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CHAPTER I

GENERAL PROVISIONS AND ADMINISTRATION

SECTION 1-JURISDICTION

1.1 Jurisdiction: Within the Town of Branford, outside the limits of The Pine Orchard Association and the Civic Association of Short Beach, Connecticut, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations. No lot or land shall be subdivided, sold encumbered or conveyed so as to 1) make said lot or land nonconforming or more non conforming to these Regulations; 2) to make any use, building or other structure nonconforming or more nonconforming; 3) to reduce any setback, yard, open space, or off-street parking and loading spaces to less than is required by these Regulations or 4) to make any nonconforming setbacks, yard, open space or off-street parking and loading spaces more non-conforming.



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SECTION 2 - CERTIFICATE OF ZONING COMPLIANCE

2.1 Certificate of Zoning Compliance: No building or other structure, or part thereof, shall be constructed, reconstructed, enlarged, extended, moved or structurally altered until an Application for a Certificate of Zoning Compliance has been approved by the Zoning Enforcement Officer. No land, building or other structure, or part thereof, shall be used or occupied, or changed in use, until an Application for a Certificate of Zoning Compliance therefor has been approved by the Zoning Enforcement Officer and until a Certificate of Zoning Compliance therefor has been issued by the Zoning Enforcement Officer certifying conformity with these Regulations. No Certificate of Zoning Compliance, however, is required for a farm, forestry, truck garden or nursery use when no building or other structure is proposed. All **Applications for a Certificate of Zoning Compliance** shall be submitted and approved in accordance with the provisions of Section 3 and all Certificates shall be issued in accordance with said Section.

Conflict with Amendments: No Application for a Certificate of Zoning Compliance shall be approved by the Zoning Enforcement Officer authorizing plans, construction or uses which do not conform to any proposed amendment of these Regulations if the first notice of a hearing on such amendment has been published in a newspaper as required by the **General Statutes** of the State of Connecticut. If, however, the proposed amendment has not been adopted and made effective within 60 days from the date of such first published notice, the Application for a Certificate of Zoning Compliance shall be promptly approved by the Zoning Enforcement Officer provided that all applicable requirements of these Regulations have been met.



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SECTION 3- ADMINISTRATION AND ENFORCEMENT

3.1 Zoning Enforcement Officer: There shall be a Zoning Enforcement Officer who may also be the Building Inspector of the Town of Branford if so appointed. The Zoning Enforcement Officer shall have the responsibility and authority to enforce the provisions of these Regulations in accordance with any administrative rules and procedures established by the Commission. The Commission may appoint deputy zoning enforcement officers to assist and act for the Zoning Enforcement Officer. No Applications for a Certificate of Zoning Compliance shall be approved and no Certificate of Zoning Compliance, order or other zoning enforcement document shall be issued unless signed or countersigned by the Zoning Enforcement Officer or a deputy Zoning Enforcement Officer.

3.2 Application for Certificate of Zoning Compliance:

Application for a Certificate of Zoning Compliance shall be submitted to the Zoning Enforcement Officer prior to construction, reconstruction, extension, enlargement, moving or substantial alteration of any building or other structure and prior to the use or occupancy of any land, building or other structure. The Application shall be accompanied by a plan drawing in duplicate, drawn to scale and showing the following:

3.2.1 Exact dimensions, area, radii and angles or bearings of the lot;

3.2.2 The height, dimensions, use, floor area, ground coverage and location of all buildings and other structures, whether existing or proposed;

3.2.3 The location, area and dimension of off-street parking and loading spaces, any barriers required in connection therewith and the means of access to such spaces;

3.2.4 The location of any existing or proposed wells and private sewage disposal systems;

3.2.5 The location, area and dimensions of any outside storage areas, site development and landscaping features that are subject to the provisions of these Regulations; and

3.2.6 Such additional information as may be necessary to determine compliance with the provisions of these Regulations.

In addition, the Application shall be accompanied by other plans, drawings, data and statements necessary to determine compliance with the provisions of these Regulations.

3.3 Special Plans: In addition to the requirements of Paragraph 3.2 and where required by these Regulations under CHAPTER III, site plans, architectural plans and other special plans and drawings shall be submitted with the Application for a Certificate of Zoning Compliance. A site plan, incorporating all of the information required to be shown on the plan drawing specified in Paragraph 3.2 may be substituted for such plan drawing.

3.4 Fees: Each Application for a Certificate of Zoning Compliance shall be accompanied by a fee in an amount to be determined by the Commission and posted in the Planning and Zoning Department.

3.5 Referral: When any Application for a Certificate of Zoning Compliance may be approved only after approval of a site plan, approval of a special permit or other action of the Commission or Zoning Board of Appeals as specified in these Regulations, such Application shall be referred to the Commission or Board upon receipt.

3.6 Approval and Issuance of Certificate of Zoning

Compliance: The Zoning Enforcement Officer shall approve Application for a Certificate of Zoning Compliance and shall issue Certificate of Zoning Compliance when he determines that all requirements of these Regulations have been met. If deemed necessary to determine compliance with these Regulations and before issuance of a Certificate of Zoning Compliance, the Zoning Enforcement Officer may require the applicant to furnish measurements of any construction features subject to the requirements of these Regulations, including setback distances, which measurements shall be prepared and certified by a land surveyor licensed to practice in the State of Connecticut. Within 10 days after notification by the applicant that the premises' are ready for occupancy, or within 10 days after receipt of the certified measurements if required, the Zoning Enforcement Officer shall issue or deny a Certificate of Zoning Compliance. One (1) copy of the plan drawing or drawings shall be returned by the Zoning Enforcement Officer to the applicant when the Application for a Certificate is approved. The

following additional requirements shall apply to the approval of Applications and the issuance of Certificates:

3.6.1 Sanitation: Where a proposed use or a proposed building or other structure involves the installation, extension, relocation or reconstruction of a private sewage disposal or water supply system, no Application for a Certificate of Zoning Compliance shall be approved until plans for such system have been approved by the Director of Health of the Town of Branford or his authorized agent or until the use or building or structure has been provided with connections to a public sanitary sewer and/or public water supply system.

3.6.2 Conditions: Any maps, plans, documents, statements, and stipulations submitted to and approved by the Commission or Zoning Board of Appeals in connection with a site plan, special permit, variance or other action of such Commission or Board, shall be conditions for approval of an Application for a Certificate of Zoning Compliance by the Zoning Enforcement Officer and issuance by him of a Certificate.

3.6.3 Temporary Permit: If in his judgment the public health and safety will not be impaired, the Zoning Enforcement Officer is authorized to issue a Temporary Certificate of Zoning Compliance, having a duration of not more than six (6) months, for the temporary use of land, buildings and other structures in the process of improvements and completion in accordance with an approved Application for a Certificate of Zoning Compliance.

3.6.4 Other Permits: Approval of an Application for a Certificate of Zoning Compliance or the issuance of a Certificate shall not be construed to constitute compliance with any other regulation, ordinance or law nor to relieve the applicant from responsibility to obtain any permit thereunder.

3.7 Inspections: The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any land, building or other structure to determine compliance with these Regulations. No Certificate of Zoning Compliance shall be issued until the Zoning Enforcement Officer has inspected the land, building or other structure involved to determine that the use and/or the buildings or other structures conform to these Regulations.

3.8 Orders: The Zoning Enforcement Officer is authorized to issue a Stop Work Order if in his judgment the use of land, buildings and other structures or the construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure are not being carried out in compliance with these Regulations; he shall withdraw such Order when he determines that there is compliance with these Regulations. The Zoning Enforcement Officer is authorized to order in writing the remedying of any condition found to be in violation of these Regulations.

3.9 Records: The Zoning Enforcement Officer shall keep records of all fees, all Applications and Certificates of Zoning Compliance, all identifiable complaints of any violation of these Regulations, all inspections made under these Regulations and all notices of violation served by him and the action taken thereon.



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SECTION 4 - ZONING BOARD OF APPEALS

4.1 The Zoning 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.

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SECTION 5 - NONCONFORMITY

5.1 Intent: It is the intent of these Regulations that nonconformities are not to be expanded, that they should be changed to conformity as quickly as the fair interest of the owners permit and that the existence of any existing nonconformity shall not of itself be considered grounds for the approval of a variance for any other property.

5.2 Definitions: A nonconforming use, building or other structure, or lot, is one which existed lawfully, whether by variance or otherwise, on the date these Regulations or any amendments hereto became effective, and which fails to conform to one or more of the provisions of these Regulations or such amendment hereto. No nonconforming use, building or other structure, or lot shall be deemed to have existed on the effective date of these Regulations unless 1) it was actually in being on a continuous basis on such date, and 2) if such nonconformity is a use such use had not been discontinued within the meaning of Paragraph 5.5.

5.3 Approved Applications and Certificates: Unless otherwise specifically provided in these Regulations, nothing in these Regulations shall require any change in the use of any land, building or other structure, or part thereof, or in the area, location, bulk or construction of any building or other structure for which an Application for a Certificate of Zoning Compliance shall have been lawfully approved and any required Certificate of Zoning Compliance shall have been lawfully issued even though such use, building or structure does not conform to one or more provisions of these Regulations or any amendment hereto.

5.4 Change in Plans: Subject to the time limitations of Paragraph 5.4.1, nothing in these Regulations shall be deemed to require any change in the proposed use of any land, building or other structure or the area, location, bulk or construction of any building or other structure for which an Application for a Certificate of Zoning Compliance has been lawfully issued even though such proposed use, building or other structure does not conform to one or more provisions of these Regulations or any amendment hereto.

5.4.1 Time Limit: An approved Application for a Certificate of Zoning Compliance authorizing a proposed use, building or other structure that does not conform to one or more provisions of these

Regulations or any amendment hereto, as described in Paragraph 5.4, shall become null and void unless 1) the use authorized thereby shall have been established within one (1) year from the effective date of such Regulations or any amendment thereto when such use does not involve the establishment of a building or other structure for which an **Application for a Certificate of Zoning Compliance** must be approved or 2) the use, building or other structure authorized thereby shall be established and completed within two (2) years from the effective date of such Regulations or any amendment thereto. The Commission may grant one (1) extension of such period for an additional period not to exceed one (1) year after public hearing for good cause demonstrated to the satisfaction of the Commission.

5.4.2 Previous Regulations: The provision of Paragraphs 5.4 and 5.4.1 shall apply to Building Permits and Certificates of Occupancy lawfully issued and in effect prior to these Regulations.

5.5 Discontinuance: No nonconforming use of land, building or other structures which shall have been discontinued with intent to abandon said use shall thereafter be resumed or replaced by any other nonconforming use. No nonconforming use of land which shall have been discontinued for a continuous period of one (1) year shall thereafter be resumed or replaced by any other nonconforming use; no nonconforming use of buildings or other structures which shall have been discontinued for a continuous period of two (2) years shall thereafter be resumed or replaced by any other nonconforming use.

5.6 Repair: Nothing in this Section shall be deemed to prohibit work on any nonconforming building or other structure when required by law to protect the public health or safety, provided that such work does not increase the nonconformity. Nothing in this Section shall be deemed to prohibit work on ordinary repair and maintenance of a nonconforming building or other structure or replacement of existing materials with similar materials.

5.7 Enlargement: No nonconforming use of land shall be enlarged, extended or altered, and no building or other structure or part thereof devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, except where the result of such changes is to reduce or eliminate the nonconformity. No nonconforming use of a building or other structure shall be extended to occupy land outside

such building or other structure or space in another building or other structure. No nonconforming building or structure shall be enlarged, extended, reconstructed or structurally altered, if the result would be an increase in nonconformity.

5.8 Moving: No nonconforming use of land shall be moved to another part of a lot or outside the lot, and no nonconforming use of a building or other structure shall be moved or extended to any part of the building or other structure not manifestly arranged and designed for such use at the time the use became nonconforming, and no building or other structure containing a nonconforming use shall be moved, unless the result of any such move is to end the nonconformity. No nonconforming building or structure shall be moved unless the result of such moving is to reduce or eliminate its nonconformity.

5.9 Change: No nonconforming use of land, buildings or other structures shall be changed to any use which is substantially different in nature and purpose from the former nonconforming use except such uses that are permitted uses in the District in which they are to be located. No nonconforming use of land, buildings or other structures if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be less conforming again. No nonconforming building or structure if once changed to conform or more nearly conform to these Regulations shall thereafter be changed so as to be nonconforming or less conforming again.

5.10 Casualty: If any nonconforming building or other structure or any building or structure containing a nonconforming use shall be destroyed by fire or other casualty to an extent of more than 75% of its fair market value based upon the average of two (2) independent appraisals, such building or other structure shall not be reconstructed or repaired and such use shall not be resumed unless the building, structure and use are made to conform in all respects to these Regulations. Where the destruction is 75% or less of its fair market value as above determined, the building or other structure may be reconstructed or repaired and any nonconforming use resumed, provided that such reconstruction is started within a period of one (1) year from such casualty and is diligently prosecuted to completion. In the event of failure to start such reconstruction or repair within a period of one (1) year from such casualty and to complete the same within 18 months from such casualty, or within such additional period, not exceeding six (6) months, as the Commission may grant upon written application made to it, the right under this Paragraph to reconstruct or repair such building or other structure and right to resume such nonconforming use shall be lost and terminated.

5.11 Lots: A parcel of land, which fails to meet the area, shape or frontage or any other applicable requirements of these Regulations pertaining to lots, may be used as a lot, and a building or other structure may be constructed, reconstructed, enlarged, extended, moved or structurally altered thereon, provided that all of the following requirements are met:

5.11.1 The use, building or other structure shall conform to all other requirements of these Regulations;

5.11.2 If used for a dwelling, the lot shall contain a minimum area of 4,000 square feet; and

5.11.3 Where the lot is not to be served by public water supply and/or sanitary sewers, the lot shall have sufficient area and suitable dimensions to provide ample space to accommodate a private water supply system (where adequate public water supply is not available) and/or to accommodate the proper layout, installation and future extension of a private sewage disposal system (where sanitary sewers are not available), as needed by the intended use of the lot and in accordance with good engineering practice and the applicable requirements of the **Connecticut Department of Public Health** and the Director of East Shore District Health Department. Seepage tests shall be taken in locations approved by the Director and in accordance with Department of Health Service specifications. The owner shall provide a written report with map(s) prepared by a sanitary or civil engineer licensed to practice in the State of Connecticut, describing the tests taken and the results, and certifying that the lot is satisfactory for a private sewage disposal and/or water supply system. Documentation shall be provided showing approval of the Director of the East Shore District Health Department.

5.11.4 If the parcel fails to meet the area requirements of these Regulations, the owner of the parcel shall not also have been, at any time since the enactment of the Zoning Regulations on December 3, 1956, the owner of contiguous land which in combination with such parcel that fails to conform would make a parcel that conforms or more nearly conforms to the area requirements of these Regulations pertaining to lots.

5.12 Title: No change of title, possession or right of

possession shall be deemed to affect the right to continue a nonconforming use, building or other structure.

5.13 Performance Standards: Any use, building or other structure which does not conform to one or more of the performance standards of Section 41 shall not be changed to increase such nonconformity but may be changed to decrease or eliminate such nonconformity. Any such nonconformity so reduced or eliminated shall not be resumed.

5.14 Signs: Signs of a size or type not permitted in the district in which they are situated, or which are improperly located or illuminated, or which are nonconforming in any other way, shall be considered nonconforming structures under this Section, and any increase in size, illumination or flashing of such signs shall be deemed to be an enlargement or extension constituting an increase in nonconformity.

5.15 Off-Street Parking and Loading: Any lot, use, building or other structure which does not conform to one or more of the parking and loading provisions of Section 42 shall continue to conform to such provisions to the extent that it conforms on the effective date of such Section. Any use of land, building or other structures which does not conform to one or more of the provisions of Section 42 shall not be changed to a use which would need additional off-street parking or loading spaces to comply with the provisions of Section 42 unless such spaces are provided as required for the new use under Section 42.



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SECTION 6 - DEFINITIONS

6.1 General: The paragraphs which follow define and explain certain words used in these Regulations. Other words used in these Regulations shall have the meaning commonly attributed to them. Doubts as to the precise meaning of words in these Regulations shall be determined by the Commission by resolution, giving due consideration to the expressed purpose and intent of these Regulations.

6.2 Accessory Apartment: A completed self-contained housekeeping unit, with kitchen and bathroom facilities, within a single family residence but having a separate entrance to the outside or entryway.

6.3 Accessory Structure: A structure which is devoted to or intended to be devoted to a use which is incidental and subordinate to and customarily used in connection with, and located on the same lot with the principal building, structure or use. Any structure which is separated from the principal structure or is connected to such principal structure only by means of a porch, breezeway, passageway, garage or carport, shall be deemed an accessory structure and subject to limitations described in **Sect. 25.11**

6.4 Accessory Use: A use of land, buildings or structures which is incidental and subordinate to and customarily used in connection with, and located on the same lot with the principal building, structure or use.

6.5 Antennae: Devices used to collect or transmit telecommunications or radio signals. Examples include panels, microwave dishes and single pole devices known as whips.

6.6 Child Day Care Center: A facility which offers or provides a program of supplementary care to more than twelve related or 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. (Per **Connecticut General Statutes** Sec. 1Sa-77).

6.7 Co-located Telecommunications Facility:

Telecommunications Facilities which utilize existing towers, buildings or other structures for the placement of Antennae and

do not require the construction of a new tower. Co-located Telecommunications Facility may include accessory structures such as cabinets and sheds for associated telecommunications equipment. Any proposed Telecommunications Facility which utilizes a stub tower or other accessory support structure and exceeds the height of the existing structure by more than twenty-five feet shall not be considered a Colocated Telecommunications Facility and shall be subject to the standards of 36.12.

6.8 Commission: The term Commission shall mean the Planning and Zoning Commission of the Town of Branford, Connecticut.

6.9 Communications Tower: A structure that is intended to support equipment used to transmit and/or receive cellular or personal communications services ("PCS") telecommunications signals. Examples include monopoles and lattice construction steel structures.

6.10 Community Shopping Center: An integrated group of commercial establishments which is planned, developed, owned and managed as a unit, and which has a predominant use as a retail marketplace and which may have subsidiary uses therein for office, theater, banks, restaurants, recreational amenities and other service-oriented uses and which is comprised of not less than 100,000 square feet of gross floor area and which is situated on a parcel of land not less than 10 acres.

6.11 Construction Trailer: The term "construction trailer" shall mean any "trailer" (See definition below) used as an office and/or for storage in connection with and for the duration of a construction project on the lot where the construction trailer is located. A construction trailer shall meet all setback requirements and shall be removed within 30 days after completion of the project. When not in use, construction trailers may be stored in a contractor's yard and shall be subject to the same restrictions and standards as other equipment stored on the site.

6.12 Convenience Store: A Store with less than 3000 square feet of floor area which sells a limited selection of grocery items.

6.13 Coverage: Coverage is a measurement of the area of a horizontal cross-section of all buildings on a lot (including porches, handicapped ramps, decks and balconies) plus the area covered by swimming pools, tennis courts, and all other structures.

6.14 Critical Coastal Resources: Critical Coastal Resources are

defined as coastal waters, estuarine embayments, rocky shorefronts, inter-tidal flats, islands, tidal wetlands, coastal bluffs and escarpments, beaches and dunes, as defined in the Connecticut General Statutes Sec. 22a-93(7).

6.15 Dwelling: A "dwelling" is a building containing one or more "dwelling units".

6.15.1 Dwelling for the Elderly: A dwelling for the elderly is a building containing one or more "elderly dwelling units", under single ownership and constructed with the use of mortgage assistance or financing, insured, procured or guaranteed through local, state or federal elderly housing assistance programs so long as said programs are available; however, in the event of their unavailability, private mortgage assistance or financing may be procured.

6.16 Dwelling Unit: A "dwelling unit" is a building or a part of a building designed for occupancy, and so occupied, by one (1) "family". Accommodations occupied for transient lodging in a hotel or motel shall not be considered to be a "dwelling unit".

6.16.1 Efficiency Dwelling Unit: An "efficiency dwelling unit" is a "dwelling unit" in a "dwelling" containing three (3) or more "dwelling units" and having only one (1) room exclusive of bathroom, kitchen, pantry, communicating corridors or closets and exclusive of any dining alcove with less than 70 square feet of floor area.

6.16.2 One Bedroom Dwelling Unit: A "one bedroom dwelling unit" is a "dwelling unit" in a "dwelling" containing three (3) or more "dwelling units" and having only one (1) room exclusive of one (1) bedroom, bathroom, kitchen, laundry, pantry, foyer, communicating corridors or closets and exclusive of any dining alcove with less than 70 square feet of floor area.

6.16.3 Elderly Dwelling Unit: An "elderly dwelling unit" is a "dwelling unit" in a "dwelling for the elderly" containing three (3) or more elderly dwelling units" and is specifically designed for occupancy by elderly persons, who shall be persons who meet the criteria of elderly persons as set forth in Title 42, Section 1402, USCA or are under a disability as defined in Section 423, Title 42, USCA,

or are handicapped within the meaning of Section 1701 of Title 12, USCA, or such appropriate amendments thereto.

6.17 Family: A "family" is a person or a group of related persons, plus guests and domestic servants thereof, or a group of not more than six (6) persons who need not be so related, who are living as a single housekeeping unit maintaining a common household. A roomer or boarder to whom rooms are let and/or board is furnished as permitted by these Regulations shall not be considered a member of a "family" for the purpose of this definition.

6.18 Fast Food Restaurant: A food service establishment at which food is sold at a counter for consumption at the restaurant or for take-out.

6.19 Floor Area. Dwelling or Dwelling Unit: In determining compliance with minimum floor area requirements for "dwellings" and "dwelling units" only finished livable floor area having a ceiling height of at least seven (7) feet shall be counted. The following shall not be included in the computation of finished livable floor area:

- a. garages;
- b. outside vestibules; bay windows;
- c. basement rooms;
- d. utility rooms for heating apparatus;
- e. attics;
- f. terraces; open porches; enclosed porches not heated by a central heating system for the "dwelling";
- g. hallways and other space designed for common use by occupants of two (2) or more "dwelling units".

Measurements of floor area for any "dwelling" or "dwelling unit" shall be taken from the inside surfaces of exterior walls or partitions enclosing the floor area. Any floor other than a ground floor must have access thereto by a permanent inside stairway if said floor is to be included in computing floor area.

6.20 Floor Area, Gross: As used in determining parking requirements and floor area ratios, "gross floor area" shall mean the sum of the total horizontal area of all floors of a building as measured from the exterior walls. Such measurement shall include basement and attic space over which there is structural headroom of 7 feet or more; floor space with structural headroom of 7 feet used for storage or mechanical equipment, and interior balconies and mezzanines. "Gross floor area" does not include covered parking areas. Terraces, porches and decks shall be counted as "Gross floor area" only if used for conduct of a business, such as outdoor dining.

6.21 Floor Area Ratio: A ratio derived by dividing the gross floor area of all buildings on a property by the total area of a lot.

6.22 Full Cut-Off Type Fixture: A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90-degree, horizontal plane from the base of the fixture. Full cut-off fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated and disability glare will result.

6.23 Group Day Care Home: A facility which offers or provides a program of supplementary care to not less than seven 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. (Per Connecticut General Statutes Sec. 19a-77).

6.24 Height: In measuring the height of a building or other structure to determine compliance with maximum height provisions, measurements shall be taken from the average ground level within 10 feet of the building or structure to the level of the highest roof of the building or highest feature of the structure.

6.25 High Traffic Generator: Any use which generates more than ten trips per 1,000 square feet of floor area at peak hour (per the most recent edition of the Institute of Transportation Engineers Trip Generation reference) shall be considered a high traffic generator. Fast food restaurants, gas stations, convenience stores, grocery stores, truck stops and community shopping centers shall be considered high traffic generators.

6.26 Horizontal Illuminance: The measurement of brightness from a light source, usually measured in footcandles or lumens, which is taken through a light meter's sensor at a horizontal position.

6.27 Impervious Surface: The area of impervious surface on a lot is derived by adding "Building Coverage" (see definition) to the area covered by parking, loading and driveways (whether paved or unpaved) and all other hard surfaces which are neither landscaped nor left in their natural state.

6.28 Impervious Surface Area Ratio: A ratio derived by dividing the area of impervious surface by the total area of a lot.

6.29 Junk Yard: The term "junk yard" shall be construed to include any junk yard", "motor vehicle junk business" and "motor vehicle junk yard" as defined in the **General Statutes** of the State of Connecticut. The term shall also include any place of storage or deposit, whether in connection with a business or not, for one (1) or more used motor vehicles which are either no longer intended or in condition for legal use on the public highways and shall also include any place of storage or deposit of used parts of motor vehicles, and old metals, iron, glass, paper, cordage or other waste materials which on any lot have an aggregate bulk equal to one automobile.

6.30 Light Trespass: Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

6.31 Limited Retail: The term "limited retail" shall mean quality retail establishments such as furniture stores, large appliance stores, specialty building or lighting materials, and plumbing appliances, where the type of business, in the Commission's discretion, generates a low traffic volume; and where in buildings 20,000 square feet or larger a minimum of 30 percent and in buildings less than 20,000 square feet a minimum of 40 percent of the gross floor area is utilized for storage, warehousing, shipping and receiving, as defined in Section 24, Schedule A, lines C-17.1 and C-20.1, as accessory to the permitted limited retail use.

6.32 Lot: A "Lot" is defined as one of the following:

- a. a parcel of land which conforms to the area, shape and frontage requirements of these Regulations;
- b. a building lot shown on a subdivision map approved by the Commission and filed in the office of the Branford Town Clerk; or
- c. a parcel of land which is owned separately from any adjoining parcel or parcels as evidenced by deed or deeds recorded in the land records of the Town of

Branford

6.33 Lot Area and Shape: In determining compliance with minimum lot area and shape requirements of these Regulations, land subject to easements for drainage facilities and underground public utilities may be included, but no street or highway, easement of vehicular access, private right-of-way for vehicles or easement for above ground public utility transmission lines may be included.

Area consisting of steep slope (25% or greater), wetlands, water courses, or critical coastal resources (per paragraph **25.4.12**) shall not be used for compliance with the minimum lot area, maximum coverage, floor area or impervious surface standards. Note that the area of steep slope, wetlands, water courses and critical coastal resources shall be based on site conditions before any proposed excavation, filling, or other earth moving activity.

