Branford Zoning Regulations

BRANFORD, CONNECTICUT

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ZONING REGULATIONS
TOWN OF BRANFORD, CONNECTICUT

These Regulations are the amended Zoning Regulations of the Town of Branford, Connecticut adopted by the Planning and Zoning Commission on April 21, 2011, pursuant to the General Statutes of the State of Connecticut and effective June 1, 2011.

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SECTION 1 INTRODUCTION

1.1 AUTHORITY.

These Regulations are adopted under the authority of Chapter 124 of the General Statutes of the State of Connecticut (CGS), as amended.

1.2 PURPOSES.

1.2.A These Regulations are adopted to:

1. Guide the future growth and development of Branford in accordance with the Plan of Conservation and Development;
2. Lessen congestion in the streets;
3. Secure safety from fire, panic, flood and other dangers;
4. Promote health and the general welfare;
5. Provide for adequate light and air;
6. Protect the environment,
7. Prevent the overcrowding of land and avoid the undue concentration of population; and
8. Facilitate adequate provisions transportation, water, sewerage, schools, parks and other public requirements.
9. Give consideration to the character of each area and its peculiar suitability for particular uses;
10. Conserve the value of buildings and encourage the most appropriate use of land throughout Branford;
11. Protect historic factors and resources;
12. Protect existing and potential public drinking water supplies;
13. Protect natural resources;
14. Provide for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity;
15. Provide for housing choice and economic diversity in housing, including housing that will meet identified housing needs; and
16. Address and meet all state and federal requirements relating to zoning.

1.3 JURISDICTION.

1.3.A Area.

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. Coastal Site Plan Reviews within Pine Orchard and Short Beach are subject to these Regulations.

1.3.B No lot or land shall be divided, altered in shape or size, sold, encumbered or conveyed so as to:

1. Make any use, building or other structure nonconforming or more nonconforming to or with these Regulations;
2. Reduce any setback, open space, or off-street parking and loading spaces to less than is required by these Regulations; or
3. Make any nonconforming setbacks, open space or off-street parking and loading spaces more non-conforming.

1.4 INTERPRETATION OF REGULATIONS.

1.4.A Prohibited If Not Permitted.

1. The following uses are prohibited in any zoning district:
   a. Billboards
   b. Junkyards
   c. Occupancy of a travel trailer or tent as a dwelling
   d. Outdoor storage in a residential district of any inoperable motor vehicle for more than 30 days.
   e. Outdoor accumulation or storage of used or discarded materials, trash, rubbish, debris, building materials, or parts of motor vehicles or other machinery.
2. In addition to the foregoing expressly prohibited uses, any principal use of land, buildings or structures that is not expressly permitted by these Regulations in a particular zoning district shall be deemed to be prohibited in that district.
3. For a principal use permitted as of right by these Regulations, accessory uses that are clearly and customarily incidental and are subordinate to the permitted principal use are also permitted. For a principal use requiring a special permit or special exception, the Commission may restrict the scope or nature of accessory uses that will be permitted.
4. Any activity not expressly permitted by these Regulations in a particular zoning district is prohibited in that district.

1.4.B Minimum Standards.

The provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare, unless the context clearly indicates that such provision is intended to be a maximum limitation.

1.4.C Multiple Standards.

1. In the event that there are found to be conflicting requirements within these Regulations, the most restrictive provision shall be applied
2. The provisions of these Regulations may be superseded by other local, state, or federal laws or regulations
3. These Regulations do not release a person from having to comply with a more restrictive law, ordinance, easement, covenant, rule, regulation, or permit.

1.5 ZONING DISTRICTS.

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

BASE ZONES
A traditional zoning district classification.
Residence 1 R-1
Residence 2 R-2
Residence 3 R-3
Residence 4 R-4
Residence 5 R-5
Multifamily Residence MF
Center Business BC
Mixed Use MU
Restricted Business BR
Local Business BL
Commerce Park CP
General Industry 1 IG-1
General Industry 2 IG-2

OVERLAY ZONES
An area where additional regulatory provisions are superimposed upon a "base zone"
Coastal Management CMOD
Town Center Village District TCVD
Access Management AMOD
Affordable Housing AHOD
Incentive Housing IHOD

FLOATING ZONES
A zoning district that is established on the zoning map only when a master plan for a proposed development is approved
Planned Development PDD
Age-Restricted Housing ARHD

1.6 ZONING MAP.

1.6.A Map.

The boundaries of the districts specified in Section 1.5 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".

1.6.B 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.

SECTION 2 DEFINITIONS

2.1 USE OF TERMS.

2.1.A Definitions to be Applied.

In the interpretation and enforcement of these Regulations, the words and phrases set forth in these Regulations shall be construed as defined in this Article, unless otherwise clearly qualified by their context.

2.1.B Specific Terms.

In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:

1. The word "shall" is mandatory and not discretionary.
2. The word "may" is permissive.
3. When not inconsistent with the context:
   (1) Words in the present tense include the future and vice-versa.
   (2) Words in the singular include the plural and vice-versa.
   (3) Words in the masculine include the feminine and neuter and vice-versa.
4. The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used."
5. The words "zone", "zoning district", and "district" have the same meaning.
6. The word "person" also includes a partnership, association, trust, corporation or other legal entity.
7. "Filed" shall mean "submitted" and vice-versa.
8. The "Town" is the Town of Branford, Connecticut.
9. The "Commission" is the Planning and Zoning Commission.
10. "CGS" means the Connecticut General Statutes. All references in these Regulations to the CGS shall mean the most recently amended version of the statutes, unless specifically stated otherwise. For informational purposes and reader convenience, the version of certain statutes as of the time of adoption of these Regulations is reprinted herein. However, if the relevant statute was later amended, the versions reprinted herein may no longer be applicable. The reader should consult the current version of the statute when possible. Connecticut statutes may be searched "on line" at the following web address: www.cga.ct.gov

2.1.C Terms Not Defined.

In the interpretation and enforcement of these Regulations, words not defined in this Article shall be interpreted by the Commission or its designated agent. In connection with such interpretation, the Commission may consult one or more of the following:

1. The State Building Code, as amended.
2. The Connecticut General Statutes ("CGS").
3. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended.
4. Black's Law Dictionary.
5. A comprehensive general dictionary.

2.2 DEFINED TERMS.

For the purpose of these Regulations, the following words are defined below:

Accelerated Erosion. *See Erosion, Accelerated @ "Erosion" Related Terms*

CONCEPT OF "ACCESSORY" AND "PRINCIPAL"
Accessory. Subordinate and customarily incidental to a principal building, structure, or use on the same property.
Principal. The primary or predominant building, structure, use, or activity on a lot or parcel

Accessory Apartment. *See "Housing" Related Terms.*

Accessory Building. *See Building, Accessory @ "Building" Related Terms.*

Accessory Structure. *See Structure, Accessory @ "Building" Related Terms.*

Accessway. Any portion of a lot that provides access to and from a street but that has a width that is less than the distance of the minimum frontage required in the relevant zoning district. For purposes of this definition, the width of the accessway at any location shall be measured parallel to a straight line passing between the two edge points of intersection of the accessway with the street line.

Adaptive Re-use. Renovation of an existing historic structure and conversion of the existing use to a use that is not otherwise allowed in the zone in which the structure is located. Uses allowable as adaptive re-use include any use that is permitted by site plan or special exception approval in any zoning district, as specified by these Regulations.

Amplified Entertainment. Public entertainment that is augmented, rebroadcast or amplified through the use of electrically powered microphones or speakers.

Animal Day Care. A business kept or maintained for the care, grooming, training, exercising and socialization of dogs or cats by a person other than the owner of the animal. Does not include overnight boarding. Overnight boarding may be permitted as part of a Commercial Kennel in accordance with Section 7.13.

Attic. The space between the ceiling joists and the roof rafters.

Average Ground Level. A reference plane established by the average of the ground level as measured at the base of all of the exterior walls. Measurements shall be taken at intervals of 10 feet around the perimeter of the building or structure.

Bed and Breakfast. *See "Lodging" Related Terms*

Billboard. *See "Sign" Related Terms*

Boat Trailer: *See "Trailer" Related Terms*

Bollard. *See "Lighting" Related Terms*

Bond. Any form of financial guarantee or financial security, including but not limited to surety bonds, letters of credit, cash and passbook accounts.

"BUILDING" AND "STRUCTURE" RELATED TERMS
Building. Any structure that has a roof and is supported on all sides by walls. **Building, Accessory.** A building that is not a principal building. A building shall be considered an accessory building unless it shares a common wall or is connected to a principal building by an enclosed, heated space. The term "accessory building" when used in connection with a farm shall include all customarily used for farm purposes. **Building, Detached.** A building separated on all sides from adjacent buildings by an open area from the ground up. **Building, Principal.** A building in which the principal use of the underlying lot is conducted. **Building, Nonconforming.** See "Nonconforming Structure" @ *"Nonconforming" Related Terms.* **Building Height.** *See "Height, Building"@ "Height" Related Terms* **Building Lot.** *See "Lot, Building" @ "Lot" Related Terms*
Structure. Anything constructed or erected that requires a building permit. **Structure, Accessory.** Any structure other than a principal structure. Any structure that 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. **Structure, Principal.** A structure in which the principal use of the underlying lot is conducted. If the principal structure on a lot is a building, it shall be deemed a principal building.

Building Lot. *See "Lot, Building" @ "Lot" Related Terms*

Business Use. *See "Use, Commercial" @ "Use" Related Terms*

Caliper. The diameter of a tree trunk measured four feet above the ground.

Certification. *See "Erosion" Related Terms*

Co-located Telecommunication Facilities. 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 25 feet shall not be considered a Co-located Telecommunications Facility.

Commercial Kennel. *See "Kennel, Commercial"*

Commercial Use. *See "Use, Commercial" @ "Use" Related Terms*

Commission. The Planning and Zoning Commission.

Common Driveway. A driveway that serves more than one lot.

Communications Tower. A structure that is intended to support equipment used to transmit and / or receive telecommunications signals.

Construction Trailer or Construction Field Office Trailer. *See "Trailer" Related Terms*

Contractor's Yard. The premises of any construction contractor or builder where equipment and / or materials are stored for use in a construction business.

Corner Lot. *See "Lot, Corner" @ "Lot" Related Terms*

Critical Coastal Resources. Critical Coastal Resources are coastal waters, estuarine embayments, rocky shorefronts, inter-tidal flats, islands, tidal wetlands, coastal bluffs and escarpments, beaches and dunes, as those terms are defined in CGS 22a-93(7).

"COVERAGE" RELATED TERMS
Coverage, Lot. Lot coverage is the ratio (expressed as a decimal) of the area of maximum 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 unless specifically exempted, to the "lot area."
Impervious Surface Area. The impervious surface area on a lot is derived by adding the area of buildings and structures used in calculating "Lot Coverage" to the area covered by parking and loading areas and driveways (whether paved or unpaved).
Impervious Surface Area Ratio. A ratio, expressed as a decimal, derived by dividing the impervious surface area by the total area of a lot.

Cultivation of Land. *See "Farm" Related Terms*

Cut Sheets. *See "Lighting" Related Terms*

"DAY CARE" RELATED TERMS
Day Care. A program of supplementary care provided to one or more persons on a regularly recurring, but part-time basis, in a place other than the recipient's own dwelling.
Day Care Center. As defined in CGS 19a-77.
Family Day Care Home. As defined in CGS 19a-77.
Group Day Care Home. As defined in CGS 19a-77.

Depth of Lot. *See "Lot, Depth of" @ "Lot" Related Terms*

Detached Building. *See Building, Detached @ "Building" Related Terms*

Development. *See "Erosion" Related Terms*

Direct Light. *See "Lighting" Related Terms*

Disturbed Area. *See "Erosion" Related Terms*

Dwelling. *See "Housing" Related Terms*

Dwelling Unit. *See "Housing" Related Terms*

Earth Disturbing Activities. *See "Erosion" Related Terms*

Efficiency Dwelling Unit. *See "Housing" Related Terms*

"EROSION" RELATED TERMS
Certification. When used in connection with a soil erosion and sediment control plan, a signed, written approval by the Commission or its designated agent that the plan complies with the applicable requirements of these Regulations.
Development. Any construction or grading activities to improved or unimproved real estate.
Disturbed Area. An area where the ground cover is altered, destroyed or removed.
Earth Disturbing Activities. Any activity or use of the land that results in a change in the natural or man-made cover or topography.
Erosion. The wearing away of land surface by the action of wind, water, gravity, ice, or any combination thereof. The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
Erosion, Accelerated. Any increase over the rate of natural erosion as a result of earth disturbing activities.
E&S Guidelines. The "Connecticut Guidelines for Soil Erosion and Sediment Control," as issued by the Connecticut Council on Soil and Water Conservation in cooperation with the Connecticut Department of Environmental Protection, DEP Bulletin 34, including any supplements, addenda, and corrections issued thereto.
Grading. Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof.
Inspection. When used in connection with sediment and erosion control measures, the physical observation and review of any such measures shown on the certified plan.
Sediment. Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
Sedimentation. The process of transporting sediment from its site of origin and/or forming of silt or other sediment due to earth-disturbing activities.
Soil. Any unconsolidated material or organic material of any origin located at or below the surface of the earth or removed from such area.
Soil Erosion and Sediment Control Plan. A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Family. A person or a group of persons, related by blood, marriage, civil union or similar legally recognized familial association, or a group of not more than five (5) persons who need not be so related, who are living as a single housekeeping unit and maintaining a common household.

Family Day Care Home. *See "Day Care" Related Terms*

"FARM" RELATED TERMS

Cultivation of Land. The improvement and preparation of land, by plowing or fertilizing, for raising crops; tillage.

Farm. An area devoted, for gain or the expectation of gain, to the raising of agricultural products, livestock, poultry, or dairy products. It includes necessary structures within the bulk and use requirements of these Regulations and the storage of materials and equipment used. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables, and dog kennels.

Farm Stand. An accessory use related to a bona fide farm operation which offers for sale to the general public such food or plant products as fruits, vegetables, plants, flowers, eggs, honey, maple syrup, dairy products, and seasonal items including Christmas trees, cemetery baskets, etc.

Fast Food Restaurant. *See" Restaurant, Fast Food" @ "Restaurant" Related Terms*

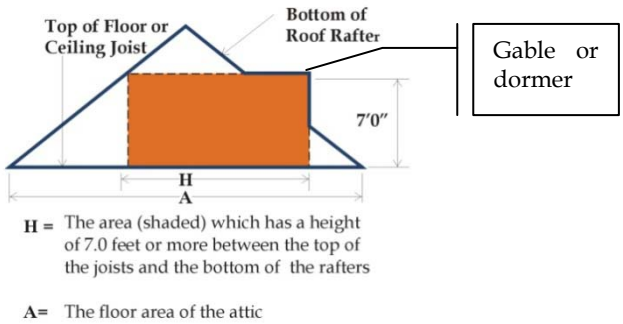
FDIC. Federal Deposit Insurance Corporation.

Financial Guarantee. A financial guarantee acceptable to the Town in amount, form, and substance for the purpose of ensuring that improvements or obligations required by these Regulations will be completed.

"FLOOR AREA" RELATED TERMS

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 not include any space with headroom of less than seven (7) feet.

"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.



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.

Footcandle. *See "Lighting" Related Terms*

Freestanding Sign. *See "Sign, Freestanding" @ "Sign" Related Terms*

Full Cutoff Type Fixture / Luminaire. *See "Lighting" Related Terms*

Fully-Shielded Fixture. *See "Lighting" Related Terms*

Glare. *See "Lighting" Related Terms*

Grade. *See "Height Related Terms*

Grading. *See "Erosion" Related Terms*

Gross Floor Area. *See Floor Area, Gross @ "Floor Area" Related Terms*

Group Day Care Home. *See "Day Care" Related Terms*

Guarantee. *Same meaning as "Bond."*

"HEIGHT" RELATED TERMS
Height, Building. In measuring the height of a building or other structure to determine compliance with maximum height provisions, measurements shall be taken from the lower of either: • The average pre-existing (pre-development) grade measured at the base of the building or structure (average ground level) to the level of the highest roof of the building or highest feature of the structure; or • The average finished grade measured at the base of the building or structure (average ground level) to the level of the highest roof of the building or highest feature of the structure. **Light Fixture Height.** *See Height of Luminaire @ Lighting Related Terms.* **Height, Sign.** *See Sign Related Terms.*

HID. *See "Lighting" Related Terms*

High Traffic Generator. Any use which generates more than 10 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. In addition, fast food restaurants, gas stations, convenience stores, grocery stores, truck stops and community shopping centers shall be considered high traffic generators.

"HOME BASED BUSINESS" RELATED TERMS

Home-Based Business. The use of a portion of a dwelling or residential accessory building for business purposes by the resident occupants when clearly incidental and secondary to the residential use of the dwelling (such as a home office or a home occupation).

This definition includes, but is not limited to, the office, studio or workshop of an architect, artist, computer or Internet-based business, dentist, dressmaker, economist, engineer, insurance agent, lawyer, musician, photographer, physician, psychologist, real estate broker, serviceman or a dwelling also used for preserving or cooking for compensation. Such uses as restaurants, tearooms, funeral homes, dancing schools, public garages, and animal hospitals are not considered incidental and accessory to a residential use and shall not be deemed a home-based business.

Home Office / Studio. See Section 3.10.A.

Major Home Occupation. See Section 3.10.C.

Minor Home Occupation. See Section 3.10.B.

Home Office / Studio. *See "Home Based Business" Related Terms*

Hotel. *See "Lodging" Related Terms*

"HOUSING" RELATED TERMS

Accessory Apartment. A complete self-contained housekeeping unit, with sleeping area, kitchen and bathroom facilities, on a lot with, and subordinate to, a single-family residence that is the principal use. The size of the an accessory apartment shall be limited to one-third of the size of the principal dwelling unit or 900 square feet, whichever is less.

Dwelling. A "dwelling" is a building containing one (1) or more "dwelling units".

Dwelling, Single-Family. A building designed for and occupied exclusively as a dwelling unit for one (1) family and having no party wall in common with an adjacent dwelling. Where a private garage or accessory structure is attached to such building, it shall be considered as a part thereof.

Dwelling, Two -Family. Two (2) dwelling units in the same building on one lot (also known as a Duplex).

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

Dwelling Unit, Efficiency. An "efficiency dwelling unit" is a "dwelling unit" in a building 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.

Horizontal Illuminance. *See "Lighting" Related Terms*

HPS. *See "Lighting" Related Terms*

Impervious Surface Area. *See "Coverage" Related Terms.*

Inland Wetlands and Watercourses. Inland wetlands and watercourses as defined in CGS Section 22a-38.

Inspection. *See "Erosion" Related Terms*

Interior Lot. *See "Lot, Interior" @ "Lot" Related Terms*

IsoFootcandle Diagram. *See "Lighting" Related Terms*

Junk Yard. A lot, land, or structure, or part thereof, used for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded materials, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or discarded solid materials including garbage, scrap metal, junk, and refuse materials including inert matter and landscape refuse. The term "junk yard" shall be construed to include, but shall not be limited to, any "motor vehicle recycler's business" and "motor vehicle recycler's yard" as defined in CGS Section 14-67g.

Kennel, Commercial. Premises maintained and operated as a business for the grooming, boarding, daycare or training of dogs.

Lamp. *See "Lighting" Related Terms*

"LIGHTING" RELATED TERMS

Bollard. A short, thick post or pole with integrated lighting components used for illuminating walkways.

Cut Sheets. Product information sheets, or digital files from a lighting manufacturer that describes and illustrates a light fixture and its electrical, mechanical and performance specifications. (Specifications include: cutoff type, lamp type, lumen rating, etc.)

Direct Light. Light emitted directly from the light source (bulb/lamp/diode), off of the reflector, or through the refracting lens or diffuser of a light fixture.

Footcandle. A standard unit of measure used to describe the density of light at a given point. A unit of illuminance, equal to one lumen per square foot.

Full Cutoff or Fully-Shielded Fixture: A light fixture designed to control the view of direct light, in which the light source is enclosed, and hidden from view on all sides except the downward light-emitting opening.

Glare. Excessive brightness that interferes with vision.

HID - High Intensity Discharge. High intensity discharge (HID) is an efficient, long-life lamp type that is often used for commercial lighting. HID light fixtures feature high output and long bulb life. HID fixtures use a dedicated lamp & ballast system for a given light output rating.

Continued…

"LIGHTING" RELATED TERMS *(continued)*
Horizontal Illuminance. The light density measured on a horizontal plane. In site plans, horizontal illuminance is typically measured at the ground surface.
HPS - High Pressure Sodium. The orange-colored, high intensity discharge (HID) lamp type.
IsoFootcandle diagram. A computer-calculated diagram, which estimates the brightness levels that will be produced by a proposed lighting installation at a given site. The diagram depicts light density levels (horizontal illuminance levels), measured in footcandles, which are plotted at equidistant points across the ground level of a proposed site plan.
Lamp. The light source of a light fixture, as in the light bulb, or diode.
Light Pollution. That portion of artificial lighting which is directed or cast outward or upward and does not illuminate the ground or structure for which the lighting was designed or intended.
Light Trespass. Light pollution affecting adjoining or nearby property.
Lumen. A standard unit of measure used to describe the light output of a light source (a unit of luminous flux). Manufacturer's specifications for lamps and light fixtures list the rate lumen output for the product.
Luminaire. A light fixture composed of a housing, lamp, electronics and wiring.
Max:Min Ratio (Uniformity Ratio). The ratio between the brightest illuminance (footcandle) level and the lowest level of a site lighting plan.
Metal Halide (MH). The white-colored, high intensity discharge (HID) lamp type.
Over-lighting. Excessive exterior lighting, which exceeds industry-recognized, recommended practice guidelines for site lighting.
Uplight. Wasted illumination from a light fixture that is directed skyward where it serves no purpose and contributes to light pollution.

Limited Retail. *See "Sales" Related Terms*

Livestock. Animals commonly raised in an agricultural rather than a domestic environment, including but not limited to chickens, pigs, sheep, goats, horses, cattle, donkeys, llamas, emus, ostriches.

"LODGING" RELATED TERMS
Bed and Breakfast. An owner-occupied dwelling unit that contains no more than four (4) guest rooms where lodging, with or without meals, is provided for compensation.
Hotel. A building in which transient lodging is provided for compensation with or without meals. The term is intended to include facilities commonly known as motels, but it does not include bed and breakfast establishments, as defined in these Regulations.

"LOT" RELATED TERMS

Lot. A "lot" is a tract of land that meets one or more of the following descriptions:

- a discrete parcel of land that was created by subdivision and that is shown on a subdivision map approved by the Commission and filed in the office of the Branford Town Clerk;
- a parcel of land that was created by the first division occurring after June 16, 1954 (the date of first enactment of subdivision regulations in Branford) of a larger parcel of land and that conforms to the area, shape, frontage and other geometric requirements of these Regulations for the establishment of a principal use;
- a parcel of land that, since December 3, 1956 (the date of first enactment of zoning regulations in Branford) has been owned separately from any adjoining parcel or parcels as evidenced by deed or deeds recorded in the land records of the Town of Branford and that contains no less than 4,000 square feet of land area.

See Section 6.1 regarding the functional difference between a "lot" and a "building lot."

Lot, Corner. A "corner lot" is a "lot" having lot lines formed by the intersection of two (2) 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.

Lot, Interior. A lot that has lawful access from a street, but that lacks the minimum frontage required by Sections 3 and 4 of these Regulations.

Lot Area. The total horizontal area included within lot lines.

Lot Area, Minimum. 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 percent or greater), wetlands, watercourses, or critical coastal resources 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, watercourses and critical coastal resources shall be based on site conditions in existence prior to any proposed excavation, filling, or other earth moving activity.

Land in two (2) 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.

Continued…

"LOT" RELATED TERMS (continued)

Lot, Building. A parcel of land used or occupied, or that may lawfully be used or occupied, by a building or group of buildings and satisfying all applicable provisions of these Regulations for such use or occupancy. See Section 6.1 regarding the functional difference between a "lot" and a "building lot."

Parcel of Land. For purposes of these Regulations, the term "parcel of land" shall refer to (1) any discrete, contiguous land area, the boundaries of which have been described or defined by a document properly filed or recorded in the Branford Land Records; or (2) any land area that is required by a judicial ruling or other legal requirement to be treated as separate and distinct from all adjoining land. The intention of the Commission in so defining the term is to distinguish a "parcel of land" from a "lot." Each "lot" is also a "parcel of land," as defined herein, but not every "parcel of land" is a "lot."

Square, Minimum. As used in the various tables of bulk requirements in these Regulations, the term "minimum square" means that a square having side dimensions no less than the stated number must be capable of fitting entirely within the boundaries of the relevant parcel.

"LOT LINE" RELATED TERMS

Lot Frontage (or Frontage). The length of a property line bounded by a public street. *See streetline*.

Lot Line. Any property line bounding a lot.

Lot Line, Rear. Except with respect to corner lots, any lot line or portion of a lot line that is parallel to, or within 45 degrees of being parallel to, the line along which lot frontage is measured shall be deemed to be a rear lot line. Corner lots shall have no more than one (1) rear lot line

Lot Line, Side: Any lot line that is not a front lot line or a rear lot line as defined herein.

Lumen. *See "Lighting" Related Terms*

Luminaire. *See "Lighting" Related Terms*

Major Home Occupation. *See "Home Based Business" Related Terms*

Max:Min Ratio. *See "Lighting" Related Terms*

Metal Halide. *See "Lighting" Related Terms*

Minimum Lot Area. *See "Lot Area, Minimum" @ "Lot" Related Terms*

Minimum Square. *See "Square, Minimum" at "Lot" Related Terms*

Minor Home Occupation. *See "Home Based Business" Related Terms*

Mixed-Use. *See "Use, Mixed" @ "Use" Related Terms*

"NONCONFORMING" RELATED TERMS
Nonconforming. An adjective used to describe a use, activity, building, structure, or lot that does not conform to the current requirements of these Regulations.
Nonconforming Building. See *Nonconforming Structure*.
Nonconforming, Legal. The situation where a nonconforming use, activity, building, structure, or lot lawfully existed prior to the time: • These Regulations became effective, or • An amendment hereto which created the nonconformity became effective.
Nonconforming Lot. A parcel of land that fails to meet the area, shape, or frontage or any other applicable requirement of these Regulations pertaining to lots.
Nonconforming Structure. A structure that does not conform to these Regulations with respect to size, area, height, setback or other requirement for the zone in which it is situated.
Nonconforming Use. A use of land or of a building that does not conform to these Regulations for the zone in which it is situated.

Outside Storage. *See "Storage, outside" @ "Storage" Related Terms*

Over-lighting. *See "Lighting" Related Terms*

Parcel of Land. *See "Lot" Related Terms*

Permitted Use. *See "Use, Permitted" @ "Use" Related Terms*

Portable Storage Unit or Portable on Demand ("POD") Container. *See "Trailer" Related Terms*

Portable Sign. *See "Sign, Portable" @ "Sign" Related Terms*

Principal Building. *See Building, Principal @ "Building" Related Terms.*

Principal Use. *See "Use, Principal" @ "Use" Related Terms*

Projecting Sign. *See "Sign, Projecting" @ "Sign" Related Terms*

Rear Property Line. *See "Property Line, Rear" @ "Lot Line" Related Terms*

"RESTAURANT" RELATED TERMS
Restaurant, Table Service. Any business establishment whose principal business is the sale of foods or beverages, typically served by waiters/waitresses, to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customers consume these foods while seated at tables or counters located within the building.
Restaurant, Fast Food. Any business establishment whose principal business is the sale of foods or beverages to the customer in a ready-to-consume state, typically served in paper, plastic or other disposable containers, for consumption within the restaurant building, elsewhere on the premises or for carryout/delivery for consumption off the premises.

Resubdivision. A change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

Retail Sales. *See "Sales" Related Terms*

Retaining Wall. Wall built to retain or support earth or other materials that are not part of a building or structure, and utilized to provide changes in grade that cannot be accomplished with stable earth or rock slopes.

"SALES" RELATED TERMS
Limited Retail: Retail establishments in which the principal use is a showroom for large household items such as furniture, large appliances, or cabinets.
Retail Sales. The sale of goods or commodities, principally in small quantities, directly to consumers.
Wholesale Sales. The sale of goods, principally in large quantities, for purposes of resale.

Sediment. *See "Erosion" Related Terms*

Sedimentation. *See "Erosion" Related Terms*

Self Storage. *See "Storage, Self" @ "Storage" Related Terms*

Setback. The minimum required distance from any lot line to the nearest building or structure.

"SIGN" RELATED TERMS
Billboard. An outdoor sign advertising products or services that are not made, produced, assembled, stored or sold from the premises upon which the sign is displayed, or any free-standing outdoor sign, the face of which exceeds 300 square feet in size..
Sign. Includes 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 not include any flag of any governmental unit.
Sign Area. The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. Where there is no defined sign background or panel (such as individual detached letters or symbols which are mounted, placed or painted on a building or wall) the smallest rectangular area enclosing all such letters or symbols.
Sign, Freestanding. A sign supported by one (1) or more upright poles, columns, or braces placed in or on the ground and not attached to any structure.
Sign Height. The vertical distance measured from the lowest adjacent grade to the highest point on the sign or sign structure.
Sign, Portable. Any sign not permanently affixed to the ground or to a structure.
Sign, Projecting. A sign that is attached to, and that extends more than six (6) inches from the surface of, a building or other structure.
Sign, Temporary. A sign that is intended to advertise community or civic events, construction projects, real estate for sale or lease, or any other special event of a temporary nature.
Sign, Wall. A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building (other than a "projecting sign") and supported throughout its length by such building.
Sign, Window. A sign affixed to a surface of a window or erected inside of a window or within two (2) feet thereof.

Site Plan. A professionally prepared drawing, or set of drawings, regarding proposed development to a property, depicting and detailing boundary lines, setback lines, and other legal and regulatory lines relevant to the property, the existing and proposed topography, improvements and other features associated with the proposed development, and any other drawing-related information relevant to the proposed development, and including any covenants, studies, calculations, and other such documents relevant to the proposed development. When required by these Regulations, a site plan is subject to the approval and issuance of a permit by the Commission.

Soil. *See "Erosion" Related Terms*

Soil Erosion and Sediment Control Plan. *See "Erosion" Related Terms*

"STORAGE" RELATED TERMS
Portable Storage Unit or Portable on Demand ("POD") Container. *See "Trailer" Related Terms*
Storage, Outside. The outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.
Storage, Self. 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.
Storage Trailer or Storage Container. *See "Trailer" Related Terms.*

Special Exception, Special Permit, or Special Use. A use of property that may be appropriate in a given zoning district, but that 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 that, 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.

Steep Slopes. As used in determining the area of a lot that 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 areas having a slope of 25 percent or greater as measured on a sealed survey, as prepared by a licensed land surveyor, with two-foot contour intervals and a scale of at least one (1) inch = 40 feet. Slope shall be calculated by measuring the distance between two (2) foot contours as shown on the map. A 25 percent slope shall be defined as any area where the two (2)-foot contour lines measure eight (8) feet apart in the horizontal plane.

"STREET" RELATED TERMS
Street. Any public way duly accepted for vehicular travel by the Town of Branford. Also, any State Highway, except limited access State Highways; and any street shown on a subdivision map approved by the "Commission" and filed in the office of the Branford Town Clerk.
Street Width. The "width" of a street shall mean the distance between the "street lines".
Street Line. The right-of-way, easement or taking line of any "street" or private road.

Structure. *See "Building" Related Terms*

Subdivision. The division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes. Every resubdivision shall also be deemed to be a subdivision.

Temporary Sign. *See "Sign, Temporary" @ "Sign" Related Terms*

Tidal Wetlands. *See "Wetland" Related Terms*

Through Lot. *See "Lot, Through" @ "Lot" Related Terms*

"TRAILER" RELATED TERMS
Trailer. A vehicle or other contrivance without motive power, designed to be towed or hauled by another vehicle, and used for: • Short-term human occupation; • Carrying or storing goods or objects; or • Short term occupancy as a construction field office. **Boat Trailer.** A trailer used solely for transporting a boat. **Construction Trailer or Construction Field Office Trailer.** Any trailer 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. **Portable Storage Unit or Portable on Demand ("POD") Container.** A moveable storage unit with a volume of less than forty cubic yards used for temporary storage of household goods before or after a move and/or during a renovation or other construction project, for a period not to exceed 30 days. **Storage Trailer or Storage Container.** A portable warehouse, storage box, trailer portion of a tractor trailer vehicle, or similar moveable roofed enclosure, with a volume of less than 120 cubic yards, that is placed on a lot for the purpose of storing equipment, merchandise, supplies, or other materials, for a period not to exceed two years. Any detached trailer portion of a tractor-trailer vehicle parked on a property for a period of more than 90 days shall be considered a storage trailer rather than a vehicle. **Travel Trailer.** A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use.

Travel Trailer. *See "Trailer" related terms*

Uniformity Ratio. *See "Max:Min Ratio" @"Lighting" Related Terms*

Uplighting. *See "Lighting" Related Terms*

"USE" RELATED TERMS
Use. The specific purpose for which a building, structure or land is designed, arranged, or intended, or for which it is or may be occupied or maintained.
Use, Accessory. A use of land, buildings or structures that is incidental and subordinate to and customarily used in connection with, and located on the same lot with the principal building, structure or use.
Use, Commercial or Business Use. Activity carried out for monetary gain.
Use, Mixed. A building or property that contains both residential and commercial uses.
Use, Nonconforming. See "Nonconforming Use" @ *"Nonconforming" Related Terms.*
Use, Permitted. A use allowed by these Regulations, but specifically excluding any nonconforming use.
Use, Principal. The primary or predominant use of any lot or building.

Wall Sign. *See "Sign, Wall" @ "Sign" Related Terms*

Watercourse. *See "Wetland" Related Terms*

"WETLAND" RELATED TERMS
Watercourse. The term "Watercourse" shall have the same meaning as defined in CGS Section 22a-38.
Wetland. The term "Wetland" shall have the same meaning as defined in CGS Section 22a-38, except that the term "tidal wetland" shall be defined in the same manner as the term "wetland" is defined in CGS Section 22a-29.
Wetland, Tidal. Wetlands as defined by CGS Section 22a-29.

Wholesale Sales. *See "Sales" Related Terms*

Width of Lot. *See "Lot, Width of" @ "Lot" Related Terms*

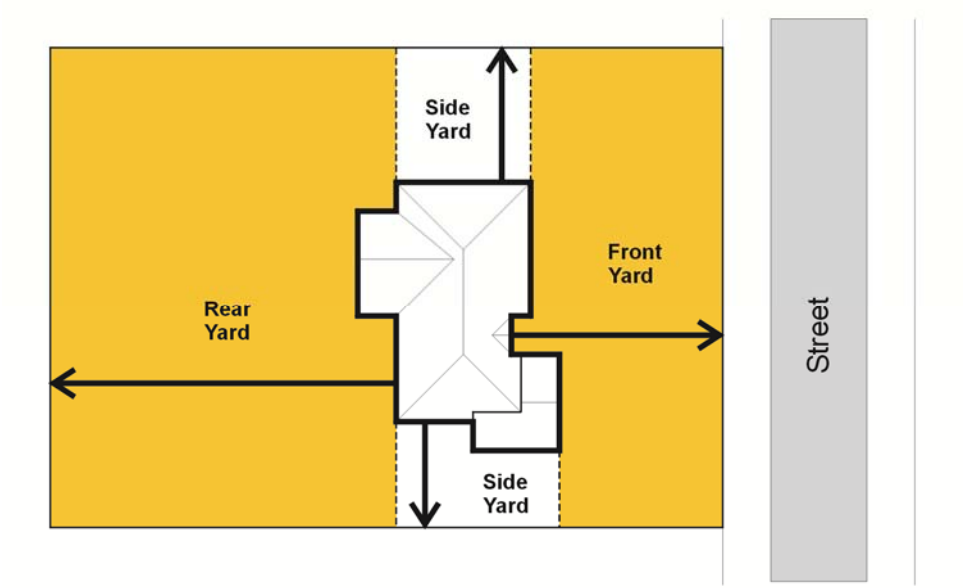
Window Sign. *See "Sign, Window" @ "Sign" Related Terms*

Wind Energy Conversion Systems (WECS). All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower to the substation.

Yard, Front. The area on a lot between any front lot line and the nearest line of any surface of the principal structure on the parcel.

Yard, Rear. The area on a lot between any rear lot line and the nearest line of any surface of the principal structure on the parcel.

Yard, Side. The area on a lot between any side lot line and the nearest line of any surface of the principal structure on the parcel.



SECTION 3 RESIDENTIAL DISTRICTS

3.1 GENERAL.

In accordance with a comprehensive plan, the Commission has divided the town of Branford into various zoning districts. The provisions applicable in one district differ from those in other districts, and each district, as hereinafter described, has a general purpose in providing for the orderly growth, development and improvement of the Town.

3.2 PURPOSES.

3.2.A Residence R-1 District.

1. 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.
2. 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. Nonresidential and nonagricultural uses may be appropriate in these districts, but only as Special Exceptions upon a finding that development will be compatible with the character of the district.

3.2.B Residence R-2 District.

