



**RPC
Representatives**

Bethany:
Sharon Huxley

Branford:
Charles Andres

East Haven:
David Anderson

Guilford:
Vacant

Hamden:
Joseph McDonagh

Madison:
Christopher Traugh
(Secretary)

Meriden:
William Lake

Milford:
Susan Shaw

New Haven:
Karyn Gilvarg

North Branford:
Vacant

North Haven:
Brian Cummings
(Vice-chair)

Orange:
Paul Kaplan

Wallingford:
James Fitzsimmons

West Haven:
John Panza

Woodbridge:
Peggy Rubens-Duhl
(Chair)

AGENDA

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, August 12, 2010 RPC Meeting, 5:15pm @ SCRCOG
Conference Room; 127 Washington Ave, 4th Floor West, North Haven, CT
06473

1. Administration

1.1. Minutes of the July 8, 2010 RPC Meeting

2. Statutory Referrals – August Action Items

2.1. City of New Haven: Proposed Zoning Regulation Amendments to Section 56 of the Zoning Ordinance entitled Flood Damage Prevention District and the City's Flood Damage Prevention Ordinance in order to bring the ordinances into compliance with the National Flood Insurance Program Standards. Submitted by: City of New Haven. Received: July 7, 2010. Public Hearing: July 21, 2010 (requested comment period to be held open)

2.2. Town of Hamden: Proposed Zoning Regulation Amendment to Prohibit Outdoor Wood-Burning Furnaces. Submitted by: Town of Hamden. Received: August 2, 2010. Public Hearing: September 14, 2010.

2.3. City of Shelton: Proposed Zoning Regulation Amendments to Section 44: Signs. Submitted by: City of Shelton. Received: July 8, 2010. Public Hearing: September 14, 2010

3. Other Business

3.1.



DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, July 8, 2010 Meeting

Present: Peggy Rubens-Duhl, Brian Cummings, Christopher Traugh, David Anderson, William Lake, Carl Amento, Eugene Livshits.

1 Administration

- 1.1 Minutes of the June 10, 2010 RPC meeting. Motion to accept the minutes as presented: Brian Cummings. Second: William Lake. Vote: Unanimous. Abstain: David Anderson

2 Statutory Referrals

- 2.1 City of Derby: Proposed Zoning Regulation Amendment to Section 195-17 (D) to allow limited retail uses in the I-1 Zoning District.

By resolution, the RPC has determined that the proposed Zoning Regulation Amendment does not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Christopher Traugh. Second: David Anderson. Vote: Unanimous.

- 2.2 Town of Hamden: Proposed Zoning Regulation Amendment to allow for the keeping of hens in the R1, R2, R3, R4, R5, T3 and T3.5 Zones

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound. Motion: Peggy Rubens-Duhl. Second: Brian Cummings. Vote: Unanimous.

- 2.3 Town of Hamden: Proposed Zoning Regulation Amendments to correct unintended omissions of text from prior regulations and other text. Proposed Amendments to correct typographical errors and simple omissions in several sections of the Town's Zoning Code.

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Towns of the South Central Region nor do there appear to be any negative impacts to the habitat



or ecosystem of the Long Island Sound. Motion: Christopher Traugh. Second: David Anderson. Vote: Unanimous.

3 Other Business

References to sustainability in the Regional Plan of Conservation and Development were discussed. There was a discussion about providing fact sheets related to sustainability, which can be included in the Commission's advisory comments (when applicable).

Motion to Adjourn: Peggy Rubens-Duhl. Second: Christopher Traugh. Vote: Unanimous.

Referral 2.1: City of New Haven

Subject: Proposed Zoning Regulation Amendments to Section 56 of the Zoning Ordinance entitled Flood Damage Prevention District and the City's Flood Damage Prevention Ordinance in order to bring the ordinances into compliance with the National Flood Insurance Program Standards

Staff Recommendation: The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the Towns in the South Central Region nor do there appear to be negative impacts to the habitat or ecosystem of the Long Island Sound.

Background: The City of New Haven has submitted proposed amendments to Section 56: Flood Damage Prevention District. The proposed amendments will bring the City's Zoning Ordinance into compliance with the National Flood Insurance Program Standards. The proposed changes were recommended after a comprehensive review from the Connecticut Department of Environmental Protection (CT DEP). In addition, to the review of Section 56, the CT DEP conducted a comprehensive review of the City's Flood Damage Prevention Ordinance. Based on CT DEP Recommendations, appropriate changes have been proposed to bring the ordinance into compliance with the National Flood Insurance Program. The specific changes that have been made to the ordinances are available for your review in the Agenda Packet.

Communication: In researching this proposal, I spoke to the Planning Staff for New Haven and notified the adjacent municipalities in the South Central Region (East Haven, Hamden, North Haven, Orange, West Haven, Woodbridge).

RPC Referral Submission Form

South Central CT Regional Planning Commission

Please mail to:

Re: RPC Referral
South Central Regional COG
127 Washington Avenue, 4th Floor West
North Haven, CT 06473

1.) General Information:

Date Sent: 7/2/10

Subject: Zoning Ordinance Amendments

Applicant Name: New Haven City Plan Dept.

Property Address (if applicable): 165 Church Street

Town/City: New Haven, CT 06510

☐ Referral is from a private individual

☒ Referral is from the Town/City Planning Department or the P & Z Commission

Public Hearing Date: July 21, 2010

2.) Statutory Responsibility:

☐ Application involves a subdivision of land within 500 feet of a town/city border

☒ Application involves a proposed change to a town/city zoning regulation

☐ If neither, applicant requests a voluntary RPC review for informational purposes

☐ Material is for informational purposes only; an RPC resolution is not necessary

☐ Other: _____

3.) Process:

☒ Material sent "Return Receipt Requested" (as required by law)

☐ Information on proposed change included

☐ Existing language included (if applicable)

4.) Preferred contact regarding this RPC referral:

Name: Joy Ford, Planner

Telephone Number: 203-946-6353

E-mail Address: jford@newhavenct.net

Comments: _____

RECEIVED

JUL - 7 2010

SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS

Questions: (203) 234-7555

South Central Regional Council of Governments | <http://www.scrkog.org>



NEW HAVEN CITY PLAN DEPARTMENT
165 CHURCH STREET, NEW HAVEN, CT 06510
TEL (203) 946-6378 FAX (203) 946-7815

Date: July 2, 2010

To: Town/City Clerks
East Haven, North Haven, Hamden, Woodbridge, Orange, and West Haven
To: New Haven City/Town Clerk
To: Regional Planning Agency of South Central Connecticut

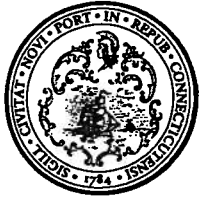
From: Joy Ford, Planner, New Haven

RE: **ZONING ORDINANCE AMENDMENT**, Amend Section 56 of the Zoning Ordinance entitled Flood Damage Prevention District to bring into Compliance with National Flood Insurance Program Standards (City Plan Director).
FLOOD DAMAGE PREVENTION ORDINANCE, Amend Ordinance to bring into Compliance with National Flood Insurance Program Standards (City Plan Director).

Public hearings on these amendments will be held by the City Plan Commission on **Wednesday, July 21, 2010 beginning at 7:00 PM** at New Haven City Hall, Meeting Rooms 1 and 2, 2nd Floor Atrium, 165 Church Street, New Haven, CT . Additional hearing will be held by the New Haven Board of Aldermen at a later date.

Information on the above is available at the New Haven City Plan Dept., 165 Church Street, New Haven, CT 06510. Written comments may be submitted to the Commission in advance of the hearing date at this address or by fax 203-946-7815. Call 203-946-6353 (or e-mail jford@newhavenct.net) for further information.

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JUL - 7 2010
SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS



NEW HAVEN CITY PLAN DEPARTMENT
165 CHURCH STREET, NEW HAVEN, CT 06510
TEL (203) 946-6378 FAX (203) 946-7815

June 25, 2010

Board of Aldermen
City Hall
165 Church Street
New Haven, CT 06510

Honorable Board of Aldermen:

Before your honorable Board is an amended **Zoning Ordinance, Section 56: Flood Damage Prevention District**, which brings the City's present Ordinance into compliance with National Flood Insurance Program (NFIP) standards. As a result of a comprehensive review of the Ordinance by Connecticut Department of Environmental Protection officials, it was determined that a change was required to bring the Ordinance into compliance with the minimum standards of the NFIP.

Last revised in 1998, the Ordinance was recently deemed to be generally in good condition by the Department of Environmental Protection except for the aforementioned changes. Once your Honorable Board adopts the recommended Amendment, the City will be fully compliant with program standards.

For the Board's convenience, proposed deletions of text in the attached annotated copy of Section 56 of the Zoning Ordinance are shown in **[parentheses in lower case bold face type]**. Proposed additions to text are shown in **UPPER CASE BOLD FACE TYPE**.

In conjunction with these changes, modifications are also being proposed to the **Flood Damage Prevention Ordinance**. These revisions were recommended as part of the comprehensive review of the Ordinance by the Connecticut Department of Environmental Protection Officials. Similar to the changes to the Zoning Ordinance, these changes will bring the Prevention Ordinance into compliance with the minimum standards of the NFIP.

I urge your prompt and favorable action on this matter so that New Haven's citizens owning property within the flood hazard area will continue to be protected and eligible for flood insurance.

Sincerely,

Karyn M. Gilvarg, Executive Director
City Plan Department

**ORDINANCE AMENDMENT TO SECTION 56 OF THE ZONING ORDINANCE ENTITLED
FLOOD DAMAGE PREVENTION DISTRICT TO BRING THE ORDINANCE INTO
COMPLIANCE WITH NATIONAL FLOOD INSURANCE PROGRAM STANDARDS**

WHEREAS: The State of Connecticut declared that municipalities adopt regulations to prevent flood damage; and

WHEREAS: The Board of Aldermen on May 28, 1980 amended the New Haven Zoning Ordinance to add a Flood Damage Prevention District; and

WHEREAS: The Board of Aldermen on June 4, 1998 approved an Amendment to the Flood Damage Prevention Ordinance in accord with National Flood Insurance Program standards; and

WHEREAS: The City of New Haven is required by the State of Connecticut to make occasional changes in the Revised Flood Damage Prevention Ordinance, necessary to ensure that the Ordinance meets the minimum standards required for participation in the National Flood Insurance Program (NFIP); and

WHEREAS: Failure to update the City's Ordinance to comply with NFIP standards can result in FEMA sanctions, including suspension from the National Flood Insurance Program.

NOW THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of New Haven that Section 56 of the New Haven Zoning Ordinance is hereby amended in accordance with the attached revised Section 56 of the document.

The New Haven Zoning Ordinance, except as amended herein, shall remain in full force and effect.

If a court of competent jurisdiction finds any provision of this amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision, and all other provisions of this amendment shall continue to be separately and fully effective.

Enacted by the Board of Aldermen, _____, 2010, by a roll call vote of ___Ayes and ___Noes.

Approved by the Mayor, _____, 2010.

Operative and in Effect, _____, 2010.

Attest: _____
Ron Smith
City Clerk

REVISED ZONING ORDINANCE: CITY OF NEW HAVEN, CONNECTICUT

Section 56. Flood Damage Prevention District.