In an R-5 Zone, the Commission may allow for up to 25% of the required lot area to be steep slopes or inland wetlands provided that doing so will not be detrimental to critical coastal resources and/or other valuable natural features and that all of the following criteria are met:

1. The lot is served by public water or sewer;
2. There is sufficient contiguous buildable land (i.e., land which has a slope of less than 25% slope and which is not a wetland) for siting a structure, required parking, and other normal requirements of uses allowed in the zone; and
3. Access to such buildable area can be accomplished without traversing a slope greater than 25%; and
4. If the only feasible access to such buildable area requires crossing an inland wetlands, such crossing must have prior approval of the Branford Inland Wetlands Commission.

Land in two or more Zoning Districts may be used to satisfy a minimum lot area requirement provided that the requirement of the District requiring the largest lot area is met, but no land in a Residence District shall be used to satisfy a lot area requirement in any other District.

6.34 Lot, Corner: A "corner lot" is a "lot" having lot lines

formed by the intersection of two streets, whether public or private, and where the interior angle of such intersection is less than 135 degrees. A "lot" fronting on a curved street shall be considered a "corner lot" if the central angle of the curve is less than 135 degrees.

6.35 Mobile Manufactured Home, Mobile Home, and Manufactured Home: These terms are used interchangeably to refer to a "mobile manufactured home," defined in the Connecticut General Statutes Sec. 21-64, as follows:

"Mobile manufactured Home" means a detached residential unit having three-dimensional components which are intrinsically mobile with or without a wheeled chassis or a detached residential unit built on or after June 15, 1976, in accordance with federal manufactured home construction and safety standards, and, in either case, containing sleeping accommodations, a flush toilet, tub or shower bath, kitchen facilities and plumbing and electrical connections for attachment to outside systems, and designed for long-term occupancy and to be placed on rigid supports at the site where it is to be occupied as a residence, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and connection to utilities systems;

Any such mobile manufactured home having as its narrowest dimension twenty-two feet or more shall be subject to the same standards and conditions as any other single family detached dwelling unit. Any mobile manufactured home pre-existing the adoption of the Branford Zoning Regulations on December 3, 1956, which does not meet these standards and conditions, shall be considered a legal pre-existing non-conformity.

6.36 Property Line, Rear: A "rear property line" is any property line which is parallel to or within 45 degrees of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a "corner lot", only one lot line shall be considered a rear property line.

6.37 Ratio, Uniformity: The ratio describing the average level of illumination in relation to the lowest level of illumination for a given area. Example: U. ratio 4:1 for the given area, the lowest level of illumination (1) should be no less than 1/4 or "4 times less" than the average (4) level of illumination.

6.38 Rear Yard: That part of a residential building lot located behind a principal use structure, or located behind a line even with the rear plane of the principal-use structure.

6.39 Retaining Walls: Walls built to retain or support earth or other materials which are not part of a building or structure and utilized to provide changes in grade which cannot be accomplished with stable earth or rock slopes in conformity with Section **44.6** of these regulations. Retaining walls which do not exceed four (4) feet in height are exempt from the retaining wall standards of Section 44.6.3. Seawalls, bulkheads and other shoreline flood and erosion control structures as defined under Sect. 22a-109(c) of the Connecticut General Statutes, shall not be considered retaining walls.

6.40 Self-Storage: Individual self-storage units for goods or possessions, not related to a business being conducted on the storage unit premises, on a temporary or semi-permanent basis subject to the requirements of Section 36.14.

6.41 Sign: See Paragraph **43.2** of Section 43.

6.42 Special Exception or Special Use: A Special Exception is a use of property which may be appropriate to a given zoning district, but which may be incompatible in some locations within the district because of the size, intensity, design, traffic volumes, or other characteristics associated with the use and therefore is not permitted by right everywhere within such district. Such use is allowable only when the Commission finds that the facts and conditions upon which the use is permitted exist.

6.43 Steep Slopes: As used in determining the area of a lot which could be counted in calculating minimum lot area, maximum coverage, floor area or impervious surface standards, steep slope shall be measured prior to any proposed excavation, filling or other earth-moving activity. "Steep Slopes" are defined as areas having a slope of 25% or greater as measured on a sealed survey, as prepared by a licensed land surveyor, with 2-foot contour intervals and a scale of at least 1 inch=40 feet or the Town of Branford topographic maps. Slope shall be calculated by measuring the distance between two foot contours as shown on the map. A 25% slope shall be defined as any area where the 2-foot contour lines measure less than eight feet apart in the horizontal plane.

6.44 Storage Trailer: The term storage trailer shall include the trailer portion of a tractor-trailer vehicle, storage container or box, portable warehouse, and similar moveable roofed enclosures placed on a lot for the purpose of storing equipment or other goods and having a gross coverage exceeding 50 square feet. (See Section 36 of these Regulations for special requirements of "Storage Trailers"). Any tractor-trailer

vehicle or detached trailer parked on the same property for a period of more than 90 days shall be considered a storage trailer rather than a vehicle. Any trailer used to store accumulations of bulky recyclable material (such as used tires or cardboard) shall not be considered to be a storage trailer provided such trailer is removed from the site and emptied on a regularly scheduled cycle not to exceed 90 days.

6.45 Story: A "story" is that portion of a building between the surface of any floor and the surface of the floor, ceiling or roof next above. Attics not used for human occupancy shall not be considered a story. When the ceiling of a basement is five (5) feet or more above the average ground level within 10 feet of the building, the basement shall be considered a "story".

6.46 Street: A "street" shall mean any public way duly accepted by the Town of Branford, any State Highway, except limited access State Highways, or any street shown on a subdivision map approved by the "Commission" and filed in the office of the Branford Town Clerk.

6.47 Street, Width: The "width" of a street shall mean the distance between the "street lines".

6.48 Street Line: The term "street line" shall mean the right-of-way, easement or taking line of any "street" or of any easement of vehicular access or private right-of-way.

6.49 Telecommunications Facility: Antennae, telecommunications equipment, Communications Towers and/or other support structures used together in connection with the provision of wireless communications service. These services may include, but are not limited to, cellular communications, personal communications services and paging.

6.50 Tidal Wetlands: Tidal wetlands are those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marshes, swamps, meadows, flats, or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one foot above local extreme high water, and upon which may grow or be capable of growing some, but not necessarily all, of the specific species listed in the Connecticut General Statutes Section 22a-29(2).

6.51 Trailers: The term "trailer" shall include any vehicle or contrivance which is used, or designed for use, for human habitation and which is or may be mounted on wheels and which is or may be propelled either by its own power or by another

power-driven vehicle, and whether resting on wheels, jacks or a foundation; the term "trailer" shall include mobile home, camper and camp trailers used, or designed for use for human habitation. The following additional provision shall apply to "trailers".

6.51.1 On any lot, one (1) "trailer" may either be parked or stored in a garage or other building accessory to a permitted use on the lot or parked or stored so as not to extend within less than 25 feet of any property line or within the area required for setback for accessory buildings from any street line. The owner of the "trailer" shall also be the owner or occupant of a dwelling or other permitted use on the lot.

6.51.2 A "trailer" may be used as an office in connection with and for the duration of a construction project on the lot where the "trailer" is located, provided that such "trailer" is located so as to meet all of the setback requirements for buildings and other structures and is removed within 30 days after completion of the project.

6.52 Travel Trailer: The term "travel trailer" shall include any camper, camp trailer, furnished van, or any type of trailer designed for human habitation. The occupancy or use of a trailer as a dwelling is prohibited per Section **24.2** of these regulations. On any lot, one (1) "travel trailer" may be parked or stored in a garage or other building accessory to a permitted use on the lot or parked or stored so as not to extend within less than 25 feet of any property line or within the area required for setback for buildings from any street line. The owner of the "trailer" shall also be the owner or occupant of a dwelling or other permitted use on the lot.

6.53 Uplighting: Any light source that distributes illumination above a 90-degree horizontal plane.

6.54 Variance means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

6.55 Wetland: The term "Wetland" shall have the same meaning as defined in the **General Statutes** of the State of Connecticut, as amended from time to time.

6.56 Special Terms: The following sub-paragraphs define and explain special terms used in the Flood Plain District

provisions of these Regulations:

6.56.1 Areas of Special Flood Hazard: Means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

6.56.2 Base Flood: Means the flood having a one percent chance of being equalled or exceeded in any given year.

6.56.3 Development: Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

6.56.4 Flood or Flooding: Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

6.56.5 Flood Insurance Rate Map (FIRM): Means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the rate premium zones applicable to the community.

6.56.6 Flood Plain or Flood-prone Area: Means any land area susceptible to being inundated by water from any source.

6.56.7 Substantial Improvement: Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the **National Register of Historic Places** or a State Inventory of Historic Places.



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CHAPTER II

DISTRICT REQUIREMENTS

SECTION 21

DISTRICTS

21.1 Districts: For the purpose of these Regulations, the Town of Branford is hereby divided into the following classes of districts:

DISTRICT	MAP CODE
Residence R-1 District	R-1
Residence R-2 District	R-2
Residence R-3 District	R-3
Residence R-4 District	R-4
Residence R-5 District	R-5
Multifamily Residence MF District	MF
Center Business BC District	BC
Restricted Business BR District	BR
Local Business BL District	BL
General Industrial District #1	IG-1
General Industrial District #1	IG-2
Commerce Park CP District	CP

Flood Plain District	FPD
Special Development Area	SDA
Planned Development District	PDD
Coastal Management District	CMD
Town Center Overlay District	TC
Affordable Housing District	AHD

21.2 Flood Plain District: The Flood Plain District is a class of District that is in addition to and overlapping one or more of the other districts and includes all areas of special flood hazard as delineated on the official Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map of the Town of Branford. In any Flood Plain District no land shall be filled or excavated and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered until a Site Plan or Special Use approval, if required by Schedule A, has been approved by the Commission and a development permit as described in the Town Flood Plain Ordinance has been issued by the Town Engineer.

21.3 Special Development Area: The Special Development Area is a class of district in addition to and overlapping one or more of the other districts.

21.4 Planned Development District: A Planned Development District is a class of district established in accordance with Section 34 and located within a Special Development Area.

21.5 Coastal Management District: The Coastal Management District is a class of district in addition to and overlapping one or more of the districts and includes the area encompassed within the Coastal Boundary as defined by the Connecticut Coastal Management Act, set forth in Chapter 444 of the Connecticut General Statutes. The Act also defines coastal resources, coastal site plans, adverse impacts on coastal resources, water-dependent uses and specifies the requirements and procedures for municipalities to follow in conducting Coastal Site Plan Reviews.

21.6 Town Center Overlay District: The Town Center Overlay District is a class of district in addition to and overlying other zoning districts as shown on the Zoning Map of the Town of Branford.



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[Copies of the Zoning Map are available for \$1.00 from the [Department of Planning and Zoning](#).]

SECTION 22 - ZONING MAP

22.1 Map: The boundaries of the districts specified in Section 21 are hereby established as shown on a map entitled "Zoning Map of the Town of Branford, Connecticut", dated July 10, 1973 including any special maps and boundary descriptions supplementary thereto and any amendments thereof, which map is hereby declared to be a part of these Regulations and is herein referred to as "Zoning Map".

22.2 Interpretation of Map: Where a question arises as to exact boundaries of a district shown on the Zoning Map, the Commission shall by resolution determine the location of the boundary, giving due consideration, among other factors, to the indicated location of the boundary on the Zoning Map, the scale of the Zoning Map and the expressed intent and purposes of these Regulations.

22.3 Extension of Use: Where the boundary of a district divides a lot, the existence of which lot is evidenced by deed or deeds recorded in the land records of the Town of Branford on the effective date of these Regulations or on the effective date of any amendment of these Regulations establishing such boundary, the Commission may approve a SPECIAL USE authorizing a use of land, buildings and other structures permitted in one district to be extended into the other district for a distance of not more than 50 feet in accordance with the provisions of Section 31.



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[R-1](#) | [R-2](#) | [R-3](#) | [R-4](#) | [R-5](#) | [MF](#) | [BC](#) | [BR](#) | [BL](#) | [IG-1](#) | [IG-2](#) | [CP](#) | [AHD](#) |

SECTION 23 — PURPOSE OF DISTRICTS

23.1 General: The Town of Branford is divided into classes of districts of such number, shape, area and location as are best suited to carry out a comprehensive plan of zoning. The provisions applicable in one district vary from those in another, and each district, as hereinafter described, has a general purpose in providing for the orderly growth, development and improvement of the Town.

23.2 Residence R-1 District: These districts are primarily residential in nature and consist of areas built up in years past with single family, two family and multifamily structures. Their principal location is in the vicinity of Branford Center, where they constitute part of the village concentration around the Center. An important purpose of the standards applicable in these districts is to recognize the relatively high concentration of dwellings and population already present, while preserving existing development from overcrowding and permitting conversion to and construction of dwellings containing three or more families only at standards consistent with preservation of the character of the district. Institutions and similar uses will be necessary and appropriate in these districts but only as special uses upon a finding that development will be compatible with the character of the district.

23.3 Residence R-2 District: These districts consist of residential areas that have been developing over a period of years primarily with single family houses for seasonal as well as year-round occupancy on relatively small lots that must be served with sewers and public water supply. Their principal location is along portions of the shore around Limewood Beach and in the Stony Creek area. The applicable standards are designed to recognize and protect the current pattern of development while permitting construction of dwellings containing three or more families only at standards consistent with preservation of the character of the district. Institutions and similar uses will be necessary and appropriate in these districts but only as special uses upon a finding that development will be compatible with the character of the district.

23.4 Residence R-3 District: These districts are designed to consist of single family houses on lots of sufficient size to

support private sewage disposal systems pending extension of sewers. Institutions and similar uses will be necessary and appropriate in these districts but only as special uses upon a finding that development will be compatible with the character of the district.

23.5 Residence R-4 District: These districts cover much of the suburban single family residential section of Town. The applicable standards are designed to encourage and protect the existing high quality development with ample lots to support private sewage disposal systems pending eventual extension of sewers. Institutions and similar uses will be necessary and appropriate in this district but only as special uses upon finding that development will be compatible with the character of the district.

23.6 Residence R-5 District: These districts cover much of the rural and topographically rugged sections of the Town and are designed to accommodate single family residential construction of a high quality on spacious lots. Applicable standards are designed to recognize the absence of sewers. Institutions and similar uses will be appropriate in these districts but only as special uses upon a finding that development will be compatible with the character of the district.

23.7 Multifamily Residence MF District: These districts provide for an attached housing unit alternative to the detached single family units allowed in other residential districts. The multifamily district is designed to provide moderate density housing in locations which are sewerred, are adjacent to commercial districts and/or neighborhoods of similar or higher density, are served by adequate roadway systems, and are environmentally suitable for such development. Each proposal for multifamily development is subject to Special Use review to insure conformance with the Comprehensive Plan of Development and all applicable standards.

23.8 Center Business BC District: These districts are designed to encourage a concentration of retail services and office facilities of a "downtown" character primarily in Branford Center. Automotive sales and services are excluded as incompatible with the purpose of the district; residences are also excluded except as apartments on upper floors so as not to interfere with the primary retail and office function of the district. Applicable standards allow multistory buildings, a high percentage of ground coverage and a high ratio of floor area to land area, with parking provided in centralized, group facilities.

23.9 Restricted Business BR District: These districts are

designed to recognize business areas developing as a result of conversion of residential structures to retail and office uses, as well as to provide sites for essential retail services in or adjacent to residential neighborhoods. Business uses will be treated as special uses subject to special standards to assure, where desirable, preservation of the residential character of existing structures, and to allow new development that is consistent with the intensity of uses in adjacent areas. Parking needs for each building will be satisfied on its own lot, with no parking located in the required street setback area. Review of detailed site and architectural plans for each development will be essential to assure adequate parking and traffic facilities, harmony with the neighborhood and a high quality of commercial development.

23.10 Local Business BL District: These districts are designed to accommodate a variety of commercial functions necessary for service to the community including general automotive sales and service uses. The districts are situated on main highways and thoroughfares, and applicable standards are designed to recognize, preserve and improve the character of existing development as well as to be consistent with the intensity of use in adjacent residential areas; parking needs for each building will be satisfied on its own lot. Any new residential construction in these districts would be inconsistent with the purpose of the districts and would occur under conditions unfavorable for residential occupancy.

23.11 General Industrial District #1: These districts consist of areas that have been experiencing heavy commercial and industrial development over a period of years. Applicable standards account for a range of size for establishments and relatively intensive use of the land. Further development of retail business uses in these districts will be inconsistent with their purpose and the purpose of Business Districts; further residential construction in these districts will be inconsistent with their purpose and would occur under conditions unfavorable for residential occupancy.

23.12 General Industrial District #2: These districts consist of areas intended to be used for heavy commercial and industrial development on a less intensive basis than the IG-1 Districts. They are designed for occupancy on somewhat larger sites with more spacious setbacks, in order to assure a high quality of development within the District and an agreeable relationship to adjacent districts. Further development of retail, business and residential uses in these districts will be inconsistent with their purpose and the purpose of the districts. Any residential construction would occur under conditions unfavorable for residential occupancy.

23.13 Commerce Park CP District: These districts are designed to allow for a unified, coordinated development of tracts of land with a variety of lot sizes to accommodate high quality commercial, industrial, and limited retail development. Development of primary or general retail, heavy-commercial, general automotive and residential uses in these districts will be inconsistent with their purpose and the purpose of Business Districts; any residential construction would occur under conditions less favorable for residential occupancy than in Residence Districts.

23.14 Flood Plain District: These districts are designed to delineate floodable areas and areas of special flood hazard where special precautions and measures should be considered. Applicable standards on the construction and uses of land, buildings and other structures and the filling or excavation of land are established to protect life and property, avoid health problems, and avoid increase in flood danger.

These districts recognize that some floodable areas serve a valuable conservation function which should not be disrupted until after a determination that such areas can be used for human occupancy without danger to the public health, safety and property values. Plan review for all development in these districts will be essential with regard to safe access in emergencies, flood potentials, protective works and potential increase in flood danger to other property.

23.15 Special Development Area: This district is in addition to and overlaps one or more other districts for the purpose of defining that area of Town in which other districts, including Planned Development Districts, may be established and coordinated in accordance with overall plans for development of the area.

23.16 Planned Development District: These districts, each of which may have applicable provisions that are unique, are designed to be located only within the Special Development Area in accordance with overall plans for development of this area and in accordance with the purposes and provisions of Section 35.

23.17 Coastal Management District: This district is in addition to and overlaps one or more other districts for the purpose of defining the coastal area of Town where it is necessary to insure that the development, preservation or use of land and water resources proceeds in a manner consistent with the capability of the land and water resources to support such development, preservation or use without significantly disrupting either the natural environment or sound economic

growth. A Coastal Site Plan Review for all buildings, uses or activities to be located in this District is essential to determine whether or not the potential adverse impacts of the proposed activity on Coastal Resources and future water-dependent development activities are acceptable under the Connecticut Coastal Management Act, as amended.

23.18 Town Center Overlay District: This District is in addition to, and overlays other districts for the purpose of defining the Town Center, where it is necessary to insure that the development, preservation, or use of land proceeds in a manner which focuses on design principles and results in creative solutions preserve the village and historic character of the district, and protect the coastal resources, public health, safety, convenience and property values.

23.19 Affordable Housing District: The Affordable Housing Development District (AHD) provides for affordable owner-occupied detached single-family housing on individually owned lots, in locations which are sewerred, are adjacent to commercial districts and/or neighborhoods of similar or higher density, are served by adequate roadway systems, and are environmentally suitable for such development. Approval of an Affordable Housing District requires a zone change and preliminary subdivision and Special Exception approval, and subsequent approval of an Affordable Housing District (AHD) detailed development plan, including final subdivision and Special Exception approval.



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SECTION 24 - PERMITTED USES

24.1 Schedule A: **Schedule A**, on the following pages of this Section, is a matrix which indicates the uses which may be allowed in each zoning district. All uses are subject to the dimensional limitations of **Schedule B** and all other applicable requirements of these Regulations. Each use is designated, according to zoning district, by one of the following categories:

Permitted Uses ("P") are allowed as a matter of right.

Site Plan Uses ("S") require the approval of a site plan application by the Planning and Zoning Commission.

Special Exception Uses ("E") require the approval of a special exception application by the Planning and Zoning Commission. ("Special Use" and "Special Exception" are interchangeable terms). In addition to uses listed as Special Exceptions in Schedule A, a Special Exception approval is required for any uses having any of the following characteristics:

- Any site on which the sum of existing plus proposed development exceeds 20,000 square feet of floor area,
- Any site on which a Special Exception already exists or has been approved,
- Any site on which a drive-thru window is proposed,
- Any site on which a high traffic generator is proposed.

Prohibited Uses ("X") are not allowed in the zones indicated.

24.2 Prohibited Uses: Any use not specified in Schedule A as permitted is prohibited. To further assist in the interpretation of Schedule A, the following uses, the listing of which is not intended to be exhaustive, are specifically prohibited:

24.2.1 The use or occupancy of a trailer or tent as a dwelling; the parking or storage of a trailer except in accordance with the provisions of Section 6.

24.2.2 The outdoor storage in any Residence

District of any motor vehicle which is not legally street operable whether registered or not.

24.2.3 The outdoor accumulation or storage of used or discarded materials, trash, rubbish, debris building materials, inoperable motor vehicles, parts of motor vehicles or construction equipment, with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

24.3 Performance Standards: The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance standards specified in Section 41.

24.4 Off-Street Parking and Loading: Parking and loading spaces shall be provided off the street for any use of land, buildings and other structures as specified in Section 42.

24.5 Signs: All permitted signs shall be established in accordance with the requirements of Section 43.



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Search all of Schedule A:
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[Part B - COMMUNITY FACILITIES and SERVICES](#)
[Part C - COMMERCIAL USES](#)
[Part D - ACCESSORY USES](#)

SCHEDULE A - SECTION 24
Part A - Residential and Related Uses

"P"=permitted "S"=requires site plan approval
 "E"=requires special exception approval "X"=prohibited

[See [Section 23](#) for descriptions of individual zoning districts]

PERMITTED USES	R-1	R-2	R-3	R-4	R-5	MF	BC	BR	BL	IG-1	IG-2	CP	AHD
A-1. A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot	P	P	P	P	P	E	P	P	X	X	X	X	E
A-2. Accessory Apartment (See definition in Section 6 of these Regulations.)	X	X	E	E	E	X	X	X	X	X	X	X	
PERMITTED USES	R-1	R-2	R-3	R-4	R-5	MF	BC	BR	BL	IG-1	IG-2	CP	AHD
A-3. Dwellings containing two (2) dwelling units, subject to the additional lot area requirements of SCHEDULE B and not more than one (1) such dwelling per lot	P	P	X	X	X	E	E	E	X	X	X	X	
A-4. Dwellings containing three(3) or more dwelling units, subject to the additional lot area requirements of SCHEDULE B	X	X	X	X	X	E	X	X	X	X	X	X	
PERMITTED USES	R-1	R-2	R-3	R-4	R-5	MF	BC	BR	BL	IG-1	IG-2	CP	AHD
A-5. Dwellings containing three (3) or more dwelling units, subject to the additional lot area													

requirements of SCHEDULE B and provided that no dwelling unit other than an efficiency unit is located on the ground floor or basement level (Additional standards and conditions are described in Section 36.)	X	X	X	X	X	X	E	E	X	X	X	X	
PERMITTED USES	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	MF	BC	BR	BL	<u>IG-1</u>	<u>IG-2</u>	CP	AHD
A-6. A professional or business office in a dwelling unit, subject to the following conditions: a. The person or persons conducting the office shall reside in the dwelling unit, and there shall be no more than two (2) non-resident persons engaged in the conduct of the office. b. The office shall not impair the residential character of the premises, and there shall be no evidence of the office outside the dwelling unit except permitted signs. c. The floor area used for the office shall not exceed one third of the floor area of the dwelling unit. d. If dwellings are prohibited in the District, such use may be located only in a lawfully existing dwelling unit.	P	P	P	P	P	X	P	P	P	P	P	P	X
PERMITTED USES	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	MF	BC	BR	BL	<u>IG-1</u>	<u>IG-2</u>	CP	AHD

<p>A-7. Customary home occupations in a dwelling unit, including home industries and service occupations, subject to the following conditions:</p> <p>a. The person or persons conducting the occupation shall reside in the dwelling unit, and there shall be not more than two (2) non-resident persons engaged in the conduct of the occupation.</p> <p>b. The occupation shall not impair the residential character of the premises, and there shall be no evidence of the occupation outside the dwelling unit except permitted signs.</p> <p>c. The floor area used for the conduct of the occupation shall not exceed one third of the floor area of the dwelling unit.</p> <p>d. If dwellings are prohibited in the District, such use may be located only in a lawfully existing dwelling unit.</p>	P	P	P	P	P	X	P	P	P	P	P	P	P	X
<p>PERMITTED USES</p>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>MF</u>	<u>BC</u>	<u>BR</u>	<u>BL</u>	<u>IG-1</u>	<u>IG-2</u>	<u>CP</u>	<u>AHD</u>	
<p>A-8. The letting of rooms and/or the furnishing of board in a dwelling unit to a total of not more than four (4) persons, subject to the following conditions:</p>														

<p>a. The person or persons letting the rooms and/or furnishing board shall reside in the dwelling unit.</p> <p>b. When rooms are let, the dwelling unit shall contain a minimum floor area of 400 square feet times the number of persons to whom the rooms are let.</p> <p>c. The letting of rooms shall not include the provision of cooking facilities for such rooms but may include sharing of the cooking facilities of the dwelling.</p> <p>d. If dwellings are prohibited in the District, such use may be located only in a lawfully existing dwelling unit.</p> <p>e. No accessory building shall be used for letting of rooms or furnishing of board</p>	P	P	P	P	P	P	P	P	P	P	X	X	X	X
<p>PERMITTED USES</p>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>MF</u>	<u>BC</u>	<u>BR</u>	<u>BL</u>	<u>IG-1</u>	<u>IG-2</u>	<u>CP</u>	<u>AHD</u>	
<p>A-9. Farms, truck gardens, forestry, and the keeping of farm animals and/or poultry, subject to the following conditions:</p> <p>a. Any activity involving the keeping of farm animals and/or more than ten (10) chickens or similar poultry shall be located on a lot of five (5) acres or more, and any building in which farm</p>														

<p>animals and/or more than ten (10) chickens or similar poultry are kept shall not extend within less than 50 feet from any property or street line</p>													
<p>b. Notwithstanding the provisions of Line A-9a, an aggregate of not more than ten (10) chickens, similar poultry, rabbits, or similar animals may be kept on a lot of not less than two (2) acres if kept in a building or enclosure located not less than 50 feet from any street or property line.</p>													
<p>c. Notwithstanding the provisions of Line A-9a, an aggregate of not more than three (3) domestic animals may be kept for personal or family purposes as pets on a lot of less than two (2) acres.</p>	P	P	P	P	P	X	P	P	P	P	P	P	P
<p>d. Notwithstanding the provisions of Line A-9a, a horse or a pony may be kept on a lot of not less than two (2) acres and one (1) additional horse or pony may be kept for each acre by which the lot exceeds two (2) acres, provided that any building in which a horse or pony is kept shall not extend within less than 100 feet of any property or street line.</p>													

PERMITTED USES	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>MF</u>	<u>BC</u>	<u>BR</u>	<u>BL</u>	<u>IG-1</u>	<u>IG-2</u>	<u>CP</u>	<u>AHD</u>
A-9.1. Stands for the display and sale of farm and truck garden produce grown on the premises, provided that such stand does not exceed 100 square feet in area and is located not less than 20 feet from any property or street line.	P	P	P	P	P	X	P	P	P	P	P	P	
PERMITTED USES	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>MF</u>	<u>BC</u>	<u>BR</u>	<u>BL</u>	<u>IG-1</u>	<u>IG-2</u>	<u>CP</u>	<u>AHD</u>
A-10. Commercial kennels, livery and boarding stables and riding schools, subject to the following conditions: a. The use shall be located on a lot of not less than five (5) acres. b. No dogs shall be kept in any building or enclosure located within less than 150 feet of any property or street line. c. Any building in which livestock are kept shall be located not less than 50 feet from any property or street line.	E	E	E	E	E	X	E	E	E	E	E	X	
PERMITTED USES	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>MF</u>	<u>BC</u>	<u>BR</u>	<u>BL</u>	<u>IG-1</u>	<u>IG-2</u>	<u>CP</u>	<u>AHD</u>
A-11. Commercial nurseries and greenhouses	X	X	X	X	X	X	S	E	S	E	E	X	
A-11.1 Commercial nurseries, including greenhouses incidental thereto, provided that any building in connection therewith is located not													

less than 100 feet from any property or street line and that there is no sale of products on the premises other than those grown on the premises.	P	P	P	P	P	X	P	P	P	P	P	X	
PERMITTED USES	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>MF</u>	<u>BC</u>	<u>BR</u>	<u>BL</u>	<u>IG-1</u>	<u>IG-2</u>	<u>CP</u>	<u>AHD</u>

TO TOP OF SCHEDULE A, Part A

Part B – COMMUNITY FACILITIES and SERVICES

Part C – COMMERCIAL USES

Part D – ACCESSORY USES

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SECTION 25 - TOWNWIDE AND DISTRICT STANDARDS

25.1 Schedule B: "Schedule B - Standards" is hereby declared to be a part of these Regulations.

25.2 Lot Area, Shape and Frontage : Each lot shall have at least the minimum area as specified in Schedule B. Each lot to be used for a dwelling containing two (2) or more dwelling units shall have at least the minimum area per dwelling unit specified in Schedule B. Each lot shall be of such shape that a square with the minimum dimensions specified in Schedule B will fit on the lot, and in Residence Districts some portion of such square shall lie within less than the required building setback distance from a street line. Each lot shall have the minimum frontage on a street specified in Schedule B.