1. These districts consist of residential areas that have been developed over a period of years primarily with single-family houses for seasonal as well as year-round occupancy on relatively small lots.
2. The applicable standards are designed to recognize and protect the current pattern of development. Nonresidential and nonagricultural uses may be appropriate in these districts, but only as Special Exceptions upon a finding that development will be compatible with the character of the district.

3.2.C 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. Nonresidential and nonagricultural uses may be appropriate in these districts, but only as Special Exceptions upon a finding that development will be compatible with the character of the district.

3.2.D 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. Nonresidential and nonagricultural uses may be appropriate in these districts, but only as Special Exceptions upon finding that development will be compatible with the character of the district.

3.2.E 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 likely long-term or permanent absence of sewers. Nonresidential and nonagricultural uses may be appropriate in these districts, but only as Special Exceptions upon a finding that development will be compatible with the character of the district.

3.2.F Multifamily Residence MF District.

1. This district provides for an attached housing unit alternative to the detached single-family units allowed in other residential districts.
2. The multifamily district is designed to provide moderate density housing in locations that are sewered, 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.
3. Each proposal for multifamily development is subject to Special Exception review to insure conformance with the Plan of Conservation and Development and all applicable standards.

3.3 PERMITTED USES.

3.3.A Principal Uses and Activities.

1.	**No permit required.**	ADDITIONAL CRITERIA (SEE SECTION)
(1)	Agricultural uses and farms	
(2)	Cultivation of land	
(3)	Open space and passive recreation	
(4)	Public utility substations, pursuant to the Connecticut Siting Council.	

2.	**Zoning Permit required (See Section 9.2).**	ADDITIONAL CRITERIA (SEE SECTION)
(1)	Single-family dwelling (one (1) per lot)	
(2)	Two-family dwelling. (R-1 and R-2 Only – one (1) per lot)	
(3)	Agricultural and farm buildings. All buildings housing livestock or poultry shall be located at least 100 feet from any street or lot line	
(4)	Greenhouse	

3.	**Site Plan Approval required (See Section 9.6).**	ADDITIONAL CRITERIA (SEE SECTION)
(1)	Cemetery	
(2)	Parks / playgrounds	

4.	**Special Exception Approval required (See Section 9.8).**	ADDITIONAL CRITERIA (SEE SECTION)
(1)	Age-Restricted Housing	7.2
(2)	Open space residential development	7.3
(3)	Dwellings containing three (3) to four (4) dwelling units (R-1 and R-2 Zones only)	
(4)	Dwellings containing three (3) or more dwelling units (MF Zones only)	7.1
(5)	Single-family dwelling (one (1) per lot) (MF Zones only)	
(6)	Two-family dwelling (one (1) per lot) (MF Zones only)	
(7)	Day care center	7.6
(8)	Group day care home	7.6
(9)	Adaptive reuse (R-1, R-2, R-3, R-4 and R-5 Zones only)	7.16
(10)	Churches and places of worship	
(11)	Colleges and schools / dormitories	
(12)	Commercial kennel (R-1, R-2, R-3, R-4 and R-5 Zones only)	7.13
(13)	Commercial horse stable, riding or training school (R-1, R-2, R-3, R-4 and R-5 Zones only)	7.14
(14)	Golf Course (R-1, R-2, R-3, R-4 and R-5 Zones only)	
(15)	Grading, excavation, removal or deposit of earth materials and related activities	6.8
(16)	Hospitals and skilled nursing facilities	7.8
(17)	Docks, wharfs, marinas, slip basins, boat storage and landings	7.9
(18)	Municipal facilities and services	
(19)	Non-profit membership clubs	
(20)	Summer camps	
(21)	Railroad rights-of way and passenger stations, including customary accessory services therein but not including switching, storage, sidings, freight yard or freight terminals.	

3.3.B Accessory Uses.

1.	**No permit required.**	ADDITIONAL CRITERIA (SEE SECTION)
(1)	Home Office / Studio	3.10.A

2.	**Zoning Permit required (See Section 9.2).**	ADDITIONAL CRITERIA (SEE SECTION)
(1)	Parking areas for Principal Uses (less than 25 parking spaces)	6.5
(2)	Family day care homes registered pursuant to CGS Section 17b-733	
(3)	Farm Stand (R-1, R-2, R-3, R-4 and R-5 Zones only)	3.8
(4)	Minor Home Occupation	3.10.B
(5)	Portable on-demand storage units (R-1, R-2, R-3, R-4 and R-5 Zones only)	
(6)	Pools, tennis courts and other recreational structures (R-1, R-2, R-3, R-4 and R-5 Zones only)	3.8
(7)	Sheds, decks, garages, up to 750 square feet total on a lot (R-1, R-2, R-3, R-4 and R-5 Zones only)	3.8
(8)	Signs pertaining to a permitted principal use on a lot	6.6

3.	**Site Plan Approval required (See Section 9.6).**	ADDITIONAL CRITERIA (SEE SECTION)
(1)	Parking areas for Principal Uses (25 or more parking spaces)	6.5
(2)	Pools, tennis courts and other recreational structures (MF Zones only)	
(3)	Sheds, decks, garages, up to 750 square feet total on a lot (MF Zones only)	

4.	**Special Exception Approval required (See Section 9.8).**	ADDITIONAL CRITERIA (SEE SECTION)
(1)	Accessory Apartment (R-3, R-4 and R-5 only)	7.4
(2)	Bed and Breakfast	7.7
(3)	Major Home Occupation	3.10.C
(4)	Sheds, decks, garages, over 750 square feet	3.8
(5)	Farm Stand (MF Zones only)	

3.4 BULK REQUIREMENTS.

3.4.A Bulk Requirements.

		ZONE					
		R-1	R-2	R-3	R-4	R-5	MF
MINIMUM	LOT AREA (square feet)	6,000	4,500	15,000	20,000	40,000	130,680
	LOT AREA PER UNIT (square feet)	4,000	4,000	15,000	20,000	40,000	7,260
	FRONTAGE (feet)	50	50	90	110	130	150
	SQUARE (feet)	50	50	100	125	150	250
	FRONT SETBACK (feet)	15	15	30	40	50	50
	SIDE SETBACK (feet)	10	10	15	20	25	50
	REAR SETBACKS (feet)	20	20	30	50	50	50
MAXIMUM	HEIGHT (feet)	35	35	35	35	35	35
	FLOOR AREA	0.50	0.50	0.50	0.40	0.30	0.40
	LOT COVERAGE	0.25	0.25	0.25	0.25	0.15	0.20
	IMPERVIOUS SURFACE AREA RATIO	n/a	n/a	n/a	n/a	n/a	0.50

For Interior Lot Bulk Requirements, see Section 6.11.C

3.5 [RESERVED FOR FUTURE USE]

3.6 [RESERVED FOR FUTURE USE]

3.7 SPECIAL PROVISIONS FOR RESIDENTIAL DISTRICTS.

3.7.A Keeping of Animals (Non-commercial operations).

1. Where allowed by these Regulations, the following limitations and requirements shall apply to the keeping of animals as an accessory to a residential use:

(1) Dogs.

PERMIT TYPE	DENSITY LIMITATION	OTHER LIMITATIONS
No Permit Required	Up to four (4) dogs over the age of eight (8) weeks per dwelling.	• Shall not be for compensation.
Special Exception	More than four (4) dogs over the age of eight (8) weeks per dwelling.	• Minimum lot size of three (3) acres. • Shall not be for compensation. • Structures housing animals shall be located no less than 250 feet from any residence not the owner's.

(2) Horses, Cows, Pigs, Sheep and similar large animals.

PERMIT TYPE	DENSITY LIMITATION	OTHER LIMITATIONS
No Permit Required	Minimum lot size for one (1) animal is one and one-half (1½) acres. For each additional animal, the minimum lot size shall be increased by one-half (½) acre.	• All livestock shall be kept within a fenced enclosure designed to prevent animals from crossing or overhanging any property line

(3) Rabbits and similar small animals.

PERMIT TYPE	DENSITY LIMITATION	OTHER LIMITATIONS
No Permit Required	For parcels containing at least one-half (½) acres, one (1) rabbit or similar small animal for the first 20,000 square feet of parcel area and one (1) additional rabbit or similar small animal for each additional 10,000 square feet of parcel area.	• All livestock shall be kept within a fenced enclosure designed to prevent animals from crossing or overhanging any property line.

(4) Chickens and other poultry.

PERMIT TYPE	DENSITY LIMITATION	OTHER LIMITATIONS
No Permit Required	For parcels containing at least one (1) acre, 50 birds per 40,000 square feet.	• All poultry shall be housed within a building or fenced enclosure and no poultry shall be housed within 50 feet of any street or within 75 feet of any other property line. • Such enclosure shall prevent poultry from leaving the property.
No Permit Required	Farming on parcels containing five (5) acres or more, no limit.	• All poultry shall be housed within a building or fenced enclosure and no poultry shall be housed within 50 feet of any street or within 75 feet of any other property line. • Such enclosure shall prevent poultry from leaving the property.
Certificate of Zoning Compliance	For parcels smaller than one (1) acre, no more than six (6) hen chickens (roosters are not permitted)	• Shall not be for compensation. • All poultry shall be housed within a building or fenced enclosure at least six (6) feet from all property lines and at least 25 feet from residences on adjacent lots. • Such enclosure shall prevent poultry from leaving the property.

2. No manure shall be stored in the open within 100 feet of any property line.

3.8 ACCESSORY USES AND STRUCTURES.

3.8.A Purpose.

The purpose of this Section is to regulate accessory uses so that they will be compatible with principal uses and harmonious with uses similarly zoned.

3.8.B Applicability.

1. Accessory uses and structures shall be located on the same lot with the principal use to which it is accessory.
2. Except for farm structures, no accessory building shall be larger than the principal building.
3. No accessory structure shall be closer to the streetline than the principal structure on the property.
4. Except for sheds of 200 square feet or smaller, all accessory structures must meet the side and rear setback requirements of the zone in which it is located. Sheds of 200 square feet or smaller must be set back at least five feet (5′) from side and rear property lines..
5. Any accessory structure exceeding 15 feet in height or 750 square feet in coverage requires Special Exception approval by the Planning and Zoning Commission.

3.8.C Vehicles.

1. Except in connection with a permitted farm, truck garden or commercial nursery, there shall be no more than one (1) commercial vehicle parked or stored on any lot, and such vehicle shall not exceed one and one half (1½) tons capacity and shall be parked or stored only in an enclosed garage.

3.9 UNDERSIZED RESIDENTIAL LOTS.

3.9.A Purpose.

Undersized Residential Lots are primarily a result of property development prior to the adoption of Zoning. This Section is intended to provide relief from setback, coverage and floor area standards for these properties.

3.9.B Applicability.

1. Lots owned separately from adjoining tracts and existing prior to December 3, 1956, with area or frontage less than required by these Regulations may use the Undersized Residential Lots provision.
2. The Undersized Residential Lot provision does not apply to use or buffer requirements in the underlying zoning district.

3.9.C General.

1. For lots with less than the applicable minimum lot size required in the zone (see Section 3.4.A), the setback, coverage and floor area requirements shall be the same as the requirements for the zone that has a minimum lot size closest to the lot size of the subject lot.

3.10 HOME BASED BUSINESSES.

3.10.A Home Office / Studio.

A "home office" or a "studio" is a home-based business where there is occasional business use (as part of employment typically occurring elsewhere) or a home-based business involving no non-residents employees and no regular visitors to the business. Nothing in these Regulations shall restrict the use of a residence by the occupant for business purposes where:

1. No business is conducted on the premises except by computer, mail, telephone or future communication technology,
2. No persons other than members of the family are employed,
3. No external evidence of the business is visible,
4. No business signs are erected, and
5. No pedestrian or automobile traffic is generated other than that which is normally generated by a residence.

3.10.B Minor Home Occupation.

1. A "Minor Home Occupation" is a home-based business where such business is located on the same lot used by the business owner as his or her primary residence provided that:
   (1) The area devoted to such accessory use (including storage of any supplies or materials) shall not exceed 25 percent of the total square footage of the dwelling (exclusive of garage, attic and basement);
   (2) Not more than one (1) nonresident person shall be employed on the premises;
2. A "Minor Home Occupation" shall:
   (1) Be conducted entirely within the principal dwelling by the resident occupant,
   (2) Clearly be incidental and secondary to the use of the dwelling for living purposes,
   (3) Not change the exterior residential appearance or character of the building or be noticeable from the exterior of the building,
   (4) Not materially change the traffic characteristics of the neighborhood,
   (5) Not have any outside storage or display of merchandise, equipment, or machinery relative to the use,
   (6) Not include the keeping of stock in trade nor the sale or rental of any goods not produced within the premises,
   (7) Not involve the display of signs or products in, on, or about the premises except for a sign as permitted by these Regulations, and
   (8) Not involve retail sales at the premises.

3.10.C Major Home Occupation.

A "Major Home Occupation" is any home-based business that cannot or does not comply with the requirements of Subsection 3.10.B.

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SECTION 4 BUSINESS DISTRICTS

4.1 CENTER BUSINESS BC DISTRICT.

4.1.A Purpose.

1. These districts are designed to encourage a concentration of retail services and office facilities of a "downtown" character primarily in Branford Center.
2. Automotive sales and services are excluded as incompatible with the purpose of the district.
3. 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 lots and structures.

4.1.B Bulk Requirements.

MINIMUM	1. LOT AREA	No minimum		
	2. LOT AREA PER UNIT	**(1) EFFICIENCY DWELLING UNIT**	**(2) ONE-BEDROOM DWELLING UNIT**	**(3) OTHER DWELLING UNITS**
		1,000 square feet	1,200 square feet	1,400 square feet
	3. FRONTAGE	No minimum		
	4. SQUARE	No minimum		
	5. SETBACKS	**RESIDENTIAL USES**	**BUSINESS USES**	
	(1) Side	10 feet	No minimum	
	(2) Front	15 feet	No minimum	
	(3) Rear	20 feet	No minimum	
	6. SETBACK FROM RESIDENCE DISTRICT BOUNDARY LINE	25 feet		
MAXIMUM	7. HEIGHT	40 feet		
	8. FLOOR AREA	2.00		
	9. LOT COVERAGE	1.00		
	10. IMPERVIOUS SURFACE AREA RATIO	n/a		

4.2 MIXED-USE DISTRICT.

4.2.A Purpose.

The purpose of the Mixed-Use District is to facilitate the integration of diverse but compatible uses into a single development, with the goal of creating a community that offers "live, work, and play" opportunities within convenient walking distance of each other.

4.2.B Bulk Requirements.

MINIMUM	1. LOT AREA	15,000 square feet	
	2. LOT AREA PER UNIT	5,000 square feet	
	3. FRONTAGE	100 feet	
	4. SQUARE	No minimum	
	5. SETBACKS	**RESIDENTIAL USES**	**BUSINESS USES**
	(1) Side	10 feet	No minimum
	(2) Front	15 feet	No minimum
	(3) Rear	20 feet	No minimum
	SETBACK FROM RESIDENCE DISTRICT BOUNDARY LINE	25 feet	
MAXIMUM	6. HEIGHT	40 feet	
	7. FLOOR AREA	1.5	
	8. LOT COVERAGE	0.80	
	9. IMPERVIOUS SURFACE AREA RATIO	0.80	

4.3 RESTRICTED BUSINESS (BR) DISTRICT.

4.3.A Purpose.

1. 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.
2. Parking needs for each building will be satisfied on its own lot, with no parking located in the required street setback area.
3. 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.

4.3.B Bulk Requirements.

MINIMUM	1. LOT AREA	6,000 square feet		
	2. LOT AREA PER UNIT	4,000 square feet		
	3. FRONTAGE	50 feet		
	4. SQUARE	50 feet		
	5. SETBACKS	**(1) FRONT**	**(2) SIDE**	**(3) REAR**
		15 feet	10 feet	20 feet
	6. SETBACK FROM RESIDENCE DISTRICT BOUNDARY LINE	25 feet		
MAXIMUM	7. HEIGHT	40 feet		
	8. FLOOR AREA	0.30		
	9. LOT COVERAGE	0.25		
	10. IMPERVIOUS SURFACE AREA RATIO	0.60		

4.3.C Additional Standards.

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

1. There shall be no off-street parking or loading spaces located in the required streetline setback area.
2. Any use that is designed as an addition to, extension of or alteration of an existing building originally designed as a house shall preserve the residential character of the building.
3. New commercial buildings shall be designed so as to preserve the residential character of the neighborhood.
4. Dwellings containing three (3) or more dwelling units, with units at the ground floor or basement level shall meet the following additional standards:
   (1) The minimum lot area shall be 120,000 square feet.

(2) Residential uses at the ground floor or basement level shall not be intermixed with business uses within the same building.

(3) Business uses shall occupy a minimum of 50 percent of the total ground floor or basement level floor area on the site.

(4) Each ground floor or basement level residential 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.

4.4 LOCAL BUSINESS (BL) DISTRICT.

4.4.A Purpose.

1. These districts are designed to accommodate a variety of commercial functions necessary for service to the community including retail, office, banks, restaurants, and general automotive sales and service uses.
2. 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.

4.4.B Bulk Requirements.

MINIMUM	1. LOT AREA	20,000 square feet		
	2. LOT AREA PER UNIT	N/A		
	3. FRONTAGE	50 feet		
	4. SQUARE	100 feet		
	5. SETBACKS	**(1) FRONT**	**(2) SIDE**	**(3) REAR**
		15 feet	10 feet	15 feet
	6. SETBACK FROM RESIDENCE DISTRICT BOUNDARY LINE	25 feet		
MAXIMUM	7. HEIGHT	40 feet		
	8. FLOOR AREA	0.30		
	9. LOT COVERAGE	0.25		
	10. IMPERVIOUS SURFACE AREA RATIO	0.60		

4.5 GENERAL INDUSTRY 1 (IG-1) DISTRICT.

4.5.A Purpose.

1. These districts consist of areas that have experienced heavy industrial development in the past. Applicable standards account for a range of size for establishments and relatively intensive use of the land.
2. Development of retail and residential uses in these districts would be inconsistent with their purpose.
3. Residential development is not compatible with the uses permitted in this district and is not allowed,

4.5.B Bulk Requirements.

MINIMUM	1. LOT AREA	20,000 square feet		
	2. LOT AREA PER UNIT	N/A – residential uses are not allowed in this zone		
	3. FRONTAGE	50 feet		
	4. SQUARE	100 feet		
	5. SETBACKS	**(1) FRONT**	**(2) SIDE**	**(3) REAR**
		30 feet	No minimum	30 feet
	6. SETBACK FROM RESIDENCE DISTRICT BOUNDARY LINE	50 feet		
MAXIMUM	7. HEIGHT	40 feet		
	8. FLOOR AREA	0.40		
	9. LOT COVERAGE	0.30		
	10. IMPERVIOUS SURFACE AREA RATIO	0.60		

4.6 GENERAL INDUSTRY 2 (IG-2) DISTRICT.

4.6.A Purpose.

1. 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.
2. 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.
3. Development of retail, business and residential uses in these districts would be inconsistent with their purpose and the purpose of the districts.
4. Residential development is not compatible with the uses permitted in this district and is not allowed,

4.6.B Bulk Requirements.

MINIMUM	1. LOT AREA	60,000 square feet		
	2. LOT AREA PER UNIT	N/A – residential uses are not allowed in this zone		
	3. FRONTAGE	50 feet		
	4. SQUARE	200 feet		
	5. SETBACKS	**(1) FRONT**	**(2) SIDE**	**(3) REAR**
		50 feet	30 feet	50 feet
	6. SETBACK FROM RESIDENCE DISTRICT BOUNDARY LINE	100 feet		
MAXIMUM	7. HEIGHT	40 feet		
	8. FLOOR AREA	0.40		
	9. LOT COVERAGE	0.30		
	10. IMPERVIOUS SURFACE AREA RATIO	0.60		

4.7 COMMERCE PARK (CP) DISTRICT.

4.7.A Purpose.

1. 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.
2. Development of residential uses in these districts would be inconsistent with their purpose and the purpose of Business Districts.
3. Residential development is not compatible with the uses permitted in this district and is not allowed.

4.7.B Bulk Requirements.

MINIMUM	1. LOT AREA	20,000 square feet		
	2. LOT AREA PER UNIT	N/A – residential uses are not allowed in this zone		
	3. FRONTAGE	50 feet		
	4. SQUARE	100 feet		
	5. SETBACKS	**(1) FRONT**	**(2) SIDE**	**(3) REAR**
		30 feet	10 feet	30 feet
	6. SETBACK FROM RESIDENCE DISTRICT BOUNDARY LINE	50 feet		
MAXIMUM	7. HEIGHT	40 feet		
	8. FLOOR AREA	0.30		
	9. LOT COVERAGE	0.25		
	10. IMPERVIOUS SURFACE AREA RATIO	0.60		

4.8 TABLE OF USES - BUSINESS ZONES.

P = Zoning Permit	S = Site Plan	SE = Special Exception	N = Not Permitted

4.8.A RETAIL USES	BC	BR	BL	MU	IG1	IG2	CP
1. Retail < 3,000 square feet.	S	S	S	S	SE	SE	SE
2. Retail ≥ 3,000 square feet, but < 20,000 square feet.	S	SE	S	S	N	N	N
3. Retail ≥ 20,000 square feet.	SE	SE	SE	SE	N	N	N
4. Retail, Limited.	SE	SE	SE	SE	N	N	SE
5. Sale at retail of any commodity manufactured, processed, fabricated or warehoused on the premises provided the total floor area devoted to retail sales does not exceed 20 percent of the gross floor area of the building.	SE	SE	SE	SE	SE	SE	SE
6. Outside storage or display of merchandise.	SE	SE	SE	SE	N	N	N

4.8.B SERVICE-RELATED USES	BC	BR	BL	MU	IG1	IG2	CP
1. Personal service establishment (hair, nails, tailoring, tanning, tattoos, massage).	S	S	S	S	N	N	N
2. Printing and publishing establishments < 5,000 square feet	S	S	S	S	SE	SE	SE
3. Printing and publishing establishments ≥ 5,000 square feet	N	N	N	N	SE	SE	SE
4. Service establishment (repair, rental and/or service of any item, except automobiles, trucks and trailers, that is allowed to be sold in the zone).	SE	SE	SE	SE	N	N	N
5. Self-service automatic laundry and on-site washing service.	SE	SE	SE	SE	N	N	N
6. Dry cleaning establishment.	SE	SE	SE	SE	N	N	N
7. Day care center. (See Section 7.6)	SE	SE	SE	SE	SE	SE	SE
8. Family day care home.	S	S	S	S	N	N	N
9. Group day care home. (See Section 7.6)	SE	SE	SE	SE	SE	SE	SE
10. Funeral home.	SE	SE	SE	SE	N	N	N

P = Zoning Permit	S = Site Plan	SE = Special Exception	N = Not Permitted

4.8.C OFFICE-RELATED USES	BC	BR	BL	MU	IG1	IG2	CP
1. General or business office.	S	SE	SE	S	SE	SE	SE
2. Medical or dental office, clinic or laboratory.	S	SE	S	S	SE	SE	SE
3. Banks and financial institutions.	S	SE	S	S	S	S	S

4.8.D MARINE-RELATED USES	BC	BR	BL	MU	IG1	IG2	CP
1. Commercial Fishing Operations	SE	SE	SE	N	SE	SE	N
2. Marine Repair	SE	SE	SE	N	SE	SE	N
3. Marinas, Slip Basins, Boat Storage and Landings. (See Section 7.9)	SE	SE	S	SE	SE	SE	N
4. Private docks.	S	S	S	S	S	S	S
5. Repair and sale of pleasure boats and marine equipment, engines, supplies and provisions.	S	SE	S	S	S	S	S

4.8.E FOOD / HOSPITALITY-RELATED USES	BC	BR	BL	MU	IG1	IG2	CP
1. Restaurant, Table Service (excludes fast-food restaurant and drive-through window).	S	SE	SE	S	SE	SE	SE
2. Restaurant, fast food – with drive-through window. (See Section 7.15)	N	SE	SE	N	SE	SE	SE
3. Restaurant, fast food – without drive-through window.	S	S	S	S	SE	SE	SE
4. Drive-through window service of any kind. (See Section 7.15)	N	SE	SE	N	SE	SE	SE

4.8.F LODGING-RELATED USES	BC	BR	BL	MU	IG1	IG2	CP
1. Bed and breakfast. (See Section 7.7)	SE	SE	N	SE	N	N	N
2. Hotel, which may include a table service restaurant (but not a fast-food restaurant or any drive-through facilities), banquet hall and/or conference center.	SE	SE	S	SE	N	N	N

P = Zoning Permit	S = Site Plan	SE = Special Exception	N = Not Permitted

4.8.G RECREATION / AMUSEMENT-RELATED USES	BC	BR	BL	MU	IG1	IG2	CP
1. Indoor recreational uses including but not limited to facilities for tennis, swimming, ice skating, bowling, and billiards.	SE	SE	SE	SE	SE	SE	SE
2. Outdoor recreational uses, including but not limited to baseball batting facility, miniature golf and putting course, tennis facilities, ice skating facilities and golf driving ranges.	SE	SE	SE	SE	SE	SE	SE
3. Playground or recreation areas operated by a governmental unit.	S	S	S	S	S	S	S
4. Theaters and assembly halls.	SE	SE	SE	SE	N	N	N

4.8.H RESIDENTIAL USES	BC	BR	BL	MU	IG1	IG2	CP
1. Accessory apartments. (See Section 7.3.G.3)	SE	N	N	SE	N	N	N
2. Assisted living facility, congregate housing, continuing care retirement community, or a nursing facility.	SE	SE	SE	SE	N	N	N
3. Caretakers quarters.	SE	SE	SE	SE	N	N	N
4. Multi-family dwelling units.	SE	SE	N	SE	N	N	N
5. Single-family dwelling.	P	P	N	S	N	N	N
6. Two-family dwelling.	SE	SE	N	SE	N	N	N
7. Letting of rooms.	S	S	S	S	N	N	N
8. Home-based Businesses (Home Office and Home Occupation).	S	S	S	S	N	N	N

P = Zoning Permit	S = Site Plan	SE = Special Exception	N = Not Permitted

4.8.I AUTOMOTIVE-RELATED USES	BC	BR	BL	MU	IG1	IG2	CP
1. Gasoline filling station.	N	N	SE	N	SE	SE	SE
2. Automobile washing, lubricating and / or detailing.	N	N	SE	N	SE	SE	SE
3. Motor vehicle sales.	N	N	SE	N	SE	SE	SE
4. Motor vehicle rentals.	N	N	SE	N	SE	SE	SE
5. Motor vehicle service (limited repair license or general repair license).	N	N	SE	N	SE	SE	SE
6. Motor vehicle and other junkyard (in an enclosed building).	N	N	N	N	SE	SE	N
7. Off-street parking facilities.	SE	SE	SE	SE	S	S	SE

4.8.J INSTITUTIONAL USES	BC	BR	BL	MU	IG1	IG2	CP
1. Town of Branford buildings, facilities and uses.	S	S	S	S	S	S	S
2. State and Federal Government buildings, facilities and uses.	SE	SE	SE	SE	SE	SE	SE
3. Cemetery.	SE	SE	SE	SE	SE	SE	SE
4. Churches and places of worship.	S	SE	SE	S	SE	SE	SE
5. Club, lodge or fraternal organization (private and operated for the benefit of the members and not for gain).	S	SE	S	S	SE	SE	SE
6. Private schools, colleges and universities.	SE	SE	SE	SE	N	N	SE
7. Hospitals and convalescent homes. See 7.8	SE	SE	SE	SE	SE	SE	SE
8. Museum.	S	S	S	S	N	N	S

P = Zoning Permit	S = Site Plan	SE = Special Exception	N = Not Permitted

4.8.K STORAGE-RELATED USES	BC	BR	BL	MU	IG1	IG2	CP
1. Bulk storage of material.	N	N	N	N	S	S	N
2. Commercial storage, sale and distribution of fuel and bottled gas, excluding tanks for petroleum products having a capacity in excess of 10,000 gallons.	N	N	N	N	S	S	N
3. Portable storage trailers, containers and boxes.	N	N	SE	N	SE	SE	SE
4. Climate-controlled self storage. (See Section 7.12)	N	N	SE	N	N	N	N
5. Self-storage facilities. (See Section 7.12)	N	N	N	N	SE	SE	SE

4.8.L INDUSTRIAL USES	BC	BR	BL	MU	IG1	IG2	CP
1. Freight and bus terminals.	N	N	N	N	S	S	N
2. Assembling, manufacturing and processing.	N	N	N	N	S	S	S
3. Contractor yard for vehicles, equipment, materials and/or supplies.	N	N	N	N	SE	SE	SE
4. Landing or takeoff area for rotorcraft, not including maintenance, repair, fueling or hangar facilities.	N	N	N	N	SE	SE	SE
5. Railroad rights of way and passenger stations.	SE	SE	SE	SE	SE	SE	SE
6. Research laboratory.	SE	SE	SE	SE	S	S	S
7. Warehousing and wholesale businesses (not retail).	N	N	N	N	SE	SE	N

4.8.M UTILITY-RELATED USES	BC	BR	BL	MU	IG1	IG2	CP
1. Co-located telecommunications facilities.	S	S	S	S	S	S	S
2. Utilities, including gas regulation stations, telephone exchanges, pumping stations, aboveground water storage tank, water reservoirs and satellite and cable television facilities.	SE	SE	SE	SE	SE	SE	SE
3. Utility substation.	SE	SE	SE	SE	SE	SE	SE
4. Wind-energy conversion systems.	N	N	N	N	SE	SE	SE

P = Zoning Permit	S = Site Plan	SE = Special Exception	N = Not Permitted

4.8.N AGRICULTURAL USES	BC	BR	BL	MU	IG1	IG2	CP
1. Commercial nurseries and greenhouses.	S	S	S	S	S	S	S
2. Farms.	S	S	S	S	S	S	S
3. Farm stands.	S	S	S	S	S	S	S

4.8.O ANIMAL-RELATED USES	BC	BR	BL	MU	IG1	IG2	CP
1. Animal hospital or veterinarian office.	N	N	S	N	S	S	S
2. Commercial kennel and animal shelters. (See Section 7.13)	N	SE	SE	N	SE	SE	N
3. Animal day-care, grooming and training facility.	SE	SE	SE	SE	SE	SE	SE
4. Riding stables and schools. (See Section 7.14)	N	SE	SE	N	SE	SE	N

4.8.P ACCESSORY USES	BC	BR	BL	MU	IG1	IG2	CP
1. Signs	S	S	S	S	S	S	S
2. Parking lots	S	S	S	S	S	S	S

5.1 COASTAL MANAGEMENT DISTRICT.

5.1.A Purpose.

1. This district is in addition to and overlaps one (1) 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.
2. 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.

5.1.B General.

1. 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.
2. No application for a Zoning Permit shall be approved by the Zoning Enforcement Officer and no Zoning Permit or 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.
3. No parking area, 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 land disturbance within this 25 foot setback area may be permitted only if it is demonstrated to the satisfaction of the commission that proper precaution will be taken to prevent adverse impact of the critical coastal resource

5.1.C Exemptions.

Pursuant to CGS 22a-109(b), the following activities, whether authorized as a matter of right, subject to approval of a site plan, approval of a Special Exception, or granting of a variance from these Zoning Regulations by the Zoning Board of Appeals, are exempt from coastal site plan review requirements:

1. Gardening, grazing and the harvesting of crops;
2. Minor additions to or modification of existing buildings or detached accessory buildings, such as garages and utility sheds;
3. Modification of existing structures or construction of new structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, above-ground swimming pools, tennis courts, docks, and detached accessory buildings;

4. Construction of new or modifications of existing on-premise structures including fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs, and such other minor structures as will not substantially alter the natural character of coastal resources as defined by CGS 22a-93(7) or restrict access along the public beach;
5. Construction of an individual single-family residential structure except:
   (1) When such structure is located on an island not connected to the mainland by an existing road bridge or causeway; or
   (2) When such structure is in or within 100 hundred feet of the following coastal resource areas: Tidal wetlands, coastal bluffs and escarpments, and beaches and dunes;
6. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources;
7. Interior modifications to buildings;
8. Minor changes in use of a building, structure, or property except those changes occurring on property adjacent to or abutting coastal waters.
9. Notwithstanding the provisions of this subsection, shoreline flood and erosion structures as defined in the CGS 22a-109(c) shall not be exempt from Coastal Site Plan Review. Proposals for such structures must also be referred for review to the Connecticut Department of Environmental Protection, Office of Long Island Sound Programs.

5.1.D Vegetated Buffers.

1. 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 and coastal water quality.
2. 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 resource from disturbance.
3. It is therefore the policy of the Planning and Zoning Commission to require, as part of any site plan review for any property that includes or is adjacent to a critical coastal resource that any existing vegetated buffer be retained and / or a new vegetated buffer be established.
4. The width of the buffer should be appropriate to the quality of the coastal resource, the extent and type of development proposed, and the topography of the site. Plantings should be salt tolerant native species suited to the coastal resource buffer environment.
5. Mowed lawns are not considered to be vegetated buffers.
6. Vegetated buffer plans should be prepared by an appropriate environmental professional.

5.2 TOWN CENTER VILLAGE DISTRICT.

5.2.A Purpose.

The purpose of the Town Center Village District (TCVD) is to preserve the character of the Town Center and to guide improvements in keeping with this character. The Branford Town Center is the heart of the community, with a concentration of civic and religious institutions, a thriving retail and restaurant area, attractive residential neighborhoods, and an abundance of social and cultural activities on the Town Green. The strong sense of place so evident in the Town Center reinforces community structure and enhances the overall quality of life in Branford.

In order to nurture the physical qualities that support this sense of place, the TCVD establishes a design review process to advise the Commission on aesthetic concerns. Guiding principles of this review process are:

1. To protect distinctive architectural character, historic structures and attractive landscaping elements and encourage compatible design in new development;
2. To create an architectural design context that pays tribute to the historic vocabulary, landmarks, and character of the area and creates a marketable appeal;
3. To guide and improve the relationship and compatibility of structures, landscaping, signs, roadways, parking lots and drives, street hardware, lighting and similar features using guidance on matters such as color, material, height, proportion, orientation, roof treatments and setbacks;
4. To promote activity nodes and context through the organization, placement, scale, and design of buildings;
5. To maintain and improve public views and amenities;
6. To enhance the image and pedestrian use of the TCVD through use of consistent standards for the design, treatment, and layout of roadways, sidewalks and streetscape features.

5.2.B General.

1. The TCVD is a Village District in accordance with CGS 8-2j.
2. The TCVD 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 that focuses on design principles and results in creative solutions that preserve the village and historic character of the district and protect the coastal resources, public health, safety, convenience and property values.
3. The use of land, buildings and other structures within the Town Center Village District shall be established and conducted in conformity with the underlying zoning classification, subject to the additional requirements of this Section.
4. No application for a Zoning Permit shall be approved by the Zoning Enforcement Officer and no Zoning Permit or Certificate of Zoning Compliance shall be issued until a determination has been made (in writing) that such a use or structure has been reviewed according to the procedures specified in these Regulations.

5.2.C Activities, Structures and Uses Covered.

Any new structure, addition, or modification of a structure and use or change of use that requires site plan or Special Exception approval of these Regulations and that is located within the Town Center District, is subject to the requirements of, and eligible for the special provisions of, the Town Center Village District. Review of such new use or change of use shall cover the following aspects of the proposal:

1. Facades.
2. Pedestrian and vehicular circulation.
3. Parking.
4. Streetscape (including lighting, street furniture, fencing and sidewalk paving).
5. Landscaping.
6. Signs.
7. Permitted Uses.
8. Utilities.

5.2.D Design Guidelines Purpose.

The following design guidelines are in addition to "Basic Standards," Section 6 of these Regulations. They are designed not only to preserve and enhance the characteristics that contribute liveliness and beauty to the Town Center but also to address the challenges of those same characteristics. These characteristics include, but are not limited to:

1. Very dense development with small lots and a preponderance of small-scale buildings;
2. Limited space for parking, snow removal, landscaping and other amenities;
3. Contrasting architectural styles, historic structures and new development in close proximity;
4. Mixed use, with residential and commercial uses as well as public and private spaces in close proximity; and
5. High volume of pedestrian traffic, with pedestrian-oriented businesses and public use of outdoor space for recreation, socializing and civic activities.

5.2.E Overall Design Guidelines.

The following design guidelines for the TCVD are intended to guide the applicant when preparing an application in the TCVD. These guidelines promote creativity through the design process and are supportive of the TCVD design goals:

1. Maintain privacy between commercial and single-family residential uses.
2. Minimize any adverse impacts on adjacent properties.
3. Locate all utilities underground.
4. Emphasize curb cuts and internal circulation routes with landscaping or appropriate lighting and without the need of excessive signs.
5. Provide safe and accessible access to the site and building which blends in with the architecture and landscaping of the site.
6. Minimize conflicts between pedestrians and vehicles with consistent treatments of sidewalks, driveways and parking lots.
7. Provide for snow storage or removal areas that do not damage landscaped areas.
8. Encourage outdoor art in public spaces and along pedestrian walkways.
9. Create a strong architectural setting by locating as much of the parking as possible in the rear of the site. Additional parking may be located on the side of the building.
10. Screen parking areas from public view by using landscaping, berms, fencing or elements of the building.
11. Locate no more than 20 parking spaces in a row without providing for a landscaped divider.

