidavit to that effect.

E. Height and Area of Accessory Building

Accessory buildings may occupy no more than 40% of the required rear yard area, and in a residence zone, such accessory buildings shall have an average height not exceeding fifteen (15) feet above the average ground level of the lot.

F. Height Exceptions

1. The height provisions of these regulations shall not apply to church spires, belfries, and towers designed exclusively for ornamental purposes and not used for human occupancy, flagstaffs, chimneys, flues, gas holders, electric generating plants, wireless towers, water tanks, standpipes, bulkheads, stage towers, scenery lofts and other necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve.
2. The height provisions of these regulations shall not prevent the erection of a church, school, central telephone building, public library, or public museum, to a height not exceeding fifty (50) feet in a residence zone.
3. Nothing in these Regulations shall prevent the erection of a parapet wall or cornice extending above the height limit not more than three (3) feet.

G. Area of Residences

In computing minimum floor area requirements required by these Regulations, the floor area of porches, verandas, attached garages, basement rooms, or any attached or accessory structure, shall not be included. In the case of a 1½ story building, in addition to the first floor only the finished floor area of any room or rooms on the floor next under the roof shall be included in the computation of such minimum area requirements, and then only that portion thereof where there is a finished ceiling at least five feet vertically above the finished floor two-thirds of which second floor area shall have a ceiling height of not less than seven (7) feet, which room or rooms must be permanently connected with the lower floor by a permanent inside stairway, and which room or rooms must be finished off with lath and plaster, wall board or paneling, or with similar finishing material satisfactory to the Building Inspector. In the case of a two-story house, the plate shall be level at the full ceiling height.

H. Distance from Watercourse

No structure other than a pier, sea-wall, bulkhead or fence shall be erected within a distance of twenty feet of the highwater mark along the shore of Long Island Sound or its tidal inlets. No groin shall be constructed further into Long Island Sound than the low water mark, nor more than two (2)

feet high. In Any zone no structure to be used as a dwelling shall be erected within a distance of twenty-five (25) feet of any brook or watercourse that is not piped.

Section 8. Special Permits

- A. The types of uses for which special permits are required by these Regulations shall be deemed to be permitted uses in their respective zones, subject, as to each specific use to the satisfaction of the requirements and standards set forth herein. All such uses are declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
- B. Application for required special permits shall be made to the Town Planning and Zoning Board. The Town Planning and Zoning Board may, after public notice and hearing, in the same manner as required by law for zoning amendments, authorize the issuance of said permits provided it shall find that:
 1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, and its relation to streets giving access to it, shall be such that it will not be hazardous, inconvenient or detrimental to the character of the neighborhood, or impair the value thereof, or the use shall not be inconsistent with the plan of development or policy for future development of the area.
 2. The location, nature and height of buildings, 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.
 3. The proposed use will be provided with off-street parking adequate for its needs, including the assemblage of persons and vehicles in connection with the use, and such parking area or areas will be suitably screened from adjoining residential uses, and that the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisance.

Section 9. Non-Conforming Uses

A. Continuing Existing Uses

Except as otherwise provided in this section, the lawfully permitted use of land or buildings existing at the time of the adoption of these Regulations may be continued although such use does not conform to the Regulations specified by these Regulations for the zone in which such land or building is located. Said uses shall be deemed non-conforming uses.

B. Non-conforming Use of Land

Where no building is involved, the non-conforming use of land may be continued provided, however, that no such non-conforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of these Regulations, nor shall any such non-conforming use be moved in whole or in part to any other portion of the lot or parcel of land

occupied by such non-conforming use at the time of the adoption of these Regulations; provided, further, that if such non-conforming use of land, or any portion thereof, ceases for any reason for any continuous period of more than thirty (30) days, or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of these Regulations.

C. Non-conforming Use of Buildings

1. A building or structure, the use of which does not conform to the use regulations for the zone in which it is situated shall not be enlarged or extended unless such building or structure, including such enlargement or extension, is made to conform to all regulations, including use, for the zone in which it is situated.
2. Such Non-conforming building shall not be structurally altered unless such alterations are required by law; provided, however, that such maintenance and repair work as is required to keep a non-conforming building or structure in sound condition shall be permitted; and provided further that any such non-conforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of the adoption of these Regulations. Structural alteration shall in no case exceed 50 per cent of its assessed value on the last completed tax assessment list of the Town of Milford at the time the original permit for alteration is granted.
3. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use which, in the opinion of the Zoning Board of Appeals, either by general rule adopted on a request by the Building Inspector or on a specific finding on appeal of a particular case, is of the same or of a more restricted nature, except that a non-conforming use in a Residence, Business or Light Industrial Zone shall not be changed to a use permitted only in a Heavy Industrial Zone or excluded from a Heavy Industrial Zone, and except that a non-conforming use in a Heavy Industrial Zone may not be changed to a use excluded from such zone.
4. If any non-conforming use of a building ceases for any reason for a continuous period of more than one year, or is changed to a conforming use, or if the building in or on which use is conducted or maintained is moved any distance for any reason, then any future use of such building shall be in conformity to the Regulations for the zone in which such building is located.
5. If any building in or on which any non-conforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any building thereon shall be in conformity with the Regulations for the zone in which such land or building is located.

D. Restoration of Damaged Buildings

If any non-conforming building shall be destroyed by any means to an extent of more than eighty (80%) per cent of the assessed valuation on the last completed tax assessment list of the Town of Milford, no repairs or reconstruction shall be made unless every portion of such building and the use thereof is made to conform to all the Regulations for the zone in

which it is located. Where the destruction of such non-conforming building is less than eighty (80%) per cent of the assessed valuation, as above determined, it may be restored and the non-conforming use continued, provided that the total cost of such restoration does not exceed eighty (80%) per cent of the assessed valuation of the building at the time of the destruction, and further provided that such restoration is started within a period of one year and is diligently prosecuted to completion.

