

**ZONING REGULATIONS
OF THE
TOWN OF NORTH BRANFORD
CONNECTICUT**



NORTH BRANFORD PLANNING & ZONING COMMISSION

ZONING REGULATIONS

OF THE

TOWN OF NORTH BRANFORD, CONNECTICUT

ADOPTED EFFECTIVE: September 2, 1977

AMENDED: 1/5/78

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PLANNING AND ZONING COMMISSION

APRIL 2, 1977

REVISED AUGUST 18, 1977

NORTH BRANFORD PLANNING AND ZONING COMMISSION

Harry Dulak, Chairman

William Galdenzi, Vice Chairman

Frances Lescovich, Secretary

Ronald Siena, Regular Member

David Hultgren, Regular Member

Steven Scavo, Alternate Member

Vacant, Alternate Member

Vacant, Alternate Member

STAFF

Carey Duques, Town Planner/Planning and Zoning Administrator

Thomas Hogarty, Zoning Enforcement Officer

July 5, 2016

**AMENDMENT TO THE ZONING REGULATIONS
OF THE
TOWN OF NORTH BRANFORD
CONNECTICUT**

At its Regular Meeting on December 6, 2001, the North Branford Planning and Zoning Commission took the following action:

Voted: That the North Branford Planning and Zoning Commission approve P&Z Application #2001/02-17, Petition of the North Branford Planning and Zoning Commission to amend the Zoning Regulations of the Town of North Branford as follows:

“No special permit application with accompanying preliminary or final site plan, as required by Section 42B – Special Use Permits: Multiple Dwelling Cluster Developments & Planned Adult Residential Cluster Developments of the Zoning Regulations of the Town of North Branford, will be received, considered, or acted upon in any Residence R-40 and Residence R-80 zone before April 1, 2002.

This amendment is intended to suspend as aforesaid new residential cluster developments and new planned adult residential cluster developments from the effective date of this amendment until April 1, 2002, in order: to review the existing Section 42B of the local zoning regulations, to draft proposed zoning regulations to Section 42B or to other Sections as may be appropriate for consideration by the Town and regional agencies, and otherwise to allow for the orderly amendment of the Zoning Regulations of the Town of North Branford prior to the expiration of this moratorium.

The effective date of this amendment is January 1, 2002.”

Effective 1-01-02

**AMENDMENT TO THE ZONING REGULATIONS
OF THE
TOWN OF NORTH BRANFORD
CONNECTICUT**

At its Regular Meeting on June 21, 2001, the North Branford Planning and Zoning Commission took the following action:

Voted: That the North Branford Planning and Zoning Commission approve P&Z Application #2000/01-27, Petition of the North Branford Planning and Zoning Commission to amend the Zoning Regulations of the Town of North Branford as follows:

“No special permit application with accompanying preliminary or final site plan, as required by Section 42B – Special Use Permits: Multiple Dwelling Cluster Developments & Planned Adult Residential Cluster Developments of the Zoning Regulations of the Town of North Branford, will be received, considered, or acted upon in any Residence R-40 and Residence R-80 zone before January 1, 2002.

This amendment is intended to suspend as aforesaid new residential cluster developments and new planned adult residential cluster developments from the effective date of this amendment until January 1, 2002, in order: to review the existing Section 42B of the local zoning regulations, to draft proposed zoning regulations to Section 42B or to other Sections as may be appropriate for consideration by the Town and regional agencies, and otherwise to allow for the orderly amendment of the Zoning Regulations of the Town of North Branford prior to the expiration of this moratorium.

The effective date of this amendment is July 1, 2001.”

This amendment is approved based upon the following findings and reasons:

1. This amendment would be consistent with the Town Plan of Development, dated January 21, 1991.
2. This proposed amendment is supported by the recommendation of the South Central Regional Council of Government Regional Planning Commission in its Referral Report dated June 18, 2001 Re: Zone Regulation Change Section 42B – Special Use Permits: Multiple Dwelling Cluster Developments and Planned Adult Residential Cluster Developments, Date Received May 21, 2001.
3. Because of the potential for major residential cluster development and planned adult residential cluster development on large tracts of land during the subject period, the Commission believes that it is in the best interest of the Town to

consider the suspension of new residential cluster developments and planned adult residential cluster developments during such limited period so that Section 42B of the local zoning regulations can be reviewed to consider environmental and land use impacts and to address those concerns with revised zoning standards through the enactment of zoning amendments for that section of the local zoning regulations.

4. The enactment of zoning amendments to Section 42B of the local zoning regulations will not be enacted prior to the expiration of the existing moratorium on new residential cluster developments and new planned adult residential cluster developments approved by the Planning and Zoning Commission on January 4, 2001 effective January 11, 2001 until July 1, 2001. This additional moratorium period from the effective date of this amendment on July 1, 2001 until January 1, 2002 will allow additional time to review, consider, and revise zoning standards through the enactment of zoning amendments to that section of the local zoning regulations.

Effective 7-01-01

**AMENDMENT TO THE ZONING REGULATIONS
OF THE
TOWN OF NORTH BRANFORD
CONNECTICUT**

At its Regular Meeting on January 4, 2001 the North Branford Planning and Zoning Commission took the following action:

Voted : That the North Branford Planning and Zoning Commission approve P&Z Application #2000/01-12, Petition of the North Branford Planning and Zoning Commission to amend the Zoning Regulations of the Town of North Branford to establish a moratorium as follows:

“No special permit application with accompanying preliminary or final site plan, as required by Section 42B – Special Use Permits: Multiple Dwelling Cluster Developments & Planned Adult Residential Cluster Developments of the Zoning Regulations of the Town of North Branford, will be received, considered, or acted upon in any Residence R-40 and Residence R-80 zone before July 1, 2001.

This amendment is intended to suspend as aforesaid new residential cluster developments and new planned adult residential cluster developments from the effective date of this amendment until July 1, 2001, in order: to review the existing Section 42B of the local zoning regulations, to draft proposed zoning regulation amendments to Section 42B as may be appropriate for consideration by the Town and regional agencies, and otherwise to allow for the orderly amendment of the Zoning Regulations of the Town of North Branford prior to the expiration of this moratorium.

The effective date of this amendment is January 11, 2001.”

This amendment is approved based upon the following findings and reasons:

1. This amendment would be consistent with the Town Plan of Development, dated January 21, 1991, and the South Central Regional Council of Governments and its letter dated October 18, 2000.
2. There are issues regarding the density and the need for proper review from the Regional Water Authority for clarification purposes.
3. It will allow the Planning and Zoning Commission time to collect and review comments and the regulations.

Effective 1-11-01

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SECTION 1 - PURPOSE

1.1 Purpose: In accordance with the provisions of Chapter 124 of the Connecticut General Statutes, the “Zoning Regulations of the Town of North Branford, Connecticut” are made in accordance with a comprehensive plan and are designed for the following purposes:

- 1.1.1 to lessen congestion in the streets;
- 1.1.2 to secure safety from fire, panic, flood and other dangers;
- 1.1.3 to promote health and the general welfare;
- 1.1.4 to provide adequate light and air;
- 1.1.5 to prevent the overcrowding of land;
- 1.1.6 to avoid undue concentration of population;
- 1.1.7 to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; and
- 1.1.8 to conserve the value of buildings and encourage the most appropriate use of the land throughout the Town, with reasonable consideration as to the character of each district and its peculiar suitability for particular uses.

1.2 Regulation: For the purposes set forth in Par. 1.1, these regulations a) divide the town into districts, b) regulate the erection, construction, reconstruction, alternation and use of buildings and structures and the use of land and c) establish restrictions concerning the following:

- 1.2.1 the height, number of stories and size of buildings and other structures;
- 1.2.2 the percentage of the area of the lot that may be occupied;
- 1.2.3 the size of yards, courts and other open spaces;
- 1.2.4 the density of population;
- 1.2.5 the location and use of buildings, structures and land for trade, industry, residence or other purposes; and
- 1.2.6 the height, size and location of advertising signs and billboards.

SECTION 2 – JURISDICTION

- 2.1 Jurisdiction: Within the town of North Branford, land, buildings and other structures may be used and buildings and other structures may be constructed, reconstructed, enlarged, extended, moved or structurally altered only in accordance with these Regulations. Any lot or land may be subdivided, sold, encumbered or conveyed only in accordance with these Regulations and shall not be so subdivided, sold, encumbered or conveyed in any manner as to 1) make said lot or land nonconforming or more nonconforming to these Regulations, 2) make any use, building or other structure nonconforming or more nonconforming, 3) reduce any setback, yard, open space or off-street parking and loading spaces to less than is required by these Regulations or 4) make any nonconforming setback, yard, open space or off-street parking and loading spaces more nonconforming.
- 2.2 Other Laws: The provisions of these Regulations are the minimum requirements necessary for the purposes set forth in Section 1 and shall not be deemed to repeal, abrogate or lessen the effect of any other laws, regulations or ordinances or any covenants or agreements between parties provided, however, that, where these Regulations impose a greater restriction, the provisions of these Regulations shall prevail.
- 2.3 Nonconformity: Any use, building or other structure or any lot which existed lawfully, by variance or otherwise, on the date of these Regulations or any amendment hereto became effective, and fails to conform to one or more of the provisions of these Regulations or such amendment hereto, may be continued subject to the provisions and limitations of Section 5.

SECTION 3 – ZONING PERMIT AND CERTIFICATE

- 3.1 Zoning Permit: A ZONING PERMIT is the document authorizing commencement of building construction and site development under these Regulations. Building and other structures, or parts thereof, may be constructed, reconstructed, enlarged, extended, moved or structurally altered only after an APPLICATION for a ZONING PERMIT has been submitted to Zoning Enforcement Officer and a ZONING PERMIT therefore has been issued. Off-street parking and loading areas, outside storage areas and other site improvements that area subject to these Regulations may be constructed, reconstructed, enlarged, extended or moved only after an APPLICATION for a ZONING PERMIT has been submitted to the Zoning Enforcement Officer and a ZONING PERMIT therefore has been issued. ALL APPLICATIONS shall be submitted and ZONING PERMITS issued in accordance with the provisions of Section 62.
- 3.2 Certificate of Zoning Compliance: A CERTIFICATE OF ZONING COMPLIANCE is the document authorizing use or occupancy of a premise after completion of building construction and site development under these Regulations. Land, buildings and other structures, or parts of thereof, may be used or occupied, or changed in use, only after a CERTIFICATE OF ZONING COMPLIANCE therefore has been issued by the Zoning Enforcement Officer certifying conformity with these Regulations. ALL CERTIFICATES OF ZONING COMPLIANCE shall be issued in accordance with the provisions of Section 62.
- 3.3 Farms and Forestry: No ZONING PERMIT and no CERTIFICATE OF ZONING COMPLIANCE is required for a farm, forestry, nursery or truck garden use, other than buildings or other structures that may be established in connection therewith.
- 3.4 Conflict with Amendments: No APPLICATION for a ZONING PERMIT shall be approved by the Zoning Enforcement Officer and no ZONING PERMIT shall be issued by him authorizing a proposed use of land, building or other structure or proposed construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure which does not conform to any proposed amendment of these Regulations, including the Zoning Map, if the first notice of a public hearing to consider such amendment has been published in a newspaper as required by the Connecticut General Statutes. If however, such hearing is not held or the proposed amendment has not been adopted by the Commission and made effective within 65 days after the date of the hearing, approval of the APPLICATION and issuance of a ZONING PERMIT by the Zoning Enforcement Officer shall not be withheld by reason of conflict with the proposed amendment.

SECTION 4 - DISTRICT AND TOWNWIDE PROVISIONS

- 4.1 Districts: As provided in Section 21 the Town of North Branford is divided into classes of districts. Such districts are established on the Zoning Map specified in Section 22. The particular uses permitted and prohibited in each district are specified in Section 23, and the area, location and bulk standards peculiar to each district are specified in Section 24.
- 4.2 Excavation, Removal and Filling: There shall be no excavation, grading, or filling of land, or removal of sod, loam, clay, sand, gravel or stone from any lot except in accordance with the provisions of Section 35 or 43.
- 4.3 Performance Standards: The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance standards specified in Section 51 and Section 35.
- 4.4 Signs: All signs shall be established in accordance with the requirements of Section 52.
- 4.5 Parking and Loading: Parking and loading spaces shall be provided off the street for the use of land, building and other structures as specified in Section 53.
- 4.6 Flood Protection: * The use and location of all structures shall be in conformance with Chapter 13B of the Code of the Town of North Branford entitled: "Flood Damage Control" and all amendments thereto.
- 4.7 Temporary Emergency Structures: ** In order to allow for the temporary replacement of structures damaged or destroyed by fire or other casualty, the Planning and Zoning Administrator may issue temporary permits involving no fee for the use of structures for temporary occupancy, including necessary accessory appurtenances, subject to the following conditions:
- (1) The Building Official shall have found that the damaged structure is unusable or uninhabitable as a result of the casualty.
 - (2) Said permit shall be issued for a period of six months and may be renewed by the Commission for a period of up to six additional months, provided that a building permit to reconstruct the destroyed or damaged structure has been issued during the first six month period.
 - (3) In order to allow for proper connection to utilities and to prevent fire and safety hazards, the general location of structures on lots shall be approved by the Building Official.

Nothing in these Regulations shall prevent the Town Manager from acting, pursuant to any Federal, State, or local authority, to approve the use of such temporary structures without further action by the Planning and Zoning Administrator when health and safety considerations require immediate action.

* Amended: 2/1/80

** Amended: 3/30/80

4.8 Trailers for Temporary Storage : * Except as specified in Par. 4.9, the Planning and Zoning Commission may issue temporary permits to allow the use of enclosed trailers for storage purposes on a temporary basis in any business or industrial zone or in connection with any agricultural use of land subject to the following conditions:

- (1) The trailer shall be clearly accessory to the principal use or structure on the lot on which it is located.
- (2) Permits shall be issued for a period of six months and may be renewed by the Commission for additional periods of up to six months.
- (3) The location of the trailer on the lot shall be approved by the Commission and shall be such as to meet all the setback requirements of the zone in which it is located.
- (4) No materials defined by the State Department of Environmental Protection as hazardous or toxic materials shall be stored in such trailers.

