

§ 273-101. Certificate of zoning compliance for planned residential development.

- A. General. Approval of a special permit for a planned residential development (PRD) under § 273-100 authorizes application for a certificate of zoning compliance under the procedures and requirements of this section. The special permit shall be in effect, as provided in § 273-100C(3) and (4), at the time of application under this section. An application for a certificate of zoning compliance for a PRD may be approved by the Zoning Enforcement Officer only upon authorization by the Commission under this section. Prior to submission of such application the applicant may confer with the Commission or its duly designated representatives to review plans in progress and to receive guidance in the preparation of the application.
- B. Preparation of maps and plans. The following are applicable to the preparation of maps and plans required to be submitted under this section:
- (1) Professional requirements. All site plans and landscape plans shall be prepared by a registered landscape architect, registered architect or registered civil engineer; all structures intended primarily for human occupancy shall be designed by a registered architect; boundary surveys shall be prepared by a registered land surveyor; and engineering work, road and utility layouts and sanitary sewerage facilities shall be prepared by a qualified registered engineer. All such plans shall bear the seal of the registered professional or professionals involved when submitted to the Commission for approval. As used herein, the term "registered" shall mean registered or licensed by the appropriate authority of the State of Connecticut.
 - (2) Subdivision regulations. It is the intent of this section that the applicable requirements of Chapter 272, Subdivision of Land, as amended, be adhered to in the submission and consideration of the PRD application. The submissions, reviews, approvals and filing of record maps required under Chapter 272, Subdivision of Land, will be carried out as an integral part of the review and approval of an application for certificate of zoning compliance for a PRD. In preparing maps and plans as set forth herein and in Chapter 272, Subdivision of Land, wherever the word "subdivision" appears, the words "planned residential development" shall be substituted, and wherever the words "lots" and "lot numbers" appear, the words "areas" and "area letter designations" shall be substituted.
- C. Application. The application for a certificate of zoning compliance for a planned residential development (PRD) located in either Development Program Area A or B shall be submitted to the Zoning Enforcement Officer, in quadruplicate, except as otherwise noted, and shall include the following:
- (1) A PRD certificate of zoning compliance application form as prescribed by the Commission, completed and signed by the applicant, in duplicate, and also signed by the owner of the land included in the PRD, if different from the applicant.
 - (2) A written statement by the applicant, furnished in triplicate, in which there is set forth the following information:

- (a) An explanation of the manner in which the design plans and management program for the PRD relates to the special permit as approved by the Commission.
 - (b) The action taken to comply with any conditions imposed by the Commission in connection with approval of the PRD special permit.
 - (c) A proposed time schedule for carrying out the entire plan for the PRD, as related to the approval date under this section, including any phasing for the entire tract with regard to completion of dwellings, nonresidential structures, recreational and other facilities, utilities, roads and open space improvements by sections.
 - (d) A general financial statement sufficient to indicate the financial ability of the applicant to carry out and complete the specific elements and sections of the PRD as proposed.
- (3) Record map. This map shall cover the entire PRD tract or section proposed for final approval. It shall be prepared and submitted in accordance with the requirements for a record subdivision map as set forth in Chapter 272, Subdivision of Land (§ 272-24, as amended), except that it shall include the following:
- (a) The delineation of areas by letter designation, identifying parcels or areas for separate ownership, control and restriction, and the delineation of building lots and lot numbers only when single-family detached dwellings are proposed to be individually constructed and owned on separate lots.
 - (b) The addition of a table showing, for each area letter designation, the land use and proposed ownership, the square footage of each area and the total square footage of the PRD tract or section, as applicable.
- (4) Site improvement construction plans. These plans shall cover all proposed streets; driveways; utilities, including drainage, water supply and distribution systems and sewage disposal systems; provisions for erosion and sedimentation control; and other improvements for the area covered by the record map and shall be prepared and submitted in accordance with the requirements of construction plans as set forth in the Chapter 272, Subdivision of Land (§ 272-26, as amended).
- (5) Grading plans. These plans shall cover all areas of the proposed record map where construction of structures or shifting or grading of the terrain is necessary and shall be drawn and submitted in accordance with the requirements for grading plans as set forth in Chapter 272, Subdivision of Land (§ 272-27, as amended).
- (6) Landscape plans. These plans shall cover all areas included in and at the same scale as the grading plans and shall show at least the following information:
- (a) The title of the planned residential development.
 - (b) The date, scale, north point, Town and state.
 - (c) The layout of proposed areas to be seeded or landscaped.

- (d) The proposed type of planting, by common name and general location.
 - (e) The type of trees, existing and proposed, by common name, location and size (approximate height and caliper of trunk).
 - (f) The designation of areas that will be privately maintained, as contrasted to public common areas.
 - (g) A statement as to the type of organization that will maintain and be responsible for upkeep of common landscaped or seeded areas.
- * (7) ~~Architectural drawings. Architectural drawings of all typical buildings, other than single-family detached dwellings, to be individually constructed and owned on separate lots, as proposed for construction, prepared by a registered architect, shall be submitted for design review to determine whether they meet the standards of PRD's. These shall include, but not be limited to:~~ *[amended 2-07-07] keep 273:127-1*
- (a) Basement plans (if any).
 - (b) First, second and third floor plans as proposed.
 - (c) Front, side and rear elevations of all dwellings and supporting recreational and nonresidential structures.
 - (d) Front and side elevations of garages (if any).
 - (e) Overall perspectives of typical grouping, courtyards or other views of proposed structures.
 - (f) General specifications showing types of construction proposed and adequate to obtain a building permit under the Building Code as adopted by the Town of Guilford.²⁴
- (8) Sanitation report. This report shall consist of three copies of a sanitation report, prepared by a qualified professional engineer, presenting results of soils investigations, including borings, seepage tests and test pits, for the sewage disposal design; computations for water supply and sewage disposal systems; the results of test well pumping, if public water supply is not to be provided; the design plan for sewage disposal and water supply; and the program for operation, maintenance and financing of such systems.
- (9) Legal documentation. This documentation shall consist of two copies of applicable legal documentation, such as the following:
- (a) Any covenants and restrictions for land within the PRD, including areas to be preserved as open space.
 - (b) Proposed bylaws of an association of occupants of the PRD or the declaration for establishment of a condominium.

24. Editor's Note: See Ch. 148, Building Construction, Art. I, Building Code.

- (c) Documents related to the use, control and maintenance of and liability for open spaces, common facilities and private roads.
 - (d) Proposed conveyances for open space, roads or facilities to the Town of Guilford or other entities.
 - (e) Proposed conveyances of development rights on farmland or other managed open spaces, if any, for which credit is proposed for additional dwelling units in the PRD.
 - (f) Documentation supporting the provision that is to be made, if any, for occupancy of dwelling units by lower-income families, including the means for assuring continuity of lower-cost occupancy.
 - (g) Documentation for any special taxation district covering the PRD.
- (10) Other requirements. Plans and reports necessary to meet any of the conditions imposed by the Commission at the time of its approval of the application for a PRD special permit shall be included.
- (11) Sections. If the application is for only a section of the PRD tract, the applicant shall submit written evidence, satisfactory to the Commission, that a contiguous portion of the total open space necessary to serve the section will be so dedicated and controlled by an association, a condominium or a public or legally qualified nonprofit land trust organization. The area of open space so dedicated shall at least bear the same ratio to the total open space of the PRD as the number of bedrooms in the section bears to the total approved number of bedrooms in the PRD.
- (12) Fee. The application shall be accompanied by a fee, in lieu of the fee schedule established for subdivision applications. This fee shall be based on \$10 for each dwelling unit, with a minimum of \$150. All checks or money orders shall be made payable to the Town of Guilford. The Commission may, by resolution, determine that the application fee is not required for any PRD application that is a revised submission of an application disapproved by the Commission within the previous six months or for an application submitted by the Housing Authority of the Town of Guilford or by the Town of Guilford.
- D. Commission action. The following procedures are applicable for consideration of applications for a certificate of zoning compliance for a planned residential development located in ^{ALL ZONES &} ~~either Development Program Area A or B:~~ [AMENDED 7-20-05] per p. 273:12B.1
- (1) Application review and notification. The Commission shall review the submission for completeness and may request the submission of additional information deemed necessary to clarify or complete the application. Any incomplete application may be rejected by the Commission as ineligible for consideration under these regulations. Upon receipt of a completed PRD application meeting the requirements of Subsection C, the Commission shall so notify the applicant, in writing.
 - (2) Decision. The Commission shall decide on the application and give notice of its decision as required by law. The following additional procedures are applicable:

Approved; February 7, 2007
Effective Date; February 16, 2007

At its regular meeting on February 7, 2007 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend §273-101 C. (7) Application by deleting in the first sentence:

"(7) Architectural drawings. Architectural drawings of all typical buildings, ~~other than single-family detached dwellings, to be individually constructed and owned on separate lots,~~ as proposed for construction, prepared by a registered architect, shall be submitted for design review to determine whether they meet the standards of PRD's. These shall include, but not be limited to: "

273:127.1

Approved; July 20, 2004
Effective Date; August 12, 2004

At its regular meeting on July 20, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

**Proposed Amendments to the Zoning Code Regarding Development
Program Area; A and B**

1. Amend Article XI Planned Residential Developments, 273-83 D (2) (b) to read; "In Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7, the net square-foot land area of the PRD . . . , and delete R-8 line in Table."
2. Amend Article XI Planned Residential Development, 273-83 D (2) (c) to read; "In Zone R-8, the net square-foot land area of the PRD . . ."
3. Amend 273-100. Special permit for planned residential development, B. as follows; "B. PRD application. Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7. The application for a special permit for a planned residential development (PRD) located in the above zones shall be . . ."
4. Amend 273-100. Special permit for planned residential development, C. as follows; "C. Commission action. Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7. The following procedures are applicable for consideration of special permit application for planned residential development (PRD) located in the above zones:"
5. Amend 273-100. Special permit for planned residential development, D. as follows; "D. PRD Application, Zone R-8. Zone R-8 is established under these regulations in recognition of the lack of community services, severe limitations for land development and presence of important conservation resources. The additional procedures and requirements hereinafter specified are necessary in connection with PRD's located in the R-8 Zone.
 - (1) Notice of intent; preapplication. No application for a special permit for a planned residential development (PRD) in the R-8 zone shall be made to the Commission . . ."
 - (2) Authorized application. Upon completion of procedures specified in Subsection D(2), application for special permit for a PRD in the R-8 Zone may be made and shall be acted upon in the same manner as provided for all other zones under Subsections B and C of this section.
6. Amend 273-101. Certificate of zoning compliance for planned residential development. D. as follows; "D. Commission action. The following procedures are applicable for consideration of applications for a certificate of zoning compliance for a planned residential development in all zones:"

273:86.1 & 273:119.1 & 273:128.1

Approved; April 18, 2007
Effective Date; April 27, 2007

At its regular meeting on April 18, 2007 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend Section 273-101 F. Changes in approved PRD, by adding the following:

Revise the first sentence to read;

"If during the development or construction of the PRD, or at any time after completion of the development, any changes are proposed or required that affect the approved record map and supporting plans or are not in accordance with the approved special permit, the appropriate maps, plans and documents showing such changes shall be submitted to the Commission prior to effecting or implementing such changes. If the changes do not effect the approved density of the bedrooms, reduce the amount of open space or alter conditions imposed by the Commission, the Commission may approve the changes by resolution, and notice of such action shall be sent to the applicant within 10 days, and thereafter, such approved changes may be effected or implemented. If the changes do affect the approved density of bedrooms, reduce the amount of open space or alter the conditions imposed by the commission, such changes may be made only after a new submission of a PRD application, which shall be considered by the Commission in accordance with these regulations."

Add new paragraph:

"Minor Changes in an approved PRD shall not require Commission approval. Minor changes are defined as changes in approved and constructed dwelling units or accessory structures when such changes meet all of the following criteria;

- When such change does not affect the approved number of bedrooms in the PRD.
- When such change does not increase the living area of a dwelling.
- When the change is to a single family detached dwelling on its own lot.
- When the change is in accordance with the setback requirements for structures, which prevail for the zone district in which the PRD is located.
- When such change does not affect any condition of approval for the PRD special permit.
- When such change is in accordance with all by-laws of the PRD association as certified by the applicant. "

273:129.1

- (a) The Commission may approve the application, approve it subject to modifications or disapprove the application. Approval, with or without conditions, authorizes the Zoning Enforcement Officer to approve the application for a certificate of zoning compliance.
- (b) The Commission may approve an application, with or without conditions, only when the Commission determines that the proposed PRD conforms to the special permit approved under § 273-100 and conforms to the standards of §§ 273-84 and 273-85 of Article XI, otherwise the Commission shall disapprove the application.
- (c) In approving an application, the Commission may impose such conditions that are deemed necessary to conform the PRD to the special permit and the standards of Article XI, to protect the public health, safety and property values and to maintain the purpose and intent of the Comprehensive Plan of Zoning. The Commission may require resubmission of the PRD application for a certificate of zoning compliance within six months, if the plans and documents are not generally in accord with the special permit and the requirements of these regulations.
- (3) Performance bond. The Commission shall require a performance bond guaranteeing completion of all public improvements and erosion and sedimentation control. An additional site performance bond may be required to guarantee completion of all utilities and other site improvements before a certificate of occupancy is issued. Said bonds may specify minimum and/or maximum times for performance and shall be filed with the Board of Selectmen in form and amount and with surety acceptable to the Board of Selectmen and to the Commission.
- (4) Filing of plan. Upon approval of the application by the Commission, the Chairperson shall be authorized to endorse the record map, and said map shall be filed and recorded by the applicant in the office of the Guilford Town Clerk in accordance with and within the time limits set forth by law for subdivisions. Said endorsement by the Chairperson shall not be executed until all applicable conditions of approval have been met and any performance bonds as required by Subsection D(3) have been filed.
- E. Failure to begin development. The applicant shall commence actual construction of the approved PRD or section thereof within a period of six months of the filing of the record map. If the applicant fails to commence and proceed with the PRD within the six-month period or within any extension granted, in writing, by the Commission, the approval of the Commission shall become null and void.
or at any time after the completion of the development
- * F. Changes in approved PRD. If, during the development or construction of the PRD, any changes are proposed or required that affect the approved record map and supporting plans or are not in accordance with the approved special permit, the appropriate maps, plans and documents showing such changes shall be submitted to the Commission prior to effecting or implementing such changes. If the changes do not affect the approved density of bedrooms, reduce the amount of open space or alter conditions imposed by the Commission, the Commission may approve the changes by resolution, and notice of such

[Amended
4-18-2007]

action shall be sent to the applicant within 10 days, and thereafter, such approved changes may be effected or implemented. If the changes do affect the approved density of bedrooms, reduce the amount of open space or alter the conditions imposed by the Commission, such changes may be made only after a new submission of a PRD application, which shall be considered by the Commission in accordance with these regulations. *See p. 273:129.1 [Amended 4-18-2007]*

- G. Violations. Whenever the Commission shall find, in the case of an approved PRD, that any of the terms, conditions or restrictions set forth in the final plans and documents or imposed in connection with said approval are not being complied with, the Commission may revoke such approval. Notice of such Commission action shall be sent to the applicant, by certified mail, within five days of such action. Failure to carry out a PRD in accordance with approved plans and documents or in accordance with filed maps and documents as endorsed by the Chairperson of the Commission shall constitute a violation under § 273-108 of these regulations.
- H. Adherence to time schedule. The establishment of open spaces and the construction or development of public or common facilities shown on the PRD plans, as approved pursuant to § 273-100 of these regulations, shall proceed substantially in accordance with the timetable established pursuant to Subsection C(2)(c). After general construction commences, the Zoning Enforcement Officer shall review, at least once every three months, all building permits issued and shall compare them with the overall timetable set forth and report his or her findings to the Commission. If the Commission finds that the rate of construction of residential units or nonresidential facilities or structures differs substantially from the proposed timetable in relation to the establishment of open space and construction or development of public or common facilities, it shall notify the applicant, in writing, and if the applicant does not conform to said timetable within a reasonable time thereafter, the Commission may suspend the applicant from further construction of dwelling units or nonresidential structures until compliance is achieved.
- I. Expiration. An approved certificate of zoning compliance for planned residential development shall expire in accordance with Section 8-26c of the Connecticut General Statutes. When a certificate of zoning compliance for planned residential development becomes null and void pursuant to this section, the special permit for planned residential development issued pursuant to § 273-100 shall also become null and void. [Added 10-20-1999]

§ 273-101.1. Public hearing signs. [Added 10-6-1999; amended 1-4-2000]

For any application where a public hearing is held, the applicant shall erect a sign on the subject property. Said sign shall be legible from the adjacent public street, shall describe the type of application and provide the time and place of the public hearing. Said sign shall be not more than 16 square feet, be professionally lettered, on weatherproof material, be erected at least 14 days prior to the hearing and be removed within two days after the hearing's conclusion.

ARTICLE XIV
Enforcement

§ 273-102. Administrative regulations.

The Commission may adopt administrative rules and procedures necessary to enforce these regulations.

§ 273-103. Zoning Enforcement Officer.

The Commission shall appoint a Zoning Enforcement Officer, who shall have the responsibility and authority to enforce the provisions of these regulations. The Commission may appoint Deputy Zoning Enforcement Officers to act for him or her. No application for a certificate of zoning compliance shall be approved and no certificate of zoning compliance or other form of zoning order shall be issued unless signed or countersigned by the Zoning Enforcement Officer or a Deputy Zoning Enforcement Officer.

§ 273-104. Inspections.

The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any building, structure or premises in the Town of Guilford to determine compliance with these regulations. No certificate of zoning compliance shall be issued until such inspection has taken place.

§ 273-105. Stop orders.

The Zoning Enforcement Officer is authorized to issue a stop order if, in his or her judgment, the use of any land, building or other structure or the construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure is not being carried out in compliance with these regulations. The Zoning Enforcement Officer shall withdraw such order when he or she determines that corrective action has been taken to comply with these regulations.

§ 273-106. Records.

The Zoning Enforcement Officer shall keep records of all applications and fees received, all applications for certificates of zoning compliance approved, all certificates of zoning compliance issued and all stop orders and permit suspensions issued by him or her and the action taken thereon.

§ 273-107. Board of Appeals.

The Board of Appeals shall have all of the powers and duties prescribed by these regulations and the General Statutes of the State of Connecticut and may adopt rules and procedures necessary to exercise its authority.

§ 273-108. Penalties for offenses.

Any person, firm or corporation who or which shall violate any provision of these regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut or ordinances of the Town of Guilford.²⁵

ARTICLE XV**Amendments; Severability; When Effective; Repealer****§ 273-109. Amendments. [Amended 1-21-1998; 4-19-2000; 10-17-2001]**

- A. These regulations, including the Zoning Map that is a part hereof, may be amended by the Commission on its own initiative or when initiated by a petition. Any amendment may be adopted only after due notice and public hearing, as prescribed by the General Statutes of the State of Connecticut. Any petition for amendment shall be accompanied by the following:
- (1) For petitions concerning the text of these regulations, three copies of the existing and proposed sections of the text shall be submitted.
 - (2) For petitions concerning the Zoning Map, three copies of a map shall be submitted, drawn to a scale of not less than 200 feet to the inch, covering the area of the proposed change and all areas in the Town within 500 feet of the proposed change and showing for such area the existing property lines and the names and addresses of the current property owners as indicated in the Guilford Assessor's records.
- B. With respect to any amendments to the Zoning Map, including amendments proposed by a private petitioner, the Commission, a subcommittee of the Commission or any agency of the Town of Guilford, it shall be the policy that the person or entity proposing the amendment shall send notice of the public hearing to persons owning property within the area of the zone change and within 500 feet of the area encompassed by the zone change. Said notification shall have been mailed at least 14 days prior to the hearing. Proof of certified mail notification shall be submitted to the Commission prior to the public hearing. Such policy shall be deemed directory rather than mandatory and the failure to send such notification shall not deprive the Commission of jurisdiction to act on such amendments or otherwise be a basis for invalidating the decision of the Commission with respect to such amendments.

§ 273-110. Severability.