E. Non-conforming Signs *Revision as of May 20/1957*

Regardless of any other provision of these Regulations, every sign which, after the adoption of these Regulations, may exist as a non-conforming use in any zone shall be discontinued and removed, or changed to conform to the Regulations of said zone within a period of two years from the date of these Regulations. Subject to the provisions of this paragraph, all of the provisions of this section shall apply to every non-conforming sign.

F. Completion of Buildings under Construction

Any building for which a permit has been duly granted, and the construction of which shall have been started before the effective date of these Regulations, may be completed in accordance with plans on file with the Building Inspector, provided that such construction is diligently prosecuted and such building is completed within one year of the date of these Regulations.

G. Existing Special Uses Deemed Conforming

Any use lawfully existing at the time of the adoption of these Regulations in the zone in which such use is classified herein as a special use shall, without further action, be deemed to be a conforming use in such zone.

CHAPTER V

SPECIAL REGULATIONS

Section 1. Off-Street Parking, Loading and Vehicular Access *Amend*

- A. It is the intention of these Regulations that all structures and land uses be provided with a sufficient amount of off-street automobile parking and loading space to meet the needs of persons employed at or making use of such structures or land uses. No permit for the erection or substantial alteration of a structure, or for the development of a land use, shall be issued unless off-street automobile parking and loading facilities shall have been laid out in the plan, in accordance with the appropriate requirements for structures and uses set forth in the Schedule in Sub-section C & D below, and approved by the Building Inspector as provided in Paragraph E of this sub-section. *Director of Public Works*
- B. Structures and land uses in existence, or for which building permits have been approved, at the time of the adoption of these Regulations, shall not be subject to the requirements set forth in the schedule in sub-section C below, provided that any parking facilities now existing to serve such structures or uses shall not be reduced in the future, except where they exceed such requirements, in which case they shall not be reduced below such requirements. Required parking facilities for such structures or uses, as well as for any enlargement or extension, shall however, be provided as a condition for the issuance of any building permit for such enlargement or extension in the future in case of practical difficulty or unnecessary hardship to such

properties, arising out of this requirement, appeal may be made to the Board of Appeals which shall require only such degree of compliance as it may deem reasonable for that part of the structure or use that is legally non-conforming, but may not waive any part of the requirement for that part of the structure or use that constitutes an enlargement or extension, and may not permit reduction or elimination of whatever quantity of parking may already be in existence, unless it is in excess of such requirements. Required off-street parking facilities which after development are later dedicated to and accepted by the Town shall be deemed to continue to serve the uses or structures to meet the requirements for which they were originally provided.

C. Off-Street Parking Requirements

Off-street automobile parking facilities shall be provided as follows:

1. <u>Type of Building or Use</u>	<u>Required Parking Space on Premises</u>
1 and 2 family dwellings	1 space per family dwelling unit
Multiple dwellings	1 1/2 space per family dwelling at least 1/3 of which parking space shall be directly accessible to and within 100 ft. of each main entrance so as to be convenient for use by visitors, as well as occupants.
Home Occupation or professional office in Home	1 space in addition to residence requirements
2. <u>Type of Building or Use</u>	<u>Required Parking Space of which at least 50% to be within 100 ft., remainder may be within 500 ft. walking distance from structure, but not in a residential zone.</u>
Church Auditorium Theater Stadium or other place of public assembly	1 space for each 8 seats or equivalent
Restaurant Club Tavern Bar Dancehall	1 space for each 50 sq. ft. of public floor area
Hotel Boarding House Tourist Home Rooming House	1 space for each 2 guest rooms or suites, plus 1 space for each 600 sq. ft. of non-rentable floor space

Motel Tourist Court	1 space for each room
Hospital Convalescent Home	1 space for each patient bed, excluding bassinets
Retail Establishment Office Building	1 space for each 250 sq. ft. of ground floor area, plus 1 additional for each 500 sq. ft. of floor area on any upper floor or floors
Wholesale Establishment Industrial Plant	1 space for each 2 employees
Passenger transportation Terminal	Adequate space to facilitate arrivals and departures and, further, 1 space for each 3 employees employed on the premises

- Reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed above shall be determined in each case by the Board of Appeals, which shall consider all factors entering into the parking needs of such use.
- Where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements for each individual use on the lot; except that the Town Planning and Zoning Board may approve the joint use of parking space by two or more establishments on the same or on contiguous lots, the total capacity of which space is less than the sum of the spaces required for each, provided 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 provided such approval of such joint use shall be automatically terminated upon the termination of the operation of any such establishments.

D. Loading Space Requirements

Every hospital, institution, hotel, retail store, office building, wholesale house, or industrial building, or additions thereto, totaling 8,000 sq. ft. or more hereafter erected or established, shall have on the premises, one permanently maintained loading space of not less than 10 ft. in width, 30 feet in length and 14 feet in height, and one additional loading space of the same size for each additional 8,000 square feet of floor area, or portion thereof, excluding basements.

E. Layout and Location of Off-Street Parking Facilities

- The plans for any new building or any replacement or reconstruction of an existing building when submitted to the Building Inspector for a building permit shall show specifically the location and size of the off-street parking facilities required to comply with this section, and the means of access to such space from the public

streets or highways; and, except for single-family and two-family residences, the plan for traffic access, traffic circulation and general layout of the parking facility shall be approved by the Town Planning and Zoning Board with regard to safety to traffic on the public street, to safety to pedestrians on public sidewalks, and to safety and adequacy of access to cars and pedestrians using the parking facility, before a building permit may be issued.

