

ARTICLE 4 – CITYWIDE STANDARDS

SECTION 50 – PUBLIC WATER, SEWERS, SIDEWALKS AND CURBS

50 PUBLIC WATER, SEWERS, SIDEWALKS AND CURBS

50.1 **Purpose and Intent.** It is the purpose of this Section to provide for the equitable development of improvements to public water, sanitary sewers, storm sewers, sidewalks, curbs, and roadways. It is hereby found that the dense development of the City requires the extension of public water and sewer supplies wherever reasonably possible in order to protect the public health. It is also found that the dense development of the City also requires that development include adequate provision for extensions of road surfaces, including sidewalks and curbs to provide safe public thoroughfares.

50.2 **Effect.** These Regulations are intended to supplement and strengthen existing municipal Regulations as may be amended from time to time by the West Haven City Council. The specifications for all such improvements shall be guided by those ordinances, where applicable.

Nothing herein shall prohibit or restrict the City Council or other authorized body of the City of West Haven from levying any assessment or charge for any improvement required by this Section as may be permitted by State Statute.

50.3 **Requirements.** No *Certificate of Zoning Compliance* or other certificate or permit shall be issued by the Planning and Development Department unless the property:

1. has unrestricted access to a public *street* which is fully improved;
2. is serviced by public water, except in the case of a *single family dwelling* where no water is available within 400 feet from the boundary of the subject property when measured along a public *street* beginning at the point where the property borders the public *street* closest to the existing public water supply;
3. is serviced by sanitary sewers, except where no sanitary sewers are available. Sanitary sewers shall be deemed unavailable if an extension of the existing main of greater than 1,000 feet is required to service the property;
4. is connected to storm sewers or has other appropriate drainage facilities available to it so as to not cause drainage problems on other neighboring properties or the public *streets*;
5. has *sidewalks* and *curbs* constructed to municipal ordinance specification;

All improvements as required by this Section shall extend along the entire width of the property as same borders the public *street*;

No multi-family development or commercial or industrial development which is determined by the Commission to be such as to generate substantial need for water or sanitary sewage disposal shall be permitted without connection to both public water and sanitary sewer supplies. The Commission shall establish a policy by which said proposed projects will pay impact fees to be deposited into a fund for the improvements of utilities within the City (See also Section 75-Site Plan Review and Section 82-Nonconforming Uses, Lots, and Structures).

50.4 **Additional Requirements.** Nothing herein shall prevent the Commission from imposing additional requirements on any development as part of a Site Plan Review, Special Permit hearing or Subdivision application, if it determines that the same is necessary to protect health, safety and welfare.

50.5 **Variances for Public Water, Sewers, Sidewalks and Curbs.** No variance of any improvement required by this Section may be granted for any development or application which has been approved by the Commission with the representation that the improvement would be made. Any variance which waives any requirement of this Section that has not been obtained prior to the review of the application by the Commission shall automatically void any approval or permit issued by the Commission in reliance upon the prior representation, either direct or implied, that such improvement would be made, or that this Section would be complied with.

51. ADMINISTRATIVE WAIVER OF SIDEWALKS.

51.1 **Administrative Findings Required.** The Commissioner of Planning and Development (or his designee) shall have the authority to waive the requirement for sidewalks and/or curbs for construction to a non-multifamily residential dwelling, either for new construction or for the addition, repair or renovation of same provided each of the following findings is made for the proposed development if it is:

1. not in close proximity (one-quarter mile = 1310 Feet) to a public school or park, or a church or other place of public assembly;
2. in an existing neighborhood that is substantially developed without other sidewalks and such neighborhood is not likely to have sidewalks installed;
3. not part of a subdivision or potential subdivision for which sidewalks have been or could be required;
4. not located in an area demonstrating a strong need for sidewalks to add to pedestrian safety.
5. not on a primary pedestrian route to a public or private elementary or secondary school.

52. FENCES

52.1 **General Requirements.** As used in this subsection, *fences* shall include all non-retaining walls, hedges, berms or other barriers intended to provide privacy, security or separation of properties. In all *districts*, the following shall regulate the construction and/or use of *fences*:

- 1) The finished side, if any, of all *fences* shall be placed facing out from the property on which it is erected;
- 2) No *fence*, wall, hedge or barrier located within the *front yard* setback or within thirty (30) feet of a *street* shall be taller than four (4) feet.

52.2 **Use of Dangerous Fence Material.** No *fence* shall be electrified or constructed of or include barbed wire or similarly dangerous material in any *district*.

53. OUTSIDE STORAGE

53.1 **Definition.**

OUTSIDE STORAGE: Materials, supplies, goods or items that are placed in a non-enclosed *structure*.

53.2 **Where Permitted.** *Outside storage* as a *principal use* shall be permitted as follows:

53.2.1 **As-of Right** in IPD (Industrial Planned Development) and PVD (Planned Village District) districts, and

53.2.2 By **Special Use Exception** of the Planning & Zoning Commission in RB (Regional Business) and LM (Light Manufacturing) districts.