- (a) *Purpose.* These districts exist to minimize the public and private losses due to flood conditions by controlling the *uses*, methods of construction, alteration of natural waterways and barriers, topographical features of land and erection of flood barriers.
- (b) *Authority.* Section 7-148 of the Connecticut General Statutes, as amended.
- (c) *Flood Damage Prevention District maps.* The Flood Damage Prevention District is an area of special flood hazard identified by the Federal Emergency Management Agency (FEMA) [as shown on the Federal Emergency Management Agency Floodway Insurance Rate Map (FIRM Map Revised May 2, 1983) and Floodway Boundary and Floodway Map (FLOODWAY, Effective Date July 16, 1980) for the City of New Haven, Connecticut (Community-Panel Number 090084 001-0006), or latest edition.] **IN ITS FLOOD INSURANCE STUDY (FIS) FOR NEW HAVEN COUNTY, CONNECTICUT, DATED DECEMBER 17, 2010, AND ACCOMPANYING FLOOD INSURANCE RATE MAPS (FIRM), DATED DECEMBER 17, 2010, AND OTHER SUPPORTING DATA APPLICABLE TO THE CITY OF NEW HAVEN, AND ANY SUBSEQUENT REVISIONS THERETO, ARE ADOPTED BY REFERENCE AND DECLARED TO BE A PART OF THIS ORDINANCE. SINCE MAPPING IS LEGALLY ADOPTED BY REFERENCE INTO THIS ORDINANCE IT MUST TAKE PRECEDENCE WHEN MORE RESTRICTIVE UNTIL SUCH TIME AS A MAP AMENDMENT OR MAP REVISION IS OBTAINED FROM FEMA. THE AREA OF SPECIAL FLOOD HAZARD INCLUDES ANY AREA SHOWN ON THE FIRM AS ZONES A, AE, AND VE, INCLUDING AREAS DESIGNATED AS A FLOODWAY ON A FIRM. ZONE VE IS ALSO IDENTIFIED AS A COASTAL HIGH HAZARD AREA. AREAS OF SPECIAL FLOOD HAZARD ARE DETERMINED UTILIZING THE BASE FLOOD ELEVATIONS (BFE) PROVIDED ON THE FLOOD PROFILES IN THE FLOOD INSURANCE STUDY (FIS) FOR A COMMUNITY. BFEs PROVIDED ON A FLOOD INSURANCE RATE MAP (FIRM) ARE ONLY APPROXIMATE (ROUNDED UP OR DOWN) AND SHOULD BE VERIFIED WITH THE BFEs PUBLISHED IN THE FIS FOR A SPECIFIC LOCATION.**
- (d) *Subject activities.* No zoning, building or other permit shall be issued for a ***building, use, structure, OR DEVELOPMENT*** unless a development permit has been issued in accordance with the provisions of the Flood Damage Prevention Ordinance of the City of New Haven, Connecticut.
- (e) *Uses permitted.* Such *uses* as are allowed and in the same manner as the underlying zone shall be permitted in the Flood Damage Prevention District, within the restrictions of the Flood Damage Prevention Ordinance of the City of New Haven.
- (f) *Permit procedures.* Application for a development permit shall be made to the Building Inspector, in accordance with the provisions of the New Haven Flood Damage Prevention Ordinance.
- (g) *Waivers.* The New Haven City Plan Commission (hereafter "Commission") shall hear and decide appeals and requests for waivers from the requirements, in accordance with the standards of the New Haven Flood Damage Prevention Ordinance.
- (h) *Enforcement.* The commission or a designated agent thereof shall have the power to enforce this provision.

(i) *Fees.* Each application submitted to the Commission for a waiver shall be accompanied by a fee payable to the City of New Haven in accordance with section 17-22 of the Code of Ordinances of the City of New Haven.



NEW HAVEN CITY PLAN DEPARTMENT
165 CHURCH STREET, NEW HAVEN, CT 06510
TEL (203) 946-6378 FAX (203) 946-7815

June 25, 2010

Board of Aldermen
City Hall
165 Church Street
New Haven, CT 06510

Honorable Board of Aldermen:

Before your honorable Board is an amended **Flood Damage Prevention Ordinance**, which brings the City's present Ordinance into compliance with National Flood Insurance Program (NFIP) standards. As a result of a comprehensive review of the Ordinance by Connecticut Department of Environmental Protection officials, it was determined that a change was required to bring the Ordinance into compliance with the minimum standards of the NFIP.

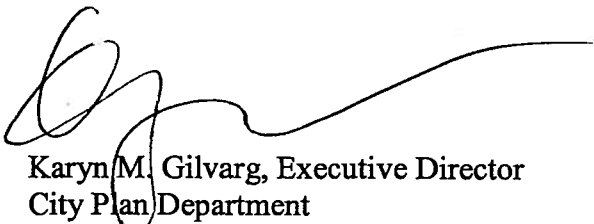
Last revised in 1998, the Ordinance was recently deemed to be generally in good condition by the Department of Environmental Protection except for the aforementioned changes. Once your Honorable Board adopts the recommended Amendment, the City will be fully compliant with program standards.

For the Board's convenience, proposed deletions of text in the attached annotated copy of Flood Damage Prevention Ordinance are shown in **[parentheses in lower case bold face type]**. Proposed additions to text are shown in **UPPER CASE BOLD FACE TYPE**.

In conjunction with these changes, modifications are also being proposed to the **Zoning Ordinance, Section 56: Flood Damage Prevention District**. These revisions were recommended as part of the comprehensive review of the Ordinance by the Connecticut Department of Environmental Protection Officials. Similar to the changes to the Flood Damage Prevention Ordinance, these changes will bring the Zoning Ordinance into compliance with the minimum standards of the NFIP.

I urge your prompt and favorable action on this matter so that New Haven's citizens owning property within the flood hazard area will continue to be protected and eligible for flood insurance.

Sincerely,



Karyn M. Gilvarg, Executive Director
City Plan Department

ORDINANCE AMENDMENT TO THE FLOOD DAMAGE PREVENTION ORDINANCE TO BRING THE ORDINANCE INTO COMPLIANCE WITH NATIONAL FLOOD INSURANCE PROGRAM STANDARDS

WHEREAS: The State of Connecticut declared that municipalities adopt regulations to prevent flood damage; and

WHEREAS: The Board of Aldermen on May 28, 1980 amended the Building Code of the City of New Haven to add a Part IV, Flood Damage Prevention, and subsequently amended those provisions on May 16, 1983 to update the Ordinance to comply with Federal Emergency Management Agency (FEMA) requirements; and

WHEREAS: The Board of Aldermen on March 4, 1991 approved an Amendment to the Code of Ordinances and a Zoning Ordinance Amendment regarding a Revised Flood Damage Prevention Ordinance; and

WHEREAS: The Board of Aldermen on June 4, 1998 approved an Amendment to the Flood Damage Prevention Ordinance in accord with National Flood Insurance Program standards; and

WHEREAS: The City of New Haven is required by the State of Connecticut to make occasional changes in the Revised Flood Damage Prevention Ordinance, necessary to ensure that the Ordinance meets the minimum standards required for participation in the National Flood Insurance Program (NFIP); and

WHEREAS: Failure to update the City's Ordinance to comply with NFIP standards can result in FEMA sanctions, including suspension from the National Flood Insurance Program.

NOW THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of New Haven that Part IV of Volume III of the Code of Ordinances, known as the Building Code of the City of New Haven, Flood Damage Prevention, is hereby changed in accordance with the attached revised Flood Damage Prevention Ordinance of the City of New Haven.

The New Haven Code of Ordinances, except as amended herein, shall remain in full force and effect.

If a court of competent jurisdiction finds any provision of this amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision, and all other provisions of this amendment shall continue to be separately and fully effective.

Enacted by the Board of Aldermen, _____, 2010, by a roll call vote of ___ Ayes and ___ Noes.

Approved by the Mayor, _____, 2010.

Operative and in Effect, _____, 2010.

Attest: _____

Ron Smith
City Clerk

FLOOD DAMAGE PREVENTION ORDINANCE

CITY OF NEW HAVEN, CONNECTICUT

SECTION 1 - STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE, AND OBJECTIVES

1.1 Statutory Authorization

In Section 7-148(c)(7) of the General Statutes, the Legislature of the State of Connecticut delegates to local governmental units the responsibility of adopting regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Aldermen of the City of New Haven, Connecticut does ordain as follows:

1.2 Findings of Fact

1.2.1 The flood hazard areas of New Haven are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

1.2.2 These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damages.

1.3 Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1.3.1 Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

1.3.2 Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

1.3.3 Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

1.3.4 Control filling, grading, dredging and other development which may increase erosion or flood damage; and

1.3.5 Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

FLOOD DAMAGE PREVENTION ORDINANCE, CITY OF NEW HAVEN, CONNECTICUT

Page 2

1.4 Objectives

The objectives of this ordinance are:

- 1.4.1 To protect human life and health;
- 1.4.2 To minimize expenditure of public money for costly flood control projects;
- 1.4.3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 1.4.4 To minimize prolonged business interruptions;
- 1.4.5 To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- 1.4.6 To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- 1.4.7 To insure that potential home buyers are notified that property is in a flood hazard area.

SECTION 2 - DEFINITIONS

2.1 Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

2.1.01 Addition (to an existing building) - any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

2.1.02 Appeal - a request for a review of the Building Inspector's interpretation of any provision of this ordinance or a request for a Flood Damage Prevention (FDP) Variance.

2.1.03 Area of special flood hazard - the area within a community subject to one percent or greater chance of flooding in any given year.

2.1.04 Base flood - the flood having a one percent chance of being equaled or exceeded in any given year.

2.1.05 BASE FLOOD ELEVATION (BFE) - THE ELEVATION OF THE CREST OF THE BASE FLOOD OR 100-YEAR FLOOD. THE HEIGHT IN RELATION TO MEAN SEA LEVEL EXPECTED TO BE REACHED BY THE WATERS OF THE BASE FLOOD AT PERTINENT POINTS IN THE FLOODPLAINS OF COASTAL AND RIVERINE AREAS.

2.1.06 Basement - that portion of a building having its floor subgrade (below ground level) on all sides.

2.1.07 Breakaway wall - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

2.1.08 Building - any structure built for support, shelter, or enclosure for any occupancy or storage.

2.1.09 COASTAL HIGH HAZARD AREA - THE AREA OF SPECIAL FLOOD HAZARD EXTENDING FROM OFFSHORE TO THE INLAND LIMIT OF A PRIMARY FRONTAL DUNE ALONG AN OPEN COAST AND ANY OTHER AREA SUBJECT TO HIGH VELOCITY WAVE ACTION FROM STORMS OR hurricane wave wash, designated on a FIRM as Zone [V 1-30] VE or V.

2.1.10 COST - MEANS, AS RELATED TO SUBSTANTIAL IMPROVEMENTS, THE COST OF ANY RECONSTRUCTION, REHABILITATION, ADDITION, ALTERATION, REPAIR OR OTHER IMPROVEMENT OF A STRUCTURE SHALL BE ESTABLISHED BY A DETAILED WRITTEN CONTRACTOR'S ESTIMATE. THE ESTIMATE SHALL INCLUDE, BUT NOT BE LIMITED TO: THE COST OF MATERIALS (INTERIOR FINISHING ELEMENTS, STRUCTURAL ELEMENTS, UTILITY AND SERVICE EQUIPMENT); SALES TAX ON MATERIALS, BUILDING EQUIPMENT AND FIXTURES, INCLUDING HEATING AND AIR CONDITIONING AND UTILITY METERS; LABOR; BUILT-IN APPLIANCES; DEMOLITION AND SITE PREPARATION; REPAIRS MADE TO DAMAGED PARTS OF THE BUILDING WORKED ON AT THE SAME TIME; CONTRACTOR'S OVERHEAD; CONTRACTOR'S PROFIT; AND GRAND TOTAL. ITEMS TO BE EXCLUDED INCLUDE: COST OF PLANS AND SPECIFICATIONS, SURVEY COSTS, PERMIT FEES, OUTSIDE IMPROVEMENTS SUCH AS SEPTIC SYSTEMS, WATER SUPPLY WELLS, LANDSCAPING, SIDEWALKS, FENCES, YARD LIGHTS, IRRIGATION SYSTEMS, AND DETACHED STRUCTURES SUCH AS GARAGES, SHEDS, AND GAZEBOs.