4.9 Construction Trailers: ** A construction trailer may be used as an office and/or for storage purposes in connection with and for the duration of (a) a Federal, State, or municipal construction project or, (b) construction work associated with an approved site development plan or subdivision, provided that the construction trailer is removed within 60 days after the last Certificate of Occupancy is issued or, if no Certificate of Occupancy is involved, after the completion of the project.

4.10 Temporary Office Use Trailers: *** Location and use of a trailer may be approved by the planning and Zoning Commission for use as an office in connection with and for the duration of a Federal, State or municipal project provided that the trailer is removed within 60 days after the completion of the project for which the location and use of the trailer is required. Approval shall be granted for a maximum of two years to the Federal, State or Municipal Agency and may be occupied by a non-governmental office under the direction of the government Agency.

* Amended: 8/1/80
** Amended: 5/1/80
*** Effective: 5/5/88

SECTION 5 – NONCONFORMITY

- 5.1 Intent: It is the intent of these Regulations that nonconformities are not to be expanded contrary to the comprehensive plan of zoning, that the nonconforming use of land, buildings and other structures should be changed to conformity as quickly as the fair interest of the owners permit and that the existence of any nonconformity shall not of itself be considered grounds for the approval of a variance for any other property.
- 5.2 Definitions: A nonconforming use, building or other structure, or lot, is one which existed lawfully, whether by a variance or otherwise, on the date of these Regulations or any amendment hereto became effective, and which fails to conform to one or more of the provisions of these Regulations or such amendment hereto. No nonconforming use, building or other structure, or lot shall be deemed to have existed on the effective date of these Regulations unless 1) it was actually in being on a continuous basis on such date and, 2) if such nonconformity is a use, such use had not been discontinued within the meaning of Par. 5.6.4.
- 5.3 Approved Applications and Certificates: Unless otherwise specifically provided in these Regulations, nothing in these Regulations shall require any change in the use of any land, building or other structure, or part thereof, or in the area, location, bulk or construction of any building or other structure for which an APPLICATION for a ZONING PERMIT shall have been lawfully approved and any required CERTIFICATE OF ZONING COMPLIANCE shall have been lawfully issued even though such use, building or structure does not conform to one or more provisions of these Regulations or any amendment hereto.
- 5.4 Change in Plans: Subject to the time limitations of Par. 62.8.2, nothing in these Regulations shall be deemed to require any change in the proposed use of any land, building or other structure or the area, location, bulk or construction of any building or other structure for which an APPLICATION for a ZONING PERMIT has been lawfully approved and any required Building Permit and Sanitation Permit shall have been lawfully issued even though such proposed use, building or other structure does not conform to one or more provisions of these Regulations or any amendment hereto.
- 5.5 Casualty:* If any nonconforming building or structure or any building or structure containing a nonconforming use shall be damaged or destroyed by fire or other casualty, such building or structure may be restored and any such nonconforming use resumed to the extent that such building, structure or use existed at the time of the casualty.

*Amended: 7/5/16

5.6 Nonconformity – Use: The following provisions and limitations shall apply to a nonconforming use of land, building or other structure:

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

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

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

5.6.4 Discontinuance:* No nonconforming use of land, buildings or other structures which shall have been discontinued with intent to abandon said use shall thereafter be resumed or replaced by any other nonconforming use.

5.6.5 Performance Standards: Any use of land, buildings or other structure which does not conform to one or more of the performance standards of Section 51 shall not be changed to increase such nonconformity but may be changed to decrease or eliminate such nonconformity. Any such nonconformity so reduced or eliminated shall not be resumed.

5.7 Nonconformity – Improvements: The following provisions and limitations shall apply to nonconforming buildings, other structures and improvements:

5.7.1 Enlargement: No nonconforming building, other structure or improvement shall be enlarged, extended, reconstructed or structurally altered unless the enlargement or extension is conforming.

*Amended: 7/5/16

- 5.7.2 Change: No nonconforming building, other structure or improvement if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be nonconforming or less conforming again.
- 5.7.3 Moving: No nonconforming building, other structure or improvement shall be moved unless the result of such moving is to reduce or eliminate the nonconformity.
- 5.7.4 Signs: Signs of a size or type not permitted in the district in which they are situated, or which are improperly located or illuminated, or which are nonconforming in any other way, shall be considered nonconforming structures under this Section, and any increase in size, illumination or flashing of such signs shall be deemed to be an enlargement or extension constituting an increase in nonconformity. No nonconforming sign, if once removed in whole or in part, shall thereafter be replaced by another nonconforming sign. Nonconforming signs shall be made conforming no later than three (3) years after the effective date of this Paragraph.
- 5.7.5 Off-Street Parking and Loading: Any lot, use, building or other structure which does not conform to one or more of the parking and loading provisions of Section 53 shall continue to conform to such provisions to the extent that it conforms on the effective date of such Section. Any use of land, buildings or other structures which does not conform to one or more of the provisions of Section 53 shall not be changed to a use which would need additional off-street parking or loading spaces to comply with the provisions of Section 53 unless such spaces are provided as required for the new use under Section 53. Parking and loading spaces which do not conform to one or more of the provisions of Section 53 shall be made conforming no later than three (3) years after the effective date of this Paragraph.
- 5.7.6 Site Development and Landscaping: Site development, including landscaping, which fails to conform to the requirements of these Regulations under Section 41 shall be deemed a nonconformity. No use for which such site development and landscaping are required shall be enlarged, extended, changed or moved and no building or other structure for which such site development and landscaping are required shall be enlarged, extended, moved or reconstructed unless such nonconformity is eliminated, unless the Commission authorizes continuation or reduction of the nonconformity. Any use of land, building or other structure existing on the date of adoption of Section 41 shall not be deemed nonconforming solely for the reason that a SITE DEVELOPMENT PLAN therefore has not been approved under these Regulations. Site development, including landscaping and drainage, which fails to conform to one or more of the provisions of Section 41 shall be made conforming no later than three (3) years after the effective date of this Paragraph.

- 5.8 Nonconforming – Lots: A lot which fails to meet the area, shape or frontage or any other applicable requirements of these Regulations pertaining to lots, may be used as a lot, and a building or other structure may be constructed, reconstructed, enlarged, extended, moved or structurally altered thereon, providing that all of the following requirements are met:
- 5.8.1 The use, building or other structure shall conform to all other requirements of these Regulations;
 - 5.8.2 If used for a dwelling, the lot shall contain an area of not less than 10,000 square feet if served by public water supply and sanitary sewers or 20,000 square feet if not so served; and
 - 5.8.3 If the lot fails to meet the area requirements of these Regulations, the owner of the lot shall not also be the owner of a contiguous lot, lots or land which in combination with such lot that fails to conform would make a lot that conforms or more nearly conforms to the area requirements of these Regulations pertaining to lots.
- 5.9 Title: No change of title, possession or right of possession shall be deemed to affect right to continue a nonconforming use, building or other structure.
- 5.10 Repair: Nothing in this Section shall be deemed to prohibit work on any nonconforming building or other structure when required by law to protect the public health or safety, provided that such work does not increase the nonconformity. Nothing in this Section shall be deemed to prohibit work on ordinary repair and maintenance of a nonconforming building or other structure or, except in the case of nonconforming signs, replacement of existing materials with similar materials.
- 5.11 Certificate of Nonconformity: The owner of any nonconforming lot, or any lot containing a nonconforming use, building, other structure or improvements, is entitled to a CERTIFICATE OF ZONING COMPLIANCE certifying the validity of such nonconformity and the extent thereof.
- 5.12 Corner Visibility: The Zoning Enforcement Officer may order in writing the removal of any fence, wall or planting which fails to conform to the provisions of Par.44.7.

SECTION 6 – DEFINITIONS

6.1 General: The paragraphs which follow define and explain certain words used in these Regulations. Other words used in these Regulations shall have the meaning commonly attributed to them. When a question arises as to the precise meaning of a word, the Commission shall be the resolution to determine the meaning of the word, given due consideration to the expressed purpose and intent of these Regulations.

6.2 Accessory Building, Structure or Use:**** A detached building, structure, or use on the same lot with, and of a nature customarily incidental and subordinate to the principal building, structure, or use.

6.3 Accessory Dwelling Unit:* An “accessory dwelling unit” is an additional self-contained dwelling unit, accessory and subordinate to the primary dwelling (excluding condominium units, apartment units, guest houses, group homes, boarding house and mix uses), which is attached to or located within a single family dwelling having a separate egress through an outside door, containing a floor area not exceeding one-third (1/3) of the gross floor area of the principal unit or 750 square feet, whichever is less, equipped with its own meal preparation area, and sanitary and sleeping facilities. Either the single family dwelling or the accessory dwelling unit shall be permanently occupied by the owner(s) of the premises. Only one accessory dwelling unit shall be allowed per single family dwelling.

(Adult Day Care Center:***** See Par. 6.46)

6.4 Amusement Center (Indoor):** The term “indoor amusement center” shall include any establishment which houses four (4) or more mechanical and/or electronic amusement device for use by the general public.

6.4.1 Mechanical and/or Electronic Amusement Devices:** Any machine or device which, upon the insertion of a coin, token or upon payment of a charge, is operated to register a score or tally of any kind, or permits a certain amount of “play” for entertainment or score and which shall include but not be strictly limited to such devices as pin-ball machines, shuffleboard devices, billiard tables, video and TV-like devices and electronic games.

6.5 Biomedical Waste:*** Means a solid waste generated during the administration of medical care or the performance of medical research involving humans or animals and which, because of its quantity, character or composition, has been determined by the D.E.P. Commissioner to require special handling, including infectious waste, pathological waste and chemotherapy waste, but excluding any solid waste which has been classified by the D.E.P. as a hazardous waste or is a radioactive material regulated.

* Effective: 10/1/90 / Amended 6/06/16

** Effective: 5/17/91

*** Effective: 1/17/92

**** Effective: 12/3/93

***** Effective: 10/15/04

6.5.1 Biomedical Waste Treatment Facility:** Means a solid waste facility capable of storing, treating or disposing of an amount of biomedical waste, excluding any facility where the only biomedical waste treated, stored or disposed of, is biomedical waste generated at the site.

6.6 Building:*** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

6.7 Child Day Care Center:* A program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in a week.

6.8 Commission: The term “Commission” shall mean the North Branford Planning and Zoning Commission.

6.9 Commercial Recreational Facility:*** Any facility where a fee is paid in exchange for activities, events, or programs related to athletics, physical conditioning and accessory activities conducted indoors and/or outdoors. Such activities may include but are not limited to: softball, batting cages, golf driving range, miniature golf, beach volleyball, horseshoes, playgrounds, bocci, ice skating, basketball, soccer, tennis, roller blade hockey, aerobics, weight-training, racquetball, flag football, whiffle ball, swimming, juvenile camp activities, and general passive recreational uses such a picnicking, biking and fishing.

Other related activities may include stores and other buildings and structures where goods are sold or services are rendered at retail when accessory and subordinate to an approved principal use on the same lot. Typical accessory uses may include child day care, retail pro shops, locker rooms, bathrooms, offices, concessions, arcades and game rooms.

(Disability Glare:**** See Par. 6.47)

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

6.11 Family: A “family” is a person or a group of related persons, plus guests and domestic servants thereof, or a group of not more than five (5) persons who need not be so related, who are living as a single housekeeping unit maintaining a common household. A roomer or boarder to whom rooms are let as permitted by these Regulations shall not be considered a member of a “family” for the purpose of this definition.

- * Effective: 6/21/91
- ** Effective: 1/17/92
- *** Effective: 9/20/95
- **** Effective: 12/08/04

6.12 Family Day Care Home:* A private family homing caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis. During the regular school year, a maximum of three additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all of the provider's children shall be permitted.

6.13 Farm***: The term "farm" shall mean any lot or other tract of land of 160,000 square feet or more used for growing crops, harvesting the vegetative products of the land and/or the keeping and feeding of livestock or poultry.

6.14 Flea Market** Sales activity held where an individual or group of individual sellers offer good, new and used, for sale to the general public. It does not include private garage sales, annual fund raising events for nonprofit organizations having no more than two (2) such events per calendar year.

6.15 Floor Area – "Dwelling and Dwelling Unit": In determining compliance with minimum floor area requirements for "dwellings" and "dwelling units" and compliance with maximum floor area requirements for a professional or business office or a home occupation in a "dwelling unit", only finished livable floor area having a ceiling height of at least seven and one half (7½) feet shall be counted and shall exclude garages, terraces, outside vestibules, bay widows, any basement rooms except a basement "story" as defined in Par. 6.35, utility rooms for heating apparatus, attics, open porches, enclosed porches not heated by a central heating system for the "dwelling" and hallways and other space designed for common use by occupants of two (2) or more "dwelling units". Measurements of floor area for any "dwelling" or "dwelling unit" shall be taken from the floor area. Any floor other than a ground floor must have access thereto by a permanent inside stairway to be included in computing floor area.

6.16 Floor Area: In computing total floor area of buildings and other structures for the purpose of determining building bulk and coverage, measurements shall be taken to the outside surfaces of exterior walls enclosing the floor area.

(Foot Candle:**** See Par. 6.48)

6.17 Frontage: "Frontage" is defined as a continuous property line that is also a "street line".

(Full Cut-Off Type Fixture:**** See Par. 6.49)

* Effective: 6/21/91
** Effective: 12/3/93
*** Effective: 12/16/94
**** Effective: 12/08/04

6.18 Greenway:** Any corridor of open space that protects natural resources and/or provides recreation. Greenways can be located along a waterway or other defining feature, such as a ridge line, or along a man-made corridor, such as an abandoned right-of-way, abandoned town road, a woods road, or a barge canal. It can be a green space along a highway or around a village. Greenways can provide the vital “missing link” to connect existing protected areas, and to give people convenient access to the outdoors. A greenway can be as wide as a river valley or as narrow as an abandoned rail bed.