The invalidity of any section, paragraph or provision of these regulations shall not invalidate any other section, paragraph or provision hereof.

25. Editor's Note: See Ch. 1, General Provisions, Art. II, Penalties for Offenses.

§ 273-111. When effective; repealer.

- A. These regulations and any amendment or change hereto shall be in full force and effect from the date established by the Commission in accordance with the General Statutes of the State of Connecticut.
- B. The Zoning Regulations of the Town of Guilford, Connecticut, made effective by the Commission on September 1, 1960, and all amendments thereto are repealed coincident with the effective date of these regulations. The repeal of the above regulations and all amendments thereto shall not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, forfeiture or punishment incurred prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

ARTICLE XVI
Post Road Village Zone District (PV)
[Added 12-11-2000]

§ 273-112. Purpose.

The PV District is a commercial zoning district designed to permit a variety of small-scale commercial uses. The district should establish a sense of entry to Guilford, and foster preservation of historic properties and development that emphasizes traditional building form with consistent signage, landscaping, and building design. It should further foster site planning that encourages pedestrian amenities and streetscape treatments compatible with the Town's planning and design guidelines established for the district.

§ 273-113. Permitted uses.

- A. The following uses are permitted in the PV District:
- (1) Retail stores.
 - (2) Business and professional offices.
 - (3) Financial institutions.
 - (4) Dwelling units not to exceed a density of eight dwelling units per acre.
 - (5) Personal service establishments.
 - (6) Restaurants, excluding drive-through services.
 - (7) Buildings, uses and facilities of the Town, state or federal government.
 - (8) Retail clothes cleaning and/or laundering establishments.
 - (9) Lodging establishments (by special permit in accordance with § 273-118).

- (10) Entertainment facilities, including movie theaters (restricted to not more than two screens or 400 seats) and playhouses.
 - (11) Places of worship (by special permit in accordance with § 273-118).
 - (12) Recreational facilities, including gymnasiums, and physical fitness establishments, and studios for dance, musical and theatrical instruction (not to exceed 10,000 square feet).
 - (13) Schools, including day-care facilities.
 - (14) Funeral homes.
 - (15) Long- and short-term health care facilities.
 - (16) Nonprofit facilities, including museums.
 - (17) Artist studios, galleries, and other establishments where art or crafts merchandise is displayed or sold.
- B. No use may be expanded, altered or created except in conformance with Article IX, Site Plan Review. In addition, no use may be expanded, altered or created except in accordance with Article XIX, Design Review.

§ 273-114. Area, location and bulk standards.

The following area, location and bulk standards apply in the PV District (see Table 3²⁶ for definitions):

- A. Lot area: 10,000 square feet.
- B. Lot shape: 80 feet.
- C. Lot frontage: 80 feet.
- D. Height: 35 feet.
- E. Setback from street line:
 - (1) Minimum: 20 feet.
 - (2) Maximum: 30 feet.
 - (3) No building or other structure shall be located any closer to the street line than the minimum setback nor any further from the street line than the maximum setback. Where, in a multi-building development, one or more buildings meet the maximum building setback, other buildings may be allowed which do not, subject to review and approval of a site plan application.
- F. Setback from rear property line: 10 feet. (See also §§ 273-26 through 273-31.)

26. Editor's Note: Table 3 is included at the end of this chapter.

- G. Setback from side property line: 10 feet.
- H. Setback from residential district boundary line: 20 feet.
- I. Lot coverage: 25% (up to 35% with special permit in accordance with § 273-118).
- J. Total floor area: 50% (up to 65% with special permit in accordance with § 273-118).
- K. Maximum impervious surface: 75%. (The total coverage by impervious surfaces, including buildings, driveways and parking shall not exceed this percentage of the lot area.) Where a building or site is nonconforming with respect to this standard, this nonconformity shall not prevent building expansion when in conformance with the other standards of this section.
- L. Maximum building size: [Amended 12-18-2002]
 - (1) No building or other structure shall exceed a total floor area of 20,000 feet (25,000 square feet with special permit in accordance with § 273-118).
 - (2) No freestanding retail building shall exceed 15,000 square feet in total floor, area and no single related or integrated retail store use shall exceed 15,000 square feet cumulatively.

§ 273-115. Sign requirements.

Sign requirements in the PV District shall be in accordance with the standards for the C-1 District.

§ 273-116. Parking standards.

Parking requirements in the PV District shall be in accordance with Article VI, except that for retail stores, 4 spaces per 1,000 square feet of gross leaseable area shall be required and for office uses, 3 spaces per 1,000 square feet of gross leaseable area shall be required. For retail buildings larger than 5,000 square feet, there shall be a maximum of four spaces per 1,000 square feet of gross leaseable area, except where there is a demonstrated need for additional spaces.

§ 273-117. Nonconforming buildings.

No building, existing as of the effective date of this regulation, which is nonconforming with respect to maximum building size, maximum coverage, or maximum floor area may expand, except by special permit in accordance with § 273-118, and no such expansion shall exceed 5% of the total floor area of the building.

§ 273-118. Special permit criteria.

- A. As described in this section, certain activities are authorized by special permit. These activities must conform with this section and with Article X of the Zoning Code. In

considering applications for special permits under this section, the Commission shall consider how the application meets the criteria specified below, and as recommended by the Design Review Committee. The Commission may approve a special permit only when the application meets the eight mandatory criteria as well as two optional criteria.

B. All applications must meet the following mandatory criteria:

- (1) Plans must be in conformance with the design criteria specified in Planning and Design Guidelines Route 1 East-Boston Post Road, dated August 2000, prepared by ICON Architecture and Community Planning Solutions (see pages 6-13, Design Principles and Design Guidelines) as recommended by the Design Review Committee.
- (2) Plans will provide for high quality architecture as determined by the Commission based upon the recommendation of the Design Review Committee. The Design Review Committee will base its recommendation on the following criteria:
 - (a) The quality of architectural design.
 - (b) Compatibility of the design with indigenous architecture.
 - (c) Compatibility of materials, colors, architectural elements and details with indigenous architecture.
 - (d) Compatibility of scale and massing with traditional examples of indigenous architecture. [Amended 12-18-2002]
- (3) Landscape treatments should be compatible with the local environment and New England landscape traditions as recommended by the Design Review Committee; such plans shall include the planting of large trees and/or the preservation of existing natural topography and mature trees. Landscape plans must be prepared by a registered landscape architect or other qualified landscape designer. [Amended 12-18-2002]
- (4) Effective screening of parking areas from public view should be provided. [Amended 12-18-2002]
- (5) Effective screening of utilities and site infrastructure (air-conditioning units, dumpsters, etc.) should be provided. [Amended 12-18-2002]
- (6) State of the art methods of stormwater management such as the creation of on-site ponds, or wetlands or other practices, which are in conformance with the Connecticut Department of Environmental Protection Model Stormwater Management practice should be provided. [Amended 12-18-2002]
- (7) Lighting design should emphasize energy conservation and avoid light pollution. Lighting design should concentrate on ambient illumination of buildings, landscaping and walkways. Glare must be avoided and visibility of light sources should be minimized. [Amended 12-18-2002]
- (8) For sites that include historic buildings listed in the Survey of the Historic Architecture of Guilford, Connecticut (1981-82) prepared by the The Guilford

Preservation Alliance, plans must provide for the preservation and appropriate rehabilitation of these buildings. [Amended 12-18-2002]

- C. In addition, applications must meet at least two of the optional criteria below:
- (1) The plan results in the preservation and enhancement of significant natural topography or scenic vistas.
 - (2) The plan provides for parking areas which are subordinated to buildings and landscaped areas with parking lots screened from view to the maximum extent possible. [Amended 12-18-2002]
 - (3) The plan provides for a reduction in the number of curb cuts on the Boston Post Road.
 - (4) The plan provides for new or increased access to shared parking with nearby parking areas.
 - (5) The plan provides for superior driveway, parking lot or walkway materials, such as brick or stone walkways, granite curbs, or the innovative use of other materials such as pavers, textured surfaces, etc.
 - (6) The plan provides for significant enhancement of pedestrian activity (above and beyond the standard requirement for public sidewalks), such as connections between neighboring properties, or provision of pedestrian crossing along walkways, through parking areas and between properties; or which may include facilities and amenities for the use and enjoyment of alternative forms of transportation, including public transit or bicycles.
 - (7) The plan includes the creation of public space of unusual merit or includes unique or special design or landscape features as recommended by the Design Review Committee. [Amended 12-18-2002]
 - (8) ²⁸ The plan for the building incorporates innovative technologies for energy conservation.

ARTICLE XVII
Transition and Service Zone District (TS)
[Added 12-11-2000]

§ 273-119. Purpose.

The TS District is a commercial zoning district designed to permit a wide variety of commercial uses, including vehicle-oriented uses. It is intended to be an attractive coherent

28. Editor's Note: Former Subsection C(8), which immediately preceded this subsection and provided for the proposed project to seem capable of making a significant and positive contribution to the Town's quality of life or to have a positive fiscal impact, was repealed 12-18-2002. This legislation also provided for the redesignation of former Subsection C(9) as Subsection C(8). It also repealed former Subsection C(10), which immediately followed this subsection and provided for the plan to utilize advanced on-site wastewater treatment systems.

environment with a consistent street edge, high quality and sufficient landscaping, reduced curb cuts and shared parking, sidewalks and a mixture of types of land uses.

§ 273-120. Permitted uses.

A. The following uses are permitted in the TS District:

- (1) Retail stores.
- (2) Business and professional offices.
- (3) Financial institutions (including drive-through).
- (4) Dwelling units not to exceed a density of eight dwelling units per acre.
- (5) Personal service establishments.
- (6) Restaurants (excluding drive-through service).
- (7) Buildings, uses and facilities of the Town.
- (8) Retail clothes cleaning and/or laundering establishments.
- (9) Lodging establishments (special permit in accordance with § 273-118).
- (10) Entertainment facilities, including movie theatres (restricted to not more than two screens or 400 seats) and playhouses.
- (11) Places of worship (special permit in accordance with § 273-118).
- (12) Recreational facilities including gymnasiums, and physical fitness establishments, and studios for dance, musical and theatrical instruction.
- (13) Schools, including day-care facilities.
- (14) Funeral homes.
- (15) Long- and short-term health-care facilities.
- (16) Motor vehicle repair facilities (by special permit in accordance with § 273-118).
- (17) Retail sales of motor vehicle fuel (by special permit in accordance with § 273-118).
- (18) Motor vehicle washing establishments (by special permit in accordance with § 273-118).
- (19) Printing and publishing establishments.
- (20) Retail sales of building materials and home improvement products.
- (21) Veterinary hospitals.

- **Amend § 273-20, Table 2B** to allow Dog Day Care as a Special Permit Use in Zones PV2, TS, TS2, SCW, C4W, I-1 and I-2. [Amended 11-06-2002]
See § 273-80 I.

- (22) Retail sales of home heating fuel and propane excluding fuel storage and delivery trucks.
 - (23) Light manufacturing (with special permit and as defined by Item #14, § 273-20, Table 2B).
 - (24) Non-profit facilities, including museums.
 - (25) Farms (by special permit in accordance with § 273-118).
 - (26) Retail sales of motor vehicles (by special permit in accordance with § 273-118) and in accordance with the following standards:
 - (a) All repair and service work shall be conducted entirely within an enclosed building.
 - (b) The outdoor storage of wrecked vehicles shall be appropriately screened.
 - (c) No motor vehicles shall be parked, stored or displayed within 50 feet of the front property line, 25 feet of the side property or 25 feet of any residential zone district line, and the use shall be suitably screened to the satisfaction of the Commission.
 - (d) Within the motor vehicle display area, there shall be internal landscaping as recommended by the Design Review Committee and approved by the Commission.
- B. No use may be expanded, altered or created except in conformance with Article IX, Site Plan Review. In addition, no use may be expanded, altered or created except in accordance with Article XIX, Design Review.

§ 273-121. Area, location and bulk standards.

The following area, location and bulk standards apply in the TS District (see Table 3²⁹ for definitions):

- A. Lot area: 20,000 square feet.
- B. Lot shape: 100 feet.
- C. Lot frontage: 100 feet.
- D. Height: 40 feet.
- E. Setback from street line:
 - (1) Minimum: 30 feet.
 - (2) Maximum: 50 feet.

29. Editor's Note: Table 3 is included at the end of this chapter.

- (3) No building or other structure shall be located any closer to the street line than the minimum setback nor any further from the street line than the maximum setback. Where, in a multi-building development, one or more buildings meet the maximum building setback, other buildings may be allowed which do not, subject to review and approval of a site plan application.
- F. Setback from rear property line: 12 feet.
- G. Setback from side property line: 12 feet.
- H. Setback from residential district boundary line: 30 feet.
- I. Lot coverage: 25% (up to 35% with special permit in accordance with § 273-118).
- J. Total floor area: 50% (up to 65% with special permit in accordance with §273-118) .
- K. Maximum impervious surface: 70%. (The total coverage by impervious surfaces, including buildings, driveways and parking, shall not exceed this percentage of the lot area.) Where a building or site is nonconforming with respect to this standard, this nonconformity shall not prevent building expansion in conformance with the other standards of this section.
- L. Maximum building size: [Amended 12-18-2002]
- (1) No building or other structure shall exceed a total floor area of 30,000 square feet (up to 50,000 square feet with a special permit in accordance with § 273-118).
- (2) No freestanding retail building shall exceed 25,000 square feet in total floor area, and no single related or integrated retail store use shall exceed 25,000 square feet cumulatively.

§ 273-122. Sign requirements.

Sign requirements in the TS District shall be in accordance with the standards for the C-3 District.

§ 273-123. Parking standards.

Parking requirements in the TS District shall be accordance with Article VI, except that for retail stores, four spaces per 1000 square feet of gross leasable area shall be required and for office uses, three spaces per 1,000 square feet of gross leasable area shall be required. For retail buildings in excess of 5,000 square feet, there shall be a maximum of four spaces per 1,000 square feet of gross leasable area, except where there is a demonstrated need for additional spaces.

§ 273-124. Nonconforming buildings.

No building, existing as of the effective date of this regulation, which is nonconforming with respect to maximum building size, maximum coverage, or maximum floor area may expand

except by special permit, and no such expansion shall exceed 5% of the total floor area of the building.

§ 273-125. Special permit criteria.

See § 273-118.

ARTICLE XVIII
Shopping Center Zone District (SC)
[Added 12-11-2000]

§ 273-126. Purpose.

The SC District is a commercial zoning district designed to permit larger shopping facilities in the context of planned shopping centers. Shopping centers are to be designed to provide a high quality shopping experience in a well-designed and landscaped facility.

§ 273-127. Permitted uses.

A. The following uses are permitted in the SC District:

- (1) Retail stores.
- (2) Business and professional offices.
- (3) Financial institutions.
- (4) Personal service establishments.
- (5) Restaurants (excluding drive-through service).
- (6) Retail clothes cleaning and/or laundering establishments.
- (7) Recreational facilities, including gymnasiums and physical fitness establishments, and studios for dance, musical and theatrical instruction (not to exceed 10,000 square feet).
- (8) Schools, including day-care facilities.

B. No use may be expanded, altered or created except in conformance with Article IX, Site Plan Review. In addition, no use may be expanded, altered or created except in accordance with Article XIX, Design Review.

§ 273-128. Area, location and bulk standards.

The following area, location and bulk standards apply in the SC District (see Table 3³⁰ for definitions):

30. Editor's Note: Table 3 is included at the end of this chapter.

- A. Lot area: 200,000 square feet.
- B. Lot shape: 300 feet.
- C. Lot frontage: 300 feet.
- D. Height: 40 feet.
- E. Setback from street line:
 - (1) Minimum: 30 feet. Note: By special permit in accordance with § 273-118, this setback may be reduced to not less than 20 feet when the following conditions are satisfied: [Amended 9-4-2002]
 - (a) No structure may be built within 30 feet of the street line unless the aggregate length of all structures on the lot built within 30 feet of the street line is less than 200 feet in length as measured along a line parallel with said street line.
 - (b) The maximum height of any structure(s) built within 30 feet of the street line shall not exceed 30 feet.
 - (2) Maximum: 50 feet.
 - (3) No building or other structure shall be located any closer to the street line than the minimum setback nor any further from the street line than the maximum setback. Where, in a multi-building development, one or more buildings meet the maximum building setback, other buildings may be allowed which do not, subject to review and approval of a site plan application.
- F. Setback from rear property line: 20 feet.
- G. Setback from side property line: 15 feet.
- H. Setback from residential district boundary line: 30 feet.
- I. Lot coverage: 25% (up to 35% with special permit in accordance with § 273-118).
- J. Total floor area: 50% (up to 65% with special permit in accordance with § 273-118).
- K. Maximum impervious surface: 70%. (The total coverage by impervious surfaces, including buildings, driveways and parking areas, shall not exceed this percentage of the lot area.) Where a building or site is nonconforming with respect to this standard, this nonconformity shall not prevent building expansion which conforms with the other standards of this section.
- L. Maximum building size: [Amended 12-18-2002]
 - (1) No building or other structure shall exceed a total floor area of 150,000 square feet (up to 200,000 square feet with special permit in accordance with § 273-118).

- (2) No freestanding retail building shall exceed 60,000 square feet in total floor area, and no single related or integrated retail store use shall exceed 60,000 square feet cumulatively.

M. Projections. Projections as defined in § 273-2B may project not more than three feet in the area required for setbacks. [Added 9-4-2002]

§ 273-129. Sign requirements.

Sign requirements in the SC District shall be in accordance with the standards for the C-3 District.

§ 273-130. Parking standards.

Parking requirements in the SC District shall be in accordance with Article VI, except that for retail stores, four spaces per 1,000 square feet of gross leasable area shall be required and for office uses, three spaces per 1,000 square feet of gross leasable area shall be required. For retail buildings larger than 5000 square feet, there shall be a maximum of four spaces per 1,000 square feet of gross leasable area, except where there is a demonstrated need for

additional spaces. For retail buildings larger than 50,000 square feet, the minimum standard shall be three spaces per 1,000 square feet of gross leasable area.

§ 273-131. Nonconforming buildings.

No building, existing as of the effective date of this regulation, which is nonconforming with respect to maximum building size, maximum coverage, or maximum floor area may expand except by special permit, and no such expansion shall exceed 5% of the total floor area of the building.

[DELETED 10-06-04]

§ 273-132. Special permit criteria.

See § 273-118.

**ARTICLE XIX
Design Review
[Added 12-11-2000]**

§ 273-133. Purpose.

A Design Review Committee is created in order to assist the Planning and Zoning Commission in administering the Zoning Code. The advice of the Committee is intended to encourage higher quality building and site design and result in commercial development which is compatible with the character of the Town.

§ 273-134. Membership. [AMENDED 01-07-04] And may be reappointed...

The Design Review Committee shall be appointed by the Planning and Zoning Commission. Its members shall serve staggered two-year terms. The Committee shall have a minimum of five members and not more than ⁽¹⁰⁾ ~~seven~~ ^{TEN} members, plus ⁽⁵⁾ ~~three~~ ^{FIVE} alternates. The members shall consist of members of the design and planning professions such as a landscape architect or landscape designer, architects, an environmental design professional, and a civil engineer, along with other design professions. Members must be residents of the Town of Guilford. Members of the Design Review Committee must avoid conflict of interest and any appearance of conflict of interest and recuse themselves when necessary from the deliberations of the Committee.

§ 273-135. Procedures.

The Design Review Committee shall meet at regularly scheduled meetings to consider applications referred to it by the Planning and Zoning Commission. For any site plan or special permit application in a commercial or industrial zone, the Planning and Zoning Commission shall refer the application to the Committee prior to making a decision on the application. The Design Review Committee shall submit its recommendations to the Commission in writing. The failure of the Design Review Committee to act in a timely

manner shall not affect the mandated time requirements for Planning and Zoning Commission action.

§ 273-136. Design criteria.

The Committee shall review architectural designs and site plans and make recommendations to applicants and the Planning and Zoning Commission about proposed designs. In considering these applications, the Design Review Committee shall be guided by the design and site planning criteria contained in A Plan for Route 1 East, Planning and Design Guidelines (see specifically pages 6-13), dated August 2000, prepared for the Town of Guilford by Icon Architecture Inc. and Community Planning Solutions and by such other guidelines and criteria as they may from time to time adopt.