12. Where appropriate, provide for a landscaped buffer between the parking area and the building.
13. Pave and grade parking and site to prevent storm water from crossing public sidewalks.
14. Shared parking is encouraged where site conditions and uses permit.
15. Plant street trees along the frontage of the site to establish a canopy.
16. Utilize plant materials that provide year-round interest in color, texture, shape or form.
17. Avoid blocking sight lines at curb cuts and intersections.
18. Include walks as public amenities and include benches, decorative paving, walls or other features to promote pedestrian use and gathering.
19. Bike racks are encouraged throughout the TCVD.
20. Install trash receptacles.

5.2.F Architecture.

The following guidelines shall be incorporated in all new buildings and renovated structures located within the TCVD:

1. Create visual variety by avoiding large, long or monolithic building facades without defining architectural features.
2. Incorporate existing architectural features into new structures.
3. Create visual points of interest and pedestrian amenities particularly on large tracts of land.
4. Preserve historic structures, historic character and reflect historic massing and scale where applicable.
5. Incorporate rooflines of adjacent properties in the design of new buildings.
6. Pitched roof structures are encouraged to reinforce existing prominent buildings.
7. Provide a balance of massing between the building and roof.
8. Provide prominent building entrances oriented to the street and include features that encourage pedestrian use.
9. Utilize architectural treatments to minimize the appearance of large buildings.
10. Provide breaks in the frontage of such buildings by incorporating appropriate features that reduce the buildings bulk.
11. Create variety in the TCVD by encouraging buildings that complement one another in form, color, or architectural detail.
12. Ensure that proportions between building height, length and width are consistent with contemporary design standards.
13. Conceal all views of roof-mounted mechanical equipment and other appurtenances by incorporating these features into the building design, not by artificial screening methods.
14. Because the TCVD possesses an assortment of architectural styles, these standards do not offer any particular architectural style or genre. Rather, they describe basic design elements and relationships that should be adhered to in order to maintain and enhance the architectural fabric that currently exists.
15. Preferred building materials are brick, stone and wood. Well executed cast stone details are also appropriate. Limited use of concrete and concrete block is acceptable if detailed and finished to be compatible with surrounding buildings. Corrugated, split block and "cider block" exteriors visible by the public are not appropriate.
16. Materials should be used according to their particular logic of use and assembly and with appropriate detailing and expression. Cladding materials, such as wood siding, should not be used as a monolithic treatment, but rather broken up by appropriate trim and detailing.

17. The following roofing materials are encouraged: slate, wood shingles, shakes, and standing seam metal. Asphalt shingles are acceptable and should be neutral to dark in color.
18. Any new or exterior alterations should have significant trim detail to be compatible with surrounding architecture. Renovation should not significantly reduce the level of architectural detail, and new construction should be detailed at a level compatible with the immediate area.
19. Trim details such as rake boards, corner boards and fascia trim should be of a material and dimension appropriate to the overall treatment of the façade.
20. Windows and doors should be balanced in their placement on building facades. Though literal symmetry is not necessary, a general balance among façade elements is desirable.
21. Buildings should have many windows and doors at street level to encourage pedestrian traffic and commercial activity. Frequent entries contribute to a lively pedestrian space.
22. All exterior walls should have windows, especially if they face the street or any other public space.
23. Principal building entries should be oriented toward and visible from the street.
24. Conceal views of all roof-mounted equipment from the public right-of-way by using detailing incorporated into the architectural design as opposed to an applied barrier.
25. Screen all ground-mounted equipment (e.g. "heating, ventilating, and air conditioning," electrical, gas) using evergreen plantings or architectural detailing.
26. Conceal garage doors and loading areas from view from surrounding streets.

5.2.G Landscaping.

Landscaping must be designed to meet the following standards to the extent practicable:

1. Outdoor areas for public enjoyment are encouraged.
2. New development in the TCVD shall include landscaping, including lawns, plantings and walkways compatible with the traditional character of the TCVD.
3. The use of indigenous plant material and native characteristic species is encouraged.
4. Berms may also be required by the Commission where deemed necessary as an additional buffer.
5. Landscaping shall be provided in all front, side and rear setbacks.
6. A front yard landscape buffer may be required by the Commission where necessary to preserve and protect residential property values and privacy of residential developments.
7. An appropriate landscaped buffer shall be provided along the side and rear yards where commercial uses abut residential uses or residential zones.
8. Canopy trees should be deciduous shade trees planted at least three (3) inches in caliper with a mature height of at least 35 feet. Trees planted under utility lines should be carefully selected so that their mature height does not interfere with the lines. Trees should be deciduous shade or ornamental trees planted at two (2) inches in caliper with a mature height of at least 12 feet.
9. Evergreens should be coniferous species planted at six (6) to eight (8) feet in height. Shrubs should be either deciduous species planted at two and one-half (2½) feet in height with a mature height of at least six (6) feet or coniferous species planted at two and one-half (2½) feet in spread. The mature height of all plant material should be respected in selection and design.
10. Parking areas in particular should be provided with landscaping, to provide a buffer to adjacent properties and break up large expanses of paving.

11. The Commission may require additional landscaping or more mature plantings when circumstances require, for noise and light abatement to prevent the depreciation of adjoining residential properties.

5.2.H Exterior Site Lighting.

1. Avoid relative brightness differences with adjacent dissimilar land uses.
2. Conceal the lighting source from the public view.
3. Coordinate lighting fixtures with architecture it serves.
4. Provide photometric data with site development submissions.

5.2.I Signs.

1. Avoid visual competition with other signs in the area.
2. Minimize the number of building and directional signs to avoid repetition.
3. Integrate signage architecturally into the building façade.
4. Avoid repetitious signage information on the same building frontage regardless of the sign area allowed in the zoning Regulations.
5. Construct freestanding monument signs at a low height whenever site conditions allow for visibility. Avoid top heavy, pole-mounted freestanding signs.
6. Do not use advertising and business slogans but identify the business and street address.
7. For buildings with more than one (1) occupant, a unified sign plan is required. The site should have an identifier sign that is generally freestanding and located at the main entrance. Signs for each occupant may be placed on the building but need to be coordinated with each occupant.
8. It is recommended that the color of the signs complement either the body or trim color of the structure being served.
9. Applicants should look to provide signs of appropriate scale to the site and building being designed.
10. Directional signs shall be used only when necessary. These signs shall mark entrance and direct traffic. Maximum area: three (3) square feet.
11. Temporary outdoor signs used to announce grand opening or temporary sales activities shall be consistent with the requirements contained within the zoning Regulations.

5.2.J Public Amenities.

New buildings in the TCVD are encouraged to incorporate public spaces to enhance the pedestrian environment, reinforce the open space network and provide for a balance of public and private space. All open space elements should enhance a pedestrian oriented environment that has the appearance of stability, quality and safety. To this end, the following elements are encouraged:

1. Orient public space to receive the maximum direct sunlight possible, using trees, overhangs and umbrellas to provide shade in the warmest months.
2. The design of planters, landscaping, walls and other street elements should allow visibility into and out of the open space.
3. Public spaces can feature art works; street furniture and landscaping that invite customers or enhance the building's setting. Examples of desired features include walking surfaces of attractive pavers, site furniture, art work, or amenities such as fountains, seating and kiosks.

5.3 ACCESS MANAGEMENT DISTRICT.

5.3.A Purpose.

1. This District is established to implement the access management objectives of Branford identified in the "U.S. Route 1 / North Main Street Access Management Plan" dated June 2008.
2. The goal of this Section is to reduce traffic accidents, personal injury, and property damage attributable to poorly designed access systems, and to improve the safety and operation of U.S. Route 1.
3. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures.
4. This Section also serves to further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems.

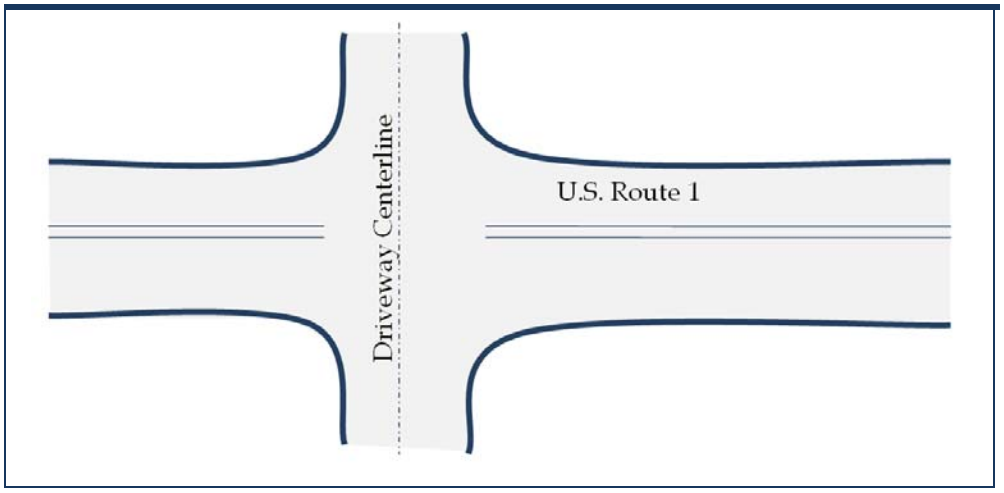
5.3.B General.

1. The use of land, buildings and other structures within the Access Management Overlay District shall be established and conducted in conformity with the underlying zoning classification, subject to the additional requirements of this Section.
2. No application for a Zoning Permit shall be approved by the Zoning Enforcement Officer and no Zoning Permit or 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 as provided for below.

5.3.C Design.

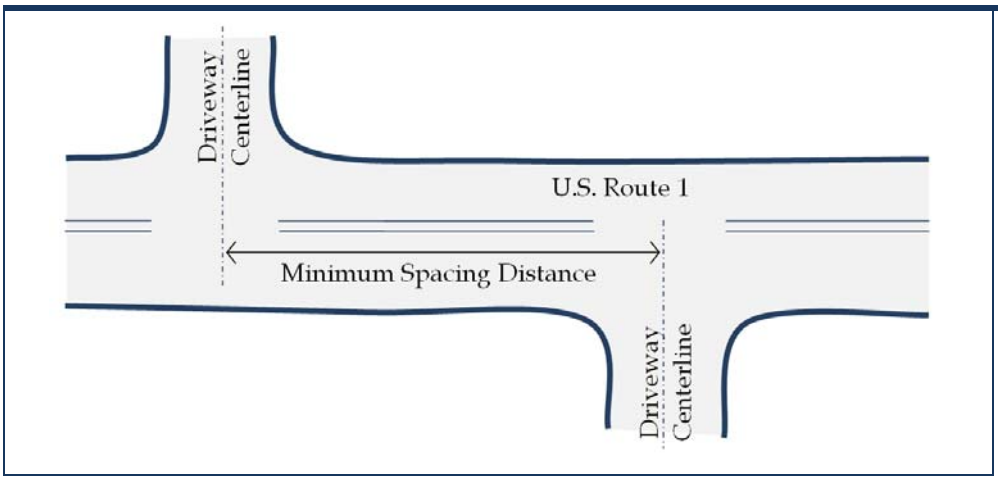
1. Driveway Offsets.
   (1) Where feasible, new driveways shall be aligned with existing driveways or streets on the opposite side of U.S. Route 1

PREFERRRED DRIVEWAY ALIGNMENT ILLUSTRATION



   (2) If such alignment is not feasible, new driveways shall be offset from existing driveways or streets a minimum of 250 feet along arterials or thoroughfares, and 150 feet along collector streets.

ALTERNATIVE DRIVEWAY ALIGNMENT ILLUSTRATION



(3) Greater offsets may be required in accordance with the findings and recommendations of a traffic impact study.

2. Driveway Spacing Standards.

(1) The minimum spacing between driveways and street intersections and between separate driveways without traffic lights shall be determined based upon the posted speed limit of U.S. Route 1 at the point where the driveway is located.

(2) The following driveway spacing guidelines shall be measured from the centerlines of the driveways or street right-of-way:

MINIMUM DRIVEWAY SPACING NEEDED TO	POSTED SPEED LIMIT	
	35 MPH	45 MPH
PREVENT RIGHT TURN OVERLAP CONFLICT	100 feet	300 feet
MAINTAIN THROUGH TRAFFIC WITHIN 15 PERCENT OF POSTED SPEED LIMIT	375 feet	700 feet
PROVIDE MAXIMUM EGRESS CAPACITY AT CURB CUTS	320 feet	860 feet

(3) The location of a new driveway should generally be designed to maximize driveway spacing and separation distance. The Commission may approve shorter distances if it finds that such distances will adequately protect public safety and are reasonable in light of the specific development proposal for the property.

5.3.D Shared and Cross Access.

1. Adjacent commercial or office properties classified as major traffic generators (i.e., uses that generate more than 30 peak hour trips, as cited in the Institution of Transportation Engineers' (ITE) trip generation tables) shall, where possible, provide a Shared Access Drive and Pedestrian Access to allow circulation between sites.
2. For new commercial retail and service uses, a system of shared use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
   (1) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
   (2) A design speed of 10 mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
   (3) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
   (4) A Unified Access and Circulation System Plan for coordinated or shared parking areas is encouraged.
3. Pursuant to this Section, property owners shall:
   (1) Record an easement with the deed allowing cross access to and from other properties served by the shared use driveways and cross access or service drive;
   (2) Pre-existing driveways will be closed and eliminated after construction of the shared-use driveway;
   (3) Record a shared maintenance agreement with the deed defining maintenance responsibilities of property owners.
   (4) The Commission may modify or waive the requirements of this Section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

5.3.E Requirements for Phased Development Plans.

1. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and composed of more than one (1) building site shall be reviewed as single properties in relation to the access standards of this ordinance.
2. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage.
3. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles and pedestrian ways and sidewalks.

5.3.F Temporary Access.

1. The Planning Commission may approve temporary driveways on U.S. Route 1 as part of a site plan approval where continuation of shared access is not currently feasible, but is anticipated to be constructed within the next five (5) years.
2. A financial guarantee shall be submitted by the applicant to ensure closure and removal of the temporary access when the new shared access is constructed.

5.3.G Nonconforming Access Features.

Legal access connections in place as of the date of adoption of this regulation that do not conform to the standards herein are considered nonconforming and shall be brought into compliance with applicable standards under the following conditions:

1. When new access or modified accesses to public rights-of-way and/or access permits are requested;
2. Change in use or enlargements or improvements that will increase trip generation, as cited in the Institution of Transportation Engineers' (ITE) trip generation tables).

5.3.H Reverse / Dual Frontage.

Lots that front on more than one (1) street may be required to locate motor vehicle accesses on the street with the lower functional classification.

5.3.I Additional Site Plan Requirements.

Applicants shall submit a preliminary site plan for review by the planning department. At a minimum, the site plan shall show:

1. Location of existing and proposed access point(s) on both sides of the road where applicable;
2. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
3. Number and direction of lanes to be constructed on the driveway plus striping plans;
4. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.);
5. Parking and internal circulation plans including walkways and bikeways, parking, loading spaces and bicycle racks.

5.4 PLANNED DEVELOPMENT DISTRICT.

5.4.A Purpose.

1. Planned Development Districts may be established by the Commission 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:
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, 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.

5.4.B Establishment of District.

1. The Commission shall establish the PDD by approving a Master Plan in accordance with Section 9.10.F and this Section, which while not intended to be a substitute for detailed documentation associated with a site plan, provides sufficient information to determine whether the proposal is in conformance with Section 9.10.F and the Plan of Conservation and Development (POCD). Such adoption shall constitute a zoning map amendment in accordance with Section 9.10 of these Regulations.
2. District Eligibility. The following characteristics are required for a site to be eligible for the PDD designation:
   (1) Public water and public sewers shall be provided.
   (2) Minimum District Size: 60,000 square feet.
   (3) Within the Coastal Management District, particularly in suburban residential areas currently zoned Residence R-3 and R-4, the use of PDD'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 PDD's should be guided by and be consistent with Branford's Municipal Coastal Program.
3. Appropriateness: In determining the appropriateness of a proposed PDD Zone, the Commission shall consider the following factors:
   (1) Accessibility to major roads and proximity to community services.
   (2) Physical characteristics of the lot.
   (3) The existing municipal infrastructure's capability to support the proposed development.
   (4) The Commission may consider any other factors that it deems applicable to a change of zone request.

5.4.C Master Plan.

1. The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Section 5.4.A and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the dimensional characteristics of the PDD and its uses.
2. Project Phasing/Construction. When a mixed-use development is proposed the Commission may require the residential portion of the development to be constructed simultaneous to the commercial or business portion of the development.
3. Changes to the Master Plan.
   (1) Any modifications that decrease the dimensional elements (e.g. reduction of building size) shall follow the Site Plan Procedures in Section 9.6.
   (2) Any modifications that increase the dimensional elements in the Master Plan (e.g. expansion of building size) shall follow the Special Exception Procedures in Section 9.8.
   (3) Any modifications to the use elements in the Master Plan shall follow the Zoning Map Amendment Procedures in Section 9.10.

5.4.D Site Plan.

1. As part of, or after Master Plan approval for districts established after June 1, 2011 a site plan application must be submitted for approval in accordance with Section 9.6 and including all the information required by the approved Master Plans.
2. Site 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.
3. Site Plans must be submitted within 24 months of Master Plan Adoption. The Master Plan shall become null and void if the Site Plan is not approved within that timeframe.

5.4.E Maximum Building Height.

Buildings and other structures shall not exceed a height of 40 feet.

5.4.F Informal Consideration.

1. 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.
2. The Commission recommends that the preliminary plans meet the requirements for a Master Plan. 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.

5.4.G Certificate of Zoning Compliance.

1. Prior to the issuance of any Zoning Permit or Certificate of Zoning Compliance to permit any occupancy of the development, the developer shall file with the Commission a financial guarantee, in form, amount and surety approved by the Commission in accordance with Section 10.3, 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.
2. Said financial guarantee 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.

5.4.H Additional Limitations.

1. 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 Site Plans adopted by the Commission for the District and in accordance with detailed specifications approved by the Commission.
2. 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.

5.5 AFFORDABLE HOUSING.

5.5.A Purpose.

1. Whereas, over 30 percent of the housing units in the Town of Branford are multi-family units, and whereas, regulations that 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 (4,500 square feet 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 percent of the units in a development must be priced to meet the definition of "affordable housing," as defined in CGS Section 8-39a. Deed restrictions are required to maintain an affordable price for 40 years. The Commission may establish an Affordable Housing District (AHD) if it finds that the 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:
2. To encourage the private sector to build moderate cost, single-family detached housing;
3. To demonstrate that changes in zoning requirements can promote production of attractive housing at less than average market rates;
4. To offer a home ownership opportunity for moderate income families;
5. To permit an alternative housing option for single person households and the elderly.
6. Creation of an 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. All requirements of this Section apply to an AHD, even if the AHD would be exempt from certain CIOA requirements.

5.5.B Establishment of District.

1. The Commission shall establish the AHD by approving a Master Plan in accordance with Section 9.10.F and this Section, which while not intended to be a substitute for detailed documentation associated with a site plan, provides sufficient information to determine whether the proposal is in conformance with Section 9.10.F and the Plan of Conservation and Development (POCD). Such adoption shall constitute a zoning map amendment in accordance with Section 9.10 of these Regulations.
2. District Eligibility. The following characteristics are required for a site to be eligible for the AHD designation:
   (1) 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.
   (2) 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 Site Plans.
   (3) The proposed development shall be in harmony with the surrounding neighborhood with regard to scale, character and use of land.

3. Minimum 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.
4. Appropriateness: In determining the appropriateness of a proposed AHD Zone, the Commission shall consider the following factors:
   (1) Accessibility to major roads and proximity to community services.
   (2) Physical characteristics of the lot.
   (3) The existing municipal infrastructure's capability to support the proposed development.
   (4) The Commission may consider any other factors that it deems applicable to a change of zone request.

5.5.C Master Plan.

1. The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to this Section and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the dimensional characteristics of the PDD and its uses.
2. Project Phasing. Construction 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 Site Plan to ensure continuity between phases. These standards become part of the approval. At least 20 percent of the units in each phase must be deed-restricted affordable units.
3. Changes to the Master Plan.
   (1) Any modifications that decrease the building or use elements in the Master Plan (e.g. reduction of building size, reduction in the number of units) shall follow the Site Plan Procedures in Section 9.6.
   (2) Any modifications that increase the dimensional elements in the Master Plan (e.g. expansion of building size) shall follow the Special Exception Procedures in Section 9.8.
   (3) Any modifications to the use elements in the Master Plan (e.g. increase in the number of units) shall follow the Zoning Map Amendment Procedures in Section 9.10.

5.5.D Site Plan.

1. As part of, or after Master Plan approval for districts established after June 1, 2011 a site plan application must be submitted for approval in accordance with Section 9.6 and including all the information required by the approved Master Plans.
2. Site 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.
3. Changes to the Site Plan. Planning staff can review and approve minor modifications to plans for individual lots. All other changes shall follow the Changes to the Master Plan Process in Section 5.5.C.
4. Site Plans must be submitted within 24 months of Master Plan Adoption. The Master Plan shall become null and void if the Site Plan is not approved within that timeframe.

5.5.E Overall Lot Bulk Requirements.

1. Maximum Building/Structure Height: Thirty-five (35) feet. Accessory structures should not exceed fifteen (15) feet or the height of the main structure, whichever is less.
2. Maximum Lot Coverage: Twenty-five (25) percent of lot area.
3. Maximum Floor Area: Fifty (50) percent of lot area.
4. Minimum Floor Area for Each Building: Eight hundred forty (840) square feet.
5. Minimum Lot Area Per Unit: Four thousand five hundred (4,500) square feet. Only one dwelling unit per lot is permitted.

5.5.F Uses Permitted in the Affordable Housing District.

Only single-family detached houses and their customary accessory uses (listed in Section 3.3.B), as well as club houses and other passive and active, common recreational facilities for such houses, shall be permitted.

5.5.G Informal Consideration.

1. The Commission recommends that, prior to the submission of a formal application for approval of an Affordable Housing District, the applicant review with the Commission and its staff in a preliminary and informal manner any proposal for a Planned Development District.
2. The Commission recommends that the preliminary plans meet the requirements for a Master Plan. 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.

5.5.H Certificate of Zoning Compliance.

1. Prior to the issuance of any Zoning Permit or Certificate of Zoning Compliance to permit any occupancy of the development, the developer shall file with the Commission a financial guarantee, in form, amount and surety approved by the Commission in accordance with Section 10.3, 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.
2. Said guarantee 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.

5.5.I Affordability Requirement.

1. Not less than 30 percent of the dwelling units in the development shall be conveyed by deeds containing covenants or restrictions requiring that such dwelling units be sold at or below prices that will preserve the units as affordable housing, as defined at CGS Section 8-39a. At least 15 percent or more of the dwelling units will be by deeds containing covenants or restrictions requiring those units to be sold or rented , for at least forty (40) years after the initial occupation of the development at prices deemed affordable to persons and families having an income no greater than 80 percent of the area median income or 80 percent of the state median income, whichever is less; and another 15 percent or more of the units will be conveyed under the same terms to persons and families having an income no greater than 60 percent of the area median income or 60 percent of the state median income, whichever is less.
2. Such restrictions shall remain in effect for at least 40 years after the initial occupation of the proposed development.
3. Those units to which deed restrictions will apply must be designated with the submission of the Master Plan.
4. Deed-restricted affordable units should be integrated with the balance of the development and may not be unnecessarily grouped together.

5.5.J Common Interest Ownership Community Declarations.

1. Draft common interest ownership community declaration provisions covering continued compliance with the Site Plan shall be submitted to the Commission prior to approval of the Site Plan.
2. Common Interest Ownership Community: In order to assure proper maintenance of common areas, only common interest ownership communities, as submitted to the Town Attorney (to confirm the format of the document is appropriate) qualify as AHD. Single-family units are to be owned individually. An endorsed record subdivision map and an endorsed Site 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.

5.5.K Standards for Affordable Housing Development Plans.

1. Affordability Deed Restrictions. In order to ensure affordability, the applicant must, before any conveyance of lots within an approved AHD:
   (1) File in the Branford Land Records an approved Site Plan and subdivision plan on which no fewer than 30 percent of the residential lots are explicitly designated to be reserved as "affordable housing," as defined in CGS Section 8-39a.
   (2) Present to the Commission for its review and approval the language to be inserted as "affordable housing" restrictions in the deeds to the lots to be reserved as affordable housing. Such language shall be forwarded to the Town Attorney for review and comment. The Commission shall not endorse its approval on the subdivision plan unless it has first approved the language to be used as "affordable housing" deed restrictions. Such language must assure that the units on these lots will remain affordable, as herein defined, for a period of not less than 40 years.

2. Buffer Areas.
   (1) No building or other structure, internal road, or parking area shall extend within 40 feet of the perimeter of the AHD.
   (2) Along and adjacent to each project line, there shall be provided a greenbelt having a minimum depth of 25 feet, planted with trees and shrubs, at least 50 percent of which should be evergreens.
   (3) 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.
   (4) The Commission may increase the width and density of the required buffer if it finds that such increase is warranted to protect nearby critical coastal resources.
   (5) The Commission may reduce the buffer area if it finds that existing natural features provide a level of screening similar to such buffer. The buffer area may be occupied by roads, utility rights of way, trails and fences.
3. Open Space and Recreation Land.
   (1) 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.
   (2) Alternatively, 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.
   (3) 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.
4. Site Landscaping.
   (1) All common areas of the development not used for buildings, driveways, and parking areas shall be landscaped and maintained with lawn and trees or shrubs or, where appropriate, shall be left undisturbed as natural terrain.
   (2) Common parking areas shall contain evenly distributed landscaped areas protected by solid curbing every sixth (6th) space in a row of parking spaces.
   (3) 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 Site Plan shall also include a plan for tree preservation and protection.
   (4) Waiver. The Commission may waive specific site landscaping standards if the applicant provides a plan of comparable quality prepared by a registered landscape architect.
5. 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).
6. Lot Plan. Units shall be located as shown on the Site Plan.

7. Unit Landscaping: Each dwelling unit lot shall be completely and permanently landscaped and maintained to (a) provide for appropriate screening, (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 financial guarantee 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:
   (1) One (1) shade tree in the front setback and one in the rear setback. Each shall be a minimum of two and one-half (2 1/2) inches in caliper.
   (2) A privacy area adjacent to each unit should be screened by evergreen trees, hedges or wood or masonry fencing.
   (3) Front setback foundation planting of six (6) shrubs. Plant materials should be varied at different units on the same street.
   (4) Waiver: The Commission may waive specific site landscaping standards if the applicant provides a plan of comparable quality prepared by a registered landscape architect.
8. Backyard Area: Each unit must have a useable outdoor area containing at least 500 square feet.

5.5.L Dwelling Unit Design Standards.

1. Overall 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.
2. Exterior Building Materials Permitted. 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.
3. Roofing Materials Permitted. 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.
4. 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.
5. 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.
6. Driveways. At a minimum, driveways shall be covered with a surface of crushed stone or equal material compacted to a depth of four (4) inches and shall conform to the driveway specifications of Section 6.12 of these Regulations.
7. 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.

5.6 AGE-RESTRICTED HOUSING DISTRICT.

5.6.A Purpose.

An Age-Restricted Housing District ("ARHD") shall be a form of Planned Development District (floating zone) that may be established by the Commission 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. An ARHD may be established by the Commission when found necessary and appropriate for the following purposes:

1. To advance the goal of the Town Plan of Conservation and Development to respond to changing demographics by providing additional housing opportunities close to the Branford Town Center for persons who are 55 years and older.
2. To allow the use of flexible design techniques on parcels of land on which development under conventional zoning standards would be constrained by difficult topography, soils, rock, wetlands or other limiting features.
3. To allow the preservation of significant areas of open space on tracts on which more conventional forms of development would cause the loss of natural features or resources the Commission deems important to the Town.

5.6.B Parcel Location.

In order to assure the desired accessibility of an Age-Restricted Housing District to the Town Center, any parcel proposed for an ARHD must be located within 2,500 feet of the lot on which is located the Branford Town Hall (1019 Main Street).

5.6.C Size, Dwelling Density and Open Space.

The tract or adjoining tracts, of land for which application is made for the establishment of an Age-Restricted Housing District must contain a contiguous area of not less than ten acres. No less than seven (7) acres, or 50 percent of the tract, whichever is greater, shall be set aside for open space. In the event all or a portion of the area proposed for open-space preservation is to be conveyed to the Town, that portion to be so conveyed shall be excluded from the proposed ARHD, but the area of such portion shall be included in the calculation of the ten (10) acres required by this Section 5.6.C. The maximum residential density shall be nine-and-one-half (9.5) units per acre, and shall be based upon the total area of land to be included in the ARHD plus any additional area of land to be conveyed to the Town as open space in connection with the adoption of the ARHD. No building permits may be issued for any structure approved in connection with an ARHD application unless and until any such conveyance of land to the Town has been made. Such conveyance must be made by warranty deed and must be free of any encumbrances.

5.6.D Age Restrictions.

Each dwelling unit must be occupied by at least one (1) person who is 55 years of age or older.

5.6.E Application.

A formal application for the establishment of an Age-Restricted Housing District must be submitted to the Commission in writing, and must be signed by the owner or owners of all parcels within the proposed District. The Commission may deem any applications for a zone text amendment, zone change and site plan to accommodate age-restricted housing, including any such applications filed prior to the effective date of this Section, as an application for the establishment of an ARHD, provided (i) the application would otherwise comply with the standards set forth in this Section; and (ii) the applicant agrees to such designation of its application. An application for an Age-Restricted Housing District shall be accompanied by the following:

1. Statement: A written statement specifying in detail any special provisions which are proposed to be applicable to the use of land, buildings and other structures in the Age-Restricted Housing District; the location and bulk of buildings and other structures; and the area, shape and frontage of lots within the District. In lieu of proposing special regulatory text provisions to be applicable within the ARHD, the applicant may request that the Basic or Detailed Site Plans submitted with such application be treated as special regulatory dimensional provisions to the extent such plans are different, in any respect, from the dimensional requirements applicable to the Multifamily District.
2. Basic Site Plans: Basic Site Plans for the proposed development, including property maps, topographic 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. Plans where applicable shall be prepared and certified by an architect and / or professional civil engineer licensed to practice in the State of Connecticut. Basic Site Plans should generally include the following information; however, the Commission shall retain the right to waive any of the following informational requirements if it finds that such information is not needed to properly evaluate the application in accordance with the standards of this Section:
   (1) 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;
   (2) Present and proposed land uses and the acreage of each use, as well as existing and future land uses in the surrounding area;
   (3) Present and proposed buildings and structures including use, dimensions and locations of each;
   (4) 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;
   (5) Location of proposed off-street parking facilities with dimensions, including location, size and number of parking spaces, access drives and walkways;
   (6) Proposed open areas such as parks, lawn area, and recreational facilities;
   (7) Existing and proposed landscaping treatment, including major tree areas, water bodies and related treatment of open space areas, screening, and existing and proposed topography;

(8) 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;

(9) 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;

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

(11) 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, financial guarantees to insure completion of community elements, and schedules of development phases.

5.6.F Detailed Site Plans.

An applicant for the establishment of an Age-Restricted Housing District may submit Detailed Site Plans, as described in Section 9.6, in lieu of Basic Site Plans, with the application. Such plans shall contain the information required under Section 9.6.C of these Regulations.

5.6.G Procedures.

1. After receipt of a complete application for the establishment of an Age-Restricted Housing District, the Commission shall review the application and during this review may hold meetings with the applicant and request additional information. The Commission shall hold a public hearing on the application 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:

(1) 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;

(2) 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;

(3) A statement from the Police Commission that the proposal will not cause any undue traffic hazards;

(4) A statement from the Fire Marshal that the proposal meets fire safety standards and concerning the fire fighting feasibility of the proposed plan;

(5) 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;

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

2. After the public hearing, the Commission may either give approval to the Basic or Detailed Site Plans or approval subject to modifications, but only after the Commission makes the findings set forth under Section 5.6.I below, in addition to other findings necessary for amendment of these Regulations. Approval of Basic Site Plans shall not constitute final approval of the Age-Restricted Housing District and shall simply authorize the submission of Detailed Site Plans setting forth in detail the specifics of the proposed development in accordance with Section 9.6.C of these Regulations and showing any modifications specified by the Commission. If Detailed Site Plans are approved by the Commission, the ARHD 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 ARHD 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 application is approved, the Commission shall give notice of such approval in the same manner as required for the amendment of these Regulations.

5.6.H Detailed Site Plans.

1. If Detailed Site Plans were not submitted and approved as part of the application to establish the Age-Restricted Housing District, such plans shall be submitted in conformance with the Basic Site Plans, as those may have been modified by the Commission, and shall include all required information. Such Detailed Site 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 Site Plans shall be submitted and shall include at least the following:
   (1) Site Plan containing detailed layout information related to all site plan proposals contained in the Basic Site Plans, plus an additional, schematic layout of buildings, drives and parking areas at a scale of 1" = 100';
   (2) Building Plans encompassing the architectural information developed in the Basic Site Plans;
   (3) Landscaping Plans presenting in detail the landscaping treatments and open space proposals contained in the Basic Site Plans;
   (4) Engineering Plans presenting the detail designs and information supporting all the engineering elements of the Basic Site Plans.

2. Approval of the Detailed Site 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.

5.6.I Findings Required.

The Commission may adopt the Age-Restricted Housing 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:

1. The ARHD and the standards and Basic Development Plans applicable therein will accomplish the purposes set forth in Section 5.6.A;
2. The applicant 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;
3. 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;
4. 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.

5.6.J Financial Guarantees.

1. The petitioner shall file with the Commission a financial guarantee, 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 subject to a financial guarantee under the provisions of the Branford Subdivision Regulations.
2. 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 financial guarantee, 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 financial guarantee 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 for good cause shown.

5.6.K Additional Limitations.

1. Effect of Adoption of District: Adoption of an Age-Restricted Housing 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.
2. Completion of Construction: 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 Age-Restricted Housing District and establishing for such land the provisions of another zoning district.
3. Enforcement of Age Restrictions: In order to assure compliance with the age restrictions required by Section 5.6.D of these Regulations, the Commission or its enforcement agent may make reasonable requests for documentation of compliance with such restrictions, including, but not limited to, the following: (1) if the dwelling units are rented, an affidavit from the owner indicating the methods used by the owner to assure compliance with the age restrictions, as well as copies of any written documentation of age provided to the owner; (2) affidavits or other proof of age from the occupants of any dwelling unit.

5.6.L Modification of Detailed Site Plans.

In the event any application is submitted to modify the Detailed Site Plans, such application shall be processed as follows:

1. Except as provided in subsection 2.(2) of this Section 5.6.L, if any of the proposed modifications would create additional structures or dwelling units, or would not comply with either (i) the dimensional standards applicable to the Multifamily District, or (ii) any special regulatory text standards adopted in connection with the establishment of the Age-Restricted Housing District, such proposed modifications shall be treated as an application to amend the Regulations applicable to the ARHD, and the procedure for the Commission to review and act upon such application shall be the same as the procedure to establish an ARHD.
2. Such proposed modifications shall be treated as an application to modify a Site Plan pursuant to Section 9.6 of these Regulations if none of the proposed modifications would create additional structures or dwelling units, and all of the proposed modifications would either:
   (1) comply with either (A) the dimensional standards applicable to the Multifamily District, or (B) any special regulatory text standards adopted in connection with the establishment of the Age-Restricted Housing District; or
   (2) reduce the extent of any noncompliance with the dimensional standards applicable to the Affordable Housing District.

5.7 INCENTIVE HOUSING OVERLAY DISTRICT (IHOD)

5.7.A Purpose

1. The primary purpose of the Incentive Housing Overlay District (IHOD) is to encourage the development and maintenance of affordable housing in both residential and business districts that have the transportation connections, nearby access to amenities and services, and infrastructure necessary to support more concentrated levels of development.
2. The IHOD seeks to avoid sprawl and traffic congestion by encouraging a more vibrant residential component to business or mixed-use areas in order to sustain a lifestyle in which residents can walk or use public transportation to reach jobs, services, and recreational or cultural opportunities.
3. The IHOD is also intended to enable infill development that is sensitive to the characteristics of the surrounding, existing uses, and to facilitate the adaptive reuse of existing, historic or underutilized buildings or properties in Branford that may otherwise be lost to redevelopment.
4. The name "Incentive Housing Overlay District" is intended to reflect the Commission's interest in participating in the financial incentive program created pursuant to CGS Chapter 124b, should a proper opportunity arise. However, this Section 5.7 is also designed to provide additional opportunities for the development of affordable housing in Branford, regardless of whether such development is eligible for approval for such incentives.