Greenways serve many purposes. Rural greenways preserve natural habitat and wildlife migration routes, encourage restoration of environmentally valuable landscapes, and provide opportunities for recreation and education. In the cities and suburbs, greenways can encompass natural or manmade features and can provide resource conservation, recreation and transportation.

6.19 Group Day Care Home:*** A program of supplementary care to not less than seven or more than twelve related or unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in the week.

6.20 Height: “Height” is to be measured from the finished grade adjacent to the exterior walls of the building, vertically to the highest point of the building, including top of parapet, roof ridge and roof top mechanicals.

(Horizontal Illuminance:***** See Par. 6.50)

6.21 Intermediate Processing Facility:* Means a facility where glass, metals, paper products, batteries, household hazardous waste, fertilizers and other items are removed from the waste stream for recycling or reuse.

6.22 Licensed: A “licensed” surveyor, engineer, architect or landscape architect is a person licensed to practice as such by the State of Connecticut.

(Light trespass:***** See Par. 6.51)

6.23 Loading Space: See Par. 53.2 of Section 53.

6.24 Lot: A “lot” is defined as a parcel of land which is either 1) owned separately from any contiguous parcel as evidenced by fee conveyance recorded in the Office of the North Branford Town Clerk or 2) is a building lot shown on a subdivision map, approved by the “Commission” and filed in the Office of the North Branford Town Clerk.

- * Effective: 1-17-92
- ** Effective: 9-20-95
- *** Effective: 6-21-96
- ***** Effective: 12-08-04

6.25 Lot Area and Shape:* In determining compliance with minimum lot area and shape requirements of these Regulations, land subject to easements for drainage facilities and underground public utilities may be included, but not 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 wetlands and water courses as defined in Par. 6.45 shall not be used for compliance with more than 25% of the minimum lot area requirement. Land in two or more Zoning Districts may be used to satisfy a minimum lot area requirement provided that the requirement of the District requiring the largest lot area is met, but no land in a Residence District shall be used to satisfy a lot area requirement in any District.

6.26 Multiple Dwelling: A “multiple dwelling” is a “dwelling” containing two (2) or more dwelling units.

6.27 Nonconformity: See Par. 5.2. of Section 5.

6.28 Outside Storage: See Par.41.2.10 of Section 41.

6.29 Parking Spaces: See Par. 53.2 of Section 53.

6.30 Personal Service Establishment:*** Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as a: Barber Shop, Beauty Parlor, Tailoring or Dressmaking Shop, Dry Cleaning Establishments, Laundromats, Shoe Repair Shop, Optician, Reducing Salon, Health Club, and other similar services.

6.31 Recycling:** Means the processing of solid waste to reclaim material there from.

6.31.1 Recycling Facility or Recycling Center:** Means land and appurtenances thereon and structures where recycling is conducted, including but not limited to, an intermediate processing center.

6.32 Restaurant, Indoor: “Indoor restaurants and other indoor food and beverage service establishments” shall be established where customers are served only when seated at tables or counters and at least 75% of the customer seats are located within an enclosed building. Such establishments may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters.

6.32.1**** Restaurant, Full Service- Full Service Restaurant: An establishment for the retail sale of prepared food to the general public for consumption on the premises, with food service primarily to customers seated at tables or at counters.

* Effective: 4/27/81

** Effective: 1/17/92

*** Effective: 12/03/93

**** Effective: 3/21/16

6.33 Signs: See Par. 52.2 of Section 52.

6.34 Solid Waste:* Means solid, liquid, semisolid or contained gaseous material that is unwanted or discarded, including, but not limited to, demolition debris, material burned or processed at a resources recovery facility or incinerator, material processed at a recycling facility and sludge or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility.

6.34.1 Solid Waste Disposal Area:* Means land and appurtenances thereon and structures, including a landfill or other land disposal site, used for the disposal of more than ten cubic yards of solid waste.

6.34.2 Solid Waste Facility:* Means any solid waste disposal area, volume reduction plant, transfer station, wood-burning facility or biomedical waste treatment facility.

6.35 Story: A “story” is that portion of a building between the roof surface or any floor and the surface of the floor, ceiling or roof next above. Stories are counted one over the other. Attics not used for human occupancy shall not be considered a story. When the ceiling of a basement is four (4) feet or more above the average ground level within 10 feet of the building, the basement shall be considered a “story”.

6.36 Street: A “street” shall mean any Town street or State Highway, except limited access State Highway, or any street shown on a subdivision map approved by the Commission and filed in the Office of the North Branford Town Clerk.

6.37 Street, Width: The “width” of a “street” shall mean the distance between the “street lines”.

6.38 Street Line: The term “street line” shall mean the right-of-way, easement or taking line of any “street” or of any easement of vehicular access or private right-of-way 25 feet or more in width.

6.39 Structural Alteration: The term “structural alteration” shall mean any change in or addition to the structure of supporting members of a building, such as walls, columns, beams or girders.

6.40 Structure:** A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. All buildings are structures; however, not all structures are buildings. See “BUILDING”.

6.41 Swimming Pool, Private: A “private swimming pool” means any constructed pool, including portable and demountable above ground pools, which is used or intended to be used as a swimming pool in connection with a single detached dwelling for one (1) family and which is available for use only by the occupancy of the dwelling and their private guests.

* Effective: 1/17/92

** Effective: 9/20/95

6.42 Swimming Pool, Public or Semi-Public: A “public or semi-private swimming pool” means any swimming pool other than a “private swimming pool”.

6.43 Trailer, Mobile Home, Recreational Vehicle:*

6.43.1 Mobile Home:* Any vehicle or enclosure which is used, designed, or intended to be used for human habitation as sleeping or living quarters and which is, may be, or ever was built on a chassis and designed to be mounted on wheels or propelled either by its own power or by another power-driven vehicle to which it may be attached or by which it may be carried, and whether or not attached to a permanent foundation. A recreational vehicle is not considered a mobile home.

6.43.2 Recreational Vehicle:* A vehicular, portable structure built on a chassis and designed to be used as a temporary dwelling for travel and recreational purposes. For the purposes of these Regulations, recreational shall include campers but shall not include mobile homes.

6.43.3 Trailer:* Any rubber-tired vehicle without motive power drawn or propelled by a motor vehicle. For the purposes of these Regulations, trailers shall not include mobile homes or recreational vehicles.

6.44 Transfer Station:*** Means land and appurtenances thereon and structures where more than ten cubic yards of solid waste, generated elsewhere, may be stored for transfer and transferred from vehicles and placed in other transportation units.

(Uplighting:**** See Section 6.52)

(U.Ration:**** See Section 6.53)

6.45 Watercourses and Wetlands: The term “water courses” and “wetlands” are defined in Public Act #155 of 1972 and Public Act #73-571 respectively of the Connecticut General Assembly as follows:

6.45.1 Water Courses:** Means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof, not regulated pursuant to Section 22a – 28 to 22a – 35, inclusive, of the 1958 **Revisions of** the Connecticut General Statutes, as amended.

6.45.2 Wetlands: Means land, including submerged land, not regulated pursuant to Sections 22a – 28 to 22a – 35, inclusive, of the 1958 Supplement to the Connecticut General Statutes, as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture.

* Effective: 5/01/80

** Effective: 5/05/88

*** Effective: 1/17/92

**** Effective: 12/08/04

6.46 Adult Day Care Center:* A center for a program of supplementary care for adults outside of their homes on a regular basis for a part of one or more days in the week.

6.47 Disability Glare:** The eye's line-of-sight contact with a direct light source, which causes a partial blindness.

6.48 Foot Candle:** A unit of measure for illuminance. A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

6.49 Full Cut-Off Type Fixture:** A luminaire or light fixture that by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree, horizontal plane base of the fixture. Full cut-off fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated, and disability glare will result. (See Par. 41.2.11.b of Section 41)

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

6.51 Light trespass:** Light from an artificial light source that is intruding into an area where it is not wanted or does not belong. (See Par. 41.2.11.c of Section 41)

6.52 Uplighting:** Any light source that distributes illumination above a 90 degree horizontal plane.

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

6.54 Domestic Animal Daycare Center:*** A program of supplementary care for and/or training of domesticated animals outside of their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in a week.

* Effective: 10/15/04

** Effective: 12/08/04

*** Effective: 01/03/09

ARTICLE II – DISTRICT REQUIREMENTS

SECTION 21 - DISTRICTS

SECTION 22 - ZONING MAP

SECTION 23 - PERMITTED USES

SECTION 24 - AREA, LOCATION AND BULK STANDARDS

SECTION 21 - DISTRICTS

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

DISTRICT	ZONING MAP CODE
Residence R-80 District	R-80
Residence R-40 District	R-40
Residence Garden Apartment R-GA District	R-GA
Planned Residence R-40P District *	R-40P
(OBSOLETE AS OF DECEMBER 3, 1980)	
Water Supply District	WS
General Business B-1 District	B-1
Central Business B-2 District	B-2
Local Business B-3 District	B-3
Town Design Districts	
North Branford Center, Town Design District I	TD-I
Northford, Town Design District II	TD-II
Industrial Quarry I-1 District	I-1
Industrial I-2 District	I-2
Industrial I-3 District	I-3
Specialized Economic Development District***	SED
Streambelt Protection District	SP
Mixed Business Park District**	MBP

21.2 Planned Residence R-40P District: The Planned Residence R-40P District is a class of district in addition to and overlapping the Residence R-40 District and is established in accordance with the provisions of Section 31.

21.3 Water Supply District: The Water Supply District (WS) is a class of district in addition to and overlapping one or more of the other districts. The Water Supply delineates areas of the Town which are subject to provisions of Section 32.

21.4 Streambelt Protection District: The Streambelt Protection District is a class of district in addition to and overlapping one or more of the other districts. The Streambelt Protection District delineates areas of the Town which are subject to the provisions of Section 33.

* Amended: 6/19/81

** Effective: 9/1/93

*** Effective: 1/20/95

- 21.5 Town Design Districts: Town Design Districts are classes of districts in addition to and overlapping one or more of the other districts. Town Design Districts delineate areas of the Town which are subject to the provisions of Section 34.
- 21.6 Industrial Quarry I-1 District: The Industrial Quarry I-1 District is a class of district that delineates areas of the Town which are subject to the provisions of Section 35.
- 21.7* Mixed Business Park District: The Mixed Business Park District is a class of district that delineates areas of the Town which are subject to the provisions of Section 42. All properties in a Mixed Business Park District shall have frontage on and primary access to a State Highway. Business and restricted residential uses will be treated as special uses subject to special standards to assure, where desirable, preservation of historical structures and other site features, and to allow new development which is compatible and harmonious with the surrounding neighborhood.
- 21.8** Specialized Economic Development District: The Specialized Economic Development District (SED) is a class of district that delineates areas of the Town which are subject to the provisions of Section 36. The minimum permitted site area for a SED is 800,000 square feet.

* Effective: 9/1/93
** Effective: 1/20/95

SECTION 22 - ZONING MAP

- 22.1 Map: The boundaries of the districts specified in Section 21 are hereby established as shown on a map entitled “Zoning Map of the Town of North Branford, Connecticut”, dated June 1, 1976, revised August 18, 1977, and adopted effective September 2, 1977, including any special maps and boundary descriptions supplementary thereto and any amendments thereof, which map is hereby declared to be a part of these Regulations and is herein referred to as “Zoning Map”.
- 22.2 Interpretation of Map: Where a question arises as to exact boundaries of a district shown on the Zoning Map, the Commission shall by resolution determine the location of the boundary, giving due consideration, among other factors, to the indicated location of the boundary on the Zoning Map, the scale of the Zoning Map and the expressed intent and purpose of these Regulations.
- 22.3 Extension of Use: Where the boundary of a district divides a lot, the existence of which lot is evidenced by deed or deeds recorded in the land records of the Town of North Branford on the effective date of these Regulations or on the effective date of any amendment of these Regulations establishing such boundary, the Commission may grant a SPECIAL USE PERMIT to authorize a use of land, buildings and other structures permitted in one district to be extended into the other district for a distance of not more than 50 feet in accordance with the provisions of Section 42.

SECTION 23 - PERMITTED USES

23.1 SCHEDULE A: “Schedule A – Permitted Uses” is hereby declared to be a part of these Regulations and is herein referred to as “Schedule A”. Land, buildings and other structures in any district may be used for one or more of the uses, and no other, specified in Schedule A as permitted in the district. Uses listed in Schedule A are permitted or prohibited in accordance with the following designation and procedure:

“P” means a use permitted in the district as a matter of right.

“PA” means a use permitted in the district as a matter of right, subject to additional standards specified in Section 44.

“S” means a use permitted in the district as a matter of right, subject to administrative approval of a SITE DEVELOPMENT PLAN by the Commission in accordance with Section 41.

“SO” means a use permitted in the district as a matter of right, subject to administrative approval of a Site Operations Plan by the Commission in accordance with Section 35.

“SD” means a use permitted in the district as a matter of right, subject to administrative approval of a SITE DEVELOPMENT PLAN by the Commission in accordance with Section 35.

“U”* means a use permitted in the district, subject to the securing of a SPECIAL USE PERMIT from the Commission in accordance with Section 42, 42A, 42B, 42C or 42D.**

“X” means a use prohibited in the district.

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

23.2.1 Signs that advertise goods sold, services rendered or establishments other than on the lot where the sign is located.