ARTICLE XX
Historic District Commission
[Added 8-1-2001]

§ 273-137. Purpose.

The Historic District Commission may assist the Planning and Zoning Commission in administering this Code. The advice of the Historic District Commission is intended to provide greater protection for the Town's historic resources.

§ 273-138. Procedures.

For any application which involves a property located in a National Register Historic District or a property listed in the Survey of the Historic Architecture of Guilford, Connecticut, 1981-82 or as amended, prepared by the Guilford Preservation Alliance, the Planning and Zoning Commission may refer the application to the Historic District Commission prior to making its decision on the application. The Historic District Commission shall submit its recommendations to the Commission in writing. In making its decision, the Planning and Zoning Commission shall give due consideration to such a report. The failure of the Historic District Commission to act in a timely manner shall not affect the mandated time requirements for Planning and Zoning Commission action.

§ 273-139. (Reserved)

§ 273-140. (Reserved)

§ 273-141. (Reserved)

§ 273-142. (Reserved)

Approved; January 7, 2004
Effective Date; January 16, 2004

At its regular meeting on January 7, 2004 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Revise Article XIX Design Review, § 273-134, Membership

Add after ...shall serve staggered two year terms

“, and may be reappointed for an additional two year term. The Chairman shall serve a one year term and may be reappointed for an additional one year term.”

Revise Article XIX Design Review, 273-134 Membership;

change second sentence to read;

“The Committee shall have a minimum of five members and not more than ten members, plus three alternates”

These amendments are approved based upon a finding that they conform with the Plan of Conservation and Development 2002. These amendments are effective on January 16, 2004.

273:143.1

Approved February 17, 2010 Effective February 26, 2010

GUILFORD TOWN HALL
90 MAR 10 PM 2:10

Amendment to Zoning Code; Article XVIII, Shopping Center Zone District (S

1. Revise 273-127 (7) to read; "Recreational facilities, including gymnasiums and physical fitness establishments, and studios for dance, musical and theatrical instruction not to exceed **15,000** square feet."

Approved; January 7, 2004
Effective Date; January 16, 2004

GUILFORD TOWN HALL
04 JAN -9 PM 3:47

At its regular meeting on January 7, 2004 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Revise Article XIX Design Review, § 273-134, Membership

Add after ...shall serve staggered two year terms

“, and may be reappointed for an additional two year term. The Chairman shall serve a one year term and may be reappointed for an additional one year term.”

Revise Article XIX Design Review, 273-134 Membership;

change second sentence to read;

“The Committee shall have a minimum of five members and not more than ten members, plus three alternates”

These amendments are approved based upon a finding that they conform with the Plan of Conservation and Development 2002. These amendments are effective on January 16, 2004.

273:143.1

GUILFORD TOWN HALL

04 OCT 12 PM 4: 25

Approved; October 6, 2004
Effective Date; October 15, 2004

At its regular meeting on October 6, 2004 the Guilford Planning and Zoning Commission deleted the following amendment to the Zoning Code:

Deleted § 273-131. Nonconforming Buildings.

~~No building, existing as of the effective date of this regulation, which is nonconforming with respect to maximum building size, maximum coverage, or maximum floor area may expand except by special permit, and no such expansion shall exceed 5% of the total floor area of the building.~~

This amendment is approved based upon a finding that it conforms with the 2002 Plan of Conservation and Development and is consistent with the purposes and intent of the Shopping Center Zone District. This amendment is effective on October 15, 2004.

273:143.2

Amendment - 10.06.04 - 273-131 delete SC
(10/12/04)

§ 273-143

ZONING

§ 273-159

§ 273-143. (Reserved)

§ 273-144. (Reserved)

§ 273-145. (Reserved)

§ 273-146. (Reserved)

§ 273-147. (Reserved)

§ 273-148. (Reserved)

§ 273-149. (Reserved)

§ 273-150. (Reserved)

§ 273-151. (Reserved)

§ 273-152. (Reserved)

§ 273-153. (Reserved)

§ 273-154. (Reserved)

§ 273-155. (Reserved)

§ 273-156. (Reserved)

§ 273-157. (Reserved)

§ 273-158. (Reserved)

§ 273-159. (Reserved)

§ 273-160

GUILFORD CODE

§ 273-176

§ 273-160. (Reserved)

§ 273-161. (Reserved)

§ 273-162. (Reserved)

§ 273-163. (Reserved)

§ 273-164. (Reserved)

§ 273-165. (Reserved)

§ 273-166. (Reserved)

§ 273-167. (Reserved)

§ 273-168. (Reserved)

§ 273-169. (Reserved)

§ 273-170. (Reserved)

§ 273-171. (Reserved)

§ 273-172. (Reserved)

§ 273-173. (Reserved)

§ 273-174. (Reserved)

§ 273-175. (Reserved)

§ 273-176. (Reserved)

§ 273-177. (Reserved)

§ 273-178. (Reserved)

§ 273-179. (Reserved)

§ 273-180. (Reserved)

ARTICLE XXI

Mixed Use/Conservation 1 Zone District (MU/C1) [Added 12-17-2001]

§ 273-181. Purpose.

The MU/C1 District is a zone district designed to permit low-intensity office and research uses and certain types of residential use. It is intended to preserve large amounts of open space and to protect wetlands, steep slopes and other environmentally sensitive lands. The district should promote buildings with high architectural standards with consistent signage, landscaping, and design. It is intended to be an attractive, coherent environment that blends permitted uses and provides substantial property tax and other economic benefits to the Town and the region.

§ 273-182. Permitted uses.

A. The following uses are permitted in the MU/C1 District:

- (1) Offices.
- (2) Research facilities and laboratories (excluding manufacturing).
- (3) Financial institutions.
- (4) Lodging facilities, including conference centers.
- (5) Educational facilities, including day care.
- (6) Recreational facilities.
- (7) Senior housing: Housing that is designed and intended for the use of older persons where at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older; where the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent to operate as housing for older persons; and complies with rules issued by the U.S. Secretary of Housing and Urban Development for verification of occupancy. This use may include multifamily units and detached, cluster or attached single-family units. The use may also include assisted-living facilities, congregate living, and nursing homes. This use is allowed by special permit in accordance with § 273-118. ~~Within the~~

~~MU/C1 Zone, not more than 25% of the land area in the zone district may be developed for this use. [DELETED 08-02-06] ACP 273:147.1~~

- (8) Retail stores when accessory to a permitted use and located in the same building as a permitted use, not to exceed 10% of the floor area of the primary permitted use.
 - (9) Restaurants when accessory to a permitted use and located in the same building as a permitted use, not to exceed 10% of the floor area of the permitted use except when part of a lodging facility/conference center.
 - (10) Buildings, uses and facilities of the Town (excluding public works), state, or federal government.
 - (11) Long- and short-term health-care facilities.
 - (12) Places of worship.
- B. No use may be expanded, altered or created except in conformance with Article IX, Site Plan Review, and Article XIX, Design Review. Site plans shall include a conceptual Master Plan for all contiguous property in the MU/C1 District under the applicant's or property owner's ownership or control and an analysis of the possible development of other property in the MU/C1 District and abutting properties to insure efficient and orderly development. This Master Plan shall include proposed buildings and their use, approximate building sizes, vehicular circulation systems, parking areas, and generalized landscaping plans, including designation of land to remain undeveloped.

§ 273-183. Area, location and bulk standards.

The following area, location and bulk standards apply in the MU/C1 District (see Table 3²⁹ for definitions):

- A. Lot area: 200,000 square feet (five acres).
- B. Lot shape: 200 feet.
- C. Lot frontage: 200 feet.
- D. Setbacks:
 - (1) From Rt. 1/street line: 200 feet (including buildings and parking areas).
 - (2) From any other street line: 75 feet.
 - (3) From rear property line: 50 feet.
 - (4) From side property line: 20 feet.
 - (5) From residential district boundary line: 100 feet (with a wooded natural landscape); 150 feet (with open or newly planted landscape). [Also see § 273-75M(2).]

29. Editor's Note: Table 3 is included at the end of this chapter.

Approved; August 2, 2006
Effective Date; August 11, 2006

CORRECTION TO §273-183E: October 12, 2006.

At its regular meeting on August 2, 2006 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend Article XXI Mixed Use/Conservation 1 (MU/C1) Zone as follows;

a. **Amend 273-182 (7)** by deleting the last sentence

~~Within the MU/C1 Zone not more than 25% of the land area in the zone district may be developed for this use.~~

b. **Amend 273-183 E.** Total floor area;

E. Total floor area: 15%. The 15% may be increased to 20% by a Special Permit based on approval by the Planning and Zoning Commission where the commission finds that additional floor area would not negatively impact the purpose of section §273-181.

273:147.1 & 273:149.1

(Amendment -08.02.06 - MU/C1 20%)
(Correction - 10.12.06)

- E. Total floor area: ~~15%~~ 20%. [AMENDED 08-02-00] Am P. 273:149.1
- F. Maximum impervious surface: 50%. (The total coverage by impervious surfaces, including, but not limited to, buildings, driveways, and parking areas shall not exceed this percentage of the lot area.)
- G. Maximum building size: No building or other structure shall exceed a total floor area of 100,000 square feet.
- H. Maximum density of residential uses: The maximum density of any residential use shall not exceed six dwelling units per acre.
- I. Maximum landscaped area: Within the pervious surface of any lot, not more than 50% of the pervious surface of said lot may be landscaped. [See § 273-97B(3).]
- J. Maximum building height: 40 feet. (See § 273-2 for definition of "height.") Buildings of greater height may be allowed by special permit up to a maximum of 55 feet when it is determined by the Commission that such additional height will have no adverse impact on adjoining property and when the architecture of the proposed building supports and enhances the purposes of the district.

§ 273-184. Sign requirements.

Sign requirements in the MU/C1 Zone shall be in accordance with the standards for the C-3 Zone District.

§ 273-185. Parking standards.

Parking requirements in the MU/C1 District shall be in accordance with Article VI, except that for office uses, three spaces per 1,000 square feet of gross leaseable area shall be required.

ARTICLE XXII

Mixed Use/Conservation 2 Zone District (MU/C2)

[Added 12-17-2001]

§ 273-186. Purpose.

The MU/C2 District is a zone district designed to permit low-intensity office and research uses and to encourage certain types of residential uses. It is intended to preserve large amounts of open space and to protect wetlands, steep slopes and other environmentally sensitive lands. The district should promote buildings with high architectural standards with consistent signage, landscaping, and design. It is intended to be an attractive, coherent environment that blends permitted uses and provides substantial property tax and other economic benefits to the Town and the region.

§ 273-187. Permitted uses.

A. The following uses are permitted in the MU/C2 District:

- (1) Offices.
- (2) Research facilities and laboratories.
- (3) Financial institutions.
- (4) Lodging facilities, including conference centers.
- (5) Educational facilities, including day care.
- (6) Recreational facilities.
- (7) Senior housing: Housing that is designed and intended for the use of older persons where at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older; where the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent to operate as housing for older persons; and complies with rules issued by the U.S. Secretary of Housing and Urban Development for verification of occupancy. This use may include multifamily units and detached, cluster or attached single-family units. The use may also include assisted-living facilities, congregate living, and nursing homes. This use is allowed by special permit in accordance with § 273-118.
- (8) Retail stores when accessory to a permitted use and located in the same building as a permitted use, not to exceed 10% of the floor area of the primary permitted use.
- (9) Restaurants when accessory to a permitted use and located in the same building as a permitted use, not to exceed 10% of the floor area of the permitted use except when part of a lodging facility/conference center.
- (10) Buildings, uses and facilities of the Town, state, or federal government.
- (11) Long- and short-term health-care facilities.
- (12) Places of worship.
- (13) Printing and publishing establishments.
- (14) Manufacturing, processing, assembling, or packaging of products or goods, excluding petroleum products, chemicals, and hazardous materials.

B. No use may be expanded, altered or created except in conformance with Article IX, Site Plan Review, and Article XIX, Design Review. Site plans shall include a conceptual Master Plan for all contiguous property in the MU/C2 District under the applicant's or property owner's ownership or control and an analysis of the possible development of other property in the MU/C2 District and abutting properties to insure efficient and orderly development. Said Master Plan shall include proposed buildings, their use and approximate size, vehicular circulation systems, parking areas and generalized landscaping plans, including designation of land to remain undeveloped.

§ 273-188. Area, location and bulk standards.

The following area, location and bulk standards apply in the MU/C2 District (see Table 3³⁰ for definitions):

- A. Lot area: 200,000 square feet (five acres).
- B. Lot shape: 200 feet.
- C. Lot frontage: 200 feet.
- D. Setbacks:
 - (1) From Rt. 1 street line: 100 feet.
 - (2) From any other street line: 75 feet.
 - (3) From rear property line: 50 feet.
 - (4) From side property line: 20 feet.
 - (5) From residential district boundary line: 75 feet for any residential use; 100 feet for any nonresidential use. [See also § 273-75M(2).] Amended MARCH 19, 2003
 - (6). 0 ft. setback from a residential district boundary line for any road, driveway or parking area.
 - (7). 0 ft. setback from a limited access highway for any road, driveway, parking area.
 - (8). 50 ft. setback from a limited access highway for any residential use.

ADD (6) (7) (8) SEE ABOVE →
- E. Total floor area: 15%.
- F. Maximum impervious surface: 50%. (The total coverage by impervious surfaces, including buildings, driveways, and parking areas, shall not exceed this percentage of the lot area.)
- G. Maximum building size: No building or other structure shall exceed a total area of 100,000 square feet.
- H. Maximum density of residential uses: The maximum density of any residential use shall not exceed eight dwelling units per acre.
- I. Maximum landscaped area: Within the pervious surface of any lot, not more than 50% of the pervious surface of said lot may be landscaped. [See § 273-97B(3).]
- J. Maximum building height: 40 feet. (See § 273-2 for definition of "height.") Buildings of greater height may be allowed by special permit up to a maximum of 55 feet when it is determined by the Commission that such additional height will have no adverse impact on adjoining property and when the architecture of the proposed building supports and enhances the purposes of the district.

§ 273-189. Requirements for mixed use development.

On any site larger than 20 acres, not more than 50% of the lot area shall be used for any single use except where the single use is residential.

30. Editor's Note: Table 3 is included at the end of this chapter.

§ 273-190. Sign requirements.

Sign requirements in the MU/C2 Zone shall be in accordance with the standards for the C-3 Zone District.

§ 273-191. Parking standards.

Parking requirements in the MU/C2 District shall be in accordance with Article VI, except that for office uses, three spaces per 1,000 square feet of gross leaseable area shall be required.

ARTICLE XXIII
Transition and Service District 2 (TS2)
[Added 12-17-2001]

§ 273-192. Purpose.

The TS2 District is a commercial zoning district designed to permit a wide variety of commercial uses to better serve the local community. It is intended to be an attractive, coherent environment with a consistent street edge, high quality and sufficient landscaping, reduced curb cuts and shared parking, and a mixture of types of land uses that blend with the adjacent residential and natural landscape.

§ 273-193. Permitted uses.

A. The following uses are permitted in the TS2 District:

- (1) Retail stores.
- (2) Business and professional offices.
- (3) Financial institutions (including drive-through).
- (4) Dwelling units not to exceed a density of six dwelling units per acre.
- (5) Personal service establishments.
- (6) Restaurants (excluding drive-through service).
- (7) Buildings, uses and facilities of the Town.
- (8) Retail clothes cleaning and/or laundering establishments.
- (9) Lodging establishments.
- (10) Entertainment facilities, including movie theaters (restricted to not more than two screens or 400 seats) and playhouses (excluding adult entertainment) (by special permit in accordance with § 273-118).
- (11) Places of worship.

• Amend § 273-20, Table 2B to allow Dog Day Care as a Special Permit Use in Zones PV2, TS, TS2, SCW, C4W, I-1 and I-2. [AMENDED 11-06-02] See § 273-80 I.

- (12) Schools, including day-care facilities.
 - (13) Funeral homes.
 - (14) Long- and short-term health-care facilities.
 - (15) Motor vehicle repair facilities (by special permit in accordance with § 273-118) and not to exceed a total of three such facilities in the district.
 - (16) Nonprofit facilities, including museums.
 - (17) Motor vehicle fuel sales (only in combination with convenience stores), not more than one such facility in the District (by special permit in accordance with § 273-118).
 - (18) Recreational facilities including gymnasiums, and physical fitness establishments, and studios for dance, musical and theatrical instruction.
 - (19) Veterinary clinics and hospitals. *(22)(23)(24)(25)(26) ADDED 4-19-06
see p. 273:153-1*
 - (20) Farms. *(21) DOG DAY CARE [11-06-02] see § 273-80I.*
- B. No use may be expanded, altered or created except in conformance with Article IX, Site Plan Review, and Article XIX, Design Review.

§ 273-194. Area, location and bulk standards.

The following area, location and bulk standards apply in the TS2 District (see Table 3³¹ for definitions):

- A. Lot area: 20,000 square feet.
- B. Lot shape: 100 feet.
- C. Lot frontage: 100 feet.
- D. Maximum building height: 35 feet (up to 40 feet with special permit in accordance with § 273-118). (See § 272-2 for definition of "height.")
- E. Setbacks:
 - (1) From street line: 30 feet.
 - (2) From side and rear property line: 12 feet.
 - (3) From residential district boundary line: 30 feet.
- F. Lot coverage: 25% (up to 35% with special permit in accordance with § 273-118).
- G. Total floor area: 50% (up to 65% with special permit in accordance with § 273-118).

31. Editor's Note: Table 3 is included at the end of this chapter.

- H. Maximum impervious surface: 65%. (The total coverage by impervious surfaces, including buildings, driveways and parking areas, shall not exceed this percentage of lot area.)
- I. Maximum building size: No building or other structure shall exceed a total floor area of 30,000 square feet (up to 50,000 square feet with special permit in accordance with § 273-118). No single, related or integrated retail use shall exceed 25,000 square feet cumulatively.

§ 273-195. Sign requirements.

Sign requirements in the TS2 District shall be in accordance with standards for the C-3 District.

§ 273-196. Parking standards.

Parking requirements in the TS2 District shall be accordance with Article VI, except that for retail stores, four spaces per 1,000 square feet of gross leasable area shall be required, and for office uses, three spaces per 1,000 square feet of gross leasable area shall be required. For retail buildings in excess of 5,000 square feet, there shall be a maximum of four spaces per 1,000 square feet of gross leasable area, except where there is a demonstrated need for additional spaces. Parking areas shall be designed with significant green space and landscaping between the road and the parking areas. Smaller parking areas with combined curb cuts serving multiple uses are also encouraged with buildings placed as close to the road as possible.

§ 273-197. Nonconforming buildings.

No building existing as of the effective date of this regulation, which is nonconforming with respect to maximum coverage or maximum floor area, may expand except by special permit in accordance with § 273-118, and no such expansion shall exceed 5% of the total floor area of the building.

ARTICLE XXIV
Post Road Village 2 Zone District (PV2)
[Added 12-17-2001]

§ 273-198. Purpose.

The PV2 District is a commercial zoning district designed to permit a variety of small- and medium-scale commercial uses. The district should establish a sense of entry into Guilford and promote buildings with high architectural standards, with consistent signage, landscaping, and design. It is intended to be an attractive, coherent environment that blends permitted uses.

Approved; April 19, 2006
Effective Date; April 28, 2006

At its regular meeting on April 19, 2006 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend Article XXIII, Transition and Service District 2 (TS2), 273-193.

Permitted uses. A. by adding the following;

- "(22) Research facilities and laboratories by Special Permit.
- (23) Light manufacturing and product assembly by Special Permit.
- (24) Material, product, and vehicle storage areas when accessory to a permitted use and when contained in a building. The washing of said vehicles on site is prohibited.
- (25) Landscape contractors including storage of equipment, vehicles and materials contained in a building. The washing of said vehicles and equipment on site is prohibited.
- (26) Arts and Crafts Studios including painters, photographers, sculptors, jewelers and makers of other crafts."