2.1.11 DEVELOPMENT - any man-made change to improved or unimproved real estate, including, but not limited to, [buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials] THE CONSTRUCTION OF BUILDINGS OR OTHER STRUCTURES; THE CONSTRUCTION OF ADDITIONS, ALTERATIONS OR SUBSTANTIAL IMPROVEMENTS TO BUILDINGS OR STRUCTURES; THE PLACEMENT OF BUILDINGS OR STRUCTURES; MINING, DREDGING, FILLING, GRADING, PAVING, EXCAVATION OR DRILLING OPERATIONS OR STORAGE OF EQUIPMENT; THE STORAGE, DEPOSITION, OR EXTRACTION OF MATERIALS; AND THE INSTALLATION, REPAIR OR REMOVAL OF PUBLIC OR PRIVATE SEWAGE DISPOSAL SYSTEMS OR WATER SUPPLY FACILITIES.

2.1.12 Elevated building - a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

2.1.13 EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - A MANUFACTURED HOME PARK OR SUBDIVISION FOR WHICH THE CONSTRUCTION OF FACILITIES FOR SERVICING THE LOTS ON WHICH THE MANUFACTURED HOME ARE TO BE AFFIXED (INCLUDING, AS A MINIMUM, THE INSTALLATION OF UTILITIES, THE CONSTRUCTION OF STREETS, AND EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS) IS COMPLETED BEFORE JUNE 19, 1980, THE EFFECTIVE DATE OF THE FLOODPLAIN MANAGEMENT REGULATIONS ADOPTED BY THE COMMUNITY.

2.1.14 EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - THE PREPARATION OF ADDITIONAL SITES BY THE CONSTRUCTION OF FACILITIES FOR SERVICING THE LOTS ON WHICH THE MANUFACTURING HOMES ARE TO BE AFFIXED (INCLUDING THE INSTALLATION OF UTILITIES, THE CONSTRUCTION OF STREETS, AND EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS).

2.1.15 FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - THE FEDERAL AGENCY THAT ADMINISTERS THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP).

2.1.16 FINISHED LIVING SPACE - AS RELATED TO FULLY ENCLOSED AREAS BELOW THE BASE FLOOD ELEVATION (BFE), A SPACE THAT IS, BUT IS NOT LIMITED TO, HEATED AND/OR COOLED, CONTAINS FINISHED FLOORS (TILE, LINOLEUM, HARDWOOD, ETC.), HAS SHEETROCK WALLS THAT MAY OR MAY NOT BE PAINTED OR WALLPAPERED, AND OTHER AMENITIES SUCH AS FURNITURE, APPLIANCES, BATHROOMS, FIREPLACES AND OTHER ITEMS THAT ARE EASILY DAMAGED BY FLOODWATERS AND EXPENSIVE TO CLEAN, REPAIR, OR REPLACE.

2.1.17 Flood or flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal water;
2. the unusual and rapid accumulation or runoff of surface waters from any source.

2.1.18 Flood Insurance Rate Map (FIRM) - an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and applicable risk premium zones.

2.1.19 Flood Insurance Study - the official report of the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

2.1.20 Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

2.1.21 Floor - the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

2.1.22 FUNCTIONALLY DEPENDENT USE OR FACILITY – A USE OR FACILITY [which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading or unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.] THAT CANNOT PERFORM ITS INTENDED PURPOSE UNLESS IT IS LOCATED OR CARRIED OUT IN CLOSE PROXIMITY TO THE WATER. THE TERM INCLUDES ONLY DOCKING FACILITIES, PORT FACILITIES THAT ARE NECESSARY FOR THE LOADING AND UNLOADING OF CARGO OR PASSENGERS, AND SHIP BUILDING AND SHIP REPAIR FACILITIES. THE TERM DOES NOT INCLUDE SEAFOOD PROCESSING FACILITIES, LONG-TERM STORAGE, MANUFACTURING, SALES OR SERVICE FACILITIES.

2.1.23 Highest Adjacent Grade - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

2.1.24 HISTORIC STRUCTURE - ANY STRUCTURE THAT IS: (A) LISTED INDIVIDUALLY IN THE NATIONAL REGISTER OF HISTORIC PLACES (A LISTING MAINTAINED BY THE DEPARTMENT OF THE INTERIOR) OR PRELIMINARILY DETERMINED BY THE SECRETARY OF THE INTERIOR AS MEETING THE REQUIREMENTS FOR INDIVIDUAL LISTING ON THE NATIONAL REGISTER; (B) CERTIFIED OR PRELIMINARILY DETERMINED BY THE SECRETARY OF THE INTERIOR AS CONTRIBUTING TO THE HISTORIC SIGNIFICANCE OF A REGISTERED HISTORIC DISTRICT OR A DISTRICT PRELIMINARILY DETERMINED BY THE SECRETARY TO QUALIFY AS A REGISTERED HISTORIC DISTRICT; (C) INDIVIDUALLY LISTED ON A STATE INVENTORY OF HISTORIC PLACES IN STATES WITH HISTORIC PRESERVATION PROGRAMS WHICH HAVE BEEN APPROVED BY THE SECRETARY OF THE INTERIOR; OR (D) INDIVIDUALLY LISTED ON A LOCAL INVENTORY OF HISTORIC PLACES IN COMMUNITIES WITH HISTORIC PRESERVATION PROGRAMS THAT HAVE BEEN CERTIFIED EITHER: (1) BY AN APPROVED STATE PROGRAM AS DETERMINED BY THE SECRETARY OF THE INTERIOR OR (2) DIRECTLY BY THE SECRETARY OF THE INTERIOR IN STATES WITHOUT APPROVED PROGRAMS..

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2.1.25 Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor. These areas must be designed in accordance with the definition of "elevated building" and Section 5.3.2.

2.1.26 Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, recreational vehicles, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

2.1.27 Manufactured Home Park or Subdivision - a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

2.1.28 MARKET VALUE - THE MARKET VALUE OF THE STRUCTURE SHALL BE DETERMINED BASED ON THE APPRAISED VALUE OF THE STRUCTURE USING THE COST TO APPROACH VALUE METHOD PRIOR TO THE START OF THE INITIAL REPAIR OR IMPROVEMENT, OR IN THE CASE OF DAMAGE, THE VALUE OF THE STRUCTURE PRIOR TO THE DAMAGE OCCURRING.

2.1.29 Mean Sea Level - for purposes of the National Flood Insurance Program, the **NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988 [National Geodetic Vertical Datum (NGVD) of 1929]** or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

2.1.30 National Geodetic Vertical Datum (NGVD) as corrected in 1988 - a vertical control used as a reference for establishing varying elevations within the floodplain.

2.1.31 New Construction - structures for which the "start of construction" commenced on or after June 19, 1980, **THE EFFECTIVE DATE OF THE FLOODPLAIN MANAGEMENT REGULATIONS, AND INCLUDES ANY SUBSEQUENT IMPROVEMENTS TO SUCH STRUCTURES.**

2.1.32 NEW MANUFACTURED HOME PARK OR SUBDIVISION - A MANUFACTURED HOME PARK OR SUBDIVISION FOR WHICH THE CONSTRUCTION OF FACILITIES FOR SERVICING THE LOTS ON WHICH THE MANUFACTURED HOMES ARE TO BE AFFIXED (INCLUDING AT A MINIMUM, THE INSTALLATION OF UTILITIES, THE CONSTRUCTION OF STREETS, AND EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS) IS COMPLETED ON OR AFTER JUNE 19, 1980, THE EFFECTIVE DATE OF THE FLOODPLAIN MANAGEMENT REGULATION ADOPTED BY THE COMMUNITY.

2.1.33 Recreational Vehicle - a vehicle which is a building on a chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and which is not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

2.1.34 Sand Dunes - naturally occurring accumulations of sand in ridges or mounds landward of the beach.

2.1.35 Start of Construction [for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348)], includes substantial improvement - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the state of excavation or placement of a manufactured home on a foundation. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. **FOR A SUBSTANTIAL IMPROVEMENT, THE ACTUAL START OF CONSTRUCTION MEANS THE FIRST ALTERATION OF ANY WALL, CEILING, FLOOR, OR OTHER STRUCTURAL PART OF A BUILDING, WHETHER OR NOT THAT ALTERATION AFFECTS THE EXTERNAL DIMENSIONS OF THE BUILDING.**

2.1.36 Structure - a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

2.1.37. Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

2.1.38 Substantial Improvement - any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure using the cost to approach value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement project required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

2.1.39 Variance - a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

2.1.40 VIOLATION - FAILURE OF A STRUCTURE OR OTHER DEVELOPMENT TO BE FULLY COMPLIANT WITH THE CITY'S FLOODPLAIN MANAGEMENT ORDINANCE. A STRUCTURE OR OTHER DEVELOPMENT WITHOUT REQUIRED PERMITS, LOWEST FLOOR ELEVATION DOCUMENTATION, FLOOD-PROOFING CERTIFICATES OR REQUIRED FLOODWAY ENCROACHMENT CALCULATIONS IS PRESUMED TO BE IN VIOLATION UNTIL SUCH TIME AS THAT DOCUMENTATION IS PROVIDED.

2.1.41 Water Surface Elevation - the height, in relation to the [National Geodetic Vertical Datum (NGVD) of 1929] NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

SECTION 3 - GENERAL PROVISIONS

3.1 Lands to Which this Ordinance Applies

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of New Haven.

3.2 Basis for Establishing the Areas of Special Flood Hazards

[The areas of special flood hazard identified by the Federal Emergency Management Agency in its "Flood Insurance Study (FIS) of the City of New Haven" dated November 2, 1982, with accompanying Flood Insurance Rate Maps, dated June 16, 1992 and any subsequent revisions, Floodway Maps and other supporting data, and any revision thereto, are adopted by reference and declared to be part of this ordinance. The FIS is on file with the City/Town Clerk.] THE AREAS OF SPECIAL FLOOD HAZARD IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) IN ITS FLOOD INSURANCE STUDY (FIS) FOR NEW HAVEN COUNTY, CONNECTICUT, DATED DECEMBER 17, 2010, AND ACCOMPANYING FLOOD INSURANCE RATE MAPS (FIRM), DATED DECEMBER 17, 2010, AND OTHER SUPPORTING DATA APPLICABLE TO THE CITY OF NEW HAVEN, AND ANY SUBSEQUENT REVISIONS THERETO, ARE ADOPTED BY REFERENCE AND DECLARED TO BE A PART OF THIS ORDINANCE. SINCE MAPPING IS LEGALLY ADOPTED BY REFERENCE INTO THIS ORDINANCE IT MUST TAKE PRECEDENCE WHEN MORE RESTRICTIVE UNTIL SUCH TIME AS A MAP AMENDMENT OR MAP REVISION IS OBTAINED FROM FEMA. THE AREA OF SPECIAL FLOOD HAZARD INCLUDES ANY AREA SHOWN ON THE FIRM AS ZONES A, AE, AND VE, INCLUDING AREAS DESIGNATED AS A FLOODWAY ON A FIRM. ZONE VE IS ALSO IDENTIFIED AS A COASTAL HIGH HAZARD AREA. AREAS OF SPECIAL FLOOD HAZARD ARE DETERMINED UTILIZING THE BASE FLOOD ELEVATIONS (BFE) PROVIDED ON THE FLOOD PROFILES IN THE FLOOD INSURANCE STUDY (FIS) FOR A COMMUNITY. BFEs PROVIDED ON A FLOOD INSURANCE RATE MAP (FIRM) ARE ONLY APPROXIMATE (ROUNDED UP OR DOWN) AND SHOULD BE VERIFIED WITH THE BFEs PUBLISHED IN THE FIS FOR A SPECIFIC LOCATION. THE FIS AND FIRM ARE ON FILE WITH THE CITY/TOWN CLERK.