5.7.B General Requirements

1. IHOD zones may, but are not required to, be proposed in compliance with the requirements of CGS Chapter 124b. When an application is made for approval of an IHOD that would be eligible for financial incentives under CGS Chapter 124b, the application must comply with all applicable provisions of those statutes, as well as to the provisions of Section 5.7 of these Regulations. For such applications, any conflict between the statutory provisions and the provisions of Section 5.7 shall be resolved in favor of the statutory provisions. At the time of filing such application, the applicant shall provide a list of all provisions of Section 5.7 that the applicant believes to be superseded by the provisions of CGS Chapter 124b. Applications for approval of any IHOD that is not eligible for state financing pursuant to CGS Chapter 124b must comply with all of the provisions of Section 5.7 of these Regulations.
2. Subzones. Each IHOD may consist of one or more subzones, which may overlay each other as well as the underlying district. The permissible types of subzones are designated as:
   (1) Multi-family (MF) subzone, in which only residential uses shall be permitted; and
   (2) Mixed-use (MU) subzone, in which residential and nonresidential uses may be permitted as set forth in Section 5.7.E.

   If the underlying zone is a residence district, then only the MF subzone may be utilized. On a site where the underlying zone is a business district and no subzone is designated, then both types of subzone may be utilized. In establishing a subzone, the Commission will have the discretion to exclude one or more uses that would otherwise be permitted in an incentive housing development in that subzone, including uses permitted in the underlying district, which exclusions, if any, will be stated in the resolution creating or amending the subzone and will become part of the text describing the incentive housing zone.

3. Location Criteria. In determining whether to approve an IHOD, the Commission shall consider the ability of the proposal to satisfy the purposes set forth in Section 5.7.A. Factors that shall generally be deemed necessary for an IHOD include:
   (1) Proximity to public transportation. The land should be near a regularly scheduled route or hub of public transportation, such as a bus route, transit station (including rapid transit), commuter rail facility, bus terminal, bus shelter, or ferry terminal; and
   (2) Location within or near areas of concentrated development. The land should be within or near an area of existing, concentrated development, such as a commercial center, existing residential or commercial district, or village district established pursuant to CGS Section 8-2j.
4. Conceptual Plan. An applicant for approval of an IHOD must submit, with the application, a Conceptual Plan showing the proposed layout of structures and uses. The Conceptual Site Plan shall, at a minimum, include the information requested in Section 9.10.F.3 and 9.10.F.4 of these regulations. The Conceptual Plan shall not be binding on the applicant or Commission when Special Exception and/or Site Plan approval is sought after approval of an IHOD, but the applicant may be required to explain and justify any significant inconsistencies between the Conceptual Plan and the proposed final Site Plan.

5.7.C Bulk Requirements

The following Bulk Requirements apply when an IHOD project is proposed. The requirements in the Underlying Zone remain in effect when noted UZ.

MINIMUM	1. LOT AREA	UZ		
	2. FRONTAGE	UZ		
	3. SQUARE	UZ		
	4. SETBACKS	**(1) FRONT**	**(2) SIDE**	**(3) REAR**
		UZ	UZ	UZ
	5. SETBACK FROM RESIDENCE DISTRICT BOUNDARY LINE	UZ		
MAXIMUM	6. HEIGHT	40		
	7. FLOOR AREA	Not Applicable		
	8. LOT COVERAGE	Not Applicable		
	9. MAXIMUM NET RESIDENTIAL DENSITY	20 units per Acre		
	10. MAXIMUM IMPERVIOUS SURFACE AREA RATIO	0.70		

UZ = Underlying zone requirements apply

Note regarding Residential Density:

(1) Residential Density is calculated by the number of units allowed per net lot area. See minimum lot area definition for determining net lot area.

(2) Where an incentive housing development contains a mix of uses, residential densities will be calculated by dividing the total acreage of the incentive housing development by the total number of dwelling units, regardless of how much land is devoted to non-residential uses.

(3) For any incentive housing development to be developed in phases, each phase must comply with the incentive housing restrictions set forth in this section.

5.7.D Special Exception and Site Plan Requirement

Except as set forth below, the Commission must approve a Special Exception and Site Plan for any principal and accessory uses proposed, in accordance with Section 5.7, to be established in an approved IHOD. The Special Exception requirement shall not apply to residential uses within any IHOD that is approved for financial incentive payments pursuant to CGS Chapter 124b.

5.7.E Mixed-use (MU) subzone.

1. For any incentive housing development in a mixed-use subzone, the Commission may allow by Special Exception the inclusion of uses otherwise permitted by Site Plan or Special Exception in the underlying district.
2. In any mixed-use incentive housing development, at least 50 percent of the gross floor area of the first floor must be non-residential uses. Bulk requirements for stand-alone non-residential uses in an incentive housing development shall be in accordance with the requirements of the underlying district.

5.7.F Accessory Uses.

Any accessory use is allowed in an IHOD as permitted in the underlying district and subject to the requirements and approval procedures as may be applicable to such uses.

5.7.G Additional Criteria for Approval.

1. At least 20 percent of all dwelling units constructed in a development approved under this Section of the Regulations shall be deed-restricted to be affordable to and occupied by households earning 80 percent or less of the area median income for Branford, as determined and reported by the United States Department of Housing and Urban Development (HUD).
2. When a calculation performed under this subsection results in a number that includes a fraction, the fraction shall be rounded up to the next higher whole number.

3. Each such affordable unit shall be subject to a housing restriction acceptable to the Town Attorney and the Commission, which restriction shall be recorded on the Branford Land Records and shall, at a minimum, include the following:
   (1) An identification of the affordable housing units within the development.
   (2) A requirement that such affordable unit shall be occupied only by a household earning 80 percent or less of the area median income for Branford, as determined and reported by the United States Department of Housing and Urban Development (HUD).
   (3) A statement of whether the affordable units will, at the time of initial occupancy, be rented or owner-occupied.
   (4) A statement of the method for determining the rental rate or sale price or resale price of an affordable housing unit at any point in time.
   (5) A statement that the term of the deed restriction for each affordable unit shall be a minimum of forty (40) years from the date of first occupancy of that affordable unit.
4. The applicant shall also prepare and submit a final "Housing Affordability Plan" in accordance with CGS § 8-30g, Section 8-30g-1 et seq. of the Regulations of Connecticut State Agencies and the "Housing Affordability Plan Requirements" as adopted by the policy of the Commission and as the same may be amended from time to time, including:
   (1) The name and address of the proposed administrator of the deed restricted affordable units.
   (2) Provision that the proposed administrator shall file an annual report to the Commission, in a form specified by the Commission, certifying compliance with the provisions of this Section.

5.7.H Design Standards.

Applicable Standards. Incentive Housing Overlay Zone applications shall apply the design criteria identified in the Branford IHOD Design Guidelines below or the "Branford Town Center Design Guidelines" if the property is located in the Town Center Overlay District.

1. Building Placement.
   (1) In general, new buildings shall be placed near to the public street and shall be oriented with the main façade parallel to the public street in order to strengthen the overall streetscape. For lots with frontage on more than one (1) public street, new buildings should be oriented to the street that will provide the highest pedestrian value, specifically that the building will contribute to the overall streetscape (existing and proposed) and the design of the area.
   (2) The Commission may modify or waive the requirements of subsection (1) when the applicant demonstrates that a greater setback or alternative orientation will enhance the overall flavor of a historic New England mill village and / or allow for the creation of a public amenity (such as a wider sidewalk, a public seating area, etc.), or otherwise improve the quality of site design.
2. Building Mass. Monolithic building forms shall be avoided through the use of variations in wall placement, color, texture and/or material and variations in the height of buildings or use of architectural features such as balconies, cornices, step-backs, or other articulating features.

3. Exterior Materials and Colors. Exterior building materials and their placement on a building shall be consistent with the overall flavor of a historic New England mill village.
4. Doorways and Windows.
   (1) Recessed doorways are preferred. Where a recessed doorway is not used, an awning or similar architectural overhang shall be used.
   (2) Adequate lighting for the doorway shall be incorporated into the design of the doorway.
   (3) Windows should be taller than they are wide and windows on upper floors should not be larger than windows on lower floors.
   (4) Windows should be inset from the exterior wall surface and shall have visually prominent sills, lintels, or other forms of architectural detailing to add visual relief to the wall.
5. Roofs and Mechanical Equipment.
   (1) Roof forms should complement the principal building in terms of style, detailing, and materials.
   (2) Roof overhangs (eaves and cornices) should be a minimum of two (2) feet.
   (3) Any mechanical equipment shall be screened from public view using landscaping, walls, fencing, parapets or other architectural elements, or combination thereof.
6. Covered Parking. Covered parking may be provided in detached garages or as parking located beneath habitable floor area. Covered parking areas, when not fully enclosed, shall be screened with ornamental grillwork, artwork or similar architectural features.

5.7.I Method of Ownership

Dwelling units. Dwelling units may be offered for sale or for rental in individual, public, cooperative or condominium ownership. Documentation as to management, organization and incorporation of applicable ownership associations shall be submitted to the Commission at the time of filing of the application for incentive housing development.

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6.1 BUILDING LOTS.

6.1.A Purpose.

The purpose of this Section is to clarify what is required for a parcel of land to be considered a building lot.

6.1.B Applicability.

These standards shall apply to the use of all parcels of land in Branford.

6.1.C Standards.

A parcel of land may be used for building purposes if it is a "lot", as defined in Section 2.2 of these Regulations, and if it meets one or more of the following descriptions:

1. The lot was created by subdivision, is shown on a subdivision map approved by the Commission and filed in the office of the Branford Town Clerk, and was approved for building purposes by the Commission in connection with such subdivision approval (i.e., it met all necessary subdivision and zoning criteria for building purposes that were applicable when the subdivision was approved);
2. The lot is a parcel of land that was created by the first division occurring after June 16, 1954 (the date of first enactment of subdivision regulations in Branford) of a larger parcel of land and that conforms to the current area, shape, frontage and other geometric requirements of these Regulations for the establishment of a principal use;
3. The lot is a parcel of land that, since December 3, 1956 (the date of first enactment of zoning regulations in Branford) has been owned separately from any adjoining parcel or parcels as evidenced by deed or deeds recorded in the land records of the Town of Branford and that satisfies the requirements of Section 8.1.F of these Regulations.

6.2 DIMENSIONAL STANDARDS.

6.2.A Purpose.

The purpose of these standards is to establish a uniformity of scale for development within each zoning district.

6.2.B Applicability.

Dimensional standards for lot area, square and frontage apply to building lots. Setbacks and height, as well as floor area, coverage and impervious surface ratios, apply to development and other activities that require a zoning permit.

6.2.C Lot Area, Square and Frontage.

1. Each building lot shall have at least the minimum area required for the zone in which it is located.
2. Each lot shall be of such shape that a square with the minimum dimensions specified for the zone in which it is located will fit on the lot. In Residence Districts a portion of such square shall lie within less than the required building setback distance from a street line.
3. Each lot shall have the minimum frontage on a street required for the zone in which it is located. See also "Lot-Related Terms," in Section 2, "Definitions."

6.2.D Height.

No structure shall exceed the maximum height as specified by the dimensional standards for the zone in which it is located. 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 features such as tanks and heating, ventilating, air conditioning, railings, and elevator equipment, that are located on the roof of a building and do not occupy more than 25 percent of the area of the roof. See also "Height-Related Terms," in Section 2, "Definitions."

6.2.E Setbacks.

No structure shall extend within less than the minimum distances from any street line, rear or side property line, or any other property line or Residence District boundary line as specified by the setback distances for the zone in which it is located, subject to the following exceptions and additional limitations:

(1) Signs: Certain permitted signs, as specified in Section 6.6, may extend within lesser distances from a property or street line.

(2) Boats and Boat-Trailers: Boats and boat-trailers exceeding 14 feet in length shall meet the streetline and side setback requirements for buildings and other structures as specified for the zone in which they are located. Also see Section 6.4.E.

(3) 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.

(4) 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 (½) of the difference between 50 feet and the actual width of the street.

(5) 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.

(6) Boat Docks, Piers, and Moorings: No setback from any property line or Residence District Line is required for any boat dock, pier, or mooring.

(7) 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.

(8) Fences, Walls and Terraces: No setback from any property line or Residence District shall apply to fences or freestanding 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 6.13.

(9) Critical Coastal Resources: No parking area, 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.

(10) 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.

6.2.F Coverage and Floor Area.

The aggregate lot coverage of all structures on any lot shall not exceed the ratio of coverage to the lot area as specified for the zone in which the structures are located. The total floor area of all structures on any lot, excluding basements, shall not exceed the ratio of floor area to lot area as specified for the zone in which the structures are located. The limitation on total floor area shall not apply to floor area in or on a structure used for off-street parking or loading spaces. See also "Coverage-Related Terms" in Section 2, "Definitions."

6.2.G Impervious Surface.

The impervious surface on any lot shall not exceed the ratio of impervious surface to lot area as specified for the zone in which the lot is located.

6.2.H Outside Storage.

Outside storage 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. Note, however, that vehicles parked in parking spaces approved as such by the Planning and Zoning Commission are not considered outdoor storage. Outdoor storage shall be limited as follows:

1. Outside storage in business and industrial districts shall not extend into the area required for setback from a street line or Residence District boundary line.
2. No outside storage except for boats shall be located within 25 feet of any critical coastal resource.

6.3 LANDSCAPING.

6.3.A Purpose.

The purpose of these landscaping regulations is to enhance property values, to minimize soil erosion, and improve the quality of environment and aesthetic appearance of Branford.

6.3.B Applicability.

These landscaping standards shall apply to any development in Branford that requires Site Plan Approval or Special Exception Approval.

6.3.C Existing Vegetation.

1. Existing plant materials may be used to meet all or part of the landscape Regulations.
2. Significant trees (meaning, for purposes of this Section, trees having a diameter of 12 inches or more at a height of four (4) feet from the ground) shall be preserved to the extent feasible and any significant tree which is proposed for removal shall be clearly designated on the site plan. Unless clearly designated for removal, significant trees shall be considered to be designated for preservation.
3. Unless otherwise authorized by the Commission, any significant tree designated for preservation shall:
   (1) Have no construction operations carried on within the drip-line of the significant tree;
   (2) Have no material stored within the drip-line of the significant tree;
   (3) If at risk of damage from construction, be protected by a four (4) foot high fence offset at least ten (10) feet from the tree's trunk(s) except that, if the Commission so designates, the fence shall be installed at the drip-line of the tree;
   (4) Shall have tree protection installed in advance when any construction activity will occur within 40 feet of the affected tree(s); and
   (5) Remain in place and be maintained in good repair during the construction period.
   (6) Replacement Trees. When possible, to preserve the replacement tree, the Commission should take into account any previous conditions that might have caused the removal of the tree(s) including site conditions, disease, spacing and other tree stressors (pavement, car or pedestrian traffic.)
4. Damage to any significant tree shall be repaired by a Connecticut licensed arborist.
5. Any significant tree marked for preservation that is removed or damaged beyond satisfactory repair shall be replaced with a sufficient number of trees of the same or similar species as approved by the Commission so that the combined caliper measurements of the replacement trees shall equal or exceed the caliper measurement of the significant tree that was removed or damaged.

6.3.D Landscaping Plan Requirements.

1. Landscaping plans shall show, at the same scale as the site development plan, the location of all proposed planting and existing planting to be retained.
2. A planting list showing the number, size and species of plants is required.
3. Landscape professionals required. Unless waived by the Commission due to the minimal impact of a proposed activity, a landscape architect licensed in Connecticut and when existing trees will remain, a Licensed Connecticut Arborist shall prepare the plans illustrating compliance with the requirements of this Section.

6.3.E Landscaping Requirements.

Planting Standards:

1. Canopy trees shall be deciduous shade trees with a mature height of at least 35 feet that at the time of planting are at least two and one-half (2½) to three (3) inches in caliper. Tree selection must be matched with the site, including considerations of the tree(s) requirement for light, water, soil conditions, growing space, temperature extremes and function in the landscape. The highest priorities are those that will affect the survival of the tree(s). Tree selection should be native trees with an emphasis on diversity. Conditions at the site and unique morphological ability of the tree(s) must also be considered.
2. Understory and ornamental trees shall be deciduous shade or fruit trees with a mature height of at least 12 feet that at the time of planting are at least one and one-half (1½) to two (2) inches in caliper.
3. Evergreens shall be coniferous species at least six (6) feet in height at planting.
4. Shrubs shall be at least 18 inches in height at planting.

6.3.F Front Yard Landscaping Requirements.

1. In Business Zones (Section 4) a landscaped strip having a width of at least one-half of the required streetline setback shall be provided adjacent to the street.
2. For Special Exception uses in Residential Zones (Section 3) a landscaped strip at least 20 feet wide shall be provided adjacent to the street.
3. In Business Zones, one (1) canopy tree shall be planted in the front yard for each 50 feet of frontage or fraction thereof.

6.3.G Side and Rear Landscaping Requirements.

1. In Business Zones except the BC zone, a landscaped strip at least five (5) feet wide shall be provided adjacent to each side and rear property line.
2. Special Exception Uses in Residential Zones shall provide a landscaped strip at least ten (10) feet wide adjacent to each side property line.

6.3.H Planting Bed Requirements.

1. Where lots are to be developed in Business Zones, planting beds shall be provided adjacent to any building(s) on the lot.
2. The length of such planting beds shall be at least equal to 25 percent of the circumference of the building(s) on the lot.
3. Special Exception Uses in Residential Zones shall have planting beds the length of which shall be at least 40 percent of the circumference of any building(s) on the lot to be developed.

6.3.I Residential District Green Belt Buffer.

1. Where Business Zones abut Residential Zones, a green belt buffer at least one-half of the required depth of the residential district setback shall be provided and maintained by the owner of the property in the Business District.
2. This buffer area shall not be used for storage of materials or parking of vehicles.
3. Trees and shrubs shall be planted along the side and rear property lines to give a screen at least 10 feet deep using approved, hardy indigenous plant materials of which at least 30 percent shall be evergreen and at least 60 percent shall be not less than six (6) feet in height at planting.
4. The rest of the depth of the buffer strip shall be planted and maintained as lawn. Existing natural growth shall be preserved where practicable and supplemented with new planting according to the foregoing Regulations in order to give the required screening.
5. Permanent structures such as fences, walls, and existing and proposed grading, etc. may be approved in lieu of landscaping where in the opinion of the Planning and Zoning Commission the intent of these Regulations will be served.

6.3.J Stormwater Structure Landscaping.

1. Stormwater management systems shall be visually compatible with the surrounding landscape and should have sufficient vegetation to screen adjacent properties.
2. Basin landscaping shall provide for stormwater quality remediation.

6.3.K Parking Area Landscaped Area Requirements.

1. Parking areas shall be planted with trees that at the time of planting are at least two and one-half (2½) to three (3) inches in caliper so that there is at least one (1) tree per ten (10) parking spaces within the parking lot.
2. Such trees must be staked with three (3) three (3)-inch diameter stakes and protected by curbing against damage by vehicles.
3. A minimum planting area, equivalent to 150 square feet per tree shall be provided.
4. Required parking areas shall have a landscaped island at the end of each row of vehicle spaces and an intermediate island for every 15 vehicle spaces. The Commission may require more landscaped area based on the size of the parking lot.
5. Such planting islands shall be not less than nine (9) feet wide in the direction parallel to the row and not less than 18 feet long in the direction perpendicular to the row.
6. Each such island shall have a suitable curb of stone or poured-in-place concrete, and shall be planted with grass or ground cover, or have pedestrian pavers where approved by the Commission or Staff, unless it is part of a drainage system.

6.3.L Variations to Landscaping Requirements.

1. These requirements are intended as a minimum guide for the landscaping to be developed.
2. The Commission may waive certain specific requirements when warranted by excellence in landscape design.
3. Existing vegetation may be used to meet all or part of the landscaping requirements.

6.3.M Completion of Landscaping.

1. For new construction, all landscaping shown on the approved plan shall be completed before a Certificate of Occupancy can be issued. A financial guarantee in a form and amount satisfactory to the Commission assuring completion of landscaping and other approved site improvements within a specific time period (not to exceed one year) shall be filed with the Commission.
2. Such financial guarantee shall be forfeited if the work is not completed within the specified time period.
3. The Commission may require a financial guarantee to ensure survival of plant materials for up to two years after planting.

6.4 TRAILERS AND STORAGE CONTAINERS.

Trailers shall be permitted only under the following circumstances:

6.4.A Construction Trailer or Construction Field Office Trailer.

Construction trailers are allowed on construction sites subject to issuance of a zoning permit by the Zoning Enforcement Officer. Such trailers must be located on the lot where construction is taking place, and must be removed within 30 days after completion of the project.

6.4.B Storage Trailer or Storage Container.

Storage Trailers or Storage Containers are allowed in commercial and industrial zones only by Special Exception and only for a period not to exceed two years. See Section 7.10.

6.4.C Portable Storage Unit or Portable on Demand ("POD") Container.

Portable Storage Units or "PODs" are allowed in all zones subject to issuance of a zoning permit by the Zoning Enforcement Officer. A container may be placed on a lot for a time period not to exceed 60 days and must be located so that it does not obstruct sight lines, displace required parking, or otherwise cause safety or congestion hazards in the neighborhood. No more than one container may be placed on a lot at any one time.

6.4.D Travel Trailers.

Travel Trailers are allowed in all zones and require no zoning permit provided that no more than one (1) travel trailer is stored on any lot. Occupancy of a travel trailer as a dwelling is prohibited. Each travel trailer must be located so as to meet all setback requirements for the zone in which it is located or stored inside a garage, barn, or other permanent structure. Also See Section 6.2.E(2).

6.4.E Boat Trailers and Boats.

Boat Trailers and Boats are allowed in all zones and require no zoning permit provided that no more than one (1) boat and / or one (1) boat trailer is stored on any lot. In Residential Zones, boats and boat trailers exceeding 14 feet in length must meet the streetline setback requirements for the zone in which they are located or stored inside a garage, barn, or other permanent structure.

6.5 OFF STREET PARKING AND LOADING.

6.5.A Purpose.

1. This Section is intended to provide adequate parking and loading facilities to serve all existing and proposed uses and activities. It is the goal 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.
2. It is the goal of the Branford Planning and Zoning Commission to weigh the need for parking against the potential impact of stormwater from impervious surfaces required for off street parking.

6.5.B Applicability.

These parking standards shall apply to any development in Branford.

6.5.C General Requirements.

1. Except as may otherwise be expressly permitted by these Regulations, every lot must contain adequate space suitably located for parking, and for the loading and unloading of goods and materials required by the use for which the site is approved.
2. All off-street parking and loading spaces hereafter established 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 Exception under these Regulations.
3. The minimum number of parking spaces and loading facilities required for any property shall be determined by applying the standards of this Section to the actual and proposed uses, and when the requirements result in a fractional number, the minimum requirement shall be rounded up to the next whole number.
4. Where different uses occur on a single parcel of land, the parking and loading spaces to be provided with respect to such parcel shall be the aggregate of the requirements for each such use.
5. Off-street parking and loading spaces required 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 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.
6. Except as may be provided in Sections 6.5.G, 6.5.I, or 6.5.J, all required parking spaces shall be maintained for the exclusive use of residents, patrons, employees or tenants of the building(s) on the site and shall not be used to meet the parking requirements of any other use.
7. Any parking rights acquired from another parcel shall be recorded in the land records in the deed of each parcel involved in such agreement.

6.5.D Required Off Street Parking Spaces.

1. Bicycle Parking and Racks.
   (1) Bicycle parking facilities shall be provided as part of new multi-family developments of four (4) dwelling units or more, new retail, office and institutional developments greater than 10,000 square feet, and all transit transfer stations and park-and-ride lots.
   (2) Bicycle parking requirements shall apply to new construction, changes of use, or substantial improvement.
   (3) Bicycle parking spaces shall:
      1. Provide a convenient place to lock a bicycle, and shall be at least six (6) feet long, two (2) feet wide, and shall provide at least seven (7) feet of vertical clearance, unless a bicycle locker is provided;
      2. Be capable of locking the bicycle and supporting the bicycle in an upright position and
      3. Be securely anchored to a supporting surface.
   (4) Bicycle parking shall not interfere with pedestrian circulation and shall be separated from automobile parking.
   (5) For any use where bicycle parking is required, if the vehicular parking is covered or partly covered the bicycle parking will be covered at the same ratio.
   (6) Bicycle racks shall be located at each main building entrance, and placed in an area that is highly visible.
2. Motor Vehicles.
   (1) The following chart specifies the minimum parking requirement for each land use. Parking shall 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 Exception application in accordance with these Regulations.
   (2) In no case shall parking be located more than 500 feet from the use it serves.
   (3) For purposes of measuring required parking spaces, the building area shall be considered the gross floor area of all floors.

TABLE NOTES

1. Other Uses Not Covered in this Section. The Commission shall determine the number of parking spaces required based on the requirements applicable to comparable uses, reliable documentation provided by the applicant or others and/or national standards.
2. Community Shopping Center - The Parking requirements for a Community Shopping Center 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.
3. sq. ft = square feet
4. Loading Space Size. Each off-street loading space shall be at least 12 feet by 30 feet, with a height clearance of at least 14 feet.

RESIDENTIAL USES	PARKING SPACES REQUIRED	LOADING SPACES[4]
Accessory apartment	1 space per unit, plus spaces required for the principal unit	
Elderly housing	1 space per unit	
Home-based Business	1 space per visitor/client at peak + 1 space per employee at peak	
Multi-family dwellings	Efficiency and 1 bedroom unit: 1 space per unit 2+ bedrooms: 2.5 spaces per unit	one (1) off-street loading space per 40,000 sq. ft. of building area
Rooms for rent (let)/Bed and Breakfast	1 additional space per guest bedroom or rooming unit	
Single-family dwelling	2 spaces per unit	
Two-family dwelling	2 spaces per unit	

OFFICE USES	PARKING SPACES REQUIRED	LOADING SPACES[4]
Medical & Dental Offices, Veterinary Hospitals	1 space per 165 sq. ft. gross floor area	
Other Offices	1 space per 200 sq. ft. gross floor area	
Public Bank Area with Teller Windows	1 space per 165 sq. ft. gross floor area	

RETAIL USES	PARKING SPACES REQUIRED	LOADING SPACES[4]
Retail & Service Establishments	1 space per 250 sq. ft. gross floor area (Maximum of 1 space per 125 sq. ft. gross floor area)	One (1) off-street loading space for each 40,000 square feet of building area, or fraction thereof, excluding basements
Community Shopping Center	1 space per 300 sq. ft. gross floor area (Maximum of 1 space per 165 sq. ft. gross floor area)	
Limited Retail	1 space per 200 sq ft gross floor area allocated to retail or display of goods and 1 space per 500 sq ft gross floor area allocated to storage, warehousing, shipping and receiving	

DINING USES	PARKING SPACES REQUIRED	LOADING SPACES[4]
Restaurant excluding Patron Bar Area	1 space per 75 sq. ft. patron floor area	
Patron Bar & Cocktail Lounge Area	1 space per 20 sq. ft. patron floor area	

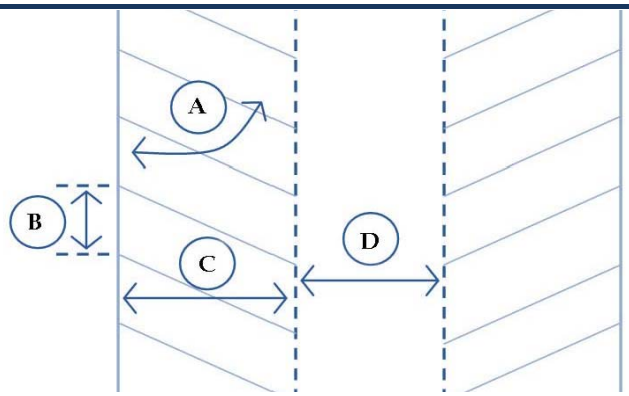
OTHER BUSINESS USES	PARKING SPACES REQUIRED	LOADING SPACES[4]
Hotels and Motels	1.2 spaces per sleeping room	One (1) off-street loading space for each 40,000 sq. ft. of gross floor area, or fraction thereof, excluding basements
Hospitals and Skilled Nursing Homes	1 space per 3 beds plus 1 per employee on largest shift	
Motor Vehicle Service and Repair Garages	10 spaces plus 5 for each garage bay in excess of 2	
Motor Vehicle Refueling Station and Car Washing Facilities	2 spaces	One (1) off-street loading space
Undertaker's Establishments	15 spaces per chapel or viewing room	
Bowling Alleys	5 spaces per alley	
Marinas and Slip Basins	1 space per occupied boat mooring	
Churches and places of worship, Theaters, Assembly Halls, Stadia, and Social Clubs	1 space per 4 seats of total seating capacity	
Group day care homes and day care centers	1 space per employee plus 1 space for every 6 children enrolled	
Self Storage	1 space per 600 square feet of office space and 2 spaces per 100 units	

OTHER BUSINESS USES	PARKING SPACES REQUIRED	LOADING SPACES[4]
Warehouse, Wholesale Business, Terminals and Distributors	1 space per 750 sq ft gross floor area or 1.1 space per employee, whichever is greaterO	One (1) off-street loading space for each 40,000 sq. ft. of gross floor area, or fraction thereof, excluding basements
Manufacturing, Processing or Assembling Plants, Research Laboratories	1 space per 600 sq ft gross floor area or 1.1 space per employee, whichever is greater	

6.5.E Area Requirements.

Parking Area Criteria. Except as provided below, off-street parking spaces and aisles shall be installed and maintained as follows:

PARKING AREA CRITERIA DIAGRAM



PARKING AREA CRITERIA TABLE	A - PARKING ANGLE				
	0°	30°	45°	60°	90°
B – STALL WIDTH	22′-0″	18'-0"	12'-9"	10'-5"	180 square feet (9′x20′ or 10′x18′)
C - STALL DEPTH	10′0″	16'-6"	19'-10"	20'-0"	
D - VEHICULAR AISLE WIDTH – TWO-WAY CIRCULATION	24′-0″	24'-0"	24'-0"	24'-0"	24'-0"
D - VEHICULAR AISLE WIDTH – ONE-WAY CIRCULATION	12′0″	12'-0"	13'-0"	18'-0"	24'-0"

ADDITIONAL PARKING TABLE INFORMATION

1. All residential parking spaces shall have a minimum length of 18 feet.
2. Specifications for Parking Facilities.
   a. Except for private residences, every parking facility shall be graded, hard-surfaced, drained, and permanently marked to delineate the individual parking spaces.
   b. Every parking facility shall be maintained by the owner of the premises.
   c. Where required parking areas abut public streets or sidewalks, permanent barriers or bumpers shall be provided.
   d. Completion of the off-street motor vehicle parking facilities and off-street loading spaces required by this Section shall be a condition precedent to the issuance of the Certificate of Occupancy.
   e. Commission may adjust dimensional requirements to reflect specific site conditions (e.g. space for bumper overhang, garage parking, etc.).

6.5.F Handicapped Parking

1. Parking spaces for handicapped persons shall be required in accordance with CGS 14-253a and the Connecticut Building Code, with regard to location, size, marking, signage, and required number of handicapped accessible spaces based on use and size of parking lot.
2. Parking spaces for the handicapped shall be as close as possible to a building entrance or walkway leading directly to a building entrance and shall be adjacent to curb cuts or other unobstructed methods permitting sidewalk access to a handicapped person.
3. Van Parking. Where handicapped accessibility is required, a minimum of one (1) van parking space shall be provided, and additional van spaces shall be provided at a rate of one (1) van space for every eight (8) handicapped accessible parking spaces required. The van parking space shall be of such size as to accommodate a van designed for wheelchair elevation and transport.

6.5.G Shared Parking Facilities.

The Commission may approve shared-use parking facilities if it determines that such use will not diminish the compliance with the parking requirements for the uses already on the site where such shared-use facility is located.

6.5.H 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 Section 6.5.D.
2. Multiply each amount by the corresponding percentage for each of the five (5) time periods, shown in the chart below:

USE/ACTIVITY SERVED	WEEKDAY		WEEKEND		NIGHTTIME Midnight – 6 pm
	DAYTIME 9 a.m. – 6 p.m.	EVENING 6 pm – Midnight	DAYTIME 9 am – 6 pm	EVENING 6 pm – Midnight	
ENTERTAINMENT/ RECREATIONAL	40%	100%	80%	100%	10%
OFFICE/ INDUSTRIAL	100%	10%	10%	5%	5%
RETAIL	70%	70%	100%	70%	5%
HOTEL	75%	100%	75%	100%	10%
RESTAURANT	50%	100%	100%	100%	10%
RESIDENTIAL	30%	100%	60%	80%	100%

3. Calculate the column total for each time period.
4. The column total with the highest value is the mixed-use parking space requirement.

6.5.I Modification of Parking Requirements.

1. The Commission may, by Special Exception, approve the modification of parking requirements if it finds (1) that such modifications are being proposed for sites that, historically, have accommodated uses that do not comply with current parking standards; and (2) that such historical use patterns have not created any unreasonable risk to public health or safety.
2. In making its decision, the Commission shall consider, in addition to the general Special Exception evaluation standards, the impact of the following factors in meeting parking needs:
   (1) 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 carpool incentives, provision of off-site employee parking, and designation of time-limited parking areas for customers/clients in the more convenient locations.
   (2) Improvement of circulation 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.
   (3) Enhancement of neighborhood aesthetic quality in terms of:
      (1) Landscaping
      (2) Architectural features of rear entries
      (3) Streetscape amenities
      (4) Availability of public parking.

6.5.J 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 a portion of the required number of parking spaces upon the following conditions:

1. 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;
2. That the Commission find the reduced number of parking proposed to be installed will adequately serve the proposed development;
3. 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 that such agreement be incorporated by reference as a condition of any Special Exception, the parking for which is affected by this subparagraph, and be so recited in the document evidencing such Special Exception recorded on the land records.

6.5.K Parking Lot Construction.

Parking layout construction shall be in accordance with the following parking specifications:

1. Parking Surface. The parking surface shall be treated with bituminous pavement products unless the Commission approves an alternative surface.
2. Alternative Parking Surface.
   (1) The Commission may allow an alternate surface if the use is a low traffic generator and the Commission is satisfied with the maintenance provisions.
   (2) Use of porous pavement, specially designed brick or block should be considered to increase on-site water retention for plant material and groundwater recharge and to reduce problems related to runoff.

6.5.L Location of Parking Spaces.

1. The off-street motor vehicle parking facilities and off-street loading spaces required by this Section in any Business (Section 4)or Special (Section 5) Zone shall be located on the same lot as the use or building served thereby except that:
   (1) The Commission may permit two (2) or more abutting properties to be served by a common facility situated on one (1) or more of said properties.
   (2) The Commission may permit parking facilities to be on land within 500 feet of a building or use if it determines that it is impractical to provide parking facilities on the same land where the building or use is located.
2. Whenever feasible, parking areas in Business Zones and Special Zones shall be located behind the principal structures on the site.
3. Parking lots in any Business or Special Zone shall be located at least five (5) feet from a building, except as may be required for loading facilities.
4. Underground parking shall be permitted as a substitute for surface parking to allow the area normally occupied by surface parking to remain undisturbed or to provide open space, landscaping and similar amenities, provided the parking:
   (1) Shall be screened from abutting properties, and street-level views of underground parking access shall be minimized, and
   (2) Shall be designed such that any first-floor level above such parking shall not exceed the curb level of any adjacent street by more than two (2) feet.
5. Parking Garages. A parking garage is subject to the same dimensional standards as all other buildings and structures in the zone in which it is located. .

6.6 SIGNS.

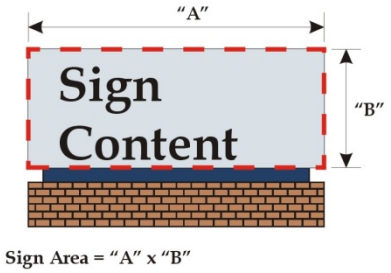
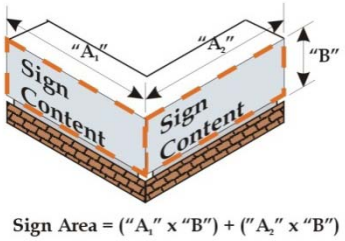
6.6.A Purpose.

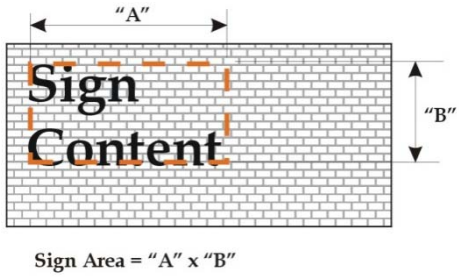
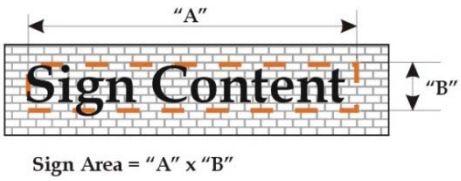
It is the purpose and intent of this Section to accommodate the establishment of signs necessary for identification, direction and reasonable commercial promotion while avoiding signs of a character, as well as a proliferation and extension of signs, that would be detrimental to the public health and safety, property values and the appearance and beauty of the community.

6.6.B General Requirements.