25.2.1 Interior Lots: An interior lot may be permitted, subject to approval by the Planning and Zoning Commission. When such lot is not part of a subdivision, a record map shall be submitted in two blue or black line prints for approval by the Commission, prior to filing in the Land Records, which map shall be clearly and legibly drawn at a scale of 1"40' and shall show the following:

- a. Name and address of owner.
- b. Address of property, including town and state.
- c. Date, scale, north arrow, zoning district, Assessor's map and lot number.
- d. Existing and proposed property and street lines and adjoining property lines.
- e. Setback lines, right-of-way width, easements, any existing monuments and Town boundary lines.
- f. Existing structures, stone walls, fences and contours.
- g. Approximate boundaries of all wetlands and water courses.
- h. Location and date of at least one deep test pit

and percolation test hole, if the lot is not sewerred.

i. Location map at approximately 1"=1000' showing adjoining roads.

All of the following requirements shall be met:

1. The lot shall be located in an R-3, R-4 or R-5 Zone and shall be used only for a single family dwelling.
2. Each interior lot shall have a fee strip 25 feet in width as part of the lot. Such fee strip shall extend to an accepted public street.
3. The paved width of each accessway shall be at least 10 feet and the maximum grade shall not exceed 8% within 35 feet of a public street. The accessway shall conform to all driveway requirements as described in Section 25.10 of the Branford Zoning Regulations.
4. The number of adjoining interior lot fee strips shall not exceed two. The minimum distance between non-adjointing access strips as measured in a straight line from their closest points is:
 - 90 feet in an R-3 zone,
 - 110 feet in an R-4 zone,
 - 130 feet in an R-5 zone.
5. No fee strip shall exceed the following length:
 - 210 feet in an R-3 zone,
 - 230 feet in an R-4 zone,
 - 390 feet in an R-5 zone.
6. The minimum size of an interior lot shall be equal to one and one half times the minimum required in the zone in which it is located. The fee strip shall not be included in calculating the lot area.
7. No building or other structure on an interior lot shall be located closer to a property line than:
 - 30 feet in an R-3 zone,
 - 50 feet in an R-4 or R-5 zone.
8. In all other respects, each lot shall conform to

the requirements of the zone in which it is located.

25.3 Height : No building or other structure shall exceed the number of stories and/or maximum height, whichever is less, as specified in **Schedule B**. This limitation, however, shall not apply to the following when not for human occupancy: spires, ornamental cupolas, towers, chimneys, flagpoles and silos as well as such features, as tanks and elevators, heating, ventilating, airconditioning and similar equipment that are located on the roof of a building and do not occupy more than 25% of the area of the roof. The maximum height of Communications Towers shall not exceed 150 feet.

25.4 Setbacks: No building or other structure shall extend within less than the minimum distances of any street line, rear property line, other property line or Residence District boundary line as specified in **Schedule B**, subject to the following exceptions and additional limitations:

25.4.1 Signs: Certain permitted signs, as specified in Section 43, may extend within lesser distances of a property or street line.

25.4.2 Lake Saltonstall: No building or other structure shall extend within 100 feet of the waterline of Lake Saltonstall that exists when the water surface of the Lake is at elevation 24.0 feet based on mean sea level, except that this limitation shall not apply to private garages, boat houses and boat launching and docking facilities.

25.4.3 Boats and Boat-Trailers : Boats and boat-trailers exceeding 14 feet in length shall meet the setback requirements for buildings and other structures as specified in **Schedule B**.

25.4.4 Projections: Pilasters, belt courses, sills, cornices, marquees, canopies, eaves and similar architectural features and fire escapes may project two (2) feet into the area required for setback from a property or street line.

25.4.5 Additional Setbacks : In Residence Districts any portion of a building or other structure exceeding 30 feet in height shall be set back from any property or street line by two (2) additional feet for each foot or fraction thereof by which such portion exceeds 30 feet in height.

25.4.6 Narrow Streets : The required setback from a street line of a street having a width of less than 50 feet shall be increased by one half of the difference between 50 feet and the actual width of the street.

25.4.7 Railroads, Bulkheads and Pierheads : In Business, Commerce Park and Industrial Districts, no setback is required from a railroad right-of-way or an established waterfront bulkhead or pier-head line.

25.4.8 Guard Houses: In Commerce Park and Industrial Districts, a building not exceeding 150 square feet in floor area and a height of 15 feet and used solely as a guard house, gate house or security building may extend to within 10 feet of any street line.

25.4.9 Center Business BC District : On any lot in the Center Business BC District, no setback is required from a property line, provided that access to a public street by means of an alley or other right-of-way not less than 10 feet in width is provided to any portion of the lot where buildings and other structures are set back from the property line. Any building or other structure that is set back from a property line other than a street line shall not extend within less than 10 feet of such property line, except that the owners of adjoining lots may by mutual agreement, recorded in the land records of the Town of Branford, agree to reduce such setback from a common property line so as to provide a total distance of not less than 10 feet between buildings or other structures on such adjoining lots.

25.4.10 Local Business BL District : The owners of adjoining lots in any Local Business BL District may by mutual agreement, recorded in the land records of the Town of Branford, agree to eliminate the required setback from a common property line or reduce the required setback from a common property line by up to five (5) feet on each side of such line. Such reduction or elimination of the setback is permitted provided that access to a street by means of an alley or other right-of-way less than 10 feet in width is provided to any portion of the lot where buildings and other structures are set back from a property line.

25.4.11 Fences, Walls and Terraces : The required setback distances shall not apply to fences or walls six (6) feet or less in height or to unroofed terraces, but no fence, wall or terrace shall be located within the right-of-way of any street. Setback requirements for

retaining walls are set forth in Section 44.

25.4.12 Critical Coastal Resources: Tidal wetlands, coastal bluffs and escarpments and beaches and dunes are identified as critical coastal resources, and in the designated Coastal Management District no building or other structure shall extend within less than 25 feet of any critical coastal resource except for walkways, drainage facilities and other utilities, raised boardwalks, piers, docks, and similar facilities. Any activity requiring zoning approval located within 100 feet of a critical coastal resource is subject to Coastal Site Plan Review in accordance with Section 45 of these Regulations.

25.4.13 Setback from Route 1: For the purpose of providing for future widening of Route 1, the "street line setback" shall be measured from the centerline of Route 1. The required setback distance shall be 80 feet from the centerline, or the minimum setback for the district, whichever is greater. The "centerline" is defined as a line equidistant from the face of curb or edge of pavement on each side of the road.

25.5 Coverage and Bulk: The aggregate lot coverage of all buildings and other structures on any lot shall not exceed the percentage of the lot area as specified in **Schedule B**, and the total floor area of all buildings and other structures on any lot, excluding basements, shall not exceed the percentage of the lot area as specified in Schedule B, which coverage and floor area provisions are subject to the following exceptions and additional limitations:

25.5.1 Center Business BC Districts : In Center Business BC Districts the limitation on total floor area shall not apply to floor area in or on a building or structure used for off-street parking or loading spaces.

25.6 Minimum Floor Area - Dwelling and Dwelling Units:

Each dwelling shall have a minimum floor area as specified in **Schedule B**. Each dwelling containing two (2) or more dwelling units shall also have a minimum floor area for each dwelling as specified in Schedule B.

25.7 Outside Storage: Outside storage, which is hereby defined to be the outside storage or display of merchandise, supplies, machinery and other materials and/or

the outside manufacture, processing or assembling of goods, but excluding areas for parking of registered motor vehicles in daily use, shall be limited as follows:

25.7.1 Restricted Business BR Districts : There shall be no outside storage areas in Restricted Business BR Districts.

25.7.2 Other Business Districts : In Center Business BC and Local Business BL Districts, outside storage areas shall not extend into the area required for setback from a street line or Residence District boundary line.

25.7.3 Commerce Park Districts : In Commerce Park Districts, outside storage areas shall not extend into the area required for setback from a property line, street line or Residence District boundary line, shall not exceed 15% of the lot area and shall be enclosed (except for necessary access drives) by buildings and/or by fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other lot or from any street.

25.7.4 Industrial Districts #1 and #2 : In Industrial Districts #1 and #2, outside storage areas shall not extend into the area required for setback from a property line, street line or Residence District boundary line, and the aggregate lot coverage of all buildings, other structures and outside storage areas shall not exceed 60% of the area of the lot.

25.7.5 Flood Prone Areas: No outside storage shall be located in a flood prone area.

25.7.6 Critical Coastal Resources : No outside storage shall be located within 25 feet of any critical coastal resource, which shall include tidal wetlands, coastal bluffs and escarpments and beaches and dunes.

25.8 Site Development and Landscaping : On any lot that is to be used in Business, Commerce Park and Industrial Districts, site development shall be established as follows:

25.8.1 Off-Street Parking and Loading : All off-street parking and loading spaces shall conform to the standards of Section 42.

25.8.2 Business Districts: The area required for setback

from a street right-of-way line shall be suitably landscaped with trees and/or shrubs, lawns, washed gravel or ornamental brick or stone pavement except for sidewalks and permitted driveways and off-street parking. No more than 50% of the area required for setback from a street line shall be used for driveways and/or parking spaces, and no parking space shall be set back from the streetline less than 15 feet in a BL zone. In a BR zone, no portion of the streetline setback shall be used for parking. No part of the area required for setback from a Residence District boundary line shall be used for off-street parking or loading. A strip of land not less than 12 feet in width, along and adjacent to any Residence District boundary shall be suitably landscaped with lawns and with trees and/or shrubs. All portions of the lot not covered by buildings and other structures, driveways and off-street parking and loading spaces shall be suitably landscaped with trees and/or shrubs and with lawns or shall be left as undisturbed natural terrain.

25.8.3 Industrial Districts: In Industrial Districts no part of the area required for setback from a Residence District boundary line shall be used for off-street parking or loading spaces or driveways in connection therewith. No part of the area required for setback from a street line shall be used for off-street loading spaces and no more than 50% of such area shall be used for driveways and/or off-street parking, and no parking space shall be set back from the streetline less than 15 feet in a CP and IG-1 zone nor less than 25 feet in an IG-2 zone. The area required for setback from a street line shall be suitably landscaped with lawns, trees and/or shrubs, washed gravel or ornamental brick or stone pavement except for sidewalks and permitted driveways and offstreet parking spaces. Along and adjacent to any Residence District Boundary line a strip of land not less than 50 feet in width in any Industrial District shall be left in its natural state if already wooded or shall be landscaped with lawns and trees and/or shrubs. In Commerce Park Districts, all portions of the lot not covered by buildings and other structures, driveways and off-street parking and loading spaces shall be suitably landscaped with trees and/or shrubs and with lawns or shall be left as undisturbed natural terrain.

25.9 Courts and Windows: In addition to the setback requirements specified in Paragraph 25.4, the windows of rooms used for human occupancy in a dwelling containing

three (3) or more dwelling units shall open onto yards, setback areas, courts or other open spaces. The least horizontal dimension of any court between opposing walls shall be not less than twice the average height of such opposing walls. In the case of a court formed by walls on three sides and open on the fourth side, the distance between the open end and the opposite wall shall not exceed the distance between the other two walls unless such latter distance is greater than 50 feet. On any lot, no window in one dwelling unit shall face the window of another dwelling unit at a distance less than 25 feet. On any lot, no dwelling shall be nearer to another dwelling than the average height of such dwellings.

25.10 Driveways: Driveways to individual and interior lots shall be so located, designed and constructed as to permit safe and convenient access and to minimize erosion and excessive drainage onto roadways. The following standards shall apply:

a. Driveways shall be constructed to provide year-round access for emergency and service vehicles and shall have all weather passable surface not less than ten (10) feet in width when serving one lot and not less than fifteen (15) feet when serving more than one lot. Driveways shall not exceed thirty (30) feet in width at the street line unless a greater width is required by Town Ordinances or by the State of Connecticut.

b. The slope of a driveway shall not exceed eight percent (8%) within thirty-five (35) feet of its intersection with a Town road, and under no circumstances shall the grade at any point exceed fifteen percent (15%).

c. No more than two (2) driveways shall enter any lot from any one street except that there may be one (1) additional driveway for each three hundred (300) feet of lot frontage or fraction thereof in excess of three hundred (300) feet.

d. Whenever practical, a driveway shall intersect a street at ninety degrees (90). In no case shall a driveway intersect a street at an angle of less than sixty degrees (60).

e. The sight distance shall equal or exceed a distance of two hundred and fifty (250) feet measured from a point ten (10) feet back from the edge of pavement at a height of 3.5 feet. The Commission may require a greater

sight distance as warranted by the traffic volume and average speed along the intersected street.

f. No driveway shall intersect a roadway less than twenty-five (25) feet from the intersection of two or more Town roads.

g. Construction of all necessary drainage facilities shall be completed prior to issuance of a Certificate of Zoning Compliance.

h. No driveway shall be relocated without prior approval by the Zoning Enforcement Officer or Town Planner.

i. Each driveway shall be connected to the street by a paved apron extending at least ten (10) feet back from the edge of pavement of such street.

25.11 Accessory Uses and Structures in Residence Districts:

All accessory uses and structures in residence districts are subject to the following standards and conditions:

a. The accessory use shall be located on the same lot with the permitted use to which it is accessory.

b. Accessory structures shall be located in the rear yard. Accessory structures having a coverage of 150 square feet or less may be located no closer than five (5) feet from the rear and side property lines.

c. Accessory uses may include off-street parking spaces and private garages and boat houses.

d. Except in connection with a permitted farm, truck garden or commercial nursery, there shall be no more than one commercial vehicle parked or stored on any lot, and such vehicle shall not exceed 1 1/2 tons capacity and shall be parked or stored only in an enclosed garage.

e. No part of a lot located in a Residence District shall be used for access to a use not permitted in such District.

f. No accessory structure shall be used for human habitation or for conduct of a business, whether for profit or otherwise.

g. No accessory structure shall exceed 15 feet in height.

h. No accessory structure with a ground floor area in excess of 750 sq. ft. will be allowed except by Special Permit in accordance with Sect. 31.



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SCHEDULE B — Standards

Schedule B is online in two parts. Please select the part applicable to your needs:

- **Residential**, including Zoning Districts **R-1, R-2, R-3, R-4, R-5, MF**, and **AHD**;
- **Mixed-use and commercial**, including Zoning Districts **BC, BR, BL, IG-1, IG-2**, and **CP**.

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Standards	Residential Zoning Districts						
	R-1	R-2	R-3	R-4	R-5	MF	AHD
1. Minimum lot area (in square feet)	6,000	4,500	15,000	20,000	40,000	130,680	4,500
2. Minimum lot area (in square feet) for each dwelling unit	4,000	4,000	15,000	20,000	40,000	7,260	4,500
3. Minimum dimensions of square on the lot (in linear feet)	50	50	100	125	150	250	50
4. Minimum lot frontage (in linear feet)	50	50	90	110	130	150	50
5. Maximum number of stories for a building	3	3	3	3	3	2½	2½
6. Maximum height of a building or structure (in linear feet) [Telecommunications Facilities shall not exceed 150 linear feet] (See also Sect. 25.3, 25.4.5) (For Accessory Structures , see Section 25.11)	40	40	40	40	40	35	35
7. Minimum setback from streetline (in linear feet) (See also Section 25.4.13)	15	15	30	40	50	50	15
Standards	R-1	R-2	R-3	R-4	R-5	MF	AHD
8. Minimum setback from rear property line (in linear feet) (For Accessory Structures , see Section 25.11)	20	20	30	50	50	50	20
9. Minimum setback from side or other property line (in linear feet) (For Accessory Structures , see Section 25.11)	10	10	15	20	25	50	10
10. Minimum setback from boundary of another Residence District (in linear feet)	None	None	None	None	None	50	None
11. Maximum lot coverage as percentage of lot area	25	25	25	20	15	20	25
12. Maximum floor area as percentage of lot area	50	50	50	40	30	40	50

13. Maximum impervious surface as percentage of lot	50	...
14. Minimum floor area for each building (in square feet)	900	900	900	900	900	500	840
15. Minimum floor area for each dwelling unit (in square feet)	500	500	500	500	500	500	840
16. Minimum setback from <u>Critical Coastal Resource</u> (in linear feet)	25	25	25	25	25	25	25
Standards	R-1	R-2	R-3	R-4	R-5	MF	AHD
	Residential Zoning Districts						

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[Close Window](#)[Click for residential standards](#)**Chapter II, Schedule B: Standards, Mixed-Use and Commercial Districts**

Standards	Mixed-Use and Commercial Zoning Districts					
	BC	BR	BL	IG-1	IG-2	CP
1. Minimum lot area (in square feet)	None	6,000	20,000	20,000	60,000	20,000
2. Minimum lot area (in square feet) for each dwelling unit	1,400	4,000	NA	NA	NA	NA
2.1. Minimum lot area (in square feet) for each one-bedroom dwelling unit	1,200	NA	NA	NA	NA	NA
2.2. Minimum lot area (in square feet) for each efficiency dwelling unit	1,000	NA	NA	NA	NA	NA
3. Minimum dimensions of square on the lot (in linear feet)	None	50	100	100	200	100
4. Minimum lot frontage (in linear feet)	None	50	50	50	50	50
5. Maximum number of stories for a building	3	3	3	None	None	None
6. Maximum height of a building or structure (in linear feet) [See also Sect. 25.3]	40	40	40	40	40	40
6.1. Maximum height of a telecommunications facility (in linear feet)	150	150	150	150	150	150
7. Minimum setback from street line (in linear feet) [see also Sect. 6.47 , 25.4.6 , 25.4.13 , 36.4]	None	15	30	30	50	30
Standards	BC	BR	BL	IG-1	IG-2	CP
8. Minimum setback from rear property line (in linear feet) [See Sect. 36.4]	None	20	30	30	50	30
9. Minimum setback from side or other property line (in linear feet) [See Sect. 36.4]	None	None	10	None	30	10
10. Minimum setback from Residence District boundary line (in linear feet)	25	25	25	50	100	50
11. Maximum coverage as percentage of lot area	100	25	25	30	30	25
12. Maximum floor area/lot area	2.00	0.30	0.30	0.40	0.40	0.30
13. Maximum impervious surface as percentage of lot	...	75	75	75	75	75
14. Minimum floor area for each dwelling (in square feet)	900	900	900	900	900	900

15. Minimum floor area for each dwelling unit (in square feet)	500	500	500	500	500	500
15.1 Minimum floor area for each efficiency dwelling unit (in square feet)	360	NA	NA	NA	NA	NA
16. Minimum setback from Critical Coastal Resource (in linear feet)	25	25	25	25	25	25
Standards	BC	BR	BL	IG-1	IG-2	CP
	Mixed-Use and Commercial Zoning Districts					

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see also Appendix A – Lighting

CHAPTER III

SITE PLANS AND SPECIAL EXCEPTIONS

SECTION 31 - SITE PLANS

31.1 General: A Site Plan application is required to aid the Commission in determining the conformity of a proposed building, use or structure with specific provisions of these Regulations. All Site Plan requirements in Section 31 are in addition to townwide standards and requirements of the zoning district in which the building, structure or use is to be located.

31.2 Applicability: Buildings, structures and uses which require Site Plan approval are identified in Schedule A of these Regulations. Any change in a building, structure or use shown on a previously approved site plan and any change of an existing building, structure or use which requires a site plan shall be submitted to the Commission for a decision if any of the following conditions apply:

- a. The proposed change alters any feature which is required to be shown or described in a site plan application (Sect. 31.4).
- b. A proposed use is listed in Schedule A on a different line than the use(s) previously existing or previously approved as part of a site plan.
- c. The proposed change involves a division of the property or a change of property line.
- d. A proposed change requires a building permit.

All Site Plan revisions must bring into conformance, to the extent practicable, all aspects of the site which do not conform to current regulations.

The Commission may exempt from site plan review any change in a previously approved site plan which does not involve an increase in required parking and does not significantly alter the nature of the use of the site.

31.3 Procedure: An Application for Site Plan shall be processed as follows:

- a. Application is submitted to the Planning and Zoning Department staff, who shall review it to determine whether it contains all of the information required by Section 31.4. If it does not, the staff will attempt to notify the applicant of any deficiencies. An incomplete application on the receipt date, may be cause for denial of the application if the deficiency prevents the Commission from determining the conformity of the proposed building use or structure with the specific provisions of these Regulations.
- b. The receipt date is the day of the next regularly scheduled Commission meeting following the day on which the application is submitted.
- c. The Commission shall render a decision within 65 days of the receipt date of an application. The Commission may, at its discretion, hold a public hearing on a site plan application and render a decision within 65 days of the close of such hearing. The decision period may be extended for up to 130 additional days with the consent of the applicant.
- d. The Commission shall approve, deny, or approve with conditions, each Site Plan application and note on its records the reasons for such decisions. The Commission shall deny any application which fails to meet one or more of the applicable requirements or standards.
- e. Notice of decision shall be sent to the applicant within 15 days of the decision.

31.4 Application: Applications for a Site Plan approval shall be in a form prescribed by the Commission and shall be considered in accordance with the procedures adopted by the Commission. An application shall include:

31.4.1 Statement of Use: Four (4) copies of a written statement describing the proposed use in sufficient detail to determine compliance with the permitted use provisions of Section 24 and the performance standards of Section 41.

31.4.2 Site Plan Map: Four (4) copies of an accurate scale plan, prepared and sealed by the appropriate licensed design professionals as required by State

Statutes, at a minimum scale of one (1) inch equals forty (40) feet. Said site plan shall be prepared from a plot plan certified Class A-2 by a registered Land Surveyor. After approval applicant must submit to the Planning and Zoning Department a paper copy of the final site plan(s) revised to demonstrate compliance with all conditions of approval and sealed by a licensed design professional. This final plan must also be submitted in a data exchange format acceptable to the Commission. An Auto-Cad drawing file is preferred; however, other formats will be considered upon request. The site plan shall illustrate the proposed development of the property and shall include, in addition to all applicable requirements of Section 44, the following information:

31.4.2.1 The Property

- (a) The boundaries of the property.
- (b) Location, width and purpose of all existing and proposed easements and rights-of-way on the property.
- (c) Existing and proposed contours at intervals of two feet referred to NGVD datum and spot elevations at key locations.
- (d) Location of all existing wooded areas, watercourses, wetlands, rock outcrops, stone walls and other significant physical features and, where applicable, the mean high water line, wetlands boundary, 100-year flood line, floodway boundary, CAM boundary and areas of 25% or greater slope. Wetlands shall be field located by a registered soils scientist.
- (e) Location of existing buildings, structures, signs, fences, walls, paved areas, curbs, curbcuts, edges-of-pavement, sidewalks, light poles, utility poles, catch basins, manholes, hydrants and other similar physical features.
- (f) Zoning district boundaries.

31.4.2.2 Off-Site Information

Buildings, parking areas and curb-cuts on all adjoining property located within 100 feet of the

site; all cross streets located within 100 feet of the site; all curb-cuts or driveways located across the street from or opposite the site; all traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets; and contours on adjacent property for a distance of 100 feet from the property line.

31.4.2.3. Buildings. Structures and Uses

(a) Location, design and height of all proposed buildings, structures, signs, fences and walls.

(b) Location of all existing and proposed uses and facilities not requiring a building.

31.4.2.4 Parking. Loading, and Circulation

(a) Location, arrangement and dimensions of standard automobile parking stalls, aisles, vehicular drives, fire lanes, entrances, exits and ramps.

(b) Location, arrangement and dimensions of loading and unloading areas.

(c) Location and dimensions of pedestrian entrances, exits, sidewalks and walkways.