2. Required off-street parking facilities may be enclosed in a structure, or may be open, provided that all required parking facilities shall be graded, surfaced, drained and suitably maintained to the satisfaction of the Building Inspector to the extent necessary to avoid nuisances of dust, erosion, or excessive waterflow across public ways. In appropriate situations the Building Inspector may require suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.

F. Operation and Maintenance of Off-Street Parking Facilities

Required off-street parking facilities shall be maintained as long as the use or structure exists which the facilities are designed to serve. Required parking areas developed for specific structures and uses shall be reserved at all times to those persons who are employed at or make use of such structures and land uses, except when dedicated to and accepted by the Town as public parking areas.

G. Driveways

No driveway or road, to or from any property, shall be so located at its juncture with a public highway as to create a danger or a menace to the community or to the convenience or proper use of the adjoining property.

Section 2. Signs

A. Definitions

1. Outdoor Advertising Sign means any sign fabricated, constructed, attached, erected, fastened, painted, or manufactured in any manner whatsoever, and displayed out-of-doors for recognized advertising purposes.
2. Ground Sign means a sign which is supported by one or more uprights or braces in or upon the ground.
3. Roof Sign means a sign erected, constructed and maintained above or attached to the roof of any building.
4. Wall Sign means a sign which is affixed to an exterior wall of any building, and projecting not more than 15 inches from the building wall or parts thereof. When a wall sign is to be illuminated by shades or reflectors on gooseneck arms, said gooseneck arms and reflectors may extend beyond the sign surface a distance not greater than six feet from the building proper.
5. Projecting Sign means a sign which is affixed to any building wall or structure and extends beyond the building walls or parts thereof, more than 15 inches.

6. Identification Sign means any of the above type of signs described in (1) to (5) inclusive, which shall be used to advertise the business conducted on the premises where the sign is located.
7. Commercial Sign means any of the above type of signs described in (1) to (5) inclusive, which are owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs, or any sign advertising a commodity not sold or produced on the premises.

where see Report of Sign Reg. Revised 5/20/54
 B. Signs, as defined in these Regulations, and excepting those exempted below, shall be deemed to be structures for the purposes of these Regulations and shall require permits and conform to all applicable regulations governing buildings. The Regulations as set forth in this section shall not apply to:

1. An unilluminated sign not exceeding 1 sq. ft. of display surface stating merely the name and/or the profession of the occupant.
2. A sign advertising the prospective sale or rental of the premises upon which it is maintained when such sign does not exceed 25 sq. ft. of display surface.
3. A sign erected by the Town, State, or Federal Government.

4-56-7
C. Prohibited Signs

The following types of signs shall not be permitted in any zone:

1. A projecting sign affixed to any building wall or structure and extending beyond the building walls or parts thereof more than 15 inches.
2. A flashing or animated sign.
3. Signs with any lighting or control mechanism which may cause radio or television interference.
4. Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as a means of egress or ingress, or for fire fighting purposes, or placed so as to interfere with any opening required for legal ventilation.

D. Bond or Liability Insurance

No person, firm, or corporation shall be granted a permit under the provisions of Paragraph A above, without first having filed with the Building Inspector Department a surety bond, or evidence of liability insurance in the sum of \$10,000.00. The condition of such bond or liability insurance to be that such person, firm or corporation shall faithfully comply with all the provisions of these Regulations, and further shall save and keep the Town of Milford and all its officials or agents harmless from all damages, losses, or judgments that may be claimed against them by reason of the negligent erection, the negligent construction, or the negligent maintenance of any outdoor advertising sign.

E. Maintenance of Signs

Any person, firm or corporation occupying any vacant lot or premises by

means of a ground sign shall be subject to the same duties and responsibilities as the owner of the lot and premises with respect to keeping the same clean, sanitary, inoffensive and free and clear of all obnoxious substances and unsightly conditions on the ground in the vicinity of such ground sign or said premises for which they may be responsible. All signs, together with all their supports, braces, guys, and anchors, shall be kept in repair and in a proper state of preservation.

F. Sign Regulations

1. Location

- a. No sign subject to these Regulations shall be erected or maintained so as to extend in front of an established building line, except signs which are parallel to and against the face of a wall, which signs may extend not more than six inches in front of said building line.
- b. An Identification Sign (See Definitions) shall be permitted only in business and industrial zones.
- c. Commercial Sign (See Definitions) shall be permitted only in Industrial Zones or in a B-2 Business Zone where the zone extends at least 250 feet along the street on each side of the site of the proposed sign.

2. Other Requirements

a. Ground Signs

Height: No permit shall be granted for the erection of any ground sign, the top of which shall be more than 24 feet above the center line of the roadway adjacent to the sign.

b. Roof Signs

Projection: No roof sign shall project beyond the exterior wall or walls of any building, but, if illuminated, lighting reflectors may project beyond the face of the sign.

G. Existing Signs

Any existing sign which violates the provisions of this section shall be removed, altered or replaced in conformity with the provisions herein within two years from the effective date of these Regulations, as provided in Chapter IV, Section 9.

H. Enforcement and Penalties

The Building Inspector may order the removal of any signs that are not erected or maintained in accordance with the provisions of this section. Any person, firm, or corporation, violating any of the provisions of this section shall be punishable by a fine of not more than \$50.00 for each offense.