3.3 Establishment of the Floodplain Development Permit

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

3.4 Compliance

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

3.5 Abrogation and Greater Restrictions

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This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.6 Interpretation

In the interpretation and application of this ordinance all provisions shall be: 1) considered as minimum requirements; 2) liberally construed in favor of the governing body, and; 3) deemed neither to limit nor repeal any other powers granted under state statutes.

3.7 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increase by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of New Haven or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4 - ADMINISTRATION

4.1 Designation of the Ordinance Administrator

The Building Inspector is hereby appointed to administer and implement the provisions of this ordinance.

4.2 Certification

Where required under this ordinance, a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance. Such certification must be provided to the Building Inspector.

4.3 Permit Procedures

Prior to any development activities, application for a Development Permit shall be made on forms furnished by the City of New Haven. Such application shall be accompanied by two sets of plans drawn to scale showing, at a minimum, the property lines and location of the parcel; existing and proposed contours; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. The following information shall also be submitted to the Building Inspector.

4.3.1 Application Stage

4.3.1.01 Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures (Sections 5.3.1 and 5.3.4.2);

4.3.1.02 Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed (Section 5.3.1.2.2);

4.3.1.03 Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

4.3.1.04 A statement as to whether or not the proposed alterations to an existing structure meet the criteria of the substantial improvement definition (Section 2.1.30);

4.3.1.05 A statement as to whether there will be dry access to the structure during the 100-year storm event;

4.3.1.06 Certification as to floodproofing, as required by Section 5.3.1.2.2;

4.3.1.07 Certification as to the provisions of Section 5.3.2 governing fully-enclosed areas below base flood elevation, if the minimum design criteria in Section 5.3.2.1 - 5.3.2.3 is not used;

4.3.1.08 Certification as to floodway heights, as required by Section 5.2.1 and 5.3.3;

4.3.1.09 Certification as to breakaway walls. If the design criteria stated in subsection 5.3.4.8 is not utilized then the design and construction methods must be certified as explained in subsection 5.3.4.8.1 and 5.3.4.8.2;

4.3.1.10 Certification as to the structural anchoring provisions of subsection 5.3.4.3 and 5.3.4.4.

4.3.2 Construction Stage. Upon completion of the applicable portion of construction the applicant shall provide the Building Inspector with verification of the as-built lowest floor elevation, defined as the top of the lowest floor (including basement) in A zones (Sections 5.3.1.1 and 5.3.1.2.1); defined as the lowest point of the lowest supporting horizontal member (excluding pilings or columns) in V zones (Section 5.3.4.2); or, in the case of floodproofed buildings, the elevations to which the floodproofing is effective (Section 5.3.1.2.2).

4.3.3 Compliance. Deficiencies in the lowest floor elevations shall be corrected by the permit holder immediately and prior to further progressive work being performed to proceed. Failure to submit an acceptable survey or failure to make corrections required hereby shall be cause for issuance of a stop-work order.

4.4 Duties and Responsibilities of the Building Inspector

In the administration of this ordinance, the Building Inspector shall perform the following duties, among others:

4.4.1 Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

4.4.2 Review all development permits to assure that the requirements of this ordinance have been satisfied.

4.4.3 Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the Development Permit. Such additional permit requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Coastal Area Management Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 404 Permit.

4.4.4 Notify the regional planning agency and the affected municipality at least 35 days prior to the public hearing if any change of regulation or use of a flood zone will affect an area within 500 feet of another municipality.

4.4.5 Notify adjacent communities and the Department of Environmental Protection, Inland Water Resources Management Division prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

4.4.6 Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

4.4.7 Record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Sections 5.3.1.1 and 5.3.1.2.1.

4.4.8 Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Section 5.3.1.2.2.

4.4.9 Obtain and maintain all certifications required under this ordinance and assure that they meet the standards of Section 4.2 hereof.

4.4.10 Make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

4.4.11 Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of Section 5.3, when base flood elevation data or floodway data have not be provided in accordance with Article 3, Section B.

4.4.12 Maintain all records pertaining to the provisions of this ordinance.

4.4.13 Review plans for adequacy of breakaway walls in Coastal High Hazard Areas are in accordance with subsection 5.3.4.

SECTION 5 - PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 General Standards

In all areas of special flood hazard the following provisions shall apply:

5.1.1 New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

5.1.2 New construction and substantial improvements shall be constructed with materials resistant to flood damage;

5.1.3 New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

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5.1.4 Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within components during flooding conditions;

5.1.5 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

5.1.6 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters;

5.1.7 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

5.1.8 In any portion of a watercourse which is altered or relocated the flood carrying capacity shall be maintained;

5.1.9 Manufactured Homes. All manufactured homes (including "mobile" homes AND **RECREATIONAL VEHICLES PLACED ON A SITE FOR ONE HUNDRED EIGHTY (180) CONSECUTIVE DAYS OR LONGER, LOCATED WITHIN ZONE A OR AE (INCLUDING, BUT NOT LIMITED TO, MANUFACTURED HOMES LOCATED OUTSIDE A MANUFACTURED HOME PARK OR SUBDIVISION, IN A NEW MANUFACTURED HOME PARK OR SUBDIVISION, IN AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION, IN AN EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION, OR ON A SITE IN AN EXISTING MANUFACTURED HOME PARK IN WHICH A MANUFACTURED HOME HAS INCURRED SUBSTANTIAL DAMAGE AS A RESULT OF A FLOOD)**) to be placed or substantially improved shall be:

5.1.9.1 Elevated so that the lowest floor is above the base flood elevation;

5.1.9.2 Placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors;

5.1.9.3 Installed using methods and practices which minimize flood damage. Elevation construction standards include piling foundations placed no more than 10 feet apart, and the provision of reinforcement for piers more than six feet above ground level.

5.1.9.4 Adequate access and drainage should be provided.

5.1.9.5 RECREATIONAL VEHICLES LOCATED WITHIN ALL AREAS OF SPECIAL FLOOD HAZARD AND COASTAL HIGH-HAZARD AREAS MUST EITHER BE ON SITE FOR FEWER THAN ONE HUNDRED EIGHTY (180) CONSECUTIVE DAYS AND BE FULLY LICENSED AND

READY FOR HIGHWAY USE, OR MEET THE ELEVATION AND ANCHORING REQUIREMENTS OF A MANUFACTURED HOME. A RECREATIONAL VEHICLE IS READY FOR HIGHWAY USE IF IT IS ON ITS WHEELS OR JACKING SYSTEM, IS ATTACHED TO THE SITE ONLY BY QUICK DISCONNECT TYPE UTILITIES AND SECURITY DEVICES, AND HAS NO PERMANENTLY ATTACHED ADDITIONS.

5.1.10 COMPENSATORY STORAGE. THE WATER HOLDING CAPACITY OF THE FLOODPLAIN, EXCEPT THOSE AREAS WHICH ARE TIDALLY INFLUENCED, SHALL NOT BE REDUCED. ANY REDUCTION CAUSED BY FILLING, NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS INVOLVING AN INCREASE IN FOOTPRINT TO THE STRUCTURE, SHALL BE COMPENSATED FOR BY DEEPENING AND/OR WIDENING OF THE FLOODPLAIN. STORAGE SHALL BE PROVIDED ON-SITE, UNLESS EASEMENTS HAVE BEEN GAINED FROM ADJACENT PROPERTY OWNERS; IT SHALL BE PROVIDED WITHIN THE SAME HYDRAULIC REACH AND A VOLUME NOT PREVIOUSLY USED FOR FLOOD STORAGE; IT SHALL BE HYDRAULICALLY COMPARABLE AND INCREMENTALLY EQUAL TO THE THEORETICAL VOLUME OF FLOOD WATER AT EACH ELEVATION, UP TO AND INCLUDING THE 100-YEAR FLOOD ELEVATION, WHICH WOULD BE DISPLACED BY THE PROPOSED PROJECT. SUCH COMPENSATORY VOLUME SHALL HAVE AN UNRESTRICTED HYDRAULIC CONNECTION TO THE SAME WATERWAY OR WATER BODY. COMPENSATORY STORAGE CAN BE PROVIDED OFF-SITE IF APPROVED BY THE MUNICIPALITY.

5.1.11 EQUAL CONVEYANCE. WITHIN THE FLOODPLAIN, EXCEPT THOSE AREAS WHICH ARE TIDALLY INFLUENCED, AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP (FIRM) FOR THE COMMUNITY, ENCROACHMENTS RESULTING FROM FILLING, NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS INVOLVING AN INCREASE IN FOOTPRINT OF THE STRUCTURE, ARE PROHIBITED UNLESS THE APPLICANT PROVIDES CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER DEMONSTRATING, WITH SUPPORTING HYDROLOGIC AND HYDRAULIC ANALYSES PERFORMED IN ACCORDANCE WITH STANDARD ENGINEERING PRACTICES, THAT SUCH ENCROACHMENTS SHALL NOT RESULT IN ANY (0.00 FEET) INCREASE IN FLOOD LEVELS (BASE FLOOD ELEVATION). WORK WITHIN THE FLOODPLAIN AND THE LAND ADJACENT TO THE FLOODPLAIN, INCLUDING WORK TO PROVIDE COMPENSATORY STORAGE SHALL NOT BE CONSTRUCTED IN SUCH A WAY SO AS TO CAUSE AN INCREASE IN FLOOD STAGE OR FLOOD VELOCITY.

5.1.12 ABOVE-GROUND STORAGE TANKS. ABOVE-GROUND STORAGE TANKS (OIL, PROPANE, ETC.) WHICH ARE LOCATED OUTSIDE OR INSIDE OF THE STRUCTURE MUST EITHER BE ELEVATED ABOVE THE BASE FLOOD ELEVATION (BFE) ON A CONCRETE PAD, OR BE SECURELY ANCHORED WITH TIE-DOWN STRAPS TO PREVENT FLOTATION OR LATERAL MOVEMENT, HAVE THE TOP OF THE FILL PIPE EXTENDED ABOVE THE BFE, AND HAVE A

SCREW FILL CAP THAT DOES NOT ALLOW FOR THE INFILTRATION OF FLOOD WATER.

