

MIDDLEFIELD, CONNECTICUT

ZONING REGULATIONS

ARTICLE I. PURPOSE & DEFINITIONS

SECTION 01. PURPOSE:

These Regulations are adopted in pursuance of authority granted by Chapter 124 of the General Statutes of the State of Connecticut, 1958 Revision.

01.01. Statement of Policy:

The Planning Commission, in preparing the Comprehensive Plan and the Zoning Map, recognized that the Town of Middlefield would continue to grow and that with growth, change would be inevitable. In order that the future Planning Commission may be aware of the intent of the present Commission the following points are made:

01.01.01.

The Zones, as presently recommended, reflect present land use, and are intended to reduce non-conforming uses to a minimum.

01.01.02.

The Zoning Map and Regulations should be reviewed and revised at regular intervals to reflect the changing needs and the best interest of the Town of Middlefield. The Planning Commission is responsible to see that such changes are in conformity with the intent of the Comprehensive Plan.

01.01.03.

The guiding factor in considering changes in zoning is the suitability of the land for the purpose intended, with maximum consideration of material and aesthetic values of present land use and preservation of the natural beauty of the Town of Middlefield.

01.01.04.

Those areas presently zoned as Agricultural may be available in the future for other uses. It is the intent of this Commission that such land should not be re-zoned to less than medium density residential classification.

SECTION 02. DEFINITIONS:

Throughout these Regulations the singular shall include the plural and the plural shall include the singular. The word "used" shall include "arranged", "designed" or "intended to be used," and the present tense shall include the future tense. The following words, as used in these Regulations, are defined for the purpose thereof as follows:

02.01. "A"

02.01.01. Accessory Apartment:

An accessory apartment is defined as a dwelling unit with kitchen and bathroom facilities created within an existing residential structure or attached accessory structure but subordinate to the home in size and appearance.

02.01.02. Accessory Use:

A use, building or structure subordinate to the main use of land or a building on the same lot and customarily incidental thereto.

02.01.03. Alteration:

Alteration means a change or rearrangement in the structural parts of a building, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing in height, coverage, volume or floor area.

02.02. "B"

02.02.01. Banquet, Conference and Meeting Facilities

A facility for banquets, conferences, receptions, meetings, presentations, parties, outings, educational, corporate, charitable or other social gatherings, including indoor and outdoor activities.

02.02.02. Building:

Any structure having a roof supported by walls, poles, columns, etc. and intended to afford shelter to persons, animals or chattel.

For the purposes of Section 09.09. "Ridgetops" only, **Building** shall be defined as any

structure other than (A) a "facility" as defined in Section 16-50i of the General Statutes or (B) structures of a relatively slender nature compared to the buildings to which they are associated, including but not limited to chimneys, flagpoles, antennas, utility poles and steeples. All such structures shall be accessory to a building or use permitted by these regulations, and shall not be the principal use or structure on the lot.

02.02.02.01. Building, Accessory:

A building located on the same lot as a principal building and devoted or intended to be devoted to an accessory use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

02.02.02.02. Building Coverage:

That percentage of a lot area covered by buildings or structures.

02.02.02.03. Building Height:

The vertical distance from the average grade to the average elevation of the roof of the highest story. For the purpose of this section the following appurtenances shall not be considered: church spires; Chimneys of the type designed and used for residential buildings; signs attached to the building: radio and television masts of the type designed and used for home reception of public radio and television signals, but not including transmission or relay towers, devices or structures, or masts, towers, devices or structures designed for military, governmental, commercial, industrial or business use.

02.02.02.04. Building Line:

A line parallel to a road right-of-way line, at a distance therefrom equal to the depth of the front yard requirement for the district in which the lot is located.

02.03. "C"

02.03.01. Certification:

A signed, written approval by the Planning and Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

02.03.02. Child Day Care Center:

A facility which provides a program to supplementary care to more than twelve unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in the week and is licensed under Section 19-43C of the General Statutes of Connecticut.

02.03.03. Clear Cutting:

Clear Cutting means the harvest of timber in a fashion which removes all, or substantially all, trees down to a two (2") inch diameter, measured at breast height.

02.03.04. Commission:

The Planning and Zoning Commission of the Town of Middlefield, Connecticut.

02.03.05. County Soil and Water Conservation District:

The Middlesex County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

02.04. "D"

02.04.01. Development:

Development is defined as the construction, reconstruction, alteration, or expansion of a building.

02.04.02. Drive-In:

A principal use, or an establishment designed or operated for such use, where a patron is served while seated in an automobile located in an off-street or on-street parking area, driveway or similar area. Compare to "Drive-Through".

02.04.03. Drive-Through:

An accessory use in which a patron is provided products or services while seated in an automobile located in an off-street driveway or lane. Compare to "Drive-In".