Section 3. Garages and Service Stations

- A. No gasoline filling station, place for the repair or servicing of motor vehicles, or garage or group of garages accommodating more than five motor vehicles shall have any entrance or exit, or driveway, within a distance of 300 feet from
 - 1. Any public park or playground
 - 2. Any building in which there is established:
 - a. A public school or duly authorized school other than a public school conducted for children under sixteen years of age, giving regular instruction at least five days a week for eight or more months a year.
 - b. A church with a seating capacity of 50 or more persons.
 - c. Public library or building for civic assembly.
 - d. A theater containing 200 or more seats.
 - e. Hospital
- B. No existing garage or group of garages for more than five motor vehicles, or motor vehicle service garage or gas filling station, shall be deemed to become a non-conforming use through the subsequent erection of one of the buildings listed under Paragraph A-2 above.
- C. No gasoline filling appliance shall be located within 20 feet of a street line or within 25 feet of an adjacent property line.

Section 4. Sale of Liquor (As amended - March 31, 1955)

A. Limitations on Locations - In no case shall any building or premises hereafter be permitted to be used for the sale of alcoholic liquors, beer, ale or wine, except:

- 1. In a B-2 Business Zone and,
- 2. Where all parts of such building or premises are located more than 1500 feet from any building or premises where alcoholic liquors, beer, ale or wine are sold or the licensed sale thereof is permitted. Such distance shall be measured within the public street right-of-way.

B. Location of Taverns - Under no circumstances shall any building or premises be used, nor shall any building be erected or altered which is arranged, intended or designed to be used as a tavern as the same is defined by the State "Liquor Control Act" or to be used for the purpose of selling for consumption on the premises of any intoxicating liquors, beer, ale or wine, if any entrance to such building or premises be within 300 feet in a direct line from the premises of any public school or duly organized school as defined in these Regulations, church, charitable institution, whether supported by public or private funds, a hospital or library, except that such taverns as may exist within such prescribed area at the time of the passage of these Regulations may continue to exist, and no existing tavern shall be considered non-conforming by the subsequent erection of a school, church, or charitable institution, whether supported by public or private funds, a hospital or library.

C. Exempt buildings and premises - Buildings or premises used exclusively for the sale of alcoholic liquors, beer, ale or wine at wholesale; grocery stores selling canned or bottled beer or ale; and drug stores are exempt from the liquor provisions of these regulations.

D. One-day permits. The Executive Secretary of the Town Planning and Zoning Board or by the person designated by him to act in his absence shall have authority to approve applications for one-day permits for the sale of beer or ale at picnics, provided they are not at public parks or public beaches.

E. Endorsement of State Applications. When a municipal officer is asked or required under the provisions of the Liquor Control Act or any regulation of the Liquor Control Commission to certify that the sale of alcoholic liquors, beer, ale or wine is or is not prohibited by local ordinance or resolution at the location for which an application to the Liquor Control Commission is being made for any other purpose in connection with said location, such certification shall be made by the Executive Secretary of the Town Planning and Zoning Board or by the person designated by him to act in his absence.

F. Prior Applications and Seasonal Permits. Nothing in these regulations shall be construed to deny to any applicant who has duly applied for a permit to the Liquor Control Commission before the effective date of these Regulations from thereafter receiving such permit pursuant to said application for the premises applied for in the Town of Milford. The foregoing regulations shall also not be construed to deny any applicant who heretofore conducted any premises on a seasonal basis from applying to the Liquor Control Commission thereafter for a renewal permit, provided that the permit for said location was in effect six months prior to the effective date of these regulations.

Section 5. Sand or Gravel Pits and Quarries

- A. The removal of stone, sand and gravel from banks or quarries may be permitted in any zone and the processing of said materials may be permitted in a Heavy Industrial Zone, after public hearing and approval by the Planning and Zoning Board, subject to appropriate conditions and safeguards as follows:
 1. Operations shall not affect the health and general welfare of the Town.
 2. Such removal of material shall not depreciate the land or surrounding property values.
 3. Consideration must be given to assure adequate surface gravity drainage after such removal.
 4. No excavation shall be carried to a depth greater than ten feet above the mean highwater mark on any property unless provision is made to refill the areas with suitable material.
 5. Sufficient topsoil or loam shall be retained to cover all areas to a depth of at least six inches in all residence zones.
 6. Where an embankment must be left upon the completion of operations it shall be at a slope of not steeper than one foot vertical to one and one-half feet horizontal.
 7. No excavation shall extend below the grade of adjacent Town roads unless 100 feet from the street line or unless provisions have been made for reconstructing the road at a different level.

8. The Board may require the filing of a development plan and the posting of a performance bond.

B. Legally established sand, gravel pits, or quarries, in actual operation may continue operations provided that within 60 days after notice by the Board of the passage of these Regulations, the owner or operator of such existing pits shall present plans showing the extent of excavations contemplated and also provided the Board approves said plans subject to such conditions as may be in the best interest of the Town and in harmony with these Regulations.

Section 6. Water Courses, Drainage Ditches

- A. No brook, water course, or drainage ditch shall be walled up, filled in or otherwise narrowed down or obstructed or changed except for necessary clearing of debris unless permission is first approved by the Town Engineer.
- B. Any such brook or water course may be piped by a property owner provided the size, type and grade of the pipe is first approved by the Town Engineer.
- C. 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, such sides shall be laid in stone, rip-rap fashion or maintained in grass.

Section 7. Removal of Soil

Removal of soil from any premises shall be permitted from areas to be used for roads, foundations or basements when a building permit for such work has been issued. However, the removal of soil shall not be permitted from other areas, except as provided in Section 5 above, unless and until a special permit to do so has been obtained from the Planning and Zoning Board.

