

## **CHAPTER 1167—" OMO" OLD MILL OVERLAY DISTRICT**

### **1167.01 PURPOSE**

It is the purpose of the Old Mill Overlay District to protect the unique small town and historic character of Downtown Milford while promoting the growth and development of new commercial and residential land uses.

### **1167.02 DESIGNATION**

The Old Mill Overlay District shall be designated by the abbreviation "OMO" on the Official Zoning and Flood Plain Map of the City. All property so classified is subject to the provisions of this Chapter.

### **1167.03 APPLICABILITY**

The OMO shall operate as an overlay zone with the existing zoning districts remaining intact. All provisions of the underlying zoning shall apply, except as provided in this Chapter.

### **1167.04 CERTIFICATE OF APPROPRIATENESS**

- A. No Minor Building Improvements or Major Building Improvements, as defined in Section 1167.07, may be made to any property within the OMO until a Certificate of Appropriateness has been issued:
- B. No Building Permit shall be issued for any non-exempt improvements to properties within the OMO unless a Certificate of Appropriateness has been issued.

### **1167.05 EXEMPTIONS**

Unless specifically addressed in the OMO, the following are exempted from the provisions of this Chapter and must only meet the requirements of the Zoning Ordinance or other applicable codes as adopted by the City:

- A. Any permit for interior alterations and repairs;
- B. Any permit for modification to facades not visible from any public right-of-way;
- C. Any permit necessary for compliance with a lawful order of the Building Official, including deficiencies listed in certificates of inspection;
- D. Any permit necessary for the immediate public health and safety as determined by the Building Official;

- E. Landscaping of existing single family residential uses.

#### **1167.06 USE REGULATIONS**

In addition to those uses permitted in the underlying zoning districts, a building or premises may be used for the following purposes subject to approval pursuant to this Chapter:

- A. Residential Dwellings not exceeding a gross density of 12 units per acre;
- B. Outdoor Dining Establishments;
- C. Public Recreational Areas;
- D. Public Purpose Uses.

#### **1167.07 IMPROVEMENTS SUBJECT TO REVIEW**

Applications for a Certificate of Appropriateness that are subject to review will require the submission of application requirements listed in Section 1167.08. Applications for the following improvements shall be grouped for review according to the following categories:

##### **A. Minor Building Improvements**

1. Minor demolition of non-significant parts of structures;
2. Fences, fire escapes, heating, ventilation and air-conditioning units;
3. Roof, cornice, window, step and wall repair or replacement, if the work matches the original;
4. Painting, if there is no change in the colors from the original
5. Work not requiring a building permit (cleaning and landscaping) for all existing and proposed developments unless exempted in Section 1167.05;
6. Curb-cuts and driveways.

##### **B. Major Building Improvements**

1. New construction;
2. Excavation and/or fill;
3. Demolition, except where noted in Section 1167.07 under Minor Building Improvements;
4. Modification to facades visible from any public right-of-way that may change the original appearance of the structure, including painting;
5. New signs, awnings and hardware attached to the structure;
6. All other non-exempt improvements not designated under the Minor Building Improvements category.
  
7. All ground and sandwich board signs.

## **1167.08 APPLICATION REQUIREMENTS**

All applications for review shall be submitted to the City Manager or the City Manager's designee. Submittal requirements will be based on the category of improvement.

### **A. Minor Building Improvements**

Submittal requirements for any non-exempt improvements categorized as Minor Building Improvements in Section 1167.07 shall include:

1. **Application Form**  
A standard form used for all review applications. This application form must be signed by the owner of the property or an authorized agent of the owner. This application will include a written description of the proposed improvements.
2. **Color Photographs**  
Photographs shall be taken of the structure or site from viewing locations along the public right-of-ways.
3. **Materials and Color Samples**  
Material and color samples shall be submitted with the application. The samples will be retained by the Building Department for assurance of compliance with the reviewing body's approval.