(d) Tabulation of parking spaces noting type of use upon which the parking requirement is based.

31.4.2.5 Landscaping

A landscape plan showing the number, size, species and location of plantings within all landscaped areas, fencing, walls, and other screening and any areas to be retained in their natural state.

31.4.2.6 Signs and Lighting (See also **Outdoor Lighting Requirements**)

Locations, size, height, orientation, design and plans of all signs and outdoor lighting.

31.4.2.7 Utilities

Applications for multifamily development of more than

two dwelling units, any new use which proposes to discharge more than 3000 gallons per day of sewage to the collection system, or any new commercial or industrial building which exceeds 6,000 square feet of gross floor area shall include certification from the Branford Sewer Authority stating that the impacts of the flows generated from the site have been reviewed and conditional approval of the acceptance of the flows from the proposed development has been granted. The foregoing requirement shall not be effective as to properties affected by the sewer moratorium adopted by the Branford Sewer Authority on March 16, 2005 until the earlier of the repeal of the sewer moratorium or 26 months from the date of adoption. The purpose of this exception is to permit applicants to proceed with the planning and zoning application process during the period of the sewer moratorium.

Locations and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities and refuse collection areas as well as other underground and above ground utilities and any ground level mechanical equipment. All new utility services shall be located underground and the Commission may require existing overhead lines to be placed underground. Sanitary sewer, storm drainage, retaining walls and other similar engineering improvement plans shall be designed and sealed by a registered professional engineer unless the Town Engineer otherwise approves an incidental improvement. Such engineering improvements shall be accompanied by appropriate data in accordance with good engineering practice such as pipe sizes, flow lines, pipe slopes and lengths, invert and top of grate elevations, existing and proposed grades and construction materials. Quantity and velocity calculations, profiles, cross-sections and other engineering documentation may be requested by the Commission for review by the Town Engineer.

31.4.3 Erosion and Sediment Control: Appropriate erosion control measures shall be submitted for all proposed development. For development involving more than one-half acre of disturbed land area, a soil and erosion control plan prepared in accordance with Section 46 of these Regulations shall be submitted.

31.4.4 Tabulation of Standards: The area, location and bulk standards actually used in the site plan design

shall be compared in tabular form with the requirements of Section 25 and Schedule B of these regulations. Actual parking spaces shall be compared to the requirements of Section 42.

31.4.5 Staging Plan: In cases where the applicant wishes to develop the site in stages, an overall site and staging plan indicating all phases and ultimate development shall be submitted.

31.4.6 Building Plans: Four (4) copies of preliminary architectural drawings of all proposed buildings and structures at a minimum scale of one (1) inch equals eight (8) feet, prepared by an architect or professional engineer licensed to practice in the State of Connecticut, showing the following:

31.4.6.1 All exterior wall elevations, indicating finished floor elevations, overall building heights in relation to mean sea level, base flood elevation data, top-of-foundation elevation, lowest floor elevation, fenestration, size and location of roof top mechanical equipment and building material.

31.4.6.2 Building floor plan(s) indicating existing and proposed usage, interior floor area and/or patron floor area.

31.4.7 Traffic Report: A traffic analysis shall be required for any project containing either one hundred (100) or more surface and/or garage parking spaces in a new or expanded parking lot or 40,000 or more sq. ft. of gross floor area in a new or expanded building. The traffic analysis shall include at least the following information: past and present roadway conditions, existing roadway capacity, traffic accidents, existing and projected traffic volumes (ADT, Peak A.1~1. and Peak P. N.) existing and projected volume/capacity ratios, existing and proposed sightlines based on facts and reasonable generation factors for the site and affected road networks and intersections. The Commission may require a traffic report for other projects if conditions warrant.

In all cases in which the Commission feels that a peer review of the applicant's traffic report is warranted, the applicant shall be required to reimburse the Town for the cost of the peer review. This payment shall be made to the Town prior to the decision by the Commission on the Application.

31.4.8 Drainage Report: A storm drainage analysis shall be required for any project containing either twenty (20) or more parking spaces in a new or expanded parking lot or ten thousand (10,000) or more square feet of gross floor area in a new or expanded building. The storm drainage analysis shall contain at least the existing and projected storm water runoff calculations for the affected watershed based on a 25 and 100 year storm. The Commission may require a drainage report for other projects if conditions warrant.

31.4.9 Flood Plain Districts: Applications shall contain assurances that the flood-carrying capacity is maintained within any altered or relocated portion of any watercourse. Applications encompassing areas greater than five (5) acres shall include base flood (100 year flood) elevation data. A copy of the Development Permit as approved by the Town Engineer or evidence that such permit has been applied for shall also be submitted with the application. The Site Plan shall also show the limits of any area to be filled or excavated and either existing and proposed ground elevations or existing and proposed contours at an interval not exceeding two (2) feet and shall be accompanied by detailed drawings for any proposed dike, berm, groin, seawall, jetty, navigation channel, boat basin, pier, dock, wharf, bulkhead, retaining wall and/or piling, as well as the elevations of the lowest floor. All elevations shall be based upon MGVD.

31.4.10 Local, State, and Federal Agency Reports: At the request of the Commission, the applicant shall submit a report stating the recommendations from the following agencies or any other governmental agency having jurisdiction over any aspect of the application:

- a. Zoning Board of Appeals
- b. Inland Wetlands Commission
- c. Sewer Authority
- d. Fire Marshall
- e. Police Chief
- f. Building Inspector
- g. Town Engineer

- h. East Shore Health District
- 1. Connecticut Dept. of Transportation
- j. Connecticut Dept. of Environmental Protection
- k. Army Corps of Engineers

The Commission may specify the extent of the report and specific issues to be reviewed. Applications which require approval by the State Traffic Commission shall include a statement describing the status of such approval.

31.4.11 Other: The Commission, upon written request by the applicant, may by resolution, waive the required submission of all or part of the information required under Paragraphs 31. 4. 1 through 31.4. 12 if the Commission finds that the information is not necessary in order to decide on the application. The Commission may also request the submission of such additional information that it deems necessary in order to decide on the application.

31.4.12 Application Fee: An application fee in an amount determined by the Commission and posted in the Planning and Zoning Department.

31.5 Standards: The Commission shall approve a Site Plan Application only if it finds that the proposed buildings, uses and structures conform to the following standards, in addition to the townwide standards and requirements of the zoning district in which the building, structure or use is to be located, as well as such special standards for particular uses as may be imposed. The Commission shall deny a site plan application if it finds that one or more of the applicable standards or requirements are not met. The Commission may approve a site plan conditionally if conformance with conditions specified by the Commission will bring the site plan into conformance with all applicable standards and requirements.

31.5.1 Public Safety: All buildings, structures, uses, equipment or material shall be directly accessible for fire, police and ambulance services. Plans shall comply with the Town's Fire Ordinance and the State Building Code.

31.5.2 Traffic and Pedestrian Access: All proposed

vehicular and pedestrian accessways shall be safely designed, adequately provided and conveniently arranged to prevent traffic and pedestrian hazards both within the site and on the street. The following aspects of all circulation and parking plans shall be evaluated to determine conformity to these objectives:

- (a) The number, location and dimensions of vehicular and pedestrian entrances, exits, drives and walkways. Sidewalks shall be required along all major roadways and in other locations with high pedestrian and/or vehicular traffic.
- (b) The width, grade and alignment of entrances and exits.
- (c) The distance of entrances and exits from street corners, places of public assembly and other accessways.
- (d) The visibility in both directions at all exit points of the site and the visibility of a vehicle entering or exiting the site to the driver of a vehicle traveling on the street.
- (e) Adequacy of emergency access.

31.5.3 Circulation and Parking: The vehicular circulation pattern and the off-street parking and loading spaces shall be safely designed, adequately provided and conveniently arranged to meet the needs of the proposed uses and prevent traffic congestion, within the site and on the street. The proposed use shall not reduce the level of service on any road or at any intersection within one mile of the site. At least the following aspects of the site plan shall be evaluated to determine conformity to this objective:

- (a) The effect of the proposed development on traffic conditions on abutting streets in terms of roadway capacity, traffic accidents, traffic volumes, volume capacity ratios, and sightlines.
- (b) The patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk systems. Sidewalks shall be provided on all sites with frontage on Route I or other major arterial.

(c) The adequacy of traffic signalization, traffic channelization, left turn lanes, or roadway width on the adjoining streets.

(d) The interconnection of parking areas via access drives within and between adjacent lots or uses, in order to maximize efficiency, minimize curb cuts and encourage safe and convenient circulation.

(e) The adequacy of vehicular stacking lanes and/or distances.

(f) The adequacy of pedestrian drop-off areas for visitors, car pools or transit buses.

(g) The location, arrangement and adequacy of off-street parking and loading facilities.

(h) The location, arrangement and adequacy of handicapped facilities such as ramps, depressed curbs and reserved 15 foot wide parking spaces.

(i) The location and design of vehicle maneuvering areas, backround areas and fire lanes.

(j) The physical identification of entrances, exits, one-way drives, small car spaces, handicapped spaces and fire lanes.

(k) The provision of bumper guards, guard rails, wheel stops, speed bumps, traffic signs, islands, crosswalks and similar safety devices necessary to protect life and property.

31.5.4 Landscaping and Screening That the proposed development will protect the environmental quality of the site and will preserve and enhance the adjacent property values. At least the following aspects of the site plan shall be evaluated to determine conformity to these objectives:

(a) Existing large and/or specimen trees shall be preserved to the maximum extent possible particularly within the front landscape and buffer strip areas.

(b) The location, arrangement and adequacy of landscaping within and bordering parking and loading areas.

(c) Vehicular parking, loading and service areas shall be screened during all seasons of the year from adjacent residential districts.

(d) The location, height and materials of walls, fences, mounds, berms, hedges and plantings so as to ensure compatibility with the character of adjacent development, screen parking and loading areas, and conceal storage areas, utility installations and other such features.

(e) The prevention of dust and erosion through the planting of ground cover or installation of other surfaces.

(f) The preservation of natural attributes and major features of the site such as watercourses, waterbodies, wetlands, highly erodible areas, major trees, historic structures and scenic views both from the site and onto or over the site.

31.5.5 Lighting and Noise:

(a) That all exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at the property lines and disability glare at any location on or off the property. The "maintained horizontal illuminance recommendations" set by the **Illuminating Engineering Society of North America (IES)** shall be observed. **(See Appendix A)**

- All parking area lighting will be **full cut-off** type fixtures.

- Uplighting** is prohibited. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained to the target area. Internally lighted signs are prohibited within the Town Center Overlay District.

- All building lighting for security or aesthetics will be **full cut-off or a shielded type**, not allowing any upward distribution of light.

Floodlighting is discouraged, and if used, must be shielded to prevent: A. disability glare for drivers or pedestrians, B. light trespass beyond the property line, and C. light above a 90 degree, horizontal plane. Wallpack type fixtures are not acceptable.

- Adjacent to residential property, no direct light source will be visible at the property line at ground level or above.

- All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security. ("Non-essential" can apply to: display, aesthetic, parking and sign lighting).

(b) Buildings and accessory facilities shall be designed and arranged and the installation of sound absorptive shielding on the site (mounds, berms, screening or other suitable noise barriers) may be required so as to minimize noise levels at the property line.

31.5.6 Public Health: That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the Town.

(a) Provisions shall be made for any necessary sedimentation control and/or control of erosion by wind or water during the construction period.

(b) Storm drainage facilities shall be provided to adequately and safely drain the site while minimizing downstream flooding.

(c) All refuse collection areas shall be located near the service entrance or loading area of a building, shall be easily accessible to service trucks, and shall be enclosed by walls.

31.5.7 Character and Appearance: That the location, size and design of any proposed building structure or use, as well as the nature and intensity of operations involved in or conducted in connection therewith, their location on the site in relation to streets, parking and adjacent

residences and their relationship to the natural terrain, watercourses, waterbodies, wetlands and vegetation, will be compatible and harmonious with the character and appearance of the surrounding neighborhood, and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, buildings or structure.

31.6 Bond: The Commission may require that the applicant file a performance bond in form, amount and with surety approved by the Commission, to insure completion of streets, driveways, parking areas, sidewalks, storm drainage sewer systems, landscaping, and other essential site improvements in accordance with the application as approved.

31.7 Expiration of Approval: Site Plan approval shall become null and void in the event of failure to obtain a building permit within one (1) year of approval by the Commission. One extension of such period for an additional period not to exceed one (1) year may be granted by the Commission at the request of the applicant. A public hearing may be required for a Site Plan extension if so determined by the Commission. Failure to complete all work in connection with an approved Site Plan within two (2) years of issuance of the building permit shall result in automatic expiration of the approval.



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See [Examples of Effective Lighting](#) for images of various fixtures.

APPENDIX A

IES PARKING LOT LEVELS OF ACTIVITY	EXAMPLES	IES MAINTAINED HORIZONTAL ILLUMINANCE RECOMMENDATIONS (FOOTCANDLES)					
		General Parking & Pedestrian			Vehicle-Use Only		
		Ave	Min	U. Ratio	Ave	Min	U. Ratio
High	Major League Athletic Events; Major Cultural or Civic Events; Regional Shopping Centers; Fast Food Facilities	3.6	.9	4:1	2.0	.67	3:1
Medium	Community Shopping Centers; Cultural, Civic or Recreational Events; Office Parks; Hospital Parking; Transportation Parking; (Airports, Commuter Lots, Etc.); Residential Complex Parking;	2.4	.6	4:1	1.0	.33	3:1
Low*	Neighborhood Shopping; Industrial Employee Parking; Educational Facility Parking; Church Parking	.8	.2	4:1	.5	.13	4:1
<p>*IES states:</p> <p style="text-align: center;">"This recommendation is based on the requirement to maintain security at any time in areas where there is a low level of nighttime activity."</p>							

Local interpretation and application of **IES Parking Lot Levels of Activity Examples**

not specifically identified or quantified:

USE	LEVEL OF ACTIVITY
Regional shopping centers containing retail space of 300,000 Square feet or greater	HIGH
Community shopping centers containing retail space of 5,000 to 299,999 square feet	MEDIUM
Neighborhood shopping containing retail space of less than 5,000 square feet	LOW
Fast Food Facilities with customer seating capacity of 40 or greater	HIGH
Automotive Dealerships	HIGH
Entertainment theaters, sports arenas	HIGH



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SECTION 32 - SPECIAL EXCEPTIONS

32.1 General: A Special Exception is a use of property which may be appropriate to a given zoning district, but which may be incompatible in some locations within the district because of the size, intensity, design, traffic volumes, or other characteristics associated with the use and therefore is not permitted by right everywhere within such district. Such use is allowable only when the Commission finds that the facts and conditions upon which the use is permitted exist.

32.2 Applicability: Buildings, structures and uses which require a Special Exception approval are identified in Schedule A of these regulations. In addition, a Special Exception approval is required for any proposal having any of the following characteristics:

- Any site on which the sum of existing plus proposed development exceeds 20,000 square feet of floor area,
- Any site on which a Special Exception already exists or has been approved,
- Any site on which a drive-thru window is proposed,
- Any site on which a high traffic generator is proposed.

Any change in a building, structure or use previously approved as a Special Exception and any change of a building, structure or use which would require a Special Exception shall be submitted to the Commission for a decision if any of the following conditions apply:

- a. The proposed change alters any feature which is required to be shown or described in a Site Plan application (Sect. 31.4).
- b. A proposed use is listed in Schedule A on a different line than the use(s) previously existing or previously approved.
- c. A proposed change requires a building permit.

The Commission may exempt from Special Exception approval procedures a previously approved Special Exception which does not involve an increase in required parking and does not

significantly alter the nature of the use of the site.

32.3 Procedure: Applications for Special Exception approval shall be processed according to the same procedure as Site Plan applications (See Sect. 31.3) except that a Public Hearing is required for a Special Exception. Any Commission action on a Special Exception shall include and encompass action on the Site Plan for that same property.

32.4 Application: Applications for Special Exception approval shall include all information required in Section 31.4 for Site Plan approval. In addition, each Special Exception application shall include all information necessary to establish compliance with the particular requirements of the specific Special Exception, as described in Sections 33, 34, 35, 36, 37 and 44, as applicable.

32.5 Special Exception Standards: The Commission shall approve a Special Exception application only if it finds that the proposed buildings, structures and uses conform to the townwide standards and requirements of the zoning district in which the building, structure or use is to be located as well as the standards contained in Section 31, and that the applicant has established by affirmative evidence that requirements applicable to the particular Special Exception (as described in Sections 33, 34, 35, 36, 37, 38 and 44) as well as the following general standards are met:

1. The scale and character of proposed development shall be in harmony with the surrounding area and not have a detrimental effect on property values in the surrounding area.
2. The size of the site shall be sufficient to accommodate the construction and maintenance of proposed buildings and the intensity of the proposed use(s).
3. The architectural design of proposed structures shall be harmonious with the character of the surrounding area.
4. Traffic generated by proposed uses shall not lower the Level of Service (LOS) below LOS C or cause hazardous conditions on the roadway system within a one mile radius of the site or cause unsafe conditions on the site itself. If existing conditions are at or below LOC C, the traffic from the proposed use shall not increase delay time of any movement at any intersection within a one mile radius of the site by more than 10%.

The Commission shall deny a Special Exception application if it finds that one or more of the applicable standards or requirements are not met. The Commission may approve a Special Exception conditionally if conformance with conditions specified by the Commission will bring the Special Exception into conformance with all applicable standards and requirements.

32.6 Bond: The Commission may require that the applicant file a performance bond in form, amount and with surety approved by the Commission, to insure completion of streets, driveways, parking areas, sidewalks, storm drainage, sewer systems, landscaping, and other essential site improvements in accordance with the application as approved.

32.7 Expiration of Approval: Special Exception approval shall become null and void in the event of failure to obtain a building permit within one (1) year of approval by the Commission. One extension of such period for an additional period not to exceed one (1) year may be granted by the Commission at the request of the applicant. A public hearing shall be required for all Special Exception extensions. Failure to complete all work in connection with an approved Special Exception within two (2) years of issuance of the building permit shall result in automatic expiration of the approval.

In an MF or AHD District, expiration of a Special Exception approval shall result in an automatic reversion of the District to the previous zoning district.



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SECTION 33 - MULTIFAMILY RESIDENTIAL DEVELOPMENT

33.1 General: The Commission may approve MultiFamily Residential Development Plans as a Special Exception in any MultiFamily (MF) Residential District. An MF Zone Change authorizes use of land in such district only in the specific manner shown on the approved Special Exception Site Plan for such district. The approved Special Exception Site Plan shall be recorded on the land records and the MF Zone Change shall be in effect only after such recording. If the Site Plan expires, per Section 31.7 of these Regulations the zoning district shall automatically revert to its designation prior to the MF Zone Change.

Approval of a MultiFamily Residential Development Plan shall be in accordance with the procedures, standards, and conditions specified in Section 32, "Special Exceptions", and in accordance with the special standards for multifamily residential development hereinafter specified.

33.2 Purpose: The Commission may approve a Special Exception to permit multifamily development upon finding that it will meet the following locational standards:

- a. The development should be designed to facilitate pedestrian traffic and access to public transportation.
- b. The sewerage and roadway systems needed to serve the development shall be in place or necessary improvements shall be included in the proposal.
- c. The environmental resource base, including coastal resources, wetlands and topography, shall be capable of supporting the proposed development.
- d. The proposed development shall be in harmony with the surrounding neighborhood in regard to scale, character and use of land.

33.3 Special Standards for MultiFamily Residential Development: Buildings containing three (3) or more dwelling units plus customary accessory recreational, maintenance and similar facilities incidental to and in support of such dwellings shall conform to Schedule B as well as the following standards:

33.3.1 Lot Area: Each such multifamily residential

development shall be located on a parcel of land at least three (3) acres in size. If other uses are located on the same parcel, the required minimum lot area for such use, per Schedule B, shall be required in addition to the three (3) acre minimum required for multifamily residential development and any additional land area required to provide a suitable residential density in conformance with Section 33.3.2.

33.3.2 Density: In evaluating density, the Commission shall consider the following:

- a. number of bedrooms per unit,
- b. size of unit,
- c. total number of units and their impact on existing infrastructure,
- d. density of the surrounding neighborhood,
- e. suitability of the natural resource base to support development, and
- f. proximity to and pedestrian access to neighborhood shopping areas.

Taking into consideration all of the above factors as well as all standards listed in Section 31.5, the Commission shall approve an appropriate density. In no case shall such density exceed six (6) units per acre. In calculating density, areas of steep slope (25% or greater) wetlands and water courses shall be subtracted from total parcel area before dividing by total number of units. The density of multifamily units shall not be subject to variance by the Zoning Board of Appeals.

33.3.3 Dwellings: Each building shall contain not more than eight (8) dwelling units. The shortest distance between any two (2) buildings shall not be less than the height of the taller building, but in any case no less than 25 feet. The Commission may modify this separation requirement if it is demonstrated that the design of the residential development is benefited by closer spacing.

33.3.4 Utilities: Each building and all dwelling units shall be served by public water supply and connected to the Town sanitary sewer system. Unless otherwise approved by the Commission, all utilities in the

residential development shall be located underground.

33.3.5 Setbacks and Buffer Areas: No building or other structure shall extend within less than fifty (50) feet of any street line or other property line. Along and adjacent to each property line of such residential development other than a street line, there shall be provided a greenbelt having a minimum width of 15 feet, planted with trees and shrubs of appropriate species, at least 50% of which shall be evergreens. Suitable existing trees and shrubs may be preserved and/or supplemented by additional plantings so as to provide the required greenbelt with an effective minimum height of at least five (5) feet. The Commission may increase this greenbelt requirement in those areas where the development abuts tidal marsh areas, coastal bluffs and escarpments and beaches and dunes.

33.3.6 Outdoor Living Space: Each dwelling unit shall be provided with a private, exclusive outdoor living space of at least 200 square feet, in the form of a patio, deck, terrace, balcony, open air or screened-in porch.

33.3.7 Recreation: Designated recreation areas for the use of all residents shall be provided at the ratio of 200 square feet per dwelling unit. Said areas shall be suitably prepared, protected and equipped with appropriate facilities such as tennis courts, shuffleboard, paddle tennis, and/or swimming facilities subject to the approval of the Commission. For developments involving fewer than fifty (50) dwelling units, the Commission may waive the provision of active recreation facilities.

33.3.8 Parking: Two (2) off-street parking spaces shall be provided for each dwelling unit, with at least 50% of said spaces located within enclosed garages. All spaces shall be located within 200 feet of the intended users. Additional visitor parking shall be provided at appropriate locations at the ratio of one (1) space for each dwelling unit. The Commission may decrease the visitor parking requirement to 0.5 space per unit if sufficient alternative parking area is provided. No surface parking area shall extend within less than 15 feet of any building or property line, or within 25 feet of any tidal wetland or other critical coastal resource. The Commission may require additional parking if conditions warrant.

33.3.9 Landscaping: The entire area of the lot not used

for buildings, driveways, and parking areas shall be suitably landscaped with lawn and with trees and/or shrubs or shall be left undisturbed as natural terrain. Parking areas shall contain evenly distributed landscaped areas protected by solid curbing every sixth (6th) space in a row of parking spaces. Fences, walls, earth berms, and/or closely planted evergreens, trees, hedges or shrubs shall be used to screen parking areas to a height of four (4) feet from streets, adjoining properties, recreation areas or maintenance areas, as required.

33.3.10 Building and Paving: The total coverage of all buildings, paved or graveled parking and drives on any lot shall aggregate to no more than 50% of the lot area.

33.3.11 Design: Architectural designs and site development plans should make advantageous use of natural topography and site features, provide privacy between dwelling units and harmonize with the surrounding neighborhood through scale and design, protecting property values and preserving and enhancing the appearance and beauty of the community.

33.3.12 Drainage: The Commission shall reserve the right to require on-site retention of run-off for development in watersheds having drainage problems. All drainage plans shall be subject to review by the Town Engineer.



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SECTION 34 - OPEN SPACE RESIDENTIAL DEVELOPMENT PLANS

34.1 General: The OSRDP provides for residential development at the same density as the underlying zone but allows for clustering either on reduced-size lots for individual units (herein referred to as Option I) or single family units on land owned in common (herein referred to as Option II). The Planning and Zoning Commission may approve a SPECIAL EXCEPTION to permit the establishment of an Open Space Residential Development Plan in any Residence R-3, R-4 and R-5 District in accordance with the procedures, standards and conditions herein specified, in order to accomplish one or more of the purposes specified in Paragraph 34.2 of this Section. The Commission shall follow the procedures herein specified and, in evaluating any application, shall also be responsive to the provisions and recommendations of the Comprehensive Plan of Development. Before granting any SPECIAL EXCEPTION, the Commission shall find that the standards and conditions herein specified have been met and that the SPECIAL EXCEPTION will accomplish one or more of the purposes herein stated and will be in harmony with the purposes and intent of the Zoning Regulations.

34.2 Purpose: The Commission may approve a SPECIAL EXCEPTION to permit establishment of an Open Space Residential Development Plan involving modification of lot area, shape and setback requirements if it finds that the SPECIAL EXCEPTION will accomplish one or more of the following purposes:

34.2.1 To permit tracts of considerable size in Residence R-3, R-4 and R-5 Districts to be designed and developed for single family residential and similar purposes in such manner as to accomplish one or more of the following open space purposes:

- a. To preserve land as unsubdivided and undeveloped open space which preserves or enhances the appearance, character and natural beauty of an area;
- b. To preserve land for park and recreation purposes;

c. To preserve land for purposes of conserving natural resources;

d. To preserve and protect particular areas and terrain having qualities of natural beauty or historic interest;

e. To protect streams, rivers and ponds so as to avoid flooding, erosion and water pollution.

34.3 Applications: Four copies of each application for a SPECIAL EXCEPTION pertaining to a proposed Open Space Residential Development Plan shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an Application for a Certificate of Zoning Compliance and shall also be accompanied by the following:

34.3.1 Statement: Applicant shall submit a written statement describing the purpose to be accomplished and the proposed method of preservation and disposition of any open space lands: four (4) copies shall be submitted.

34.3.2 Conceptual Conventional Subdivision: In order to demonstrate the maximum number of lots and/or dwelling units which could be approved, applicant shall submit a subdivision map of the area meeting the requirements of a Site Development Plan as specified in the Subdivision Regulations of the Town of Branford (Sections 3-1 & 3-2) as well as all applicable requirements of Section 4, "Design Standards," and showing a theoretical subdivision of the land in conformity with the underlying Residence R-3, R-4 and/or R-5 District requirements as applicable. In addition to the requirements of Sections 3-1 and 3-2 of the Subdivision Regulations, the Site Development Plan shall include the following:

1. Wetlands, as marked by a certified soil scientist and mapped by a licensed land surveyor.
2. Location of open space constituting a minimum of 10% of the land area.
3. Proposed contours at 2-foot intervals.
4. Information on percolation rates and

location of deep test pits for each lot if on-site septic systems are proposed.