02.04.04. Dwelling:

A building designed or used exclusively as living quarters for one or more families to

include a mobile home or trailer coach when located on an individual lot.

02.04.04.01. Unit:

A building, or portions thereof, providing complete housekeeping facilities for one family.

02.04.04.02. Multiple or Apartment:

A building, on a lot, used exclusively as a residence for more than two families living independently of one another.

02.05. "E"

02.05.01. Elder Housing 55 Years and Older

55 years and older: Shall mean development of dwelling units designed exclusively to be occupied by and to meet specific requirements and design standards suitable for occupancy for one or two individuals at least one of whom is 55 years of age or over.

Dwellings for the above mentioned persons shall have bathrooms, hallways, entryways and building access ways designed in accordance with the most recent edition of "A Guidebook To: The Minimum Federal Guidelines and Requirements for Accessible Design" prepared by the United State Architectural and Transportation Barriers Compliance Board. Compliance with this requirement shall be demonstrated by the applicant by the presentation of floor plans or other suitable specifications.

Said dwellings may include provisions for communal usage such as: common rooms, laundry rooms and recreational facilities. In addition, said facility may also include dwelling units specifically designed for handicapped individuals.

02.05.02. Erosion:

The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

02.05.03. Expansion:

Expansion is defined as any addition to the floor area, or any increase in height, volume, or coverage of an existing building.

02.06. "F"

02.06.01. Family:

One or more persons related by blood, marriage or adoption living and cooking together on the premises as a single housekeeping unit, and may include servants living in or not more than (2) paying lodgers or boarders.

02.06.02. Family Day Care Home:

A facility which consists of a private family home caring for not more than four children not related to the provider when the children are cared for not less than three, nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis and is licensed under Section 19-43C of the General Statutes of Connecticut.

02.06.03. Farm Building:

Any building used for storing agricultural equipment or farm produce, housing livestock or poultry or for any other farm purposes, but shall not include dwellings.

02.06.04. Floor Area:

The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls, excluding basement space where less than one-half the basement height is above the finished lot grade.

02.07. "G"

02.07.01. Garage - Private:

A building or part of a building used for the storage of motor vehicles as an accessory use.

02.07.02. Garage - Public:

A building, not a private garage, used for the repair, servicing or storage of motor vehicles.

02.07.03. Grading:

Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth

materials on any combination thereof, including the land in its excavated or filled condition.

02.07.04. Grazing:

Grazing means the keeping in an enclosed space of domesticated animals so as to allow or encourage such animals to feed upon natural or cultivated vegetation growing upon the land. As used herein, "domesticated animals" shall include any animals typically maintained in pastures, paddocks, or similar outdoor enclosures, regardless of whether such animals are kept for agricultural, recreational, or any other use or purpose. "Grazing" shall include, but not be limited to, the pasturing of horses, cattle, sheep, goats, llamas, pigs, or other customary farm animals; but shall not include the kenneling of dogs nor the enclosure of mink or other small mammals.

02.07.05. Grooming Facilities:

Any place, other than a commercial kennel, which is maintained as a business when dogs or cats are groomed. Such facilities shall have no outside kennels.

02.07.06. Group Day Care Home:

A facility which offers or provide a program to supplementary care to not less than five nor more than twelve related or unrelated children on a regular basis for a part of the twenty-four hours in one or more days in the week and is licensed under Section 19-43C of the General Statutes of Connecticut.

02.08. "H"

02.08.01. Habitable Floor Area:

Space within a dwelling not less than 6'-8" ceiling height, exclusive of attic, basement, garage, porches and utility room, and provided that all space above the first floor shall be accessible by means of a permanent stairway.

02.08.02. Home Occupation:

An occupation or activity which results in a product or service and is conducted in whole in the dwelling unit or in an existing accessory structure; and is clearly subordinate to the residential use of the dwelling unit.

02.09. "I"

02.09.01. Impervious Surface:

An area of a lot which has been improved in such a way as to be impenetrable by surface water. Surfaces include, but are not limited to, roofs (including eaves, overhangs and covered porches) paved areas (roads, driveways, parking lots, including gravel or processed stone parking areas, sidewalks, wood decks, stone patios, or structures, etc.), and swimming pools.

02.09.02. Inspection:

The periodic review of sediment and erosion control measures shown on the certified plan.

02.10. "J"

02.11. "K"

02.11.01. Kennels, Commercial:

Premises maintained and operated as a business for boarding, grooming, breeding or training dogs, or the keeping of ten (10) or more adult dogs. An adult dog shall be defined as one which is over six (6) months of age. Commercial kennels may also engage in the provision of services such as dog daycare, dog spa/exercise/massage and therapy services, sales of pet-related products to clients as an accessory use, and pet clinics.