273:153.1

- Amend § 273-20, Table 2B to allow Dog Day Care as a Special Permit Use in Zones PV2, TS, TS2, SCW, C4W, I-1 and I-2. [Amended 11-06-2002] see § 273-80 I.

§ 273-199

ZONING

§ 273-200

§ 273-199. Permitted uses.

The following uses are permitted in the PV2 District:

- A. Retail stores.
- B. Business and professional offices.
- C. Financial institutions (including drive-through).
- D. Dwelling units not to exceed a density of six dwelling units per acre.
- E. Personal service establishments.
- F. Restaurants (excluding drive-through).
- G. Buildings, uses and facilities of the Town, state and federal government.
- H. Retail clothes cleaning and/or laundering establishments.
- I. Lodging establishments (by special permit in accordance with § 273-118).
- J. Entertainment facilities, including movie theaters (restricted to not more than two screens or 400 seats) and playhouses (by special permit in accordance with § 273-118), excluding adult entertainment facilities.
- K. Places of worship (by special permit).
- L. Recreational facilities as defined in § 273-113.
- M. Schools, including day-care facilities.
- N. Funeral homes.
- O. Long- and short-term health-care facilities.
- P. Nonprofit facilities, including museums.
- Q. Farms and farm markets.
- R. Artists studios, and workshops.
- S. Motor vehicle fuel sales (only in combination with convenience stores), not more than one such facility in the district (by special permit in accordance with § 273-118).

§ 273-200. Area, location and bulk standards.

The following area, location and bulk standards apply in the PV2 District (see Table 3³² for definitions):

32. Editor's Note: Table 3 is included at the end of this chapter.

- A. Lot area: 20,000 square feet.
- B. Lot shape: 100 feet.
- C. Lot frontage: 100 feet.
- D. Maximum building height: 40 feet. (See § 272-2).
- E. Setbacks:
 - (1) From street line: 30 feet.
 - (2) From side and rear property line: 12 feet.
 - (3) From residential district boundary line: 30 feet.
- F. Lot coverage: 25% (up to 35% with special permit in accordance with § 273-118).
- G. Total floor area: 50% (up to 65% with special permit in accordance with § 273-118).
- H. Maximum impervious surface: 65%. (The total coverage by impervious surfaces, including but not limited to parking areas, buildings, and driveways, shall not exceed this percentage of lot area.)
- I. Maximum building size: No building or other structure shall exceed a total floor area of 30,000 square feet except as modified below.
- J. Retail use area limitation:
 - (1) No single, related or integrated retail use shall exceed 20,000 square feet cumulatively, except this limitation shall not apply to area devoted to outdoor display and sales of agricultural products.
 - (2) For farm markets, no building shall exceed 50,000 square feet, and within said building, the area devoted to retail sales shall not exceed 20,000 square feet.

§ 273-201. Sign requirements.

Sign requirements in the PV2 District shall be in accordance with standards for the C-3 District.

§ 273-202. Parking standards.

Parking requirements in the PV2 District shall be in accordance with Article VI, except that for retail stores, four spaces per 1,000 square feet of gross leasable area shall be required and for office uses, three spaces per 1,000 square feet of gross leasable area shall be required.

ARTICLE XXV
Service Center West District (SCW)
[Added 12-17-2001]

§ 273-203. Purpose.

The SCW District is a commercial zoning district designed to permit larger service facilities in the context of planned development. Facilities are to be designed to provide a variety of services in an attractive, planned environment with buildings of high architectural standards and landscape design.

- Amend § 273-20, Table 2B to allow Dog Day Care as a Special Permit Use in Zones PV2, TS, T52, SCW, C4W, I-1 and I-2. [AMENDED 11-06-02]

§ 273-204. Permitted uses.

Note: See § 273-80I.

A. The following uses are permitted in the SCW District:

- (1) Retail stores.
- (2) Business and professional offices.
- (3) Financial institutions (including drive-through).
- (4) Personal service establishments.
- (5) Restaurants (excluding drive-through).
- (6) Retail clothes cleaning and laundering.
- (7) Schools, including day-care facilities.
- (8) Facilities of the Town, state and federal government.
- (9) Recreational facilities.
- (10) Nonprofit facilities, including museums.
- (11) Entertainment facilities, including movie theaters (restricted to not more than two screens or 400 seats) and playhouses (by special permit in accordance with § 273-118), excluding adult entertainment.
- (12) Short- and long-term health-care facilities.
- (13) Lodging establishments.

- B. No use may be expanded, altered or created except in conformance with Article IX Site Plan Review, and Article XIX, Design Review. Site plans shall include a conceptual Master Plan for all contiguous property in the SCW District under the applicant's or property owner's ownership or control and an analysis of the possible development of other property in the SCW District and abutting properties to insure efficient and orderly development. Said Master Plan shall include proposed buildings and their use, approximate building sizes, vehicular circulation systems, parking areas, and a generalized landscaping plan, including a designation of land to remain undeveloped.

§ 273-205. Area, location and bulk standards.

The following area, location and bulk standards apply in the SCW District (see Table 3³³ for definitions):

- A. Lot area: 200,000 square feet.
- B. Lot shape: 300 feet.
- C. Lot frontage: 300 feet.
- D. Setbacks:
 - (1) From street line: 75 feet.
 - (2) From rear property line: 20 feet.
 - (3) From side property line: 15 feet.
 - (4) From residential district boundary line: 30 feet.
- E. Maximum height: 40 feet. (See § 273-2 for definition of "height"). Buildings of greater height may be allowed by special permit up to a maximum of 55 feet when it is determined by the Commission that such additional height will have no adverse impact on adjoining property and when the architecture of the proposed building supports the purposes of the district.
- F. Maximum floor area: 25% (35% with special permit in accordance with § 273-118).
- G. Maximum impervious surface: 50% (as defined in § 273-200).
- H. Maximum building size: No building or other structure shall exceed a total floor area of 150,000 square feet (up to 200,000 square feet with special permit in accordance with § 273-118). No freestanding retail building shall exceed 25,000 square feet, and no single related or integrated retail store use shall exceed 25,000 square feet cumulatively, except that one retail facility of 40,000 square feet may be allowed in this district by special permit in accordance with § 273-118.

§ 273-206. Sign requirements.

Sign requirements in the SCW District shall be in accordance with the standards for the C-3 District.

[REPLACED 2-06-08]

SWPP 273:158.1 -

33. Editor's Note: Table 3 is included at the end of this chapter.

Approved; Feb. 6, 2008
Effective Date; Feb. 15, 2008

At its regular meeting on Feb. 6, 2008 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Existing:

"Sign requirements in the SCW District shall be in accordance with the standards for § 273-206."

Add the following:

Notwithstanding the foregoing, the signage for multi-tenant retail developments in the SCW district shall be in accordance with the following. In the event of a conflict between the provisions of this § 273-206 and any other regulation, this section shall govern. The purpose of this section is to enhance the visual aspect of the retail development, creating excitement through a variety of signage types while maintaining a high level of control over the quality of signage implemented.

A. PERMITTED SIGNS. Permitted types of signs shall include:

1. Shopping Center Signs

Two one-sided freestanding monument signs identifying only the shopping center name (no tenants) shall be allowed along the main street frontage and may extend to within 10 feet of any street line. No portion of such sign shall be more than 12 feet above the average level of the ground within a radius of 10 feet, nor shall the total area of any such monument signs exceed 48 square feet. Such monument signs shall be coordinated with and complimentary to the landscape architecture of the site, and shall not be internally illuminated. One other free-standing or wall sign identifying the shopping center name (no tenants) shall be permitted in that portion of the zone depicted as area 5 on the SCW Signage Regulation Diagram ("Sign Diagram"), and shall not exceed 60 square feet. The area of Shopping Center signs, including monument signs, shall be computed from the area of a quadrilateral, including the outer edges of all lettering.

2. Primary Tenant Storefront Signs

The allowable size of wall signs will be determined by the length of each tenant's exterior storefront wall. Each tenant space is allowed one (1) square foot of signage area for each linear foot of storefront. The front of a store shall be the wall of the store in which a main public entrance is located. The length of a storefront shall be measured on a horizontal line along the front of the store between exterior intersecting walls or between the centers of intersecting party walls. All dimensions for signs shall be based on measurements to the outside edge of the sign, excluding any structure necessary to support the sign. Maximum length in any one direction shall be limited by the Landlord with the Town's approval.

273:158.1

For tenants with a lease area of 20,000 square feet and above, maximum letter height shall be 48". For tenants with a lease area of 10,001 square feet to 19,999 square feet, the maximum letter height shall be 42". For tenants with a lease area of 6,001 square feet to 10,000 square feet, the maximum letter height shall be 30". For tenants with a lease area of 4,001 square feet to 6,000 square feet, the maximum letter height shall be 24". For tenants with a lease area up to 4,000 square feet, the maximum letter height shall be 18".

A plaque sign may be substituted for any allowable wall sign. Plaque signs shall be proportionally correct to storefront façade and may not exceed 36 square feet. Plaque signs shall be face illuminated or shall have internally-illuminated letters with an opaque surround. Plaque signs may not exceed one (1) square foot of signage area for each linear foot of storefront.

3. Secondary Tenant Identity Signs

Secondary signage shall be permitted in addition to primary tenant wall signs and shall include awning and window signs. Window sign letters or symbols shall be applied directly to store front glass and either face-illuminated or lit from ambient store lighting. The maximum letter height size shall be 12". Sign letters applied directly to storefront awning may be face-illuminated or unlit, with a maximum letter height size of 18".

4. Blade Signs

Blade signs shall be located on storefronts perpendicular to the main building façade. One blade sign per 15 linear feet of store frontage is permitted. Viewing distances perpendicular to the storefronts are short, making the use of highly detailed sign elements appropriate. Blade signs should be highly creative, decorative, and even fanciful if appropriate, and will be a major element to the ambiance of the outdoor spaces. Blade signs shall maintain a minimum clearance of 8'0" above the sidewalk. Blade signs shall be two sided. The maximum size of each face shall be nine (9) square feet. The maximum copy size of each face shall be four (4) square feet. The provision in § 273-60.C limiting the projection of such to a maximum of two (2) feet from the building shall not be applicable in the SCW zone.

5. Side and Rear Façade Signs

- a. Side and rear façade signs shall be allowed on buildings with mansard roofs in those areas depicted as areas 1 and 3 of the Sign Diagram.
- b. Side and rear façade signs shall also be allowed for one tenant having a main entrance at the side or rear of the building. See areas 2 and 2a of the Sign Diagram.
- c. Rear and side façade signs shall be allowed within 25'-0" of the corners of the buildings facing Route 1 and the Interstate 95 off ramp. See area 4 of the Sign Diagram.

273:158.2

- d. Signage allowance for each side and rear facade is in addition to allowable areas for front facades and be measured at (.75) square feet per linear feet of side or rear facade.

B. SIGNAGE STANDARDS

1. Sign Letter Style; and Graphics

There will be no limitations on sign letter styles, provided only that signs are readable at the intended distance. Expressive and individualized letter styles are encouraged. In addition, signs may incorporate ornamental and dimensional graphic elements other than letters if appropriate. Sections 273-59.F, 273-63, and 273-64 shall not be applicable to multi-tenant retail buildings in the SCW zone.

2. Sign Construction and Material;

All types of sign design and construction systems may be considered if creatively employed and appropriate for the location. Sign construction may include, but is not limited to:

- a. Internally-Illuminated Metal Pan Channel Letters with Translucent Acrylic Faces
- b. Halo-Illuminated Dimensional Letters
- c. Face-Illuminated Dimensional Letters, with or without Background Plaque
- d. Face-Illuminated Painted Letters on Background Plaque
- e. Combinations of the Above

3. Illumination

All signs shall be either internally- or face-illuminated. If face-illuminated by exposed light fixtures, the fixtures shall be of a decorative design which supports the overall design intent for the development.

4. Address Numbers

If required, postal numbers shall be installed on each storefront and rear service door. Location, size, style and application will be standard throughout. Address numbers or other code required signs are not included in the allowable sign area.

C. PROHIBITED SIGN TYPES

1. Signs utilizing light and motion. No flashing, intermittent, light reflecting, revolving or moving signs, continuous strip, LCD, LED, or plasma lighting shall be permitted. LED lighting otherwise in conformance with these regulations shall be permitted. (Examples include, but are not limited to, mirrored surfaces, neon lights, pennants, banners, balloons and flags);

273:158.3

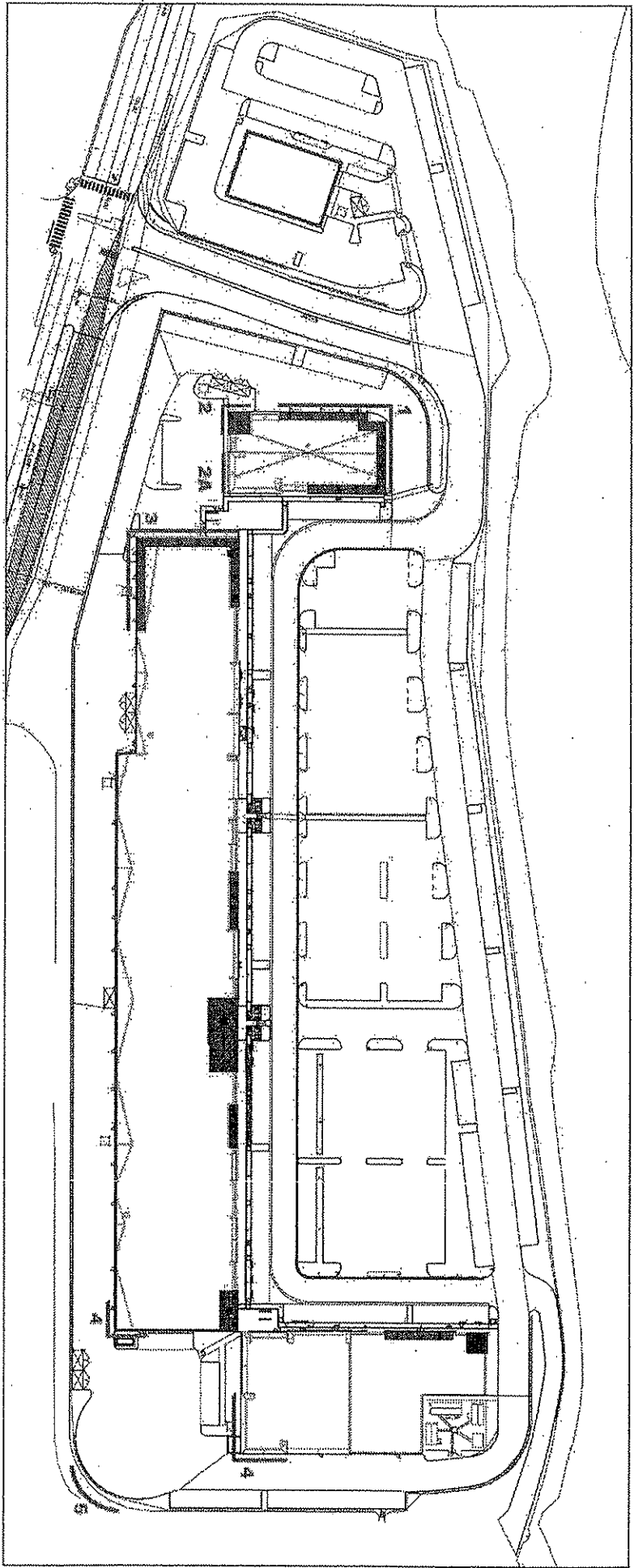
2. Sign manufacturer's name, stamps or decals, or registered trademarks;
3. Signs of exposed box or cabinet-type design that employ transparent, translucent or luminous plastic background panels;
4. Shadow box type signs;
5. Cloth, foam, paper, plastic or cardboard signs;
6. Signs with exposed fasteners;
7. Signs with exposed neon;
8. Temporary wall signs, window signs, pennants, or sandwich boards;
9. Noisemaking signs;
10. Rooftop signs.

D. APPROVALS

Tenants are responsible for submitting their individual sign design after acceptance by the Landlord to the Town of Guilford Zoning and Planning Office for a sign permit(s) and nothing in this section shall preclude review of the proposed signage by the Design Review Committee. In addition to the requirements found in § 273-59.A.2, applications for sign permits shall include the following:

1. Colored elevation of storefront showing design, location, size and layout of sign drawn to scale indicating dimensions, attachment devices, construction details including electrical connections and conduits.
2. Plan view of sign on the building drawn to scale indicating dimensions.
3. Section through letter and/or sign panel showing the dimensioned projection of the face of the letter and/or sign panel and the method of illumination as well as attachment devices and construction details including electrical connections and conduits.
4. Photos, colored renderings, or colored elevations of surrounding buildings and landscaping from various perspectives as appropriate.

273:158.4



Signage Regulations Diagram

Ord Commons

ADDRESS: 64 ESHMEREY 2008

§ 273-207. Parking standards.

Parking requirements in the SCW District shall be accordance with Article VI, except that for retail stores, four spaces per 1,000 square feet of gross leasable area shall be required, and for office uses, three spaces per 1,000 square feet of gross leasable area shall be required. For retail buildings in excess of 5,000 square feet, there shall be a maximum of four spaces per 1,000 square feet of gross leasable area, except where there is a demonstrated need for additional spaces.

ARTICLE XXVI
C-4 West (C-4W)
[Added 12-17-2001]

§ 273-208. Purpose.

The C-4 West Zone is a commercial district designed to permit automotive related uses and other retail, office and light manufacturing uses adjacent to the I-95, Exit 57 interchange. The district should establish a sense of entry into Guilford and promote buildings with high architectural standards, with consistent signage, landscaping, and design. It is intended to be an attractive, coherent environment that blends permitted uses.

§ 273-209. Permitted uses.

A. The following uses are permitted in the C-4 West District:

- (1) Uses relating to motor vehicles.
 - (a) Permitted uses:
 - [1] Retail sales of motor vehicles.
 - [2] Motor vehicle repair facilities.
 - (b) Uses in Subsection A(1)(a)[1] and [2] shall be developed in accordance with the following standards:
 - [1] All repair and service work shall be conducted entirely within an enclosed building.
 - [2] The outdoor storage of wrecked vehicles shall be appropriately screened.
 - [3] Within the motor vehicle display area, there shall be internal landscaping as recommended by the Design Review Committee and approved by the Commission.
- (2) Retail stores.
- (3) Business and professional offices.

- Amend § 273-20, Table 2B to allow Dog Day Care as a Special Permit Use in Zones PV2, TS, TS2, SCW, C4W, I-1 and I-2. [AMENDED 11-06-02] See §273-40.

- (4) Manufacturing, processing, assembling or packaging of products or goods, excluding petroleum products, chemicals, and hazardous materials.
- B. No use may be expanded, altered or created except in conformance with Article IX, Site Plan Review, and Article XIX, Design Review.

§ 273-210. Area, location and bulk standards.

- A. Lot area: 20,000 square feet.
- B. Lot shape: 100 feet.
- C. Lot frontage: 100 feet.
- D. Height: 40 feet. (See § 273-2 for definition of "height.")
- E. Setbacks:
 - (1) From street line: 75 feet.
 - (2) From rear property line: 12 feet.
 - (3) From side property line: 12 feet.
 - (4) From residential district boundary line: 30 feet.
- F. Maximum building coverage: 25%.
- G. Maximum floor area: 50%.
- H. Maximum impervious surface: 65%. (See § 273-200 for definition.)

§ 273-211. Sign requirements.

Sign requirements in the C-4 West District shall be accordance with the standards for the C-3 District.

§ 273-212. Parking standards.

Parking requirements in the C-4 West District shall be in accordance with Article VI, except that for retail stores, four spaces per 1,000 square feet of gross leasable area shall be required, and for office uses, three spaces per 1,000 square feet of gross leasable area shall be required. For retail buildings in excess of 5,000 square feet, there shall be a maximum of four spaces per 1,000 square feet of gross leasable area, except where there is a demonstrated need for additional spaces.