23.2.2 The use or occupancy of a trailer, mobile home, camper or any vehicle as a dwelling.

* Amended: 6/15/81

** Effective: 5/05/88

- 23.2.3 Motor vehicle or other junk yards; the outdoor storage on a lot in any district of more than one (1) unregistered motor vehicle, other than farm equipment and other than storage authorized by license issued by the State of Commissioner of Motor Vehicles.
- 23.2.4 Race tracks, drive-in theaters, golf driving ranges and other outdoor recreation businesses, except carousels and other amusement devices when sponsored by a local charitable organization and then for a period not to exceed 10 days and when a ZONING PERMIT therefore has been issued.
- 23.2.5 * The outdoor accumulation, dumping, storage or incineration of refuse, garbage, septic tank waste, biomedical waste or radioactive or other dangerous materials and biomedical waste treatment facilities.
- 23.2.6 *** Bulk storage of cement and petroleum products; public utility company electric power plants, generating facilities and gas storage other than propane.
- 23.2.7 ** Medical Marijuana Dispensaries and Producers: The North Branford Planning and Zoning Commission shall not accept or consider any application to permit the establishment of Medical Marijuana Producers and Dispensary Facilities for a period of twelve (12) months commencing from the effective date of December 2, 2013. The reason for this moratorium is to allow the Planning and Zoning Commission to review the “*State of Connecticut Regulation of the Department of Consumer Protection concerning Palliative Use of Marijuana*” and the associated application process for producers and dispensary facilities and to draft and/or adopt municipal regulations regarding the production and distribution of medical marijuana within the Town of North Branford. The expiration date of said Moratorium will be December 2, 2014.

- * Effective: 1/17/92
 ** Effective: 12/02/13
 *** Effective 9/5/14

SECTION 24 - AREA, LOCATION AND BULK STANDARDS

24.1 Schedule B: “Schedule B - Standards” is hereby declared to be a part of these Regulations and is herein referred to as “Schedule B”. The area, location and bulk standards applicable in each district are as hereinafter specified and as listed in Schedule B.

24.2 Lot Area, Shape and Frontage: Each lot shall have at least the minimum area as specified in Schedule B. Each lot to be used for a dwelling containing multiple dwellings shall have at least the minimum area per dwelling unit specified in Schedule B. Each lot shall be of such shape that a square with the minimum dimension specified in Schedule B will fit on the lot and, in Residence Districts, shall also have the minimum width along the building line specified in Schedule B. Each lot, except interior lots in R-40 Districts permitted under Par. 24.2.2, shall have the minimum frontage on a street specified in Schedule B.

24.2.1 * Exceptions: The requirements of Par. 24.2 shall not be construed to prohibit condominium ownership of a building or buildings meeting the requirements of such Paragraph; the requirements of Par. 24.2 shall not be construed to prohibit other forms of ownership of a portion of a building and its related lot provided that a SPECIAL USE PERMIT therefore has been granted by the Commission in accordance with Section 42, 42A, or 42B and a subdivision map therefore has been approved by such Commission in accordance with the standards of the Land Subdivision Regulations of the Town of North Branford and recorded in the land records of the Town of North Branford.

24.2.2 **/** Interior Lots, R-40: Interior lots may be permitted in the Residence R-40 District, subject to approval of the Planning and Zoning Commission. All interior lots shall comply with the provisions of Section 24 and other applicable municipal ordinances and regulations. Interior lots shall be subject to the following additional requirements:

- a. In a proposed subdivision of five (5) or more lots, the number of interior lots shall not exceed one (1) interior lot for every three (3) front lots or one (1) interior lot for every 400 feet of road frontage;
- b. The lot shall either contain a strip of land which is everywhere not less than 25 feet in width connecting to a street or shall have a frontage of 25 feet or more on an easement of access or private right-of-way which is everywhere not less than 25 feet in width connecting to a street provided that no more than two (2) lots may, for sole access, rely upon such an easement or right-of-way;

* Amended: 6/15/81
** Amended: 7/11/86
*** Effective: 6/05/92

- c. The strip of land, easement of access, or private right-of-way shall consist of an improved gravel base travel path which is everywhere not less than 18 feet in width;
- d. There shall be no more than two (2) strips of land, easements of access or private right-of-ways, existing side by side at any one location and shall not exceed a length of 700 feet;
- e. Such easement of access, private right-of-way or fee strip shall be excluded from the minimum lot area requirement;
- f. The lot shall have an area of not less than 60,000 square feet;
- g. Street address numbers shall be affixed to a permanent support at the street line. Such street address numbers shall be three inches in height and shall be consistent with the street numbering system of the Town of North Branford;
- h. There shall be a setback line of ten (10) feet from each side of each rear lot property line that is parallel to or concentric with the street line on which trees 3 inches in caliper and not less than 6 feet in height shall be planted. Such plantings shall be of mixed variety, no less than 50% of which being evergreens and planted no more than 15 feet from one another measured from the center of the tree. Such setback requirements will create a rear lot, landscaped buffer by the owner of the property. To ensure such permanent preservation of said buffer area, its provisions shall be specified on the final map to be filed and recorded on the land records. The applicant shall also record on the land records a “notice of affirmation covenant” which shall specify the restrictions imposed, and identify the properties affected. Said notice shall also specify that the covenant runs with the land and binds all subsequent grantees, their heirs and assigns forever and shall be in a form acceptable to the Town Attorney;
- i. A one (1) year landscaping maintenance bond shall be submitted in an amount determined by the Town Engineer with form and surety approved by the Town Attorney;

*** Effective: 6/05/92
 *** Amended: 6/05/92

- j. Interior lots are permitted in subdivisions containing less than five (5) lots and each lot shall either contain a strip of land which is everywhere not less than 25 feet in width connecting to a street or shall have a frontage of 25 feet or more on an easement of access or private right-of-way which is everywhere not less than 25 feet in width connecting to a street, provided that no more than two (2) lots may, for sole access, rely upon such an easement or right-of-way provided all other requirements in this section are adhered to where applicable;
- k. The Commission, due to topographic features, existing vegetation cover and other unique physical land features and conditions may modify the regulations of Section 24.2.2 (h);
- l. *** On any interior lot, no building or other structure, except permitted accessory buildings or structures, shall extend within forty (40) feet from any property line, easement of access, private right-of-way or fee strip.

24.3 Height: No building or other structure shall exceed the number of stories and/or the maximum height, whichever is less, as specified in Schedule B. This limitation, however, shall not apply to the following when not used for human occupancy: spires, cupolas and towers that are solely ornamental in function and chimneys, flagpoles and silos as well as such features plus tanks and elevator, heating, ventilating, air conditioning and similar equipment that are located on the roof of a building and do not occupy more than 20 % of the area of the roof. In addition, detached communications towers in Industrial Districts may have a greater height than specified in Schedule B provided that a) such height does not exceed 100 feet, b) a SITE DEVELOPMENT PLAN for the tower is submitted to the Commission for approval under Par. 62.6 and Section 41, c) the applicant substantiates to the Commission that both the tower and the additional height are essential to the operation of a permitted use on the lot and d) all other requirements of these Regulations are met including but not limited to Par. 41.2.2.

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

24.4.1 Signs: Certain permitted signs, as specified in Section 52 may extend within lesser distances of a property or street line.

*** Effective: 6/05/92

- 24.4.2 Accessory Buildings: In R-80 and R-40 Districts accessory buildings may extend to the lesser minimum distance of a rear property line as specified in Schedule B.
- 24.4.3 Projections: Pilasters, belt courses, sills, cornices, marquees, canopies, awnings, eaves and similar architectural features and open fire escapes may project into the area required for setback from street line, property line or Residence District boundary line for the distance specified in Schedule B.
- 24.4.4 *Form of Ownership: The requirements of Par. 24.4 shall not be construed to prohibit condominium ownership of a building or buildings meeting the requirements of such Paragraph; the requirements of Par. 24.4 shall not be construed to prohibit other forms of ownership of a portion of a building and its related lot provided that a SPECIAL USE PERMIT therefore has been granted by the Commission in accordance with Section 42, 42A or 42B and a subdivision map therefore has been approved by the Commission in accordance with the standards of the Land Subdivision Regulations of the Town of North Branford and recorded in the land records of the Town of North Branford.
- 24.4.5 Fences, Walls and Terraces: The required setback distances shall not apply to fences or walls six (6) feet or less in height nor to necessary retaining walls or to unroofed terraces, but no fence, wall or terrace shall be located within the right-of-way of any street.
- 24.4.6 Railroads: In Business and Industrial Districts no setback is required from the right-of-way line of a railroad.
- 24.4.7 Narrow Streets: In the event that the street where the lot has frontage has a width of right-of-way of less than 60 feet in the case of a street designated as a "Town Major Street" or "Town Collector Street" on any plan of development adopted by the Commission under Chapter 126 of the Connecticut General Statutes or less than 50 feet in the case of all other streets, the required setback from a street line shall be measured from the centerline of right-of-way and shall be as follows:
- a. 30 feet plus the setback specified in Schedule B, in the case of "Town Major Streets" and "Town Collector Streets"; and
 - b. 25 feet plus the setback specified in Schedule B, in the case of all other streets.

* Amended: 6/15/81

24.4.8 Building Line: No building or other structure shall extend nearer to any street line than the building line as defined in Section 6 and specified in Schedule B.

24.4.9 *** Side Setbacks for Non-conforming Lot Frontage: On all lawfully existing, non-conforming lot in the Residence R-40 District having less than the required minimum lot frontage set forth in Schedule B, each required minimum setback from a side line shall not be less than ten percent (10%) of the lot frontage, but in no case less than ten (10) feet.

24.4.10 **** Street Line Setbacks for Non-conforming Historic Building Conversions: Shall be allowed to be modified in accordance with Section 42D.4.1.b.

24.5 Coverage and Bulk: The aggregate lot coverage by all buildings and other structures on any lot shall not exceed the percentage of the lot area specified in Schedule B, and the aggregate lot coverage by all accessory buildings on any lot in a Residence District shall not exceed the percentage of the lot area as specified in Schedule B. The total floor area of all buildings and other structures on any lot, excluding basements, shall not exceed the percentage of the lot area as specified in Schedule B. The aggregate lot coverage by all buildings and other structures, outside storage areas where permitted and paving for parking, loading and driveways shall not exceed the percentage of the lot area as specified in Schedule B.

24.5.1 * Exception: The requirements of Par. 24.5 shall not be construed to prohibit condominium ownership of a building or buildings meeting the requirements of such Paragraph; the requirements of Par. 24.5 shall not be construed to prohibit other forms of ownership of a portion of a building and its related lot provided that a SPECIAL USE PERMIT therefore has been granted by the Commission in accordance with Section 42, 42A or 42B and a subdivision map therefore has been approved by such Commission in accordance with the standards of the Land Subdivision Regulations of the Town of North Branford and recorded in the land records of the Town of North Branford.

24.6 Minimum Floor Area – Dwelling: Each dwelling shall have a minimum floor area on the ground floor as specified in Schedule B. Each dwelling unit in a multiple dwelling shall have a minimum floor area as specified in Schedule B, exclusive of basements, attics, garages, storage areas and common hallways.

* Amended: 6/15/81
*** Effective: 6/05/92
**** Effective: 3/11/04

ARTICLE III - SPECIAL DISTRICTS

- SECTION 31 - PLANNED RESIDENCE R-40P DISTRICT
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(List revised 12/8/04 to add Section 34B which had been omitted from list since its passage with effective date 2/16/96)

SECTION 31 DELETED BY THE PLANNING AND ZONING COMMISSION
EFFECTIVE DECEMBER 3, 1980

SECTION 31 – PLANNED RESIDENCE R-40P DISTRICT

- 31.1 General: The Planned Residence R-40P District is a class of district in addition to and overlapping in the Residence R-40 District. Planned Residence R-40P Districts may be delineated from time to time by the Commission and made a part of the Zoning Map upon petition by the owner of property and after due notice and public hearing as required by law for amendment of these Regulations.
- 31.2 Purpose: The Planned Residence R-40P District is made a part of the comprehensive plan of zoning for the purpose of authorizing development of single family dwellings on individual lots or multiple dwellings, or a combination thereof, in clusters in such a manner as to preserve open space and conservation areas, encourage provision of central sewage disposal and water supply systems and provide for a choice in dwelling types within the Town. In the delineation of the Planned Residence R-40P District it is recognized that there are large tracts of land within the Residence R-40 District which are capable of accommodating such clusters by reason of open space and conservation resources on such tracts, soil conditions especially favorable for sewage disposal, availability of public water supply or sufficient on-site water resources and suitable location and access within the town. The procedures and standards hereinafter specified are necessary in order to delineate Planned Residence R-40P Districts that will be in accord with the comprehensive plan of zoning.
- 31.3 Petition: In accordance with the provisions of Section 63 and this Section, a petition may be filed with the Commission requesting an amendment of the Zoning Map for the purpose of delineating a Planned Residence R-40P District within the Residence R-40 District. The petition shall be signed by the owners of all of the land within such proposed District and shall be accompanied by the following:
- 31.3.1 Boundary: a map and a metes and bounds description of the boundary of the proposed District, as specified in Par. 63.1.2.
- 31.3.2 Conditions Map: a map or maps of all land within the proposed District, at a scale of not less than 100 feet to the inch, showing no less than the following:
- a, existing contours at a maximum interval of five (5) feet;
 - b. existing natural soils, confirmed by field samples and tests, in accordance with classifications of the National Cooperative Soils Survey of the Soil Conservation Service of the United States Department of Agriculture; and

- c. wetlands and watercourse as defined in Section 6 as well as large trees, wooded areas, ledge, significant open space and conservation features, historic sites and existing buildings and other structures.

31.3.3 Preliminary Subdivision: a preliminary subdivision plan of all land within the proposed District, meeting all of the requirements of the Land Subdivision Regulations of the Town of North Branford and showing a layout of lots for single family dwellings in accordance with the residence R-40 District standards.

31.3.4 Land Use Plan: a land use plan for all land within the proposed District, at a scale of not less than 100 feet to the inch, showing the following for a cluster plan:

- a. a tentative layout of any proposed streets;
- b. any portion of the District proposed to be used for individual lots for single family dwellings, and a specific maximum number of such lots;
- c. any portion of the District proposed to be used for multiple dwellings consisting of two (2) or more dwelling units, and a specific maximum number of such dwelling units by the number of bedrooms in each; and
- d. the portion of the District proposed to be reserved as open space.