02.11.02. Kennels, Non-Commercial:

Three (3) or more adult dogs, but less than ten (10), kept on premises for personal use, show, sport, grooming or breeding. An adult dog shall be defined as one which is over six (6) months of age.

02.12. "L"

02.12.01. Land Area:

The total horizontal area of a lot lying within lot lines and excluding any area lying beyond a street line.

02.12.02. Lot:

A parcel of land designed to be occupied by a building or buildings together with open spaces required by these Regulations.

02.12.02.01. Corner:

A lot of which two adjacent sides abut on street. A corner lot shall maintain front yard requirements for each street frontage.

02.12.02.02. Interior:

A lot other than a corner lot.

02.12.02.03. Depth:

The mean distance (measured at right angles) from the street line of a lot to its rear line.

02.12.02.04. Width:

The mean width, measured at right angles to the depth.

02.12.02.05. Line:

Property lines bounding a lot.

02.12.03. Lot Coverage:

The ratio between the gross floor area of the ground floor of any building, plus parking areas, driveways, sidewalks, outdoor storage areas and other impervious surfaces; and the gross area of the lot.

02.13. "M"

02.13.01. Mobile Home:

A structure that is transportable in one or more sections, built on a permanent chassis, and designated to be used with or without a permanent foundation when connected to the required utilities.

It does not include recreational vehicles or travel trailers. When located upon a lot a

mobile home shall be considered to be a residence and subject to all of the regulations prescribed for the zoning district in which it is located.

02.13.02. Motel:

Attached, semi-detached or detached dwelling units, having separate outside entrances, parking space convenient to each unit and providing lodging for transient clientele.

02.14. "N"

02.14.01. Non-Conforming Use:

Nonconforming Use means a use, whether of a building, structure or lot, or combination thereof, that legally exists before the effective date of this regulation, yet currently fails to conform to this regulation as a result of the adoption of this regulation.

02.15. "O"

02.16. "P"

02.16.01. Passive Recreation:

Passive Recreation means non-motorized recreation not requiring "*development*", as defined herein, nor requiring any alteration of the existing topography, nor any activity regulated pursuant to this section. Such *passive recreation* shall include, but not be limited to, hiking, hangliding, bicycling, picnicking and birdwatching.

02.16.02. Principal Use:

The main use on a lot.

02.16.03. Public Road:

A right-of-way intended for general public use which is accepted either by the Town of Middlefield or the State of Connecticut.

02.16.04. Public Service Company:

Companies subject to regulation by the Public Utilities Control Authority and include railroad, street railway, motor bus, electric, gas, telephone, telegraph, pipeline, sewage,

water and community antenna television companies, owning, leasing, maintaining, operating, managing or controlling plants or parts of plants or equipment, and all express companies having special privileges on railroads or street railways within this state, but shall not include towns, cities, boroughs or any municipal corporation or department thereof, whether separately incorporated or not, as defined by Section 16-1 of the General Statutes of Connecticut.

02.17. "Q"

02.17.01. Quarrying:

Quarrying means the removal, excavation, processing, or grading of stone or other earth products, regardless of the methods utilized (e.g., blasting, crushing, excavation equipment).

02.18. "R"

02.18.01 Restaurant, "Fast Food":

The retail sale of food to the general public for consumption on the premises, or where a significant portion of the consumption takes place or is designed to take place outside the confines of the building occupied by such use; and which is characterized by high volume of patronage, the promise of rapid service of meals, and a resulting short duration of stay and rapid turnover; and including drive-in or curb service as an accessory use. See Section 08.10., "Restaurants".

02.18.02 Restaurant, "Full Service":

The retail sale of food to the general public for consumption on the premises, with food service primarily to customers seated at tables or at counters in an enclosed building. See Section 09.10., "Restaurants".

02.18.03 Restaurants, "Take Out":

The retail sale of food to the general public where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building occupied by such use. See Section 09.10., "Restaurants".

02.18.04. Ridgeline Setback Area:

Ridgeline Setback Area means the area bounded by: A) a line that parallels and is placed a horizontal distance of one hundred and fifty (150') feet off the lesser sloped

side (typically the more wooded side) of all basalt (traprock) ridgelines as defined in Section 3; and B) that lowest contour line created where less than a fifty (50%) percent slope (two horizontal for each vertical unit of distance) exists for a distance of fifty (50') horizontal feet on the more steeply sloped side (typically the more rocky side) of all basalt (traprock) ridgelines as defined herein.

02.19. "S"

02.19.01. School:

A place for teaching and learning in which the courses prescribed for study by Connecticut General Statute 10-15, 10-18, 10-19 and 10-23 (Rev. 1975) are offered, and which offers such courses to children over seven and under sixteen years of age.