### **B. Major Development Projects**

Submittal requirements for any non-exempt improvements categorized as Major Building Improvements in Section 1167.07 shall include:

1. **Application Form**  
A standard form used for all review applications. This application form must be signed by the owner of the property or an authorized agent of the owner. This application will include a written description of the proposed improvements.
2. **Color Photographs**  
Photographs shall be taken of the structure or site from viewing locations along the public right-of-ways.
3. **Written Project Description Report**  
Each application shall be accompanied by a written description of the project. This description should include the proposed changes to the building, structure, or site; the design concept; rationale for the design; project proposal in a written format; the relation to existing conditions on site; the existing and proposed uses; and materials; colors; construction methods;

4. Existing Conditions Site Plan  
All applications shall contain a site plan showing the property and street on which it fronts with all existing site features including items such as site topography, buildings, pavements, utility structures, signs, walls, fences and trees having a trunk caliper of 6” or greater (measured at 6” above ground level.) The Existing Conditions Plan shall indicate all existing site features to be demolished as part of the proposed project. All property lines, right-of-way lines and easements affecting property shall also be shown.
5. Proposed Site Plan  
All submittals shall include a site plan illustrating the proposed site improvements including buildings, building additions, pavements, utilities, signs, walls, fences and landscaping. Site grading and drainage must be indicated by means of contours and/or spot elevations.
6. Building Plans  
Architectural renderings or drawings shall be submitted indicating elevations, details, catalogue cuts, etc. Plans should provide sufficient detail to illustrate size, material, color, proportion and appearance of all proposed site features such as walls fences, signs, bollards and site furnishings.
7. Color Rendering  
Submittals shall include one color-rendered perspective of the proposed projects from a viewpoint along the public right-of-way at which the project will have the most visual impact. (Not required for single-family residential projects.)
8. Elevations (for new signs and awnings)  
Color rendered elevations of the building shall be included which illustrate the placement, size, color or style of any graphic treatment (sign, mural, logo, etc.) to be affixed or painted on the structure.
9. Materials and Color Samples  
Material and color samples shall be submitted with the application. The samples will be retained by the Building Department for assurance of compliance with the reviewing body’s approval.

#### **1167.09 REVIEW PROCESS**

- A. Upon receipt of a completed application and any required fees, the City Manager or their designee will have the prescribed amount of time to do the following:
  1. Approve Minor Building Improvement applications within 30 days, or at their discretion, refer Minor Building Improvement applications to the Planning Commission;

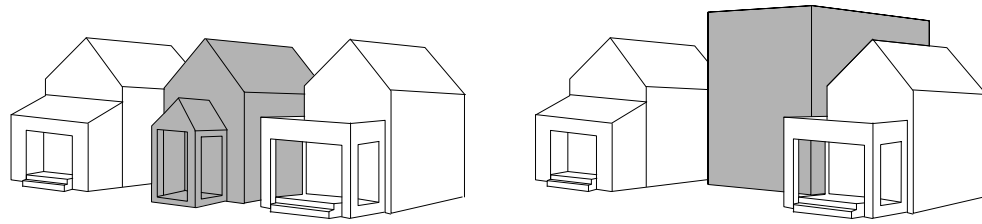
2. Conduct a pre-hearing conference within 20 days for Major Building Improvement applications to which all interested parties, including the applicant, abutting property owners and any other appropriate citizen groups, shall be invited.
  3. Schedule a public hearing with the Planning Commission and give public notice, through the mail, to abutting property owners within 30 days for all Major Building Improvements and referred Minor Building Improvement applications.
- B. One of the following four actions may be taken for applications heard by the Planning Commission:
1. Approval - Approval of project as submitted. A Certificate of Appropriateness is issued;
  2. Approval with Conditions - Approval of project with conditions that must be met prior to a Certificate of Appropriateness being issued;
  3. Continuance - Where the Design Review Board sees fit to request additional information, the hearing is continued until the information is provided to the review board;
  4. Denial - Proposed project is denied. The applicant can appeal to the Board of Zoning Appeals or modify the development and resubmit another application.
- C. Construction must begin within one year of the Certificate of Appropriateness being issued or the Certificate of Appropriateness becomes invalid.

## 1167.11 REVIEW STANDARDS

Some of the following standards include a general illustration of the design concept.

### A. Setback

1. Buildings along Main Street, Mill Street, Elm Street, and Garfield Street, between Water Street and High Street, shall be set to the property line.



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2. Open spaces between buildings that create courtyards or walkways to the rear of the property are encouraged.

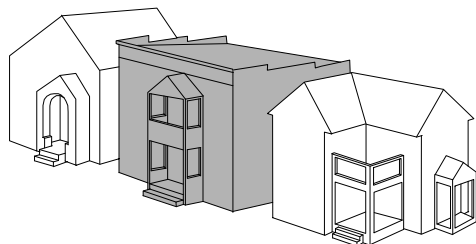
### B. Site Development

1. Utility services shall be placed underground for all new services.
2. Overhead utilities shall be consolidated on to new or existing poles, where possible, to minimize the number of utility poles in the streetscape.
3. Where a sidewalk exists in the public right-of-way, a pedestrian connection must occur from the building to the existing sidewalk.
4. Site features such as service entrances and loading zones shall be screened from adjacent properties and the public right-of-way and located in the side or rear lot.
5. The construction materials and colors of walls and fences that are visible from any public right-of-way shall be uniform and compatible with the architectural style, color and building material of the buildings and its surroundings.
6. Chain link fences are permitted only where they are not visible from any public right-of-way.