The Commission may require the submission of a traffic report (Sect. 31.4.7), drainage report (Sect. 31.4.8), reports from local (eg. Inland Wetlands Commission), State or federal agencies (Sect. 31.4.10) and/or such additional information that it deems necessary in order to make a determination on number of lots.

The conceptual conventional subdivision, being theoretical and not subject to approval for actual construction, does not have to be approved by the Inland Wetlands Commission or East Shore District Health Department. Four (4) copies shall be submitted.

34.3.3 Preliminary Plans & Reports for Option I:
Applicant shall submit a preliminary OSRDP plan (4 copies) drawn at a scale of 1"=40' showing the proposed subdivision of the land and meeting the requirements for a Site Development Plan as specified in Sections 3-1 and 3-2 as well as all applicable requirements of Section 4, "Design Standards," of the Subdivision Regulations of the Town of Branford. The Site Development Plan must also show the following:

1. Wetlands, as marked by a certified soil scientist and mapped by a licensed land surveyor.
2. Location of open space meeting the requirements of Section 34.7.9.
3. Proposed contours at 2-foot intervals.
4. Information on percolation rates and location of deep test pits for each lot if on-site septic systems are proposed.

Applicant must also submit approvals from the Branford Inland Wetlands Commission and the East Shore Regional District Health Department.

The Commission may require the submission of a traffic report (Sect. 31.4.7), drainage report (Sect. 31.4.8), reports from local, state or federal agencies (Sect. 31.4.10) and/or such

additional information that it deems necessary in order to decide on the application.

34.3.4 Preliminary Plans and Reports for Option II: Applicant shall submit a set of plans and reports meeting the requirements of Section 31 - "Site Plans" subparagraphs 31.4.2 through 31.4.11. In addition, said plans shall show all land owned in common, dedicated open space areas, exclusive use areas, conservation easements and any other easements. Applicant must also submit approvals from the Branford Inland Wetlands Commission and East Shore District Health Department.

34.3.5 Such additional information that the Commission may deem necessary to make a reasonable decision on the application.

34.3.6 An application fee of \$300.00.

34.4 Preliminary Action: Before taking preliminary action on the application, the Commission may request the applicant to submit such additional information that it deems necessary to make a reasonable decision on the application. The Commission shall hold a public hearing on the application, shall decide thereon and give notice of its decision as required by law. The applicant may consent in writing to any extension of time for a public hearing and action on the application. The Commission may give preliminary approval to the application if the Commission finds that one or more of the purposes specified in Paragraph 34.2 will be accomplished, that the standards and conditions of Paragraph 34.7 and all other applicable standards of the Subdivision and Zoning Regulations have been met, and that the proposed Open Space Residential Development Plan will not be detrimental to the health, safety and property values of the neighborhood. Preliminary approval shall not constitute final approval of the application and shall only constitute authorization to the applicant to submit a final Open Space Residential Development Plan as part of the application. Notwithstanding the preliminary approval process as set forth above, the applicant may submit simultaneously with the initial application, and the Commission may approve, a Final Open Space Residential Development Plan in accordance with the provisions and procedures set forth below.

34.5 Final Action: After preliminary approval, the applicant shall submit final development plans in

conformance with and including all the information required by the preliminary approval, all information necessary to document compliance with conditions of preliminary approval, and final plans for Option I or Option II as applicable. Final development plans may be submitted in stages or sections, but any open space land and/or scenic easements proposed and given preliminary approval shall be established in the first stage or section submitted including suitable access to such land. Final development plans shall include the following:

34.5.1 Final Plans Specific to Option I:

Applicant shall submit plans in conformance with the Branford Subdivision Regulations, Section 3-3 "Record Subdivision Map," 3-4 "Construction Plans," 3-5 "Grading Plans," and Branford Zoning Regulations, Section 44 "Grading, Excavation, Removal or Deposit of Earth Materials and Related Activities," and Section 46 "Soil Erosion and Sediment Control."

34.5.2 Final Plans Specific to Option II:

Applicant shall submit detailed plans for landscaping, signs & lighting, utilities in conformance with Section 31.4.2.5 through 31.4.2.7, and erosion control plans in conformance with Section 46.

34.6 Approval: Within 65 days after receipt of the final development plans, the Commission shall approve, approve with conditions, or disapprove the application. The Commission may approve the application and final development plans granting the SPECIAL EXCEPTION, if the Commission finds that one or more of the purposes specified in Paragraph 34.2 will be accomplished, that the standards and conditions of Paragraph 34.7 have been met, and that the Open Space Residential Development Plan will not be detrimental to the health, safety and property values in the neighborhood. In granting the SPECIAL EXCEPTION, and, if applicable, the SUBDIVISION APPROVAL, the Commission may attach such conditions that it deems necessary to preserve the purpose and intent of these Regulations.

34.6.1 Endorsement: The approval of the SPECIAL EXCEPTION, and Subdivision if applicable, shall be noted on the Open Space Residential Development Plan to be recorded in the Office of the Branford Town Clerk. The maps shall be signed by the Chairman of the Commission with the Date of Approval indicated on the maps.

34.6.2 Final Residential Site Plan: No Application for a Certificate of Zoning Compliance for any single family dwellings not on individual lots shall be approved until an administrative approval of a Site Plan therefor in accordance with the provisions of Section 31 has been granted by the Commission.

34.6.3 Expiration: Approval of an Application under this Section shall constitute approval conditioned upon completion of the proposed development in accordance with plans as approved, within a period of two (2) years after final approval is given. Said approval shall become null and void in the event of failure to complete the proposed development within the two (2) year period. One extension of such period not to exceed one (1) year may be granted by the Commission after public hearing for good cause. The SPECIAL EXCEPTION may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

34.7 Standards and Conditions: The application for a SPECIAL EXCEPTION and the Open Space Residential Development Plan shall conform to the following standards:

34.7.1 Area of Development: The acreage covered by the Open Space Residential Development Plan shall consist of not less than 15 acres, except that the acreage may be less than 15 acres if the open space land proposed consists of 5 acres or more, is adjunct to existing permanently designated open space land outside the area covered by the application, or is suitable for the open space purpose specified in Paragraph 34.2.1.e.

34.7.2 Location: The area covered by the proposed Open Space Residential Development Plan shall be located entirely within the Residence R-3, R-4, or R-5 District except that up to 15% of the total area may be located in contiguous R-1 or R-2 Districts.

34.7.3 Number of Lots: The maximum number of lots to be allowed in the Open Space Residential Development Plan shall not exceed the number of

lots shown on the conceptual conventional plan described in Section 34.3.2 of these Regulations. The conceptual conventional plan need not contain all information required for approval under the Subdivision Regulations but shall contain such information as is necessary to permit the Commission to determine that the conceptual conventional plan represents a feasible subdivision of the land in conformance with normal zoning standards. If the Commission determines that one or more of the lots are not feasible, they may approve a lesser number than shown on the submitted plan. The Commission shall be solely responsible for determining the maximum number of lots allowed. Determination of the maximum number of lots does not guarantee that the Commission will approve that many lots in the final Open Space Residential Development Plan.

34.7.4 Number of Units: The total number of single family dwelling units shown on the Open Space Residential Development Plan shall not exceed the number of lots allowed under Section 34.7.3 of these Regulations.

34.7.5 Lot Area and Shape: Lots in Residence R-3, R-4 and R-5 Districts, except land reserved for open space purposes, shall meet the following minimum standards in addition to other standards applicable in the district:

a. Residence R-3 Districts:

Minimum Lot Area 10,000 sq. ft per dwelling
Minimum Dimension of Square 80 feet
Minimum Lot Frontage 75 feet

b. Residence R-4 Districts:

Minimum Lot Area 12,000 sq. ft per dwelling
Minimum Dimension of Square 100 feet
Minimum Lot Frontage 90 feet

c. Residence R-5 Districts:

Minimum Lot Area 20,000 sq. ft per dwelling

Minimum Dimension of Square 125 feet
Minimum Lot Frontage 110 feet

34.7.6 Setbacks: In Residence R-4 Districts, buildings and other structures may extend to within 30 feet of any street line or rear property line and to within 15 feet of any side or other property line. In Residence R-5 Districts, buildings and other structures may extend to within 40 feet of any street line or rear property line and to within 15 feet of any side or other property line. No improvements of any kind other than landscaping shall be permitted in any required setback area except for access drives as approved by the Commission.

34.7.7 Water supply and Sewage Disposal: Each building lot and all dwellings shall be served by public water supply; in the Residence R-3 and Residence R-4 Districts, each building lot and all dwellings shall also be served by the Town sanitary sewer system.

34.7.8 Open Space Land: The Open Space Development Plan shall result in the preservation of open space land with suitable access, shape, dimension, character, location and topography to accomplish one or more of the purposes specified in Paragraph 34.2

34.7.9 Area of Open Space Land: The area of the open space land shown on the Open Space Residential Development Plan shall not be less than the following, times the number of lots or dwellings shown on such plans:

- a. Residence R-3 Districts: 5,000 sq. feet
- b. Residence R-4 Districts: 8,000 sq. feet
- c. Residence R-5 Districts: 20,000 sq. feet

34.7.10 Disposition: Any open space land shown on an Open Space Residential Development Plan shall be labeled in a manner approved by the Commission to assure that such land is subject to SPECIAL EXCEPTION approval and is not to be used for building lots. The method of preservation and disposition of the open space land shall

accomplish the open space purposes and shall be subject to the approval of the Commission. The method used may include, but is not limited to, the following:

- a. establishment of a neighborhood association to own and maintain the land for the open space purposes intended;
- b. transfer of the land to an institution, person, organization or other entity to own and maintain the land for the open space purposes intended; or
- c. offer and transfer of the land to the Town of Branford, Connecticut, subject to agreement by the Town to accept the land.

34.8 Permitted Uses: Any building lot on an approved Open Space Residential Development Plan shall be used only for single family dwellings and accessory structures and customary home occupations and professional office in a dwelling unit as specified under Lines A-5 and A-6 of Schedule A of these Regulations.

34.9 Area, Location and Bulk Requirements: Except for the variations specified herein, any building lot shown on an approved Open Space Residential Development Plan shall be subject to all of the requirements of Section 2S and Schedule B ordinarily applicable to building lots in R-3, R-4 and R-5 Districts.

34.10 Open Space Land: Except for open space that is part of a lot containing more than one single family dwelling, the open space land shown on an approved Open Space Residential Development Plan shall be considered a lot with area, dimension and access as required by these Regulations, shall not be subdivided except under a revised SPECIAL EXCEPTION application and may be used for buildings and other structures for recreation and other purposes that are consistent with the approved open space purposes and permitted in the district, but only after the approval of a SPECIAL EXCEPTION in accordance with the provisions of Section 31.

Annotated as adopted and effective 12/15/83.

Published as amended April, 2002; effective May 1, 2002.



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SECTION 35 - PLANNED DEVELOPMENT DISTRICTS

35.1 Purpose: Planned Development Districts may be established by the Commission within the Special Development Area delineated on the Zoning Map and in accordance with the procedures hereinafter specified. The provisions of this Section are designed to permit modification of the strict application of the standards and provisions of these Regulations to accomplish the purposes set forth below. A Planned Development District may be established by the Commission when found necessary and appropriate for the following purposes:

35.1.1 To permit tracts of land to be developed, redeveloped and improved as harmonious design units of stable character, consistent with the character of the Town and the long range improvement of the neighborhood and consistent with any comprehensive plan of development adopted by the Commission for the Special Development Area, when such tracts are of sufficient size to accommodate such design units and when another zoning district could not be appropriately established to accomplish such purposes.

35.1.2 To permit the use of land, buildings and other structures for purposes that would be beneficial to and consistent with the character of the Town and the long range improvement of the neighborhood and consistent with any comprehensive plan of development adopted by the Commission for the Special Development Area, when such uses are located on tracts of sufficient size to accommodate harmonious design of buildings, structures and facilities in connection with the use and when another zoning district could not be appropriately established to accomplish such purposes.

35.2 Lot Size and Density: The tract of land for which application is made for the establishment of a Planned Development District (P.D.D.) must contain an area of not less than 60,000 square feet. Within the Coastal Management District, particularly in suburban residential areas currently zoned Residence R-3 and R4, the use of P.D.D.'s are not encouraged solely for the purpose of achieving higher densities of residential development but rather to allow greater flexibility in planning and design, free from the rigid constraints of uniform locational standards, at densities

consistent with the immediately adjacent neighborhood and capable of being supported by the available water supply and sewage disposal facilities. Proposed P.D.D.'s should be guided by and be consistent with Branford's Municipal Coastal Program.

35.3 Building Height: Buildings and other structures shall not exceed a height of 40 feet. In Planned Development Districts located in residential zones within the Coastal Management District, buildings and other structures shall not exceed a maximum height of three (3) stories or 40 feet, whichever is less.

35.4 Informal Consideration: The Commission recommends that, prior to the submission of a formal application for approval of a Planned Development District, the applicant review with the Commission and its staff in a preliminary and informal manner any proposal for a Planned Development District. The Commission recommends that the preliminary plans meet the requirements for a Basic Development Plan under Paragraph 35.5.2 and that four (4) copies be submitted. The Commission or its staff may request that the applicant submit such additional information as may lead to a rendering of a nonbinding opinion by the Commission.

35.5 Petition: A petition for the establishment of a Planned Development District shall be submitted to the Commission in writing, shall be signed by the owner or owners of all parcels within the proposed District and shall be accompanied by the following:

35.5.1 Statement: A written statement specifying in detail the particular provisions of these Regulations which are proposed to be modified and the special or additional provisions which are proposed to be applicable to the use of land, buildings and other structures, the location and bulk of buildings and other structures and the area, shape and frontage of lots within the District. Ten (10) copies shall be submitted.

35.5.2 Basic Development Plans: A Basic Development Plan for the proposed development, including property maps, site plans, architectural plans and other drawings as relevant, in sufficient detail to show the existing conditions and improvements proposed to be erected on the site, the open spaces to be provided, the nature and location of the proposed use or uses, the relationship of the proposed development to surrounding properties and other pertinent information. Six (6) blue line or black line prints shall be submitted. Plans where applicable shall be prepared and certified by an

architect and/or professional civil engineer licensed to practice in the State of Connecticut and shall include the following information:

35.5.2a Location and size of property, including a boundary map with an accuracy meeting or exceeding standards for a "Class A-2 Transit Survey" as defined by the Connecticut Technical Council, Inc. which map is to show the precise boundaries of the proposed District, as well as existing zoning boundaries and the boundaries of any officially designated wetland areas;

35.5.2b Present and proposed land uses and the acreage of each use, as well as existing and future land uses in the surrounding area;

35.5.2c Present and proposed buildings and structures including use, dimensions and locations of each;

35.5.2d Proposed vehicular and pedestrian circulation patterns including locations and dimensions of private and public streets and common drives, pedestrian walkways, malls and other public and private paths;

35.5.2e Location of proposed off-street parking facilities with dimensions, including location, size and number of parking spaces, access drives and walkways;

35.5.2f Proposed open areas such as parks, lawn area, and recreational facilities;

35.5.2g Existing and proposed landscaping treatment, including major tree areas, water bodies and related treatment of open space areas, screening, and existing and proposed topography;

35.5.2h Utility information including water supply, sewage disposal, storm drainage including capacity of water courses and the additional flow being produced, electrical service and exterior lighting;

35.5.2i A location map showing the site's situation within the Town's circulation system and all streets and intersections within 1,000

feet of the site;

35.5.2j Preliminary architectural plans including generalized floor plans, exterior elevations, perspective drawings and descriptive information on types of building materials and exterior finishes;

35.5.2k Any additional information which the Commission may reasonably require or the applicant may wish to submit, including such items as a traffic study, storm drainage and flooding report, soils and geology map, marketability study, project model, covenants and/or easements related to public access rights, legal information related to disposition, ownership and maintenance of community facilities and open space, bonding to insure completion of community elements, and schedules of development phases.

35.5.3 Fee: A petition fee of \$250.00

35.6 Procedures: After receipt of a complete petition for the establishment of a Planned Development District, the Commission shall review the petition and during this review may hold meetings with the petitioner and request additional information; the Commission shall hold a public hearing on the petition in the same manner and with the same notice as required for amendment of these Regulations. The Commission may request the following information for presentation prior to or at the public hearing:

- a. Evidence from the Sewer Authority that sewers are available to the project for tie-in and that the sewer lines, sewage treatment plant and related appurtenances have the capacity for the projected volumes;
- b. A statement from the Town Sanitarian on the adequacy of solid waste disposal and, if no public sewers are available, the adequacy of private sewage disposal systems;
- c. A statement from the Police Commission that the proposal will not cause any undue traffic hazards;
- d. A statement from the Fire Marshall that the proposal meets fire safety standards and concerning the fire fighting feasibility of the proposed plan;

e. A statement from the Town Engineer in reference to the adequacy of the basic drainage, public street design and the design of elements to be served by the Public Works Department of the Town;

f. A statement from any other municipal department or advisory committee whose opinion is deemed appropriate by the Commission.

After the public hearing, the Commission may either give approval to the Basic Development Plans or approval subject to modifications, only after the Commission makes the findings set forth under Paragraph 35.8 below, in addition to other findings necessary for amendment of these regulations. Approval of the Basic Development Plans shall not constitute final approval of the Planned Development District and shall simply authorize the submission of Detailed Development Plans setting forth in detail the specifics of the proposed development and showing any modifications specified by the Commission. If the Detailed Development Plans are approved by the Commission, the Planned Development District shall be considered established and these Zoning Regulations and the Zoning Map shall be considered to be modified to permit the establishment of the development as approved. The approved Planned Development District shall be shown on the Zoning Map with a reference to the records of the Commission where the approved standards and plans may be seen. If the Petition is approved, the Commission shall give notice of such approval in the same manner as required for the amendment of these Regulations.

35.7 Detailed Development Plans: Detailed Development Plans shall be submitted in conformance with and including all the information required by the approved Basic Development Plans. Such Detailed Development Plans may be submitted in stages provided that such stages encompass not less than the minimum required tract size and include all those public amenities and features used as a public protection for the surrounding area. Such stages shall be capable of complete and self-sufficient existence without the completion of the remaining stages. Six (6) copies of all Detailed Development Plans shall be submitted and shall include at least the following:

a. Site Plan containing detailed layout information related to all site plan proposals contained in the Basic Development Plans, plus an additional, schematic layout of buildings, drives and parking areas at a scale of 1" = 100';

b. Building Plans encompassing the architectural information developed in the Basic Development Plans;

c. Landscaping Plans presenting in detail the landscaping treatments and open space proposals contained in the Basic Development Plans;

d. Engineering Plans presenting the detail designs and information supporting all the engineering elements of the Basic Development Plans.

Approval of the Detailed Development Plans shall be noted on said Plans which shall then be signed by the Chairman of the Planning and Zoning Commission with the date of approval indicated on the plans.

35.8 Findings Required: The Commission may adopt the Planned Development District thereby amending these Regulations and the Zoning Map, only after the Commission makes the following findings in addition to other findings necessary for the amendment of these Regulations:

a. The planned Development District and the standards and Basic Development Plans applicable therein will accomplish the purpose set forth in Paragraph 35.1;

b. Another zoning district could not be appropriately established to accomplish such purposes;

c. The Planned Development District and the standards and Basic Development Plans applicable therein will be consistent with any comprehensive plan of development adopted by the Commission for the Special Development Area;

d. The Planned Development District encompasses a tract of land of not less than 60,000 square feet;

e. The petitioner has provided, where appropriate, for the continued maintenance of the development in general, including those open space and recreational areas not dedicated for general public use;

f. The streets and drives will be suitable and adequate to accommodate anticipated traffic and projected development intensity will not generate traffic in such amounts as to overload the street system in the area;

g. The existing and proposed utility services are adequate for the proposed development and the utilities and drainage have been so arranged as to not overburden the capacity of the facilities connected therewith.

35.9 Bonds: The petitioner shall file with the Commission a performance bond, in form, amount and surety approved by the Commission, to guarantee the faithful performance of the site improvements work to be undertaken within the public rights-of-way, unless said improvements are bonded under the provisions of the Branford Subdivision Regulations.

35.10 Certificate of Zoning Compliance: Prior to the issuance of any Certificate of Zoning Compliance to permit any occupancy of the development, the developer shall file with the Commission a performance bond, in form, amount and surety approved by the Commission, to guarantee the provision of all facilities common to the entire development, including but not limited to private roads, buffer strips, walkways, recreational facilities, club houses and other common areas. Said bond shall be conditioned upon completion of said common facilities within one (1) year of the date of approval of the first such Certificate of Zoning Compliance, except that the Commission may extend the time for completion for an additional period not to exceed one (1) year after public hearing for a good cause shown.

35.11 Additional Limitations: Adoption of a Planned Development district by the Commission shall constitute authorization to establish the uses, buildings, structures and site development in accordance with the standards and Detailed Development Plans adopted by the Commission for the District and in accordance with detailed specifications approved by the Commission.

The development authorized by the Commission shall be completed within five (5) years from the effective date of the District, except that the Commission may extend the time for completion for one (1) year periods after public hearing for good cause demonstrated to the satisfaction of the Commission; otherwise the Commission shall be deemed authorized by the owner or owners of land within the District to amend these Regulations and the Zoning Map, deleting the Planned Development District and establishing for such land the provisions of another zoning district.



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SECTION 36 - MISCELLANEOUS SPECIAL EXCEPTIONS

36.1 General: In accordance with the procedures, standards and conditions hereinafter specified, the Commission may approve SPECIAL EXCEPTIONS for the establishment of one or more of the uses for which approval of a SPECIAL EXCEPTION must be secured from the Commission as required by these Regulations. All requirements of this Section are in addition to other requirements applicable in the District in which the SPECIAL EXCEPTION is to be located.

36.2 Flood Plain Districts: Upon receipt of a complete SPECIAL EXCEPTION Application by the Commission involving SPECIAL EXCEPTIONS proposed to be established upon any area of special flood hazard, the Commission shall transmit a copy of said Application to the Town Engineer for a report. Within 35 days after receipt of a copy of the Application, plans and documents, the Town Engineer shall report its recommendations to the Planning and Zoning Commission, stating the reasons therefore. SPECIAL EXCEPTIONS proposed to be established in any Flood Plain District shall be located and designed to be consistent with the need to minimize flood damage within the flood-prone area and shall conform to all of the standards and provisions of the Flood-Plain Management Ordinance of the Town of Branford or such legal variance as may be approved thereunder.

36.3 Restricted Business BR Districts: Special exceptions to be established in any Restricted Business BR District shall conform to the following additional standards:

36.3.1 There shall be no off-street parking or loading spaces located in the area required for setback from a street line.

36.3.2 Any use which is designed as an addition to, extension of or alteration of an existing building originally designed as a house shall preserve the character of the existing building as a house.

36.3.3 Dwellings containing three or more dwelling units, with units at the ground floor or basement level shall meet the following additional standards:

a. The minimum site area shall be 120,000 square feet.

- b. Residential uses at the ground floor or basement level shall not be intermixed with business uses within the same building.
- c. Business uses shall occupy a minimum of 50% of the total ground floor or basement level floor area on the site.
- d. Each ground floor or basement level unit shall be provided with a private, exclusive outdoor living space of at least 100 square feet in the form of a patio, deck terrace or porch.

36.4 Residential Uses in BC and BR Districts: Any residential use shall meet the following minimum setback requirements:

- From Street Line-15'
- From Rear Property Line-20'
- From Side or Other Property Line-10'

36.5 Group Day Care Homes and Child Day Care Centers: All group day care homes and Child Day Care Centers shall conform to the following additional standards:

- a. The use shall be limited to daytime (6am to 7pm) group care programs for children.
- b. The site plan shall demonstrate compliance with all "Facility Requirements" for day care as specified in the Connecticut Public Health Code and shall provide an attractive environment for children by using means such as landscaping, buffers, and screening.
- c. The application shall be accompanied by a letter from East Shore District Health Department describing the safety and adequacy of the drinking water supply and sewage disposal system, a letter from the Branford Fire Marshall describing fire safety concerns, and a letter from the Branford Building Official describing structural safety concerns at the day care site.
- d. The site shall be so situated and developed so as to create no nuisance or detrimental effect on the privacy, tranquility or value of surrounding properties.
- e. Surrounding properties and their uses shall not endanger the well-being of the children through the emission of noxious fumes, noise, traffic, or other hazards.

f. Sufficient parking (per Section 42 of these regulations) and drop-off and turn-around areas shall be provided.

g. The SPECIAL EXCEPTION shall be granted for a limited time not to exceed five years.

Group day care homes located in residential zoning districts shall also conform to the following requirements:

a. The day care provider must reside on the premises.

b. Outdoor lighting, signage, play areas and landscaping shall be designed so as to minimize adverse impacts on the residential character of the neighborhood.

c. The existence of one or more group day care homes in the neighborhood may be considered sufficient reason for denial of a new group day care home application if in the judgment of the Commission the cumulative impact of traffic and noise from an additional facility would have a detrimental effect on the neighborhood.

36.6 Private Hospitals, etc.: Private hospitals, convalescent homes and sanatoria shall conform to the following additional standards:

a. Convalescent homes shall be located on a lot of not less than two (2) acres.

b. Private hospitals and sanatoria shall be located on a lot of not less than five (5) acres and no building shall be located within less than 75 feet of any street line or property line.

c. The Application shall be accompanied by a report from the Director of Health of the Town of Branford attesting to the adequacy of the proposed location, site plan, buildings and facilities for the intended use.

d. The Application shall be accompanied by a report from the Branford Fire Marshall attesting to the safety of the proposed location, site plan, buildings and facilities.

36.7 Marinas, Slip Basins and Landings: Marinas, slip basins and landings shall conform to the following additional standards:

a. In addition to the requirements of Paragraph 31.4.2, the site plan shall also show the limits of any area to be

filled or dredged, either existing and proposed ground elevations or existing and proposed contours at an interval not exceeding two (2) feet, the layout of any proposed piers or float systems and other off-shore facilities, and the limits of the boat storage area. It shall be accompanied by detailed drawings for any proposed groin, seawall, jetty, navigation channel, boat basin, pier, dock, wharf, bulkhead, retaining wall, piling, and/or other facilities.

b. The facility shall be served by a public water supply system.

c. Any boat storage area shall be in addition to the area required for off-street parking purposes and shall be limited to 10% of the total land area to be used under the Application.

d. The Application shall be accompanied by a report from the Director of Health of the Town of Branford attesting to the adequacy of the proposed sanitary sewage disposal facilities for the intended use.