5.1.13 PORTION OF STRUCTURE IN FLOOD ZONE. IF ANY PORTION OF A STRUCTURE LIES WITHIN THE SPECIAL FLOOD HAZARD AREA (SFHA), THE ENTIRE STRUCTURE IS CONSIDERED TO BE IN THE SFHA. THE ENTIRE STRUCTURE MUST MEET THE CONSTRUCTION REQUIREMENTS OF THE FLOOD ZONE. THE STRUCTURE INCLUDES ANY ATTACHED ADDITIONS, GARAGES, DECKS, SUNROOMS, OR ANY OTHER STRUCTURE ATTACHED TO THE MAIN STRUCTURE. DECKS OR PORCHES THAT EXTEND INTO A MORE RESTRICTIVE FLOOD ZONE WILL REQUIRE THE ENTIRE STRUCTURE TO MEET THE STANDARDS OF THE MORE RESTRICTIVE ZONE.

5.1.14 STRUCTURES IN TWO FLOOD ZONES. IF A STRUCTURE LIES WITHIN TWO OR MORE FLOOD ZONES, THE CONSTRUCTION STANDARDS OF THE MOST RESTRICTIVE ZONE APPLY TO THE ENTIRE STRUCTURE (I.E., V ZONE IS MORE RESTRICTIVE THAN A ZONE; STRUCTURE MUST BE BUILT TO THE HIGHEST BFE). THE STRUCTURE INCLUDES ANY ATTACHED ADDITIONS, GARAGES, DECKS, SUNROOMS, OR ANY OTHER STRUCTURE ATTACHED TO THE MAIN STRUCTURE. (DECKS OR PORCHES THAT EXTEND INTO A MORE RESTRICTIVE ZONE WILL REQUIRE THE ENTIRE STRUCTURE TO MEET THE REQUIREMENTS OF THE MORE RESTRICTIVE ZONE.)

5.1.15 NO STRUCTURES ENTIRELY OR PARTIALLY OVER WATER. NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS, AND REPAIR TO STRUCTURES THAT HAVE SUSTAINED SUBSTANTIAL DAMAGE CANNOT BE CONSTRUCTED OR LOCATED ENTIRELY OR PARTIALLY OVER WATER UNLESS IT IS A FUNCTIONALLY DEPENDENT USE OR FACILITY.

5.2 Standards for Stream Without Established Base Flood Elevations and/or Flooding.

The Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 6.4 of this ordinance, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community's FIRM meet the standards of Section 5.3.

5.2.1 In A zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

5.2.2 Should data be required and/or provided, the City shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

5.3 Specific Standards

5.3.1 Special Flood Hazard Areas (A1-A30, AE, AH). In all areas of special flood hazard A AND [1-30], AE [AH] where base flood elevation data has been provided, the following provisions shall apply:

5.3.1.1 Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least to the base flood elevation.

5.3.1.2 Non-Residential Construction

5.3.1.2.1 New construction or substantial improvement to any commercial, industrial, or non-residential structure located in Zone [A1-30, AE & AH] A AND AE shall have the lowest floor, including basement, elevated to at least the base flood elevation; or

5.3.1.2.2 Non-residential structures located in all A zones may be floodproofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Building Inspector as set forth in 4.3.1.6.

5.3.2 Fully Enclosed Areas Below Base Flood Elevation. New construction or substantial improvements of buildings that include fully-enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the automatic entry and exit of flood waters to equalize hydrostatic flood forces on exterior walls.

5.3.2.1 Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

5.3.2.1.1 Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

5.3.2.1.2 The bottom of all openings shall be no higher than one foot above grade; and

5.3.2.1.3 Openings shall be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

5.3.2.2 Electrical, plumbing, and other utility connections are prohibited below the base flood elevation; and

5.3.2.3 Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

5.3.3 Floodways. Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential, no encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practices that proposed encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge.

5.3.4 Coastal High Hazard Areas [V 1-30, VE Zone] (Zone VE). Located within the areas of special flood hazard established in Section 3.2 are areas designated as Coastal High Hazard Area [V 1-30 and] VE. Since these areas have special flood hazards associated with high velocity waters, including hurricane wave wash, the following provisions shall apply:

5.3.4.01 All new construction or substantial improvement shall be located 25 feet landward of the reach of the mean high tide;

5.3.4.02 All new construction or substantial improvement shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the base flood level, with all space below the lowest supporting member open so as not to impede the flow of water;

5.3.4.03 All new construction or substantial improvement shall be securely anchored on pilings or columns;

5.3.4.04 All pilings or columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100 year mean recurrence interval (one percent annual chance floods and winds);

5.3.4.05 A registered professional engineer or architect shall review and/or develop structural design specifications and plans for construction and shall certify that the design, specifications and methods of construction are in accord with acceptable standards of practice for meeting the provisions contained in Sections 5.3.4.2 - 5.3.4.4 of this ordinance;

5.3.4.06 There shall be no fill used as structural support.

Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free from obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection.

The Building Inspector shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:

5.3.4.6.1 Particle composition of fill material does not have a tendency for excessive natural compaction; and

5.3.4.6.2 Volume and distribution of fill will not cause wave deflection to adjacent properties; and

5.3.4.6.3 Slope of fill will not cause wave run-up or ramping.

5.3.4.07 There shall be no alteration of sand dunes which would increase potential flood damage;

5.3.4.08 Non-supporting breakaway wall, lattice work or mesh screening may be allowed below the base flood elevation provided it is not part of the structural support of the building and is designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which it is to be used and provided the following specific design specifications are met:

5.3.4.8.1 Design safe loading resistance of each wall shall not be less than 10 nor more than 20 pounds per square foot; or

5.3.4.8.2 If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building

components during the base flood event. Maximum wind and water loading values to be used in this determination shall each have one percent (1%) chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

5.3.4.09 If breakaway walls, lattice work or screening are utilized, the resulting enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.

5.3.4.10 Prior to construction, plans for any structures that will have breakaway walls, lattice work or screening must be submitted to the Building Inspector for approval.

5.3.4.11 Any alteration, repair, reconstruction, or improvement to a structure shall not enclose the space below the lowest floor except with breakaway walls, lattice work or screening as provided for in Sections 5.3.4.08 - 5.3.4.09.

5.3.4.12 MANUFACTURED HOMES LOCATED IN VE ZONE. ALL MANUFACTURED HOMES (INCLUDING "MOBILE" HOMES AND RECREATIONAL VEHICLES PLACED ON SITE FOR ONE HUNDRED EIGHTY (180) CONSECUTIVE DAYS OR LONGER) LOCATED WITHIN VE ZONES (INCLUDING, BUT NOT LIMITED TO, MANUFACTURED HOMES LOCATED OUTSIDE A MANUFACTURED HOME PARK OR SUBDIVISION, IN A NEW MANUFACTURED HOME PARK OR SUBDIVISION, IN AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION, IN AN EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION, OR ON A SITE IN AN EXISTING MANUFACTURED HOME PARK IN WHICH A MANUFACTURED HOME HAS INCURRED SUBSTANTIAL DAMAGE AS A RESULT OF A FLOOD) TO BE NEWLY PLACED, UNDERGOING A SUBSTANTIAL IMPROVEMENT OR REPAIRED AS A RESULT OF SUSTAINED SUBSTANTIAL DAMAMGE, SHALL BE ELEVATED SO THAT THE BOTTOM OF THE LOWEST HORIZONTAL STRUCTURAL MEMBER IS AT OR ABOVE THE BASE FLOOD ELEVATION (BFE). THE MANUFACTURED HOME MUST ALSO MEET ALL THE CONSTRUCTION STANDARDS FOR VE ZONES AS PER SECTION 5.3.4 COASTAL HIGH HAZARD AREAS. ALL MANUFACTURED HOMES WITHIN VE ZONES SHALL BE PLACED ON A PERMANENT FOUNDATION WHICH ITSELF IS SECURELY ANCHORED AND TO WHICH THE STRUCTURE IS SECURELY ANCHORED SO THAT IT WILL RESIST FLOTATION, LATERAL MOVEMENT AND HYDROSTATIC PRESSURES. ANCHORING MAY INCLUDE,

BUT NOT BE LIMITED TO, THE USE OF OVER-THE-TOP OR FRAME TIES TO GROUND ANCHORS. ALL MANUFACTURED HOMES WITHIN VE ZONES SHALL BE INSTALLED USING METHODS AND PRACTICES THAT MINIMIZE FLOOD DAMAGE. ADEQUATE ACCESS AND DRAINAGE SHOULD BE PROVIDED.

5.3.4.13 RECREATIONAL VEHICLES PLACED ON SITES WITHIN VE ZONES SHALL EITHER BE ON THE SITE FOR FEWER THAN ONE HUNDRED EIGHTY (180) CONSECUTIVE DAYS, AND BE FULLY LICENSED AND READY FOR HIGHWAY USE, OR MEET ALL THE GENERAL STANDARDS OF SECTION 5.1 AND THE VE ZONE CONSTRUCTION REQUIREMENTS OF SECTION 5.3.4, AND THE ELEVATION AND ANCHORING REQUIREMENT OF SECTION 5.3.4.12. A RECREATIONAL VEHICLE IS READY FOR HIGHWAY USE IF IT IS ON ITS WHEELS OR JACKING SYSTEM, IS ATTACHED TO THE SITE ONLY BY QUICK DISCONNECT TYPE UTILITIES AND SECURITY DEVICES, AND HAS NO PERMANENTLY ATTACHED ADDITIONS.

SECTION 6 - STANDARDS FOR SUBDIVISION PROPOSALS

In all special flood hazard areas the following requirements shall apply:

- 6.1 All subdivision proposals shall be consistent with the need to minimize flood damage;
- 6.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- 6.3 All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards; and
- 6.4 Base flood elevation data shall be provided for all subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or fifty lots, which ever occurs first, and are located in Zone A.

SECTION 7 - VARIANCE PROCEDURES

7.1 The New Haven City Plan Commission (hereafter Commission) as established by the City of New Haven shall hear and decide appeals and requests for Flood Damage Prevention (FDP) Variances from the requirements of this ordinance.

7.1.1 Applications for Appeals shall be secured from and filed at the Office of the Commission, or its designee, with the required fee.

FLOOD DAMAGE PREVENTION ORDINANCE, CITY OF NEW HAVEN, CONNECTICUT

Page 22

7.1.2 Application Fee for Appeals. A filing for an appeal shall be accompanied by a fee as specified in Section 17-22 of the New Haven Code of Ordinances.

7.1.3 Referral to Building Inspector. Following receipt of an Application for Appeal the Commission may request an advisory report from the Building Inspector, who may return comments on the appeal to the Commission with fifteen (15) days of the receipt of the Application for Appeal. Such comments shall be advisory only.

7.1.4 Building Code Modification by State Building Inspector May be Required. The grant of an FDP Variance by the Commission may not be a final action. If a modification of the provisions of the State Building Code is necessary, a separate application to the State for a Code Modification will be required.

7.2 The Commission shall hear and decide appeals when it is alleged there is an error in any requirement decision, or determination made by the Building Inspector in the enforcement or administration of this ordinance.

7.3 Any person aggrieved by the decision of the Commission or any person owning land which abuts or is within a radius of one hundred (100) feet of the land in question may appeal within 15 days after such decision to the State Superior Court of the County of New Haven, as provided in Section 8-8 of the General Statutes.

7.4 Specific Situation Variances

7.4.1 Buildings on the Historic Register. FDP Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Place or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for Section 7.5.3.1 - 7.5.3.4 and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical character.

7.4.2 Pre-Existing, Small Lot Location. FDP Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size which is contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with Section 7.5.3.1 - 7.5.3.4.