31.3.5 Utilities: a report, prepared by a licensed engineer, evaluating and specifying the manner in which sewage disposal and water supply will be provided.

31.4 Criteria: In addition to all of the factors necessarily considered by the Commission in the delineation of any zoning district, the following criteria shall be applicable to the delineation of Planned Residence R-40P Districts:

31.4.1 * Area of District: The District shall encompass no less than 25 acres of undeveloped land. An area of not less than 15 acres may be considered by the Commission if the District adjoins another such District or if proposed open space within the District will be an adjunct to existing permanently reserved open space outside the District which open space shall have an area of not less than 2 acres.

* Amended: 10/04/79

- 31.4.2 Water Supply: Public water supply shall be available to the District, or the petitioner has demonstrated the availability of a sufficient on-site source of supply for a central water system.
- 31.4.3 Sewage Disposal: Town sanitary sewers shall be available to the District, or the petitioner has demonstrated that the natural soils within the District, based on field samples, seepage tests and deep test pits, consist of soils suitable to accommodate on-site sewage disposal systems for lots containing single family dwellings or for multiple dwellings on a long term basis.
- 31.4.4 Open Space: Significant and desirable land shall be reserved for open space and conservation purposes.
- 31.5 Procedure and Decision: When the Commission is satisfied that a complete petition has been filed, the Commission shall hold a public hearing, shall decide thereon and shall give notice of its decision as required by law. If the proposed Planned Residence R-40P District is adopted by the Commission and made a part of the Zoning Map, such adoption shall incorporate the following as specific restrictions within the District:
- 31.5.1 the Land Use Plan, for the purpose of specifying areas to be used for individual lots for single family dwellings, multiple dwellings consisting of two (2) or more dwelling units and open space;
- 31.5.2 the maximum number of individual lots for single family dwellings, which number shall not exceed the number of lots shown on the preliminary subdivision plan submitted under Par. 31.3.3 and determined by the Commission to represent a reasonable subdivision of the land or shall not exceed such lesser number which the sewage disposal and water supply resources for the District are capable of supporting;
- 31.5.3 the maximum number of dwelling units, by number of bedrooms, in multiple dwellings, which number of units shall not exceed the number which the sewage disposal and water supply resources for the District are capable of supporting or shall not exceed the following, whichever is less:
- a. for one (1) or two (2) bedroom units, four (4) times the number of lots shown on the preliminary subdivision plan submitted under Par. 31.3.3;
 - b. for three (3) or more bedroom units, two (2) times the number of lots shown on the preliminary subdivision plan submitted under Par. 31.3.3; but

- c. excluding from such computation the number of lots for single family dwellings provided in Par. 31.5.2 above; and

31.5.4 the minimum area of reserved open space, which area shall not be less than 16,000 square feet times the number of lots shown on the preliminary subdivision plan submitted under Par. 31.3.3.

31.6 Plans and Standards: After the effective date of any Planned Residence R-40P District adopted by the Commission, the Commission is authorized to approve the following within such District in accordance with the standards hereinafter specified:

31.6.1 Lots for Single Family Dwellings: Individual lots for single family dwellings may be established by subdivision of land in accordance with the standards and procedures of the Land Subdivision Regulations of the Town of North Branford, and such lots shall contain an area of not less than 24,000 square feet, shall have a frontage of 110 feet or more on a street, shall be of such shape that a square with 120 feet on each side will fit on the lot and shall have a minimum width of 120 feet along the building line.

31.6.2 Multiple Dwellings: Multiple dwellings consisting of two (2) or more dwelling units may be approved by the Commission subject to administrative approval of a SITE DEVELOPMENT PLAN therefore in accordance with Section 41.

31.6.3 Open Space: In connection with approvals under Par. 31.6.1 and/or Par. 31.6.2, the minimum area of open space specified in Par. 31.5.4 shall be permanently reserved, and provision shall be made for retention and preservation of the land by means of ownership, operation and maintenance suitable to support the open space as approved by the Commission.

31.6.4 Land Use Plan: The individual lots for single family dwellings, for multiple dwellings and the open space land shall be located in the areas specified on the Land Use Plan adopted by the Commission under Par. 31.5.1.

SECTION 32 - WATER SUPPLY DISTRICT

- 32.1 General: The Water Supply District is a class of district in addition to and overlapping one or more of the other districts. In any Water Supply District no land, building or other structure shall be used, no building, other structure or facilities shall be constructed, reconstructed, enlarged, extended, moved or structurally altered and no land shall be excavated, regraded or filled except in accordance with this Section in addition to the provisions applicable in the underlying district.
- 32.2 Purpose: In the delineation of the Water Supply District it is recognized that there are areas of the Town of North Branford which drain into surface reservoirs for potable water supply serving the Town of North Branford and other municipalities. In such water supply drainage areas, strict limitations on the use of land, buildings and other structures for human habitation, on the construction of buildings, other structures and facilities and on the excavation, regrading and filling of land are necessary to conserve water resources, to protect the public health and safety, to prevent erosion and sedimentation and to promote the provision of safe and sufficient public water supply.
- 32.3 Boundaries: The Water Supply District consists of all areas of the Town of North Branford, within the natural watershed of Lake Gaillard.
- 32.4 Procedure: In any Water Supply District, no land, building or other structure shall be used, no building or other structure or facilities shall be constructed, reconstructed, enlarged, extended, moved or structurally altered and no land shall be excavated, regraded or filled until an APPLICATION for a ZONING PERMIT therefore has been made to the Zoning Enforcement Officer and a SPECIAL USE PERMIT therefore has been approved by the Commission.
- 32.5 Standards: The SPECIAL USE PERMIT shall be approved by the Commission when it determines that all of the standards of Section 42 have been met as well as the following standards:
- 32.5.1 The proposed use, buildings and other structures shall conform to all of the requirements of the underlying district where located and to the provisions applicable in any Streambelt Protection District where located.
- 32.5.2 Any proposed excavation, grading or filling of land shall conform to the provisions of Section 43.
- 32.5.3 The use of land, buildings and other structures shall be limited to one or more of the following:
- a. a single detached dwelling for one (1) family and not more than one (1) such dwelling per lot;

- b. farms, truck gardens, forestry and nurseries, expressly excluding the keeping of livestock and poultry;
- c. the following uses when not conducted as a business or for profit: churches and places of worship; parish halls; schools; colleges; universities; educational, religious, philanthropic and charitable institutions; membership clubs; lodges; community houses; nature preserves; wildlife sanctuaries, and recreation facilities;
- d. golf, tennis, swimming or similar clubs, whether operated as a business or for profit or not, including customary accessory services and eating facilities incidental to the conduct of a club, but not including a commercial golf driving range or miniature golf; and
- e. public utility company water supply reservoirs, wells, pump stations, storage facilities and treatment facilities.

32.5.4 Each lot shall contain an area of not less than 10 acres in addition to the other requirements applicable to lots in the underlying district, provided however, that SPECIAL USE PERMITS may be approved for use of a lot of less than 10 acres that existed on the effective date of this Paragraph and conforms to the criteria of Par. 5.8.

32.5.5 No more than 10% of any lot shall be covered by buildings, other structures and paved areas, and such covered areas shall be distributed on the lot in such a manner as to avoid any major continuum, or concentration of covered area that would exceed 40,000 square feet; all other portions of the lot shall have suitable vegetation cover or be left as undisturbed natural terrain.

32.5.6 Provision for waste and sewage disposal shall be approved in writing by the State Department of Environmental Protection and the East Shore District Health Department and shall also conform to no less than the following standards:

- a. any part of an on-site sewage disposal system shall have an elevation of not less than five (5) feet above the natural groundwater level and seven (7) feet above bedrock;
- b. no on-site sewage disposal system shall be located within any Streambelt Protection District;
- c. all sanitary sewer pipes shall be designed, constructed and installed to force main standards; and
- d. no sewage lift pump stations are permitted within the natural watershed of Lake Gaillard.

- 32.5.7 No building or other structure or paved area shall be located within any Streambelt Protection District, except that this limitation shall not apply to buildings, other structures and paved areas approved in connection with a use authorized under Par. 32.5.3e above nor to necessary driveways and access roads approved by the Commission under the standards of Section 33.
- 32.5.8 Storm drainage runoff from buildings, other structures and paved areas shall be designed to assure that no contaminants will reach any wetlands or water course and shall be designed to recharge into the ground or discharge outside the Water Supply District.
- 32.5.9 * Adequate provision shall be made for control of erosion and sedimentation and siltation of wetlands and water courses both during and after construction of buildings, other structures and site development. No more than five (5) acres of land shall be disturbed at any one time during construction.

* POLICY: See “Erosion and Sediment Control Handbook – Connecticut”, dated 1972, published by U.S. Department of Agriculture, Soil Conservation Service, for guidelines in accordance with policy adopted by the Commission.

SECTION 33 - STREAMBELT PROTECTION DISTRICT

33.1 General: The Streambelt Protection District is a class of district in addition to and overlapping one or more of the other districts. In addition to the provisions applicable in the underlying district, none of the following activities shall be conducted in any Streambelt Protection District except in accordance with the provisions of this Section:

33.1.1 the construction, reconstruction, enlargement, extension or moving of any building or other structure;

33.1.2 the establishment of outside storage areas, and the construction of parking and loading facilities, roads, driveways or other paved areas;

33.1.3 the excavation, grading or filling of land;

33.1.4 the cutting or removal of live trees having a caliper of six (6) inches or more; and

33.1.5 the depositing of refuse or other waste materials, and installation of on-site sewage disposal systems;

33.1.6 provided however, clearing of debris, removal of damaged trees and salvage operations necessary as a result of hurricane, flood or other natural disaster or casualty shall not be considered activities subject to the provisions of this Section.

33.2 Purpose: Protection and proper use of streams and other water courses, and adjacent lands, are necessary to protect the public health and safety and property in the Town of North Branford. Streams and other water courses constitute the natural drainage system upon which residents and property owners rely. Water courses in North Branford drain into surface public water supplies and also serve to recharge groundwater resources upon which residents and property owners rely for water supply. Lands adjacent to water courses provide space for water to spread during times of flood, and also such lands and vegetation cover reduce the amount and time of concentration of storm water runoff and protect water courses from pollution. Streams and other water courses, and adjacent lands, are best retained in a natural state in order to avoid flooding problems and water pollution. Any modification of the natural drainage and pollution control effectiveness of water courses and adjacent lands, by construction or otherwise, should occur only with consideration for the consequences to the public health, safety and property.

33.3 Boundaries: The Streambelt Protection District consists of the following:

33.3.1 Designated Water Courses: all areas of the Town of North Branford along and in the vicinity of the Farm River, Branford River, Munger Brook, Burrs Brook and Eight Mile Brook which would be inundated from such water courses during a 100-year storm; and

33.3.2 Other Water Courses: all land located within 150 feet of any other water course in the Town of North Branford.

33.4 Procedure: Prior to conduct of a regulated activity in any Streambelt Protection District, the person, firm or corporation proposing to conduct such activity shall file a Notice of Intent with the Planning and Zoning Administrator. The proposed activity shall be deemed authorized under this Section in accordance with the following and if in compliance with all other provisions of these Regulations:

33.4.1 if such activity is to be located in an area subject to regulation by the North Branford Inland Wetlands Agency, and has been approved by such Agency; or

33.4.2 when the Planning and Zoning Administrator determines that the standards of Par. 33.5 will be met;

33.4.3 provided that the Planning and Zoning Administrator may transmit the Notice of Intent to the Commission for a decision and, prior to such decision, the Commission may request the submission of additional information, such as the following, as deemed necessary to determine compliance with the standards of Par. 33.5:

- a. plans showing the location, extent and specifications for the proposed activity;
- b. engineering computations of storm water runoff and potential flooding from a 100-year storm;
- c. identification of the groundwater table and the existing natural soils; and/or
- d. provisions to be made for avoidance of water pollution; and

33.4.4 provided further that if such activity involves tree cutting for the purpose of forest maintenance within the Water Supply District, the Notice of Intent shall be subject to the approval of the Commission and such approval shall have a duration determined by the Commission and not to exceed one (1) year.

33.5 Standards: Regulated activities to be conducted in any Streambelt Protection District shall conform to the following standards:

33.5.1 The proposed activity shall not substantially increase the potential for flooding on the lot or on any other lot, shall not reduce the flow capacity of or substantially increase the time of flow concentration in any water course and shall not otherwise endanger the public health, safety or property. In determining the likelihood of any substantial increase, the

cumulative effect of the proposed activity, if it were allowed in similarly situated areas along the entire water course shall be considered.

- 33.5.2 Any building or other structure for human occupancy shall be of an elevation and construction as to be protected from flooding and the streets and driveways giving access to such buildings and structures shall be of an elevation, or shall be suitably protected, as to allow access by vehicles during flood.
- 33.5.3 There shall be no storage or depositing of materials or goods upon land in a manner that can result in floatation of such materials or goods during flood.
- 33.5.4 Proper provision shall be made to control erosion and sedimentation during and upon completion of the activity.
- 33.5.5 No on-site sewage disposal system shall be located in the Streambelt Protection District, unless it is demonstrated that such system will not be located in a floodable area and that no pollution will reach a wetlands or water course as defined in Section 6.
- 33.5.6 Proper provision shall be made for control of water pollution resulting from storm water runoff and pipes, ditches and other systems for collection and disposal of runoff.
- 33.5.7 Sanitary sewer mains in the Streambelt Protection District shall be constructed to force main standards.