1. Unless otherwise provided in this Section, no sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until a Zoning Permit Application therefore has been approved by the Zoning Enforcement Officer.
2. All signs shall conform to the provisions hereinafter specified.
3. No flashing, revolving or moving signs are permitted.
4. 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. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained within the target area.
5. 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.
6. Internally lighted signs are prohibited within the Town Center Village District (TCVD) and Restricted Business (BR) zoning districts.
7. 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.
8. All dimensions for signs shall be based on measurements to the outside edge of the sign excluding any structure necessary to support the sign.
9. The area of the sign shall be the entire area encompassed by the perimeter of the sign, which perimeter shall be a polygon formed by connecting all of the outermost edges or points of the sign.

SIGN ILLUSTRATIONS

Sign with Background Panel	Sign With Multiple Faces
	
Sign With No background or Panel (letters on building wall)	**Sign with No Background or Panel (letters on stone wall)**

SIGN ILLUSTRATIONS	
Sign With No background or Panel (letters on building wall)	**Sign with No Background or Panel (letters on stone wall)**
	

6.6.C Signs Allowed in All Zones No Permit Required

SIGN TYPE	DESCRIPTION
PROPERTY IDENTIFICATION	A name sign providing only the name of the premises and of the occupant, or an announcement sign for a lawful activity located on the premises. On any lot only two (2) such signs, each not over three (3) square feet in area.
HOME IMPROVEMENT	A name sign or announcement sign for home improvement activity conducted on the premises may be installed for a limited duration. Shall not exceed 60 square feet in area per side and shall be removed within 30 days of project completion.
BULLETIN BOARD	Bulletin boards on the premises of churches, educational institutions and similar uses not over 16 square feet in sign area.
CONSTRUCTION	On a tract of land for which a site plan application, Special Exception Application or Subdivision Application has been approved by the Commission, one (1) sign not to exceed 60 square feet in sign area, for a period of one (1) year, subject to renewal annually, during the term of construction.
FARM	A sign identifying the name of a farm or agricultural activity, not to exceed 16 square feet in sign area, or be higher than eight (8) feet.
PUBLIC PURPOSE	Incidental signs, generally informational, that have a purpose secondary to the use of the property on which it is located, such as "no parking," "entrance," "loading" and other similar directives, on any lot provided no such sign shall be larger than two (2) square feet in sign area nor exceed a height of six (6) feet. In addition, any sign may be 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.
REAL ESTATE	One (1) freestanding real estate sign announcing the availability of a use or parcel provided such sign may not exceed five (5) square feet and an overall height of six (6) feet.
TRAFFIC CONTROL	Traffic control signs and devices.

6.6.D Reserved

6.6.E Signs Allowed in Business Zones

SIGN TYPE	REQUIREMENTS	TCVD, BC and BR	MU, BL, CP, IG-1 and IG-2
FREE-STANDING	Permitted Number	1 for each 30,000 square feet of lot area	
	Maximum Size	40 square feet	40 square feet within street line setback Outside street line setback up to 300 square feet
	Maximum Height Above Ground	8 feet	21 feet
BUILDING MOUNTED	Size Determination	1.5 sq. ft, per linear foot of wall	
	Maximum Extension from Wall	12 inches 8 feet of vertical clearance from the sidewalk	12 inches
	Maximum Height	4 feet above top of wall of a building	
	Setback from property line	Signs mounted flush to the wall may project into the area required for setbacks provided the sign does not project more than 12 inches from the wall of the building it is mounted on	
	Notes: • No sign may be located less than ten (10) feet from the streetline (See definition of "streetline" in Section 2.2) • No more than one (1) sign per lot may be located within the streetline setback area • Signs attached to a wall of a building plus signs mounted to the roof of a building and designed to viewed from the same side of the building as such wall sign shall not have an aggregate area greater than 1.5 square feet for each horizontal foot of such wall. • There are no restrictions on the number of wall signs.		

SIGN TYPE	REQUIREMENTS	TCVD, BC and BR	MU, BL, CP, IG-1 and IG-2
PROJECTING	Permitted Number	1.5 square feet per linear foot of wall	
	Maximum Size	6 square feet	12 square feet
	Maximum Projection from Wall	Not more than 4 feet provided the projection does not occur within 8 feet of vertical clearance of the ground	
	Setback from Property line	Projecting signs may project into the area required for setbacks provided the sign does not project more than 12 inches from the wall of the building it is mounted on	

6.6.F Prohibited Signs

The following signs are prohibited in the Town of Branford:

SIGN TYPE	DESCRIPTION
PORTABLE	Sandwich Board, A-Frame signs and mobile reader board signs which are moveable and not permanently attached to a structure or ground.
BANNERS, PENNANTS, BALLOONS, AERIAL AND INFLATABLE	A temporary sign (banner) made of material that can be easily folded or rolled.
	A balloon or other airborne flotation device which is tethered to the ground or to a building or other structure.
	A sign (pennant) with or without a logo made of flexible materials suspended from one or two corners, used in combination with other such signs to create the impression of a line.
	A sign (inflatable) that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.
VARIABLE MESSAGE AND ELECTRONIC VARIABLE MESSAGE BOARDS	A sign on which message copy is changed manually in the field through the utilization of attachable letters, symbols and other similar characters.
	A sign (electronic message board) with a fixed or changing display where the message changes. Animated functions are considered electronic message boards.
FREE STANDING INCIDENTAL SIGN WITH COMMERCIAL MESSAGE	Directional or drive through signs with commercial logos.

6.6.G Special Events.

1. 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.
2. In a Residence District, any such sign shall pertain only to a use permitted in such District.

6.6.H Multi-Tenant Signage Program.

1. Multiple tenant commercial and industrial buildings shall submit a signage program to the Town Plan and Zoning Commission for approval before permits for new signs are issued at the property.
2. Program Scope. Such signage program shall address size, materials, placement, illumination, and other information as may be required for the Commission to evaluate all attached and detached signs which may be installed on a given site.
3. Approved Program. Such approved signage program shall guide the owner, tenants, Commission, and Zoning Enforcement Officer in the application for and issuance of any permits required by these Regulations.
4. Existing Sites. A Multi-Tenant Sign Program is required when a property owner can not demonstrate compliance with the standards listed above.
5. Modifications to existing signs and temporary signs shall be reviewed and approved by the Commission's staff unless said staff believes the proposal needs to be referred to the Commission for their action.
6. No sign shall be erected, relocated, or altered, except for normal maintenance, without the proper permits being issued by the Commission or its staff.

6.7 OUTDOOR LIGHTING.

6.7.A Purpose.

These Regulations provide standards for the responsible use of exterior lighting within the community with regard to the effectiveness and energy efficiency of outdoor lighting and its impact on residents, wildlife and to the environment.

6.7.B Applicability.

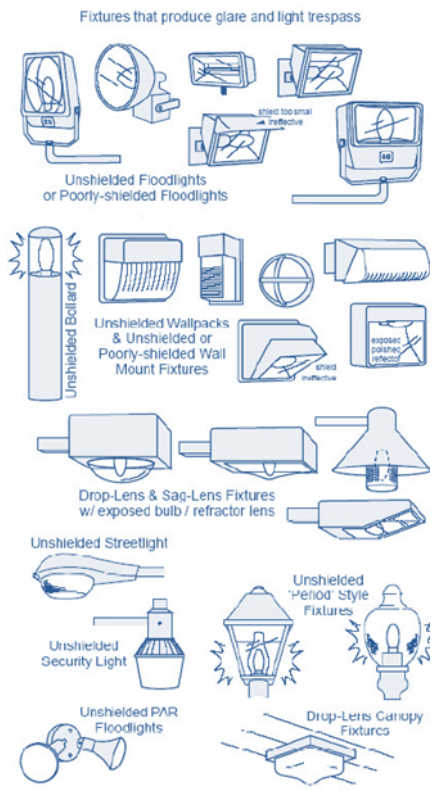
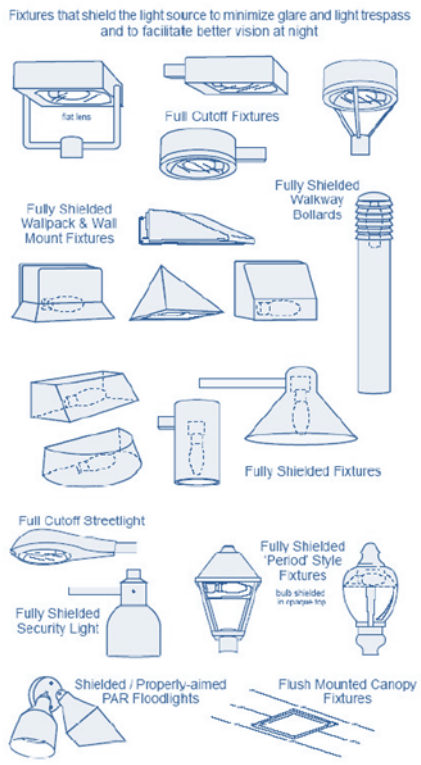
1. The standards herein shall apply to all new and renovated exterior lighting where a Site Plan or Special Exception application is required. The standards herein will also apply to exterior lighting on town municipal buildings, facilities and structures and public parks.

6.7.C Exterior Lighting Use Standards.

These requirements apply to all exterior light fixtures mounted on: buildings, signs, structures, poles, bollards, and ground surfaces.

1. To Control Glare and Uplight. All exterior light fixtures that use a light source(s) rated at 900 lumens or higher must be 1) a full cutoff type, or 2) provide equivalent performance to full cutoff type through proper shielding, or mounting. Please refer to Appendix A for examples.
2. To Control Light Trespass. All exterior light fixtures shall be mounted, installed or aimed so that no direct light is visible from within the property boundaries of all surrounding properties.
3. To Control Over-Lighting. Refer to Appendix B for illuminance level requirements for site lighting, listed by site size, type and lighting zone.
4. To Limit Sky Glow and Interference with Nocturnal Life and Bird Migration. Decorative uplighting is prohibited. This prohibition includes exterior lighting used to uplight trees, flora, building facades, commercial icons, statues and monuments. Uplighting of small scale signs is permitted with limitations – see Sign Lighting.
5. To Promote Visibility and Boater Safety Along Waterways. All exterior light fixtures installed adjacent to town waterways shall be mounted, installed or aimed so that, to the greatest extent possible, no direct light is visible from the waterway.
6. To Promote Energy Conservation. All non-essential exterior lighting shall be required to be turned off after business hours, leaving only lighting deemed essential for building security. ("Non-essential" can apply to: display, aesthetic, parking and sign lighting)
7. Pole-mounted Lighting Requirements. For all exterior light fixtures mounted on poles within a site: the height of the pole shall be limited to the highest elevation where it does not produce direct light into properties adjacent to the site.

LIGHT FIXTURE DIAGRAM

Fixtures Which Might Produce Glare or Light Trespass	Fixtures Which Might Not Produce Glare or Light Trespass
	

6.7.D Other Lighting Use Standards.

1. Lighting of Small Scale Sign (less than eight feet in height and less than 40 square feet in size.)
   a. For exterior signage illuminated by ground-mounted light fixtures:
      (1) Limits: Two fixtures per sign in Zone 1, four fixtures per sign in Zone 2
      (2) Each light source shall not exceed 900 lumens
      (3) All sign light fixtures must be shielded to:
      (4) Prevent direct light from shining into adjacent roadways and properties
      (5) Contain the illumination, to the greatest extent possible, onto the sign surface area
   b. For internally lighted signs (back-lit signs). To reduce light trespass from the translucent sign surface, the sign shall consist of a dark colored background with light-colored lettering, logos or symbols.
2. Lighting of Large Scale Sign (greater than eight feet in height or greater than 40 square feet in size.)
   a. For exterior signage illuminated by light fixtures. The sign surface shall be lit from the top of the sign and shine downward. All sign light fixtures must be shielded to:
      (1) Prevent direct light from shining into adjacent roadways and properties
      (2) Contain the illumination, to the greatest extent possible, onto the sign surface area
   b. For internally lighted signs (back-lit signs). To reduce light trespass from the translucent sign surface, the sign shall consist of a dark colored background with light-colored lettering, logos or symbols
3. Flag Lighting. Lighting to illuminate the American flag at night may be used (American flags only), provided the light fixture meets the following requirements: The light fixture:
   (1) Is mounted at, or below ground level within a seven (7) foot radius of the pole,
   (2) Is rated at no more than 7,000 lumens,
   (3) Is designed to cast a narrow beam focused directly at the flag, and
   (4) Is fully shielded to prevent glare or light trespass to surrounding areas.
4. Outdoor Sports Lighting. Lighting used for outdoor sports fields and outdoor playing courts must be, to the greatest extent possible, contained to the field/court property area. All exterior light fixtures shall be shielded, installed or aimed so that no direct light is visible from within the property boundaries of all surrounding properties. All sport field/court lighting shall be turned off after use, or no later than one (1) hour after the end of a sporting event.

6.8 GRADING AND EARTH REMOVAL ACTIVITIES.

6.8.A Purposes

This Section is intended to control soil disturbance (including removal of trees and vegetative ground cover), excavation, site grading, and drainage changes associated with building demolition, building construction, and site development in order to:

- protect the public safety and general welfare;
- prevent adverse impacts to other property due to erosion, sedimentation, and increases in storm water runoff;
- prevent sedimentation of public and private streets;
- prevent sedimentation of public storm sewer and drainage systems;
- reduce the risk of flooding caused by increased runoff and sedimentation of drainage channels, wetlands, and watercourses; and
- protect water quality by reducing the risk of sediment pollution of reservoirs.

6.8.B Applicability.

The provisions of this Section shall apply to all subdivision applications and, except as excluded in Section 6.8.D below, to all grading, excavation, removal and depositing of earth materials and related activities within the Town of Branford.

Within the Town of Branford, there shall be no excavation, grading, or other soil disturbance (including removal of trees or vegetative ground cover) except as herein provided. The occurrence of any off-site sedimentation, flooding, or erosion caused by excavation, grading and/or soil disturbance is prohibited and shall be grounds for enforcement action.

6.8.C Exclusions.

Provided that no off-site sedimentation, flooding, or erosion caused by excavation, grading and/or soil disturbance occurs, the following activities are exempt from the requirements of this section unless they are associated with a subdivision application or take place within 100 feet of a critical coastal resource or an inland wetland:

1. Farming.
2. Soil disturbance (including removal of trees and vegetative ground cover) of 5,000 square feet in area or less.
3. On a parcel larger than five (5) acres, the movement of less than one thousand (1,000) cubic yards of earth material.
4. On a parcel between one-half (0.5) acre and five (5) acres, the movement of less than two hundred (200) cubic yards of earth material per acre of land (rounded to the nearest half-acre).
5. On a parcel smaller than one-half (0.5) acre, the movement of more than one hundred (100) cubic yards of earth material.
6. The normal maintenance and repair of roads and driveways.
7. A sanitary landfill operation conducted by the Town of Branford.
8. Stockpiling of street maintenance and landscaping material by the Town of Branford.
9. Installation or repair of a septic system, approved by East Shore District Health Department.

6.8.D Other Approvals.

Any approval or exemption under this Section does not relieve any person from having to obtain any other approvals that may be required. Where applicable, written approvals from the following agencies shall be submitted:

1. Branford Inland Wetlands Commission;
2. Branford Fire Marshal (for a blasting permit);
3. Connecticut Department of Environmental Protection; and
4. Army Corps of Engineers.

6.8.E Removal of Trees or Vegetative Ground Cover

1. The Commission finds that trees and other vegetative ground cover play an important role in controlling erosion by:
   (1) protecting the soil surface from the impact of falling rain;
   (2) holding soil particles in place;
   (3) enhancing the soil's capacity to absorb water;
   (4) slowing the velocity of runoff;
   (5) removing subsurface water between rain falls through the process of evapo-transpiration; and
   (6) improving infiltration rates.
2. Therefore, for purposes of this Section, clear-cutting or removal of trees and other vegetative ground cover, regardless of whether stumps and root systems are removed, shall be considered an erosion factor equivalent to grading and other forms of soil disturbance, and references in this Section to soil disturbance and/or grading shall include clear-cutting or removal of trees and vegetative ground cover.
3. Applicants are reminded of the close interconnection between this section on grading and earth removal activities and other sections related to landscaping (Section 6.3), drainage (section 6.9), and erosion and sediment control (Section 6.10).
4. Applicants shall make concerted efforts to preserve existing trees and other existing vegetation and shall demonstrate consideration for natural drainage, infiltration, and low impact development techniques as part of any development proposal or activity.

6.8.F General Requirements.

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

1. Erosion and Sediment Control. All applications submitted under this Section 6.8 shall include a Soil Erosion and Sediment Control Plan as described in Section 6.10 of these Regulations. The Commission may require as a condition of approval that the applicant/developer post an erosion and sediment control financial guarantee in favor of the Town in form, content and amount satisfactory to the Commission or its agent.
2. Earth Slopes. Except as provided hereafter, 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. The Town Engineer may approve slopes of one foot rise for two feet of horizontal distance within the right-of-way of an existing or proposed road when necessary to provide sufficient sight distances or to match existing grades.
3. 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) Evidence provided that the material to be exposed is solid rock.

(2) A registered Professional Engineer licensed in the State of Connecticut certifies the stability of the slope at completion.

(3) The top of any slope greater than four (4) feet in height is protected by a fence at least five (5) feet in height of a quality acceptable to the Commission, to prevent injury to the general public;

(4) 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).

(5) All blasting shall be conducted in a manner acceptable to the Branford Fire Marshall.

4. Site 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.

5. 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 any time on Sundays.

6. 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.

7. 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 Connecticut-licensed professional engineer or landscape architect that sufficient topsoil remains to accomplish the requirements of this Section.

8. 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 and the submission of a stormwater management plan.

9. Grading and Excavation on Islands. Grading and excavation on islands shall be to the least amount necessary to accommodate site development. Existing topography shall be retained as much as possible.

10. Blasting. The amount of blasting and the location of blasting shall be included in the application.

11. Any material used for fill shall comply with the following requirements:

(1) Tree stumps, logs, shrubs, other decomposable material or building debris shall not be used as fill material and the burial of such materials is prohibited;

(2) When rocks or boulders are used for fill, they shall be located only in areas of the lot where they cannot adversely affect foundations, septic systems, drainage facilities, water supply systems, fire protection systems, or underground utilities and shall be deposited so that voids likely to cause undue soil settling will not be created.;

12. The total volume of earth materials to be removed from the site and the destination of such materials, if known, shall be stated in the application.

13. The provisions of this Section shall in no way be construed to authorize any activity regulated under CGS 446d or Chapter 213 of the Branford Town Ordinances.

6.8.G Fixed Machinery.

1. When located in a residential or mixed-use district, stone-crushing and loam-screening machinery shall be located a minimum of 200 feet from any property line.
2. When located in a commercial or industrial district, such machinery shall be located 200 feet from any boundary of a residential district or a lot used for residential purposes and 100 feet from all other property lines.
3. The Commission may require such fencing, shielding, dust control, and/or other measures as necessary to protect nearby properties from hazards and nuisance.

6.8.H Stockpiles.

1. Additional permits shall be required if earth materials are proposed to be stockpiled:
   (1) In a floodway (designated on the National Flood Insurance Rate Map);
   (2) Within 100 feet of any critical coastal resource; or
   (3) Within 100 feet of an inland wetland.
2. 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 Exception application for the primary use on the site (e.g. contractors 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.
3. The Commission reserves the right to review continuing stockpiles on a yearly basis and require submission of a new site plan or Special Exception application if the actual circumstances differ from and/or the volume of material stockpiled exceeds what was depicted on the original application.

6.8.I Alteration of Conditions.

1. The Commission may establish such conditions of approval as it deems necessary to protect nearby properties and persons from nuisance, danger and pollution, including, but not limited to the following:
   (1) 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;
   (2) Limitations as to size and type of machinery to be used on the lot;
   (3) Limitations on the place and manner of disposal of excavated material on the lot;
   (4) Requirements as to the control of dust, noise, and lighting; and
   (5) Limitations on the type of fill material permitted for deposit.

6.8.J Maintenance of Ponds.

When it is found necessary to maintain existing ponds, lakes, or other bodies of fresh water to prevent eutrophication 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 Exception provided:

1. Approval is granted by the Branford Inland Wetlands Commission.
2. The applicant submits a written report to the Commission stating:
   (1) The area to be maintained;
   (2) The reason for the maintenance;
   (3) The total amount and type of material to be removed and where it is to be placed;
   (4) The proposed dates of the operation;

(5) The name of the contractor responsible; and
(6) The hours of operation.

3. If 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, then the Commission shall approve the above report and so notify the applicant in writing.
4. If the Commission finds that said maintenance is an earth removal operation, a Special Exception application is required and said work shall only be performed in accordance with the requirements of these Regulations.

6.8.K 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 Connecticut-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 any financial guarantee.

6.8.L Permit Compliance.

1. The Commission may grant a Special Exception for a period of time not exceeding one (1) year if it finds that such activity is in conformance with these Regulations.
2. 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.
3. A Special Exception may be renewed by the Commission for a period not to exceed one (1) 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.

6.8.M Final As-Built Plan.

1. Upon completion of any earth moving activity approved by the Commission, a final as-built plan, prepared and sealed by a Connecticut-licensed land surveyor and in sufficient detail to demonstrate compliance with the approved permit, shall be submitted to the Town Engineer for approval.
2. No financial guarantee shall be returned until such as-built plan has been approved.

6.9 DRAINAGE AND STORMWATER CONTROL.

6.9.A Purpose.

1. The Purpose of this Section is to encourage development proposals to address drainage and stormwater issues related to new development and to incorporate Low Impact Development (LID) planning and design approaches in Branford. This Section seeks to guide land use decisions and does not replace any Federal, State or local stormwater flow control and water quality treatment regulations.
2. Low Impact Development (LID) is an approach to land-use planning and project design that seeks to:
   (1) Increase the ability of a developed site to effectively emulate pre-development hydrologic conditions, including without limitation, stormwater retention and detention, water quality treatment, and infiltration functions;
   (2) Minimize overland stormwater runoff from a developed site;
   (3) Maximize the retention of trees, native vegetation, understory plants, and native soils;
   (4) Minimize soil disturbance;
   (5) Minimize the conversion of site surfaces from vegetated to non-vegetated surfaces; and
   (6) Maximize the quantity and use of appropriate native plants onsite.

6.9.B Applicability.

The provisions of this Section shall apply to all uses requiring Site Plan approval and/or a Special Exception.

6.9.C Site Plans.

1. Site plans shall be accompanied by plans, prepared by a registered Professional Engineer licensed in the State of Connecticut, providing measures for management of stormwater runoff when at least one (1) of the following is met:
   (1) Commercial or Industrial Developments are proposed;
   (2) Residential developments of (3) acres or more are proposed (excluding single-family, or two-family residential construction, as part of a previously approved building lot); or
   (3) The proposed impervious surface area is 50 percent or greater.
2. Site plans for other developments may be required to provide such drainage and stormwater control if deemed necessary to protect the public health, safety and welfare, by the Commission

6.9.D Infiltration.

1. Maximum infiltration to the groundwater is encouraged.
2. Design of the stormwater management system shall consider reducing runoff by use of such techniques as minimizing impervious areas and maximizing travel times by using grass or rock-lined channels in lieu of storm sewers, and the use of rain gardens, dry wells or similar approaches to address roof surface drainage.
3. Systems should be designed to remove or address floatable materials and any other debris which may affect system performance.
4. Consideration shall be given to the need for providing for a drainage outlet in the event of system failure.

6.9.E General Requirements.

When required, measures for the detention and controlled release of stormwater runoff shall meet the following standards, and shall be designed in accordance with the requirements set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended:

1. The Connecticut Department of Transportation Drainage Manual shall be used as a source of analysis.
2. Peak discharge from the two (2) year, ten (10) year, 25-year, and 100-year frequency, 24-hour duration, type iii distribution of New Haven County storms shall be analyzed.
3. No increases in peak flow from these storms shall be allowed to leave the site. This may be accomplished through the use of, but not limited to, the following design elements:
   (1) Detention basins,
   (2) Retention ponds,
   (3) Roof or parking lot storage, or
   (4) Other acceptable means.
4. The required stormwater detention volume shall be that necessary to handle the routed stormwater runoff from the drainage area of a 25-year frequency, twenty-four (24) hour, type iii distribution rainfall in New Haven County, as published by the National Weather Service or other recognized agency.
5. Runoff shall be computed in accordance with one of the following methods:
   (1) US Army Corps of Engineers, Hydraulic Engineering Center – Hydrologic Modeling System (HEC-HMS or HEC-1),
   (2) US Depatment of Agriculure, Natural Resource Conservation Service, Technical Release 55 (TR-55) or TR-20,
   (3) The Rational Method, or
   (4) An alternative methodology if presented by a licensed professional engineer and approved by the Commission.
6. Culvert design shall conform to the Connecticut Department of Transportation standards.
7. Stormwater systems should be designed to trap floatable materials separately from sediment and be accessible for cleaning and maintenance.

6.9.F Performance Standards.

Land uses and developments shall conform to the following performance standards for stormwater management:

1. No development shall result in a direct discharge of untreated stormwater, either on or offsite.
2. Post-development peak flow discharge rates shall not be greater than predevelopment peak flow discharge rates.
3. New development shall maximize recharge to groundwater.
4. New development shall be required to remove, onsite, no less than 80 percent of the annual total suspended solids generated from development runoff.

6.9.G Shared Stormwater Management Facilities.

When the Commission determines that engineering, aesthetics, and economic factors make combined retention or other drainage facilities more practical, the Commission may permit several developers to construct joint facilities, provided that a maintenance agreement is filed on the land records for each property involved. The Commission may require a financial guarantee or the creation of a maintenance fund for combined retention areas.

6.9.H Maintenance.

1. All projects shall have a Stormwater Management/Best Management Practice (BMP) Plan.
2. All on-site facilities shall be properly maintained by the owner of such, so that they do not become nuisances. The owner shall submit a yearly record to the Commission of all maintenance activities in compliance with the maintenance plan.
3. All stormwater control structures located on private property, whether dedicated to the Town or not, shall be accessible at all times for Town inspection. Where runoff control structures have been accepted by the Town for maintenance, access easements shall be provided.

6.9.I Other Permit Requirements.

1. Permits for Stormwater Management Systems may also be required from the Town of Branford Inland Wetland and Watercourses Commission where such systems may have an impact on inland wetlands and watercourses, and from the Connecticut Department of Environmental Protection, where a dam is to be constructed or water diverted, see CGS 22a-365 and CGS 22a-409.
2. No private drain shall be connected to the Town storm water drainage system without prior approval by the Town Engineer

6.10 SOIL EROSION AND SEDIMENT CONTROL.

6.10.A Purpose.

This Section is intended to provide standards for earth-disturbing activities in order to minimize accelerated erosion and sedimentation and to avoid unnecessary damage to land features, bodies of water and public works, both on-site and offsite.

6.10.B Activities Requiring a Soil 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:

1. Is cumulatively more than one-half (½) acre;
2. Would result in excavation or filling involving 50 cubic yards or more of earth materials;
3. Is within 100 feet of critical coastal resources; or
4. Involves slopes greater than 15 percent.
5. This plan may be incorporated into other documents associated with Site Plan and Special Exception applications.

6.10.C Overall Requirements.

Any person conducting, or planning to conduct, any earth-disturbing activity, including grading and grubbing, shall consider the potential problem of accelerated erosion and sedimentation and shall address such potential problem in accordance with the standards outlined in a publication prepared and distributed by the Connecticut Department of Environmental Protection (DEP) entitled "Guidelines for Soil Erosion and Sediment Control (2002)," as may be amended.

6.10.D Plan Requirements.

1. When required, a soil erosion and sediment control plan shall consist of a map, a narrative, and such other materials as may be necessary to fully describe the techniques that will be utilized to minimize soil erosion and sedimentation resulting from development and earth-disturbing activities.
2. Such soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sediment and reduce the danger from storm water runoff on the proposed site based on the best available technology and the guidelines specified in the "Guidelines for Soil Erosion and Sediment Control (2002)," as amended.
3. Alternative design criteria, principles, methods and practices may be used with the approval of the Commission or its designated agent.

6.10.E Plan Review and Approval.

1. Any soil erosion and sediment control plan submitted pursuant to this Section may be reviewed by a technical expert retained by the Commission at the expense of the applicant.
2. Nothing in this Section shall be construed as extending the time limits for actions on any application under CGS Chapter 124 or CGS Chapter 126.
3. The Commission or its designated agent may approve, modify and approve, condition or deny any proposed soil erosion or sediment control plan.
4. The Commission may require as a condition of approval that the applicant/developer post a separate erosion and sediment control financial guarantee in favor of the Town in form, content and amount satisfactory to the Commission or its agent.

6.10.F Implementation.

It shall be the responsibility of the developer or permittee to:

1. Implement the approved plan or any revision thereto;
2. Install the erosion and sediment control measures and facilities as scheduled and as shown on the approved plan, prior to the commencement of any site development activity except as may be required to implement the plan; and
3. Maintain the plan measures and facilities in effective condition to ensure compliance with the approved plan.
4. The Commission or its agent may require the permittee to:
   (1) Verify through progress reports and "as-built" surveys that soil erosion and sediment control measures and facilities have been performed or installed according to the approved plan and are being operated and properly maintained, or
   (2) Retain an inspector who is a Certified Professional in Erosion and Sediment Control (CPESC) or other qualified professional to inspect the development activity and to file periodic reports with the Planning and Zoning Department.
5. The Commission or its agent may withhold the issuance of Zoning Permits or the issuance of a Certificate of Zoning Compliance unless, in its, his or her judgment, the permittee has complied with all erosion and sedimentation control measures required by the approved plan.
6. Inspections may be made by the Commission or its agent during development to ensure compliance with the approved plan and that control measures and facilities are properly performed or installed and maintained.

6.11 INTERIOR (REAR) LOTS.

6.11.A Purpose.

As land available for development becomes more difficult to find and when more conventional forms of development would cause negative impacts on the land, the creation of interior lots may be desirable.

6.11.B Eligibility.

1. Property located in the R-3, R-4 or R-5 Zones is eligible for the creation of interior lots.
2. An interior lot shall be used only for a single-family dwelling.
3. The creation of any new interior lot shall require a Special Exception.

6.11.C Special Bulk Requirements.

1. The minimum size of an interior lot shall be equal to one and one half (1½) times the minimum required in the zone in which it is located. The fee strip shall not be included in calculating the lot area.
2. The minimum frontage for an interior lot shall be 25 feet along an accepted Town Road or State Highway.
3. Each interior lot shall have fee strip no less than 25 feet in width as part of the lot. Such accessway shall extend to an accepted public street.
4. The maximum number of lots that can be served by a driveway is four (4).

FEE STRIP REQUIREMENTS	ZONE		
	R3	R4	R5
MINIMUM DISTANCE BETWEEN NON-ADJOINING FEE STRIP AS MEASURED IN A STRAIGHT LINE FROM THEIR CLOSEST POINTS	90 feet	110 feet	130 feet
MAXIMUM FEE STRIP LENGTH	210 feet	230 feet	390 feet
NO BUILDING OR OTHER STRUCTURE ON AN INTERIOR LOT SHALL BE LOCATED CLOSER TO A PROPERTY LINE THAN:	30 feet	50 feet	

5. In all other respects, each lot shall conform to the requirements of the zone in which it is located.

6.11.D Buffers and Screening.

A landscaped buffer may be required by the Commission along the accessway to ensure that the development of interior lots will be in harmony with surrounding areas.

6.11.E Utilities.

All utilities shall be installed underground and street numbers shall be posted at the intersection of the public street or street contained within a subdivision and the accessway.

6.11.F Site Configuration.

1. In order to approve the creation of an interior lot, the Commission must find that the development of the interior lot will provide the most appropriate use of the land considering such factors as the preservation of the natural character of the land, drainage, configuration, accessibility and topography.
2. If the Commission finds that the established development pattern of a neighborhood would be damaged by the development of an interior lot, it shall deny the application for an interior lot.

6.12 DRIVEWAYS.

6.12.A Purpose.

The purpose of this section is to provide for safe vehicular access from the street into all developed properties, minimize disruption of traffic on adjacent roadways, and control drainage and sedimentation into and out of all driveways. For driveways that access Route 1, see also Section 5.3, "Access Management District."

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6.12.B Applicability and Permit Requirements

1. The provisions of this Section shall apply to all driveways within the Town of Branford.
2. No driveway shall be established or relocated without issuance of a zoning permit by the Zoning Enforcement Officer.
3. The application for a zoning permit for a driveway shall provide all information necessary to determine compliance with the requirements of this section as well as any other relevant information required for a zoning permit, as described in the Branford Zoning Regulations.
4. If driveway plans are incorporated into a subdivision, site plan, special exception, or Coastal Site Plan Review application, no separate zoning permit application is required for the driveway(s).
5. Note that a road opening permit from the Office of the Town Engineer may be required for any activity within the Town right of way.
6. Note that any curb cut on a State Highway requires approval by the Connecticut Department of Transportation.

6.12.C Minimum Design Standards for All Zoning Districts

1. Driveways shall be constructed to provide year-round access for emergency and service vehicles and shall have an all-weather passable surface not less than ten feet in width when serving one lot and not less than sixteen feet when serving more than one lot. Driveways shall not exceed thirty feet in width at the street line unless a greater width is required by Town Ordinances or by the State of Connecticut.
2. The slope of a driveway shall not exceed eight (8) percent within thirty five (35) feet of its intersection with a Town road. At no point shall the grade of the driveway exceed fifteen (15) percent.
3. The maximum number of driveways permitted from any lot to a street shall be as follows (see Section 6.12.D.3 for an additional limitation regarding business driveways):

Length of Street Frontage	Maximum Number of Driveways
0 to 299 feet	2
300 to 599 feet	3
600 to 899 feet	4
900 feet or more	5

4. Whenever practical, a driveway shall intersect a street at 90 degrees. In no case shall a driveway intersect a street at an angle of less than 60 degrees.
5. Each driveway shall be located so as to ensure adequate sight lines for vehicles to exit the drive with minimum hazard and disruption of traffic. The minimum sight distance shall be determined by AASHTO standards based on the prevailing speed of traffic on and the classification of the intersected roadway.

6. No driveway shall intersect a Town roadway within 25 feet of the streetline, or streetline extended, of a State road or another Town roadway.
7. Each driveway shall be designed so as to minimize erosion and migration of sediment and storm water onto adjacent properties and roadways.
8. Each driveway shall be connected to the street by a paved apron extending at least ten feet back from the edge of pavement of such street.
9. Each apron shall be designed, graded and paved to match the surface of the Town roadway, avoid obstruction of the flow of water in the gutter line of the town roadway, and prevent the flow of roadway drainage onto any adjacent lot.
10. Any public infrastructure (e.g. roadways, sidewalks, survey monuments, guardrails, or culverts) that is damaged or removed in the course of driveway construction must be reconstructed to current Town standards.
11. Where grading for a driveway curb cut is required in a Town road right-of-way, slopes shall be no steeper than 2:1 (i.e. two feet horizontal to one foot vertical) and shall be stabilized with grass or other groundcover appropriate to the site conditions and shall be covered with a minimum of six inches of topsoil, limed, fertilized, seeded and mulched.

6.12.D Additional Standards for Business and Special Districts.

1. No exit from or entrance to an off-street parking facility or off-street loading space shall be so laid out as to constitute or create a traffic hazard or nuisance.
2. Driveways to the street from any one lot in any Business or Special Zone shall be a minimum of 12 feet wide for one-way traffic and 24 feet wide for two-way traffic.
3. Lots containing less than 150 feet of street frontage in any Business Zone shall be limited to one driveway to the street.
4. Internal driveway access between parking lots on adjacent properties is encouraged and may be permitted subject to Planning and Zoning Commission approval.
5. No part of a lot located in a Residence District shall be used for access to a use not permitted in such District.

6.12.E Emergency Access.

1. In order to provide adequate room for emergency vehicles to turn into driveways and access all buildings and parcels within the Town of Branford, all new driveways (including alleys, private roads, and other accessways) shall provide minimum horizontal clearance of fourteen feet, (free of tree branches, walls, fences and other impediments) regardless of the paved width of the driveways.
2. Where there are automatic gates at driveways, an emergency means of opening the gates shall be provided to the Fire Department.
3. If all buildings on the parcel are within 50 feet from the traveled portion of the road and can be easily accessed from the road, the Commission may exempt the parcel from the requirements of this Section.

6.12.F Additional Standards for Common Driveways.

1. Common driveways shall not exceed 1,000 feet in length.
2. A common driveway may serve no more than two lots without a Special Exception. The Commission may increase the number of lots served by a common driveway to four by Special Exception, provided the following additional standards are met:
   (1) Construction plans and profiles signed and sealed by a professional engineer licensed in the State of Connecticut must be submitted. Said plans shall address all requirements of this section and provide stormwater control measures as necessary to ensure that no drainage problems arise from the driveway installation.
   (2) The common portion of the driveway shall not exceed 1,000 feet in length.
   (3) A hammerhead or equivalent turnaround area is required at the termination of the common drive. The design of the turnaround area shall be of sufficient size and shape to accommodate projected traffic and specific site conditions. Since this turnaround is for maintenance and emergency vehicle use, it is not to be used for parking and must be kept clear of snow in the winter.
   (4) Where a common access drive intersects with a town road, a sign post shall be installed indicating the house numbers for all properties served by the common access drive.