7.4.3 Functionally-Dependent Uses. FDP Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meets the requirements of Section 7.5.3.1 - 7.5.3.4.

7.4.4 Floodway Prohibition. FDP Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

7.5 Considerations for Granting of FDP Variances

7.5.1 In passing upon applications, the Commission shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance; and

7.5.1.01 The danger that materials may be swept onto other lands to the injury of others;

7.5.1.02 The danger to life and property due to flooding or erosion damage;

7.5.1.03 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

7.5.1.04 The importance of the services provided by the proposed facility to the community;

7.5.1.05 The necessity of the facility of a waterfront location, in the case of a functionally dependent facility;

7.5.1.06 The availability of alternative locations which are not subject to flooding or erosion damage for the proposed use;

7.5.1.07 The compatibility of the proposed use with existing and anticipated development;

7.5.1.08 The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

7.5.1.09 The safety of access to the property in times of flood for ordinary and emergency vehicles;

7.5.1.10 The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

7.5.1.11 The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

7.5.2 Upon consideration of the factors listed above, and the purposes of the ordinance, the Commission may attach such conditions to the granting of FDP Variances as it deems necessary to further the purposes of this ordinance.

7.5.3 Conditions for Variances

7.5.3.1 FDP Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and in the instance of a historical building, a determination that the FDP Variance is the

minimum necessary as not to destroy the historic character and design of the building;

7.5.3.2 FDP Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

7.5.3.3 Any applicant to whom a FDP Variance is granted shall be given a written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.

7.5.3.4 Records of all appeal actions shall be maintained and any FDP Variances shall be reported to the Federal Emergency Management Agency upon request.

SECTION 8 - PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of an FDP Variance, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100 per day, or imprisoned for not more than 60 days for each day of violation, or both, and in addition, shall pay all costs and reasonable legal fees involved in the case. Each day of violation shall be considered a new violation. Nothing herein contained shall prevent the City of New Haven from taking such other lawful action as is necessary to prevent or remedy any violation.

Amendment #1: Adopted September 8, 1998

Effective Date: October 3, 1998

Proposed Amendment #2: Adopted _____

Referral 2.2: Town of Hamden

Subject: Proposed Zoning Regulation Amendment to Prohibit Outdoor Wood-Burning Furnaces.

Staff Recommendation: The proposed Zoning Regulation Amendment does not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

Background: The Town of Hamden has proposed a Zoning Regulation Amendment to prohibit Outdoor Wood burning Furnaces. In Section 830 – Defined Terms a definition for an outdoor wood burning furnace has been added. The definition states the following; *“Also called Outdoor Wood Boiler. An accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. The term “Outdoor wood-burning furnace” does not include a fire pit, wood fired barbecue or chiminea.”*

In section 160.C the proposed amendment clearly states that outdoor wood-burning furnaces are not permitted in any zone.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region (Bethany, New Haven, North Haven, Wallingford, Woodbridge).



Town of Hamden

Planning and Zoning Department

Hamden Government Center
2750 Dixwell Avenue
Hamden, CT 06518
Tel: (203) 287-7070
Fax: (203) 287-7075

July 30, 2010

Mr. Carl Amento
Executive Director
South Central Regional
Council of Governments
127 Washington Avenue, 4th Floor West
North Haven, CT 06473-1715

Dear Mr. Amento,

Enclosed is Zoning Regulation amendment 10-924. The Public Hearing date is September 14, 2010.

Please address any comments to the Hamden Planning Office, Attention Town Planner.

Sincerely yours,

Stacy Shellard
Administrative Assistant to Boards and Commissions

KS/ks

Enclosures

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COUNCIL OF GOVERNMENTS



PLANNING AND
ZONING DEPT.

Date of Filing July 29, 2010
Fee EXEMPT
Date Paid _____
Receipt # _____
Application # 10-924

AUG 2 2010

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AUG 2 2010
SOUTH CENTRAL REGIONAL
COUNCIL OF GOVERNMENTS

APPLICANT Hamden Planning and Zoning Commisson TELEPHONE 203-287-7070
(Name)
ADDRESS Hamden Government Center, 2750 Dixwell Ave Hamden, CT 06518
(Street No and Name) (Town and State) (Zip Code)

REGULATION TO BE: ☒ AMENDED ☐ ADDED or ☐ DELETED:
Article Number 830 & 160.c Section _____ Group Use _____

CURRENT LANGUAGE	SEE ATTACHMENT

PROPOSED LANGUAGE	SEE ATTACHMENT

REASON FOR PETITION FOR CHANGE SEE ATTACHMENT

Have there been any previous petitions for same or similar amendments? ☐ YES ☒ NO

If YES, list name of applicant _____

SIGNATURE OF APPLICANT: D. W. Kopf, Assistant Town Planner for the
(Name) Planning and Zoning Commission

TELEPHONE NO. 203-287-7070

MAILING ADDRESS

Hamden Government Center, 2750 Dixwell Ave Hamden, CT 06518

(Street No. and Name)

(Town and State)

(Zip Code)

If you require additional space to complete any of your answers, please attach to this document.

Attachment 1: Current and Proposed Language

Proposed Amendment to the Zoning Regulations to Prohibit Outdoor Wood-Burning Furnaces

Section 830 Defined Terms

add:

Outdoor Wood-Burning Furnace: Also called Outdoor Wood Boiler. An accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or jacuzzi water. The term "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chiminea.

Section 160 Interpretation of Regulations

Current language:

- a. Any principal use of land, buildings or structures not expressly permitted by these Regulations in the various zones is prohibited.
- b. Any activity not expressly permitted in the Regulations is prohibited.
- c. For a principal use permitted by these Regulations, accessory uses that are customarily incidental and are actually subordinate thereto are permitted.
- d. No accessory use shall be established on a property until a principal use has first been established.
- e. Where any conflict arises between the provisions of these Regulations and any other law, ordinance, regulation or permit, the provision that imposes the highest standard or establishes the greatest restriction upon the use of the land, buildings, structures or site shall control.

Proposed change: Add to Section 160.c

"with the exception of Outdoor Wood-Burning Furnaces, which are not permitted in any zone."

Proposed language: (The added text is shown in italics and boldface only for purposes of highlighting the proposed amendment)

Section 160 Interpretation of Regulations

- a. Any principal use of land, buildings or structures not expressly permitted by these Regulations in the various zones is prohibited.
- b. Any activity not expressly permitted in the Regulations is prohibited.
- c. For a principal use permitted by these Regulations, accessory uses that are customarily incidental and are actually subordinate thereto are permitted, ***with the exception of Outdoor Wood-Burning Furnaces, which are not permitted in any zone.***
- d. No accessory use shall be established on a property until a principal use has first been established.
- e. *Where any conflict arises between the provisions of these Regulations and any other law, ordinance, regulation or permit, the provision that imposes the highest standard or establishes the greatest restriction upon the use of the land, buildings, structures or site shall control.*

Attachment 2: Narrative Explaining the Reason for Petition for Change

The proposed amendment seeks to prohibit the use of outdoor wood-burning furnaces, which are also called outdoor wood boilers, due to significant health concerns. These furnaces typically heat water which is then pumped into one or more buildings to provide heat. The furnaces generate a significant amount of particulates that are harmful to people living on nearby properties.

There are three main factors generally cited as harmful to air quality:

1. The exhaust stacks are short which means that smoke and soot are released close to the ground.
2. Typically, the units are surrounded by a "water jacket" that lower the temperature and leads to incomplete combustion of the gases that are released.
3. The furnaces tend to run intermittently, resulting in smoldering fires much of the time. These produce creosote which in turn is released into the air.

The harmful effect on air quality has led eleven Connecticut communities – Granby, Tolland, Hebron, West Hartford, South Windsor, Portland, Norfolk, Ridgefield, Cheshire, Woodbridge and Haddam, as well as the State of Washington to ban outdoor wood-burning furnaces.

The Planning and Zoning Department has not received any complaints about such furnaces and has not issued any Zoning Permits for them. The amendment is intended to prevent them before they appear and become grandfathered in and protected as legal, non-conforming, accessory structures.

Referral 2.3: City of Shelton

Subject: Proposed Zoning Regulation Amendments to Section 44: Signs

Staff Recommendation: The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

Background: The City of Shelton proposed zoning regulations amendments to Section 44. The section is sub-divided into the following categories: Purpose, Definitions, General Requirements, Sign Prohibitions, Signs Permitted in All Districts, Signs Permitted in Non-Residence Districts, Signs Permitted in Planned Development Districts and Unified Shopping Centers, Directional Signs, and Special Events. The proposed regulations are more extensive than the existing regulations and provide greater clarity pertaining to the permitted usage of signs.

The Regional Planning Commission previously reviewed these regulations during the May 2009 meeting. The proposed regulations have largely remained intact; the previous RPC recommendation was that the proposed amendment had no inter-municipal impact or impacts to the Long Island Sound.

Communication: In researching this proposal, I spoke to the Planning Staff in Shelton and notified the adjacent municipalities in the South Central Region (Orange, Milford).

PLANNING AND ZONING COMMISSION, CITY OF SHELTON

54 Hill Street, Shelton, CT 06484 (203) 924-1555 EXT. 361

Ruth Parkins – Chairman

Richard D. Schultz, AICP – Planning and Zoning Administrator

ZONING/PLANNING REFERRAL TRANSMITTAL

Date: 7/2/10

TO: South Central Regional Council of Governments, Judy Gott, Exec. Dir.

FROM: SHELTON PLANNING AND ZONING COMMISSION

BY: Richard D. Schultz, AICP

PROPOSAL/PROJECT: Proposal of the Shelton Planning and Zoning

Commission to amend the Shelton Zoning Regulations by re-writing

Section 44: Signs

The subject proposal/project is referred to you by the Shelton Planning and Zoning Commission in accordance with the indicated provisions of the Connecticut General Statutes. A general description of the proposal/project is enclosed, but should you require additional information, please contact this office at 924-1555, extension 361.

- (x) Section 8-3b Notice to Regional Planning Agency of Proposed Zone or Zone Use Change.
- () Section 8-3h Applications for projects within 500 feet of the City Line or with significant impacts on adjacent Town (traffic, drainage, etc.).
- () Section 8-26b Subdivisions abutting the City Line.
- () Section 8-26f Projects within 500 feet of the City Line or with significant impacts on adjacent Town.
- () Section 22a-104e Zoning Regulations, Plan of Development and other changes within the designated Coastal Area.
- () Section 22a-105 Coastal Site Plan Reviews

A public hearing/meeting on the subject proposal/project has been scheduled for Sept. 14, 2010 at 7:00 P.M. at the Shelton City Hall.

Attachments: Text Amendments

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SHELTON PLANNING AND ZONING COMMISSION

SIGN REGULATIONS – INITIAL DRAFT 6/5/08; AS REVISED TO 1/28/10 and 4/9/10

SECTION 44 - SIGNS

44.1 Purpose: It is the purpose of these sign regulations to permit signs that do not confuse or obstruct the visibility necessary for traffic safety or otherwise endanger public health and safety, create an attractive business climate and to enhance the physical appearance of commercial areas and to preserve and enhance the overall aesthetics of the community. The intent of this **Section** is to accommodate the establishment of signs necessary for identification, direction and reasonable commercial promotion while avoiding signs of a character, as well as a proliferation and extension of signs, that would be detrimental to the public health and safety, property values and the appearance and beauty of the community. The goal is to insure that signs, as defined herein and placed in the City of Shelton, shall not be overly intrusive, unnecessarily large, overly high or inappropriately located.