Approved; November 16, 2005
Effective Date; November 28, 2005

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At its regular meeting on November 16, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amendment to the Zoning Code Regarding Open Space Subdivisions;

Add the following;

Article XXVII

Open Space Subdivisions

In accordance with the procedures and requirements hereinafter specified, the Commission may approve a Special Permit for an Open Space Subdivision. A Special Permit for an Open Space Subdivision authorizes an application for Subdivision in accordance with the Subdivision Code based on the plan approved pursuant to this Section.

273-213 Purpose

The purpose of this section is to provide a more flexible method for the development of subdivisions in order to preserve substantial areas of open space and protect important natural and historic resources as identified in the Plan of Conservation and Development, Growth Management Strategies, and the Plan for Open Space and Municipal Lands.

273-214 Applicability

Open Space Subdivision applications are permitted in any R-5, R-6, R-7, or R-8 Zone District.

273-215 Procedure

An Open Space Subdivision Special Permit application shall be prepared in a form determined by the Commission and accompanied by six copies of a plan with sufficient information to, in the judgment of the Commission determine the merits of the Open Space plan concept. The plan shall generally conform with Article III (272-23) of the Subdivision Code, shall contain the following specific information, and conform with the following requirements;

- The plan shall have a minimum scale of one inch equal to 100 feet.
- The boundary map of the property shall meet the standards of an A-2 survey.
- Any inland wetland boundaries as defined by Guilford's Inland Wetlands Regulations shall be shown and approved by the Inland Wetlands Commission.

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Approved; January 18, 2006
Effective Date; January 27, 2006

At its regular meeting on January 18, 2006 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend 273-218 "Option A; Two Plan Approach" to add the following:

"The Commission may request such additional information as it deem necessary to determine the feasibility of the lot layout of the conventional subdivision. If the standard subdivision plan involves land regulated as an inland wetlands or watercourse, preliminary plans shall be submitted by the applicant to the Inland Wetlands Commission for its report, no later than the day the application is filed with the Planning and Zoning Commission. In preparing its report, the Inland Wetlands Commission may comment on the feasibility of the lot layout of the standard subdivision in relation to its impact on wetlands and watercourses. The Inland Wetlands Commission may also comment on the suitability of the proposed open space subdivision."

273:162.1

(Amendment -01.18.06 - Drive-Thru)

- Contour intervals shall be a minimum of two feet and be based on aerial or field survey.
- Any open space proposed shall show the relationship of the proposed open space to other open space located on adjacent or nearby property.
- For the purpose of assessing lot feasibility in the open space plan, actual field testing including at least two deep test pits and at least one percolation test in both the primary and reserve septic system areas of each lot shall be provided.

273-216 Public Hearing and Notification Requirements

A Public Hearing shall be held in accordance with Connecticut law and this Code. In addition, the applicant shall provide notice of the public hearing to adjoining property owners at least 14 days prior to the hearing and provide the Commission with evidence that such notice was provided.

273-217 Criteria for Approval

The Commission may approve an Open Space Subdivision Special Permit application when the Commission finds that there will be a significant community benefit resulting from the open space subdivision, such as finding that the open space preserved will;

- Protect important natural resources.
- Protect scenic resources.
- Contribute to an overall open space system for the neighborhood or Town and will not result in small or fragmented open space parcels that do not provide community benefits.
- Preserve areas along Town or State roads that will protect rural appearance or character.
- Contribute to establishment of an open space corridor or greenway or interconnection of existing open spaces.
- Provide for public access to other open space.
- Provide for potential recreation areas.

273-218 Methods for Determining Maximum Number of Lots in an Open Space Subdivision

Two alternative methods for establishing the maximum number of lots in an Open Space Subdivision are available to the applicant. The method for making this determination is the choice of the applicant.

Option A; Two Plan Approach

The maximum number of lots is determined by the preparation of a standard subdivision plan by the applicant. The standard plan shall be prepared in accordance with the design standards of the Subdivision Code based on the zoning standards prescribed in the Zoning Code for the Zone District in which the property is located. The feasibility of each lot in this standard plan shall be based on actual field testing, including at least one deep test pit and one percolation test per lot. The location of the open space required by the Subdivision Code shall be shown on the plan.

[AMENDED: 1-18-2006] 2nd pt added see p. 273:162.

Approved; September 19, 2007
Effective Date; September 28, 2007

At its regular meeting on September 19, 2007 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend Zoning Code, 273-218 Option B; Density Multiplier Approach as follows;

Option B; Density Multiplier Approach

The maximum number of lots is determined according to the following;

Maximum Residential Density. No Open Space Subdivision proposed using this approach shall exceed either the following maximum number of lots per acre of total area or the following maximum number of lots per acre of developable area as defined below whichever is less and any calculation resulting in a fractional remainder shall be rounded down to the next lower whole number;

<u>Zone District</u>	<u>Total Area</u>	<u>Developable Area</u>
<i>R-5</i>	<i>.55</i>	<i>.70</i>
<i>R-6</i>	<i>.35</i>	<i>.40</i>
<i>R-7</i>	<i>.25</i>	<i>.30</i>
<i>R-8</i>	<i>.20</i>	<i>.25</i>

For purposes of this Section, "Developable Area" is defined as land on a parcel proposed as an Open Space Subdivision exclusive of;

- Inland wetland or watercourse areas as defined by the Inland Wetlands and Watercourses Regulations of the Town of Guilford
- Areas within the "A", "AE", or "V" flood zone as depicted on the Flood Hazard Boundary Map or the Flood Insurance Rate Map.
- Naturally occurring slopes of land in excess of 25 percent (10 feet vertical in less than 40 feet horizontal).
- Areas subject to easements or permanent restrictions that prohibit building or development.

Simultaneous with the submission of a Special Permit Application under this Section, the Open Space Subdivision Plan shall be submitted to the Inland Wetlands Commission. The Inland Wetlands Commission is invited to submit comments to the Planning and Zoning Commission regarding the proposed Open Space plan with respect to its impact on Inland Wetlands.

273:162.1

Notwithstanding the above calculations the Commission may approve a lesser number of lots in a proposed Open Space Subdivision when it determines that environmental or natural resource conditions make the development of said lots undesirable owing to the potential impact of the lot development on the Town's environment. In approving a lesser number of lots the Commission shall consider the following;

- The report of the Inland Wetlands Commission.
- Recommendations of other Town agencies.
- Recommendations of the Town Engineer, Health Director or the Environmental Planner.
- Recommendations of State or Federal Agencies.
- Recommendations of other qualified experts.

Incentives

Additional lots may be allowed by the Commission in accordance with the following standards;

1. Provision of affordable housing: When affordable housing is provided as defined by the Zoning Code in Section 273-2, one additional lot may be allowed for every two affordable housing units.
2. Provision of small houses: When houses are limited to not more than 1200 sq. ft. of living area and when limited by deed restrictions, one additional lot may be allowed for every three houses so designated.
3. For every two houses whose design meets the criteria for certification as a green home by the US Green Building Council, one additional lot may be permitted. See <http://www.usgbc.org> for a full discussion of this process, specifically the LEED (Leadership in Energy & Environmental Design) For Homes program. Where houses and lots have been approved as green, no building permit will be issued for any bonus lot until the green homes have been built and certified in accordance with the process described above.

When two or more of the incentive provisions are provided in an open space subdivision the 2nd and/or 3rd incentive provision will be credited with no more than a 50% increase in the number of bonus lots (above the number credited for the 1st bonus provision). Where the calculation of bonus lots results in a fractional remainder, the number shall be rounded down to the next lower whole number. The Commission reserves the right to reduce the number of bonus lots allowed when it finds that environmental or natural resource conditions make the development of said lots undesirable owing to the potential impact of the lot development on the Town's natural environment. This finding shall be based upon the advice of qualified professionals including Town, state or federal agencies.

273:162.2

Option B; Density Multiplier Approach

The maximum number of lots is determined according to the following;

Maximum Residential Density. No Open Space Subdivision proposed using this approach shall exceed either the following maximum number of lots per acre of total area or the following maximum number of lots per acre of developable area as defined below whichever is less and any calculation resulting in a fractional remainder will be rounded down to the next lower whole number;

District	Total Area	Developable Area
R-5	0.50	0.70
R-6	0.35	0.50
R-7	0.25	0.35
R-8	0.15	0.20

For purposes of this Section, "Developable Area" is defined as land on a parcel proposed as an Open Space Subdivision exclusive of;

- Inland wetland or watercourse areas as defined by the Inland Wetlands and Watercourses Regulations of the Town of Guilford.
- Areas within the "A", "AE", or "V" flood zone as depicted on the Flood Hazard Boundary Map or the Flood Insurance Rate Map.
- Naturally occurring slopes of land in excess of 25 percent (10 feet vertical in less than 40 feet horizontal).
- Areas subject to easements or permanent restrictions that prohibit building or development.

273-219 Standards for Open Space Subdivisions

Open Space Subdivisions shall conform with the following criteria:

Open Space Open Space Subdivisions shall preserve at least the following amount of open space (see § 272-41 for definitions of open space)

Zone District	Minimum Open Space Requirement
R-5	20%
R-6	30%
R-7	40%
R-8	50%

Area and Bulk Standard: All lots shall meet the following minimum standards;

[revised 08-02-06] map: 273:163.1

In an Open Space Subdivision, the Commission will modify one or more of the following requirements on a lot(s) within the proposed Open Space Subdivision by up to the same percentage that open space is preserved in the parcel in excess of the minimum open space requirement for a conventional subdivision (see § 272-41). For example, if 50% of the parcel is preserved as open space and the minimum open space requirement is 15%, a requirement may be modified by up to 35%.

Approved: August 2, 2006
Effective Date: August 11, 2006

At its regular meeting on August 2, 2006 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend § 273-219. Area and Bulk Standards. Delete current section and replace with new section;

Replace Area and Bulk Standards with the following:

"Area and Bulk Standard: All lots shall meet the following minimum standards;

In an Open Space Subdivision, no lot shall be smaller than 20,000 sq. ft. or 40,000 sq. ft. in the R-8 Zone.

Regarding other area and bulk standards, the Commission may modify one or more of the following requirements on a lot(s) within the proposed Open Space Subdivision by up to the same percentage that open space is preserved in the parcel in excess of the minimum open space requirement for a conventional subdivision (see 272-41). For example, if 50% of the parcel is preserved as open space and the minimum open space requirement is 10%, a requirement may be modified by up to 40%.

- a. The minimum lot width may be decreased provided that, in no event, shall a lot have less than 80 feet of frontage. However, a limited number of interior lots may be permitted by the Commission when conditions so merit.
- b. The lot shape requirement may be decreased provided that in no event shall a lot have a square of less than 80 feet on each side.
- c. The maximum lot coverage may be increased provided that in no event shall a lot have more than 25% lot coverage.
- d. The maximum total floor area may be increased provided that in no event shall a lot have more than 80% total floor area.
- e. The minimum setback and yard dimensions may be reduced provided that in no event shall a lot have a setback of less than 15 feet except for residential accessory structures less than 200 sq. ft. and less than 10 ft. in height which shall have minimum setback of not less than 10 ft.

Such modifications shall not be granted to lots fronting on an existing Town Road or State highway unless the Commission finds that creating lots along the exiting frontage will not adversely affect community character or important community resources."

273:163.1

- a. The minimum lot area requirement may be decreased provided that, in no event shall a lot have less than 50% of the minimum lot size for the zone except that a lot in the R-8 district shall not have less than 40,000 square feet.
- b. The minimum lot width may be decreased provided that, in no event, shall a lot have less than 80 feet of frontage. However, a limited number of interior lots may be permitted by the Commission when conditions so merit.
- c. The lot shape requirement may be decreased provided that in no event shall a lot have a square of less than 80 feet on each side.
- d. The maximum lot coverage may be increased provided that in no event shall a lot have more than 25% lot coverage.
- e. The maximum total floor area may be increased provided that in no event shall a lot have more than 80% total floor area.
- f. The minimum setback and yard dimensions may be reduced provided that in no event shall a lot have a setback of less than 15 feet except for residential accessory structures less than 200 sq. ft. which shall have a minimum setback of not less than 10 ft.

Such modifications shall not be granted to lots fronting on an existing Town Road or State highway unless the Commission finds that creating lots along the existing frontage will not adversely affect community character or important community resources.

Lot Feasibility The feasibility of each lot in a proposed open space subdivision shall be based on actual field testing, including a least two deep test pits and at least one percolation test in both the primary and reserve septic system areas per lot.

(Amendment - 11.16.05 Open Space Special Permit)

Approved; August 15, 2007
Effective Date; August 24, 2007

At its regular meeting on August 15, 2007 the Guilford Planning and Zoning Commission approved the addition of a new zone (MU/OS) to the Zoning Code:

ARTICLE XXVIII
Mixed Use/Open Space (MU/OS) Zone District
[Added 8-15-2007]

§273-220. Purpose.

The MU/OS District is a zone district for sites with minimum frontage designed to permit low intensity commercial uses and high-quality residential uses integrated with the neighboring properties. It is intended to promote economic development and preserve open space and to protect significant wetlands. The district should promote buildings with high architecture standards, substantial landscaping and internal roads that reflect neighborhood road patterns.

§273-221. Road Planning Standards.

New developments shall be integrated into the surrounding street and neighborhood patterns where appropriate. Such integrations may include connecting to local streets with sidewalks, walkways and bike paths, streets and through visual connections. Where a site is identified in the Town of Guilford Transportation Plan as the potential location of a town road, an easement for a public street may be required, provided the easement is necessary to carry out the aforesaid Plan and is located as close to a site boundary as practicable for purposes of future road construction by the Town. The location of such an easement shall provide for safe and convenient travel and not adversely impact the character and economical use of the subject site.

§273-222. Permitted Uses.

- A. The following uses are permitted in the MU/OS District by special permit:
- (1) Senior housing: Housing that is designed and intended for the use of older persons where at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older; where the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent to operating as housing for older persons; and complies with rules issued by the U.S. Secretary of Housing and Urban Development for verification of occupancy. This use may include multifamily units and detached, cluster or attached single-family units. The use may also include assisted-living facilities, congregate living, and nursing homes.
 - (2) Recreational facilities.
 - (3) Lodging facilities, including conference centers.

273:165

- (4) Educational facilities, including day care.
- (5) Long and short-term residential health care facilities, clinics, medical and dental.
- (6) Offices, personal services and research laboratories.
- (7) Financial institutions.
- (8) Retail stores when accessory to a permitted use and located in the same building as a permitted use, not to exceed 10% of the floor area of the primary permitted use.
- (9) Restaurants when accessory to a permitted use and located in the same building as a permitted use not to exceed 10% of the floor area of the primary permitted use.
- (10) Light Manufacturing and Assembly, excluding Trade Shops (Use # 33 from Table 2B) and Foundries (#10 from Table 2B)

Farming is a use in this zone allowed by right.

- B. No use may be expanded, altered or created except in conformance with Article IX, Site Plan Review, and Article XIX, Design Review. Site plans shall include a conceptual Master Plan for all contiguous property in the MU/OS District under the applicant's or property owner's ownership or control and an analysis of the possible development of other property in the MU/OS District and abutting properties to insure efficient and orderly development. Said Master Plan shall include proposed buildings, their use and approximate size, vehicular circulation systems, parking areas and generalized landscaping plans, including designation of land to remain undeveloped.

§273-223. Area, location and bulk standards.

The following area, location and bulk standards apply to the MU/OS District:

- A. Lot area: 200,000 square feet (five acres).
- B. Lot shape: 200 feet.
- C. Lot frontage: 100 feet.
- D. Setbacks
 - (1) From Rt. 1 street line: 100 feet.
 - (2) From any other street line: 20 feet.
 - (3) From rear property line: 20 feet

- (4) From rear residential district boundary line: 75 feet for any residential use or 100 feet for any non-resident use [see also §272-75M (2)].
 - (5) From rear non-residential property: 20 feet.
 - (6) From side property line 20 feet.
 - (7) From a residential district boundary line for any road, driveway, sign or parking area: 10 feet.
- E. Total floor area: 25%.
 - F. Maximum impervious surface: 50% (The total coverage by impervious surfaces, including buildings, driveways, and parking areas shall not exceed this percentage of the lot area).
 - G. Maximum building size: 75,000 sq. ft. in total habitable area and no larger than with a maximum footprint of 25,000 sq. ft. in building footprint.
 - H. Maximum density of residential uses: the maximum shall not exceed six (6) units per acre.
 - I. Maximum landscaped area: 50% of the pervious surface of the lot may be landscaped [See §273-97B(3)(f)].
 - J. Maximum building height: 50 feet except within 150 feet from a rear residential district boundary line where the limit shall be 35 feet. Except within 150 feet from a rear residential district boundary line, buildings of greater height up to a maximum of 60 feet may be allowed by special permit when it is determined by the Commission that such height will have no adverse impact on adjoining property and when the architecture of the proposed building supports and enhances the purpose of the districts.

§273-224. Requirement; for mixed use development.

On any site larger than 20 acres, not more than 50% of the lot area shall be used for any single use except where the single use is residential.

§273-225. Sign requirements.

Sign requirements in the MU/OS District shall be in accordance with the standards of the C3 District.

§273-226. Parking standard.

Parking requirements in the MU/OS District shall be in accordance with article VI, except that for office area, three (3) spaces per 1,000 s.f. of gross leasable area shall be required.

Approved: Nov. 14, 2007
Effective Date: Nov. 23, 2007

At its regular meeting on Nov. 14, 2007 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Proposed Amendment to the Zoning Code: Create Church Street Village District

Create New Zone District as follows;

ARTICLE XXIV
Church Street Village District (CSV)
[added 11-14-2007]

§273-227. General.

The Church Street Village District (CSV) is a zone district created pursuant to the Village District enabling legislation of the State of Connecticut (CGS Sec. 8-2j.). This district is created in order to protect the distinctive character, landscape and historic structures of the Church Street neighborhood generally bounded by I-95 and Rt. 1 (see Zoning Map).

§273-228. Development Standards and Criteria.

In addition to the specific standards described below, new development including alterations and improvements and substantial reconstruction and rehabilitation of property shall conform with the standards and design criteria described in Section 8-2j. of the CGS.

§273-229. Plan Review.

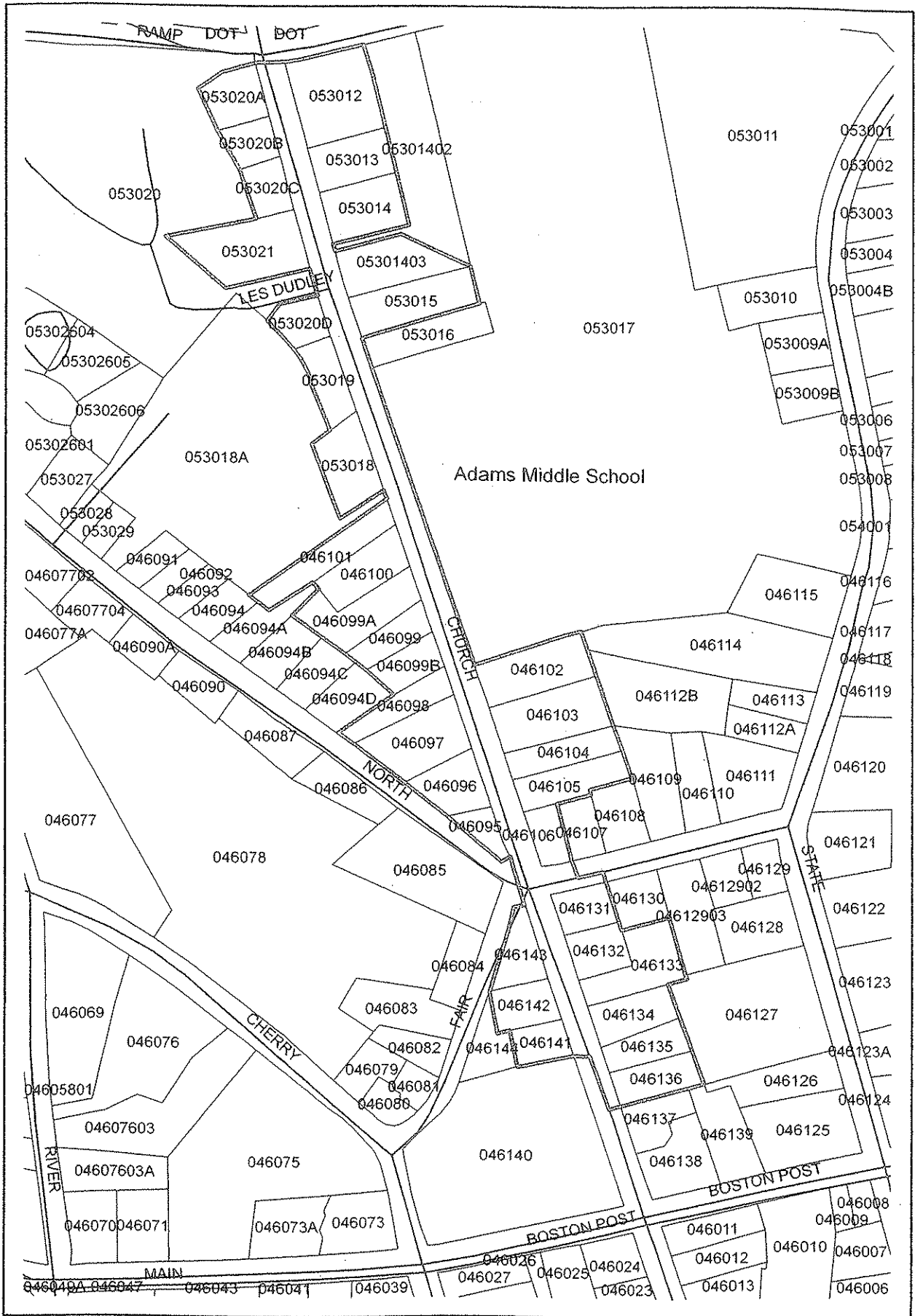
All applications for new construction, additions and substantial rehabilitation within the district shall be subject to Site Plan review in accordance with the Zoning Code. All such applications shall be referred to the Design Review Committee for review and recommendation and said DRC shall be considered the architect as required in Section 8-2j. (c) of the CGS.