SECTION 34 - TOWN DESIGN DISTRICTS

- 34.1 General: Town Design Districts are classes of districts in addition to and overlapping one or more of the other districts. Town Design Districts may be delineated from time to time by the Commission and made a part of the Zoning Map after due notice and public hearing as required by law for amendment of these Regulations.
- 34.2 Purpose: In the delineation of Town Design Districts it is recognized that there are areas of the Town of North Branford which can and will best be developed in accordance with a unified plan for the use of land, buildings and other structures, the location, bulk and character of buildings and other structures, and the location, character and extent of streets, open spaces, landscaping and other elements of site design. Development of such areas in accordance with a plan will support the comprehensive plan of zoning, enhance property values, protect the public health and safety and achieve the purposes of these Regulations.
- 34.3 Establishment of TD District: Town Design Districts may be established by the Commission only when the Commission has adopted a plan of development for the Town of North Branford in accordance with Chapter 126 of the Connecticut General Statutes and has adopted a supplement thereto which delineates a planning area and for such area provided recommendations for the use of land, buildings and other structures, the location, bulk and character of buildings and other structures and the location, character and extent of streets, open spaces, landscaping and other elements of site design, each to the extent and as appropriate for such planning area. Any Town Design District shall be reasonably coterminous with such planning area and the recommendations of the plan supplement shall be capable of interpretation in the administration of the SITE DEVELOPMENT PLAN review provisions of these Regulations. Each Town Design District shall be numbered and shall be shown on the Zoning Map with a reference to the records of the Commission where the adopted plan of development supplement may be seen.
- 34.4 Procedure: In a Town Design District, each APPLICATION for a ZONING PERMIT shall be accompanied by a SITE DEVELOPMENT PLAN. No ZONING PERMIT shall be issued until such SITE DEVELOPMENT PLAN has been approved by the Commission in accordance with this Section and Section 41.
- 34.5 Standards: The SITE DEVELOPMENT PLAN shall be approved by the Commission when it determines that the following standards have been met:
- 34.5.1 The proposed use, buildings and other structures shall conform to all of the requirements of the underlying district where located.

34.5.2 The proposed use, buildings and other structures shall also conform to the recommendations of the adopted supplement to the plan of development with regard no less than the following as may be specified in such supplement:

- a. the use of land, buildings and other structures;
- b. the location, bulk and character of buildings and other structures;
- c. the location and extent of streets and vehicular access to lots;
- d. the provision of landscaping and open spaces, including transition buffer strips.

34.6 Modification of Standards: In approving a SITE DEVELOPMENT PLAN the Commission may, after due notice and public hearing as required by law, grant a SPECIAL USE PERMIT to modify the applicable provisions of the underlying district to a lesser requirement than specified for such district when such modification is necessary, as determined by the Commission, to conform to particular recommendations of the adopted supplement to the plan of development.

SECTION 34A - NORTHFORD, TOWN DESIGN DISTRICT II *

34A.1 Area: The area of the Northford, Town Design District shall be defined as follows: All of that portion of the center of Northford lying within the limits of the B-2 Central Business District Zone as defined on the Zoning Map of the Town of North Branford.

34A.2 Purpose: The purpose of the Northford Town Design District is to promote:

34A.2.1 The objectives of the Comprehensive Plan of Development and Zoning Regulations of the Town of North Branford.

34A.2.2 Economic vitality and growth.

34A.2.3 Public health and safety.

34A.2.4 The development of proper aesthetic quality with the intent of producing a safe, cohesive, attractive, and economically sound Northford Center.

34A.3 Objectives: The objectives of these Regulations are:

34A.3.1 Assistance and direction to property owners and tenants to upgrade and improve existing buildings and grounds.

34A.3.2 Assistance, encouragement and review of new development proposals to insure coordination with existing and other new development.

34A.3.3 Cooperation and encouragement of State and local officials to improve traffic patterns and safety.

34A.3.4 Assistance to private and quasi-public bodies (i.e., garden clubs, service organizations, etc.) in their efforts to develop a more attractive, cohesive and safe Northford.

34A.4 Design Intent: The intent of design criteria herein is to promote the construction and reconstruction of Northford Center, using both architectural and landscape design, to result in optimum visual and functional quality and to produce the greatest impact as an integrated unit. The proposed uses and design criteria are intended to create a center which will be commercially sound, attractive and serve as a focal point of social interest for the entire community.

Architectural design for new or remodeled buildings shall generally be complementary and compatible to Northford Center structures constructed before 1950 and shall enhance the aesthetic quality and visual impact of the center. All architectural design must be approved by the Planning and Zoning Commission.

34A.5 Exterior Architectural Treatment:

34A.5.1 Walkways and curbing at buildings

- a. Walkways at buildings shall be 8 feet wide minimum, clear space, with no obstructions except for roof support posts.
- b. Walkways at buildings shall not be bituminous concrete.
- c. Painted bituminous concrete curbs shall not be used at buildings or building planting areas.
- d. Walkway scoring patterns shall be as approved by the Planning and Zoning Commission.

34A.5.2 Materials for new buildings

- a. For all areas exposed to public view, materials shall be limited to stone, unglazed brick, natural or painted wood or other surface treatment specifically approved by the Commission.

34A.5.3 Materials and configurations of renovated buildings

- a. Materials shall conform to a. above.
- b. The configuration of remodeled or renovated building facades shall generally conform to the cross section and dimensions shown on Sketch 1 included with these Regulations.
- c. Alternate cross-sections, conforming to the intent of the above, may be submitted to the Commission for consideration for acceptability.

34A.5.4 Building Lighting **

- a. All building lighting shall conform to the requirements of Section 41.2.11 Lighting.**

34A.6 Functional Site Layout

34A.6.1 Driveways, curb cuts, walkways, building locations, landscaping and other site features shall be in general conformity with the established Northford Design District Plan and other requirements of the Zoning Regulations.

34A.6.2 Walkways not at buildings shall be 5 ft. wide minimum.

** Effective: 12/08/04

- 34A.6.3 Planting areas shall be 4 ft. wide minimum with plants so arranged to be safe from damage from auto overhang.
- 34A.6.4 All landscaping except trees in walkways shall be mulched with bark or wood chips.
- 34A.6.5 Trees in walkways shall be placed in 4 ft. square openings covered with brick, block or other approved paving.

34A.7 Site Treatment

34A.7.1 Landscaping

- a. Foundation, border or other planned landscaping shall be of evergreen varieties. Flowering or other deciduous plant materials shall be used for accent only. (See Sketches 1- 4 included with these Regulations.)
- b. Highway trees shall be Pin Oak or other approved variety 50 ft. on center maximum, 2 ½ - 3 inches minimum caliper, 7 feet trim line, single straight trunk.
- c. Off-highway trees shall be London Plane tree or other approved variety with spacing and location as recommended by Northford Design District Plan, 2 ½ - 3 inches minimum caliper, 8 feet trim line, single straight trunk. (See Sketch 3 included with these Regulations.)

34A.7.2 Signs

- a. All signs shall be restricted to three types:
 - i. to identify “Northford Center”
 - ii. street directory signs, identifying groups of business. (Sketch 5 included with these Regulations)
 - iii. individual business identification on building structure.
- b. All lettering shall be Helvetica or modified Helvetica.
- c. All lettering shall be of one case.
- d. Maximum sign height for types i and ii shall be 8 feet, 6 inches.
- e. Lighting shall be restricted to shielded or ground light sources as approved by the Commission and shall conform to the requirements of section 41.2.11 Lighting. **

** Effective: 12/08/04

- f. Street Directory Signs shall be letter signs only.
- g. Each sign on the street directory shall have a maximum size of 6 square feet.
- h. Street Directory Sign lettering shall be 8 inches high maximum.
- i. Street Directory Signs shall contain no more than 5 signs per standard.
- j. Ground signs as permitted in Section 52.5.3 of the Zoning Regulations shall not be permitted except as specified herein as “Street Directory Signs”. (Sketch 5 included with these Regulations.)
- k. Individual business identification signs shall conform to Section 52.5.3 of the Zoning Regulations for building signs. Identifying “Logo’s” will be allowed within specified height, width and area limitations of the Zoning Regulations.

34A..7.3 Portable Signs: No portable signs shall be allowed.

34A.7.4 Posters: Poster areas will be allowed in groups of structures as approved by the Planning and Zoning Commission. Poster areas shall not be considered signs in computing sign areas.

34A.7.5 Post Lighting: (See Sketch 6 and 7 ** included with these Regulations.)

- a. All lighting shall have Mercury Vapor, metal halide or high pressure sodium vapor lamps to be consistent within a single development.
- b.* Posts shall be 6 inches square and have a dark finish.
- c. Fixtures shall be horizontally placed.
- d. Fixtures shall be installed in one, two or four lamp clusters.
- e. Fixtures shall conform to the dimensions of Sketch 6 included with these Regulations or approved equal. Maximum height limit area lighting shall be 20 feet.
- f. All light sources shall be shielded and shall conform to the requirements of Section 41.2.11 Lighting.**

* Amended: 12/15/81

** Effective: 12/08/04

34A.8 Parking

- 34A.8.1 The number of spaces required shall be as specified in the Zoning Regulations. To make maximum use of space available, full use of Section 53.8 of the Zoning Regulations shall be made and overlapping use of off peak requirements shall be encouraged.
- 34A.8.2 Layout and landscaping of parking areas shall be in accord with the attached typical planting sketches and the Zoning Regulations.

34A.9 Plan Submissions and Required Approvals

- 34A.9.1 Site Development Plans: All plans for new construction, reconstruction, renovations, additions, and/or site improvements in the Northford Design District shall be in accordance with the Design District Plan, the Plan of Development, and the Zoning Regulations.

34A.10 Enforcement

- 34A.10.1 Enforcement of the Northford Design District Plan shall rest with the Planning and Zoning Commission or its agent.

The Planning and Zoning Commission may appoint an advisory committee to assist the Commission in review and recommendations on all site development plans and may provide assistance to property owners and others.

SECTION 34B - NORTH BRANFORD CENTER, TOWN DESIGN DISTRICT I*

34B.1 Area: The area of north Branford Center, Town Design District I shall be defined as follows: All of that portion of the center of North Branford lying within the limits of the Central Business B-2 District Zone and the Local Business B-3 District Zone, and portion of the Residence R-40 District Zone, located primarily at the intersection of Route 80 and 139 and 22 and having frontage on the westerly and easterly sides of Branford Road (Route 139) and Notch Hill Road (Route 22) and the southerly and northerly sides of Foxon Road (Route 80) as defined on the Zoning Map of the Town of North Branford.

34B.2 General: The use of land, buildings and other structures within the Town Design Overlay District shall be conducted in conformity with the underlying zone district, subject to the additional requirements of this section. No application for a Zoning Permit shall be approved by the Zoning Enforcement Officer and Planning and Zoning Administrator and no Certificate of Zoning Compliance shall be issued until a determination has been made that such use, building or structure is in compliance with these Regulations.

34B.3 Purpose: The purpose of the North Branford Center, Town Design District I is to promote:

- 34B.3.1 The objectives of the 1991 Plan of Development and Zoning Regulations of the Town of North Branford.
- 34B.3.2 Economic vitality and growth.
- 34B.3.3 Public health and safety.
- 34B.3.4 The development of proper aesthetic quality with the intent of producing a safe, cohesive, attractive, and economically sound North Branford Center.

34B.4 Objectives: The objectives of these Regulations are to:

- 34B.4.1 Provide assistance and direction to property owners and tenants to upgrade and improve existing buildings and grounds.
- 34B.4.2 Provide assistance, encouragement and review of new development proposals to insure coordination with existing and other new development.
- 34B.4.3 Cooperation and encouragement of State and Local officials to improve traffic circulation and safety.
- 34B.4.4 Provide for extension of retail stores and office services in a manner consistent with an appropriate village character for the Center.
- 34B.4.5 Encourage beautification activities and preservation of historic sites.
- 34B.4.6 Provide for an increased resident population which can enjoy the convenience of living in or adjacent to the Center.
- 34B.4.7 Recognize the broad areas around the confluence of Route 80, 22 and 139 as the overall North Branford Center development area.

* Effective: 2/16/96

- 34B.4.8 Improve the overall appearance and safety of the Center's business area through the use of graphic symbols, the planting of trees, the installation of sidewalks and street furniture, the improvement of personal safety, and the provision of other functional and aesthetic improvements which will make these areas more desirable for pedestrian shoppers.
- 34B.4.9 Encourage the removal and relocation of overhead wires from the main street area of North Branford Center.

34B.5 Exterior Architectural Treatment:

- 34B.5.1 Walkways and curbing at buildings
 - A. Walkways at buildings shall be 8 feet wide minimum, clear space, with no obstructions except for roof support posts.
 - B. Walkways at buildings shall not be bituminous concrete.
 - C. Painted bituminous concrete curbs shall not be used at buildings or building planting areas.
 - D. Walkway scoring patterns shall be as approved by the Planning and Zoning Commission.
 - E. Concrete or granite curbing shall be required where deemed appropriate and necessary by the P & Z Commission.
- 34B.5.2 Materials for new buildings/structures
 - A. For all areas exposed to public view, materials shall be limited to stone, unglazed brick, natural or painted wood or other surface treatment specifically approved by the Commission.
- 34B.5.3 Materials and configurations of renovated buildings/structures
 - A. Materials shall conform to 34B.5.2 above.
 - B. The configuration of remodeled or renovated building facades shall generally conform to the architectural styles of the Center.
 - C. Alternate cross-sections, conforming to the intent of the above, may be submitted to the Commission for consideration for acceptability.
- 34B.5.4 Building Lighting*
 - A. All building lighting shall conform to the requirements of Section 41.2.11 Lighting *

34B.6 Functional Site Layout

- 34B.6.1 Driveways, curb cuts, walkways, building location, landscaping, fencing, and other site features shall be in general conformity with the North Branford Center Design District standards and other requirements of the Zoning Regulations.