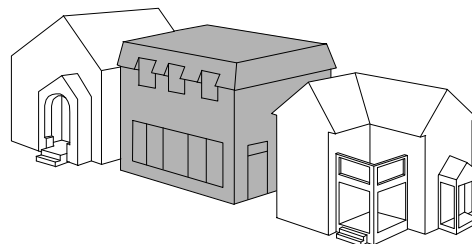
### C. Building Design

1. All elevations of a building shall be subject to review. A front facade shall be architecturally emphasized, although all sides of a building shall be architecturally consistent with the front facade.

- Buildings shall be architecturally oriented to the street and the main entrance shall be located on the street facade.



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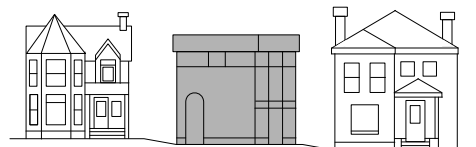


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- Mechanical equipment and dumpsters shall be located so as not to be visible from any public ways or adjacent residential areas. Where such limitation is not possible, the facilities shall be screened from public view with materials compatible with those used in the building.
- No more than sixty percent (60%) of the facade of the building facing the public right-of-way or the front facade may be glass. Windows and doors shall be vertical in orientation. Black, opaque and reflective glass are prohibited.

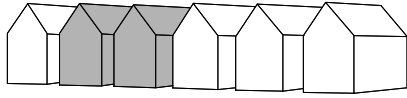


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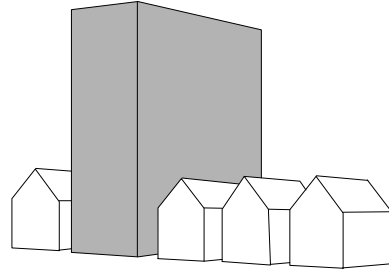


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- Building projects must provide a design that emphasizes an activity level from the street.
- Acceptable materials for use shall include brick, wood, stone or stucco. Concrete block or slick pervasive materials such as plastic, neon or metallic are not acceptable. Back lighted or polyvinyl awnings are not permitted.
- Heights of structures shall be roughly equal to the average height of surrounding buildings.

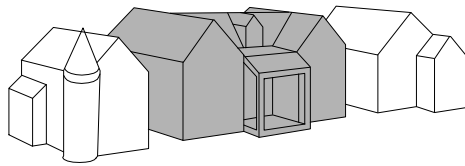


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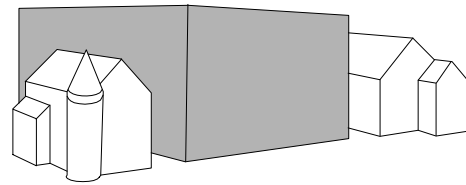


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8. The scale of building proportions such as height and width shall be similar to surrounding buildings.

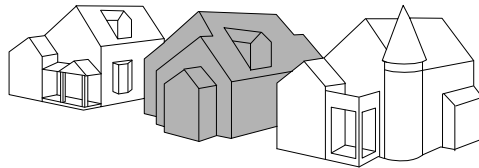


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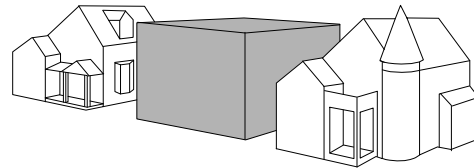


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9. The massing of the building shall be similar in character to surrounding buildings.



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10. Flat rooflines are permitted with the use of cornices, parapets or some form of architectural emphasis along the roofline where adjacent buildings have a similar roofline;

11. Existing natural brick and stone buildings shall not be painted. If stone or brick buildings are currently painted, repainting them rather than removing the paint shall be done to prevent damage to the underlying materials.

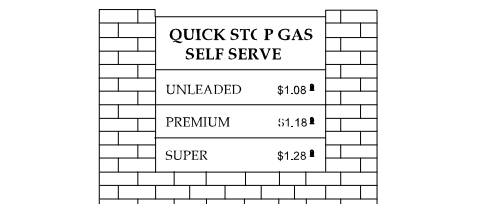
#### D. Colors

1. A palette of appropriate shades of colors for use within the OMO district shall be available for review through the City Manager or their designee.