Section 8. Deposit of Waste Materials

Garbage, rubbish, refuse, or other waste material, shall be dumped or deposited only in areas designated by the Planning and Zoning Board, except that soil, gravel, rock or other natural material may be deposited for the purpose of regrading or landscaping the land on which it is deposited. The Planning and Zoning Board in designating such areas shall consider:

- 1. The requirements of the Sanitary Code of the State of Connecticut.
- 2. The regulations of the Town Board of Health.
- 3. That such dumping will not be objectionable by reason of dust, fumes, smoke, vermin, or odor, or be otherwise detrimental to the Public health or safety.
- 4. That such dumping will not interfere with drainage to the extent of being injurious to adjacent land or buildings.

CHAPTER VI

ADMINISTRATION AND ENFORCEMENT

Section 1. Enforcement

- A. No Board, agency, officer, or employee of the Town shall issue, grant, or approve any permit, license, certificate or other authorization, including special permits by the Planning and Zoning Board, and variances by the Zoning Board of Appeals, for any construction, reconstruction, alteration, enlargement, or moving of any building, or for any use of land or building that would not be in full compliance with the provisions of these Regulations. Any such permit, license, certificate, or other authorization, issued, granted, or approved in violation of the provisions of these Regulations shall be null and void and of no effect without the necessity of any proceedings or revocation or nullification thereof, and any work undertaken, or use established, pursuant to any permit, license, or certificate or authorization shall be unlawful, and no action shall be taken by any Board, agency, officer or employee of the Town purporting to validate any such violation.
- B. The Regulations shall be enforced by the Building Inspector of the Town of Milford. He is authorized and empowered to cause any building, structure, place or premises to be inspected and examined, and to order, in writing, the remedying of any condition found to exist therein or thereon in violation of any provision of these Regulations.
- C. In the event of the death, sickness, absence or other inability of the Building Inspector to act, and at other times when required by and subject to the direction and control of the Building Inspector, the duties and responsibilities and the powers vested in the Building Inspector under this chapter may be vested in and performed by an Assistant Building Inspector who shall be appointed by the Town Manager as deemed necessary to assist the Building Inspector in the performance of the various duties and functions imposed on him by law.

Section 2. Building Permits

- A. It shall be unlawful to commence the moving, removal, construction or alteration of any building or structure, wholly or partly, or the excavation for any building, structure or use, until a building permit therefor has been issued by the Building Inspector. The Building Inspector shall approve or reject any application or plan, or amendment thereto, filed with him pursuant to the provisions of this section within a reasonable time, and, if approved, shall promptly issue a permit therefor. Any 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 issuance, shall expire by limitation.
- B. There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings existing and the lines within which the building or structure is to be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units that the building is designed to accommodate, and such other information with regard to the lot and neighboring lots that may be necessary to determine and provide for the enforcement of these Regulations. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Building Inspector. All dimensions shown on this plan relating to the location and size of the lot to be built upon and to the location of buildings and structures on the lot, shall be based on an actual survey by a duly licensed Civil Engineer or Surveyor if the building permit sought is for

a principal building, and such procedure shall be followed when deemed necessary by the Building Inspector for any other structure. The lot shall be staked out on the ground before construction is started.

Section 3. Certificate of Occupancy

- A. No land shall be used except for farming or gardening purposes, and no building or structure or part thereof hereafter created, erected, changed, converted or enlarged, wholly or partly in its use or structure, shall be occupied or used until a certificate of occupancy shall have been issued by the Building Inspector. Such certificate shall state that such land, building, or structure, or part thereof, and the proposed use thereof, are in complete conformity with the provisions of these Regulations. Conditional certificates of occupancy may be issued where an alteration does not require the vacating of the premises, or where parts of a building may be ready for occupancy before the completion of the entire structure.
- B. No non-conforming use shall be maintained, renewed, changed, or extended without a certificate of occupancy, having first been issued by the Building Inspector therefor, stating that the use legally existed at the time of the adoption of the Regulations, making it non-conforming, or that the renewal, change or extension of the non-conforming use is in conformity with the provisions of these Regulations.
- C. A certificate of occupancy shall be applied for at the same time as application is made for a building permit. Within ten (10) days after notification by the applicant that the building or structure is ready for occupancy, the Building Inspector shall make an inspection and if he shall determine that the building or structure, and the uses to be made thereof, comply with these Regulations, the building code and any other applicable regulations, he shall thereupon issue a Certificate of Occupancy.
- D. A Certificate of Occupancy shall be deemed to authorize and is required for, both initial and continued occupancy and use of the building or land to which it applies, and shall continue in effect as long as such building and the use thereof, or of such land, is in full conformity with the provisions of these Regulations and any requirements made pursuant thereto. On the serving of notice of any violation of any of the said provisions or requirements in respect to any building or the use thereof, or of land, the certificate of occupancy for such use shall thereupon become null and void and a new certificate of occupancy shall be required for any further use of such building or land.
- E. The Building Inspector shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected. Upon written request from the owner, the Building Inspector shall issue a certificate of occupancy for any building or premises existing at the time of the enactment of these Regulations, certifying, after inspection, conformity with the provisions of these Regulations. A fee of One Dollar and Fifty Cents (\$1.50) shall be charged for each original certificate of occupancy, and Seventy-Five Cents (\$0.75) for each copy thereof.

Section 4. Outstanding Building Permits

All buildings or structures for which permits have been issued prior to the enactment of any part of these Regulations, which are contrary to the provisions of these Regulations, may be completed in accordance with the approved building permit, provided such construction is diligently prosecuted and such building or structure is completed within one year of the date of these Regulations.