* Effective: 12/08/04

- 34B.6.2 Walkways not at buildings shall be 5 feet wide minimum and shall not be bituminous concrete.
- 34B.6.3 Planting areas shall be 4 feet wide minimum with plants so arranged to be safe from damage from auto overhang.
- 34B.6.4 All landscaping except trees in walkways shall be mulched with bark or wood chips and properly maintained.
- 34B.6.5 Trees in walkways shall be placed in 4 feet square openings covered with brick, block or other approved treatment.

34B.7 Site Treatment

34B.7.1 Landscaping

- A. Foundation, border or other planned landscaping shall be of evergreen varieties. Flowering or other deciduous plant materials shall be used for accent only. (See Sketches 1-4 in the appendix.)
- B. Highway trees shall be of deciduous type selected from the permitted tree list provided by the Commission and planted 50 feet on center maximum, 2 ½ - 3 inches minimum caliper, 7 feet trim line, single straight trunk and of nursery stock.
- C. Off-highway trees shall be selected from the permitted tree list provided by the Commission with spacing and location to be approved by the Commission. All trees shall be 2 ½ - 3 inches minimum caliper, 8 feet trim line, single straight trunk and of nursery stock.
- D. Each tree planted shall be firmly guyed or supported by means of an upright post driven into the ground parallel to the trunk. The post shall be attached to the tree with guy wire threaded through rubber hose. This support shall be properly maintained for the first two (2) years for each newly planted tree. The property owner shall replace any unhealthy or dead tree and shall maintain all trees and landscape materials.

34B.7.2 Signs

- A. All signs shall be restricted to five types:
 - i. To identify “North Branford Center”
 - ii. Street directory signs identifying groups of business (See Sketch 5 in appendix)
 - iii. Individual ground signs identifying the occupant or business
 - iv. Individual business identification on building structure
 - v. Necessary traffic or directional signage
 - vi. Temporary signs having a community purpose subject to the requirements of Section 52.7

- B. All lettering styles shall be subject to review and approval by the Commission. No more than two different type styles should be used on the same signs.
- C. Maximum sign height for types i, ii and iii shall be 10 feet. All other signs shall comply with Section 52.3 of the Zoning Regulations.
- D. Lighting shall be restricted to shielded or ground light sources as approved by the Commission and shall conform to the requirements of Section 41.2.11 Lighting.*
- E. Each sign on the street directory shall have a maximum size of 6 square feet.
- F. Street Directory Sign lettering shall be 8 inches high maximum.
- G. Street Directory Signs shall contain no more than 5 signs per standard.
- H. Ground signs shall not exceed 12 square feet in area.
- I. Plans for all signs shall be presented showing size, layout, materials, color and lighting.
- J. All signs may extend to the street line. No signs shall be permitted within the right-of-way of any street.
- K. All signs shall be maintained in a safe condition. The Zoning Enforcement Officer shall notify the owner of any sign which is found to be in a hazardous or unsafe condition. If prompt repairs are not made, the officer shall order such sign removed.
- L. Individual business identification signs on buildings shall conform to Section 52.5.3 of the Zoning Regulations for building signs. Identifying "Logo's" will be allowed within specified height, width and area limitation of the Zoning Regulations.

34B.7.3 Portable Signs: No portable signs shall be allowed with the except of Section 34B.7.2 (vi) noted above.

34B.7.4 Posters: Posters shall be affixed only to the inside surface of windows for the purpose of advertising. Poster area shall not exceed 50 percent of glass area and shall not be considered signs in computing sign areas under Section 52 of these Regulations.

34B.7.5 Post lighting: (See Sketch 6 and 7* included with these Regulations)

- A. All lighting shall have Mercury Vapor, metal halide or high pressure sodium vapor lamps to be consistent within a single development.
- B. Post shall be 6 inches square and have a dark finish.
- C. Fixtures shall be horizontally placed.

* Effective: 12/08/04

- D. Fixtures shall be installed in one, two or four lamp clusters.
- E. Fixtures shall conform to the dimensions of Sketch 6 in the appendix or approved equal. Maximum height limit for area lighting shall be 20 feet.
- F. All lighting sources shall be shielded and shall conform to the requirements of Section 41.2.11 Lighting.*
- G. The Commission, if deemed necessary, shall require the applicant to submit an outdoor lighting plan separate from the site development plan or landscaping plans. The plan shall show the location, the height above grade, the type of illumination the source lumens, and the luminous area for each source light which is proposed.

34B.8 Parking

34B.8.1 The number of spaces required shall be as specified in the Zoning Regulations. To make maximum use of space available, full use of Section 53.8 of the Zoning Regulations shall be made and overlapping use of off peak requirements shall be encouraged.

34B.8.2 Layout and landscaping of parking areas shall be in accord with the typical planting sketches as shown in the appendix and the Zoning Regulations. Whenever possible, parking lots shall be provided only at the side or rear of buildings.

34B.9 Plan Submission and Required Approvals

34B.9.1 Site Development Plans: All plans for new construction, renovations, addition and/or site improvements in the North Branford Design District shall be submitted and approved by the Commission in accordance with the Design District Standards, the Plan of Development and the Zoning Regulations.

34B.10 Advisory Committee

The Planning and Zoning Commission may appoint an advisory committee to assist the Commission in review and recommendations on all site development plans and may provide assistance to property owners and others. The Committee shall prepare and submit a report to the Commission stating all the recommendations on the pending application.

34B.11 Enforcement

34B.11.1 Enforcement of the North Branford Center Design District Plan shall rest with the Planning and Zoning Commission or its agent.

* Effective: 12/08/04

SECTION 35 - INDUSTRIAL QUARRY DISTRICT

- 35.1 General: The Industrial Quarry I-1 District is a class of district delineated to encompass an important quarry stone resource and such related lands that are appropriately used in connection with that resource.
- 35.2 Purpose: In the delineation of the Industrial Quarry I-1 District it is recognized that there is an area of the Town of North Branford that consists of a stone quarry resource that has been in use for many years and will be needed in the future as a source of stone for building construction within North Branford and elsewhere. The District encompasses a unique physical circumstance and is served by railroad and highway transportation systems. The purposes of the Industrial Quarry I-1 District are as follows:
- 35.2.1 to recognize the existence of the resource;
 - 35.2.2 to permit stone quarry operations, including stone crushing, sorting and storage of materials, and earth excavation, removal and filling relating thereto, from within the District; and
 - 35.2.3 in connection with the purpose in Par. 35.2.2, to permit ancillary office, trucking, concrete mixing plants and other uses;
 - 35.2.4 provided that such principal and ancillary uses are conducted in a manner that conforms to the performance standards of Section 51, that protects the public health, safety, general welfare and property values in the Town and that provides for the appropriate reuse of land upon completion of stone quarry operations.
- 35.3 Procedure: Certain uses are listed in Schedule A as permitted in the Industrial Quarry I-1 District, subject to administrative approval of a SITE DEVELOPMENT PLAN. Any person, firm or corporation conducting stone quarry operations, and earth excavation, removal and filling relating thereto, within the District shall, at intervals not exceeding five (5) years and beginning with the year 1978, present a Site Operations Plan for administrative approval by the Commission. Submission and approval of a SITE DEVELOPMENT PLAN and accompanying documentation as outlined in Section 62, is required, however, in connection with any proposed buildings and structures.
- 35.4 Site Operations Plan: A Site Operations Plan shall be prepared by a registered professional, as authorized by law, and shall show, for the five (5) year period, the location and extent of proposed stone quarry operations, including the area to be quarried, existing and proposed ground elevations, vehicular access and circulation, outside storage areas and provision for drainage and lighting.

35.5 Site Development Plan Standards:

35.5.1 General: The standards hereinafter specified are applicable to the use of land, buildings and other structures, and to the construction, reconstruction, enlargement, extension, moving or structural alteration of buildings and other structures as well as site development and landscaping in connection therewith.

35.5.2 Access: Provision shall be made for vehicular access to the property in such a manner as to safeguard against hazards to traffic and pedestrians in the street and on the lot and to avoid traffic congestion on any street. Access shall also conform to the following:

- a. Where reasonable alternate access is available, the vehicular access to the lot shall be arranged to avoid traffic use of existing local residential streets situated in or bordered by Residence Districts.
- b. The street giving access to the lot shall have traffic carrying capacity and shall have suitable paving and other improvements to accommodate the traffic generated by the proposed use as well as other existing traffic on the street.
- c. Provision shall be made for turning lanes and traffic controls within the street as may be necessary to provide safe access and avoid congestion.
- d. Access driveways shall be of a design and have sufficient capacity to avoid back up of entering vehicles within the street.
- e. Driveways into the lot shall not exceed a grade of 8 % and shall conform to Town Ordinances or regulations of the State of Connecticut as applicable. Driveways connecting to a street shall not exceed a width of 30 feet unless a greater width is required by Town Ordinance, the Commission or by the State of Connecticut.
- f. Unless otherwise approved by the Commission, there shall be no more than one (1) driveway entering any lot from any one street, except that there may be one (1) additional driveway for each 300 feet of lot frontage in excess of 150 feet.
- g. Suitable provision shall be made on the lot for access to buildings and other structures by fire, police and other emergency services and for fire hydrants, where public water supply is available, in accordance with good fire protection practices.

- 35.5.3 Drainage: Provision shall be made for the collection and discharge of storm water on the lot in such a manner as to assure the usability of off-street parking and loading spaces, to avoid hazards to pedestrians and vehicular traffic on the lot and in any street, to avoid storm water flow across sidewalks and other pedestrian ways and to protect wetlands and water courses from pollution. Provision shall also be made for the protection of existing water courses and for the construction of channels and other drainage systems in accordance with sound design criteria under good engineering practice and as approved by the Commission.
- 35.5.4 Wetlands and Water Courses: The SITE DEVELOPMENT PLAN shall provide for protection of wetlands and water courses, unless modification thereof is authorized by the North Branford Inland Wetlands Agency, and shall conform to the Streambelt Protection District limitations as specified in Section 33.
- 35.5.5 Parking and Loading: Off-street parking and loading spaces shall be provided in accordance with the provisions of Section 53.
- 35.5.6 Outside Storage: Outside storage (including storage and/or display of merchandise, supplies, wastes, machinery, equipment and other materials not in an enclosed building and the outside manufacture, processing or assembling of goods, but excluding areas for the parking of registered motor vehicles in daily use) shall be limited in the I-1 District as follows:
- a. No outside storage areas shall extend into the area required for setback from a street line or Residence District boundary line.
 - b. Outside storage areas shall be limited in extent on any lot in the I-1 District to 25 % of the area of lot.
- 35.5.7 Lighting: The location, height, design and arrangement of outside lighting shall be such as to avoid glare on any other lot, and no light shall be transmitted outside the lot where it originates so as to endanger the public health or safety, including the public safety on any street or highway, or to impair the value and reasonable use of any other lot. All exterior lighting of the site, buildings, parking areas and signs shall conform to the requirements under Section 41.2.11 Lighting. *
- 35.5.8 Landscaping: Landscaping shall be provided and permanently maintained as follows:
- a. The Commission may require that the area required for setback of parking spaces from a street line under Par. 53.3.5 be provided with specimen trees, shrubs and other ornamental landscaping.

* Effective: 12/08/04

- b. There shall be provided in the area required for setback from a Residence District boundary a greenbelt, having a width not less than 50 feet, planted with trees and shrubs of suitable species, no less than 50 % of which being evergreens. Any new plantings shall have a minimum height after planting and pruning of six (6) feet. Suitable existing trees and shrubs may be preserved, or augmented by new plantings, to form the required greenbelt. The Commission, however, may approve fences, walls or other means of landscaping in substitution for the greenbelt when the Commission determines that the purpose of the greenbelt will be accomplished.
- c. Off-street parking and loading areas shall be provided with suitable landscaped planting islands within and/or border landscaping adjacent to such areas in such a manner as to enhance the appearance of the area. Any parking area accommodating 10 or more cars shall be provided with not less than one (1) tree for each 10 cars or fraction thereof, which trees shall be of a species approved by the Commission and shall be not less than two (2) inches caliper and 10 feet in height.

35.5.9 Building Location: Any building or other structure on the lot shall be located so that a) the highest point of such building or structure does not exceed an elevation of 330 feet above mean sea level and b) any portion of the building or structure which exceeds 60 feet in height has an additional setback from a street line, property line or Residence District boundary line equal to five (5) feet for each one (1) foot that such portion exceeds 60 feet in height.

35.5.10 Bond: When required by the Commission, the applicant shall file with the Commission a completion bond to guarantee faithful performance of improvements in accordance with the approved SITE DEVELOPMENT PLAN. Such bond shall be in form and amount and with surety acceptable to the Town Attorney and shall be a) a surety bond, executed by a surety company authorized to enter into such bonds in the State of Connecticut, b) a cash bond, c) a savings account bond accompanied by a letter of assignment from a bank in a form acceptable to the Town Attorney, or d) an irrevocable letter of credit. Letters or credit shall have an expiration date no earlier than six (6) months from the required date of completion and shall be in a form acceptable to the Town Attorney.

SECTION 36 - SPECIALIZED ECONOMIC DEVELOPMENT DISTRICT *

- 36.1 General: The Specialized Economic Development District (SED) is a class of district which delineates a planning area for desirable economic development activities in a park-like setting.
- 36.2 Purpose: The Specialized Economic Development (SED) District is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices, research and development institutions, a variety of manufacturing establishments. The district is to promote development that is practical, feasible, and economical, and an asset to the owner, neighbors and the community. The purposes of the Specialized Economic Development (SED) District are as follows:
- a. Preserve existing natural resources and give proper consideration to the physical constraints of the land.
 - b. Provide for safe and efficient vehicular and pedestrian circulation.
 - c. Provide for proper screening, landscaping, signing, and lighting.
 - d. Ensure efficient, safe and aesthetic land development.
 - e. Provide for compliance with appropriate design standards to ensure adequate light and air, proper building arrangements, and minimum adverse effect on surrounding property.
 - f. Develop proper safeguards to minimize the impact on the environment, including but not limited to minimizing soil erosion and sedimentation, air and water pollution and noise level.
 - g. Ensure the provision of adequate water supply, drainage and stormwater management, sanitary facilities and other utilities and services.
 - h. Retain as much of the natural vegetative cover, particularly in critical environmental areas, where it serves important functional as well as aesthetic purposes.
 - i. Implement the goals and objectives of the Plan of Development dealing with proper land development, site design, and conservation.