53.2.3 **Accessory Use Requires Site Plan Review.** *Outside storage* as an *accessory use* shall be subject to all of the conditions and requirements of Site Plan Review as the principal use.

53.3 **General Provisions**

1. **Site Plan Review - *Outside storage*** shall be permitted as an *accessory use* only, subject to all Site Plan Review conditions and requirements as the *principal use*.
2. **Location Limited - *Outside Storage*** is permitted in the rear of a *lot* and not within any required *side yard* or *rear yard setback* and is subject to Site Plan Review.
3. **Containment** - All *outside storage* shall be contained within a secured fence or other impervious barrier of not less than eight (8) feet that may be attached to but otherwise must be separate from all other *fences* or barriers located on the property.
4. **Buffer** - A landscape buffer area of not less than fifteen (15) feet consisting of grass and shrubbery not less than six (6) feet in height shall be maintained between the property line and the *outside storage* area whenever the *outside storage* is:
 - a. within one hundred (100) feet from any residential district;
 - b. within fifty (50) feet of a public *street*;
 - c. within fifty (50) feet from the property line.

53.4 **Hazardous Materials Adjacent to Water Bodies or Flood Zones.** The indoor or *outside storage* of hazardous materials, explosive, corrosive, noxious, and/or toxic, shall be prohibited within FIRM *flood zones* (V), (A) and (B), *inland* or *tidal wetlands*, or within 50 feet of a *watercourse* as defined in Sections 2 and 13 of this Regulation.

54. **SWIMMING POOLS**

54.1 **Administrative Approval Required.** The Commissioner of Planning and Development shall approve any pool constructed or altered and used for swimming which shall cause the retention of water to a greater depth than twenty-four (24) inches.

54.2 **Location.** No pool shall be located within a front yard or within 6 feet of a *Side Yard* or *Rear Yard*.

54.3 **Safety Requirements.**

- a. Every swimming pool shall be adequately enclosed sufficient to make such body of water inaccessible to small children.
- b. Enclosures must meet the State of Connecticut Building Code requirements.
- c. Lights on any pool shall be arranged so that they are not a nuisance or an annoyance to the neighboring property. They shall be so designed as to be directed on the pool or the adjacent area and cast no lights or reflections onto abutting properties.

54.4 **Pool Waste Water Discharge.** In all instances where a public stormwater sewer is available pool waste water shall be discharged to the storm water sewer if sufficient capacity is available in the opinion of the Commissioner of Public Works.

55. **TEMPORARY PERMITS**

55.1 **Special Events.** Where same may be otherwise prohibited the Planning and Zoning Commission may permit a church, school, civic organization, social club, volunteer fire department, or other non-profit organization to hold a fair, carnival, circus, horse show, athletic meet, or similar special event for a period not exceeding seven (7) days in any calendar year, the projects of which are for the sole benefit of such organization, or for civic, religious or philanthropic purposes.

55.2 **Tag Sales.** Tag sales or garage sales shall be **permitted** by Administrative action by the Commissioner of Planning and Development for a period **not to exceed three (3) days** provided that such sales are conducted for not

more than a total of five (5) days in any calendar year. In the review of any application for such sales, the Commissioner shall consider the **impact on street traffic** and provisions for **parking of vehicles**.

56. HANDICAPPED ACCOMMODATION

56.1 **Administrative Review and Approval.** The Commissioner of Planning and Development may administratively approve any facility accommodation, such as, but not limited to, handicap access ramps or parking within a required front or side yard.

57. SPECIAL CIRCUMSTANCE STANDARDS

57.1 **Building Height Limit Exemptions.** The *building height* limits of these regulations shall not apply to the erection of church spires, belfries, or other *structures* designed exclusively for ornamental purposes, or to flagstaffs, chimneys, flues, water tanks, standpipes, penthouses, bulkheads, stage towers or scenery lofts, provided same does not extend more than fifty percent (50%) above the allowable *structure* height. The erection of a parapet, wall, or cornice may be permitted to extend three (3) feet above the *building height* limit set by these regulations.

57.2 **Lot Adjacent to Railroad Right-Of-Way.** In all commercial and manufacturing districts, along such portion of a *rear lot line* contiguous with a railroad right-of-way, no *rear yard* shall be required; along such portion of a side *lot line* contiguous with a railroad right-of-way, no *side yard* shall be required.

57.3 **Projection into Public Right-Of-Way.** No application shall be reviewed by the Commission or the Commissioner of Planning and Development that requests any projection or construction into the public right-of-way (*street* or *sidewalk*, except for construction of utilities, *sidewalks*, *curbs* or other public improvements, without prior approval of such projection or construction by the City Council of the City of West Haven.

57.4 **Grade Separations.** No grade separation of over two (2) feet shall be permitted unless adequately protected in accordance with requirements set forth by the City Engineer.