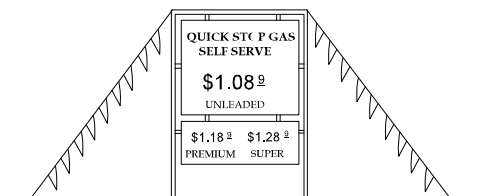
2. In selecting paint colors, consider returning the building to its original color. Colors may be found through old postcards and photographs.
3. Always choose colors that blend well with the natural color of your buildings unpainted brick or stone. If the building is framed, or is already painted, colors should be selected that will blend well with the overall colors that already exist downtown.
4. Limit the use of contrasting colors on the buildings within the OMO. Color schemes should be kept simple, with no more than one or two trim colors on any given building.
5. The chosen color scheme should help tie all of the parts of the building together. Typically the color that is used in the storefront area should be repeated in the upper story windows or cornice area.
6. Bright primary colors, including shades of purple, turquoise, orange, pink, etc. are strongly discouraged in the OMO district.

E. Signs

1. In addition to the height, type, size and location regulations dictated in the Zoning Ordinance, permitted signs in the OMO shall be designed to reflect the materials and style used in the building.



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2. Ground signs shall be designed to be permanent in appearance; portable signs modified to be used as ground signs are not permitted.
3. Bright or fluorescent colors are not permitted.
4. Lighting of signage in the OMO shall be from an external source such as a spotlight. Internally lighted signs are not permitted.
5. Each business shall be permitted one sandwich board sign. Such signs shall not exceed 24 inches in width per face and 36 inches in height. Signs shall only be allowed in front of the building when a store is open for business and shall not remain overnight. Six feet of sidewalk must be kept clear for the use of pedestrians. Signs shall be stable, self-supporting, and not lean against

landscaping or any public permanent fixtures such utility poles, benches, and trash receptacles. The design and physical appearance of signs shall enhance the individual appearance of the business and not detract from the character of the Old Mill District. Sign faces that contain permanent copy are preferred, and changeable copy faces are encouraged to be of a tasteful nature and not resemble the types of changeable face signs that are found in the City's other business districts.

#### F. Landscaping

1. Plant materials shall be chosen which are indigenous, moderately fast growing, and require minimal maintenance. The landscape design shall incorporate the entire site and consist of a palette of plants with year round appeal which may include: annuals, perennials, shrubs and trees.
2. Parking areas and driveways shall be landscaped with shrubs, trees or tree groupings.
3. In locations where plants will be susceptible to injury by pedestrians or motor traffic, they shall be protected by appropriate curbs, parking blocks or other devices.
4. Dumpsters, loading docks, utility boxes, and open areas where machinery or vehicles are stored or repaired, and other similar facilities shall be screened from public ways and adjoining residential areas.
5. Where landscaping is used as screening, it shall be opaque year round.
6. Landscape screening shall be of a height and density so that it provides the full desired effect within three years of growing time.
7. Whenever there are five (5) or more parking spaces on the property, the parking lot shall be screened for at least two-thirds of the length of the parking lot. Landscaping, walls, fences, planters or similar means shall be used to screen cars. Whenever structures such as walls or fences are used to create a screen, plants shall be located on the sides of the structures which can be seen from the surrounding streets, walks and other properties which are used by the public.

#### G. Lighting

1. Outdoor lighting of a building and parking area shall be directed so as not to shine on adjacent properties.

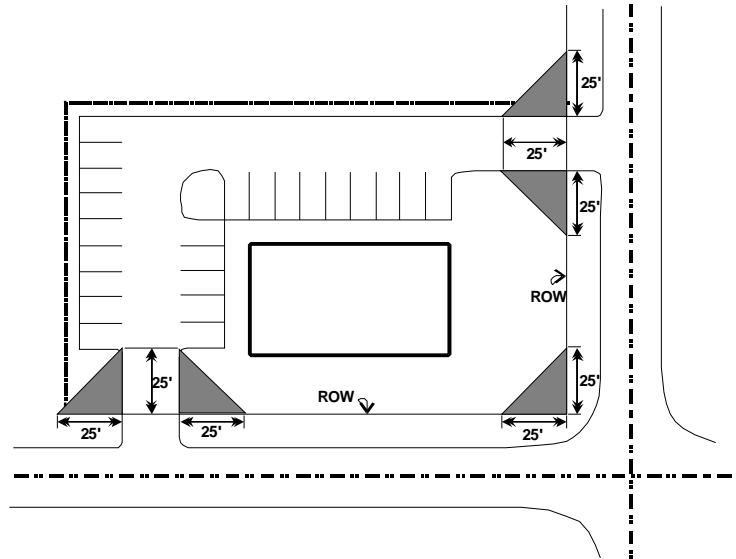
#### H. Outdoor Storage

1. Outside storage of raw material, finished products and equipment must be visually screened from all sides visible from any public right-of-way;
2. Utilize landscaping and fencing for screening of all storage facilities.
3. Outdoor storage buildings shall be constructed in the same style as surrounding buildings.
4. Locate outdoor storage out of view from the public right-of-ways where possible, preferably behind the main building.