44.2 Definitions: The following shall have the meanings given below:

44.2.1 Sign: Every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag or other device, however made, displayed, painted, supported or attached, which advertises, announces, directs, identifies, publicizes, notices or warns, which is visible from any street or from any lot other than the lot on which it is located. The term “sign” shall also include any continuous strip-lighting but shall not include any flag, pennant or insignia of any governmental unit or non-profit organization. Indoor signs placed in windows and intended to be viewed from outside the building shall also be considered “signs” for the purpose of these Regulations.

44.2.2 Sign, Internally Illuminated: A sign designed to give forth artificial light, directly or through transparent or translucent material, from a source of light on or within such sign, but not limited to neon, “LED” (light emitting diodes), LCD

(liquid crystal display), HID (high intensity discharge), fluorescent and/or incandescent "lamps" and exposed-lamp signs.

44.2.3 Free-Standing Sign: A Free-Standing Sign shall be any sign not attached to or mounted on a building and shall also include the following:

44.2.3(a) Ground Sign: A sign which has no clear area between the ground and the bottom of the sign area or a sign together with its supports which does not exceed six (6) feet in height.

44.2.3(b) Elevated Sign: A sign supported by two (2) or more uprights in or upon the ground and whose total height exceeds six (6) feet.

44.2.4 Wall Sign: A sign attached to, painted on or erected against the exterior wall of a building and running approximately parallel with the face of the wall; a projecting or hanging sign located under a roof and over a walkway; or a blade sign mounted perpendicular to the main building façade.

44.2.5 Identification Sign: A sign advertising the name or kind of business conducted, or the sale of goods, merchandise or services sold or provided at the premises where the sign is located, or the prospective sale or lease of said premises or the business conducted therein.

44.2.6 Directional Sign: A sign containing no advertising thereon and giving only the name and directions to one or more establishments located at other premises.

44.2.7 Light: Any floodlight, searchlight, beacon or other source of illumination of any kind.

44.2.8 Flashing and Moving: A sign or source of light, which flashes, rotates, moves or in any way simulates motion.

44.2.9 Continuous Strip Lighting: Any source of illumination of the gas filled, continuous bulb lighting, LED or of similar utility and design.

44.2.10 Unified Shopping Center: Any retail or mixed retail and office shopping area containing four (4) or more retail tenants in one (1) or more buildings, all situated on one lot.

44.2.11 Blade Sign: A projecting sign that is mounted to a wall such that the sign face is perpendicular to the main building facade,

44.3 General Requirements: The following requirements are applicable to all signs throughout the City of Shelton.

44.3.1 Permits: No sign, except as provided herein, shall be constructed, erected, moved, or structurally altered or otherwise changed, unless an **Application for a Certificate of Zoning Compliance** has been approved by the Shelton Planning and Zoning Commission or its authorized agent. A change to a new name shall not be deemed to be a change but will require administrative approval of a permit. Normal maintenance shall not be deemed to be a change.

44.3.2 Applications: All such Applications for signs shall be accompanied by a plot plan showing the location of the sign(s), and by a drawing or sketch, drawn to scale with dimensions, showing the height, design, materials, colors and illumination of the proposed sign(s), and by a building elevation or sketch showing pertinent building dimensions and the proposed sign(s) located thereon.

44.3.3 Illumination: All illuminated signs or lighting devices shall employ only lights emitting a light of constant intensity. Internally illuminated signs shall be such that all direct light sources are completely covered and located so as to minimize intrusion into residential areas.

44.3.4 Maintenance: All signs together with their supports, braces, guys and anchors shall be kept in good repair and in safe condition. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All loose or missing letters, figures, characters or representations on any sign shall constitute a maintenance violation and must be corrected or removed by the owner within five (5) days of notice to do so from the Zoning Enforcement Officer.

Temporary signs in a torn or damaged condition must be removed by the owner within five (5) days of notice to do so from the Zoning Enforcement Officer. Any sign deemed by the Building Official to be unsafe and a threat of bodily harm or property damage shall be removed immediately upon receipt of notice by the Zoning Enforcement Officer and/or the Building Official. Except in the instance of an unsafe condition, any such order by the Zoning Enforcement Officer may be appealed to the Planning and Zoning Commission for review. Appeals from an order by the Building Official may be filed with The Building Appeals Board for a determination. Signs that indicate the time or temperature must indicate the correct information to public view. The owner and/or lessee of the premises on which a sign is erected shall be directly responsible for keeping such sign and premises in a safe, neat and orderly condition.

44.3.5 Non-Conforming Signs: Currently existing signs of a size or type not permitted in the District in which they are situated, or which are located or illuminated contrary to the above regulations, or which do not conform to all provisions of these regulations, will be considered non-conforming structures under this Section. No non-conforming sign shall be altered or changed unless such sign is made to conform to these regulations. A change shall not include a change in name and shall not include normal maintenance activities. Any other change of such non-conforming signs or increase in size shall be deemed to be an enlargement or extension producing an increase in non-conformity. Any signs described above shall not be relocated to any other location on the premises unless such relocation results in reducing or eliminating the degree of non-conformity.

44.3.6 Measurement of Area: The area of a sign shall include all exposed faces of a sign measured as follows:

- a. When such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included.
- b. When such sign is comprised only of letters, designs or figures affixed on a wall, the entire face of said wall being of uniform material, color, and texture, the total area of such sign shall be considered to be the area of the smallest geometric shape, such as a rectangle, triangle or circle which encloses all letters, symbols, or designs that constitute such sign.

- c. Any sign may be double faced and only one face shall be counted in determining conformity to sign area limitations. If the two faces are at any point more than two feet from one another, they shall be considered as two signs.

44.4 Sign Prohibitions: The prohibitions set forth in this Paragraph shall apply to all signs, all artificial lighting and all Districts within the City of Shelton, regardless of designation.

44.4.1 All signs and other advertising devices other than **Directional Signs** under Paragraph 44.8 herein shall be limited to only those that advertise, identify or give publicity or notice only with respect to a use of land, buildings or other structures actually present on the property on which such sign is located.

44.4.2 No sign, including awning signs, shall project beyond any property line or street line, unless said encroachment into the street right of way has been properly authorized by the Shelton Board of Aldermen and processed by the Building Department. Any such sign not properly authorized/processed shall be removed by the owner of the premises upon which such sign may be found. Except those permitted subject to the provisions of Paragraph 44.9, any portable signs not attached either to a building or the ground (such as sandwich signs) and located within such public street right of way shall be removed within ten (10) days after written notification from the Zoning Enforcement Officer. The Zoning Enforcement Officer may cause to be removed any such portable sign that is placed within the public right-of-way of any street. If said street is a State/Federal Highway, the State of CONN/DOT will be notified to remove said sign(s) immediately and they will be brought to the DOT maintenance garage. If said street is a City street, the City Department of Highways and Bridges will be notified to remove such sign(s) immediately and they will be brought to the City Yard. The owner is responsible for making arrangements to pick up said sign(s). The owner of any sign(s) so removed by the City shall pay to the City of Shelton the actual costs of removal and storage, or a charge of ten (\$10) dollars per day, whichever is greater. Any such sign not claimed within ten (10) days may be destroyed.

- 44.4.3** No projecting or hanging sign shall extend over any portion of the vehicular traveled path of any driveway or other accessway.
- 44.4.4** No wall sign except permitted blade signs shall extend beyond the sides of a building or above the lowest point of the main roof-line of any building. No sign shall be permitted on the roof of any building or portion thereof.
- 44.4.5** No sign shall interfere in any way with vehicular or pedestrian traffic, traffic signs or signals or visibility of motorists by virtue of the location, color or size of such signs. No artificial light or reflecting device shall be used, located, or displayed where such light or device distracts the attention of users of a street and competes for attention with, or may be mistaken for, a traffic signal. No sign shall be erected in such a manner that it obstructs clear vision for a distance of twenty (20) feet from any street intersection, as measured along the curb or gutter line of each street.
- 44.4.6** No sign shall obstruct access to or from any door, exit, window or fire escape, or access for fire fighting purposes, or which interferes with any opening required for proper ventilation or to cause other hazards to the public health or safety of the public generally, or is deemed to be a nuisance or annoyance to the residents or occupants of the premises or of any other building or premises. In enforcing the provisions of this paragraph, the Commission may consult with and/or seek input from the Fire Marshall, Police Chief or other municipal official or board.
- 44.4.7** No sign shall be animated or flashing, except for barber poles and time-temperature devices employed as part of an otherwise non-flashing, non-animated display. No letter, figure or device, except for barber poles, shall exceed a height of three (3) feet for a single line of copy or two (2) feet for multiple lines of copy.
- 44.4.8** Except for flags, no sign shall be permitted which is in motion by any means, including swinging, fluttering or rotating, including signs such as festive banners and/or pennants larger than one (1) foot in any dimension, strung in series and set in motion by movement of the atmosphere. The area of any flag (except national, state or town flags) shall be computed as signage and shall require permits in accordance with Paragraph 44.3.1.

44.4.9 No sign shall be permitted to be painted or posted directly upon the exposed surface of any wall except for individual, raised, mounted letters. All other painted or posted signs shall be on a plate or backing made of a durable material such as metal, wood or plastic that is affixed to the wall.

44.4.10 No signs shall be mounted or posted on any tree or utility pole.

44.4.11 Temporary, free-standing portable signs, such as sandwich signs, shall be prohibited unless authorized under the provisions of Paragraph 44.6 herein. The stringing of lights is prohibited, except during the annual holiday season extending from November 15 to January 16.

44.4.12 No building, sign or any portion thereof shall be outlined in gas-filled tube type lighting, LEDs or other similar lighting.

44.4.13 On any lot that abuts the right-of-way of the Route 8 Expressway, no sign shall be permitted which faces or is intended to be visible from the Route 8 Expressway.

44.5 Signs Permitted in All Districts:

44.5.1 The following signs are permitted in all Districts, except as indicated otherwise herein, and do not require a **Certificate of Zoning Compliance** and except as stipulated otherwise, such signs may extend to the street or property line:

- a. Official government notices and governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger.
- b. Signs of public service companies to warn of danger.
- c. Private signs with no advertising thereon that warn of danger, prohibit trespassing or direct traffic on the lot. Such signs shall not exceed a total of three (3) square feet each.

- d. On any residential premises, one (1) identification sign not exceeding three (3) square feet in area, giving only the name of the premises and/or of the occupant, or announcing a professional or business office or a home occupation on the premises.
- e. In Commercial or Industrial Districts, temporary window signage is permitted as set forth below. Glass area is measured from the edge of the window frame. A multi-paned window with mutins is considered one window.
 - 1. Paper and/or other temporary signs that are affixed to a window or door announcing sales or special features shall not occupy more than 50% of the area of said window and/or door provided that the total area of such temporary and permanent window signs does not exceed 65% of said window area. The total area of such temporary signs shall not be included in the maximum permissible wall sign area.
 - 2. Merchandise displayed in windows is not considered signage.
 - 3. Signs on windows and doors with letters less than two (2) inches in height, as well as necessary signs in liquor stores and restaurants mandated by State Statutes, are exempt from area calculations.
- f. On a lot where the premises are for sale or for rent, one (1) temporary real estate sign not exceeding two (2) square feet per side for a residential property or nine (9) square feet in area per side for a non-residential property. Said sign shall be set back at least five (5) feet from any property line and shall not refer to any other premises.
- g. Temporary signs for public and charitable purposes, provided they are erected not more than 45 days before the publicized event and are removed within seven (7) days after the publicized event.
- h. Signs advertising the seasonal sale of farm or forestry products are permitted in addition to other signage that may be allowed pursuant to these Regulations. Two (2) such signs not exceeding 12 square feet in

total and not extending more than five (5) feet above ground level may be erected. The product advertised must be grown on the lot upon which the sign is erected unless the lot is in a commercial zone that allows such sales. Said sign shall be removed upon cessation of the seasonal sales.