§273-230. Other Standards.

1. All uses permitted in the R-1 zone shall be permitted.
2. Business and professional offices shall be permitted when the building housing said uses also contains at least 1 dwelling unit containing a minimum of 750 sq. ft.
3. A maximum of 3 dwelling units per lot may be allowed.
4. Signs are limited to 10 sq. ft. with 1 sign per lot allowed.
5. Impervious surface is limited to 65% of lot area.
6. All other Area, Location and Bulk standards shall be in accordance with the R-1 zone as shown in Table 3 of the Zoning Code.

273:168

Church Street Village District



AMENDED; Dec. 5, 2007
Effective Date; Dec. 14, 2007

At its regular meeting on Dec. 5, 2007 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend Table 3, Area, Location and Bulk Standards, by adding a new line #13 as follows;

13. Impervious Surface. The maximum area of impervious surface (as defined in 273-2) shall not exceed the following percent of the area of the lot.

Amend Table 3, line 11 to read;

11. Building footprint. **The total ground floor area of buildings** and other structures shall not exceed the following percentage of the area of the lot:
(See also 273-37.)

273:A3

(Amendment -12.05.07 – 273-A3 Table 3, line 13 Impervious Surfaces)

Article XXVIII Agriculture

It is the purpose of these regulations to promote, protect, retain and encourage agricultural practices in Guilford. Agriculture has its roots in the New England tradition of the small farm, the fruit orchard, the dairy, and aquaculture; Guilford's overall vision includes continued agricultural practice, which can be supported through the use of inclusionary agricultural regulations. These regulations therefore, seek to further an agricultural presence and the retention of a rural character.

273-240 Definitions

- Agriculture: The growing of crops; raising of livestock; and, the storing, processing and sale of agricultural and horticultural products and commodities, including those defined in Connecticut General Statutes 1-1q, as incidental to agricultural operations.
- Farm: A tract of land used principally for agricultural activities, forestry, nursery or truck gardening or for raising, keeping or sale of livestock and fowl, or directly related to such activities.
- Commercial Farm: A farm that is operated primarily as an income-producing operation and that meets the State's minimum criteria for producing income (i.e. level at which a Schedule F needs to be filed).
- Non-commercial Farm: A farm that is operated primarily for self-sustainment of a family or community, as a hobby, for education purposes or for otherwise non-commercial purposes.
- Facilities of agriculture not conducted as a business or for profit: Facilities shall include structures necessary to the purposes and programs of the nonprofit organization, including dwellings maintained by such institutions or societies as part of their charitable activities, with no more than one dwelling per lot.

273-241 Fences

Notwithstanding section 273-26 A(1)-A(3), commercial farms are exempt from fencing height requirements when required for protecting crops.

273-242 Height requirement Exemptions

Barns and silos accessory to farms are exempt from the height requirements of Table 3, Line 4.

273-243 Keeping of Livestock

This section is intended to promote, protect, and encourage keeping livestock in an appropriate and responsible manner within the community in a manner that will protect neighbors from associated negative impacts. Keeping livestock may include raising, breeding, and sales of animals, provided that the allowed number of weaned animals is not exceeded. Keeping dogs, cats and other pets which are kept as companions

and normally housed together with human occupants are permitted in conjunction with a residence.

A. Applicability

Commercial Farms: Raising livestock for commercial purposes is allowed by right provided that generally accepted agricultural practices are followed as defined under: The Connecticut Right to Farm Law (CGS Section 19a-341); The Connecticut Department of Environmental Protection's Manual of Best Management Practices for Agriculture; and The Connecticut Public Health Code; Water Pollution Control Regulations (CGS Section 22a-430). The raising of livestock for commercial purposes is not subject to "Number of Animals per Acre" limits or "Site Suitability and Impact" standards described below. For the purposes of raising livestock, commercial farms must be 3 acres or more in size. For raising livestock on commercial farms smaller than 3 acres a Special Permit must be approved in accordance with Article X of these regulations.

Non-Commercial Farms:

Non-commercial farms must adhere to the "Number of Animals per Acre" and "Site Suitability and Impact" standards provided below. Non-commercial farms may qualify as a Commercial Farm if approved as a Special Permit pursuant to the above.

- A. Number of Animals per Acre: Animals per acre are allowed in accordance with the following standards on non-commercial farms. A "unit of livestock" is a method of quantifying different types of livestock based on size, necessary shelter, and potential impact on the environment and/or surrounding properties. For the purpose of this section a livestock unit shall be defined as follows:
1. Horses, ponies, burros, donkeys, pigs: one head equals one animal unit;
 2. Cows, bulls, steers: one head equals one animal unit.
 3. Weaned calves (up to 1 year in age), llamas: two head equals one animal unit;
 4. Sheep, goats, alpacas: five head equals one animal unit;
 5. Poultry, rabbits or similar small animals whose mature weight is less than 30 pounds: 50 head equals one animal unit.
- A. A minimum of 3 acres is required for the keeping of pigs; with three acres, 3 pigs are allowed.
- B. Livestock offspring shall not apply to the calculation of livestock units until after weaning.
- C. Livestock not listed above shall have a livestock unit defined by corresponding the adult weight and that of animals listed above.
- D. Permitted Livestock/Lot Size
- Parcels containing a minimum of 1 acre with 20,000 square feet of pasture – 1 unit (except for pigs as described above).
 - An additional unit of livestock may be kept for each additional acre of land.
 - Deviation from these standards may be allowed subject to the approval of a Special Permit by the Planning and Zoning Commission. In granting a Special Permit, the Commission shall consider public health, potential impact on the environment and/or surrounding properties, and responsible farming practices.

B. Site Suitability and Impact:

1. Sites with slopes greater than 15% should be avoided or improved to avoid heavy surface water runoff, soil erosion, sedimentation or hazardous conditions for keeping animals.
2. Animal keeping areas shall not be permitted directly over land containing an on-site sewage disposal system.
3. Proper drainage shall be provided to avoid collection of water. Water shall be diverted from animal keeping areas; however, such water shall not pollute surface or subsurface water supplies.
4. All livestock, shall be kept in such a manner that there shall not be undue detrimental impact through noise, smell, vermin or runoff to neighboring properties or watercourses.
5. Livestock shall be suitably and adequately confined or controlled at all times.
6. Requirements of the Public Health Code shall be followed.

273-244 Residential accessory uses, buildings and structures

- A. Dog Kennels and runs. Private, noncommercial kennels and runs housing more than three dogs shall be located not less than 100 feet from any lot line or street line.
- B. Commercial catteries. Commercial catteries shall be permitted in all residential and commercial districts, provided that a special permit is granted by the Planning and Zoning Commission.
- C. Parking and storage of commercial vehicles. Commercial vehicles with a capacity of more than 1 1/2 tons may be kept on a farm when engaged in farming activities or functions.

273-245 Farm Accessory Uses, Buildings and Structures

All uses, buildings and structures accessory to a farm shall conform to the following specified standards:

1. Accommodations for seasonal employees: A building may be used for seasonal accommodations for seasonal farm employees when the building is located on the same lot as the farm when it is provided with adequate lavatories, showers or baths, water supply and sewage disposal facilities approved by the Director of Health and when such occupancy has been approved by the Fire Marshal. No building so used shall be closer than 100 feet to any lot or street line.
2. Barns and enclosures: The barns and enclosures housing and controlling the movements of any animals or poultry, except fences, shall be located at least twice the distance from the street line as the required setback and at their nearest point shall be no less than 100 feet from any dwelling on an adjacent lot.
3. Farm stands: A building or other structure may be used for the sale of fruit, vegetables or other products of the farm on which it is located, provided that it is set back the required distances from all street lines and lot lines and safe and adequate vehicular access is maintained. At least 50% of all farm products must be produced by the farmer of the stand. Products may be produced on any land the farm stand owner leases or owns. Up to 20 % of products sold may be farm related products. The remaining products must be Connecticut grown. In

times of crop failure, products that are typically grown in Connecticut may be sold during the season of their availability in Connecticut.

4. Temporary Farm stands that sell seasonal products produced exclusively by the non commercial farmer and which can be removed at the end of the day are allowed by right providing it does not create a nuisance or unsafe conditions.
5. Sawmills: A sawmill may be established as an accessory use on any farm, provided that any such mill is operated only between the hours 7:00 a.m. and 5:00 p.m. and is located not less than 100 feet from any lot line or street line and not less than 500 feet from any dwelling on an adjacent lot, and provided further that such mill is used only to cut timber grown on such farm.
6. The normal excavation and filling of silage, manure and similar farm materials when part of a farm agricultural operation shall be exempt from the requirements of Article VIII Earth Removal Operations.

273-246 Signs

1. One sign not larger than 16 square feet identifying the farm is allowed. Such sign may be located within 10 feet of a street line or face of building, whichever is closer but not on a roof.
2. A farm may establish up to four unlighted, directional signs off the lot where the farm is located. Each such directional sign shall not exceed three feet in area and shall not exceed 4 feet in any dimension.
3. Signs advertising the seasonal sale of farm or forestry products are permitted in addition to other signage which may be allowed pursuant to this regulation. Two such signs, not exceeding 12 square feet in total and not extending more than five 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 in which case the product must be grown in Guilford. Said sign(s) shall be removed when the seasonal sale is over.

273-247 Agricultural Commission

The Planning and Zoning Commission shall refer any Special Permit application pursuant to this Section to the Town of Guilford Agricultural Commission for their advice and comment. The Agricultural Commission shall serve as a resource concerning agricultural management, especially the keeping of animals. The Agricultural Commission shall aid the Zoning Enforcement Officer by reviewing agricultural operations and making suggestions in the event of a complaint. The Agricultural Commission shall analyze recurring issues and advise citizens who are interested in keeping animals on their property.

ZONING

Town of Guilford
Table 3
Area, Location and Bulk Standards
[Amended 4-20-1994; 5-3-2000]

	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
1. Lot area. Each lot shall have a minimum area of (square feet):	10,000	10,000	20,000	30,000	40,000	60,000	80,000	160,000	5,000	10,000	10,000	20,000	20,000	80,000	40,000	120,000
2. Lot shape. Each lot created by the division or acquisition of land after February 28, 1969, shall be of such shape that a square with the following number of feet on each side will fit the lot:	80	80	100	110	125	150	200	300	50	80	80	100	100	175	125	175
3. Lot frontage. Each lot shall have a frontage of the following number of feet or more on a street, said frontage to be a minimum of 50 feet in depth. (See also § 273-25 for interior lots and § 273-33.) (See also § 273-2B, definition of "street.")	80	80	100	110	125	150	200	200	50	80	80	100	100	175	125	175
4. Height. No building or other structure shall exceed a height of (feet): a. Accessory building (feet): (See also § 273-31.)	35	35	35	35	35	35	35	40 ¹	40	40	40	40	40	40	40	40
5. Setback from street line. (See § 273-28.)	15	15	20	30	50	50	50	50	10	10	10	12	12	20	30	40
6. Setback from rear property line. No building or other structure shall be closer than the following distance from any rear lot line (feet): (See also §§ 273-26 through 273-31.)	15	15	20	30	50	50	50	50	10	10	10	12	12	20	30	40
7. Setback from side property line. No building or other structure shall be closer than the following distance from any side lot line (feet): a. The sum of the setbacks from the two side lot lines shall not be less than the following number of feet: (See also §§ 273-26 through 273-31.)	8	8	12	16	20	20	20	20	10	10	10	12	12	15	30	40
	24	24	30	36	50	50	50	50	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

GUILDFORD CODE

	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
8. Setback for a residential accessory building. Notwithstanding the requirements of Line Nos. 6 and 7, a detached building or structure accessory to a residential use, when located not less than 60 feet from any street line and with a floor area of 200 square feet or less, may extend to within the following distances from any lot line (feet): (See also §§ 273-28 through 273-32.)	8	8	8	10	10	10	10	10	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
9. Setback from residential district boundary line. No building or other structure in any Commercial, Industrial or Marine Recreation District shall be closer than the following distance from any residential district boundary line (feet): (See also § 273-30.)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	10	20	20	30	20	20	50	75
10. Projections, as defined in § 273-2B of these Zoning Regulations, may project not more than the following number of feet into the area required for setbacks from a lot line: ² (See also § 273-60C, Projecting and hanging signs.)	3	3	3	3	3	3	3	3	2	3	3	3	3	3	5	5
11. Lot coverage. The aggregate coverage on any lot by buildings and other structures shall not exceed the following percentage of the area of the lot: (See also § 273-37.)	15%	15%	20%	20%	20%	15%	10%	5%	50%	25%	25%	25%	25%	20%	30%	35%
12. Total floor area. The aggregate floor area (as defined in § 273-2B) on any lot shall not exceed the following percent of the area of the lot: ³	30%	30%	40%	40%	40%	30%	20%	10%	100%	50%	25%	50%	50%	20%	60%	60%

NOTES:

¹ If the lot is less than 160,000 square feet, the maximum height is 35 feet.

² Projections into the required setbacks shall not be allowed on accessory buildings.

³ See also § 273-150.

(N/A means "Not Applicable.")

273-19	Accessory apartment
273-36	Accessory structures
273-38	Accessory uses
273-37	Additional lot coverage R-1 and R-2 zones
273-81	Additional requirements
273-22	Additional use requirements and standards
273-96 - 273-101	Administration
273-96 - 273-101	Administrative regulations
273-19, 273-44	Affordable housing
273-44	Affordable housing densities
273-45	Air pollution
273-86	Alcoholic beverages
273-109 A	Amend regulations
273-109 B	Amend zoning map
273-99	Architectural plans
273-24 - 273-49	Area, location and bulk standards
273-94	Bed-and-breakfasts
273-107	Board of appeals
273-99	Bonds
273-208 - 273-212	C-4 West (C-4W)
273-91 A & B	CAM exemptions
273-91 C	CAM public hearing
273-91	CAM review
273-91 D	CAM visual access
273-38 E	Catteries
273-96	Certification of zoning compliance
273-4	Classes of districts
273-21	Commercial Design (C-D) District
273-38 F	Commercial vehicles
273-49	Commercial zone C-2 and C-3 dwelling units
273-48	Commercial zones total ground coverage
273-20	Commercial, marine recreational and industrial districts
273-95	Communication towers, antennas and facilities
273-3	Conformity with regulations required
273-18	Conversion to two-family dwelling
273-23	Conversions in Guilford Town Center District
273-2, 273-25	Definitions
273-133 - 273-136	Design Review Committee
273-8	Development program area A
273-8	Development program area B
273-45	Dirt
273-4 - 273-11	Districts
273-38 D	Dog kennels and runs
273-80	Drive-through restaurants
273-45	Dust
273-68	Earth removal conditions of approval
273-67	Earth removal exceptions
273-70	Earth removal pond maintenance
273-98	Earth removal special permit procedure
273-102 - 273-108	Enforcement
273-66 - 273-72, 273-98	Excavations

273-36
FOR HUMAN HABITATION: off
studies
issues

AMATEUR RADIO FACILITIES
273-95 D 10

Dog Day Care 273-20
273-80
TABLE 20

273-45	Explosives
273-40 B	Farm barns
273-40 C	Farm stands
273-40	Farms
273-26	Fences and accessory structures
273-45	Fire hazards
273-89	Floodplain district
273-45	Fly ash
273-32	Frontage on culs-de-sac
273-45	Fumes
273-45	Gases
273-92	Groundwater protection district
273-9, 273-23	Guilford town center district
273-29	Guilford Green
273-99, 273-101.1, 273-109	Hearings
273-31	Height exceptions
273-31	Height regulations
273-80	Historic properties or districts
273-38 B	Home handicraft industry
273-38 A	Home offices
273-38 C (2) (a)	Horses
273-104	Inspections
273-25 B	Interior lot R-8 zones
273-25 A (2) (d)	Interior lot setbacks R-1 and R-2 zones
273-25 A (2) (b)	Interior lot setbacks R-5 to R-8 zones
273-86	Liquor stores
273-38	Livestock and poultry
273-25	Lot area, shape and frontage
273-32	Lot frontage on cul-de-sac
273-42	Manufacture etc. goods accessory use commercial zones
273-20, 273-28	Marine Recreational District
273-181 - 273-185	Mixed Use/Conservation 1 Zone (MU/C1)
273-186 - 273-191	Mixed Use/Conservation 2 Zone (MU/C2)
273-39	Mobile homes
273-46	motor vehicles unregistered
273-80	Movie theatres, playhouses and nightclubs
273-45	Noise
273-12 - 273-15	Nonconforming uses, lots an structures
273-99, 273-109	Notices
273-45	Odors
273-25	Open space
273-55	Parking space construction and design standards
273-53	Parking space joint use
273-56	Parking space location of facilities for nonresidential uses
273-57	Parking space modification of standards
273-54	Parking space off-street loading
273-51	Parking space standards
273-52	Parking space; more than one use p/lot
273-50	Parking spaces to be provided; existing uses
273-108	Penalties for offenses
273-45	Performance standards nonresidential uses

273-40 D	Pigs
273-198 - 273-202	Post Road Village 2 zone (PV2)
273-112 - 273-118	Post road village Zone (PV)
273-38 C (1)	Poultry and rabbits
273-33	PRD
273-83 D (4)	PRD affordable housing
273-83 D (1)	PRD area requirements
273-84 G	PRD building height
273-101	PRD certificate of zoning compliance
273-83 D (2)	PRD number of dwelling units
273-84 F	PRD setbacks
273-100	PRD special permit
273-83 D (3)	PRD transfer from farm land
273-43	Public access to commercial, marine rec. and industrial uses
273-45	Radioactive materials
273-25, 273-106	Records
273-38 G	Recreational vehicles
273-38	Residential uses
273-22	Rooms to let
273-34	Satellite dish antennas
273-40 E	Sawmills
273-203 - 273-207	Service Center West Zone (SCW)
273-29	Setbacks around Guilford Green
273-30	Setbacks C-3 and C-4 zones
273-35	Setbacks from coastal resources
273-27	Setbacks from property line
273-28	Setbacks from street line
273-38 C (2) (b)	Sheep, goats and llamas
273-126 - 273-132	Shopping Center zone (SC)
273-47	Sidewalk sales
273-59	Sign permit; specifications
273-60	Sign standards for all zones
273-38, 273-58 - 273-65	Signs
273-58	Signs Historic District
273-62	Signs Marine recreational, commercial and industrial zones
273-64	Signs multiple -tenancy commercial buildings
273-84 I	Signs PRD
273-101.1	Signs public hearing
273-61	Signs residential zones
273-63	Signs shopping centers
273-25	Single-family dwellings
273-47	Site maintenance; temporary display of merchandise
273-16, 273-99	Site plans
273-97	Site plan approval
273-97	Site plan certificate of occupancy
273-75 - 273-78	Site plan review
273-45	Smoke
273-99	Special permit procedure
273-90 - 273-81	Special permit requirements
273-79 - 273-81	Special permit uses
273-37, 273-99	Special permits