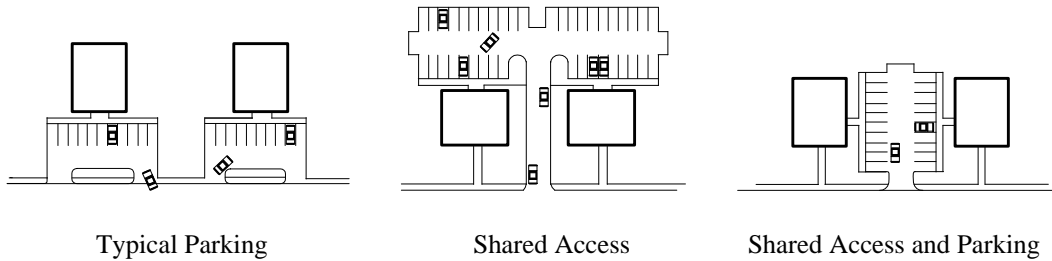
#### I. Vehicular Circulation and Access

1. Minimize the number of vehicular turning movements and points of vehicular conflict by reducing the number of access points to the minimum required for safe traffic flow. Points of ingress and egress shall be clearly defined and promote the safe movement of traffic.
2. Provide for the safe and functional movement of vehicles and pedestrians both on and off-site.
3. Give consideration to the location of existing access points, adjacent to and directly across the street from the site. Curb cuts shall be shared by adjoining uses whenever cooperation can be gained.
4. Driveways shall not be used as points of ingress and egress for individual parking spaces. Driveway placement shall be such that loading and unloading activities will not hinder vehicular ingress and egress.
5. All sites shall be designed so plants and structures on the site do not interfere with the safe movement of motor vehicle traffic, bicycles or pedestrians.
6. The minimum spacing of access points for commercial developments from centerline to centerline along any street within the OMO is 100 feet.
7. Vehicular circulation between parcels is encouraged. Provisions for circulation between adjacent parcels shall be provided through coordinated or joint parking systems to minimize curb cuts along the street.
8. No plants, foliage, wall, fence, or sign, higher than twenty-four (24) inches above the top of the curb, shall be located within the sight distance triangle on any corner of a property adjoining an intersection or along driveways. At intersections, the sight distance triangle is formed by joining with a straight line, points along intersecting street right-of-ways, twenty-five (25) feet from the intersection as illustrated on the following page. At driveways, the sight distance triangle is formed by joining with a straight line, points along the

driveway curb and the street right-of-way twenty-five (25) feet from the intersection.



9. When two adjacent property owners agree to combine access points, the municipality may grant an incentive bonus as follows. The total lot size and road frontage required for each parcel may be reduced by fifteen percent (15%) for both landowners.



J. Parking

1. No surface parking lots are permitted along Main Street.

K. Demolition

Demolition of any structure shall not be permitted unless the applicant can demonstrate that one of the following conditions exist:

1. Demolition has been ordered by the Building Official for reasons of public health and safety;

2. The owner can demonstrate that the structure cannot be reused nor can a reasonable economic return be gained from the use of all or part of the building proposed for demolition;
3. The demolition of the building will not adversely affect the streetscape as determined by the Planning Commission.

#### **1167.12 MAINTENANCE**

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any property within the OMO, provided such work involves no change in material, design, texture, color or exterior appearance; nor shall anything in this Chapter be construed to prevent any repair of structural deficiency which in the view of the Building Official is required for public safety because of unsafe, insecure or dangerous conditions.

#### **1167.13 RELATIONSHIP TO VARIANCES**

Whenever an application is made for variance relating to property wholly or partially located within the OMO, the Board of Zoning Appeals shall exercise its authority granted in Chapter 1131 of the Zoning Ordinance.

#### **1167.14 APPEALS**

Where it is alleged that the Planning Commission has made an error in their decision on an application, the applicant may appeal the recommendation to the Board of Zoning Appeals within 20 days of the original recommendation from the reviewing body.

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