36.8 Electric Power Transmission Lines: Within all Residence Districts, all electric power transmission lines shall be located underground.

36.9 Accessory Apartments: The Commission may grant a Special Exception approval of an accessory apartment provided that in addition to all other applicable requirements of these Regulations, the following conditions are met:

1. The accessory apartment shall meet the definition of "accessory apartment" given in Section 6.
2. No more than one accessory apartment shall be created within a single family residence.
3. The owner(s) of the residence in which the accessory apartment is created shall occupy at least one of the dwelling units on the premises.
4. The accessory apartment shall be designed so that, to the degree reasonably feasible, the exterior of the building continues to look like a one-family residence. In general, any new entrance shall be located on the side or in the rear of the building. Any addition constructed to accommodate the accessory apartment shall not increase the floor area of the original house by

more than 10 per cent.

5. The lot on which the accessory apartment is located shall be of sufficient size and shape to accommodate parking and other normal requirements of residential uses, without compromising the character of the neighborhood.

6. At least three off-street parking spaces shall be provided per section 42 of these Regulations.

7. No accessory apartment shall have a gross floor area of less than 360 square feet nor more than 800 square feet. In no case shall an accessory apartment have a gross floor area of more than 30% of the structure in which it is located.

8. The effective period of a special exception permit shall be two years. It is the responsibility of the applicant to submit a request for extension within 90 days prior to expiration of approval. The zoning enforcement Officer shall grant a two year renewal provided that 1) the applicant shall present proof that the property continues to be his principal residence and 2) the Zoning Enforcement Officer finds that the property is in compliance with the original special exception permit and there are no other zoning violations.

9. In order to encourage the development of housing units for persons with disabilities, the Commission may allow reasonable deviation from the stated conditions, where necessary, to install access and/or other facilities for disabled persons.

10. In order to encourage preservation of historic buildings and efficient use of existing housing stock, the Commission may allow reasonable deviation from the stated conditions where necessary to create an accessory apartment with workable proportions, provided that the original structure has been in existence for more than 50 years.

11. The Commission may require additional conditions deemed necessary to protect public health, safety, and welfare and the single family character of the neighborhood.

36.10 Storage Trailers: (See definition, Sect. 6.41) The

Commission may grant a Special Exception approval for temporary use of a storage trailer provided that all applicable requirements of these Regulations are met.

36.10.1 Purpose and Rationale: The purpose of this regulation is to allow for temporary use of storage trailers if necessary for the operation of a business while addressing the problems often associated with storage trailers. The major problems are that storage trailers may become unsafe, unsightly and a detriment to surrounding properties, and they often disrupt the other elements of a site plan (eg. parking, landscaping, setbacks, coverage). Storage trailers are like vehicles but they are not licensed as such and are generally more permanent; they are like outdoor storage, but they provide cover and consequently create impervious surface; and they function as building space but are not subject to normal building requirements. The standards listed below treat storage trailers as buildings in respect to their impact on the site, but limit their use to a temporary period, given their movability and limited lifespan as compared to a conventional structure built to building code standards.

36.10.2 Standards: The placement of any storage trailer is subject to the following standards:

- a. The storage trailer must be structurally sound and pose no detriment to public health, safety, convenience or property values.
- b. The storage trailer must meet the same dimensional standards of **Schedule B** as would a conventional structure.
- c. The storage trailer shall be located so that it does not take up parking spaces required for other uses on the site and does not obstruct emergency access or other essential circulation patterns.
- d. Any landscaping or natural vegetation disturbed by the placement of a storage trailer shall be restored immediately upon removal of the trailer. The Commission may require posting of a bond sufficient to insure such restoration.
- e. The Commission may require that storage trailers be screened from view from the street and adjacent properties and that appropriate landscaping, fencing or other screening be provided.

f. The aggregate area covered by storage trailers shall not exceed 10% of the total floor area of all buildings on the site.

g. Storage trailers shall be painted in neutral or subdued colors to blend with surroundings. No signage or other lettering shall be placed or painted on any storage trailer.

h. The effective period of a storage trailer special exception permit shall be two years. Any request for extension of this time period shall be processed as a new application.

36.11 Construction-related Contractor's Business and Storage Yards having outside storage of earth materials, heavy equipment or construction vehicles: Because of the nature of the business, many contractors' yards resemble a construction site, with similar impacts, such as erosion, dust noise, a concentration of heavy vehicle traffic, and substantial outdoor storage of materials and equipment. But, in contrast to a construction site such business has no time limit for completion of all work. The purpose of this section is to set standards which will allow operation of such yards over a long period of time without causing serious detriment to public health, safety, and value of surrounding properties. For this reason an application for such use shall contain the additional information and shall meet the additional standards listed below.

36.11.1 Additional Information: In addition to all other Special Exception application requirements, the application shall contain the following additional information:

a. Stock-piles and other outdoor storage: Size, location and type of materials.

b. Vehicles and other mobile machinery: Type and size, and number of vehicles entering and exiting the site and stored on the site and location of parking spaces for same.

c. Processing: Size, location and type of equipment used and type and volume of materials processed.

d. Vehicle and equipment maintenance facility: Types of maintenance operations to be performed

and provisions for waste disposal.

36.11.2 Additional Standards: The Commission shall approve no building contractor's business and storage yard having outside storage of earth materials, heavy equipment or construction vehicles unless it determines that, in addition to other applicable requirements to these Regulations, all of the following conditions will be met:

- a. Minimum lot size shall be three acres.
- b. All outdoor storage areas shall be screened from view from adjacent properties. The applicant shall also provide for on-going dust and erosion controls sufficient to prevent migration of soil beyond the subject property. (See also Sect. 44.6. 13) No outside storage shall be located so as to obstruct drainage facilities or circulation patterns or otherwise impair the functioning of the site, No demolition debris or other waste may be stored or processed on the site.
- c. All vehicle parking areas shall be screened from view from adjacent properties The volume of traffic entering and exiting the site and the condition of the vehicles shall not cause hazardous conditions or be otherwise detrimental to the appropriate and orderly development or use of the surrounding neighborhood.
- d. No processing machinery shall be located between the property line and the building setback lines. Proper buffering, shielding, or other controls shall be provided to the extent necessary to prevent negative impacts from dust, noise and vibration on surrounding properties.
- e. No vehicles other than those of the business occupying the site shall be repaired or maintained on the site. All spare parts shall be stored indoors or, if stored outdoors, in a clearly defined area shielded from view from surrounding properties and shall meet all restrictions on outside storage, as described in Sect. 25.7 of these Regulations. All required permits for proper disposal and/or discharge of wastes shall be obtained prior to issuance of final zoning compliance.

f. Trash hauling, retail sales of merchandise to customers at the site, mining of earth materials, and repair of vehicles other than those used by the business are prohibited.

g. The Commission may impose additional limitations, including down-scaling or elimination of specific

activities, in order to protect public health, safety, convenience and property values. Failure of the applicant to demonstrate adequate and enforceable controls on negative impacts shall be deemed sufficient grounds for denial of the applications.

36.11.3 Approval: The Commission may require, as a condition of approval, that the applicant post a bond to insure compliance with the requirements of the approved plan. The Commission may also limit the effective period of the Special Exception to two (2) years.

36.12 Communications Towers, Antennae and Telecommunications Facilities:

The purposes of this Section are as follows:

1. To accommodate the need for Telecommunications Facilities, Communications Towers and Antennae while regulating their location and number;
2. To minimize adverse visual effects of these facilities through proper design, siting and screening;
3. To encourage shared or joint use of Communications Towers and Telecommunications Facilities, or other such Co-located Telecommunications Facilities; and
4. To reduce the number of Communications Towers needed in the future.

36. 12.1 Standards for Approval: No Special Exception for Communications Towers, Antennae or Telecommunications Facility will be granted except in conformance with the following standards:

- a. Antennae, Telecommunications Facilities, Communications Towers and other communications

facilities shall be located in the following order of preference, with consideration of town owned property, as appropriate:

1. On existing structures such as buildings or existing towers.
2. In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.
3. On new Communications Towers on bare ground in commercial and industrial districts.

b. The applicant is required to explain the process undertaken in selecting the site of the proposal, and how this process has failed to reveal any feasible alternatives deemed preferable under the above criteria. As a part of such explanation, the applicant must document why a Co-located Telecommunications Facility is not possible. Such Documentation will be assessed with regard to:

1. Technological infeasibility;
2. Availability of a suitable site;
3. Structural feasibility; or
4. Other proof supported by documentation.

c. To minimize the number of Communications Towers in the future, proposed new Communications Towers shall be designed to accommodate at least two (2) additional users, including municipal, non-private emergency services. The applicant shall provide for co-location of municipal antennae at no charge to the Town.

d. Telecommunications Facilities involving the construction of a new Communications Tower shall be surrounded by a fence not higher than six feet. In addition, the site shall be landscaped in a manner deemed acceptable by the Commission in order to mitigate any adverse aesthetic impact.

e. No lighting of any Telecommunications Facility will be allowed except where required for public safety as determined by the Commission or the Federal

Aviation Administration.

f. No commercial advertising or other signage is permitted on any Telecommunications Facility.

g. No Communications Tower shall exceed the height required to satisfy the technical requirements of the users(s), and in no event shall any Communications Tower exceed the height permitted in Section 25, **Schedule B**.

h. Should the Commission determine that a peer review of technical issues is warranted, the applicant shall assist the town in retaining such peer review and shall reimburse the town for any reasonable costs associated with obtaining peer review.

i. All wireless Telecommunications Facilities shall comply with the setback requirements of the district in which they are located.

j. The applicant shall document the adequacy of proposed access and parking for the facility.

k. All communications Towers shall have a galvanized finish or be painted a neutral color deemed appropriate by the Commission.

l. Any Telecommunications Facility which is not used or maintained for a period of twelve (12) consecutive months shall be removed at the owner's expense.

m. All site plans shall present the seal of a Connecticut Professional Engineer.

n. Telecommunications Facilities are prohibited on undeveloped islands.

36.12.2 Additional Requirements: In addition to the requirements of this Section, the Commission may require applicants to submit the following information:

a. Depictions such as sketches, photographic simulations or photographs of a balloon at the elevation of the proposed facility. If balloon elevation is required, public notice of the time and place of such balloon elevation shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in

Branford at least seven (7) days before the elevation of such balloon.

b. Propagation studies which illustrate the area serviced by the proposed facility, and if requested by the Commission, propagation analysis for sites that were rejected.

36.12.3 Partial Invalidity, Severability: If any term, provision or condition contained in these regulations pertaining to Telecommunications Facilities (including Sect. 24, Schedule A; Sect. 25 **Schedule B**; Sect. 25.3; Sect. 6; and Sect. 36) shall to any extent, be invalid or unenforceable, the remainder of these regulations (or the application of such term, provision or condition to persons or circumstances other than those in respect of which it is invalid or unenforceable) shall not be affected thereby, and each and every other term, provision and condition of these regulations shall be valid and enforceable to the fullest extent possible permitted by law.

36.13 Non-profit Cat Shelters: Non-profit cat shelters shall meet the following standards:

a. A minimum floor area of 40 square feet per cat shall be available in any building in which a cat shelter is located.

b. Adequate parking for shelter needs, including volunteer workers and prospective pet owners, shall be provided. A minimum of three spaces shall be required for any shelter.

c. The shelter must be maintained in a clean, healthful, sanitary and safe condition.

d. No outdoor housing/storage of cats is allowed.

e. No boarding of cats for a fee is allowed.

36.14 Self-Storage: All self-storage facilities shall conform to the following additional standards:

a. The use shall be limited to individual storage compartments, not to exceed 200 sq.ft., and shall specifically exclude any commercial use or activity otherwise permitted, either by Site Plan or by Special Exception, in an IG-2 zone under Section 24, Schedule A,

Part C.

- b. All self-storage units shall be screened by a 25-foot-wide landscaped strip consisting of a dense evergreen barrier of a height sufficient to obscure storage units from adjoining uses, properties, and roads.
- c. The exterior walls of the proposed structure shall be of masonry construction and conform to the requirements of **Section 32.5** Special Exception Standards.
- d. All storage units shall be of neutral tones which harmonize with the surrounding area.
- e. No unit shall exceed one story in height.
- f. No outside storage is allowed.
- g. No electrical outlets shall be allowed in individual units.
- h. No self-storage facility shall exceed five (5) acres in size.
- i. No self-storage facility shall be located within 5000 feet of Long Island Sound or within 5000 feet of another self-storage facility.



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see also Appendix A – Lighting

SECTION 37 - TOWN CENTER OVERLAY DISTRICT

37.1 General: The use of land, buildings and other structures within the Town Center Overlay District shall be established and conducted in conformity with the underlying zoning classification, subject to the additional requirements of this Section. No application for a Certificate of Zoning Compliance shall be approved by the Zoning Enforcement Officer and no Certificate of Zoning Compliance shall be issued by him until he has made a determination and certifies in writing that such a use or structure has been reviewed according to the procedures specified in paragraph 37.4 of these Regulations.

37.2 Purpose: The purpose of this regulation is to provide for advisory design review by the Town Center Revitalization Review Board in order to develop creative solutions to design, land use and circulation problems, to enhance the unique cultural, historic, aesthetic and natural resource assets of the District, and to protect the public health, safety, convenience and property values. In furtherance of these objectives, the Commission may approve exemptions from parking requirements (as provided for in paragraph 42.5 of these Regulations) and increases in allowable housing unit density.

37.3 Activities and Uses Covered: Any new use or change of use which requires site plan or special use approval per Schedule A, Section 24 of these Regulations and which is located within the Town Center District, is subject to the requirements of, and eligible for the special provisions of, the Town Center Overlay District. Review of such new use or change of use shall cover the following aspects of the proposal:

- a) Facades
- b) Pedestrian and vehicular circulation
- c) Parking
- d) Streetscape (including lighting, street furniture, fencing and sidewalk paving)
- e) Landscaping
- f) Signs
- g) Permitted Uses

h) Utilities

37.4 Procedures: All applications for site plan or special use approval within the Town Center District shall include one extra set of site plan/special use application materials and additional materials listed in paragraph 37.5, to be reviewed by the Town Center Revitalization Review Board (the Board). The Board shall report its findings and recommendations to the Planning and Zoning Commission within 35 days. Such report shall be read at the public hearing on a special use application, or, for a site plan application, at any meeting at which the application is discussed.

37.5 Application: Applications for a Special Use and/or Site Plan approval within the Town Center shall include, in addition to the requirements of paragraph 31.4, the following materials, as applicable:

a) Facades: Description of materials, color and texture of major building materials; exterior wall elevations of all structures within 100 feet, drawn at a minimum scale of 1 inch equals 8 feet.

b) Pedestrian and vehicular circulation: Site plan as required in paragraph 31.4.2.4, augmented by indication of all entrances and exits to buildings and any special uses thereof. (e.g. employees only, residents only, service entrance)

c) Parking: Description of uses and calculation of parking requirements for any mixed use, shared parking or parking exemption request.

d) Streetscape: Detailed drawing showing design, color, texture and type of materials.

e) Landscaping: Location, size and species of all plantings and identification of existing and proposed vegetation.

f) Signs: Detailed drawings showing design, size, color, texture and type of materials. Lettering style, size and color for wall signs shall also be included.

g) Permitted Uses: A description of the proposed use shall be given in sufficient detail to allow evaluation of unique requirements or contributions to the Town Center District and compatibility with adjacent uses.

- h) Utilities: Site plan as required in paragraph
31.4.2.7.

37.6 Town Center District Standards: For specific examples of desirable architectural and site plan design features, applicants are referred to "Design Criteria and Guidelines, Branford Town Center". In reviewing applications, the Town Center Revitalization Review Board shall also take into consideration the following design criteria:

- a) Conformance with the purpose of the Town Center Overlay District as described in paragraph 23.18 of these Regulations.
- b) Logic of design.
- c) Exterior space utilization.
- d) Architectural character.
- e) Attractiveness.
- f) Material selection.
- g) Harmony and compatibility.
- h) Circulation - vehicular and pedestrian.
- i) Maintenance aspects.



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SECTION 38 - AFFORDABLE HOUSING

38.1 Purpose: Whereas, over 30% of the housing units in the Town of Branford are multi-family units, and whereas, regulations which allow for construction of affordable multi-family units have been in effect since zoning regulations were first adopted, on December 3, 1956, the following regulations provide the opportunity to develop an alternative type of affordable unit. The intent of these Affordable Housing regulations is to encourage development of affordable owner-occupied single family detached homes on individually-owned lots. To reduce costs, the regulations allow for small lots (4500 sq. ft. minimum area). To insure quality, there are design standards for construction and specific landscaping requirements. A common interest ownership association is required to insure that common areas are maintained. At least 20% of the units in a development must be priced to meet the definition of "affordable," ie. the cost of principal, interest and taxes should not exceed 30% of the income of a family whose income is 80% of the median income for the area. Deed restrictions are required to maintain an affordable price for 20 years. The Commission may establish an Affordable Housing District (AHD) if it finds that the Affordable Housing District (AHD) will permit tracts of a size set forth below to be designed and developed for single family residential use and similar purposes in such manner as to accomplish one or more of the following purposes:

38.1.1 To encourage the private sector to build moderate cost single family detached housing;

38.1.2 To demonstrate that changes in zoning requirements can promote production of attractive housing at less than average market rates;

38.1.3 To offer a home ownership opportunity for moderate income families;

38.1.4 To permit an alternative housing option for single person households and the elderly.

Creation of an Affordable Housing District (AHD) as a common interest ownership community is required to ensure that high standards within the development will be maintained, and that fees assessed on residents will be used to pay for maintenance and other common areas. Although a common interest ownership

community is required, individual lots for single family homes will not be owned in common, but by the individual unit owners. Smaller Affordable Housing District (AHD)s are permitted to exempt themselves from certain provisions of the Common Interest Ownership Act (CIOA), Conn. Gen. Stat. 5 47-200 et seq., as provided at Conn. Gen. Stat. SS 47-215(a)(2) and 47-215(c). All requirements of this Section 38 apply to an Affordable Housing District (AHD), even if the AHD is exempt from certain CIOA requirements.

38.2 Qualifying Standards for an Affordable Housing District (AHD): No parcel of land shall be considered for an Affordable Housing District (AHD) designation unless it complies with the following standards:

38.2.1 Location:

- a. The AHD may not be located within one-half mile of any portion of any other development approved under this section of the zoning regulations within the previous three (3) years.
- b. Public water, sewerage and roadway systems necessary to serve the development shall be in place or necessary improvements shall be included in the AHD Basic and Detailed Development Plans.
- c. The proposed development shall be in harmony with the surrounding neighborhood with regard to scale, character and use of land.

38.2.2 Development Area: Each AHD shall be located on a parcel of land at least five (5) acres in size, and with a minimum of thirty-five (35) dwelling units.

38.2.3 Affordability Requirement: Not less than twenty (20) percent of the dwelling units in the development (and each phase of the development) shall be conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold at or below prices which will preserve the units as affordable housing, as defined at Section 8-39a of the Connecticut General Statutes, for persons and families whose income is less than or equal to 80 percent of the area median income. Such restrictions shall remain in effect for at least twenty (20) years after the initial occupation of the proposed development. Those lots to which deed restrictions will apply must be designated with the submission of the Basic Development Plan. Deed-restricted lots should be integrated with the

balance of the development, and deed-restricted affordable lots may not be grouped together.

38.3 Procedure: The Demonstration Housing Development District requires a Zone Change, subject to the provisions of Section 51, and a Special Exception approval subject to the provisions of Section 32 of the Branford Zoning Regulations, and Subdivision Approval, subject to the Branford Subdivision Regulations. The Commission, acting in its legislative capacity when it approves or denies the Zone Change and Special Exception applications and Development Plans required by this Section, has extensive discretion to determine compliance with the required standards. No AHD is final until approval of the Detailed Development Plan, as described at Section 38.3.5.

38.3.1 Informal Consideration: The Commission recommends that, prior to the submission of a formal application for approval of an Affordable Housing District (AHD) Zone Change and Special Exception and investment of substantial planning and design time, the potential applicant review with the Commission and its staff any proposal for AHD in an informal session to discuss the location and concept for the development

38.3.2 Zone Change and Special Exception Application: An application for Zone Change and Special Exception approval shall be submitted to the Commission accompanied by four copies of each of the following:

a. Statement: A written statement describing the purpose to be accomplished by the Zone Change and Special Exception and the proposed treatment of the site.

b. Basic Development Plan: An Affordable Housing District (AHD) Basic Development Plan in the form of an A-2 survey with a schematic subdivision map of the area, including schematic lot lines, proposed roads and rights of way, a schematic grading plan with two (2) foot contours, schematic utility and storm drainage plans, and schematic planting plans illustrating plant massings and standards, demonstrating that the proposed subdivision and development of the land complies with the Special Exception standards and conditions herein specified. Wetlands, field located by a registered soil scientist, must be shown. Schematic architectural plans and elevations are also required at this time, as are schematic phase boundaries and a scheduling of phases, if applicable. The following are not required at this stage of the process: road cross-sections and profiles, engineered water and sewer plans and record subdivision

map.

c. Zoning Map: A petition for amendment of the Zoning Map shall be submitted in accordance with all requirements of sections 51.1, 51.1.1 and 51.1.2 of these Regulations.

d. Application Fee: An application fee of \$250.00 shall be submitted.

38.3.3 Preliminary Action: Before taking preliminary action on the AHD application, the Commission may request the applicant to submit such additional information that it deems necessary to make a reasonable decision on the application.

38.3.4 Preliminary Approval of an Affordable Housing District (AHD) Zone Change and Special Exception: The Commission shall hold a public hearing on the Zone Change and Special Exception application, shall decide thereon and give notice of its decision as required by law. The applicant may consent in writing to any extension of time for a public hearing and action on the application. The Commission may grant preliminary approval of the Zone Change and Special Exception, including the Basic Development Plan, if the Commission finds that one or more of the purposes specified in Paragraph 38. 1 will be accomplished and that all applicable standards and conditions have been met. Approval of the Basic Development Plan shall not constitute final approval of an Affordable Housing District (AHD) and shall only constitute authorization to the applicant to submit an Affordable Housing District (AHD) Detailed Development Plan setting forth in detail the specifics of the proposed development and showing any modifications specified by the Commission. Such plans must be submitted to the Commission within 180 days after approval of the Basic Development Plan, unless the Commission grants an extension. Failure to submit plans within the above noted time frame shall cause the zone change to become null and void.

38.3.5 Final Action: After preliminary approval of the AHD Zone Change, Special Exception and Basic Development Plan, the Applicant shall submit an Affordable Housing District (AHD) Detailed Development Plan including all the information required for the preliminary approval, and all information necessary to determine compliance with Sections 31 (Site Plans), 38.5 and 38.6. (Alternatively, the Applicant may submit this information simultaneously with the Zone Change and Special Exception application.)

Detailed Development Plans may be submitted in stages or sections, but specifications on the percentage and cost of affordable units shall be established in the first stage or section of the AHD Detailed Development Plan. Detailed Development Plans shall include a Record Subdivision map. This map shall indicate which specific lots will be deed-restricted in accordance with Section 38.2.3. Four (4) copies shall be submitted.

38.3.6 Approval of AHD Detailed Development Plan:

Within 65 days after receipt of the Detailed Development Plan, the Commission shall approve or disapprove the application. Approval of the Detailed Development Plan shall also constitute subdivision approval for the AHD. The Commission may, at its discretion, hold a public hearing on a Detailed Development Plan application and render a decision within 65 days of the close of such hearing. The decision may be extended for up to 130 days with the consent of the applicant. A public hearing must be held if the AHD plan requires a resubdivision of the land. The Commission may approve the application and Detailed Development Plan if the Commission finds that one or more of the purposes specified in Paragraph 38.1 will be accomplished and that the standards and conditions of this section and all other applicable Zoning and Subdivision Regulations have been met. In granting final approval, the Commission may attach such conditions as it deems necessary to preserve the purpose and intent of these Regulations. If the Detailed Development Plan is approved, the Commission shall give notice in the same manner as required for the amendment of these Regulations.

38.3.7 Endorsement: The approval of the Special Exception shall be noted on the AHD Detailed Development Plan (including Record Subdivision map) to be recorded in the office of the Branford Town Clerk. If the AHD Detailed Development Plan is not recorded within 90 days of approval by the Commission, the approval shall be void. The maps shall be signed by the Chairman and Secretary of the Commission and the Director of the East Shore District Health Department with the date of final approval indicated on the maps.

38.3.8 Common Interest Ownership Community Declarations: Draft common interest ownership community declaration provisions covering continued compliance with the Detailed Development Plan shall be submitted to the Commission prior to approval of the Detailed Development Plan. The common interest ownership community documents must require

compliance with the standards stated in Sections 38.5 and 38.6, and compatibility among units in the development.

38.3.9 Phased Approval: Approvals may be phased over a period according to a plan submitted by the developer. Project design and planning standards must be submitted as part of the Detailed Development Plan to ensure continuity between phases. These standards become part of the approval. As stated at Section 38.2.3, at least 20 (twenty) percent of lots in each phase must be deed-restricted affordable lots.

38.3.10 Modifications of Approved AHD Detailed Development Plans: Revisions to approved AHD Detailed Development Plans require a public hearing, except that: (1) the Commission can vote that de minimis changes do not require a hearing; (2) Planning staff can review and approve minor modifications to plans for individual lots.

38.4 Conditions of an Affordable Housing District (AHD) Special Exception Permit:

38.4.1 Types of Housing Permitted: Only single-family detached houses, including manufactured housing, shall be permitted in AHDs.

38.4.2 Common Interest Ownership Community: Only common interest ownership communities, as submitted to and approved by the Town Attorney, qualify as AHDs. Single family home lots are to be owned individually. An endorsed record subdivision map and an endorsed Detailed Development Plan must be filed in the office of the Town Clerk prior to commencement of sales, and common interest ownership documents are to be recorded on the land records prior to conveyance of title of any unit in the phase.

38.5 Standards for Affordable Housing Development Plans:

38.5.1 Affordability Deed Restrictions: In order to ensure affordability, the applicant must place deed restrictions on twenty (20) percent of the lots prior to the endorsement of the Detailed Development Plan and record subdivision map mylars. These deed restrictions, which must be approved by the Town Attorney, will guarantee that the units on these lots will remain affordable, as herein defined, for a period of not less than twenty (20) years. These deed restrictions will be noted on the Detailed Development Plan and Record Subdivision map recorded on the land records.