6.13 FENCES AND WALLS.

6.13.A Purpose.

1. This Section is intended to control the size, location, and type of perimeter fences, freestanding walls, and retaining walls in all zoning districts in order to provide for protection of private property while not infringing on the public safety and general welfare.
2. In addition, this Section is specifically intended to allow such structures to be located within setbacks to the extent authorized by this Section.

6.13.B Fences and Freestanding Walls

1. No fence, post, column, freestanding wall, or portion thereof shall be constructed in a way so as to obstruct the visibility at intersections, as required by Section 6.12 at intersections of roads, driveways, accessways, or other travel ways.
2. Any fence or freestanding wall that exceeds six (6) feet in height requires a zoning permit and must meet the setback requirements for the zone in which it is located.

6.13.C Retaining Walls

1. A zoning permit is required for:
   (1) any retaining walls over three (3) feet in height as measured from the finished grade at the bottom of the wall to the finished grade at the top of the wall and
   (2) alternative structures such as "living walls" designed to hold back earthen slopes or embankments.
2. No retaining wall shall exceed eight (8) feet in height as measured from the top of the footing to the top of the wall unless modified by the Commission after consultation with the Town Engineer.
3. All retaining walls shall be set back a minimum of six (6) feet from any parking space and a distance at least equal to the height of the wall from all property lines except when a lesser setback is necessary to provide for adequate sight lines or for transitions in grade at intersections of roads and driveways.
4. No retaining wall shall be constructed in a way that obstructs visibility of oncoming traffic at intersections of roads, driveways, or other access-ways.
5. All drainage at the base of the wall, including flow from weep holes, shall be properly managed and not allowed to flow onto adjacent properties or traverse parking areas, drives or adjacent roadways.
6. The design of any such retaining wall shall be prepared by a registered Professional Engineer licensed in the State of Connecticut.
7. Plans of retaining walls shall include top of wall and bottom of wall elevations at intervals along the length of the wall, drainage and construction details and calculations.

8. When used to create terraces, retaining walls should be a minimum of four (4) feet apart.
9. Guard rails or railings are required at the top of the retaining wall in locations where an unprotected wall would pose a safety hazard for pedestrians or vehicles. The top of any retaining wall greater than three (3) feet in height shall be protected by a railing or guide rail consistent with the Connecticut Building Code.
10. The exposed face of a retaining wall should be of a design and material that will enhance the attractiveness of the site. Smooth faced concrete is not permitted.
11. Landscaping shall be provided at the top and base of walls and on terraces to blend the wall with the surrounding site.

6.14 TOWN-WIDE DESIGN CONSIDERATIONS.

6.14.A Purpose.

This Section is intended to aid applicants proposing development outside the Town Center Village District. The guidelines have been developed to ensure that their designs are in harmony with the character of the community, encourage high quality building and site design, and result in development that is compatible with the character of the community.

6.14.B Applicability.

The following types of applications shall be reviewed as indicated below:

1. Any proposed development, construction, or use in any Business, Industrial or Special Zone shall be reviewed in relation to these design guidelines.
2. A principal use or activity permitted by Special Exception in any Residential Zone, except for a Bed and Breakfast, shall be reviewed in relation to these design guidelines.
3. Properties in the Town Center Village District shall be reviewed in accordance with Section 9.5.

6.14.C Procedure.

1. The Commission shall review an application in relation to the design guidelines of this Section and may request the assistance of a Design Professional(s) in evaluating such plans.
2. Any recommendations or suggestions so received from the Design Professional(s) shall not be binding upon the Commission.

6.14.D Guidelines.

1. Relationship of Buildings to Site and Adjoining Areas.
   (1) Buildings should be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas.
   (2) A unified design theme for building massing, exterior treatments and signage should be established where harmony in textures, lines, and masses is provided and monotony is avoided.
   (3) Parking areas should be treated appropriately in relation to the building, the neighborhood, and the community.
   (4) The height and scale of each building should be compatible with its site and existing (or anticipated) adjoining buildings.
   (5) Newly installed utility services, and service revisions necessitated by exterior alterations, should be underground.
   (6) A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.
2. Landscape and Site Treatment.
   (1) Landscape treatment should be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.
   (2) Plant material that is indigenous to the area should be selected for its ultimate growth and for interest in its shape, texture, and color.
   (3) Pedestrian walkways should provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all-weather materials appropriate for the location (such as brick, concrete, or paving blocks, not earth, gravel, or loose stone).

(4) Existing trees at four (4) inches or greater caliper should be incorporated into the site plan.

3. Building Design.
   (1) Architectural features should be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.
   (2) Facades and rooflines should be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.
   (3) Building materials should have good architectural character and durable quality and shall be selected for harmony of the building with adjoining buildings.
   (4) Building textures, colors, and components should be selected for harmony of the building with adjoining buildings.
   (5) Utility and service equipment areas shall be screened from public view with materials harmonious with the building.
4. Signs and Lighting.
   (1) Signs should be designed as an integral architectural element of the building and site to which it principally relates and shall be coordinated with the building architecture.
   (2) Exterior lighting, where used, should enhance the building design and the adjoining landscape.
   (3) Lighting should be restrained in design and excessive brightness avoided.

6.15 TRAFFIC

6.15.A Purpose

The purpose of this section is to ensure that all proposed vehicular and pedestrian circulation shall be safely designed, adequately provided and conveniently arranged to meet the needs of the proposed uses, avoid hazards, and prevent congestion within the site and on the street.

6.15.B Applicability

These standards shall apply to all activities that require a site plan or special exception approval.

6.15.C General Requirements

The following aspects of all site plans shall be evaluated to determine conformity with the above stated purpose:

1. The number, location and dimensions of vehicular and pedestrian entrances, exits, drives and walkways;
2. The width, grade and alignment of entrances and exits;
3. The distance of entrances and exits from street corners, places of public assembly and other accessways;
4. 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;
5. Adequacy of emergency access;
6. 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;
7. The patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk systems;
8. The adequacy of traffic signalization, traffic channelization, left turn lanes, and roadway width on the adjoining streets;
9. 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;
10. The adequacy of vehicular stacking lanes;
11. The adequacy of pedestrian drop-off areas for visitors, car pools and transit buses;
12. The location, arrangement and adequacy of off-street parking and loading facilities;
13. The location, arrangement and adequacy of handicap facilities such as ramps, depressed curbs and reserved handicap parking spaces;
14. The location and design of vehicle maneuvering areas, backaround areas and fire lanes;
15. The physical identification of entrances, exits, one-way drives, small car spaces, handicapped spaces and fire lanes;
16. 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.

6.15.D Pedestrian Facilities

Sidewalks shall be required along all major roadways and in other locations with high pedestrian and/or vehicular traffic in accordance with the Plan of Conservation and Development Transportation Plan – Pedestrian & Bicycle elements, as amended.

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7.1 MULTIFAMILY RESIDENTIAL DEVELOPMENT.

7.1.A Applicability.

The regulations in this section apply to any multi-family residential development within the MF zoning district.

7.1.B Utilities.

Each building and all dwelling units shall be served by public water supply and connected to the Town sanitary sewer system. All utilities in the residential development shall be located underground.

7.1.C Buffer Areas.

1. 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, at least 50 percent of which shall be evergreens.
2. 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.
3. The Commission may increase this greenbelt requirement if it finds that such increase is necessary to protect tidal marsh areas, coastal bluffs and escarpments and beaches and dunes.
4. The entire area of the lot not used for buildings, driveways, and parking areas shall be landscaped with lawn and with trees and/or shrubs or shall be left undisturbed as natural terrain.
5. 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.

7.1.D Outdoor Living Space.

1. Each dwelling 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, balcony, open air or screened-in porch.

7.1.E Recreation.

1. Designated recreation areas for the use of all residents shall be provided at the ratio of 200 square feet per dwelling unit.

7.2 AGE-RESTRICTED HOUSING.

7.2.A Appropriateness.

In determining the appropriateness of an Age-restricted Housing development, the Commission shall consider the following factors:

1. The need within the Town for an Age-restricted Housing development,
2. Accessibility to major roads and proximity to community services,
3. The physical characteristics of the lot,
4. The availability of a public water system as defined by the Connecticut Department of Public Health and a public sanitary wastewater system,
5. The appropriateness of the design and site layout for the property, and
6. Its compatibility with adjacent residential areas.

7.2.B Occupancy Standards.

Where permitted by Special Exception approval, Age-restricted Housing shall comply with the following standards:

1. The provisions of the United States Fair Housing Act and Connecticut General Statutes Section 46a - 64b, as it pertains to "Housing for older persons." This includes compliance with any and all applicable rules promulgated by the United States Department of Housing and Urban Development.
2. One-hundred percent of the units shall be occupied by at least one (1) person who is 55 years of age or older. In addition to the above resident who is 55 years of age or older, residents may include:
   (1) A spouse, companion or relative of the qualifying occupant,
   (2) An employee of the qualifying resident unit owner, pursuant to Section 7.2.B1 above, who performs substantial duties related to the care of the owner, or
   (3) A person who survives his or her qualifying spouse, companion or relative or whose qualifying spouse, companion or relative has entered into a long-term care facility; and
   (4) In Subsection (3) above, remaining spouses who remarry or cohabitate must meet all occupancy requirements.
3. Verification. The homeowners association shall verify to the Zoning Enforcement Officer, compliance of the development with state and federal age requirements. Such verification shall be provided in writing annually, or on or before February 1 of each year, and shall relate to the status of occupancy on the first day of January immediately preceding the submission of such verification.

7.2.C Ownership.

1. The proposed development shall be a "Common Interest Ownership Community" as defined in Chapter 828 of the Connecticut General Statutes.
2. Nothing herein shall prevent title to a dwelling unit from being held by a person or entity related to a qualifying occupant pursuant to Section 7.2.B for tax or estate planning purposes.

7.2.D Development Standards.

Where permitted by Special Exception approval in a residence district, Age-restricted Housing shall comply with the following standards.

MINIMUM	1.	SITE AREA	5 acres
	2.	LOT FRONTAGE ON A PUBLIC STREET	150 feet
	3.	SETBACKS	
		Front; Side; Rear	50 feet
	4.	SEPARATION BETWEEN BUILDINGS	30 feet
	5.	CONTIGUOUS OPEN SPACE	25 percent
MAXIMUM	6.	BUILDING HEIGHT	Same as underlying zone
	7.	BUILDING COVERAGE	25 percent
	8.	IMPERVIOUS SURFACE AREA RATIO	50 percent
	9.	DENSITY PER ACRE	3 units
	10.	DWELLING UNITS PER BUILDING	4 units

11. Utility Provisions.
    (1) Public sanitary sewers shall be required; and
    (2) Public water supply shall be required and fire hydrants shall be provided on site per the Fire Marshal's approval.
12. Circulation Requirements.
    (1) All roads shall conform to Town specifications,
    (2) Through roads shall be public streets,
    (3) Interior roads shall be private streets owned by a homeowners association, and
    (4) The Commission may require a walking trail system and/or sidewalks within the development.
13. Parking Requirements.
    (1) There shall be two (2) spaces for each dwelling unit, plus one-half (0.5) space per unit for visitors.
    (2) At least one (1) parking space per unit must be provided in an attached garage.
14. The maximum number of bedrooms per unit shall be two (2).
15. The master bedroom shall be located on the first floor.
16. Each unit shall have a basement or attic for storage purposes.

17. The façades of structures containing more than two (2) dwelling units shall be varied substantially in plane along the building's length.
18. 25 percent of the site shall be contiguous open space.
19. Recreational facilities suitable for active and/or passive recreation shall be provided to serve the development.

7.2.E Market Analysis

1. The applicant shall provide the Commission with a written, independent, professional market analysis demonstrating the viability and local need for the proposed Age-restricted Housing based on demographics and the availability of similar housing within the Town.
2. No application for an Age-restricted Housing development shall be approved by the Commission unless it finds that a need exists within the Town of Branford for such housing.

7.3 OPEN SPACE RESIDENTIAL DEVELOPMENT.

7.3.A Purpose.

The Commission may approve a Special Exception to permit establishment of an Open Space Residential Development 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:

1. To permit tracts of considerable size 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:
2. To preserve land as unsubdivided and undeveloped open space, which preserves or enhances the appearance, character and natural beauty of an area.
3. To preserve land for park and recreation purposes.
4. To preserve land for purposes of conserving natural resources.
5. To preserve and protect particular areas and terrain having qualities of natural beauty or historic interest.
6. To protect streams, rivers and ponds so as to avoid flooding, erosion and water pollution.

7.3.B Development Standards

Open Space Residential Development is subject to the dimensional standards shown in the "Area and Bulk Requirements" table below, with the following provisions:

Area and Bulk Requirements			R-3	R-4	R-5
MINIMUM	1.	OVERALL SITE AREA 1, 2	15 Acres		
	2.	OVERALL SITE SETBACKS			
		(1) Front	30 feet	30 feet	40 feet
		(2) Side	15 feet	15 feet	15 feet
		(3) Rear	30 feet	30 feet	30 feet
	3.	UNIT LOT AREA PER DWELLING UNIT	10,000 square feet	12,000 square feet	20,000 square feet
	4.	UNIT LOT FRONTAGE ON A PUBLIC STREET	75 feet	90 feet	100 feet
	5.	SQUARE	80 feet	100 feet	125 feet
	6.	SETBACKS (Front, Side and Rear)	15 feet		
	7.	CONTIGUOUS OPEN SPACE PER UNIT	5,000 square feet	8,000 square feet	20,000 square feet
MAXIMUM	8.	BUILDING HEIGHT	Same As Allowed Under a Conventional Subdivision		
	9.	BUILDING COVERAGE			
	10.	IMPERVIOUS SURFACE AREA RATIO			

(1) The acreage may be less than 15 acres if the open space land proposed consists of five (5) acres or more, is adjunct to existing permanently designated open space land outside the area covered by the application, or would provide especially valuable open space resources.

(2) At least 85 percent of the area covered by the proposed Open Space Residential Development Plan shall be located within the Residence R-3, R-4, or R-5 District. Up to 15 percent of the total area may be located in contiguous R-l or R-2 Districts.

11. Number of Units. The total number of dwelling units shown on the Open Space Residential Development Plan shall not exceed the number of lots allowed under these Regulations.
12. Types of Units. Units may be single-family or two-family type units.
13. 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.
14. 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.

7.3.C Determination of Development Yield.

1. The Maximum number of units shall be determined by using a density factor. The requirements in the following table shall be deemed the maximum number of units per acre in an Open Space Residential development.

	ZONE		
	R-3	R-4	R-5
DENSITY FACTOR	**2.10**	**1.58**	**0.79**

2. The Density Factor is multiplied by the overall site area (area determined by a Class A-2 Survey prepared by a Connecticut-licensed land surveyor), after areas classified as Inland Wetlands and Watercourses in CGS 22a-36 to 22a-45, as identified by a Certified Soil Scientist and steep slopes (slopes greater than 25 percent) have been subtracted.
3. Development Yield Formula:

(SA – IWW – SS) x DF = Number of Units

SA	Site Area (as determined by a Class A-2 Survey)
IWW	Inland Wetland and Watercourses
SS	Steep Slopes
DF	Density Factor for the zone

7.3.D Preliminary Action.

1. Before taking preliminary action on the application, the Commission may require the applicant to submit such additional information as it deems necessary to make a reasonable decision on the application.
2. The Commission may give preliminary approval to the application if the Commission finds that one (1) or more of the purposes specified in this Section will be accomplished, that 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.
3. 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.

7.3.E Final Action.

1. 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 Development Option 1 or Development Option 2 as applicable. If Development Option 1 is approved, the applicant must submit a mylar and record subdivision map.
2. 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.
3. Once Final Plans are approved, the Final Plans must be submitted within 24 months of approval. The Approval shall become null and void if the Final Plans not filed within that timeframe.

7.3.F Development Options.

1. Development Option 1 – Subdivision of Land. The Planning and Zoning Commission may permit an Open Space Residential Development wherein the individual units are subdivided into individual lots.
2. Development Option 2 – Common-Interest Community. The Planning and Zoning Commission may permit an Open Space Residential Development wherein the land and common facilities shall be under single common ownership.

7.3.G Open Space Land.

1. 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 the purposes of this Section.
2. 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 any and all uses of such land are subject to Special Exception approval and that such land 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:
   (1) Establishment of a neighborhood association to own and maintain the land for the open space purposes intended. The establishment of a conservation easement in favor of the Town of Branford is required;
   (2) Transfer of the land to an institution, person, organization or other entity to own and maintain the land for the open space purposes intended. The establishment of a conservation easement in favor of the Town of Branford is required; or
   (3) Offer and transfer of the land to the Town of Branford, Connecticut, subject to agreement by the Town to accept the land.
3. Open Space Land. The open space land shown on an approved Open Space Residential Development Plan may, upon the approval of a Special Exception, 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, provided that such buildings and structures comply with all coverage and setback requirements, which shall be determined as though the open space area were a building lot.

7.4 ACCESSORY APARTMENTS.

7.4.A General Requirements.

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

1. No more than one accessory apartment shall be allowed per lot.
2. The accessory apartment may be located either within the principal dwelling unit or within an accessory structure located on the same lot as the principal dwelling unit.
3. The owner(s) of the principal dwelling unit shall occupy at least one (1) of the dwelling units on the premises.
4. If the accessory apartment is located within the principal dwelling unit, the accessory apartment shall be designed so that, to the degree reasonably feasible, the exterior of the building continues to look like a single-family residence. In general, any new entrance shall be located on the side or in the rear of the building.
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.
7. No accessory apartment shall have a gross floor area of more than 900 square feet or more than 30 percent of the gross floor area of the principal dwelling unit, whichever is less.
8. 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.
9. 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.
10. The Commission may require additional conditions deemed necessary to protect public health, safety, and welfare and the single-family residential character of the neighborhood.
11. The owner of the accessory apartment property must file a deed restriction on the land records requiring that the unit, if rented, be rented at or below prices that would qualify the apartment as "affordable housing," as defined in CGS Section 8-39a.

7.5 APARTMENT(S) IN A BL ZONE.

7.5.A General Requirements.

The Commission may grant a Special Exception for apartment(s) in a BL zone provided that in addition to all other applicable requirements of these Regulations, the following conditions are met:

1. The apartment(s) is / are located within an existing residential structure that pre-dates the adoption of Zoning Regulations (December 3, 1956) in Branford.
2. No apartment(s) shall be located on the ground floor or basement level.
3. The proposed apartment(s) must preserve the residential character of the existing structure.
4. The Commission may require additional conditions deemed necessary to protect public health, safety, and the welfare and character of the neighborhood.

7.6 GROUP DAY CARE HOMES AND DAY CARE CENTERS.

7.6.A General Requirements.

All Group Day Care Homes and Day Care Centers shall conform to the following additional standards:

1. The use shall be limited to daytime (6 a.m. to 7 p.m.) group care programs for children.
2. 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.
3. The applicant must submit 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 Marshal describing fire safety concerns, and a letter from the Branford Building Official describing any structural safety concerns at the day care site.
4. The site shall be situated and developed so as to create no nuisance or detrimental effect on the privacy, tranquility or value of surrounding properties.
5. 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.
6. Group day care homes located in residential zoning districts shall also conform to the following requirements:
   (1) The day care provider must reside on the premises.
   (2) Outdoor lighting, signage, play areas and landscaping shall be designed so as to minimize adverse impacts on the residential character of the neighborhood.

7.7 BED AND BREAKFAST.

7.7.A General Requirements.

1. The lot must be of sufficient size and shape to accommodate required off-street parking.
2. The business shall be conducted by the resident owner / occupant of the dwelling and no more than one (1) non-resident employee.
3. Where on-site water and sewage disposal systems are proposed, the East Shore District Health Department shall certify that the systems are adequate to serve the proposed use.
4. Such facilities shall not provide for cooking within the rooms, but may include meals served by the owner to the guests. No meals shall be served to non-guests.
5. Rooms shall be provided with access and egress from within the principal residence only.
6. Additions.
   (1) Additions to a Bed and Breakfast for the purpose of providing additional guest rooms or bed and breakfast facilities may be permitted where the addition shall be constructed in a manner that is in keeping with the size and scale of the dwelling, maintains the residential appearance of the structure and lot and blends with the existing neighborhood.
   (2) In no case shall an addition be permitted which would allow for more than four (4) total guest rooms to be provided.

7.8 HOSPITALS.

7.8.A General Requirements.

Hospitals and skilled nursing facilities shall conform to the following additional standards:

1. Minimum Lot size: two (2) acres.
2. The Application shall be accompanied by a report from the East Shore District Health Department attesting to the adequacy of the proposed location, site plan, buildings and facilities for the intended use.
3. The Application shall be accompanied by a report from the Branford Fire Marshal attesting to the safety of the proposed location, site plan, buildings and facilities.

7.9 MARINAS, SLIP BASINS, BOAT STORAGE AND LANDINGS.

7.9.A General Requirements.

Marinas, slip basins and landings shall conform to the following additional standards:

1. A site plan shall 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, in addition to site plan requirements established elsewhere in these Regulations or by the Commission.
2. The Application 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.
3. The facility shall be served by a public water supply system.
4. In areas not served by sanitary sewers, the Application shall be accompanied by a report from the East Shore District Health Department attesting to the adequacy of the proposed sanitary sewage disposal facilities for the intended use.

7.10 STORAGE TRAILERS.

7.10.A General Requirements.

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

1. The storage trailer must be structurally sound and pose no detriment to public health, safety, convenience or property values.
2. The storage trailer must meet the same setback and coverage requirements as would a conventional structure.
3. 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.
4. 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 financial guarantee sufficient to insure such restoration.
5. The aggregate area covered by storage trailers shall not exceed 10 percent of the total floor area of all buildings on the site.
6. 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.
7. 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.

7.11 CONTRACTOR BUSINESSES AND STORAGE YARDS.

7.11.A Purpose.

1. Because of the nature of these businesses, 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. However, 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 that will allow operation of such yards over a long period of time without causing serious detriment to public health, safety, and the value of surrounding properties.

7.11.B Additional Application Requirements.

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

1. Stock-piles and other outdoor storage: Size, location and type of materials.
2. 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,
3. Processing: Size, location and type of equipment used and type and volume of materials processed.
4. Vehicle and equipment maintenance facility: Types of maintenance operations to be performed and provisions for waste disposal.

7.11.C Additional Standards.

1. 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.
2. Minimum lot size shall be three (3) acres.
3. Screening:
   (1) 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. 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.
   (2) 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.

4. 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.
5. 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 they shall be located in a clearly defined area shielded from view from surrounding properties and shall meet all restrictions on outside storage. All required permits for proper disposal and / or discharge of wastes shall be obtained prior to issuance of final zoning compliance.
6. 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.
7. 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.

7.12 SELF-STORAGE.

7.12.A General Requirements.

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

1. The use shall be limited to individual storage compartments which shall be at least 25 square feet and no more than 300 square feet, and shall specifically exclude any commercial use or activity otherwise permitted either by Site Plan or Special Exception in an IG-1, IG-2, BL or CP Zone.
2. No outside storage is allowed.
3. No electrical outlets will be allowed in individual units.
4. Buffer.
   (1) The building side and rear yards shall be screened by a landscape buffer strip suitably designed by a licensed landscape architect and permanently maintained with dense evergreen plantings, or an approved substitute, having a minimum height of five (5) feet.
   (2) The landscape buffer shall be designed to achieve an aesthetically attractive screened design.
   (3) A minimum width of 25 feet is required when the buffer is adjacent to a residential zone.
5. The exterior walls of the building shall be of a masonry finish and/or composite construction materials and give the building the appearance of a commercial facility, that is harmonious with the character of the surrounding area.
6. All storage units of all buildings shall be of neutral tones which harmonize with the surrounding area.

7.12.B Area and Bulk Requirements.

		SINGLE STORY	MULTI-STORY
1.	MAXIMUM SITE AREA	5 acres	5 acres
2.	MAXIMUM BUILDING HEIGHT	1 story	3 stories or 40 feet
3.	MINIMUM SEPARATION DISTANCE FROM LONG ISLAND SOUND	5,000 feet	5,000 feet
4.	MINIMUM SEPARATION DISTANCE FROM ANOTHER SELF-STORAGE FACILITY	5,000 feet	5,000 feet

7.12.C Additional Requirements for Multi-Story Storage Units.

1. The building and all storage units shall be climate controlled and served by an interior and exterior monitored video security system.
2. All second and third story units shall be accessible by an elevator of sufficient capacity to serve all units.
3. Each storage unit shall be directly accessible by either an exterior door or from the interior. No more than 15 percent of the units are allowed access by an exterior door.
4. The building shall be accessible by a vehicle loading area which will be covered and directly accessible to the elevator.
5. All buildings shall be served by a sprinkler system.

7.13 COMMERCIAL KENNELS.

7.13.A Additional Application Requirements.

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

1. Type of kennel operation (i.e. breeding, rescue, boarding).
2. Number of dogs over six (6) months of age to be permanently housed on property.
3. Number of dogs over six (6) months of age to be temporarily housed on property.
4. Location of kennel buildings and runs on the lot, including any alternate or temporary sites.
5. Setback distances from kennel area to property lines, neighboring homes, wells and any protected public waters.
6. Any existing or proposed vegetative buffer strips.
7. Proposed waste management area (e.g. composting site, spreading area or storage bin)
8. Location of wells and septic system.
9. Location of dwellings on property.
10. Waste management plan.
11. Noise management or mitigation plan.

7.13.B General Requirements.

1. Area and Bulk Requirements.

MINIMUM	
(1) SITE AREA	5 acres
(2) FRONT SETBACK	150 feet
(3) SIDE SETBACK	150 feet
(4) REAR SETBACK	150 feet

2. All outdoor kennel operations including animal waste management areas shall be set back a minimum of 100 feet from all wells.
3. All outdoor kennel operation areas shall be set back a minimum of 100 feet from all adjoining property lines.
4. The Commission may impose additional setbacks on proposed outdoor kennel operation areas if it finds that such setbacks are needed to protect nearby properties from noise or other detrimental impacts.

7.14 COMMERCIAL HORSE STABLES.

7.14.A Additional Application Requirements.

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

1. Type of horse-related operation (e.g. breeding, rescue, racing).
2. Number of horses over six (6) months of age to be permanently housed on property.
3. Number of horses over six (6) months of age to be temporarily housed on property.
4. Location of stables, riding rinks and/or training facilities on the lot, including any alternate or temporary sites.
5. Any existing or proposed vegetative buffer strips.
6. Proposed waste management area (i.e. composting site, spreading area or storage bin)
7. Location of wells and septic system.
8. Location of dwellings on property.
9. Waste management plan.

7.14.B General Requirements.

When allowed by these Regulations, commercial horse stables and riding or training schools shall meet the following requirements:

1. Area and Bulk Requirements.

(1) MINIMUM SITE AREA	5 acres
(2) INITIAL HORSE ALLOWANCE	9
(3) ACREAGE REQUIRED FOR EACH ADDITIONAL HORSE	½ acre

2. All horse-related operations including animal waste management areas shall be set back a minimum of 100 feet from all wells.
3. Horses shall not be stabled or corralled in the area of the septic leach field system
4. All horse stables and corrals shall be set back a minimum of 100 feet from all adjoining property lines.
5. The Commission, at its discretion, may impose additional setbacks if it finds that such setbacks are needed to protect nearby properties from noise or other detrimental impacts.
6. Where the Commission determines that it is necessary to protect neighboring property values and privacy, the Commission may as a condition of approval require additional landscape planting along property lines especially to screen areas of active use.
7. The use of temporary buildings or trailers for the stabling of horses in excess of 15 days is prohibited.

7.15 DRIVE-THROUGH WINDOWS.

7.15.A Vehicle Queuing.

1. Minimum queuing spaces: 6 first window or station; 2 additional spaces for each additional window or station
2. Queuing space dimensions: 10 feet wide by 18 feet long
3. Queuing lanes (stacking lanes) shall be separated from parking areas and other circulation lanes and shall be so identified by pavement striping.
4. Queuing lanes shall be designed so as to minimize conflict with pedestrian traffic. Where conflicts are unavoidable, improvements such as pavement markings, signing, internal walkways and speed bumps in queuing lanes should be used to improve safety.
5. The queuing lane must not be located between the building and the public street.

7.15.B Site Access.

1. An exit or entrance for such lanes shall be as far away as possible from a street intersection.
2. The distance from the pick-up window to the exit onto the street shall be sufficient to accommodate vehicles waiting for a break in the stream of traffic on the adjacent street.

7.15.C Pedestrian Access across drive through lane.

1. Walkways must be distinguished from driving surfaces by using varied paving treatments and by raising walkways to curb level.

7.15.D Screening.

1. Drive-through windows or lanes shall be located at least 25 feet from any residential zone. In such instances, a solid wood fence, synthetic wood-like fence, or masonry wall at least six (6) feet in height shall be installed between the queuing lane and the residential zone. The fence, or wall, shall be augmented with suitable landscaping on both sides to soften the visual impact of the fence, or wall. The Commission may allow screening to be located on an adjacent property(ies), provided documentation regarding owner consent can be supplied to the Commission.

7.16 ADAPTIVE REUSE.

7.16.A General Requirements.

The Commission may allow, by Special Exception, the adaptive-reuse conversion of structures for uses not otherwise permitted in the zoning district, provided the following elements are met:

1. Structure must be located in a Residential Zone (Section 3).
2. Structure must be designated as historically significant by (1) registry in the National Register of Historic Places or the State Register of Historic Places or, (2) by the Planning and Zoning Commission upon presentation by the applicant of adequate evidence of historic significance such as an Historic Resources Survey.
3. Architectural integrity of the structure must be preserved, and the proposed use must be in harmony with surrounding uses.

7.16.B Allowed Uses.

1. The Commission may only allow uses that are allowed in other districts in Branford.
2. If proposed uses or activities are not allowed in the Residence Districts, then the uses and all activity must occur within the historically significant structure.

7.16.C Special Procedural Requirement.

1. The applicant shall notify the Branford Historical Society of all adaptive-reuse conversion applications at the time of filing such applications so that the Society may comment on:
   (1) The appropriateness of the use, and
   (2) Planned restoration / preservation of architectural integrity.
2. If comments are not received from the Historical Society within 30 days after written notice is provided by the applicant, the Commission may assume that the Society has no comment.

8.1 NONCONFORMITIES.

8.1.A Purpose.

1. Within the districts established by these Regulations, there exist lots, structures and uses of land and structures that were lawful before these Regulations were passed or amended, but which would be prohibited, regulated, or restricted under the terms of these Regulations of future development.
2. It is the intent of this Section to permit these nonconformities to continue until they are removed, but not to encourage their survival.
3. Such uses are declared to be incompatible with permitted uses in the districts involved. It is further the intent of this Section that nonconformities shall not be enlarged, expanded or extended if such a change increases the nonconformity, nor shall they be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
4. To avoid undue hardship, nothing in this Section shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of the adoption or amendment of these Regulations.

8.1.B Nonconforming Uses and Structures.

Any structure or use lawfully existing, or for which a lawful permit was issued under the provisions of the Zoning Regulations previously in effect, may be continued. Any changes to the nonconforming use or structure shall be in compliance with these Regulations.

8.1.C Enlargement.

1. No nonconforming use of land shall be enlarged, extended or altered, and no 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.
2. No nonconforming use of a structure shall be extended to occupy land outside such structure or space in another structure.
3. No building or other structure that does not conform to the requirements of these regulations regarding the building height limit, area and width of lot, percentage of lot coverage, and required setbacks and parking facilities shall be expanded or enlarged unless such enlarged portion conforms to the regulations applying to the district in which it is located or where such change is made in accordance with Section 8.1.D.

8.1.D Change.

1. No nonconforming use may be changed to a different nonconforming use unless the Commission approves a Change of Nonconforming Use Application. The Commission may approve such change by Special Exception if the Commission determines that such change will result in a condition that either:
   (1) More nearly conforms with existing Regulations than does the existing nonconforming use; or
   (2) Would significantly reduce any detrimental impacts the existing nonconforming use may have on the neighborhood; provided, however, that no Change of Use shall be approved for any use that is prohibited under these Regulations throughout the Town of Branford.
2. In making this determination, the Commission must make a finding that the proposed change improves compliance with the intent of the zone in which the nonconformity is located.
3. Except as provided in Section 8.1.D1, no nonconforming use of land, buildings or other structures shall be changed to any use that is substantially different in nature and purpose from the former nonconforming use except for uses that are permitted in the District in which they are to be located.
4. 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.
5. 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.
6. No building, structure or use in a nonconforming location may be moved to or expanded into a different nonconforming location.
7. The intentional destruction or removal of any nonconforming portion of a building or other structure, regardless of whether the landowner wishes to replace or rebuild such structure in the same location, shall be deemed to be an abandonment of such nonconforming portion. Any rebuilding or replacement of such portion in the same or any other nonconforming location shall not be permitted.
8. Any nonconforming structure that is not fully in compliance with Federal Emergency Management Act (FEMA) regulations, or other federal or state regulations dealing with flood hazards or flood-damage prevention, may be raised or otherwise modified to the extent, but only to the extent, necessary to achieve compliance with such regulations, provided that the height of the modified structure may not exceed the maximum allowed in the district. No permit shall be issued for such alterations unless the applicant submits an affidavit from a Connecticut-licensed civil engineer or other qualified professional that all of the proposed alterations are no greater or more extensive than is reasonably necessary to comply with such flood-related regulations. The Zoning Enforcement Officer may, but shall not be obliged to, refer an application for a zoning permit for any such alterations to the Commission for a final decision.

8.1.E Casualty.

1. If any nonconforming building or other structure is destroyed by fire or other unintended casualty to an extent of more than 75 percent 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 unless the building or structure is made to conform in all respects to these Regulations.

2. Where such unintended destruction is 75 percent or less of the building's or structure's fair market value as above determined, the building or other structure may be reconstructed or repaired in its prior nonconforming location and to the same (but no greater) extent of nonconformity, 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 to reconstruct or repair such building or other structure shall be lost and terminated.

8.1.F Lots.

1. A parcel of land that 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:
   (1) The use, building or other structure must conform to all other requirements of these Regulations;
   (2) If used for a dwelling, the lot must contain a minimum area of 4,000 square feet; and
   (3) Where the lot is not to be served by public water supply and/or sanitary sewers, the lot must 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 State Department of Health and the East Shore District Health Department. 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 East Shore District Health Department.
   (4) If the parcel fails to meet the area requirements of these Regulations, the owner of the parcel must 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, shape or frontage requirements of these Regulations pertaining to lots.

8.1.G Title.

No change of title, possession or right of possession shall, in itself, be deemed to affect the right to continue a nonconforming use, building or other structure.

8.1.H 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 unlawful increase in nonconformity.

8.1.I Off-Street Parking and Loading.

1. Any lot, use, building or other structure that does not conform to one (1) or more of the parking and loading provisions of Section 6.5 shall continue to conform to such provisions to the extent that it conforms on the effective date of such Section.
2. Any use of land, building or other structures that does not conform to one (1) or more of the provisions of Section 6.5 shall not be changed to a use which would need additional off-street parking or loading spaces to comply with the provisions of Section 6.5 unless such spaces are provided as required for the new use under Section 6.5.D.

9.1 ZONING APPLICATION TYPES.

The following zoning application types have been established for these Regulations:

APPLICATION TYPE	REVIEW AGENCY		
	STAFF	PLANNING AND ZONING COMMISSION	ZONING BOARD OF APPEALS
ZONING PERMIT	X		
CERTIFICATE OF ZONING COMPLIANCE	X		
CHANGE OF CONFORMING USE OR USER	X		
CHANGE OF NONCONFORMING USE		X	
DESIGN REVIEW		X [1]	
SITE PLAN APPLICATION		X	
SPECIAL EXCEPTION APPLICATION		X	
COASTAL SITE PLAN REVIEW		X	X
REGULATION AMENDMENT		X	
ZONING MAP AMENDMENT		X	
APPEAL OF ORDER OR DECISION [2]			X
VARIANCE			X
MOTOR VEHICLE LOCATION APPROVAL		X	

1 With Advisory Report from Design Review Board

2 Certain appeals are filed directly with the Connecticut Superior Court. Consult an attorney for guidance.

9.2 ZONING PERMIT APPLICATION. (STAFF APPROVAL)

9.2.A Applicability.

No building or land shall be occupied or used, no use of an existing building or land shall be changed, and no building or other structure shall be constructed, reconstructed, altered, extended or enlarged in whole or in part for any purpose until a Zoning Permit has been issued by the Zoning Enforcement Officer certifying that such activity conforms with these Regulations, and/or conforms to a variance granted by the Zoning Board of Appeals and/or conforms to plans approved by the Commission.

9.2.B Application Required.

An application for a Zoning Permit shall be made to the Zoning Enforcement Officer (ZEO) on a form provided for that purpose before:

1. The erection or alteration of any structure is commenced in any district; or
2. The commencement of any other activity that requires a Zoning Permit or other permit required by these Regulations.

9.2.C Application Requirements.