Section 5. Violations and Penalties

- A. The owner or agent of any building or premises where a violation of any provision of such regulations shall have been committed, or shall exist, or the lessee or tenant of an entire building or entire premises where such violation shall have been committed, or shall exist, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part, or assist in any such violation, or who shall maintain any building or premises in which any such violation shall exist, shall be fined not less than Ten (\$10.00) Dollars, nor more than One Hundred (\$100.00) Dollars for each day that such violation shall continue; but, if the offense be wilful, the person convicted thereof shall be fined not less than One Hundred(\$100.00) Dollars, nor more than Two Hundred and Fifty (\$250.00) Dollars for each day that such violation shall continue, or imprisoned not more than ten (10) days for each day such violation shall continue, or both; and the Milford Town Court shall have jurisdiction of all such offenses, subject to appeal as in other cases. Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service, or continues to violate any provision of these regulations, shall be subject to a civil penalty of Two Hundred and Fifty (\$250.00) Dollars, payable to the Treasurer of the Town.
- B. Any building or structure erected, constructed, altered, enlarged, converted, moved, or used contrary to any of the provisions of these Regulations, and any use of any land or any building which is conducted, operated, or maintained contrary to any of the provisions of these Regulations, shall be and the same is hereby declared to be unlawful. The Building Inspector may institute an injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate, or remove such erection, construction, alteration, enlargement, 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. The Building Inspector shall serve notice by regular mail addressed to the premises of such violation on the person or corporation committing or permitting the same, and if such violation does not cease within such time as the Building Inspector may specify, he shall institute such of the foregoing action as may be necessary to terminate the violation. Such notice may also be served by posting on the premises.
- C. The remedies provided for herein are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

CHAPTER VII

ZONING BOARD OF APPEALS

Section 1. Organization

A Zoning Board of Appeals is hereby created as provided by statute, and said Board shall have the power to adopt from time to time such rules and procedure not inconsistent with law, as it may determine to be necessary, to carry out the provisions of these Regulations and to exercise the authority vested in it by statute.

Section 2. Powers and Duties

The Zoning Board of Appeals shall have the following powers and duties, all of which shall be exercised in harmony with the general purposes of these Regulations as set forth in Chapter I hereof, and with their general intent and subject to such conditions and safeguards as it may determine are required in the public interest.

A. Appeals from Decisions of the Building Inspector

To hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision made by the Building Inspector of the Town of Milford in his capacity as the official charged with the enforcement of these Regulations.

B. Variances

To determine and vary the application of these Regulations in harmony with their general purpose and intent, and with due consideration for conserving the public health, safety, convenience, welfare, and property values, solely with respect to a parcel of land, where owing to conditions, especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.

Before any variance is granted, the Zoning Board of Appeals must make a written finding in its minutes as part of the record in each case, stating specifically

- (1) the special circumstances, described in detail, that attach to the property but do not generally apply to other property in the neighborhood and have not resulted from any act of the applicant subsequent to the adoption of the part of these Regulations from which a variance is requested and that constitute the hardship.
- (2) that relief can be granted without detriment to the public welfare or impairment of the integrity of these Regulations, and that the variance granted is the minimum necessary to relieve the hardship.

Any variance or exceptions in the use of buildings or land which are granted by the Zoning Board of Appeals shall be placed upon the land records of the Town by filing a record of such variances or exceptions with the Town Clerk.

C. Change of Non-Conforming Use

To permit the change of a non-conforming use of a building to another non-conforming use as provided in Chapter IV, Section 9.

D. Garages and Motor Vehicle Service Stations

To permit a garage or motor vehicle service station in a Business Zone, as provided in Chapter V, Section 3.

E. Conversion of One-Family Houses

To grant permits for the remodeling and permanent occupancy by two families of any dwelling existing on the date of the original adoption of Zoning Regulations in the Town, (June 11, 1930), when the Appeals Board is supplied with suitable plans and specifications to show that the remodeling will be done in a manner to protect and enhance adjoining property values with proof that one of the apartments will be owner-occupied, and provided that the floor area and lot area per family unit complies with the requirements of the zone in which the property is located.

F. Power of Revocation

If the Zoning Board of Appeals in varying the application of these Regulations as to any premises or in permitting any property use to be made thereof, shall impose any conditions or limitations upon the use of said premises thereunder, such variance or permission shall be subject to revocation by the Board of Appeals if the said conditions or limitations are not adhered to strictly. Before it shall revoke its action in granting such variance or permission, it shall hold a public hearing thereon, of which the owner and occupant of the premises shall be given notice and afforded an opportunity to be heard.

G. Effective Term of Variance

Any variance hereafter granted for a non-conforming use shall become null and void twelve months after such granting, if such non-conforming use shall not have commenced.

Section 3. Procedure

- A. The Board of Appeals shall hold a public hearing on all applications and appeals, notice of which hearing shall be published in a newspaper of general circulation within the Town at least five (5) days prior to the hearing date.
- B. Before a public hearing on any petition for a variance or renewal of a variance, the petitioner shall present proof that notice has been deposited in a Post Office box regularly maintained by the U. S. Government, directed to each of the owners of land, within two hundred (200) feet of the property with regard to which a variance is requested, as their names appear upon the last completed assessment roll of the Town. Such Board may also require that a sign be posted and maintained on the premises where the variance is requested for at least one week prior to the public hearing.

- C. All applications and appeals shall be accompanied by a fee of Five (\$5.00) Dollars to cover the cost of advertising and processing.

Section 4. Re-hearing

No application or petition for a re-hearing shall be presented to the Zoning Board of Appeals within a period of 12 months from the date of a decision of the Board of Appeals, which decision denied the application or petition, 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 re-hearing. Approval of justification for re-hearing must be granted by said Board before acceptance of application or petition.