38.5.2 Buffer Areas: No building or other structure, internal road, or parking area shall extend within forty (40) feet of the perimeter of the AHD. Along and adjacent to each project line, there shall be provided a greenbelt having a minimum depth of twenty-five (25) feet, planted with trees and shrubs of appropriate species, at least fifty (50) percent of which should be evergreens. Suitable existing trees may be preserved and/or supplemented by plantings so as to provide the required greenbelt with an overall minimum height of at least five (5) feet. The Commission may increase the width and density of the required buffer in those areas where the development abuts tidal marsh areas, coastal bluffs and escarpments and beaches and dunes. The Commission may reduce the buffer area where geographical features provide screening. The buffer area may be penetrated by roads, utility rights of way, trails and fences.

38.5.3 Open Space and Recreation Land: Ten (10) percent of the total land area of the site shall be set aside as open space or designated recreation area, at least half of which (but not less than one-half acre), shall be suitably prepared, protected and equipped with facilities for active recreational use, such as tennis courts, tot lots or athletic fields. Alternatively, twenty (20) percent of the total land area of the site may be set aside as passive recreation area and landscaped with yard furniture, gardens, and formal landscape features. Recreational land must be of a shape and size compatible with a recreational use. Such recreational land shall not include land in required buffer areas, streets, service areas, parking areas, walks, wetlands or watercourses.

38.5.4 Site Landscaping: All common areas of the development not used for buildings, driveways, and parking areas shall be suitably landscaped and maintained with lawn and trees or shrubs or, where appropriate, shall be left undisturbed as natural terrain. Common parking areas shall contain evenly distributed landscaped areas protected by solid curbing every sixth (6th) space in a row of parking spaces. Fences, walls, landscaped earth berms, and/or closely planted evergreens, trees, hedges or shrubs shall be used to screen parking areas to a height of four (4) feet from public rights-of-way and adjoining properties and recreation areas. The Detailed Development Plan shall also include a plan for tree preservation and protection.

Waiver: The Commission may waive specific site landscaping standards if the applicant provides a plan of comparable quality prepared by a registered landscape architect.

38.5.5 Parking: Two (2) off-street parking spaces shall be provided for each dwelling unit. (Parking spaces located within a garage may be counted as off-street parking spaces.) One space per unit must be located on the same site as the unit. Other spaces may be provided at a common parking area located within the development and within two hundred (200) feet of the dwelling unit which the parking space serves. No surface parking area may extend within fifty (50) feet of any tidal wetland or other critical coastal resource.

38.5.6 Drainage: The Commission shall reserve the right to require on-site retention of run-off for development in watersheds having drainage problems. All drainage plans shall be subject to review and approval by the Town Engineer.

38.5.7 Siting of Units: Only multi-section manufactured homes or conventional site-built homes may be sited at the perimeter (i.e., all lots bordering public rights-of-way or property not owned by the common interest ownership community) of an Affordable Housing District (AHD).

38.5.8 Minimum Lot Area: Four thousand five hundred (4,500) square feet in size. Only one dwelling unit per lot is permitted.

38.5.9 Lot Plan: Units shall be located as shown on the Detailed Development Plan. Exposure protection between structures is provided according to the specifications of the Town of Branford Fire Department and Town of Branford Department of Building Safety. The separation distance requirements of Section 25.9 of these Regulations apply.

38.5.10 Maximum Lot Coverage: Twenty-five (25) percent of lot area.

38.5.11 Maximum Floor Area: Fifty (50) percent of lot area.

38.5.12 Minimum Floor Area for Each Building: Eight hundred forty (840) square feet.

38.5.13 Accessory Structures: An accessory structure may be constructed without revision of the Detailed Development Plan, provided it meets all requirements of these Regulations.

38.5.14 Unit Landscaping: Each dwelling unit lot shall be completely and permanently landscaped and maintained to (a)

provide for screening of objectionable views, (b) help conserve energy by shading buildings, (c) enhance privacy, and (d) lend overall visual order to the development. All required landscaping for an individual unit shall be planted or installed or a bond posted to insure same prior to issuance of a Certificate of Occupancy for that unit. Minimum standards for each lot or exclusive use area are as follows:

- a. One (1) shade tree in the front yard and one in the rear yard. Each shall be a minimum of two and one-half (2 1/2) inches in caliper as measured at six (6) inches above the root crown.
- b. A privacy area adjacent to each unit should be screened by evergreen trees, hedges or wood or masonry fencing.
- c. Front yard foundation planting of six (6) shrubs. Plant materials should be varied at different units on the same street.

Waiver: The Commission may waive specific site landscaping standards if the applicant provides a plan of comparable quality prepared by a registered landscape architect.

38.5.15 Backyard Area: Each unit must have an outdoor back or side yard of at least 500 square feet of usable area.

38.6 Dwelling Unit Standards:

38.6.1 Maximum Number of Stories for a Building: Two and a half (2 1/2).

38.6.2 Maximum Height of a Building or Structure: Thirty-five (35) feet. Accessory structures should not exceed fifteen (15) feet or the height of the main structure, whichever is less.

38.6.3 Design: Architectural designs and site development plans should make advantageous use of natural topography and site features, provide privacy between dwelling units and harmonize with the surrounding neighborhood through scale and design, protecting property values and preserving and enhancing the appearance and beauty of the community. A variety of architectural styles, types and sizes of dwelling units shall be encouraged. For developments built in phases, architectural styles and project and unit

amenities must remain the same in all phases of development.

38.6.4 Exterior Building Materials Permitted: None but the following building materials may be used as siding for dwelling units: wood, brick, stone, stucco, plaster, and glass. The Commission may approve the use of other materials commonly used on housing units.

38.6.5 Roofing Materials Permitted: None but the following roofing materials may be used: wood, shakes, asphalt, composition or wood shingles. The Commission may approve the use of similar materials commonly used on dwelling units.

38.6.6 Roof Design: All main and accessory structures must have a roof pitch of no less than three (3) vertical inches for every twelve (12) horizontal inches. The roof overhang shall be no less than six (6) inches at the eave line.

38.6.7 Foundation: All dwelling units, including all types of manufactured housing, must be built or placed on permanent foundations, with insulation to conserve energy. The bases of manufactured housing units must be totally enclosed by perimeter walls of masonry construction. All hitches, wheels and axles for such units must be completely removed.

38.6.8 Driveways: At a minimum, driveways shall be covered with a surface of crushed stone or equal material compacted to a depth of four inches and shall conform to the driveway specifications of Section 25.10 of these Regulations.

38.6.9 Sidewalks: Sidewalks shall be provided on at least one (1) side of the street and at other locations as needed for the safety and convenience of pedestrian traffic.

38.7 Bond: The Commission may require that the applicant file a performance bond in form, amount and with surety approved by the Commission, to ensure completion of streets, driveways, parking areas, sidewalks, storm drainage sewer systems, landscaping, and other essential site improvements in accordance with the application as approved. For phased developments, the Commission may require a bond sufficient to ensure the completion of site improvements adequate for each phase, even if no other phases are constructed.

38.8 Expiration: For expiration provisions, see Section 32.7 of these Regulations.



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CHAPTER IV

TOWN WIDE REQUIREMENTS

SECTION 41 - PERFORMANCE STANDARDS

41.1 General: The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance standards hereinafter specified. The performance standards establish certain nuisance factors which if committed or exceeded in the use of land, buildings and other structures will be detrimental to the use, enjoyment and value of other land, buildings and other structures, will be detrimental to the public health, safety and welfare and will be contrary to the comprehensive plan of zoning. The Zoning Enforcement officer is authorized to make surveys and take measurements to determine compliance. No Application for a Certificate of Zoning Compliance shall be approved by the Zoning Enforcement Officer and no Certificate of Zoning Compliance shall be issued by him until he has made a determination that the proposed use of land, buildings and other structures will be established and conducted in accordance with the performance standards and with the standards stated in other relevant Town, State and Federal codes, ordinances or regulations. The performance standards hereinafter specified shall be of continuing application.

41.2 Air Pollution: No dust, dirt, fly ash, smoke, gas, fumes or odors shall be emitted into the air from any lot so as to endanger the public health and safety, to impair safety on or the value and reasonable use of any other lot, or to constitute a critical source of air pollution or to create a nuisance.

41.3 Noise: With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise shall be transmitted outside the lot where it originates when noise has a sound level, intermittance and/or beat frequency which would endanger the public health and safety or impairs safety on or the value and reasonable use of any other lot.

41.4 Vibration: With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibrations shall be transmitted outside the lot where it originates.

41.5 Glare and Heat: No light shall be transmitted outside the

lot where it originates so as to endanger the public health or safety, including the public safety on any street or highway, or to impair the value and reasonable use of any other lot. In Residence Districts the source of lighting located out-of-doors on any lot shall not be visible from any other lot; in other than Residence Districts the source of any lighting located out-of-doors and within 200 feet of a Residence District boundary line shall not be visible at such boundary line.

41.6 Refuse and Pollution: No refuse or other waste materials shall be dumped on any lot except with the approval of the District of Health of the Town of Branford. No refuse or other waste materials and no liquids shall be dumped on any lot or dumped or discharged into any river, stream, water course, storm drain, pond, lake or swamp so as to constitute a source of water pollution.

41.7 No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable codes, ordinances and regulations of the Town of Branford, State of Connecticut and Federal Government.

41.8 Radio Interference: No use on any lot shall cause interference with radio and television reception on any other lot, and any use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference.



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SECTION 42 - PARKING AND LOADING

42.1 General: It is the purpose and intent of this Section to assure that parking spaces and loading spaces are provided off the street in such number and location and with suitable design and construction to accommodate the motor vehicles of all persons normally using or visiting a use, building or other structure at any one time. Off-street parking and loading spaces, required to be provided by this Section, shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein required. If any existing use of land, buildings or other structures, conforming to the requirements of this Section, is changed to a use requiring additional off-street parking or loading spaces to comply with this Section, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. All off-street parking and loading spaces hereafter established, whether required to be provided by this Section or not, shall conform to the design and construction standards specified in this Section as well as to any standards and conditions for approval of a site plan or special use under these Regulations.

42.2 Required Off Street Parking Spaces: The following chart specifies the minimum parking requirement for each land use. Parking must be located on the same lot as the use it serves unless the Commission approves off-site parking as part of a site plan or special use application. In no case shall parking be located more than 500 feet from the use it serves. Except in the event of a condemnation by federal, state or local authority, these parking requirements shall not be subject to variance by the Zoning Board of Appeals.

Residential

USE	MINIMUM NUMBER OF SPACES
Single Family Dwelling	2 per unit
Duplex	2 per unit
Multi-Family Dwellings	3 per unit (see Sect. 32.3.8)

Elderly Housing	1 per unit
Rooms to rent in a dwelling unit	1 per bedroom or rooming unit
Community Residence (Per Sec. 8-3g, Ct. Gen Statutes)	1 per bedroom or rooming unit
Accessory Apartment Unit	1 per unit

Commercial Uses And Community Facilities

USE	MINIMUM NUMBER OF SPACES
Medical & Dental Offices, Veterinary Hospitals	1 per 165 sq ft gross floor area
Other Offices	1 per 200 sq ft gross floor area
Public Bank Area with Teller Windows	1 per 165 sq ft gross floor area
Office in a Residence	3 per unit
Retail & Service Establishments	1 per 125 sq ft gross floor area
Community Shopping Center	1 per 165 sq ft gross floor area
Restaurant excluding Patron Bar Area	1 per 75 sq ft patron floor area
Patron Bar & Cocktail Lounge Area	1 per 20 sq ft patron floor area
Hotels and Motels	1.2 per sleeping room
Hospitals, Convalescent Homes, Sanataria	1 per 3 beds plus 1 per employee on largest shift

Motor Vehicle Service Stations, Repair Garages, and Car Washing Facilities	10 spaces plus 5 for each garage bay in excess of 2
Undertaker's Establishments	15 per chapel or viewing room
Bowling Alleys	5 per alley
Marinas and Slip Basins	1 per occupied boat mooring (see Sect 35.7)
Churches and places of Worship, Theaters, Assembly Halls, Stadia, and Social Clubs	1 per 4 seats of total seating capacity
Group day care homes and child day care centers	1 per employee plus 1 for every 6 children enrolled

Industrial Uses

USE	MINIMUM NUMBER OF SPACES
Warehouse, Wholesale Business, Terminals and Distributors	1 per 500 sq ft gross floor area or 1.1 per employee, whichever is greater
Manufacturing, Processing or Assembling Plants, Research Laboratories	1 per 400 sq ft gross floor area or 1.1 per employee, whichever is greater
Limited Retail	1 per 200 sq ft gross floor area allocated to retail or display of goods and 1 per 500 sq ft gross floor area allocated to storage, warehousing, shipping and receiving

Other Uses Not Covered in this Section

The Commission shall determine the number of parking spaces required to preserve the intent of Section 42

42.3 Community Shopping Center: The Parking requirements which shall apply to a Community Shopping Center as defined in Section 6 of these Regulations shall be computed on the basis of the "gross floor area" built therein, without regard to the specific use of each store, bay, or other leasable unit contained therein. The parking required for a community shopping center shall be one standard-size parking space for each 165 square feet of gross floor area. Paved areas shall contain areas of landscaped islands constituting no less than 10% of the aggregate total of all paved surfaces on the site.

42.4 Classification of Uses: Whenever two or more classifications provided in Paragraph 42.2 shall apply to a use of land, buildings or other structures, the standard requiring the larger number of parking spaces shall apply, but where separate parts of a building or structure are used for purposes requiring a different number of parking spaces, the number of required spaces shall be determined by adding the number of spaces required for each part.

42.5 Joint Use of Parking Area: Except where off-street parking spaces are required under Paragraph 42.2 to be located on the same lot with the building, joint parking areas may be established by the owners of separate lots in order to provide the total number of off-street parking spaces required. Evidence as to the permanency of jointly-provided parking spaces shall be provided by the applicant.

42.6 Mixed Use Shared Parking: Whenever two or more classifications listed in Paragraph 42.2 apply to a use of land, buildings or other structures, the Commission may reduce the total parking requirement to a level adequate to accommodate the combined peak period of all uses on the subject property. Approval of such parking requirement shall be made as part of the site plan or special use approval of the subject property.

42.6.1 Calculating Parking for Mixed Use Development:

The applicant shall calculate the peak parking space requirement by following these steps:

1. Determine the minimum amount of parking

required for each land use as though it were a separate use, using the requirements of Paragraph 42.2;

2. Multiply each amount by the corresponding percentage for each of the five time periods, shown in the chart below;

3. Calculate the column total for each time period;

4. The column total with the highest value is the parking space requirement.

PARKING PERCENTAGES FOR MIXED-USE DEVELOPMENT	WEEKDAY		WEEKEND		NIGHTTIME (12mid - 6am)
	Daytime	Evening	Daytime	Evening	
	(9am - 6pm)	(6pm - 12mid)	(9am - 6pm)	(6pm - 12mid)	
Office / Industrial	100%	10%	10%	5%	5%
Retail	70%	70%	100%	70%	5%
Hotel	75%	100%	75%	100%	100%
Restaurant	50%	100%	100%	100%	10%
Entertainment / Recreational	40%	100%	80%	100%	10%
Residential	30%	100%	60%	80%	100%

42.6.2 Residential Uses: No parking spaces specifically assigned to residents shall be counted toward meeting the mixed use shared parking requirement. A residential use approved as a "dwelling for the elderly", per paragraph 6.3.1, shall not be considered as a use eligible for mixed use shared parking reduction.

42.7 Parking Exemption Area: The Commission may delineate areas which shall be exempt from the provision of off- street parking spaces required under Paragraph 42.2. Delineation of a parking exemption area shall be approved by the Commission as a Special Exception in accordance with the procedure described in Section

31, "Site Plan and Special Use Requirements". Any change in Use which increases parking demand within a parking exemption area will require Commission approval as for a new Special Use Permit. In making its decision, the Commission shall consider, in addition to the general Site Plan standards (paragraph 31.5) the impact of the following factors in meeting parking needs and accomplishing Town Center development objectives:

(a) Reduction of peak parking demand by:

(1) development of a land use mix with non-overlapping peak demand periods,

(2) provision of facilities to encourage pedestrian, bicycle and public modes of transportation,

(3) implementation of measures to reduce on-site employee parking such as car-pool incentives, provision of off-site employee parking, designation of time-limited parking areas for customers/clients in the more convenient locations.

(b) Improvement of circulation within the Town Center by:

(1) provision for vehicular access and/or shared parking among adjacent properties by public easement or other means,

(2) provision for pedestrian access to sidewalks, streets, and building entry ways.

(c) Enhancement of Town Center aesthetic quality in terms of:

(1) landscaping

(2) architectural features of rear entries

(3) streetscape amenities

(d) Availability of public parking.

42.8 Loading Spaces - Number and Location: Each building having a ground floor area in excess of 5,000 square feet shall have one (1) off-street loading space for each 40,000 square feet of gross

floor area, or fraction thereof, excluding basements, and located on the same lot with the building.

42.9 Design and Construction Standards: Each off-street parking and loading space, whether required to be provided by this Section or not, shall conform to the following design and construction standards:

42.9.1 Dimensions: Each parking space shall constitute an area with such shape, vertical clearance, access and slope as to accommodate an automobile having an overall length of 20 feet and shall contain an area of not less than 180 square feet, except that the minimum area may be reduced to 160 square feet for spaces located in or on a building or structure. Each loading space shall constitute an area with such shape, vertical clearance, access and slope as to accommodate trucks of the type servicing the lot; at a minimum, such space shall be not less than 12 feet in width and 30 feet in length, with a vertical clearance of 14 feet.

42.9.2 Access: Each parking space shall be provided with adequate area for aisles and access' lanes, so that an automobile, having an overall length of 20 feet, can approach the space and execute any necessary backing and turning movements without need to use any part of the right-of-way of a street and can exit onto the street in a frontward direction; the requirement for frontward exit shall not apply to parking spaces provided in connection with a dwelling containing one (1) or two (2) dwelling units, rooms to rent in a dwelling unit or a permitted professional office in a dwelling unit. No loading space, including any truck loading bay, ramp or dock, shall be arranged in a manner that trucks must back within any part of the right-of-way of a street in order to use such space. Entrances and exits from parking areas and loading spaces onto streets

shall be located and arranged in such a manner as to minimize hazards to pedestrian and vehicular traffic in the street.

42.9.3 Improvement: All parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any street. Any parking or loading spaces, and any aisles and access lanes in connection therewith, located within 10 feet of any street line, shall be separated from such street line by a concrete curb, a fence, a wall or continuous hedge planting or by an embankment not less than 24 inches in height, and shall be provided with the curb, fence, wall, hedge or embankment in such a manner that vehicles will not overhang the street line.

42.9.4 Waiver of Immediate Installation: With respect to the installation of parking spaces required by this Section, the Commission may, upon request by any property owner or other applicant, waive the immediate installation of not more than 25% of the required number of parking spaces upon the following conditions:

- a. that the parking plan submitted to the Commission show the layout for the full parking requirement and identify those spaces for which waiver of immediate installation is requested;
- b. that the Commission find the reduced number of parking proposed to be installed will adequately serve the proposed development;
- c. that the owner file with the Commission and note on the

parking plan an agreement obligating the owner, his heirs or successors and assigns to install such remaining parking spaces within six (6) months after the date of any request by the Commission to do so; and

d. that the agreement herein before referred to be incorporated by reference as a covenant in any special permit, the parking for which is affected by this subparagraph, and shall be so recited in the document evidencing such special permit recorded on the land records.



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SECTION 43 - SIGNS

43.1 General: Unless otherwise provided in this Section, no sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until

an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE

therefor has been approved by the Zoning Enforcement Officer. It is the purpose and intent of this Section to accommodate the establishment of signs necessary for identification, direction and reasonable commercial promotion while avoiding signs of a character, as well as a proliferation and extension of signs, that would be detrimental to the public health and safety, property values and the appearance and beauty of the community. All signs shall conform to the provisions hereinafter specified.

43.2 Definitions: For the purpose of these Regulations, the term "sign" shall include every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag, or other device, however made, displayed, painted, supported or attached, intended for use for the purpose of advertisement, identification, publicity or notice, when located out-of-doors and visible from any street or from any lot other than the lot on which the sign is located. The term "sign" shall include continuous strip lighting and shall not include any flag, pennant or insignia of any governmental unit or nonprofit organization or any sign located within the right-of-way of any public street when authorized by the Board of Selectmen of the Town of Branford in accordance with the General Statutes of the State of Connecticut.

43.3 Standards All Districts: Signs in all Districts shall conform to the following standards:

43.3.1 Purpose: Except as otherwise permitted in Business Districts, Industrial Districts and Commerce Park Districts, all signs shall pertain only to a use of land, buildings and other structures actually in being on the lot where the sign is located. When such use shall have been discontinued for a continuous period of six (6) months, all signs pertaining thereto shall be removed or eliminated.

43.3.2 Location: No sign shall be located within or hung over the right-of-way of any street, except that a sign attached to the wall of a building may project 12 inches into such right-of-way.

43.3.3 Projection and Hanging Signs: No sign, except signs attached to a marquee or canopy, shall project over or hang over any sidewalk, driveway, walkway, roadway or accessway, except that signs attached to the wall of a building may thus project not more than 15 inches there from, provided that such projection does not occur within eight (8) feet vertical clearance of the ground.

43.3.4 Obstructions: No sign shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system or fire escape or exit, or to cause any other hazard to the public health or safety.

43.3.5 Light and Motion: No flashing, revolving or moving signs are permitted. All lighting of signs in Residence Districts shall be indirect with the source of illumination not visible from any street or from any lot other than the lot on which the sign is located.

43.4 Residence Districts: In addition to the standards specified in Paragraph 43.3 the following regulations shall apply to signs in Residence Districts:

43.4.1 Purpose: The following signs are permitted:

- a. identification signs giving only the name of the premises and of the occupant, and on any lot only two (2) such signs, each not over three (3) square feet in area;
- b. on a lot where the premises are for sale or for rent, one (1) real estate sign not exceeding five (5) square feet in area;
- c. on a tract of land for which a subdivision map has been approved by the Commission, one

(1) real estate sign not exceeding 60 square feet in area for a period of one (1) year, subject to renewal annually and only during the development of the tract;

d. building contractors' and designers' signs pertaining to buildings under construction; the total area of such signs shall not exceed 60 square feet, and such signs shall be removed within 30 days after completion of the project;

e. on any lot containing a farm, church, place of worship, parish hall, cemetery, museum, school, college, university, membership club, charitable institution, hospital, recreation facilities, nature preserve, wildlife sanctuary, convalescent home, sanitarium, public utility or buildings, uses and facilities of the Town of Branford, State of Connecticut or Federal Government, one (1) sign not exceeding 16 square feet in area.

f. private warning and traffic signs, with no advertising thereon, each not exceeding two (2) square feet in area;

g. temporary signs for other purposes and for limited periods of time when approved by the Zoning Enforcement Officer.

NO APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE and no CERTIFICATE is required for signs permitted under Subparagraphs 43.4.1a, 43.4.1b, and 43.4.1f.

43.4.2 Location and Height: Signs permitted under Paragraph 43.4.1c, 43.4.1d and 43.4.1e shall not extend within less than 10 feet of any property line or street line; other signs may extend to the property line or street line. No sign shall be located on any roof, and no sign attached to a building shall project above the top of the wall of the building. Signs attached to buildings may project into the area required for setbacks provided that the sign does not project more than 12 inches from the wall of the building. No sign attached to the ground shall exceed a height of eight (8) feet.

43.5 Other Districts: In addition to the standards specified in Paragraph 43.3, the following regulations shall apply to signs in other than Residence Districts:

43.5.1 Purpose: The following signs are permitted:

- a. signs conforming to the requirements of Paragraph 43.3.1; and
- b. signs permitted in Residence Districts.

43.5.2 Location: Signs shall observe all setbacks required for buildings and other structures except as follows:

- a. signs that are also permitted in Residence Districts under Paragraph 43.4.1;
- b. signs attached to buildings may project into the area required for setbacks provided that the sign does not project more than 12 inches from the wall of the building; and
- c. on any lot in other than Central Business BC Districts, one (1) sign may extend to within 10 feet of any street line provided that the sign does not exceed an area of 40 square feet and more than eight (8) feet in any dimension.

43.5.3 Number, Height and Area: On any lot the total number of signs attached to the ground, except signs permitted under Paragraph 43.5.1b, shall not exceed one for each 30,000 square feet of lot area or fraction thereof, and only one of which may have an area greater than 40 square feet but not greater than 300 square feet. Any sign which is attached to the ground shall not exceed a height of 21 feet. Any sign attached to or mounted on a building shall not project more than four (4) feet above the top of the wall of the building. Signs attached to a wall of a building plus signs mounted on the roof of a building and designed to be viewed from the same side of the building as such wall shall not have an aggregate area greater than 1.5 square feet for each horizontal linear foot of such wall.

43.6 Measurements: Any sign may be double facing, and when a sign is attached to the ground only one face shall be counted in determining conformity to sign area limitations. All dimensions for signs shall be based on measurements to the outside edge of the sign excluding any structure necessary to support the sign. The area of any sign shall be the entire area encompassed by the perimeter of the sign, which perimeter shall be the polygon formed by connecting all the outermost edges or points of the sign.

43.7 Site Plans and Special Uses: Limitations on signs which may be imposed in connection with the approval of a site plan or the approval of a SPECIAL USE under these regulations are in addition to the provisions of this Section.

43.8 Special Events: Notwithstanding the provisions of this Section, the Commission may by resolution authorize the establishment of temporary signs for periods not exceeding 10 consecutive days, and totaling not more than 30 days in any calendar year, for the purpose of announcing special events. In a Residence District, any such sign shall pertain only to a use permitted in such District.



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SECTION 44 - GRADING, EXCAVATION, REMOVAL OR DEPOSIT OF EARTH

MATERIALS AND RELATED ACTIVITIES

44.1 Purpose: The purpose of this section is to regulate earth-moving, site-clearing and stockpiling activities so as to:

Prevent injury to adjoining properties resulting from erosion, transport of sediment and increase in overland flow of storm drainage;

Prevent creation or exacerbation of safety hazards such as sharp declivities, cliffs and unstable slopes;

Preserve distinctive natural features such as rock outcrops and ridge lines; and

Protect natural vegetative cover essential to maintenance of soil stability, micro-climate moderation and property values.