273-105	Stop orders
273-17	Summer Cottage (RS-1) zone
273-47	Temporary display of merchandise
273-41	Trade shops, garages and gas stations
273-192 - 273-197	Transition and Service 2 Zone (TS2)
273-119 - 273-125	Transition and Service zone (TS)
273-18	Two-family dwellings, conversion
273-38	Vehicles, recreational
273-46	Vehicles, unregistered
273-45	Vibrations
273-45	Water pollution
273-90	Water supply district
273-87	Water supply storage towers
273-88	Windmills
273-103 - 273-106	ZEO
273-208 - 273-212	Zone C-4W
273-181 - 185	Zone MU/C1
273-186 - 273- 191	Zone MU/C2
273-112 - 273-118	Zone PV
273-198 - 273-202	Zone PV2
273-126 - 273-132	Zone SC
273-203 - 2730207	Zone SCW
273-119 - 273-125	Zone TS
273-192 - 273-197	Zone TS2
273-107	Zoning Board of Appeals

	Accessory apartments
273-19	Accessory structures
273-19	Accessory uses
273-19	Certificate of Occupancy
273-19	Notices
273-19	Parking
	Accessory structures
273-19	Accessory apartment
273-40	Farming
273-26	Height regulations
273-36	Historic preservation
273-15	Nonconforming uses, lots and structures
273-26	Setbacks
273-26	Swimming pools
	Accessory uses
273-19	Accessory apartment
273-20, 273-42	C-1 Village
273-20, 273-42	C-2
273-20	C-2 Marine
273-20	C-4
273-20, 273-42	C-3 Highway
273-95	Communication towers, antennas and facilities
273-40	Farming
273-20	I-1
273-20	I-2
273-38	Livestock and poultry
273-20	M-R1
273-17	RS-1 Summer Cottage
	Affordable housing
273-44	Density
273-45	Air pollution
	Alcoholic Beverages
273-86	Definitions
273-86	Sales
273-86	Special Permit
273-40	Barns and enclosures farming
	Bed-and-breakfasts
273-94	Landscaping
273-94	Parking regulations and facilities
	Bonds
273-96	Certificate of Occupancy
273-98	Excavating
273-97	Site Plan approval

272-46	Soil erosion and sedimentation control
272-17, 272-19	Subdivision of land
	Car Washes
273-51	Parking regulations and facilities
273-38	Catteries
	CAM
273-91	Certificate of zoning compliance
273-91	Definitions
273-91	Hearings
273-91	Obstructions
273-91 *	Setbacks
273-91	Special permits
273-91	Variances
273-91	View lane
	Certificate of Occupancy
273-19	Accessory apartment
273-96	Appeals
273-96	Bonds
273-91	CAM review
273-96	C-1 village
273-96	C-2
273-96	C-2 marine
273-96	C-3
273-96	C-4
273-96	I-1
273-96	I-2
273-96	MR-1
273-101	PRD
273-22	Rooms-to-let
273-90	Water supply district
	C-D
273-21 H	Architectural presentation requirements
273-21 D	Area, location and bulk standards (same as C-3)
273-21 I	Change in approved use and design
273-21 G	Design standards
273-21 J	Dwelling units
273-21 B (2)	Hearings
273-21 B (4)	Limitation of uses
273-21 B (5)	Minimum site size
273-21 C	Permitted uses
273-21 B (1)	Petition
273-21 B	Procedure
273-21 E	Sign requirements (same as C-2)
273-21 K	Site construction
273-21 F	Site plans

	C-2
273-20, 273-42	Accessory uses
273-49 B	Coverage
273-49 A	Density
273-49	Design standards
273-89	Floodplain District
273-49	Grading
273-49	Height requirements
273-49	Parking regulations and facilities
273-20	Permitted uses
273-59, 273-62, 273-64	Signs
273-49	Special permits
273-20	Special permit uses
273-48	Storm drainage
273-48	Total ground coverage
273-20	Trademark buildings
	C-2 Marine
273-20	Accessory uses
273-96	Certificate of zoning compliance
273-89	Floodplain district
273-20	Permitted uses
273-62	Signs
273-20	Site plans
273-20	Special permit uses
273-20	Trademark buildings
	C-3 Highway
273-20, 273-42	Accessory uses
273-96	Certificate of zoning compliance
273-21	Commercial design district (C-D)
273-49	Density
273-49	Design standards
273-49	Dwelling units
273-89	Floodplain district
273-49	Grading
273-49	Height regulations
273-49	Parking regulations and facilities
273-20	Permitted uses
273-20	Setbacks
273-129	Shopping center zone (SC)
273-59, 273-62, 273-64	Signs
273-20, 273-49	Site plans
273-49	Special permits
273-20	Special permit uses
273-48	Storm drainage
273-48	Total ground coverage
273-20	Trademark buildings
273-122	Transition and service zone (TS)

	C-4
273-20	Accessory uses
273-96	Certificate of zoning compliance
273-21	Commercial design district (C-D)
273-89	Floodplain district
273-20	Permitted uses
273-30	Setbacks
273-59, 273-62, 273-64.	Signs
273-20	Site plans
273-20	Special permit uses
273-48	Storm drainage
273-48	Trademark buildings
	Total ground coverage
273-38	Farming
273-38	Parking regulations and facilities
	Communication towers, antennas and facilities
273-95	Abandonment
273-95	Accessory uses
273-95	Definitions
273-95	Hearings
273-95	Height regulations
273-95	Lighting
273-95	Preservation Alliance's Master Plan
273-95	Setbacks
273-95	Special permits
273-95	Summer cottage district (RS-1)
273-2	Definitions
	Density
273-44	Affordable housing
273-49	C-2
273-49	C-3 highway
273-83	PRD
	Design Review Committee
273-93	Appointment
273-136	Design criteria
273-135	Meetings
273-93, 273-134	Membership
273-93	Powers and duties
273-135	Procedures
273-93	Qualifications
273-134	Residency requirements
273-134	Terms of office
	Design Standards
273-21	C-D
273-49	C-2

273-49	C-3 Highway
273-84	PRD
273-63	Signs
273-75	Site plan review
273-8	Development Program Area A
273-8	Development Program Area B
273-45	Dirt
	Drainage
273-75	Site plan review
272-35	Driveways
272-34	Easements
273-80	Drive-through restaurants
	Driveways
272-35	Drainage
272-35	Hearings
273-84	PRD
273-75	Site plan review
272-35	Subdivision of land
	Dust
273-68	Excavations
273-55	Parking regulations and facilities
273-100	Environmental and community impact assessment
	Excavations
273-20	Additional conditions
273-69	Alteration of conditions
273-98	Bonds
273-68	Conditions for approval
273-68	Dust
273-67	Exceptions
273-68	Fences
273-98	Hearings
273-68	I-1
273-68	I-2
273-66	Licenses and permits
273-68	Lighting
273-68	Noise
273-72, 273-98	Notices
273-98	Penalties for offenses
273-72, 273-98	Planning and Zoning Commission
273-72	Pond maintenance
273-71, 273-72	Reports
273-98	Special permits

273-45	Explosives
	Farming
273-40	Accessory structures
273-40	Accessory uses
273-40	Barns and enclosures
273-38	Commercial vehicles
273-40	Livestock and poultry
273-40	Produce stands
273-40	Sale of farm produce
273-40	Sawmills
273-40	Seasonal employee accommodations
273-40	Setbacks
	Fences
273-68	Excavations
273-26, 273-55, 273-75	Height regulations
273-55	Parking regulations and facilities
273-26	Setbacks
273-75	Storage outdoor
273-45	Fire hazards
	Fire ponds
272-44	Subdivision of land
	Flood hazard areas
273-75	Site plan review
	Floodplain District
273-89	Areas of special flood hazard
273-89	C-1 Village
273-89	C-2
273-89	C-2 Marine
273-89	C-3 Highway
273-89	C-4
273-89	Definitions
273-89	Flood Insurance Rate Map
273-89	I-1
273-89	I-2
273-89	Licenses and permits
273-45	Fly ash
273-45	Fumes
	Garbage, rubbish and refuse
273-75	Site plan review

	Grading
273-49	C-2
273-49	C-3 Highway
272-27	Subdivision of land
	Grading plans
273-101	PRD
272-14, 272-27	Subdivision of land
	Groundwater Protection District
273-92	Prohibited uses
273-92	Special permits
273-92	Special permit uses
	Guilford green
273-29	Setbacks
	Guilford Town Center District
273-23	Reports
273-76	Site plan review
273-23	Special permit uses
	Hazardous substances
273-75	Site plan review
	Hearings
273-91	CAM
273-21	C-D
273-95	Communication towers, antennas and facilities
272-35	Driveways
273-98	Excavations
273-100	PRD
	Height Regulations
273-26	Accessory structures
273-49	C-2
273-49	C-3 Highway
273-95	Communication towers, antennas and facilities
273-26, 273-55, 273-75	Fences
273-75	Landscaping
273-84	PRD
273-114	PV
273-128	SC
272-42, 273-61, 273-62	Signs
273-41	Trade shops, garages and gas stations
273-121	TS
273-87	Water supply towers
273-88	Windmills
	Historic preservation
273-36	Accessory structures

	Historic properties or districts
273-80	Special permit uses
	Home handicraft industry
273-51	Parking regulations and facilities
273-38	Signs
273-38	Special permits
	Hospitals
273-51	Parking regulations and facilities
	Hotels and motels
273-51	Parking regulations and facilities
	I-1
273-20	Accessory uses
273-96	Certificate of zoning compliance
273-68	Excavations
273-89	Floodplain district
273-20	Permitted uses
273-59, 273-62	Signs
273-20	Site plans
273-49	Special permits
273-20	Special permit uses
273-20	Trademark buildings
273-87	Water supply storage towers
	Inspections
273-97	Site plan approval
	Landscaping
273-94	Bed-and breakfasts
273-75	Curbs
273-75	Height regulations
273-101	Landscape plan PRD
272-21	Open space subdivisions
273-75	Parking regulations and facilities
273-75	Setbacks
273-75	Site plan review
273-75	Trees
	Lighting
273-95	Communication towers, antennas and facilities
273-68	Excavations
273-75	Glare
273-84	PRD
273-47	Sidewalk sales
273-60, 273-61, 273-63	Signs
273-75	Site plan review
273-87	Water supply storage towers

	Livestock and poultry
273-38	Accessory uses
273-38	Area, location and bulk regulations
273-40	Farming
273-38	Setbacks
	Marine Recreation District (MR-1)
273-20	Accessory uses
273-96	Certificate of zoning compliance
273-20	Permitted uses
273-59, 273-62, 273-64	Signs
273-20	Site plans
273-20	Special permit uses
273-20	Trademark buildings
	Noise
273-68	Excavations
273-88	Windmills
	Nonconforming uses, lots and structures
273-15	Accessory structures
273-15, 273-77	Hearings
273-15, 273-77	Notices
273-117	PV zone
273-15	Records
273-131	SC zone
273-61	Signs
273-15	Single family dwelling
273-77	Site plan review
273-13	Special permits
273-124	TS zone
273-15	Zoning Board of Appeals
	Notices
273-19	Accessory apartments
273-72, 273-98	Excavations
273-15, 273-77	Nonconforming uses, lots and structures
273-100	PRD
273-47	Sidewalk sales
273-63	Signs
272-15	Subdivision of land
	Obstructions
273-91	CAM review
273-47	Sidewalk sales
273-63	Signs
273-38	Vehicles, recreational
273-45	Odors

	Parking regulations and facilities
273-19	Accessory apartment
2732-94	Bed-and-breakfast
273-49	C-2
273-49	C-3 Highway
273-51	Car washes
273-52	Classification of uses
273-38	Commercial vehicles
273-51	Convalescent homes
273-55	Curbs
273-55	Design and construction standards
273-55	Dust
273-50	Existing uses
273-55	Fences
273-51	Home handicraft industry
273-51	Hospitals
273-51	Hotels and motels
273-53	Joint use of parking areas
273-75	Landscaping
273-56	Location of facilities for nonresidential uses
273-50	Maintenance of spaces
273-51	Marinas, docks and wharves
273-57	Modification of standards
273-51	Multi family dwellings
273-51	Parking space standards
273-51	Places of worship
273-84	PRD
273-116	PV zone
273-51	Restaurants
273-22, 273-51	Rooms-to-let
273-51	Shopping centers
273-130	Shopping center zone (SC)
273-51	Single family dwelling
273-75	Site plan review
273-50	Spaces to be provided
273-57	Special permits
273-55	Storm drainage
273-41, 273-51	Trade shops, garages and gas stations
273-123	TS zone
273-18, 273-51	Two-family dwellings
273-51	Undertaker establishments
273-51	Warehouses
	PRD
273-83	Area, location and bulk standards
273-101	Bonds
273-101	Certificate of zoning compliance
273-2, 273-101	Definitions
273-83	Density
273-84	Design standards
273-84	Driveways

273-100	Environmental and community impact assessment
273-100, 273-101	Fees
273-82	General provisions
273-101	Grading plan
273-100	Hearings
273-84	Height regulations
273-101	Landscape plan
273-85	Liability
273-84	Lighting
273-85	Management
273-84	Natural features preservation
273-100	Notices
273-84, 273-85	Open space
273-84	Parking regulations and facilities
273-101	Penalties for offenses
273-101	Planning and Zoning commission
273-85	Records
273-100, 273-101	Reports
273-84	Screening
273-84	Setbacks
273-84	Sewers
273-61, 273-84	Signs
273-100, 273-101	Site plans
273-100	Sketch plan
273-84	Soil erosion and sedimentation control
273-83, 273-100, 273-101	Special permits
273-84	Storm drainage
273-84	Streets and sidewalks
273-100, 273-101	Subdivision of land
273-84	Utilities
273-84	Water
273-60	Political signs
	PV zone
273-114	Area, location and bulk standards
273-114	Height regulations
273-117	Nonconforming uses, lots and structures
273-116	Parking regulations and facilities
273-113	Permitted uses
273-114	Setbacks
273-115	Signs
273-118	Special permits
273-115	C-1 zone
273-40	Produce stands
273-45	Radioactive materials
	Records
273-15	Nonconforming uses, lots and structures

273-85	PRD
273-65	Signs
	Reports
273-71, 273-72	Excavations
273-23	Guilford town center district
273-100, 273-1101	PRD
273-97	Site plan approval
272-13	Subdivision of land
	Rooms-to-let
273-22	Certificate of zoning compliance
273-22, 273-15	Parking regulations and facilities
273-22	R-1 zone
	Sales
273-86	Alcoholic beverages
273-40	Farm produce
	Satellite dish antennas
273-34	Setbacks
273-34	Special permits
	Sawmills
273-40	Accessory uses
273-40	Farming
	Setbacks
273-19	Accessory apartments
273-26	Accessory structures
273-30	C-3 Highway
273-30	C-4
273-91	CAM
273-95	Communication towers, antennas and facilities
273-40	Farming
273-26	Fences
273-25 A (2) (b) & (d)	Interior lots
273-25 A (2) (b)	Interior lot driveways
273-29	Guilford green
273-75	Landscaping
273-38	Livestock and poultry
272-21	Open space subdivision
273-84	PRD
273-114	PV zone
273-34	Satellite dish antennas
273-128	SC zone
273-59	Signs
273-121	TS zone
273-88	Windmills
	Shopping centers

273-84
8.3

273-21	C-D zone
273-51	Parking regulations and facilities
273-63	Signs
	Shopping Center Zone (SC)
273-128	Area, location and bulk standards
273-129	C-3 zone
273-128	Height regulations
273-131	Nonconforming uses, lots and structures
273-130	Parking regulations and facilities
273-127	Permitted uses
273-128	Setbacks
273-129	Signs
273-132	Special permits
	Sidewalk sales
273-47	Lighting
273-47	Notices
273-47	Obstructions
	Signs
273-60	Advertising
273-59, 273-60, 273-62	C-1
273-	C-D
273-59, 273-62, 273-64	C-2
273-62	C-2 Marine
273-59, 273-62, 273-64	C-3
273-59, 273-62, 273-64	C-4
273-58	Conflicts with other standards
273-58	Conformance required
273-63	Definitions
273-63	Design standards
273-59	Fees
272-10.1, 273-101.1	Hearings
272-42, 273-61, 273-62	Height regulations
273-58	Historic district
273-38	Home handicraft industry
273-59, 273-62	I-1
273-59, 273-62	I-2
273-59	Licenses and permits
273-60, 273-61, 273-63	Lighting
273-59, 273-62, 273-64	MR-1 zone
273-64	Multiple tenancy commercial buildings
273-65	Nonconforming signs
273-61	Nonconforming uses, lots and structures
273-63	Notices
273-60	Nuisances
273-60	Obstructions
273-61, 273-84	PRD
2713-69	Political signs
273-115	PV zone

273-60	Real estate
273-65	Records
273-59	Setbacks
273-63	Shopping centers
273-129	Shopping center zone (SC)
273-75	Site plan review
273-59	Specifications
273-60	Standards for all districts
272-42	Subdivision of land
273-61	Summer cottage zone (RS-1)
273-60	Temporary signs
273-58	Trademark buildings
273-122	TS zone
273-60	Vehicles and traffic
273-87	Water supply storage towers
	Site plan approval
273-97	Application
273-97	Architectural plans
273-97	Bonds
273-97	Costs and expenses
273-97	Definitions
273-97	Inspections
273-97	Licenses and permits
273-97	Planning and Zoning Commission
273-97	Reports
273-97	S&E plan
	Site plan review
273-73	Conformance required
273-75	Design Standards
273-75	Drainage
273-75	Driveways
273-75	Emergencies
273-75	Flood hazard areas
273-75	Garbage, rubbish and refuse
273-75	General standards
273-76	Guilford town center
273-75	Hazardous substances
273-75	Landscaping
273-75	Lighting
273-77	Nonconforming uses, lots and structures
273-75	Parking regulations and facilities
273-78	Procedures
273-75	Sanitation
273-75	S&E plan
273-75	Signs
273-76	Special standards
273-75	Storage, outdoor
273-75	Toxic substances
273-75	Wetlands

	S&E plan
272-46	Bonds
272-46	Costs and expenses
272-46	Definitions
272-46	Inspections
273-84	PRD
273-97	Site plan approval
273-75	Site plan review
272-14, 272-46	Subdivision of land
273-90	Water supply district
	Special permits
273-86	Alcoholic beverages
273-19	Accessory apartment
273-94	Bed-and-breakfast
273-49	C-2
273-49	C-3
273-91	CAM
273-38	Catteries, commercial
273-95	Communication towers, antennas and facilities
273-98	Excavations
273-92	Ground water protection district
273-38	Home handicraft industry
273-49	I-1
273-49	I-2
273-13	Nonconforming uses, lots and structures
273-57	Parking regulations and facilities
273-83, 273-100, 273-101	PRD
273-118	PV zone
273-34	Satellite dish antennas
273-132	SC zone
273-17	Summer cottage district (RS-1)
273-125	TS zone
273-87	Water supply storage towers
273-88	Windmills
	Special permit uses
273-19	Accessory apartment
273-20	C-1
273-20	C-2
273-20	C-2 Marine
273-20	C-3
273-20	C-4
273-92	Groundwater protection district
273-23	Guilford town center
273-80	Historic properties or districts
273-20	I-1
273-20	I-2
273-20	Marine recreation district

	Storage outdoor
273-75	Fences
273-38	Recreational vehicles
273-75	Screening
273-75	Site plan review
	Storm drainage
273-48	C-2
273-48	C-3
273-48	C-4
273-55	Parking regulations and facilities
273-84	PRD
272-33	Subdivision of land
272-33	Watercourses
273-90	Water supply district
	Subdivision of land
272-50	Administration
272-4, 272-7	Appeals
272-1	Applicability
272-13	Application requirements, formal
272-4	Approval
272-19	Approval of map
272-38, 272-49	Areas of special flood hazard
272-28	As-built drawings
272-7	Authorization for construction
272-47	Bikeways
272-17, 272-19	Bonds
272-20	Changes to plan
272-17	Completion agreement
272-4	Conditions
272-26	Construction plan
272-16	Deeds
272-2	Definitions
272-4	Delivery of map
272-29 - 272-49	Design and construction standards
272-35	Driveways
272-17, 272-34	Easements
272-6	Effective date of filing
272-5	Endorsement and filing
272-13, 272-18	Fees
272-18	Filing and recording
272-44	Fire ponds
272-49	Floodways
272-15	Formal consideration
272-31	Grading
272-14, 272-27	Grading plan
272-10.1, 272-13, 272-15	Hearings
272-25	Information on maps
272-30	Inspections
272-31	Lots

272-22 - 272-28	Maps and plans
272-36	Monuments
272-15	Notices
272-41	Open space
272-21	Open space subdivision
272-41	Parks and public places
272-10	Penalties for offenses
273-100, 273-101	PRD
272-3	Planning and Zoning Commission
272-9	Policies and procedures, additional
272-11	Preliminary considerations, informal
272-3	Procedure
272-18	Records
272-24, 272-25	Record subdivision maps
272-14	Requirements, additional
272-45	Reserve strips
272-30	Right of entry
272-13	Sanitation report
272-39	Sewers
272-42	Signs
272-23, 272-25	Site development plan
272-48	Soil absorption sewage disposal facilities
272-46	S&E control
272-14	S&E plan
272-37	Special structures
272-33	Storm drainage
272-32, 272-40, 272-42	Streets and sidewalks
272-12	Submission of materials
272-30	Supervision
272-8	Supervision of construction
272-30	Testing
272-43	Trees
272-50	Waivers
272-38	Water
	Transition and Service Zone (TS)
273-121	Area, location and bulk standards
273-121	Height regulations
273-122	C-3 Highway
273-124	Nonconforming uses, lots and structures
273-123	Parking regulations and facilities
273-120	Permitted uses
273-121	Setbacks
273-122	Signs
273-125	Special permits
273-120	Vehicle sales
	Vehicles, recreational
273-38	Obstructions
273-38	Storage

LEGAL NOTICE

At the Board of Selectmen's Meeting held on Monday, February 2, 2009, following a Public Hearing held Monday, February 2, 2009, the Board of Selectmen adopted the following:

A TOWN OF GUILFORD BLIGHT ORDINANCE

BE IT ORDAINED AND ENACTED BY THE TOWN OF GUILFORD

Section 1: Purpose.