02.19.02. Sediment:

A solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

02.19.03. Selective Timbering:

Selective Timbering means the harvesting of trees for commercial sale of lumber, but of no more than one half (1/2) of the total number of trees of any given diameter, measured to the nearest inch, and measured as the diameter at breast height (d.b.h.; being 4.5' from the ground).

02.19.04. Set-Back:

The required open space between any building on a lot and the lot lines.

02.19.05. Sign:

Signs - shall mean any surface, fabric, device or display which bears lettered, pictorial or sculptured matter, including forms shaped to resemble any human, animal or product, designed to convey information visually and which is exposed to public view. For purposes of this ordinance, the term "sign" shall include all structural members, and shall include vending machines, the exterior surfaces of which are designed so as to convey information as to the contents offered therefrom. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. Included within the definition of sign are the

following types of signs:

1. **Billboard Sign** - shall mean a non-point-of-sale sign which advertises a business, organization, event, person, place or thing, unless such sign is specifically defined herein.
2. **Free-standing Sign** - shall mean any sign, or sign structure, securely attached to and supported by structures and/or supports in or upon the ground, but standing free and independent of any building or structure in which the business or businesses advertised thereon are located. A free-standing sign must be on the same parcel as the business or service which it advertises is located.
3. **Sign Area** - shall mean that area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined by using the largest sign area or silhouette visible at any one (1) time from any one (1) point. This area does not include the main supporting sign structure. All other ornamental attachments, inner connecting links, etc., which are not a part of the main supports of the sign, are to be included in determining sign area.
4. **Wall Sign** - shall mean any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building which displays only one (1) advertising surface.

02.19.06. Site Plan Permit:

A permit granted by the Planning and Zoning Commission, which is specifically designed to insure compliance with all state and local regulations and further to insure that the design characteristics of the proposed use of building are in the best review procedure for a site plan permit shall comply with Section 10.02.

02.19.07. Soil:

Any unconsolidated mineral or organic material of any origin.

02.19.08. Soil and Sediment Control Plan:

A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

02.19.09. Special Exception:

A modification to the terms of these regulations, which is specifically itemized herein

which applies to a specific building or property, and upon which the Zoning Board of Appeals is required to pass.

02.19.10. Special Permit:

A modification to the terms of these regulations, which is specifically itemized herein which applies to a specific building or property, and upon which the Planning and Zoning Commission is required to pass.

02.19.11. Street:

A public or private thoroughfare which affords the principal access to abutting properties.

02.19.12. Street Line:

The boundary line between a street and adjacent property.

02.19.13. Structure:

Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground.

02.20. "T"

02.20.01. Traprock Ridge:

Traprock Ridge means Higby and Besack Mountains

02.20.02. Traprock Ridgeline:

Traprock Ridgeline means the line running along the highest elevation on a traprock ridge which line is created by all points at or above the top of a fifty percent (50%) or greater slope (2 horizontal for each vertical unit of distance), which slope is maintained for a distance of at least fifty (50) horizontal feet measured perpendicular to the contours of the slope, and which consists of surficial basalt geology, identified on the map prepared by Stone et al., United States Geological Survey, entitled "Surficial Materials Map of Connecticut", a copy of which is on file in the office of the Town Clerk of the Town of Middlefield (hereinafter, "Surficial Materials Map"). The Surficial Materials Map shall be deemed and construed to be illustrative only, and in individual instances, the actual surficial geology shall be as determined by field observations, and other topographic maps, bedrock geologic maps, surveys, and other available

information. Where no surficial basalt geology (unconsolidated, loose rock) exists, bedrock basalt geology shall be used to define the traprock ridgeline. All slopes shall be measured as preexisting prior to any disturbance by human intervention, existing or proposed, as best such pre-existing slopes can be determined by available topographic maps or other records.

02.21. "U"

02.21.01. Use:

Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

02.22. "V"

02.22.01. Variance:

A modification to the terms of these Regulations which may be granted by the Zoning Board of Appeals in an individual case where, owing to special conditions, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship.

02.23. "W"

02.23.01. Water Company:

Any individual, partnership, association, corporation, municipality or other entity, or the lessee thereof, who or which owns, maintains, operates, manages, controls or employs any pond, lake, reservoir, well, stream or distributing plant or system for the purpose of supplying water to two or more consumers or to twenty-five or more persons on a regular basis provided if any individual, partnership, association, corporation, municipality or other entity or lessee owns or controls eight per cent of the equity value of more than one such system or company, the number of consumers or persons supplied by all such systems so controlled shall be considered as owned by one company for the purpose of this definition.

02.24. "X"

02.25. "Y"

02.26. "Z"