44.5.2 The following signs are permitted in all Districts, subject to the standards and provisions of Paragraph 44.3 herein, which signs shall not extend within less than ten (10) feet of any property line or street line, unless further restricted herein:

- a. Temporary building contractors' and designers' signs pertaining to a building under construction on the lot where the signs are located, provided that the total area of such signs shall not exceed 24 square feet, and such signs shall be removed within 30 days after completion of the project.
- b. On any lot containing a farm, cemetery, church, place of worship, parish hall, museum, school, college, university, membership club, charitable institution, hospital, recreation facilities, nature preserves, wildlife sanctuary, convalescent home, sanitarium, public utility or buildings, uses and facilities of the City of Shelton, State of Connecticut or Federal Government or a **Special Exception Use**, one (1) sign not exceeding 16 square feet in area.
- c. On any lot containing City facilities or a church or other place of worship or an educational institution, one (1) sign constituting a bulletin board and not exceeding 16 square feet in area.
- d. On a lot at the entrance to a residential neighborhood or a multi-family development, one (1) permanent sign not exceeding 16 square feet in area giving only the name of the neighborhood or development.
- e. On any lot in a residential zone where a use exists that does not comply with the requirements of that zone, either as a pre-existing non-conforming use or one allowed by variance, the signage requirements shall be

determined by the Commission. The Commission shall take into consideration the type of use, location, visibility from residential uses and reasonable needs for identification/advertising of the particular use. In no event shall the signage standards exceed that allowed in the most restrictive commercial zone where the use would be conforming.

- f. Identification signs for **Special Exception Uses** in any Residence District provided the aggregate area of the signs shall not exceed 24 square feet. Only one free-standing sign is permitted. The free-standing sign must be at least 15 feet from any property line and shall include the street address number at least four (4") inches in size.
- g. Public convenience signs advertising hours of operation not to exceed one (1) sign of two (2) square feet in area.

44.6 Signs Permitted in Non-Residence Districts: The following signs are permitted in all non-residential Districts, subject to the standards and provisions of Paragraph 44.3 herein and the following additional standards and conditions:

44.6.1 Free-Standing Signs: On any lot, one (1) free-standing, elevated or ground sign, is permitted for the principal street frontage and one (1) for each additional street where the lot has at least one hundred (100) feet of frontage, which sign(s) may extend to within five (5) feet of the street line and shall comply with the following requirements:

- a. The sign shall be supported by a free-standing, self-supporting structure that is erected on the ground and is not attached to a building. If elevated, said structure shall have two (2) or more supporting uprights which are visually proportional to the sign they support.
- b. The free-standing sign shall identify the center and/or the name(s) of the business(es) occupying the lot and shall include the street address number at least four (4) inches in size.

- c. No free-standing elevated sign shall exceed a height of fifteen (15) feet as measured from the average ground elevation within 20 feet of the sign structure to the top of the sign.
- d. Each free-standing sign shall not exceed a sign area of 40 square feet for a face and 80 square feet for the total, if double faced, provided each face is clearly designed and intended to be viewed from opposite directions. Said sign shall not exceed eight (8) feet in any dimension. The sign area for free-standing signs is not included in the sign area as set forth in Paragraph 44.6.2.
- e. All signs shall be at least five (5) feet from any street line and ten (10) feet from any property line other than a street line. No sign shall be located within fifty (50) feet of the boundary of a Residence District.

44.6.2 Wall Signs: Wall signs shall include all permanent window signs, which window signs shall not occupy more than 25% of the glass area of any window. The total surface area of all signs attached to or mounted on a building and designed to be viewed from the same side of the building plus permanent window signs shall not have an aggregate area greater than ten percent (10%) of the area of such wall(s). All wall signs shall comply with the following requirements:

- a. Each sign must be attached to a wall or facade of a building
- b. No sign shall extend above the lower sill of a second story window and shall not exceed a height of twenty (20) feet as measured from the ground to the top of the sign, whichever is less.
- c. Except for signage that is part of any permissible awning or canopy, a wall sign may project not more than fifteen (15) inches from the wall to which it is attached. Lettering may be painted or otherwise affixed to any permissible awning or canopy provided said lettering is limited to the name and address of the business conducted on the premises and/or the service rendered therein. Said lettering shall not project above, below or beyond the physical dimensions of the awning or canopy. No such awning, canopy or sign projection shall occur within eight (8) feet vertical clearance of the ground. No part of such awning, canopy or wall sign shall extend within the public street right-of-way

unless proper authorization has been obtained from the Shelton Board of Aldermen and processed by the Building Department.

- d. A single tenant building may have up to two (2) wall signs provided they are not the same wall. No sign may be on a side or rear wall unless such wall faces a street, driveway or parking area or is at least 50 feet from any other non-residential building. A sign may occupy up to 10% of the area of the wall to which it is attached, or 80 square feet, whichever is less. In addition to the above, one (1) wall identification sign not exceeding two (2) square feet in area shall be permitted at a secondary business entrance facing a parking area.
- e. In mixed use or multi-tenant buildings, the total allowable wall sign area shall be prorated on an equitable basis, such as on the amount of floor area of each rental unit, the number of rental units or the façade area. The total exterior sign area for any individual tenant signs shall not exceed one (1) square foot for each linear foot of storefront and may only be attached to that portion of the building that the tenant occupies. The length of storefront shall be measured along a horizontal line along the front of the store between exterior walls or between the centers of intersecting party walls. A single tenant may have up to two (2) wall signs provided they are not the same wall. No sign may be on a side or rear wall unless such wall faces a street, driveway or parking area or is at least 50 feet from any other non-residential building. Secondary business entrance facing a parking area may be permitted one (1) wall identification sign not exceeding two (2) square feet in area.
- f. In addition to allowable wall signs, each unit occupancy above the first floor may display a sign on the inside of one (1) window serving said unit of occupancy, provided that no such sign shall exceed an area of six (6) square feet or 25% of the area of said window, whichever is less. No one business use or tenant shall have more than two (2) wall signs on the premises.
- g. Signs for individual tenants or occupants of a multi-tenant building shall be designed to reflect a coordinated aesthetic scheme for the entire multi-tenant building. Such signs shall be uniform in letter size, letter style, type of illumination, wall placement, colors and types of signs within the building. Such signs shall not include any specifications of the brand names of the

merchandise offered for sale or of services rendered therein other than the principal product offered.

44.6.3 Projecting or Hanging Signs: All projecting or hanging signs shall comply with the following requirements:

- a. Signs may project from the face of the building or hang from a roof canopy, provided that such signs shall be under a roof and over a walkway, but not over a public street sidewalk.
- b. One (1) sign, not to exceed two (2) square feet in area, is permitted for each business or use in the building in addition to the allowable wall sign area.
- c. No sign or any part thereof shall be less than eight (8) feet above the walkway.

44.6.4 Blade Signs: Notwithstanding 44.6.3 above, on any lot in a commercial zone, Planned Development District or Unified Shopping Center, the Commission may permit one (1) blade sign to be mounted on a storefront perpendicular to the main building façade. Such sign may not project more than four (4) feet from any wall and must maintain a minimum vertical clearance of eight (8) feet above any sidewalk or other pedestrian walkway. The maximum vertical dimension of such sign shall not exceed eight (8) feet and the maximum sign area of each face shall not exceed 16 square feet. The top of the sign shall be no higher than 16 feet above the elevation of the sidewalk/ground below. The area of such blade sign shall be included in the permitted maximum allowable area for wall signs. No such blade sign or part thereof shall extend within the public street right-of-way of any street unless proper authorization has been obtained from the Shelton Board of Aldermen and processed by the Building Department.

44.7 Signs Permitted in Planned Development Districts and Unified Shopping Centers:
All signs in Planned Development Districts (PDDs) and in Unified Shopping Centers (USCs) as defined in Paragraph 44.2.11 shall comply with all standards set forth above except as may be modified by specific provisions established with reference to an adopted Planned Development District. All signs proposed within a PDD or a USC shall be of

similar nature, designed as an integral part of the development, so as to represent a unified design to harmonize with the immediate area and to preserve and enhance the appearance of the community while conforming to the standards of the applicable sign regulations.

44.7.1 Overall Signage Design Plan: Prior to the approval of an Application for a Certificate of Zoning Compliance for an individual sign in a PDD or a USC, an overall signage design plan must be submitted to and approved by the Shelton Planning and Zoning Commission. Said signage plan shall be prepared by a qualified sign designer, graphic artist or architect and shall include all necessary information to accurately describe proposed signage. At minimum, it shall include all proposed sign locations, design, type of materials, type of lettering style, colors, dimensions, heights above grade, method of mounting, method of lighting and position on walls. When the signage plan is provided subsequent to the approval of overall development plans, said signage plan shall also include a site plan showing the location of all buildings and free-standing signs and elevation drawings of buildings to indicate the location of all wall signs. The signage plan must incorporate the endorsement of the property owner acknowledging and agreeing to comply with signage plan provisions relative to the design, dimensions, materials, colors and method of illumination (if any) for each sign indicated on the signage plan. The signage plan shall include the words "Approved – Shelton Planning and Zoning Commission" with a place for the date and signature of the Chairperson.

- a. The Commission shall approve, approve with conditions or disapprove said Overall Signage Plan within 65 days of receipt of same. The applicant shall be notified in writing of the decision of the Commission, with the reasons stated for any disapproval.

44.7.2 Free-Standing Signs in PDDs and USCs: In connection with the approval of Final Development Plans for a PDD or final Site Plans for a USC, the Commission may authorize the applicant to reduce by a specified amount the maximum area of permitted wall signs or to eliminate such signs and to provide one free-standing sign that exceeds the limits set forth in Paragraph 44.6.1d above, provided said sign incorporates only the name or other identification of the premises and not more than six (6) tenants located therein and are of consistent and uniform design.

Such tenant identification component shall be of the same general character and style so as to provide a harmonious design appearance.

44.8 Directional Signs: On any lot, subject to approval of a **Site Plan**, one (1) free-standing directional sign necessary for public safety or convenience is permitted, not to exceed an area of sixteen (16) square feet and a height of twelve (12) feet, containing no advertising thereon and giving only the name and directions to not more than two (2) establishments located at other premises. Such sign may extend to within ten (10) feet of the street line.

44.9 Special Events: Notwithstanding other provisions of this **Section** to the contrary, the Commission or its authorized agent may approve a sign permit authorizing temporary signs, announcing special events such as but not limited to sidewalk sales, holiday sales events, clearance sales, going-out-of-business sales, etc. Such temporary signs may include free-standing portable signs and other special advertising devices including plaques, banners, pennants, streamers and balloons, but specifically excluding inflatable figures. Said temporary signs announcing special events shall be limited to a total of not more than 60 days in any calendar year and not more than 30 consecutive days during any one event. Notwithstanding the above, the Commission may also permit such special advertising devices for new businesses provided they are in place for one period of not more than thirty (30) days in duration.