This Ordinance is enacted pursuant to the Municipal Powers Act (Sec. 7-148, et seq) of the State of Connecticut General Statutes. It is hereby found and declared that there may exist within the Town of Guilford a number of real properties, which are vacant and/or in a blighted condition, whose continued existence may contribute to the decline of neighborhoods. It is further found that the existence of such properties adversely affects the economic well being of the Town and is inimical to the health, safety, and welfare of its residents. It is further found that many of the properties can be rehabilitated, reconstructed, or reused so as to provide decent, safe and sanitary housing and ancillary commercial facilities, and that such rehabilitation, reconstruction, or reuse would eliminate, remedy and prevent the adverse conditions described above. This ordinance is sensitive to the private property rights of the citizens of Guilford and to extenuating circumstances due to age, disability, and citizens' economic situations.

Section 2: Scope of Provisions.

No owner of real property located in the Town of Guilford shall allow, create, maintain, or cause to be created or maintained, housing blight. This Ordinance shall apply to the maintenance of all housing properties now in existence or hereafter constructed, maintained, or modified but shall exclude: agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes, land preserved in its natural state through conservation easements, or areas designated as inland wetlands and watercourses.

Section 3: Definitions.

For the purpose of this article, the following words, terms and phrases shall have the following meanings, unless the context clearly indicates otherwise:

1) **Housing Blight** shall mean the condition of any structure or parcel of land upon which housing is located in which at least one of the following conditions exist:

a) It is in a condition which poses a serious threat to the safety, health, and general welfare of the community as determined by the Director of Health, Zoning Enforcement Officer, Fire Marshall or Building Inspector,

b) It is attracting illegal activity as documented by the Police Department.

c) It is not being maintained as evidenced by the existence of the following conditions: it is open to the elements, or has collapsing or missing walls, roofs, windows, doors or is unable to provide shelter, or serve the purpose for which it was constructed due to damage, dilapidation, decay, or severe animal infestation; the property in the public view is chronically neglected or abandoned.

d) It has material which is incapable of performing the function for which it is designed including, but not limited to: abandoned, discarded, or unused objects; equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers and garbage that are in the public view.

Notwithstanding the foregoing, Housing Blight shall not include such temporary conditions, not to exceed six (6) months in duration, as may be reasonably related to the repair or restoration of a single boat owned by the property owner or his tenant.

- 2) **Dilapidation** shall mean partial ruin, decay or disrepair of housing property such that it would not qualify for a certificate of use and occupancy, or which is deemed unsafe or which is designated as unfit for habitation as defined in the State Basic Building Code.
- 3) **Abandoned** shall mean any property which is deserted.
- 4) **Neighborhood** shall mean an area of the town comprising premises or parcels of land any part of which is contiguous with any other parcel within the town.
- 5) **Public view** shall mean visible from any public right-of-way or neighborhood.
- 6) **Premises** shall be deemed to include any buildings, dwellings, parcels of land or structures contained within the scope of this ordinance.
- 7) **Blight Enforcement Officer** shall mean the Director of Health, the Zoning Enforcement Officer or any police officer of the Town of Guilford.

Section 4: Special Consideration.

Special consideration may be given to individuals that are disabled, elderly, or low income in the Town's effort to correct housing blight. If an individual cannot maintain a reasonable level of upkeep of his owner-occupied residence because the individual is disabled, elderly or low income, and no capable person resides in the residence, the town may give the person a reasonable amount of time to correct the problem, the duration of which shall be in the discretion of the Blight Enforcement Officer. If needed, assistance in finding solutions will be offered by the Town.

- 1) **Capable Individual** shall mean a person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen (16) years of age, without a physical or mental disability as defined herein.
- 2) **Disabled Individual** shall mean, in the case of an owner occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the

Americans with Disabilities Act of 1990, and does not have a household member capable of providing the necessary maintenance.

3) **Elderly Individual** shall mean an individual over the age of sixty-five (65), who does not have a household member capable of providing the necessary maintenance

4) **Low Income Individual** shall mean, in the case of an owner occupied residence, an individual, or where more than one person resides in the premises, a family unit, that has an income below the highest level of "qualifying income" established by Conn. Gen. Statute Section 12-170d(a)(3).

Section 5: Enforcement by Citation.

1) The Blight Enforcement Officer is empowered to issue citations for any violation of this ordinance by leaving a copy of such citation form with the owner of the housing property or by affixing same to the premises. He shall also send a copy of the form by certified mail, return receipt requested to the owner of the property.

2) The citation form shall contain the following information.

a) The address of the affected property.

b) The exact nature of the violation.

c) The time allowed for corrective action (not to exceed 60 days).

d) The penalty for continued violation of this ordinance.

e) The availability of a hearing procedure before the Blight Appeals Committee pursuant to Conn. Gen. Statute Section 7-152c.

d) The penalty for violation of this ordinance shall be \$90 for each day that a violation continues.

Section 6: Initiation of Legal Proceedings

In addition to the citation process described herein, the Director of Health is authorized to initiate legal proceedings in the Superior Court for the immediate correction of the violation(s), collection of any

penalties, and the recovery of all costs including cost of remedial action(s) authorized by the court and reasonable attorney's fees incurred by the Town of Guilford to enforce this ordinance.

Section 7: Hearing Procedure for Citations.

- 1) The Town hereby specifically adopts the provisions of Connecticut General Statutes Section 7-152c for the establishment of a citation hearing process for alleged violations of this Ordinance.
- 2) There shall be a Blight Appeals Committee consisting of three (3) residents of the Town of Guilford, appointed by the First Selectman and approved by the Board of Selectmen, who shall act by majority vote as citation hearing officers in all hearings for alleged violations of this Ordinance.
- 3) The Director of Health, at any time within twelve months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued for an alleged violation of this ordinance, shall send notice to the person cited. Such notice shall inform the person cited: (a) Of the allegations against him and the amount of the fines, penalties, costs or fees due; (b) that he may contest his liability before the Blight Appeals Committee by delivering in person or by mail written notice within ten days of the date thereof; (c) that if he does not demand such a hearing, an assessment and judgment shall be entered against him; and (d) that such judgment may issue without further notice.
- 4) If the person who is sent notice pursuant to subsection (3) of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Town Clerk. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in subsection (3) of this section shall be deemed to have admitted liability, and the Director of Health shall certify such person's failure to respond to the Blight Appeals Committee. The Blight Appeals Committee shall thereupon enter and

assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in Conn. Gen. Statute 7-152c(f).

5) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of notice, provided the Blight Appeals Committee shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The procedures and conduct of such hearing, the assessment of fines, penalties, costs or fees and the entry of judgment in Superior Court upon such assessment shall be as provided in Conn. Gen. Statute Section 7-152c.

Section 8: Minimum Standards

Nothing in this ordinance shall limit the power and authority of the Town Building Inspector, the Zoning Enforcement Officer, the Planning and Zoning Commission, the Fire Marshall or the Director of Health to enforce their respective regulations.

1) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other code of the Town or State, if such provision of this ordinance establishes a higher standard for the promotion and protection of the health and safety and property values of the people such provision shall be enforceable pursuant to the procedures established herein.

2) This ordinance shall not be intended to affect violations of any other ordinances, codes or regulations whether existing prior to or subsequent to the effective date of this ordinance. Such violations shall be governed by and shall continue to be subject to enforcement under the provisions of such ordinances, codes or regulations in effect at the time the violation occurred, and/or by enforcement of this ordinance, as may be appropriate.

Section 9: Effective Date.

This Ordinance shall be effective thirty days after its publication in accordance with the Guilford Town Charter.

Dated at Guilford this 3rd day of February, 2009, in accordance with Section 3-4 of Guilford Town Charter. This ordinance shall become effective March 13, 2009.

Carl A. Balestracci, Jr.

Veronica C. Wallace

Salvatore R. Catardi

Joseph S. Mazza

Cynthia M. Cartier
BOARD OF SELECTMEN
TOWN OF GUILFORD

I hereby certify that on the 3rd day of February, 2009, I posted the within warning upon the signpost of the Town of Guilford and on the 12th of February, 2009 caused the same to be published in the Guilford Courier, a newspaper of general circulation in the Town of Guilford.

Carl A. Balestracci, Jr.
First Selectman

Adopted this ___ day of _____ 2009 by the Guilford Board of Selectmen.

Carl A. Balestracci, Jr.
First Selectman

Joseph Mazza

Salvatore Catardi

Veronica Wallace

Cynthia Cartier

Town of Guilford, CT
NOISE CONTROL ORDINANCE
Sixth Draft - 5/01/2007

TITLE: The title of the ordinance shall be the "Town of Guilford Noise Control Ordinance."

PURPOSE: The policy of the State under C.G.S. 22a-67 is to promote an environment free from noise that jeopardizes the health and welfare of the citizens. It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or degrade the quality of life. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of Guilford through reduction, control and prevention of noise.

DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this chapter.

AMBIENT NOISE OR BACKGROUND NOISE - Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

BOARD OF SELECTMEN - The Board of Selectmen of the Town of Guilford or a duly authorized officer.

COMMERCIAL ZONE - As defined and set forth in Article II Section 273 of the zoning code of the Town of Guilford and all associated therewith either permitted as a right or as a special use.

CONSTRUCTION - Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar properties, but excluding demolition.

CONSTRUCTION EQUIPMENT - Any equipment or device operated by any fuel or electric power used in construction or demolition work.

DAYTIME HOURS - The hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.

DECIBEL - A logarithmic unit of measure in measuring magnitudes of sound. The symbol of dB.

DEMOLITION - any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar properties.

DOMESTIC POWER EQUIPMENT - Including but not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

EMERGENCY - Any occurrence or set of circumstances involving actual or perceived imminent physical trauma or property damage which demands immediate action.

EMERGENCY VEHICLE - Any motor vehicle authorized by the State of Connecticut to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency. (14-283)

EMERGENCY WORK - Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure of imminent danger.

IMPULSE NOISE - Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

INDUSTRIAL ZONE - As defined and set forth in Article II Section 273 of the zoning code of the Town of Guilford and all uses associated therewith, either permitted as a right or as a special use.

MOTOR VEHICLE - Per Section 14-1 of the Connecticut General Statutes.

MUFFLER - A device for abating sounds such as escaping gases.

NIGHTTIME HOURS - The hours between 10:00 p.m. and 7 a.m., Sunday evening through Saturday morning, except that "night" shall mean the hours between 10 p.m. Saturday and 9:00 a.m. Sunday.

NOISE - Any sound, the intensity of which exceeds the standards set forth on Page 4 Sec. B of this chapter.

NOISE LEVEL - The sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated db(A) or dBA.

PERSON - Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

PREMISES - Any building structure, land or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without building or improvements owned or controlled by a person. The emitter's premises includes contiguous publicly dedicated street and highway rights-or-way, all road right-or-ways and waters of the state.

PROPERTY LINE - That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and separates real property from the public right-of-way.

PUBLIC RIGHT-OF-WAY - Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

RESIDENTIAL ZONE - Those residential districts as defined and set forth in Article II Section 273 of the zoning code of the Town of Guilford and all uses associated therewith either permitted as a right or as a special use.

SOUND - A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations including but not limited to an auditory response when impinging on the ear.

SOUND LEVEL METER - An instrument used to take sound-level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4 - 1971. (Type S2A)

SOUND PRESSURE LEVEL - Twenty (20) times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter and is expressed in decibels (dB).

SOUND-MEASURING PROCEDURE: For the purpose of determining noise levels as set forth in this ordinance, the following guidelines shall be applicable.

1. All personnel conducting sound measurements shall be trained in the current techniques and principals of sound-measuring equipment and instrumentation.
2. Instruments used to determine sound-level measurements shall conform to the sound level meters as defined by this ordinance.
3. The general steps listed below shall be followed when preparing to take sound-level measurements.
 - A. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - B. The sound-level meter shall be calibrated before and after each set of measurements.
 - C. When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound level meter as per the manufacturer's instruction.
 - D. The sound-level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four (4) feet above the ground. It shall be so placed as not to be interfered with by individuals conducting

the measurements.

E. Measurements shall be taken at the point that is located about one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

NOISE LEVELS;

A. It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.

B. Noise level standards:

1. No person in a residential zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial and industrial zones.

RECEPTOR/S ZONE

	Industrial	Commercial	Residential	Residential
Emitter's Zone Residential	62dBA	55dBA	Day 55 dBA	Night 45 dBA

2. No person in a commercial zone shall emit noise beyond the boundary of his/her premises exceeding the levels state herein and applicable to adjacent residential, commercial or industrial zones:

RECEPTOR/S ZONE

	Industrial	Commercial	Residential	Residential
Emitter's Zone Commercial	62dBA	62 dBA	Day 55 dBA	Night 45 dBA

3. No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential commercial or industrial zones:

RECEPTOR/S ZONE

	Industrial	Commercial	Residential	Residential
Emitter's Zone Industrial	70 dBA	66 dBA	Day 61 dBA	Night 51 dBA

C. High background noise levels and impulse noise.

(1) In those individual cases where the background noise levels caused by sources not subject to these regulations exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) dBA, provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80) dBA at any time and provided that this section does not decrease the permissible levels of other sections of this chapter.

(2) No person shall cause or allow the emission of impulse noise in excess of eighty (80) dB peak sound pressure level during the nighttime to any residential noise zone.

(3) No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dB peak sound pressure level at any time to any zone.

D. Exclusions. These levels shall not apply to noise emitted by or related to:

(1) Natural phenomena.

(2) Any bell or chime from any building clock, school, or church.

(3) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation; provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful.

(4) Warning devices required by the Occupational Safety and Health administration or other state or federal safety regulations.

(5) Farming equipment or farming activity.

E. Exemptions: The following shall be exempt from these regulations subject to special conditions as spelled out:

(1) Noise generated by any construction equipment which is operated during daytime hours. Noise generated by construction equipment during nighttime hours shall not exceed the maximum noise levels as specified on Page 4 Sec. B.

(2) Noise created as a result of or relating to an emergency.

(3) Noise from domestic power equipment such as but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.

(4) Noise from snow removal equipment.

(5) Noise from demolition work conducted during daytime hours. When considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.

(6) Noise created by any aircraft flight operations which are specifically permitted by the Federal Aviation Administration.

(7) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town or State of Connecticut, including

but not limited to parades, sporting events, concerts and firework displays.

(8) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public or provided that a permit for such blasting is obtained from local authorities.

(9) Noise generated by the police and other established shooting facilities as permitted by Connecticut Firearms laws Sec. 22a-74a.

REFUSE COLLECTION NOISE

All refuse collectors shall comply with the noise level standards as established in this article while engaging in refuse collection at each location. For purposes of this article, the term "refuse collectors" shall be synonymous with private haulers, and all other persons that commercially engage in the collection and transportation of refuse and other debris.

MOTOR VEHICLE NOISE:

A. All motor vehicles operated within the limits of the Town of Guilford shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut State Statutes.

B. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in the Noise Levels section (Page 4 Sec. B).

INSPECTIONS

A. For the purpose of determining compliance with the provisions of this chapter, the Board of Selectmen or their designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the Board of Selectmen or their designated representative may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.

B. It shall be unlawful for any person to refuse to allow or permit the Board of Selectmen or their designated representative free access to any premises when the Board of Selectmen or their designated representative is acting in compliance with a warrant for inspection and order issued by the appropriate court.

C. It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.

D. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this chapter.

ENFORCEMENT AND PENALTIES FOR OFFENSES

The Chief of Police or his designee is the Town Official responsible for enforcement of this ordinance.

Unless otherwise provided, any person who violates any provision of this chapter may be fined not more than ninety nine dollars (\$99.00) for each violation. Each day's violation shall be deemed a separate offense.

It shall be the responsibility of the offender to abate the violation as ordered. In the event the offender does not abate the violation, the town may seek injunctive relief in the Superior Court including fines, legal fees, and costs.

VARIANCES *

A. Any person living or doing business in Guilford may apply to the Town for a variance from one (1) or more of the provisions of the chapter which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplied all of the following information to the Board of Selectmen at least twenty (20) days prior to the start of said activity.

- (1) The location and nature of the activity.
- (2) The time period and hours of operation of said activity.
- (3) The nature and intensity of the noise that will be generated.
- (4) Any other information required by the Board of Selectmen.

B. No variance from those regulations shall be used unless it has been demonstrated that:

- (1) The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations.
- (2) The noise levels generated by the proposed activity will not constitute a danger to the public health.
- (3) Compliance with the regulations constitutes an unreasonable hardship on the applicant.

C. The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.

D. Failure to rule on the application in the designated time shall constitute approval of the variance.

* See Appendix for sample Application for Variance

CONFLICTING PROVISIONS

The Town of Guilford has all the rights contained in Chapter 442 Sec. 22A in addition to the regulations contained in this ordinance.

All provisions of the zoning code of the Town of Guilford, which are more stringent than those set forth herein, shall remain in force. If, for any reason, any word, clause, paragraph or section of this chapter shall be held to make the same unconstitutional, this chapter shall not hereby be invalidated and the remainder of this chapter shall continue in effect. Any provision herein, which is in conflict with the Connecticut General Statutes or

the Public Health Code of the State of Connecticut, is hereby repealed, it being understood that said Statutes and Code shall take precedence over this chapter.