CHAPTER VIII

DEFINITIONS

In the construction 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" is mandatory and not directory. The word "use" shall be deemed also to include "designed, intended, or arranged to be used." Unless otherwise specified, all distances shall be measured horizontally. Except as otherwise defined in these Regulations, or as the context may otherwise require, the following words, as used in these Regulations, are defined for the purpose thereof as follows:

- 1. THESE REGULATIONS, etc. The words "These Regulations" and "the regulations" shall be deemed to refer to the Zoning Regulations of the Town of Milford herein contained as the same shall from time to time be modified and amended.
- 2. ACCESSORY BUILDING OR USE: A building which is subordinate and customarily incidental to the main building and use on a lot, providing that such accessory building shall not exceed 15 feet in height. The term "accessory building" when used in connection with a farm shall include all structures customarily used for farm purposes and they shall not be limited in height or size. A building attached to the principal building by a covered passageway, or by having a wall or a part of a wall in common with it, shall be considered an integral part of the principal structure and not an accessory building.
- 3. BOARDING HOUSE: A building in which lodging and meals are provided for compensation to not more than five paying guests other than members of the family of the owner or lessee who must live in said establishment. The five paying guests are not to be construed to mean "transient" or "roving" as defined in the General Statutes of the 1949 Revision. Sec. 4686.
- 4. BUILDING: A "building" shall be regarded as any structure having a roof supported by columns or walls 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. Except as otherwise indicated, buildings as used in these Regulations shall be deemed to include structures.
- 5. BUILDING AREA: The aggregate of the maximum horizontal cross section area of all buildings on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than 30 inches, steps, one-story^{open} porches, and balconies and

terraces. Porches arranged for or altered for use as living rooms and enclosed against the weather become part of the main building.

6. BUILDING HEIGHT: The vertical distance measured from the average level of the finished grade adjacent to the exterior walls of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs, and to the highest point of any other type of roof.
7. CONVALESCENT HOMES: A "Convalescent Home" is a dwelling in which three or more persons, other than members of the family of the person owning or renting said dwelling, and recuperating from illness or suffering from the infirmities of old age, are provided with lodging, care and/or treatment.
8. COURT: An unoccupied open space, other than a yard, on the same lot with a building and which is bounded on two 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 a building.
9. CURB LEVEL: is the permanently established grade of the street in front of the lot.
10. 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, convents, priories and monasteries, but does not include clubs or lodges.
11. DWELLING: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels or boarding houses. Any trailer house, or trailer coach not located in a Trailer Camp as defined herein, which remains on any lot within the limits of this Town for more than forty-eight (48) hours within any six month period, shall be construed to be a dwelling and as such shall be subject to the building zone regulations of the Town of Milford, except that trailers not used for human habitation may be displayed for sale in Business #2 or Industrial Zones.
12. DWELLING UNIT: A building, or portion thereof, providing complete housekeeping facilities for one family.
13. FARM: A body of land of three (3) acres or more devoted either to 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 only when carried on in connection with, and incidental and subordinate to, the tillage of the soil. The raising of fur-bearing animals shall not be included in the uses permitted on a farm.
14. FAMILY: One or more persons occupying a dwelling unit and living as a single housekeeping unit with kitchen facilities and other rooms used in common.
15. GARAGE, PRIVATE: An accessory building or part of a main building used for the storage of motor vehicles as an accessory use.
16. GARAGE, PUBLIC: A building, or part thereof, used for the storage, care and repair of motor vehicles for remuneration, including any sale of motor vehicle accessories, or where motor vehicles are kept for hire.

17. GASOLINE STATION: Any area of land, including structures thereon, or any building or part thereof that is used for the sale of gasoline, or other motor vehicle accessories, and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles, but not including painting thereof by any means.
18. HOME OCCUPATION: Any use customarily conducted entirely within a dwelling and carried on only by the residents thereof, which use is clearly incidental and secondary to the use of the premises for dwelling purposes, does not change the residential character thereof, creates no objectionable noise, smell or smoke noticeable off the premises and no interference with radio or television sets on other premises. The conducting of a clinic, hospital, barber shop, beauty parlor, tea room, tourist home, animal hospital, or any other similar use shall not be deemed to be a home occupation.
19. HOTEL: A building or portion thereof designed for or containing either individual guest rooms or suites of rooms occupied primarily by transients, and such business as may be incidental thereto for the sole convenience of the occupants.
20. HOSPITAL: Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or other care of human ailments, and not including contagious diseases except incidentally, alcoholism, drug addiction, epilepsy, or mental diseases.
21. LOT: A parcel of land occupied or to be occupied by a building or a building group and its accessory buildings, together with such open spaces as are required under the provisions of these Regulations, and having the required frontage as required in Chapter III, Section 1-D.
22. LOT, CORNER: A lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees. A lot abutting upon a curved street shall be deemed a corner lot if the tangents to the curve at its points of beginning with the lot or at the points of intersection of the side lot lines within the street line intersect at the interior angle of less than 135 degrees. A corner lot shall maintain front yard requirements for each street frontage.
23. LOT, DEPTH: The mean distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.
24. LOT, INTERIOR: A lot other than a corner lot.
25. LOT LINES: The property lines bounding a lot.
26. LOT, THROUGH: A lot having both front and rear yards abutting on a street. Front yard requirements shall be maintained on both street frontages.
27. LOT, WIDTH: The distance between the side lines of a lot measured along the front lot line. Where the front lot line is an arc or the side lines converge toward the front lot lines, the distance may be measured along the front yard setback line.
28. MOTEL: See Tourist Court.
29. NON-CONFORMING BUILDING OR USE: See Chapter IV, Section 9.
30. NURSERY, DAY: A school designed to provide daytime care or instruction for two or more children from two to five years of age inclusive.