Such application for a Zoning Permit shall be accompanied by:

1. A completed Zoning Permit application form;
2. The appropriate fee;
3. A Class A-2 boundary survey prepared, stamped with an embossed seal, and signed by a Connecticut-licensed land surveyor showing the information required in the Appendix of these Regulations;
4. Building plans (dimensioned floor plans and elevations);
5. Driveway plan;
6. Grading plan;
7. A Soil Erosion and Sediment Control Plan in accordance with Section 6.10 of these Regulations;
8. Such additional information as may be necessary to determine compliance with the provisions of these Regulations; and
9. Other drawings and documentation showing the information required in the Appendix of these Regulations.

The Zoning Enforcement Officer may reduce the application requirements provided there is sufficient documentation to determine compliance with the Regulations.

9.2.D Proceedings.

1. If the submitted application materials document to the satisfaction of the Zoning Enforcement Officer that the proposed activity or use is in compliance with these Regulations, the ZEO shall issue a Zoning Permit setting forth the date on which the permit was issued.
2. Other Permits. Approval of an Application for a Zoning Permit or 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. If all of the requirements of these Regulations are met, the Zoning Permit shall be issued within 30 days of the receipt of the completed application. Otherwise the permit shall be denied for stated reasons.
4. An application for a Zoning Permit may be withdrawn, in writing, by the applicant at any time prior to final action.

9.2.E 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 Exception, variance or other action of such Commission or Board, shall be conditions for approval of an Application for a Zoning Permit.

9.2.F Notice Provisions.

In accordance with CGS 8-3(f), the applicant may publish notice of the Zoning Permit in order to establish the appeal period under CGS 8-7. Any such notice published by the applicant shall contain:

1. A description of the building, use or structure and its location. If the property does not have a street address assigned, the applicant shall provide additional information to inform residents about the location of the property for which the signoff applies.
2. The identity of the applicant.

9.2.G Foundation Survey Recommended.

The property owner shall notify the Zoning Enforcement Officer of the completion of the foundation of any new structure or addition thereto within seven days after such completion. It is recommended that a Class A-2 boundary survey prepared by a Connecticut-licensed land surveyor be filed with the Zoning Enforcement Officer (ZEO) showing the foundation location of the new building, structure, or addition. Such filing would be beneficial to the landowner in helping to assure that any errors in location are found at an early time in the construction process.

9.2.H Zoning Permit Expiration.

1. Any Zoning Permit issued by the ZEO under the provisions of these Regulations shall become invalid if the authorized work is not commenced within five (5) years after issuance of the Zoning Permit, or if the authorized work is suspended or abandoned for a period of five (5) years after the time of commencing the work.
2. A permit may be renewed once for an additional five (5) years upon filing a written request to do so.

9.2.I 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 Zoning Permit or 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.

9.2.J Orders.

The Zoning Enforcement Officer is authorized to issue a Cease and Desist Order if in his judgment the excavation of land, 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.

9.2.K 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.

9.3 CERTIFICATE OF ZONING COMPLIANCE. (STAFF APPROVAL)

9.3.A Applicability.

1. No structure, land or premises shall be occupied for use or converted to a new use until a certificate of zoning compliance has been issued by the Zoning Enforcement Officer or his designee.
2. The Zoning Enforcement Officer shall determine that any use, building, structure or alteration for which a Zoning Permit has been issued conforms in all respects to the zoning Regulations.

9.3.B Procedures.

1. Upon completion of any building, structure or addition for which a Zoning Permit has been issued the applicant shall submit the following information to the ZEO before a Certificate of Zoning Compliance may be issued:
2. A Class A-2 boundary survey prepared, stamped with an embossed seal, and signed by a Connecticut-licensed land surveyor showing the information required in the Appendix of these Regulations; and
3. A certification by a Connecticut-licensed land surveyor as to the location of the completed building, structure or addition, the lot coverage, and building height, where applicable.
4. As an alternative to full project completion, the applicant may seek the approval of the Commission to post a financial guarantee for completion of any required public infrastructure, sedimentation and erosion controls, and other items for which a financial guarantee may lawfully be required. The amount and form of the financial guarantee shall be determined by the Commission after consultation with the Town Engineer and Town Attorney and shall be based on a breakdown of remaining project elements provided by the applicant. The financial guarantee amount shall include costs incurred for administration should the financial guarantee bond need to be called upon.
5. The Zoning Enforcement Officer, or his designee, shall determine whether the project conforms to the zoning Regulations
6. In the event that any Zoning Permit or Certificate of Zoning Compliance is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, such certificate may, after a hearing, be deemed null and void by the Commission.
7. A certificate of zoning compliance shall remain in effect as long as the specified uses and conditional requirements are properly maintained, but if such conditions and uses are no longer maintained, the Commission may, after a hearing, deem the certificate null and void.

9.3.C Notice Provisions.

1. In accordance with CGS 8-3(f), the applicant may publish notice of the Zoning Permit in order to establish the appeal period under CGS 8-7. Any such notice published by the applicant shall contain:
   (1) A description of the building, use or structure and its location. If the property does not have a street address assigned, the applicant shall provide additional information to inform residents about the location of the property for which the signoff applies.
   (2) The identity of the applicant.

9.4 USE OF PARCELS CREATED BY FIRST CUT OR "FREE SPLIT."

1. A parcel of land that has not been divided since the adoption of subdivision regulations may be divided into two (2) parcels of land without a subdivision approval by the Planning and Zoning Commission.
2. The Commission's enforcement agent does not have the legal authority to determine whether any proposed or existing division of land constitutes a subdivision that would require the approval of the Commission. The Commission may make such a determination pursuant to the Subdivision Regulations of the Town of Branford.
3. Since the Commission's enforcement agent cannot legally determine whether a parcel was created by a land division or lot line adjustment requiring the Commission's approval under the Subdivision Regulations, any approval by the agent of a zoning permit or Certificate of Zoning Compliance shall not be deemed to constitute a finding that no such Commission approval is necessary, nor shall it excuse the landowner from obtaining such Commission approval if legally necessary.
4. Any person who obtains a zoning permit or Certificate of Zoning Compliance for any use of a parcel created by a division or lot line modification that has not been reviewed or approved by the Commission does so at his or her own risk.

9.5 DESIGN REVIEW FOR THE TOWN CENTER VILLAGE DISTRICT. (TOWN CENTER REVITALIZATION REVIEW BOARD)

9.5.A Purpose.

The Town Center Revitalization Review Board serves as the Village District Consultant for the Town Center Village District in accordance with CGS Section 8-2j. The Town Center Revitalization Review Board may be asked to conduct both formal and informal reviews to determine whether, in their opinion, a proposal meets all of the Town Center design guidelines. Informal reviews may be conducted before the design of the project is completed and required documentation is developed for a formal application.

9.5.B Applicability.

All site plan and Special Exception applications involving properties located in the Town Center Village District shall be subject to this Design Review process.

9.5.C Professional Plans Required.

1. Site plan or building drawings required by these procedures shall be prepared a registered Professional Engineer, architect or landscape architect licensed in the State of Connecticut.

9.5.D Informal Review.

1. In order to facilitate the review and approval process, minimize delay, misunderstanding and cost, all applicants with projects requiring design review are encouraged to submit requests for informal review by the Town Center Revitalization Review Board.
2. An informal review may be scheduled by the Town Center Revitalization Review Board upon a written request by a landowner or prospective developer. Discussion may occur at a regular or special meeting of the Board.
3. To facilitate the informal review, the requesting party should submit, at a minimum, following documentation:
   (1) Site plan.
   (2) Building and / or sign schematic plan.
   (3) Building and /or sign schematic elevations or perspective sketches.
   (4) Photographs of the site from principal vantage points.
   (5) Material samples and product literature (e.g. paint colors, lighting fixtures, roofing, siding etc.)
4. The Town Center Revitalization Review Board may make specific design recommendations for a subsequent meeting.

9.5.E Formal Review.

1. The Town Center Revitalization Review Board will conduct a formal review upon the submission of a complete site plan or Special Exception application to the Planning and Zoning Office. The applicant must submit a copy of all application materials to said Board no later than the date upon which the application is submitted to the Commission.
2. This formal review will allow the Town Center Revitalization Review Board to determine if the proposal meets all of the design guidelines for the Branford Town Center Village District, as identified in Section 5.2.D.
3. Formal presentation materials required:
   (1) Site photographs from the principal vantage points.
   (2) Signage plan and elevations drawn to scale.
   (3) Site plan.
   (4) Site lighting.
   (5) Architectural design.
   (6) Material samples.
   (7) Landscaping.
   (8) Supporting information shall accompany each of the above-mentioned submittals to provide the Town Center Revitalization Review Board with sufficient data to determine compliance with the design Regulations.

9.5.F Town Center Revitalization Review Board Recommendation.

Following a review of the submission, the Town Center Revitalization Review Board will take one of four actions in referring the matter to the Planning and Zoning Commission:

1. Recommend acceptance of the application as submitted,
2. Recommend acceptance of the application with modifications as stated,
3. Recommend not accepting the application for specific reasons and request the matter be revised and resubmitted,
4. Recommend that the Commission take no action pending further discussion or resubmission.

9.6 SITE PLAN APPLICATION. (COMMISSION)

9.6.A Objectives.

In reviewing any site plan under this Section, the Commission shall be concerned with the following objectives:

1. To promote the public health, safety, comfort, convenience, prosperity, amenity and other aspects of the general welfare.
2. To ensure that the layout of the proposed use shall be in harmony with the surrounding area, and shall contribute to its desirable and orderly development.
3. To ensure that traffic generated by the proposed use will not adversely affect the surrounding area, and will not disrupt the orderly movement of vehicles and pedestrians in the area.
4. To protect and preserve the supply of potable drinking water by protecting and preserving subsurface aquifers.

9.6.B Applicability.

1. A site plan application shall be submitted for any activity designated in these Regulations as requiring a site plan approval.
2. A site plan application shall be submitted for any change in a previously approved Site Plan if such change would alter any feature that is required to be shown on the site plan.
3. Notwithstanding the above, a site plan application shall not be required for interior renovations and modifications for space within a structure previously approved by the Commission as a site plan application provided that:
   (1) The uses for which such changes are to be made have received all other permits required by these Regulations,
   (2) There are no exterior alterations to the structure or the site,
   (3) There is no additional requirement for parking based upon interior layouts submitted by the applicant, and
   (4) The site is in compliance with all aspects of a previously approved site plan.
4. All site plan revisions must bring into conformance, to the extent practicable, all aspects of the site that do not conform to current Regulations.

9.6.C Application Requirements.

1. A site plan application shall be accompanied by four (4) full-size (24″ x 36″) and 12 reduced-size (11″ x 17″ or 12″ x 18″) copies of detailed Site Development Plans, signed and sealed by an appropriate professional, that comply with the requirements in the Appendix of these Regulations.
2. Waiver of Required Application Documentation. 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 if the Commission finds that the information is not necessary in order to decide on the application.
3. Request for Additional Documentation. The Commission may, in accordance with the requirements of these Regulations and the Appendix of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.

9.6.D Proceedings.

1. Proceedings on site plan applications shall be in accordance with Section 9.6 of these Regulations.
2. The applicant may, at any time prior to action by the Commission, withdraw such application.

9.6.E Coordination for Other Agency Review.

1. Inland Wetlands and Watercourses. On a site plan application involving an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the Commission shall:
   (1) Wait to render its decision until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision, and
   (2) Give due consideration to any report of the Inland Wetlands and Watercourses Commission when making its decision.
2. Coastal Area Management. On a site plan application involving an activity regulated pursuant to CGS 22a-90- to 22a-110, inclusive, the Commission shall also review the application in accordance with Section 9.7 of these Regulations.
3. Floodplain. On a site plan application involving an activity in a floodplain pursuant to the Flood-Plain Management Ordinance of the Town of Branford, the Commission shall transmit a copy of the application to the Town Engineer for a report. If the Commission does not receive a report or a request for additional time from the Town Engineer within 35 days after transmitting a copy of the application, the Commission may, but shall not be obliged to, assume that the Town Engineer has no objection to the application. Nothing in this Section shall preclude the Commission from accepting a report from the Town Engineer more than 35 days after a copy of the application was transmitted, regardless of whether the Town Engineer has expressly requested additional time.
4. Design Review. On a site plan application involving business or multi-family residential activities, Design Review will be required in accordance with the following:
   (1) Applications involving property(ies) within the Town Center Village District in accordance with Section 9.5.
   (2) Applications involving property(ies) outside the Town Center Village District, in accordance with Section 6.14.
5. On a site plan application involving notice to adjoining municipalities 9.14.H or notice to water companies 0, the Commission shall give due consideration to any report or testimony received.

9.6.F Decision Considerations.

1. Before the Commission may approve a site plan application, it must determine that the application is in conformance with the applicable provisions of these Regulations.
2. Before the Commission may approve a site plan application, it shall evaluate compliance with Section 6, Basic Standards and the Zoning District for which the property is located.

9.6.G Procedures and Powers.

1. In any submission under this Section, the Commission may approve or disapprove the proposed plan, or may approve it subject to appropriate modifications, conditions and safeguards designed to further the general purposes of these Regulations and the specific purposes indicated above. Any Certificate of Occupancy issued for such approved uses shall be subject to continued conformity with those modifications, conditions and safeguards.
2. The Commission or Zoning Enforcement Officer may require that a financial guarantee be posted, in an amount and form acceptable to the Town, to ensure:
   (1) That adequate erosion and sediment control measures are installed and maintained, before any Zoning Permit or Certificate of Zoning Compliance is issued for activities shown on the approved plan, and
   (2) That all of the improvements shown on the approved plan are implemented before a Zoning Permit or Certificate of Zoning Compliance related to issuance of a Certificate of Occupancy is granted.
3. As an alternative to full project completion prior to issuance of final zoning compliance the applicant may post a financial guarantee for the remaining work. The financial guarantee amount shall be determined by the Town Engineer based on a breakdown of remaining project elements provided by the applicant. Financial guarantees shall be in accordance with Section 10.3. The financial guarantee amount shall include costs incurred for administration should the financial guarantee need to be called upon.

9.6.H Action Documentation.

1. The Commission shall send, by certified mail, a copy of any decision to the applicant within 15 days after such decision is rendered.
2. The Commission shall cause notice of the approval or denial of site plans to be published in a newspaper having a substantial circulation in Branford within 15 days after such decision is rendered.
3. In any case in which such notice is not published within the 15 day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.
4. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within 15 days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period expires.

9.6.I Post Approval Actions.

1. Following approval of a site plan application, the applicant shall submit:
   (1) one (1) paper set of Final Plans (24″ x 36″) with:
      (1) the raised seal and original signature of the professional who prepared the drawings, and
      (2) a signature block where the Chairman of the Commission or Zoning Enforcement Officer can indicate the approval of the Commission.
   (2) An electronic copy of the Final Plans.

9.6.J Expiration and Completion.

1. All work in connection with a site plan shall be completed within five (5) years after the date of approval of the plan. Failure to complete all work within such five (5) year period shall result in automatic expiration of the approval of such site plan unless the Commission shall have granted an extension of the time to complete work in connection with such site plan.
2. The Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such site plan. The Commission may condition the approval of such extension on a determination of the adequacy of any financial guarantee or other surety.

9.7 COASTAL SITE PLAN REVIEW. (COMMISSION)

9.7.A Application Requirements.

1. When required, an application for approval of a coastal site plan shall be submitted to the Commission on a form prescribed by the Commission. Pursuant to Connecticut General Statutes Sections 22a-105 and 22a-106, a Coastal Site Plan shall include the following information:
   (1) A plan showing the location and spatial relationship of coastal resources on and contiguous to the site;
   (2) A description of the entire project with appropriate plans, indicating project location, design, timing, and methods of construction;
   (3) An assessment of the suitability of the project for the proposed site;
   (4) An evaluation of the potential beneficial and adverse impacts of the project; and
   (5) A description of proposed methods to mitigate adverse effects on coastal resources.
2. 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 CGS 22a-92.

9.7.B 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 CGS 22a-106;

1. Consistency of the proposed activity with the applicable coastal policies in CGS 22a-92;
2. The acceptability of potential adverse impacts of the proposed activity on coastal resources, as defined in CGS 22a-93(15);
3. The acceptability of potential adverse impacts of the proposed activity on future water dependent development opportunities, as defined in CGS 22a-93(17); and
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.

9.7.C Proceedings.

1. If the Coastal Site Plan is part of a Special Exception, Site Plan or Variance application, the hearing notification requirements, time limits for making a decision, and decision publication and notification requirements shall be the same as those set forth in the General Statutes for the type of permit or approval being requested.
2. If the Coastal Site Plan is part of a Zoning Permit application, the procedures for Commission review shall be the same as those for Site Plan review under Section 9.6.

9.7.D Commission Action.

1. The Commission shall approve, modify, condition or deny the coastal site plan for the proposed activity on the basis of the criteria listed in CGS Section 22a-106 to ensure that the proposed activity is consistent with the coastal policies in CGS Section 22a-92 and that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development opportunities are acceptable. Pursuant to CGS Section 22a-106 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.
2. 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 CGS Section 22a-92,
   (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.
3. A coastal site plan for a shoreline flood and erosion control structure may be modified, conditioned or denied if it fails to comply with the requirements, standards and criteria of CGS Sections 22a-359 to 22a-363, inclusive, and any regulations adopted thereunder.

9.7.E Post Approval Actions.

If a coastal site plan application is the only zoning application required, then the applicant shall submit to the Planning and Zoning Office one (1) set of Final Plans (24″ x 36″) bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity, and containing a signature block where the Chairman of the Commission or Zoning Enforcement Officer can indicate the approval of the Commission. An electronic copy of the final approved coastal site plans shall also be submitted.

9.7.F Violations.

In accordance with Connecticut General Statutes Section 22a-108, 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.

9.8 SPECIAL EXCEPTION APPLICATION. (COMMISSION)

9.8.A Applicability.

1. A Special Exception application shall be submitted for any activity designated in the Regulations as requiring Special Exception approval.
2. A Special Exception application shall be submitted for any change in a previously approved Special Exception if such change would alter any feature that is required to be shown on the site plan or would significantly or materially change the nature of the approved use.
3. Notwithstanding the above, a Special Exception shall not be required for signage or interior renovations and modifications for space within a structure previously approved by the Commission as a site plan application under Section 9.6, or as a Special Exception under these Regulations, provided that:
   (1) The uses for which such changes are to be made have received all other permits required by these Regulations,
   (2) There are no exterior alterations to the structure or the site,
   (3) There is no additional requirement for parking, and
   (4) The site is in compliance with all aspects of a previously approved site plan.
   (5) The nature of the approved use would not be significantly or materially changed.

9.8.B Application Requirements.

1. Each application for a Special Exception shall be accompanied by a site plan application unless the Zoning Enforcement Officer finds that there are no physical changes proposed to the site or any building or structure and the submission of a site plan application is not necessary for the Commission to evaluate the proposal.
2. A Special Exception Application shall be accompanied by 12 copies of the following information:
   (1) A detailed statement describing the existing and proposed use or uses,
   (2) A detailed statement describing how the Special Exception criteria in Section 9.8.F are addressed, and
   (3) Any approval that may have been received from any local, regional, State or Federal agency or department having jurisdiction over any aspect of the application.
3. Waiver of Required Application Documentation. 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 if the Commission finds that the information is not necessary in order to decide on the application.
4. Request for Additional Documentation. The Commission may in accordance with the requirements of these Regulations and the Appendix of these Regulations, require the submission of additional information as deemed necessary to make a informed review of the application.
5. If a Special Exception Application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Planning and Zoning Commission.

6. Where the Commission determines that, because of the particular size, location or nature of a proposal, the public interest would be best served by a three-dimensional (3D) physical representation or a computer simulation of the project, the Commission may require that the applicant provide a digital model of the proposal or a physical model of the proposal at such appropriate scale as the Commission may require. The Commission may also require that the model include 3D representations of all or portions of the abutting properties where this would significantly aid the Commission and the public to visualize and understand the proposal.

9.8.C Proceedings.

1. Proceedings on Special Exception applications shall be in accordance with Section 9.8 of these Regulations.
2. The applicant may, at any time prior to action by the Commission, withdraw such application.
3. The applicant shall bear the burden of demonstrating that all applicable Special Exception Criteria in these Regulations are addressed.

9.8.D Coordination for Other Agency Review.

1. Inland Wetlands and Watercourses. On a Special Exception Application involving an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the Commission shall:
   (1) Wait to render its decision until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision, and
   (2) Give due consideration to any report of the Inland Wetlands and Watercourses Commission when making its decision.
2. Coastal Area Management. On a Special Exception Application involving an activity regulated pursuant to CGS Sections 22a-90- to 22a-110, inclusive, the Commission shall review a coastal site plan application in accordance with Section 9.7 of these Regulations.
3. Floodplain.
   (1) On a Special Exception Application involving an activity in a floodplain pursuant to the Flood-Plain Management Ordinance of the Town of Branford, the Commission shall transmit a copy of the application to the Town Engineer for a report. If the Commission does not receive a report or a request for additional time from the Town Engineer within 35 days after transmitting a copy of the application, the Commission may, but shall not be obliged to, assume that the Town Engineer has no objection to the application. Nothing in this section shall preclude the Commission from accepting a report from the Town Engineer more than 35 days after a copy of the application was transmitted, regardless of whether the Town Engineer has expressly requested additional time.
   (2) Any Special Exception 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.

4. Design Review. On a Special Exception Application involving business or multi-family residential activities, Design Review will be required in accordance with the following:
   (1) Applications involving property(ies) within the Town Center Village District in accordance with Section 9.5.
   (2) Applications involving property(ies) outside the Town Center Village District, in accordance with Section 6.14.
5. On a Special Exception Application involving notice to adjoining municipalities (Section 9.14.H) , notice to water companies (Section 9.14.I), or notice to a regional planning agency (Section 9.14.J), the Commission shall give due consideration to any report or testimony received.

9.8.E Decision Considerations.

1. Before the Commission may approve a Special Exception application, it must determine that the application is in conformance with the applicable provisions of these Regulations, including any applicable Special Exception criteria.
2. Before the Commission may grant a Special Exception, it must determine that any accompanying site plan application is in conformance with the applicable provisions of these Regulations.
3. In granting a Special Exception, the Commission may stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility. Such conditions may also be imposed as a prerequisite to the issuance of the Zoning Permit or Certificate of Zoning Compliance by the Zoning Enforcement Officer.
4. Any condition or safeguard attached to the granting of a Special Exception:
   (1) Shall remain with the property as long as the Special Exception use is still in operation, and
   (2) Shall continue in force and effect regardless of any change in ownership of the property.

9.8.F Special Exception Criteria.

In considering any application for a Special Exception, the Commission shall evaluate the merit of the application with respect to the following factors:

1. The proposed use must be consistent with the current Branford Plan of Conservation and Development.
2. The location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it must be such that the use will be in harmony with the appropriate and orderly development in the district in which it is located and will promote the welfare of the Town.
3. The design elements of the proposed development must be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and probable future character of the neighborhood in which the use is to be located.
4. The location, nature and height of buildings, walls, and fences, and the nature and extent of planned activities and landscaping on the site must be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

5. The proposed use or activity must have no adverse effect upon the neighboring area resulting from the use of signs, exposed artificial lights, colored lights of any nature, flashing lights, loudspeakers or other noisemaking devices.
6. In cases where it is proposed to convert a structure designed and built originally for other uses, the structure must be adaptable to the proposed use from the point of view of public health and safety.
7. The design, location and specific details of the proposed use or activity must not adversely affect safety in the streets nor unreasonably increase traffic congestion in the area nor interfere with the pattern of vehicular circulation in such a manner as to create or worsen unsafe traffic conditions.
8. Parking area or areas must be of adequate size for the particular use, and be suitably screened from adjoining residential uses, and entrance and exit drives must be laid out so as to prevent traffic hazards and nuisances.
9. Streets, drives and other rights-of-way must be of such size, condition and capacity (in terms of capacity, width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use.
10. The provisions for water supply, sewage disposal, and storm water drainage must conform to accepted engineering practices, comply with all standards of the appropriate regulatory authority, and must not unduly burden the capacity of such facilities.
11. The proposed use or activity must provide easy accessibility for fire apparatus and police protection and must be laid out and equipped to further the provision of emergency services.
12. Appropriate consideration shall be given to the protection, preservation, and/or enhancement of natural, scenic, historic, and unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.
13. Adequate provision must be made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

9.8.G Commission Decision.

1. Following the public hearing, the Commission may approve, disapprove or approve with modifications and/or conditions the proposed Special Exception use.
2. Because of the variety and peculiarities of each Special Exception use, the Commission may impose conditions and restrictions to any such use which in its judgment are required to protect adjacent uses and the neighborhood in general.

9.8.H Action Documentation.

1. The decision to grant a Special Exception shall:
   (1) State the name of the owner of record,
   (2) Contain a description of the premises to which it relates,
   (3) Identify the Section and/or Section of the Regulations under which the Special Exception was granted or denied, and
   (4) Specifically describe the Special Exception issued by the Commission.
2. The Commission shall send, by certified mail, a copy of any decision to the applicant within 15 days after such decision is rendered.
3. The Commission shall cause notice of the approval or denial of the Special Exception Application to be published in a newspaper having a substantial circulation in Branford within 15 days after such decision is rendered.
4. In any case in which such notice is not published within the 15 day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.

9.8.I Post Approval Actions.

1. Following approval of a Special Exception Application, the applicant shall submit a final plan to the Planning and Zoning Department:
   (1) Bearing the raised seal and signature of the appropriate professionals who prepared the drawing(s),
   (2) Bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity, and
   (3) Containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.
2. Following signature by the Chairman, the applicant shall file said plans in the office of the Town Clerk before any Certificate of Zoning Compliances are issued for the activities shown on the approved plan. A Special Exception granted by the Commission shall only become effective upon the filing of a certificate, certified by the Commission, in the land records of the Town in accordance with the provisions of CGS 8-3d.
3. The applicant shall also submit application documents in an electronic format in accordance with Planning and Zoning Department requirements.
4. A Special Exception shall authorize only the particular use or uses specified in the Commission's approval.
5. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations and the Commission shall have the authority, after a hearing, to revoke the permit at any time the operation is found to be in noncompliance with the original permit.
6. A Special Exception may be amended or modified in like manner as provided above for the granting of a Special Exception except that amendments which shall be found to be of a minor nature or which do not materially alter the Special Exception, as determined by the Commission, may be authorized with Commission approval only, without another public hearing.
7. Modifications.
   (1) Any modifications that decrease the dimensional elements (e.g. reduction of building size) or proposes a change of use that requires a Site Plan shall follow the Site Plan Procedures in Section 9.6.
   (2) Any modifications that increase the dimensional elements in the Master Plan (e.g. expansion of building size) or propose a change of use that requires a Special Exception shall follow the Special Exception Procedures in Section 9.8.

9.8.J Expiration and Completion.

1. A Special Exception will expire if all work in connection with any accompanying, approved site plan is not completed within five (5) years after the date of approval of the plan, unless the Commission shall have granted an extension of the time to complete such work.
2. The Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such site plan.
3. The Commission may condition the approval of such extension on a determination of the adequacy of any financial guarantee or other surety.

9.9 REGULATION AMENDMENT. (COMMISSION)

9.9.A Application Requirements.

1. A Regulation Amendment Application (petition) shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.
2. Any such application shall be accompanied by 12 copies of the precise wording of the existing and proposed text and any other supporting information.
3. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the petition.
4. A Regulation Amendment Application shall be submitted only by:
   (1) An owner of real property in Branford,
   (2) Residents or persons having a legal interest in land in Town, or
   (3) By the Commission on its own initiative.
5. The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of 12 months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

9.9.B Proceedings.

1. Proceedings on petitions to amend the Zoning Regulations shall be in accordance with Section 9.9 of these Regulations.
2. The applicant may, at any time prior to action by the Commission, withdraw such petition.
3. These Zoning Regulation(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of 20 percent or more of the area of the lots affected by such proposed change or of the lots within 500 feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds (2/3) of all the members of the Commission.

9.9.C Decision Considerations.

1. The Commission shall act upon the changes requested in such Regulation Amendment Application.
2. Any report from an adjacent municipality or a regional planning agency shall be made a part of the record of such hearing.
3. On a Regulation Amendment Application involving notice to adjoining municipalities, water companies, or a regional planning agency, the Commission shall give due consideration to any report or testimony received.
4. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
5. Before approving any Regulation Amendment Application, the Commission shall determine that the proposed regulation change will aid in:
   (1) Protecting the public health, safety, welfare, or property values, and
   (2) Attaining the purposes of these Regulations.

9.9.D Effective Date.

Unless otherwise expressly provided for by the Commission, an Amendment to the Zoning Regulations shall become effective on the sixteenth day after the date upon which the decision was made to approve such Amendment. The Commission may, in its discretion, specify an alternative effective date.

9.9.E Action Documentation.

1. The Commission shall send, by certified mail, a copy of any decision on a Regulation Amendment Application to the applicant within 15 days after such decision is rendered.
2. The Commission shall cause notice of the decision on the Regulation Amendment Application to be published in a newspaper having a substantial circulation in Branford no later than the earlier of the following dates:
   (1) 15 days after the date such decision is rendered; or
   (2) The day before the effective date. Any such notice of approval shall identify the effective date established by the Commission.
3. In any case in which such notice is not published within the 15 day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.
4. A copy of any approved Zoning Regulation Amendment must be filed in the office of the Town Clerk before the effective date.
5. Whenever the Commission acts upon a Regulation Amendment Application, it shall state upon the record the reasons for its decision, provided, however, that if the Commission fails to state its reasons, such failure shall not invalidate the decision except as otherwise may be required under state law.
6. In making its decision, the Commission shall state upon the record its findings on consistency of the proposed establishment, change or repeal of such Regulations with the Plan of Conservation and Development, as amended, provided, however, that if the Commission fails to state its findings, such failure shall not invalidate the decision except as otherwise may be required under state law.

9.10 MAP AMENDMENT. (COMMISSION)

9.10.A Application Requirements.

1. A petition (application) to amend the Zoning Map (i.e., to amend the boundaries of zoning districts) shall:
   (1) Be signed by the affected property owner(s); or
   (2) Be initiated by petition, provided that the petitioner(s) shall notify by certificate of mailing all property owners who have not cosigned the petition but whose premises are included within the area proposed for the Zoning Map Amendment (zone change); or
   (3) Be commenced by the Commission on its own initiative; or
   (4) Be commenced by the Commission in response to a petition, duly signed and acknowledged, requesting change or modification of the official Zoning Map; and
   (5) Include maps of existing and proposed zones, scale, parcels, property addresses, where known, and assessors' map references for each parcel.
2. The following special zoning districts require the submission of a Master Plan at the time of submission of a petition for a Zoning Map Amendment:
   (1) Planned Development District – Section 5.4.
3. The Commission shall not be required to hear a petition for a Zoning Map Amendment that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in circumstances justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in circumstances for the purpose of this Section.

9.10.B Proceedings.

1. Proceedings on petitions to amend the Zoning Map (i.e., to amend boundaries of zoning districts) shall be in accordance with Section 9.10 of these Regulations.
2. The applicant may, at any time prior to action by the Commission, withdraw such petition.
3. The boundaries of zoning districts shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of 20 percent or more of the area of the lots affected by such proposed change or of the lots within 500 feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds (2/3) of all the members of the Commission.
4. The Commission shall require that the applicant give notice to nearby property owners in accordance with the requirements of Section 9.14.G of these Regulations. Applications initiated by the Commission are exempt from this requirement.
5. A copy of the proposed Zoning Map Amendment shall be filed by the Commission in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
6. The applicant may withdraw a petition to amend the Zoning Map at any time prior to action by the Commission.

9.10.C Decision Considerations.

1. On a Zoning Map Amendment, the Commission shall incorporate into the record, and give due consideration to, any report or testimony received from:
   (1) An adjoining municipality,
   (2) A regional planning agency, and
   (3) The South-central Connecticut Water Authority (public water company) and the Commissioner of Public Health.
2. Whenever it grants or denies a Zoning Map Amendment, the Commission shall state upon its record:
   (1) The reason(s) for its decision, and
   (2) The findings on consistency of the proposed Zoning Map Amendment with the Plan of Conservation and Development, as amended.

9.10.D Effective Date.

Unless otherwise expressly provided for by the Commission, such Zoning Map Amendment shall become effective on the sixteenth day after the date upon which the decision was made to approve such amendment. The Commission may, in its discretion, specify an alternative effective date.

9.10.E Action Documentation.

1. The Commission shall send, by certified mail, a copy of any decision on a Zoning Map Amendment to the applicant within 15 days after such decision is rendered.
2. The Commission shall cause notice of the decision on the Zoning Map Amendment to be published in a newspaper having a substantial circulation in Branford no later than the earlier of the following dates: (1) 15 days after the date such decision is rendered; or (2) the day before the effective date. Any such notice of approval shall identify the effective date established by the Commission.
3. In any case in which such notice is not published within the 15 day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.
4. A copy of any approved Zoning Map Amendment must be filed in the office of the Town Clerk before the effective date.

9.10.F Adoption of a Master Plan.

1. When a Master Plan is required, the Commission shall act upon the application in accordance with the procedures for a Zoning Map Amendment.
2. The Master Plan shall be established as the district criteria (bulk requirements, and permitted uses) for the subject parcel(s). The specific bulk requirements, total building coverage and square footage, along with proposed uses shall be depicted in a Table that is incorporated into the Master Plan documents.
3. A Master Plan shall be accompanied by schematic drawings and documentation necessary for the Commission to evaluate the proposal. The Master Plan should also include a Table that identifies the following elements:
   (1) Proposed uses and amount of land use area (square feet or acres),
   (2) Proposed total amount of impervious surface (square feet or acres),
   (3) Proposed total amount of building development (coverage and floor area), (square feet or acres), and
   (4) Proposed maximum permitted building height and locations where height requirements will be applied.
4. A Master Plan shall be accompanied by 12 copies of the following information:
   (1) 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;

(2) Present and proposed buildings and structures including use, dimensions and locations of each;

(3) A traffic study including proposed vehicular and pedestrian circulation;

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

(5) Proposed open areas such as parks, lawn area, and recreational facilities;

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

(7) 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;

(8) 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;

(9) A detailed statement describing the existing and proposed use or uses, and

(10) The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

5. Other Agency Review.

The Commission shall request:

(1) 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;

(2) A statement from the Police Commission as to whether the proposal will cause any undue traffic hazards;

(3) A statement from the Fire Marshal as to whether the proposal meets fire safety standards and concerning the fire fighting feasibility of the proposed plan;

(4) 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;

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

6. Master Plan Findings Required. The Commission may adopt a Master Plan only if the Commission makes the following findings in addition to other findings necessary for the amendment of these Regulations:

(1) Another existing zoning district could not be appropriately established to accomplish such purposes;

(2) 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;

(3) 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;

(4) 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.

7. Following approval of a Master Plan, the applicant shall prepare and submit two (2) fixed-line mylar copies of the approved plan(s) to the Planning and Zoning Department. The mylars must:

(1) Comply with CGS Section 7-31; i.e., by bearing the raised seal and signature of the appropriate professionals who prepared the drawing(s),

(2) Bear a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity, and

(3) Contain a signature block where the Chairman of the Commission can indicate the approval of the Commission.

8. The Zoning Map shall be modified to reflect such change and shall contain a notation giving reference to the Master Plan.

9. Following signature by the Chairman, the applicant shall file said plans in the office of the Town Clerk before any Certificate of Zoning Compliances are issued for the activities shown on the approved plan. A Master Plan approved by the Commission shall become effective only upon the filing of a copy, certified by the Commission, in the land records of the Town in accordance with the provisions of CGS Section 8-3d.

10. A Master Plan shall only authorize the particular use or uses specified in the Commission's approval.

11. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations and the Commission shall, after a hearing, have the authority to revoke the permit at any time the operation is found to be in noncompliance with the original permit.

9.11 MOTOR VEHICLE LOCATION APPROVAL. (COMMISSION)

9.11.A Application Requirements Dealing and Repairing Motor Vehicles.

In accordance with CGS Section 14-54, an application for a Certificate of Location Approval shall be submitted to the Commission by any person who desires to obtain a license for dealing in or repairing motor vehicles in Branford except that this requirement shall not apply to:

1. A transfer of ownership to a spouse, child, brother, sister or parent of a licensee;
2. A transfer of ownership to or from a corporation in which a spouse, child, brother, sister, or parent of a licensee has a controlling interest; or
3. A change in ownership involving the withdrawal of one (1) or more partners from a partnership.

9.11.B Application Requirements Sale of Gasoline.

In accordance with CGS Section 14-321, an application for a Certificate of Location Approval shall be submitted to the Commission by any person who desires to obtain a license for the sale of gasoline or any other product, under the provisions of CGS Section 14-319, including the alteration or changing of adjoining physical properties for such purposes, except that this requirement shall not apply:

1. In the case of a renewal of a license by the holder of the license;
2. To the transfer of the last issued license from a licensee to another provided no more than one (1) year has elapsed since the expiration of such license; or
3. In the case of the addition or discontinuance of pumps.

9.11.C Proceedings.