Activities which are covered by these regulations are: grading; deposit of earth materials, including filling and stockpiling; excavation of earth materials; blasting; processing earth material in conjunction with a contractor's business; clear-cutting; and any other earth-moving or land-clearing activity.

44.2 General: All activities listed in Section 44.1 require a Special Use Exception Permit in accordance with the provisions of this section and the procedure described in Section 32. Any Subdivision, Site Plan, or Special Exception involving activities regulated by Section 44 shall be submitted in tandem with a Special Exception application pursuant to Section 44.

44.3 Procedure: The Special Use Permit procedure described in Section 31 shall be followed.

44.4 Exclusions: Provided no activity takes place within 25 feet of any critical coastal resource or within 50 feet of any inland wetland, the provisions of this section shall not apply to the following:

44.4.1 Deposit or removal of earth materials or grading involving movement of not more than 200 cubic yards per acre of earth materials or more than 100 cubic yards on any lot smaller than one half acre in any 12 month period.

44.4.2 Deposit or removal of earth materials or grading reasonably necessary in connection with the construction or alteration of a building or other structure permitted "as of right" (indicated by "2" in Schedule A) provided that the finished grades will not differ from existing grades by more than four (4) feet and provided that a Certificate of Zoning Compliance and Building Permit have been issued. The Zoning Enforcement Officer may require a grading plan to determine eligibility for this exclusion.

44.4.3 The normal maintenance and repair of roads and driveways.

44.4.4 A sanitary landfill operation of the Town of Branford.

44.4.5 Stockpiling of street maintenance and landscaping material by the Town of Branford.

44.4.6 Installation or repair of a septic system subject to approval by East Shore District Health Department and the Town Engineer.

44.5 Application: Applications for a Special Use for activities covered by Section 44 shall be in a form prescribed by the Commission and shall be considered in accordance with the procedures adopted by the Commission. Failure to submit all information required by these regulations shall be deemed sufficient reason for denial of application. An application shall include:

44.5.1 Statement of Use: Four (4) copies of a written statement describing the proposed activity in sufficient detail to determine compliance with the permitted use provisions of Section 24 and the performance standards of Section 41. The statement shall also include the time period proposed for completion of all work; the hours and days of the week during which the activity will take place; the total volume and type of materials to be deposited, removed, or graded; the number of trucks and other equipment which will be involved; and the proposed truck access through the surrounding neighborhood.

44.5.2 Site Plan Map: Four (4) copies of an accurate scale plan, prepared and sealed by the

appropriate licensed design professionals as required by State Statutes, at a minimum scale of one (1) inch equals forty (40) feet. Said site plan shall illustrate the proposed development of the property and shall include the following information:

- a. The boundaries of the property.
- b. Location, width and purpose of all existing and proposed easements and right-of-way on the property.
- c. Existing field verified contours and proposed contours at intervals of two feet referred to National Geodetic Vertical Datum (NGVD), spot elevations at key locations, and area(s) where earth materials are to be stockpiled.
- d. Location of all existing wooded areas, watercourses, wetlands, rock outcrops, stone walls and other significant physical features and, where applicable, the mean high water line, wetlands boundary, 100-year flood line, floodway boundary, critical coastal resources, and areas of 25% or greater slope. Inland Wetlands shall be field located by a certified soils scientist. All areas which cannot be included in minimum lot area calculations per Sect. 6.32 shall be clearly indicated as such.
- e. Location of existing buildings, structures, signs, fences, walls, paved areas, curbs, curbcuts, edges-of-pavement, sidewalks, light poles, utility poles, catch basins, manholes, hydrants and other similar physical features.
- f. Contours on adjacent properties for a distance of 100 feet from the property line.
- g. Existing and proposed drainage on the site.

- h. Proposed vehicular access from a street.
- i. Location of any processing equipment.
- j. Erosion and sediment control plan in accordance with Section 46.

44.5.3 Prior Approvals: Where applicable, written approvals from the following agencies shall be submitted:

- a. Branford Inland Wetlands Commission;
- b. Branford Fire Marshall;
- c. Connecticut Department of Environmental Protection;
- d. Army Corps of Engineers.

44.5.4 Other: Upon written request by the applicant, identifying specific sections of the application requirements from which he requests exemption and reasons justifying such request, the Commission, may by resolution waive the required submission of all or part of the information required under Paragraph 44.5 if the Commission finds that the information is not necessary in order to decide on the application. The Commission may also request the submission of such additional information that it deems necessary to decide on the application.

44.5.5 Application Fee: An Application Fee in an amount determined by the Commission and posted in the Planning & Zoning Office.

44.6 Standards: All proposed activities covered by these Regulations shall comply with the following standards:

Upon completion of blasting, filling, excavation or construction of retaining wall the applicant shall furnish a statement from a licensed professional engineer that the finished slope is stable and has been constructed in accord with the approved plan. Ho Certificate of Zoning Compliance shall be issued until this requirement has been satisfied to the satisfaction of the Zoning Enforcement Officer.

44.6.1 Earth Slopes: Finished earth slopes resulting from excavation, removal, or deposit shall not exceed one foot of rise for three feet of horizontal distance or such lesser slope as the Commission may specify as necessary for the public health and safety, soil stability, and for the reasonable use of the property after completion of the excavation or deposit.

44.6.2 Rock Slopes: The Commission may approve finished rock slopes, at slopes no greater than five feet rise for one foot of horizontal distance, provided that the following conditions are met:

1. The Commission makes a finding that the requirements of Sect. 44.1 are met;
2. The top of any slope greater than four feet in height is protected by a fence at least five feet in height of a quality acceptable to the Commission, to prevent injury to the general public;
3. No excavation or blasting of a rock slope shall be permitted within 50 feet of any side or rear property line (The Commission may specify a greater distance if necessary to meet the requirements of Sect. 44.1);
4. All blasting shall be conducted in a manner acceptable to the Branford Fire Marshall.

Upon completion of blasting the applicant shall furnish a statement from a licensed professional engineer that the finished slope is stable and has been constructed in accord with the approved plan.

44.6.3 Retaining Walls: The Commission may approve retaining walls provided that the following conditions are met:

1. No retaining wall shall exceed a height of eight (8) feet.
2. No retaining wall shall be permitted within fifteen feet of a side or rear property line or Residential District Boundary line.

3. No retaining wall shall be located less than 15 feet from a streetline except when necessary to provide the minimum sightline required for safety, sidewalks, bus stops or other pedestrian amenities.

4. When used to create terraces, retaining walls should be a minimum of ten feet apart and the terrace area between them shall not exceed a slope one foot or rise for three feet of horizontal distance.

5. The exposed face of a retaining wall shall be of a design and material which will enhance the attractiveness of the site and shall be subject to approval by the Commission. Smooth faced concrete is not permitted.

6. The top of any retaining wall greater than four feet in height shall be protected by a fence at least four feet in height of a quality and construction acceptable to the Commission to prevent injury to the general public.

7. All retaining walls shall be designed by a licensed professional engineer and plans submitted shall bear the signature and live seal of the engineer.

8. All retaining walls shall be set back a minimum of six feet from any parking area to allow for protection of the wall, car overhang of curb, snow shelf and landscaping.

9. All drainage at the base of the wall, including flow from weep holes, shall be connected to storm drainage and not allowed to traverse parking areas, drives or adjacent roadways.

10. Landscaping shall be provided at the top and base of walls and on terraces to blend the wall with the surrounding site.

44.6.4 Condition of Site During Activity: Slopes shall be maintained during construction so as not to exceed one foot rise for two feet of horizontal distance whenever construction is

suspended for more than two weeks. There shall be no sharp declivities, slopes, pits, or depressions and proper drainage shall be provided to avoid stagnant water, soil erosion and water pollution. The Commission may require that the entire construction area be fenced if it finds that it is necessary to ensure public safety.

44.6.5 Restoration of Site: Topsoil removed shall be stockpiled on the site and upon completion of excavation or filling activities, shall be spread uniformly to a depth of at least four inches over all disturbed surface. All debris shall be removed from the site and all disturbed areas shall be planted with State Conservation Mix or equivalent ground cover. Excess topsoil may be removed from the site upon submission of a statement from a licensed professional engineer or landscape architect that sufficient topsoil remains to accomplish the requirements of this section.

44.6.6 Drainage: No drainage from the site shall cause flooding, erosion or other damage to adjacent properties, roadways, and/or storm drainage systems. The Commission may require the applicant to obtain a drainage easement prior to discharge of water to any adjacent property.

44.6.7 Fixed Machinery: The Commission may approve the use of fixed machinery in connection with earthmoving and site preparation activities provided that all of the performance standards of Section 41 and the following standards are met:

1. Stone-crushing machinery shall be located a minimum of 100 feet from any property line and 200 feet from any residential district boundary when located in an IG-1, IG-2, CP or BL district and a minimum of 200 feet from any property line when located in a BC, BR, MF, R-1, R-2, R-3, R-4, or R-5 district.

2. Loam-screening machinery shall be located a minimum of 50 feet from any property line and 100 feet from any residential district boundary when located in an IG-1, IG-2, CP or BL district and a minimum of 100 feet from any property line when located in a BC, BR, MF, R-1, R-2, R-3, R-4, or R-5 district.

3. Other fixed machinery may be approved by the Commission provided it finds that use of such machinery meets the performance standards of Section 41 and appropriate setback distances are maintained.

The Commission may require such fencing, shielding, dust control and/or other measures as necessary to protect nearby properties from hazards and nuisance.

44.6.8 Adjoining Properties: There shall be no excavation or removal within the area between the property line and the building setback line unless such activity would result in finished grades at or above the elevation of the adjoining street or lot. There shall be no deposition or filling within this same area unless such activity would result in finished grades at or below the elevation of the adjoining street or lot. The Commission may waive these requirements if, 1) a joint application with the adjoining property owner is filed or 2) if such condition is necessitated by installation of a septic system or access drive. The extent of such waiver shall be limited to 1) the area adjoining the joint property line or 2) the immediate vicinity of the septic system or access drive, as applicable.

44.6.9 Access: Truck access to the site shall be so arranged as to minimize traffic hazards and nuisance to surrounding properties. Such access on the site shall be maintained so as to prevent wind and water erosion. Appropriate measures shall be shown on the Erosion and Sediment Control Plan.

44.6.10 Hours of Operation: Within and adjacent to residential areas no blasting or operation of heavy vehicles or machinery shall take place before 7:30 A.M. or after 7:30 P.M. Monday through Saturday or at anytime on Sundays. The Commission may specify additional limitations if such are warranted in order to ensure reasonable use and enjoyment of surrounding properties.

44.6.11 Disposal of Excavated Material: The total volume of earth materials to be removed from the site and its destination, if known, shall be stated in the application. Deposition of such

materials on any site(s) within the Town of Branford shall be carried out in conformance with these regulations. If earth materials in excess of 100 cubic yards are to be transported to a location outside of the Town of Branford, it is the applicant's responsibility to secure proper authorization for disposal at the ultimate location.

44.6.12 Fill Materials: Land clearing, construction and demolition debris may be used as fill provided that the following requirements are met:

1. No constituent part of such fill shall exceed one cubic yard in volume;
2. No materials shall be used as fill which pose a fire or pollution hazard;
3. No materials shall be used as fill which will impair the future use of the site for purposes normally allowed in the zoning district;
4. The location of such material on the site shall be shown on an "as built" plan to be filed with the Planning and Zoning Commission and noted on the Land Records of the Town of Branford prior to release of bond.

The provisions of this section shall in no way be construed to authorize any activity regulated under Chapter 446d of the Connecticut General Statutes or Chapter 213 of the Branford Town Ordinances.

44.6.13 Dredge Spoils: The Commission may approve land disposal of dredge spoils provided that all requisite State and Federal permits have been approved. All methods for retainage of dredged materials shall be designed by a licensed professional engineer. After completion a statement from the design engineer that the retainage structures have been completed in substantial conformance with submitted plans shall be submitted to the Commission prior to release of bond.

44.6.14 Stockpiles: No stockpile of earth materials shall be located in a floodway (designated on the National Flood Insurance Rate Map) or within 25 feet of any critical coastal resource or within 50 feet of an inland wetland. (Any activity within the designated Flood Plain District also requires a permit from the Town Engineer in accordance with the Branford Flood Plain Ordinance). Appropriate dust and erosion controls shall be clearly described and shall be maintained for the entire duration of the stockpile. Stockpiling of a variety of earth materials on a continuing basis as part of a business may be approved by the Commission as part of a site plan or special use application for the primary use on the site (e.g. contractor '5 yard or landscaping business), provided that:

1. The maximum volume (or footprint and height), location on the site, and type(s) of materials to be stockpiled are explicitly described in the application and;
2. All other standards and requirements of these regulations are met.

The Commission reserves the right to review continuing stockpiles on a yearly basis and require submission of a new site plan or special use application if the actual circumstances differ from and/or the volume of material stockpiled exceeds what was depicted on the original application.

44.7 Alteration of Conditions: The Commission may adjust any standards or conditions provided in Section 44.6, if in its judgment such adjustment is necessary to maintain the purpose and intent of this Section.

44.8 Additional Conditions: The Commission may establish such additional standards as it deems necessary to satisfy the purposes of these Regulations, including, but not limited to the following: a) limitations on the day of the week or the hours of the day during which any work, including any blasting, may be performed on the lot; b) limitations as to size and type of machinery to be used on the lot; c) limitations on the place and manner of disposal of excavated material on the lot; d) requirements as to the control of dust, noise, and lighting; and e) limitations on the type of fill material permitted for deposit.

44.9 Periodic Reports: The Commission may require the permittee to submit periodic reports prepared by and bearing the seal of a design professional licensed in the State of Connecticut showing the status and progress of the permitted activity.

44. 10 Final As-Built Plan: Upon completion of any activity authorized by Special Use Permit in accordance with the requirements of Section 44, a final as-built plan, prepared and sealed by a licensed design professional and in sufficient detail to demonstrate compliance with the approved permit, shall be submitted to the Town Engineer for approval. No bond shall be returned until such as-built plan has been approved.

44. 11 Maintenance of Ponds: When it is found necessary to maintain existing ponds, lakes, or other bodies of fresh water to prevent eutrofication or to remove silting, and said maintenance will not change the original basic contours, depth, or periphery of the body of water, such work may be done without a Special Permit provided:

1. Approval is granted by the Branford Inland Wetlands Commission.
2. The applicant submits a written report to the Commission stating:
 - a. the area to be maintained;
 - b. the reason for the maintenance;
 - c. the total amount and type of material to be removed and where it is to be placed;
 - d. the proposed dates of the operation;
 - e. the name of the contractor responsible; and
 - i. the hours of operation.

3. The Commission, upon review of the above report, finds that the work is necessary and does not fall within the purview of an earth removal operation.

4. The Commission approves the above report and so notifies the applicant in writing.

If the Commission finds that said maintenance is an earth removal operation, said work shall only be done in accordance with the requirements of Sections 31

and 44 of these Regulations.

44.12 Duration of Permit: the Commission may grant a Special Permit for a period of time, not exceeding one year if it finds that such activity is in conformance with standards described in Section 44 and the performance standards of Section 41 of these Regulations.

44.13 Renewal: A Special Permit may be renewed by the Commission for a period not to exceed one year in accordance with the procedures and standards of these Regulations. Non-compliance with the conditions of the original approval shall be deemed sufficient cause for denial of a renewal.

44.14 Bond: The applicant shall file with the Commission a performance bond, in form and amount and with surety acceptable to the Commission, to guarantee the faithful performance of the work to be undertaken in accordance with the terms of the Special Permit. In addition, the Commission may require, when the type and size of the removal operation warrants it, a bond in form and amount and with surety acceptable to the Board of Selectmen to protect the Town from any damage caused to Town roads, bridges, or drainage facilities as a result of the removal operation.



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SECTION 45 - COASTAL MANAGEMENT DISTRICT

45.1 General: The use of land, buildings and other structures within the Coastal Management District shall be established and conducted in conformity with the underlying zoning classification, subject to the additional requirements of this Section. Accordingly, such residential and nonresidential uses shall be permitted as are permitted and in the same manner as permitted in the underlying zone, provided the coastal site plan review determines that the potential adverse impacts of the proposed use on both the coastal resources and future water dependent activities are acceptable within the meaning of the Connecticut Coastal Management Act, as amended. No application for a Certificate of Zoning Compliance shall be approved by the Zoning Enforcement Officer and no Certificate of Zoning Compliance shall be issued by him until he has made a determination and certifies in writing that such use or structure has been reviewed and approved in accordance with the Connecticut Coastal Management Act, as amended, or is a use exempt from such review as provided for below.

45.2 Exemptions: Pursuant to Section 22a-109(b) of the Connecticut General Statutes, the following activities, whether authorized as a matter of right, subject to approval of a site plan, subject to approval of a special use, or granting of a variance from these Zoning Regulations by the Zoning Board of Appeals, are exempt from coastal site plan review requirements except when the subject activity requires zoning approval and takes place within 100 feet of a critical coastal resource:

45.2.1 Gardening, grazing and the harvesting of crops;

45.2.2 Minor additions to or modification of existing buildings or detached accessory buildings, such as garages and utility sheds;

45.2.3 Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks, and detached accessory buildings;

45.2.4 Construction of new or modifications of existing on-premise structures including fences, walls, pedestrian walks and terraces, underground

utility and sewer service lines, signs, and such other minor structures as will not substantially alter the natural character of coastal resources as defined by Section 22a-93(7) of the **General Statutes** or restrict access along the public beach;

45.2.5 Construction of an individual single family residential structure except when such structure is located on an island not connected to the mainland by an existing road, bridge, or causeway;

45.2.6 Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources;

45.2.7 Interior modifications to buildings;

45.2.8 Minor changes in use of a building, structure, or property except those changes occurring on property adjacent to or abutting coastal waters.

Notwithstanding the provisions of this subsection, shoreline flood and erosion structures as defined in the **Connecticut General Statutes** Section 22a-109(c) shall not be exempt from Coastal Site Plan Review. Such structures must also be referred for review to the Connecticut Department of Environmental Protection, Office of Long Island Sound Programs.

45.3 Application Requirements: Except as exempted above, an application for approval of a coastal site plan shall be submitted to the Commission on a form prescribed by the Commission. Pursuant to Sections 22a-105 and 22a-106 of the **General Statutes**, a coastal site plan shall include the following information: a plan showing the location and spatial relationship of coastal resources on and contiguous to the site; a description of the entire project with appropriate plans, indicating project location, design, timing, and methods of construction; an assessment of the suitability of the project for the proposed site; an evaluation of the potential beneficial and adverse impacts of the project, and a description of proposed methods to mitigate adverse effects on coastal resources. In addition, the applicant shall demonstrate that the adverse impacts of the proposed activity are acceptable and that such activity is consistent with the

coastal policies, of Section 22a-92 of the General Statutes.

45.4 Statutory Criteria: In addition to determining compliance with any other applicable standards, requirements or criteria set forth by these Regulations the Commission shall review coastal site plans for compliance with the following criteria established in Section 22a-106 of the General Statutes:

45.4.1 consistency of the proposed activity with the applicable coastal policies in Section 22a-92 of the Connecticut General Statutes;

45.4.2 The acceptability of potential adverse impacts of the proposed activity on coastal resources, as defined in section 22a-93(15) of the Connecticut General Statutes;

45.4.3 The acceptability of potential adverse impacts of the proposed activity on future water dependent development opportunities, as defined in Section 22a-93(17) of the Connecticut General Statutes; and

45.4.4 The adequacy of any measures taken to mitigate the adverse impacts of the proposed activity on coastal resources and future water dependent development opportunities.

45.5 Vegetated Buffers: In coastal site plans where there are environmentally sensitive and/or ecologically fragile natural resources, the Commission may require the provision of a vegetated buffer in order to protect and preserve such resources. A vegetated buffer, which is an undisturbed area or strip of land covered with permanent stable vegetation adjacent to the resource area, is an effective method for protecting a sensitive resources from disturbance. It is therefore the policy of the Planning and Zoning Commission to require, as part of any site plan review for any property which includes or is adjacent to a critical coastal resource, that any existing vegetated buffer be retained and/or a new vegetated buffer be established. The width of the buffer should be appropriate to the quality of the coastal resource and the extent and type of development proposed. Plantings should be salt tolerant native species suited to the coastal resource buffer environment. Mowed lawns are not considered to be vegetated buffers. Vegetated buffer plans should be prepared by an appropriate environmental professional.

45.6 Commission Action: The Commission shall approve, modify,

condition or deny the coastal site plan for the proposed activity on the basis of the criteria listed in Section 22a-106 of the General Statutes to ensure that the proposed activity is consistent with the coastal policies in General Statutes and that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development opportunities are acceptable. Pursuant to Section 22a-106 of the General Statutes the Commission shall state in writing the findings and reasons for its action with respect to any coastal site plan approved, conditioned, modified or denied. Further, in approving any coastal site plan, the Commission shall make a written finding that (1) the proposed activity as approved is consistent with the coastal policies in Section 22a-92 of the General Statutes, (2) the proposed activity incorporates as conditions or modifications all reasonable measures which would mitigate potential adverse impacts of the proposed activity on coastal resources and future water dependent development activities, and (3) the potential adverse impacts of the proposed activity on coastal resources and future water-dependent development opportunities, with any conditions or modifications imposed by the Commission, are acceptable. In accordance with Section 22a-105 through 22a-109 of the General Statutes, hearing notification requirements, time limits for making a decision and decision publication and notification requirements for coastal site plans shall be the same as that set forth in the General Statutes for the type of permit or approval being requested.

45.7 Fees: Each application for coastal site plan review shall be accompanied by a fee, payable to the Town of Branford, Connecticut, in accordance with the schedule of fees as established by the Commission.

45.8 Violations: In accordance with Section 22a-108 of the General Statutes, any activity undertaken within the Coastal Boundary without the required coastal site plan review and approval, shall be considered a public nuisance and shall be subject to enforcement remedies authorized in that Section.



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SECTION 46 - SOIL EROSION AND SEDIMENT CONTROL

46.1 Definitions:

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

46.1.2 "Commission" means the Planning & Zoning Commission of the Town of Branford,

Connecticut.

46.1.3 "County Soil and Water Conservation District" means the County Soil and Water Conservation District established under subsection (a) of section 22a-315 of the General Statutes.

46.1.4 "Development" means any construction or grading activities to improved or unimproved real estate.

46.1.5 "Disturbed Area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

46.1.6 "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

46.1.7 "Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

46.1.8 "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.

46.1.9 "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of

origin by erosion.

46.1.10 "Soil" means any unconsolidated mineral or organic material of any origin.

46.1.11 "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

46.2 Activities Requiring a Certified Erosion and Sediment Control Plan: A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

46.3 Exemption: A single family dwelling that is not a part of a subdivision of land shall be exempt from the soil erosion and sediment control regulations, provided that it is also covered under Exclusions under Section 44.4.

46.4 Erosion and Sediment Control Plan:

46.4.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

46.4.2 Said plan shall contain, but not be limited to:

A. A narrative describing:

1. the development;
2. the schedule for grading and construction activities including:
 - a. start and completion dates;

b. sequence of grading and construction activities;

c. sequence for installation and/or application of soil erosion and sediment control measures;

d. sequence for final stabilization of the project site.

3. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.

4. the construction details for proposed soil erosion and sediment control measures and storm water management facilities.

5. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.

6. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

B. A site plan map at a sufficient scale to show:

1. the location of the proposed development and adjacent properties;

2. the existing and proposed topography including soil types, wetlands, watercourses and water bodies;

3. the existing structures on the project site, if any;

4. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;

5. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
6. the sequence of grading and construction activities;
7. the sequence for installation and/or application of soil erosion and sediment control measures;
8. the sequence for final stabilization of the development site.

C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

46.5 Minimum Acceptable Standards:

46.5.1 Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause offsite erosion and/or sedimentation.

46.5.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission (or the County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.

46.5.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

46.6 Issuance or Denial of Certification:

46.6.1 The Planning & Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the

requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

46.6.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

46.6.3 Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

46.6.4 The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comment.

46.7 Conditions Relating to Soil Erosion and Sediment Control:

46.7.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions of these Regulations.

46.7.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

46.7.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

46.7.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

46.8 Inspection:

46.8.1 Inspection shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify, through progress reports, that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.



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CHAPTER V
AMENDMENTS. PENALTIES, VALIDITY, EFFECTIVE DATE AND REPEAL

SECTION 51 - AMENDMENTS

51.1 These Regulations, including the Zoning Map which is 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:

51.1.1 For petitions concerning the text of these Regulations, 15 copies of the precise wording of the existing and proposed text shall be submitted.

51.1.2 For petitions concerning the Zoning Map, two (2) 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 area in the Town of Branford within 500 feet of the proposed change, and showing such area, the existing and proposed zoning district boundary lines, the existing property lines and the names of the current property owners as indicated in the Branford Assessor's records.

51.1.3 A petition in an amount determined by the Commission and posted in the Planning and Zoning Department.

SECTION 52 - PENALTIES

52.1 Any person, firm or corporation who shall violate any provision of these Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut.

SECTION 53 - VALIDITY

53.1 If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully

effective.

53.2 If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid as such provision applies to a particular building, other structure or lot, the effect of such decision shall be limited to the particular building, other structure or lot, and the general application of such provision to other buildings, structures or lots shall not be affected.

SECTION 54 - EFFECTIVE DATE AND REPEAL

54.1 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.

54.2 The Zoning Regulations of the Town of Branford, adopted effective December 3, 1956, 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 times 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.



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CHAPTER V
AMENDMENTS. PENALTIES, VALIDITY, EFFECTIVE DATE AND REPEAL

SECTION 51 - AMENDMENTS

51.1 These Regulations, including the Zoning Map which is 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:

51.1.1 For petitions concerning the text of these Regulations, 15 copies of the precise wording of the existing and proposed text shall be submitted.

51.1.2 For petitions concerning the Zoning Map, two (2) 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 area in the Town of Branford within 500 feet of the proposed change, and showing such area, the existing and proposed zoning district boundary lines, the existing property lines and the names of the current property owners as indicated in the Branford Assessor's records.

51.1.3 A petition in an amount determined by the Commission and posted in the Planning and Zoning Department.

SECTION 52 - PENALTIES

52.1 Any person, firm or corporation who shall violate any provision of these Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut.

SECTION 53 - VALIDITY

53.1 If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully

effective.

53.2 If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid as such provision applies to a particular building, other structure or lot, the effect of such decision shall be limited to the particular building, other structure or lot, and the general application of such provision to other buildings, structures or lots shall not be affected.

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