- 31. PARKING LOT: An area other than a street used for the temporary parking of automobiles.
- 32. PARKING SPACE: An off-street space available for the parking of one motor vehicle and having an area of not less than one hundred seventy-five (175) square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.
- 33. ROOMING HOUSE: A building in which rooms for lodging purposes, with no provisions for meals, are rented for compensation to not more than five paying guests other than members of the family of the owner or lessee, who must live in said establishment. The five paying guests are not to be construed to mean "transient" or "roving" as defined in the General Statutes of the 1949 Revision, Section 4686. The term "rooming house" shall be deemed to include lodging house and boarding house, but not tourist home or tourist court.
- 34. SCHOOL: A public school or a duly organized school other than a public school, conducted for children under 19 years of age and giving regular instruction at least five days a week for eight or more months a year.
- 35. SIGNS: (See Chapter 5, Section 2)
- 36. STORY: A "story" is that part of a building between any floor and the floor above, or in its absence, the ceiling or roof above. A basement shall be counted as a story if the ceiling is more than five feet above the level from which the height of the building is measured, or if it is used for business purposes or for dwelling purposes by other than a janitor or watchman.
- 37. STREET: A public throughfare including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare permanently open to common and general use which affords the principal means of access to abutting property.
- 38. STREET LINE: The dividing line between the street and the lot.
- 39. STRUCTURE: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.
- 40. STRUCTURAL ALTERATION: Any change in or addition to the structural or supporting members of a building, such as bearing walls, columns, beams or girders.
- 41. TOURIST COURT: A building or group of buildings containing one or more guest rooms having a private outside entrance for each room or suite of rooms and for each of which rooms or suites of rooms automobile parking space is provided on the premises.
- 42. TOURIST HOME: A building of residential character, offering lodging with or without meals to transients for compensation.
- 43. TRAILER CAMP: A parcel of land on which there is located or intended to be located two or more trailer coaches occupied for living purposes.
- 44. 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 persons.
- 45. USE: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

- 46. YARD, FRONT: An open, unoccupied space extending across the full width of the lot between the front wall of the principal building and the front lot line. The depth of the required front yard shall be measured horizontally from the nearest point of the front lot line toward the nearest part of the building or buildings on the lot.
- 47. YARD, SIDE: An open, unoccupied space between a main building and the side lot line extending from the front yard, or front lot line where no front yard is required, to the rear yard. The sides of the required yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.
- 48. YARD, REAR: An open, unoccupied space extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest part of the rear lot line.

CHAPTER IX

AMENDMENT, VALIDITY, AND EFFECTIVE DATE

Section 1. The Town Planning and Zoning Board, on its own motion or on petition, may amend the Zoning Regulations or the Zoning Map, after public notice and hearing, in accordance with the Statutes.

Section 2. Protest of Zone Change

Where a protest is filed with the Planning and Zoning Board at a public hearing on a proposed amendment by the owners of twenty (20%) per cent or more of the area of the lots included in such proposed change, or of the lots within 500' in any direction of the property included in the proposed change, such change shall not be adopted except by a vote of three-fourths of the entire membership of the Board.

Section 3. Effective Date of Amendments

Zoning Regulations, boundaries of zoning districts, and any amendments or changes therein shall become effective 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 Town of Milford before such effective date.

Section 4. Withholding of Building Permits During Pending Zone Change on Board Motion

Whenever there shall be pending before the Town Planning and Zoning Board, any proposal for a change of zone or alteration of an existing zone boundary, which change or alteration shall have been initiated or promulgated upon its own motion, the Building Inspector, for a period of not more than 60 days from the public call of the hearing, shall not issue any building permit for the construction or substantial alteration of any building or buildings, upon any premises likely to be affected by the final determination of such motion for a change of zone or variance of an existing zone boundary, as the case may be, pending the Public Hearing and final decision by the Town Planning and Zoning Board upon such motion. The Secretary of the Town Planning and Zoning Board shall immediately give notice in writing to the Building Inspector of the pendency of such motion and of the final decision thereof.

Section 5. Validity

If any chapter, section, sub-section, paragraph, sentence, clause or provision of these Regulations shall be adjudged invalid, such adjudication shall apply only to the chapter, section, sub-section, paragraph, sentence, clause or provision so adjudged invalid, and the rest and remainder of these Regulations, as they shall now or hereafter exist, shall be deemed to be valid and effective.

CHAPTER X

REPEAL OF OLD REGULATIONS

EFFECTIVE DATE OF THESE REGULATIONS

- A. All Zoning Regulations previously adopted for the Town of Milford are hereby repealed.
- B. These Regulations shall be effective beginning December 1, 1954.

Public Hearing held November 4, 1954
Regulations adopted November 9, 1954

- Earl H. Woodhead, Chairman
- Joseph Brough, Vice-Chairman
- David Clarke
- Charles W. Honek
- Sidney Brodman
- Anthony Gilormine
- Donald Spengler
- William R. Miller
- John Dunigan
- Robert Morrison

George C. Lay, Executive Secretary

AMENDMENT EFFECTIVE JANUARY 29, 1955

Chapter III Section 1

F. Any other provision to the contrary notwithstanding, the Planning and Zoning Board is authorized to approve subdivision plans containing lots having frontage or area measurements below the minimum, provided such subdivision plan was submitted to the Planning and Zoning Board not more than thirty (30) days prior to December 1, 1954, and further provided such lot sizes did conform to the minimum frontage and area requirements at the time the plan was submitted.

G. Any other provision to the contrary notwithstanding, the Building Inspector is authorized to issue a building permit for a building to be erected on an undersized lot, provided such lot is shown on a subdivision plan approved by the Planning and Zoning Board subsequent to February 4, 1952, or such lot was legally created by the division of land into two parcels conforming as to frontage and area prior to December 1, 1954, and further provided the application for and issuance of such building permit shall take place prior to December 1, 1956.