In reviewing a Certificate of Location Approval application, the Commission acts as an agent of the State of Connecticut, not in a zoning capacity, and the notice provisions and other provisions of CGS Chapter 124 shall not apply. As an agent of the State of Connecticut, the Commission serves solely to determine whether a Certificate of Location Approval should be issued.

9.11.D Public Hearing May Be Held.

The Commission may hold a public hearing on the Certificate of Location Approval application and, if such hearing is to be held:

1. Shall cause a legal notice to be published in accordance with the requirements of Section 9.14.F of these Regulations, and
2. May require that the applicant give notice to nearby property owners in accordance with the requirements of Section 9.14.G of these Regulations.

9.11.E Withdrawal of Application.

The applicant may withdraw such Certificate of Location Approval Application at any time prior to action by the Commission.

9.12 APPEAL OF AN ORDER. (ZONING BOARD OF APPEALS)

9.12.A Authority.

In accordance with CGS Section 8-7, an appeal may be taken to the Board by any person aggrieved, where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer.

9.13 VARIANCE. (ZONING BOARD OF APPEALS)

9.13.A Authority.

In accordance with CGS Section 8-6, the Board shall have the power and duty to determine and vary the application of the Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship.

9.13.B Additional Considerations for Use Variances.

1. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.
2. No use variance for a business use or an industrial use shall be granted in a Residential Zone.
3. No use variance shall be granted for an industrial use in any Business or Special Zone.
4. A use variance shall only be granted where, without the use variance, the private property would be rendered valueless.
5. For any Use Variance application, the Zoning Board of Appeals shall refer the application to the Planning and Zoning Commission. The Zoning Board shall provide the Planning and Zoning Commission with 35 days to review and comment on the application.

9.14 PROCEDURAL REQUIREMENTS FOR ALL APPLICATIONS.

9.14.A Application Submission Requirements.

1. Applications to the Commission shall be submitted to the Planning and Zoning Department.
2. Applications shall be submitted on forms obtained from the Planning and Zoning Department for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any application fee.
4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant and, if applicable, the owner of the property affected or the authorized agent or representative of the owner.

9.14.B Date of Receipt.

For the purposes of calculating the timeframes for processing applications, the date of receipt of an application to the Commission shall be determined in accordance with state law. At the time of adoption of this Section, the relevant statute was CGS Section 8-7d, which provided that the date of receipt shall be the earlier of:

1. The day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Planning and Zoning Department; or
2. Thirty-five days after submission.

9.14.C Incomplete Applications.

1. Each application shall be reviewed by the Planning and Zoning Department to determine whether the application is substantially complete.
2. An application requiring approval from the Commission shall not be considered actually complete until all of the information as required by these Regulations or the Commission, has been received by the Commission at a regularly scheduled meeting.
3. The Commission may deny an incomplete application or any application submitted without the requisite fee.

9.14.D Sequence of Hearings.

Where a proposed development or activity requires multiple applications, the Commission may conduct any public hearings simultaneously or in the order it deems appropriate.

9.14.E Consultations.

1. On any application, the Commission may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
2. On any application, the Commission may retain an architect, landscape architect, professional land use planner, or other consultant to review, comment, and guide its deliberations and, to the extent allowed by Town ordinance, require that the applicant:
   (1) Deposit funds with the Commission for the costs of any consulting review fees, or
   (2) Reimburse the Commission for the cost of such consulting review.

9.14.F Notice by Newspaper.

Notices of public hearings shall be published in accordance with applicable state law. At the time of adoption of this Section, CGS Section 8-7d required publication of notices in the following circumstances and manner:

1. When a public hearing is required by these Regulations or scheduled by the Commission, the Planning and Zoning Department shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Branford.
2. Such notice shall be published at least twice at intervals of not less than two (2) days, the first not more than 15 days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing.

9.14.G Notification of Abutting Property Owners.

1. For all applications that will require the Commission to hold a public hearing, except amendments to these Regulations, the applicant shall mail written notice to the following persons as required by this Section:
   (1) The owners of all parcels of land that are the subject of the application.
   (2) All persons owning property, any portion of which is within 100 feet of the land that is the subject of the application.
2. Said notice shall include, at a minimum:
   (1) The date, time and location (street address) of the public hearing;
   (2) The street address of all parcels that are the subject of the application or, if such parcels do not have a street address, adequate geographical information to allow the recipient of the notice to determine the location of the parcels with respect to the nearest street intersection; and
   (3) The nature of the application (e.g., site plan, special exception, zone change). The notice shall be sent by mail, at least seven (7) days prior to the date of the public hearing. A Certificate of Mailing from the US Post Office of said written notice shall be conclusive evidence of compliance with the provisions of the Section.
3. Property owners, for the purpose of this Section, shall be as they appear on the property street cards in the Town Assessor's office on the date of application, and distances shall be determined from the Assessor's tax maps on the date of said application.
4. Failure to mail such notice to any person or persons shall not in any way invalidate the public hearing, but the Commission may deny an application if it finds that such failure has, or may have, caused prejudice to any intended recipient.

9.14.H Notification of Abutting Municipalities.

1. In accordance with CGS Section 8-7d(f), the Commission shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
   (1) Any portion of the property affected by a decision is within 500 feet of the boundary of the adjoining municipality;
   (2) A significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site;
   (3) A significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
   (4) Water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.
2. Such notice shall be made by certificate of mailing requested and shall be mailed within seven (7) days of the day of the submission to the Planning and Zoning Department of the application, petition, request or plan.
3. No hearing shall be conducted on any application, petition, request or plan unless the adjoining municipality has received the notice required under this Section.

9.14.I Notification of Water Companies.

1. In accordance with CGS Section 8-3i, an applicant shall provide written notice to the South Central Connecticut Regional Water Authority and the Commissioner of Public Health when an application, petition, request or plan is filed with the Commission concerning any project on any site that is within:
   (1) An aquifer protection area, provided such area has been delineated in accordance with CGS Section 22a-354c; or
   (2) The watershed of the South Central Connecticut Regional Water Authority , provided said Authority or said Commissioner has filed a map with the Commission and on the Branford land records showing the boundaries of the watershed.
2. Such notice shall be made by certified mail; return receipt requested and shall be mailed not later than seven (7) days after the date of the day of the submission to the Planning and Zoning Department.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning and Zoning Department or the application shall be considered incomplete:
   (1) A copy of all notices and other documentation sent to the South Central Connecticut Regional Water Authority and/or the Commissioner of Environmental Protection in accordance with this Section; and
   (2) Proof of mailing.

9.14.J Notification of Regional Planning Agency.

In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency when any portion of any land affected by a regulation change is located within 500 feet of the boundary of another municipality and:

1. Such notice shall be made by certified mail, return receipt requested.
2. Such notice shall be made not later than 30 days before the date of the public hearing.
3. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

9.14.K Notification of the Connecticut Department of Environmental Protection.

Pursuant to CGS Section 22a-103, the Commission shall give written notice to the Connecticut Department of Environmental Protection when any application relates to property within the Coastal Area Management boundary and for any regulation amendment that affects property located within said Boundary.

9.14.L Notification of a Property subject to a Conservation or Preservation Restriction.

In accordance with CGS Section 47-42d, for property subject to a conservation or preservation restriction as defined in CGS Section 47-42a, and where activity is proposed within the restricted area, the applicant must submit either:

1. A notarized statement certifying that the applicant provided written notice of such application, by certified mail, return receipt requested, not later than 60 days prior to the filing of the application to the party holding the conservation restriction; or
2. A letter from the holder of such restriction or the holder's authorized agent verifying that the application is in compliance with the terms of the restriction.

This Section shall not apply to any proposed activity that involves only interior work in an existing building or exterior work that does not expand or alter the footprint of an existing building.

9.14.M Beneficiaries of a Trust.

Any person who makes an application to the Commission pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner (s) of such real property or the beneficiary(ies) of the trust.

10.1 ADMINISTRATION

10.1.A Severability.

If a court of competent jurisdiction shall declare any provision or part of these Regulations to be invalid, unconstitutional, or beyond the powers granted to the Commission by law, such action shall not affect the validity of any other provision or part hereof.

10.1.B When Effective.

These Regulations and any amendments hereto shall be effective from and after the effective date established by the Commission. In the event the Commission does not expressly establish an effective date, the effective date shall be the sixteenth day after the date of the decision to adopt the relevant. Regulations or amendments, provided that the publication and filing requirements established by state law have been met. See Sections 9.9.E and 9.10.E of these Regulations.

10.1.C Appointment.

The Commission shall appoint a Zoning Enforcement Officer and may appoint one or more Assistant Zoning Enforcement Officer(s) who shall act as its agent(s) for administration of these Regulations. The Assistant Zoning Enforcement Officers shall act only: (1) as directed by the Zoning Enforcement Officer or by the Commission; or (2) in the absence of the Zoning Enforcement Officer.

10.1.D Duties and Responsibilities.

The Commission hereby delegates the following administrative duties and responsibilities to the Zoning Enforcement Officer and any Assistant Zoning Enforcement Officer(s):

1. To issue or withhold Zoning Permits, as herein provided.
2. To issue or withhold certificates of zoning compliance, as herein provided.
3. To enforce these Regulations in accordance with Section 10.2.
4. To maintain a proper record of all applications, Zoning Permits, certificates of zoning compliance, site plans and plot plans, complaints, violations, orders, corrections, correspondence, notices, fees levied and collected and such other data and files as are required by these Regulations.
5. To report regularly to the Commission and carry out its directives in all matters pertaining to these Regulations.
6. Any and all duties referred to in these Regulations.

The Commission shall also retain the power and discretion to delegate other duties or responsibilities to the Zoning Enforcement Officer or Assistant Zoning Enforcement Officer(s). All references to the Zoning Enforcement Officer in this Section shall be deemed to refer, also, to the Assistant Zoning Enforcement Officer(s), unless the context indicates otherwise.

10.1.E Amendments.

These Regulations may from time to time be amended, changed, or repealed as provided by Chapter 124 of the General Statutes, 1958 revision, as amended.

10.2 ENFORCEMENT.

10.2.A Authority.

These Regulations shall be enforced by the Zoning Enforcement Officer who are hereby authorized to cause any building, place, premises or use to be inspected, and to order in writing the remedying of any condition found to exist in violation of these Regulations.

10.2.B Inspections Authorized.

The Zoning Enforcement Officer shall have authority to cause an inspection to be made of any premises and the building and structures thereon and the use of any land and any kind of work upon any building or structure being erected or altered, whether or not such work is being done under authority of a Certificate of Zoning Compliance.

10.2.C Enforcement Authorized.

The Planning and Zoning Commission, the Zoning Enforcement Officer, or any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent the unlawful erection, alteration, reconstruction, maintenance or use of any building or to correct or abate any unlawful act or to prevent the illegal occupation of buildings or land or to prevent any illegal act in or about such premises.

10.2.D Notice of Violation.

1. If the Zoning Enforcement Officer (ZEO) finds a violation of these Regulations, he or she may serve upon the owner, lessee, tenant, architect, engineer, builder, contractor, manager, or any agent, a violation notice and an order to discontinue such work and violation and to correct or abate the condition complained of within ten (10) days from service of such notice and order, or earlier in the case of earth removal, grading, erosion or sediment control, or other matters requiring more immediate attention.
2. The ZEO shall have the authority to order the removal of any sign erected on, attached to, maintained on or displayed on any property in any district where no permit has been issued in accordance with these Regulations or where such sign is in violation of any provision of these Regulations.
3. The ZEO shall have the authority to remove signs where no sign permit has been issued and where the sign is located within a public road right-of-way or is located on Town property.

10.2.E Further Action.

1. Any person violating any of the provisions of these Regulations shall be subject to the fines, injunctive procedures, and any other penalties prescribed by Chapter 124 of the Connecticut General Statutes, including, when warranted, a separate violation for each day that a violation exists.
2. Where it is alleged that there is an error in any enforcement order, requirement or decision made by the ZEO, an aggrieved party may file an Appeal with the Zoning Board of Appeals (ZBA).

10.3 BONDING REQUIREMENTS.

10.3.A Applicability.

1. The Commission may require the applicant to post a financial guarantee to assure the completion of: (1) all required public improvements; (2) all improvements required to serve any dwelling units or non-residential establishments sold, rented or occupied on the site; (3) all erosion and sedimentation controls approved or otherwise required during site construction and for site restoration should construction cease prior to attaining compliance with approved plans; and (4) any required site cleanups of debris, abandoned vehicles or any other material that would cause a deterioration of conditions in the area.
2. Where authorized in these Regulations, the Zoning Enforcement Officer may require the applicant to post a financial guarantee.

10.3.B Financial Guarantee Format.

Where a financial guarantee is required by any Section of these Regulations, it shall be in one (1) of the following forms, subject to the approval of the Commission or its designated agent or attorney:

1. Cash deposited with the Town.
2. Surety bond or certified check to the order of the Town when the amount of the check is fully insured by the FDIC.
3. Bank deposit assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC.
4. Irrevocable evergreen letter of credit naming the Town as sole beneficiary provided that:
   (1) Such evergreen letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut and provided that such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
   (2) The long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.
   (3) The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town and substantially in the form of the model letter of credit provided by the Planning and Zoning Department,
   (4) If and when such letter of credit has less than thirty (30) days remaining until its expiration date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the financial guarantee.
   (5) The period to expiration of a Letter of Credit shall be not less than one (1) year, with a provision for automatic renewal at increments of not less than one (1) year. The Town of Branford must be informed of the intention not to renew or the financial guarantee shall automatically be renewed.

10.3.C Financial Guarantee Initiation and Term.

1. The financial guarantee shall be posted prior to the Town's issuance of a Zoning Permit and a Building Permit.
2. A financial guarantee shall remain in force until all of the terms and conditions of the subject Permit have been successfully met. The suspension of a Permit does not in any way affect the term of any associated Security.

10.3.D Project Performance.

Any such financial guarantee may be called by the Town when it is deemed by the Town Planner or Zoning Enforcement Officer that:

1. The permittee is, to any extent, not complying with the provisions of the Permit and/or these Regulations,
2. Such non-compliance has caused, is causing, and/or has the reasonable potential to cause conditions that are counter to the purposes of these Regulations,
3. The permittee (being responsible for the regulated development associated with a Permit) has had reasonable opportunity to identify and move to correct such non-compliance, irrespective of the status of notification of such non-compliance, and
4. The permittee is not showing good faith towards remedying the non-compliance and/or the adverse impacts thereof and/or complying with the orders of the Town Engineer, or representatives thereof, associated therewith, and/or the permittee is otherwise not making adequate progress towards the same.
5. In making such determination, the Town Planner and Town Engineer may consider, to varying degrees deemed thereby to be appropriate to the situation, and amongst other factors, in no particular order:
   (1) The compliance-related history of the permittee with respect to the subject Permit; for critical situations, a broader scope may be considered;
   (2) The scope and magnitude of realized and potential adverse impacts;
   (3) Time-critical factors; and,
   (4) The status of the project.
6. For purposes of this Section, not adequately progressing on completing work or conducting activities associated with the Permit in a timely manner with respect to various applicable requirements is considered non-compliance with the permit.
7. The term "non-compliance" is to be interpreted as generally or specifically as is most in keeping with the purposes of these Regulations.
8. The permittee shall be given a minimum of ten calendar-days notice of the intent of the Town to call a financial guarantee prior to the Town actually notifying the surety of such Security that the permittee is in default with respect to the commitments covered by the Security and that the Town is calling for the forfeiture of the financial guarantee.
9. The Town Planner and/or Town Engineer, and/or any other Town official and/or administrator acting on behalf of the same, may use the proceeds from the forfeiture of a financial guarantee in any manner deemed thereby to be in keeping with the purposes of these Regulations with respect to the subject default and any potential or realized adverse effects associated therewith, allowing for the consideration of the amount of funds available, as well as to cover any expenses incurred in association with the process of obtaining the forfeiture of the financial guarantee, including without limitation, attorney, bank and other collection fees and expenditures, shall be the responsibility of the applicant (permittee) and may be deducted from the financial guarantee. Proceeds may be applied to events, actions, improvements, and work that are located off-site as well as on-site, are of a temporary as well as a permanent nature, that occur or occurred at any time subsequent to the Town Planner becoming aware of the subject default, and that were incurred by the Town of Branford acting on the Town Planner's and/or Town Engineer's behalf, including staff and equipment time.
10. Nothing herein shall be construed to in any way limit or restrict the Town of Branford from pursuing any legal remedy afforded it to recover damages for expenses incurred by it in any way associated with the default of a permittee with respect to the permittee's obligations and commitments associated with a Permit.

10.3.E Financial Guarantee Reduction.

At the request of the developer, the Town may reduce the required financial guarantee commensurate with the items completed. Said financial guarantee may be reduced to not less than 15 percent of the original financial guarantee until all required improvements are completed and a Certificate of Zoning Compliance is granted.

10.3.F Financial Guarantee Release.

Any required financial guarantee shall not be released by the Commission, or agent until:

1. The release has been requested, in writing, by the applicant,
2. The Town Engineer has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied, and
3. The applicant's engineer or surveyor has certified to the Commission, or agent, through submission of a set of detailed "Record" plans or sufficient documentation, that all required improvements and other work are in accordance with submitted site plans.

10.4 ZONING BOARD OF APPEALS.

10.4.A Powers and Duties.

1. The Board of Appeals shall have such powers and duties as may be provided by state law, including but not limited to, CGS Section 8-6.

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LIGHTING

Lighting Zones.

Restricted Zone:
Lighting prohibited – preserved/protected natural areas and wetlands.

Zone 1:
Low ambient lighting- rural, suburban residential, abutting natural areas and waterways.
For HID light fixtures, HPS is preferred (see Definitions)

Zone 2:
High ambient lighting- urban, commercial and high traffic zones.

Light Levels (Illuminance Levels) • requirements by site type

Small Scale Site Lighting
For proposed Site Lighting using three (3) exterior light fixtures, or less:
Requirements.
Manufacturer's cut sheets of the proposed light fixture[s] shall be provided. These cut sheets must clearly indicate: 1) the fixture's IES cutoff classification, and 2) the lamp type and lumen rating.

For all site types- 3 fixtures, or less:
Zone 1: FCO / 6500 lumens max. / Lamp type restrictions:
Metal Halide [MH] discouraged in Zone 1

For all site types- 3 fixtures, or less:
Zone 2: FCO / 20000 lumens max. / No lamp type restrictions

Medium to Large Scale Site Lighting
For proposed Site Lighting using four [4], or more exterior light fixtures:

Requirements.
1) Manufacturer's cut sheets of the proposed light fixture[s] shall be provided. These cut sheets must clearly indicate: 1) the fixture's IES cutoff classification, and 2) the lamp type and lumen rating.

2) Iso-footcandle calculations of the proposed site lighting shall be provided.
The following **Tables** depict the compliant illuminance levels for each **Site Type** and lighting **Zone**. Compliance is determined by meeting maximum horizontal footcandle readings at ground/pavement level. Max/minimum footcandle ratios are offered as recommendations for improved lighting uniformity at the site.

Site Illuminance Level Recommendations [listed by Site Type].
The following recommendations for horizontal illuminance levels are based on standards from the IESNA Handbook and Recommended Practice RP-33-99 & RP-20-98

Table 1.
General Public Use Commercial/Municipal Site
Parking Lot [general vehicle area]
Zone 1: • *HPS preferred*
Max illuminance: 4 footcandles • *recommended Max:Min ratio- 20:1*
Zone 2:
Max illuminance: 7.5 footcandles • *recommended Max:Min ratio- 15:1*

Pedestrian Areas / Building Perimeter
Zone 1: • *HPS preferred*
Max illuminance: 5 footcandles • *recommended Max:Min ratio- 15:1*
Zone 2:
Max illuminance: 8 footcandles • *recommended Max:Min ratio- 10:1*

Table 2.
Automobile Dealership [by area]
Zone 1: disallowed
Zone 2:
Front display area:
Max illuminance: 20 footcandles • *recommended Max:Min ratio- 5:1*
Other rows area:
Max illuminance: 10 footcandles • *recommended Max:Min ratio- 10:1*

Table 3.
Gas/Service Station [by area]
Zone 1: • *HPS preferred*
Pump Island area:
Max illuminance: 12 footcandles • *recommended Max: Min ratio- 5:1*
Building surrounds and other areas:
Max illuminance: 5 footcandles • *recommended Max: Min ratio- 10:1*

Zone 2:
Pump Island area:
Max illuminance: 20 footcandles • *recommended Max:Min ratio- 5:1*
Building surrounds and other areas:
Max illuminance: 8 footcandles • *recommended Max:Min ratio- 10:1*

ZONING PERMIT APPLICATION REQUIREMENTS

- [ ] Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent.
- [ ] Application Fee
- [ ] If applicable, documentation that required notifications have been accomplished, e.g. water companies (CGS 8-3i) and/or conservation easement holders (per CGS 47-42d)
- [ ] A plot plan at a scale of 1″ = 40′, or such other scale as may be approved by the Planning and Zoning Commission or its designated agent, incorporating a Class A-2 boundary survey of the premises or parcel of land prepared, stamped with an embossed seal and signed by a Connecticut-licensed land surveyor showing, where applicable:
  - [ ] All existing and proposed structures on the site;
  - [ ] Existing and proposed ground elevations with contours at two-foot intervals;
  - [ ] The location of the lot in relation to public and/or private streets and accessways;
  - [ ] The zoning district in which the plot is located;
  - [ ] Grading plan for any proposed driveway;
  - [ ] The location of septic system(s) and well(s);
  - [ ] Current and proposed percentage of the lot to be covered by buildings;
  - [ ] Dimensioned building plans, including floor plans and elevations;
  - [ ] All applicable setback lines;
  - [ ] A signed statement from a licensed architect or surveyor stating the existing and proposed building coverage;
  - [ ] The location of any wetlands and/or watercourses or areas of special flood hazard;
  - [ ] A key map showing the location of the property in relation to surrounding areas.
- [ ] Copy of any relevant variance, stamped to document filing in the Office of the Branford Town Clerk.
- [ ] Site data chart showing total and net lot area, proposed coverage, impervious surface, floor area, height, setbacks, and parking requirements.
- [ ] 2 copies of an Erosion and Sedimentation Control Plan in compliance with the Connecticut Department of Environmental Protection 2002 Guidelines for Soil Erosion and Sediment Control (CTDEP Bulletin 34) for all new construction, and for any other application where determined necessary by the Zoning Enforcement Officer.

(see requirements for erosion and sediment control)

REQUIREMENTS FOR EROSION AND SEDIMENT CONTROL

- [ ] 4 copies of a soil erosion and sediment control plan containing proper provisions to adequately control accelerated erosion and sediment and reduce the danger from storm water runoff on the proposed site based on the best available technology.
- [ ] 4 copies of a narrative describing:
  - [ ] The development;
  - [ ] The schedule for grading and construction activities including:
    - Start and completion dates;
    - Sequence of grading and construction activities;
    - Sequence for installation and/or application of soil erosion and sediment control measures;
    - Sequence for final stabilization of the project site;
  - [ ] The design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
  - [ ] The construction details for proposed soil erosion and sediment control measures and storm water management facilities;
  - [ ] The installation and/or application procedure for proposed soil erosion and sediment control measures and storm water management facilities;
  - [ ] The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- [ ] 4 copies of a plan drawn to an appropriate scale showing:
  - [ ] The location of the proposed development site, its boundaries, its size, and adjacent properties;
  - [ ] The existing and proposed topography shown with contour lines at intervals not greater than two (2) feet and extending for a distance of 200 feet beyond the boundaries of the development site;
  - [ ] The boundaries and location of various soil types, wetlands, watercourses and water bodies and other land subject to periodic flooding on the site and within a distance of two hundred (200) feet beyond the site boundaries;
  - [ ] The location and size of any existing and proposed structures, drainage facilities, roadways and other man-made installations on the land as well as drainage structures outside the boundaries for a distance of 200 feet.
  - [ ] The location of and design details for all proposed temporary and permanent erosion and sediment control measures and storm water management facilities;
  - [ ] The sequence of grading and construction activities; the sequence for the installation and/or application of soil erosion and sediment control measures; and the sequence for final stabilization of the development site.
- [ ] Any other information which in the Commission's judgment will assist in evaluating the proposal.

SITE PLAN AND SPECIAL EXCEPTION APPLICATION REQUIREMENTS

- [ ] Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent;
- [ ] Application Fee
- [ ] If applicable, documentation that required notifications have been accomplished, e.g. water companies (CGS 8-3i) and/or conservation easement holders (per CGS 47-42d)
- [ ] 4 copies of a 24″ x 36″ site plan at a scale of 1″ = 40′ and 12 copies of an 11″ x 17″ or 12″ x 18″ site plan, incorporating an A-2 boundary survey of the premises or parcel of land prepared, stamped with an embossed seal and signed by a Connecticut-licensed land surveyor showing, where applicable:
  - [ ] A key map showing the location of the property in relation to surrounding areas,
  - [ ] Existing and proposed contour elevations with two (2) foot contour intervals;
  - [ ] Existing and/or proposed buildings, structures, and appurtenances thereof,
  - [ ] Existing and/or proposed parking and loading accommodations,
  - [ ] Existing and proposed landscape plan prepared by a Connecticut-licensed landscape architect;
  - [ ] Access and egress details for pedestrian and vehicular traffic,
  - [ ] Location of existing and proposed signs,
  - [ ] Location of adjacent roads, curb cuts, and width of rights-of-way and travel way;
  - [ ] Site drainage plans and details;
  - [ ] Location of municipal sewer lines and water mains;
  - [ ] Site lighting details including an iso-footcandle plan and manufacturer's cut sheets
  - [ ] Location of soil types, including identified wetlands;
  - [ ] Location of watercourses and flood boundaries;
  - [ ] Provisions for refuse disposal;
  - [ ] Limits of vegetation coverage and location of any significant trees to be retained and/or to be removed;
  - [ ] Location and acreage of all areas excluded from net lot area (e.g. wetlands, steep slopes, vehicular rights-of-way and easements for above-ground transmission lines).
  - [ ] Site data chart showing total and net lot area, proposed coverage, impervious surface, floor are, height, setbacks and parking calculations.
  - [ ] Names of all abutting landowners;

- [ ] Where applicable, a soils report from a Connecticut-licensed soil scientist.
- [ ] Where applicable, a statement from a Connecticut-licensed soil scientist that the "flagging" of wetland soils and delineation of watercourses on the maps is accurate.
- [ ] Where applicable, 4 copies of preliminary architectural plans at acceptable scale prepared by a Connecticut-licensed architect showing floor plans and exterior elevations of buildings and indicating building materials, textures and color of all building façades, fenestration, roofs and other appurtenances.
- [ ] Where applicable, 4 copies of a scale drawing showing the location, size and design of all signs and other graphics.
- [ ] Where the application involves only a portion of a parcel of land, the proposed plan shall indicate the manner in which the remainder of the land shall properly relate to the development proposed.
- [ ] A statement describing in detail the proposed use or uses.
- [ ] Any development proposal in excess of 25,000 square feet of retail, commercial, office or industrial floor space shall be accompanied by a traffic study evaluating the impact of the proposal on thoroughfares serving and/or affected by the development and shall, at a minimum, include data and information on:
  - [ ] Existing average daily traffic and peak hour traffic of principal road(s),
  - [ ] Location of existing and proposed curb cuts, traffic lights and intersections at the development site and within 300 feet from the development site,
  - [ ] Anticipated average daily traffic and peak hour traffic generation,
  - [ ] Traffic impact of proposed development including level of service on the road system before and after development,
  - [ ] Adequacy of right-of-way and travel way;
  - [ ] Recommendations for safe pedestrian and vehicular circulation.
  - [ ] Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation, the Branford Traffic Commission, and the Town Engineer.
- [ ] If a multi-family development, 3 copies of a report of the proposal including:
  - [ ] Number of dwelling units proposed and breakdown of dwelling unit types;
  - [ ] The density of the proposed development (dwelling units per net acre);
  - [ ] Acreage in buildings and parking and acreage in open space;
  - [ ] Projected dwelling unit floor areas and projected selling price or rentals of dwelling units;
  - [ ] A draft of proposed covenants and restrictions.

SITE PLAN AND SPECIAL EXCEPTION CHECKLIST – PAGE 3

- [ ] A statement describing the proposed staging if the development is to be constructed over a period of years.
- [ ] Reports or approvals, as applicable, from the following:
  - [ ] Branford Town Center Revitalization Review Board on the site plan, landscaping, and architectural design of all buildings and other structures.
  - [ ] Water Pollution Control Authority
  - [ ] Zoning Board of Appeals
  - [ ] Inland Wetlands Commission
  - [ ] Fire Marshal
  - [ ] Town Engineer
  - [ ] East Shore District Health Department
  - [ ] Connecticut Department of Environmental Protection
  - [ ] Connecticut Department of Transportation
- [ ] A narrative describing construction stages and manner in which the application complies with the requirements for erosion and sedimentation control prescribed under these Regulations.
- [ ] Documentation indicating whether any additional approvals (such as a Certificate of Need from the Connecticut Commission on Hospitals and Health Care) have been issued or a statement that no such approvals are required.
- [ ] If utilizing on-site septic systems, a report from a Connecticut-licensed professional civil engineer or a Connecticut-licensed soil scientist describing soil characteristics, including wetlands, and based upon on site inspection of soils.
- [ ] If utilizing on-site septic systems, a sewage disposal report prepared by the applicant including proposed locations of septic systems.
- [ ] Any other information which in the Commission's judgment will assist in evaluating the proposal.

(see supplemental requirements for erosion and sediment control and earth removal)

REGULATION CHANGE APPLICATION REQUIREMENTS

- [ ] Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent;
- [ ] Application Fee
- [ ] 15 copies of the proposed text amendment identifying by reference to appropriate article, section, Section, or paragraph numbers and to any other designation to be altered and indicating in brackets the text to be deleted and in capital letters the text to be added.
- [ ] 15 copies of a written memorandum stating the reasons for the proposed change and to what extent it would enhance the general health, safety and welfare of the Town of Branford.
- [ ] Any other information which in the Commission's judgment will assist in evaluating the proposal.
- [ ] A digital version of the proposed amendment in a Microsoft Word compatible format.

ZONING MAP AMENDMENT REQUIREMENTS

- [ ] Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent;
- [ ] Application Fee
- [ ] 4 copies of a map at an appropriate scale showing:
  - [ ] the property proposed to be rezoned indicating the existing zoning district designation, the proposed boundary line(s), and the proposed zoning district designation.
  - [ ] a key map showing the location of the property in relation to surrounding areas,
  - [ ] properties within 500 feet in all directions of the premises proposed to be rezoned
- [ ] 4 copies of calculations prepared by a Connecticut-licensed land surveyor or civil engineer based upon the latest Assessor's data indicating the area of the lots (or portion thereof) contained within 500 feet in all directions of the premises proposed to be rezoned.
- [ ] 4 copies of a simple metes and bounds description defining in writing the boundaries of the proposed zoning district change.
- [ ] Any other information which in the Commission's judgment will assist in evaluating the proposal.

Original Zoning Regulations Effective December 3, 1956

Additional Amendments adopted on:

November, 1973	(Comprehensive Revision)
May 24, 1985	(Sect. 34, Open Space Res. Dev)
October 18, 1984	(C.A.M. Amendment)
July 30, 1987	(Sect. 6, Elderly Housing)
August 28, 1987	(Sect. 21, 23, 24, 25, 31, 32, 35, 43)
January 15, 1988	(Sect. 42, Parking and Sect. 6, Lot Area and Shape; Sect. 24.6, flood elevations, deleted)
June 1, 1988	(Schedule A, Motor Vehicle Washing)
June 1, 1988	(Schedule A, and Section 36, Day Nurseries)
June 1, 1988	(Sect. 21, 23, And Sect. 37, Town Center Overlay District)
July 1, 1988	(Sect. 6, and Sect. 42, Community Shopping Center)
July 1, 1988	(Sect. 43, Non-Accessory Ground Signs)
March 15, 1989	(Sect 23, and 42, Schedule A and Schedule B Limited Retail Development)
October 15, 1989	(Sect. 6 and 35, and Schedule B, Coverage, Floor Area, Impervious Surface, Height)
February 23, 1990	(Sect. 6 and 25, Accessory Uses; Sect. 25, Streetline Setbacks)
September 1, 1990	(Sect. 6, Lot Area and Shape)
November 16, 1990	(Sect. 24, Uses; Schedule A, Line C-28; Section 31, Site Plan and Special Use Requirements; Section 44, Grading Excavation, Removal or Deposit of Earth Materials and Related Activities; Section 46, Soil Erosion and Sediment Control)
February 1, 1991	(Schedule A, Recreational Facilities)
March 1, 1991	(Sect. 6 and 36 and Schedule A, Accessory Apartments and Day Care)
April 1, 1991	(Schedule A and Sect. 36, Dwellings containing three (3) or more units in a BR Zone)
December 2, 1991	(Sect. 31, Site Plans; Section 32, Special Exceptions; Section 36, Storage Trailers; Storage Trailers; Section 5, Non-conforming Lots; Section 6, Definitions; Section 24, Permitted Uses)

July 1, 1993	(Section 36, Storage Trailers)
January 3, 1994	(Section 36, Contractor's Yards)
June 1, 1994	(Schedule A, Line B-3, Educational and Other Institutional Uses In a CP zone)
January 1, 1995	(Section 38, Affordable Housing)
August 1, 1996	(New Section 5.11.3, Non-conforming Lots)
May 1, 1997	(Section 36.12, Communications Towers, Antennae and Telecommunications Facilities)
June 1, 1997	(Section 31, Outdoor Lighting)
June 1, 1997	(Section 31, Peer Review of Traffic Report)
February 11, 1998	(Section 36, Non-profit Cat Shelters)
March 26, 1998	(Section 6, Retaining Walls; Section 25.4.11 Retaining Walls Deleted; Section 32.5, Special Exception Standards for Traffic; Section 44.6, Blasting Deleted and Retaining Walls Added)
February 15, 1999	(New Section 6.40, Steep Slopes; Delete Sections 43.5.1c and 43.5.4, Non-Accessory Ground Signs)
May 1, 2002	(Section 34, Open Space Residential Development Plans - revision)
December 2, 2002	(New Section 36.14, Self Storage)
August 1, 2003	(Section 24, Schedule A, Line A-8, Letting of Rooms)
March 11, 2004	(Sect. 6.33, Lot Area and Shape; Sect. 6.42, Steep Slopes; Sect. 31.4.2, Digital Copy of Site Plan; Sect. 44, Grading Plans for Subdivision, Site Plan and Special Exception Applications)
April 9, 2004	(Sect. 42.2, Parking and Condemnation)
July 1, 2004	(Sect. 6.37 & 25.11, Small Accessory Structures and Rear Yard)
December 1, 2004	(Sect. 6.14 and 25.4.12, Critical Coastal Resources; Sect. 6.49, Tidal Wetlands; Sect. 45.2, Coastal Exemptions, Sect. 45.5, Vegetated Buffers)
April 1, 2005	(Sect. 31.4.2.7 Sanitary Sewers)
April 15, 2007	(Sect. 36.16, Apartments in a BL Zone)
April 15, 2007	(Sect. 36.15, Climate Controlled, Self Storage Facilities)
August 15, 2007	(Sect. 43.3.3, Projecting & Hanging Signs)

January 1, 2009	(Sect. 36.9, Accessory Apartments Revision)
January 1, 2009	(Sect. 5.9; 24.1 & 32.2, Non-Conformity)
June 1, 2011	(Comprehensive Revisions / Reorganization)
July 1, 2012	(Sect. 5.7; Incentive Housing Overlay Zone)
February 1, 2013	(Sect. 1; Clarifications / Revisions, Sect. 2; Clarifications / Revisions, Sect. 3; Clarifications / Revisions, Sect. 4; Clarifications / Revisions, Sect. 5; Clarifications / Revisions, Sect. 6; Clarifications / Revisions, Sect. 7; Clarifications / Revisions, Sect. 8; Clarifications / Revisions, Sect. 9; Clarifications / Revisions, Sect. 10; Clarifications / Revisions)

ZONING REGULATIONS
TOWN OF BRANFORD, CONNECTICUT

HOW TO USE THESE REGULATIONS

PHILOSOPHY

These Zoning Regulations are intended to guide land use activities in Branford in ways that will:

- protect the public health, safety, and welfare,
- maintain and enhance community character,
- improve the economic value of property and general welfare of residents, and
- protect the environment.

It is recognized that the appearance of property has a direct bearing on the economic value of that property and also the economic value of adjacent and surrounding properties. The appearance of a single property also has a cumulative effect which can enhance or diminish the beauty of the entire Town, and consequently the values of property elsewhere within the Town.

ORGANIZATION

This set of Regulations has been organized around four main thematic elements. Understanding this organization will help users quickly locate the regulatory provisions they seek.

THEME	SECTIONS	DESCRIPTION
BASICS	• Introduction • Definitions	Background information and description of how the regulations will be used and interpreted
ZONES AND USES	• Residential Zones • Business Zones • Special and Overlay Zones	Information about the various zoning districts and the standards that apply within them
STANDARDS	• Basic Standards • Special Exceptions • Special Requirements	Requirements that apply in all or some all zones
ADMINISTRATIVE	• Procedures • Administration	Description of how applications are processed and regulations administered