* Effective: 1/20/95

- j. Encourage modern and innovative design, construction, technology, and planning methods. Facades of all buildings/structures shall have coordinated architecturally finished exteriors.
 - k. Advance and promote sound growth and the general welfare.
 - l. Strengthen and sustain the economic potential of the Town.
- 36.3 Size of Site and Lot Area – The minimum permitted site area for the establishment of a Specialized Economic Development District is 800,000 square feet. The minimum permitted individual lot area within the SED is 80,000 square feet. Flood Plain and designated wetland/watercourse areas may be included in the calculations of the minimum site and individual lot area.
- 36.4 Utilities – All developments shall be served by municipal sewers. Both public water supply or individual on-site well or community well systems are permitted provided the later is approved by East Shore Health Department, Department of Public Utility Control, and Department of Public Health and Addictive Services, if applicable. Developments served by municipal sewers shall require confirmation from the Water Pollution Authority.
- 36.5 Informal Consideration – The Commission recommends that, prior to the submission of a formal petition to establish a Specialized Economic Development District, the applicant review with the Commission and its staff in a preliminary and informal manner any proposal for a Specialized Economic Development District. The Commission recommends that the applicant submit preliminary plans which provide Basic Development information and that four (4) copies be submitted. The Commission or its staff may request that the applicant submit such additional information as may lead to a rendering of a non-binding opinion by the Commission.
- 36.6 Establishment of SED District – A petition requesting an amendment of the Zoning Map for the purpose of establishing a SED may be filed with the Commission in accordance with the provision of Section 63 of these Regulations. Unless the Commission is the petitioner, all petitions shall be signed by the owner or owners of all properties within the proposed SED and shall be accompanied by six (6) copies of each of the following:
- a. A boundary map and a metes and bounds description of the boundary of the proposed SED as described in Paragraph 63.1.2

- b. An existing condition map or maps of the entire area of the proposed SED at a scale of not less than 100 feet to the inch showing no less than the following information:
 - 1. existing contours at a maximum interval of two (2) feet;
 - 2. existing natural soils in accordance with the classifications of the National Cooperative Soils Survey of the Soil Conservation Service of the U.S. Department of Agriculture; and
 - 3. large trees, wooded areas, ledge outcroppings, open space areas and conservation features, historic sites, trails, existing buildings and other structures, wetlands and watercourses and flood plain areas.

36.7 Procedure - Certain uses are listed in Schedule A as permitted in the Specialized Economic Development SED District, subject to administrative approval of a Site Development Plan or approval of a Special Use Permit. Submission and approval of a Site Development Plan shall be processed in accordance with Section 41 of these Regulations. Submission and approval of a Special Use Permit shall be processed in accordance with Section 42 of these Regulations.

36.8 Permitted Principal Uses - No building, structure, or part thereof shall be erected, altered, or used, nor shall the premises be used in whole or part for other than one or more of the uses specified in Schedule A. To further assist in the interpretations of Schedule A, the following uses are permitted:

- 1. Manufacturing, production, fabrication, processing, packaging, repair and assembly of goods.
- 2. Research and development facilities.
- 3. Offices for corporate, business and professional purposes.
- 4. Printing and publishing and graphic arts.
- 5. Banks and financial institutions.
- 6. Data and other electronic processing facilities.
- 7. Farming.

36.9 Permitted Accessory Uses - Any use customarily incidental to the permitted use or uses is permitted as an accessory use provided that the incidental use is not itself prohibited by the provision of Section 23 or in conflict with Section 51 of these Regulations. Uses and structures commonly accessory to a permitted use will be allowed including:

- a. Retail shops, fitness centers, child day care centers and similar facilities for the convenience of occupants and employees of the permitted use.
- b. Drive-thru facilities subordinate to a bank or financial institution.
- c. Guard houses and other security structures and storage type facilities.
- d. Communications facilities including antenna masts not exceeding 40 feet in height and satellite dishes.
- e. Employee credit unions.

36.10 Prohibited Uses - To further protect the quality and intent of the SED any use not specified in Schedule A as permitted is prohibited. In addition to those uses prohibited in subsection 23.2, the following uses are specifically prohibited:

- 1. Drive-in or drive-thru restaurants or portions of restaurants.
- 2. Freight and materials trucking terminals.
- 3. Garbage and reuse processing, incineration and recycling.
- 4. Automobile and truck sales, service and repair establishments.
- 5. Lumber and building material yards.
- 6. Personal service establishments.
- 7. Bowling alleys, billiard or pool halls, amusement centers, off-track betting (OTB) parlors, casino gambling and other commercial recreation establishments.
- 8. Horse, dog or auto tracks.
- 9. Junk yards and junk or salvage businesses.
- 10. Cemeteries.
- 11. Billboards or outdoor advertising signs.
- 12. Single family and multi-family housing developments.

36.11 Uses Permitted by Special Use - The following additional uses may be permitted in the SED as a Special Use Permit pursuant to the provisions of the Section 42 of these Regulations. In determining the appropriateness of the use, the Commission shall consider the general standards of subsection 42.4 and the following additional criteria:

- a. the goals and objectives of the Plan of Development are met;
- b. adverse traffic impacts are not created;
- c. negative impacts on property values are not created;
- d. the land is physically suited for the proposed use;

- e. adverse environmental impacts are not created;
- f. there is a balance between neighborhood acceptance and community needs;
- g. present and proposed utilities, streets, drainage system and other improvements have adequate capacity to accommodate the proposed use;
- h. historic factors are adequately protected; and
- i. the overall physical appearance of the proposed development is compatible with the surrounding development and the Commission's goals for the neighborhood/corridor.

Special Uses Permitted

- 1. Indoor restaurants and cafeterias and similar facilities which serve the employees and guests of the businesses and not the general public.
- 2. Child day care centers.
- 3. State of Connecticut, Federal Government or any other governmental uses.
- 4. Hotels and motels containing meeting and conference rooms, restaurants and recreation facilities.
- 5. Indoor recreational facilities and health clubs excluding billiard halls, electronic game rooms and similar activities.
- 6. Helipads.
- 7. Earth excavation, removal and filling as provided in Section 43.

The Commission may impose additional approval conditions in accordance with these Regulations in order to ensure that all criteria enumerated above are satisfied.

36.12 Application and Procedure - A Zoning Permit from the Commission is required for all new development, expansion or alteration of existing development, or for a change of use within the SED.

- a. Permitted uses listed in Schedule A, subject to approval of a Site Development Plan, shall be submitted with an Application for a Zoning Permit in accordance with this Section and Section 41.

- b. Permitted uses listed in Schedule A, subject to approval of a Special Use Permit, shall be submitted with an Application for a Zoning Permit in accordance with this Section and Section 42.
- c. Revisions to pre-existing site plans shall be considered as a new application and such revisions shall comply with current regulations. Inability to completely conform to current standards due to physical site limitations or location of existing structures shall not prevent an existing use from being improved, provided that public health, safety standards are not reduced.
- d. In case where the applicant intends to develop in stages, an overall site and staging plan indicating ultimate development shall be submitted.
- e. The Commission may, if deemed necessary, require the submission of a written report by a qualified traffic engineer evaluating the impact of the development on the transportation system, including the amount of traffic projected within and for the proposed development and the adequacy of the surrounding streets and traffic controls to accommodate existing traffic, projected traffic from other approved developments in the area.
- f. **Waiver of Site Plan Requirements:** Upon written request the Commission may waive or partially waive the site plan requirements of Section 41 if the construction, alteration or change in use does not affect existing traffic circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting or other considerations of site plan review or deviate from the intended goals and objectives of the Plan of Development.
- g. **Bonuses** - Upon written request the Commission may allow the increase of certain standards of Section 24 (Schedule B) based on lot size and the following criteria:

	Max. Lot Coverage By Bldg. as % of Lot Area (Line 8, Schedule B)	Max. Floor Area of Bldg. as % of Lot Area (Line 9, Schedule B)
Lot Size		
120,000 sq. ft. to 159,999 sq. ft.	35 %	55 %
160,000 sq. ft.	40 %	60 %

Prior to granting site bonuses, the Commission shall determine that the site is capable and the surrounding land uses are compatible with the increased coverages and building size and is consistent with the goals and objectives of the Plan of Development and subsection 36.2 of this Regulation.

36.13 Parking and Loading - Off-street parking and loading spaces shall be provided in accordance with the provisions of Section 53.

36.14 Outside Storage and Accessory Structures - Outdoor storage or display of any material outside a building is prohibited if such storage or display is visible off the individually developed site. Outdoor storage is prohibited within a Residence District setback area.

Limited Outside Storage (including storage and/or display of merchandise, supplies, wastes, machinery, equipment and other materials not in an enclosed building and the outside manufacture, processing or assembling of goods, but excluding areas for the parking of registered motor vehicles in daily use) shall be limited in the SED District as follows:

- a. No outside storage area shall extent into the area required for setback from a street line or within the front yard portion of the property.
- b. Outside storage area shall be limited in extent on any lot in the SED District to 10 % of the area of the lot.
- c. All permitted structures, containers, trailers and other materials shall be adequately screened with fencing and/or landscaping.

No accessory structures, except for permitted security guard facilities, picnic tables and similar recreational type items, shall be used for human habitation or for conduct of a business, whether for profit or otherwise. No accessory structures shall extend into the front yard area of the property or exceed 25 feet in height nor extend within less than 100 feet of a Residence District and 25 feet from all other property lines.

36.15 Landscaping Plan - A landscaping plan, portraying all landscaping and buffering elements, shall be submitted with each Site Development Plan Application. This plan shall be incorporated into the maps comprising the site development plan. Suitable landscaping, including lawns and nursery-grown trees and shrubs, is required in all areas not covered by impervious surfaces, except where waived by the Commission, such as in areas with established natural vegetation, or areas reserved for site use. Buffer areas void of natural vegetation shall be adequately planted with a combination of evergreen and deciduous type trees.

The landscaping plan shall include a listing and count of all trees and shrubs to be installed by common and botanical name, size (caliper, height, maturity) at installation, and height and spread at maturity. Large trees and stands of mature trees (and shrubs) are to remain undisturbed where practical and desirable. All trees (and shrubs) to remain undisturbed shall be tagged (or otherwise identified) in the field prior to commencement of site work, and shall be shown on the landscaping plan. No building permit shall be issued until a performance bond

has been posted in an amount sufficient to insure said completion. Such performance bond will not be released until all landscaping elements have been planted and have survived in good condition at least one growing season.

All landscaping elements portrayed on the approved landscaping plan, including buffer treatments, shall be maintained in a manner sufficient to ensure its continuing performance and the survival of all plantings. Where a maintenance problem arises, upon order of the Zoning Enforcement Officer, said landscaping shall be restored to a satisfactory condition consistent with the approved landscaping plan.

36.16 Buffers - Buffers shall conform to Schedule B Standards and subsection 41.2.12 and 53.3.5 and the following additional Regulations:

- a. Clear cutting/harvesting of trees within a buffer area is expressly prohibited at any time without prior Commission approval.
- b. Within the buffer area the Commission encourages and may require the establishment of jogging/hiking paths, exercise courses, picnic tables and similar structures which provide recreational opportunities for the employees of the industrial park. A plan showing location and design shall be submitted along with site development plan for review and approval by the Commission. The Commission shall refer to the Open Space Plan if these trail paths are to be made part of the Town-wide hiking trail system.

36.17 Signs and Lighting

- a. Individual business identification signs and ground signs shall conform to Section 52.5.5 of the Zoning Regulations. Upon written request, the Commission may authorize a large ground sign in accordance with Section 52.5.6. All signs are subject to final approval by the Commission and shall include review of design, location and materials used.
- b. Exterior lighting shall be of a style and character which is in harmony with the character of the district. Lighting standards in parking area shall not exceed twenty (20) feet in height. Luminaries shall have shielded light sources to prevent glare. Pedestrian walkways shall be illuminated by light bollards or other low level lighting standards with shielded light sources. All outdoor lighting shall be designed for safety convenience and security which minimizing sky glow and adverse effect from illumination upon the use, enjoyment and value of nearby property and upon the appearance of the community.
- c. All exterior lighting of the site, buildings, parking areas and signs shall conform to the requirements under Section 41.2.11 Lighting. **

** Effective: 12/08/04

- 36.18 Architecture - All buildings/structures within the SED will require architectural and related site design control which promotes the aesthetic qualities of the district. Architectural design, scale and mass of building/structures shall be of such character as to harmonize and be compatible with the development and surrounding neighborhood. Each building/structure shall have coordinated styles, colors, materials and textures with other buildings/structures within the SED development. Proper screening and architectural controls for roof or ground mounted HVAC systems shall be provided. The Commission may appoint an advisory committee to assist the Commission in review and recommendations on all site development plans to meet special community design guidelines. The advisory committee may provide assistance to property owners and others. All architectural plans are subject to final review and approval by the Commission.
- 36.19 Utilities - All electric, telephone and cable television utility wires shall be installed underground unless waived by the Commission.
- 36.20 Performance Standards - The performance standards established in Section 51 and the Noise Pollution Ordinance are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. All developments and uses under these Regulations shall be required to meet these standards. The Zoning Enforcement Officer and/or the Planning and Zoning Administrator shall be responsible for enforcing these standards.

SECTION 37 - AFFORDABLE HOUSING DISTRICT (AHD) *

- 37.1 The Affordable Housing District is that district shown on the official zoning map as AHD which was created by Superior Court order per Connecticut General Statutes, Section 8-30G.

* Adopted 9/03/98

SECTION 38 AGE-RESTRICTED HOUSING DISTRICT (ARHD) *

38.1 Purpose.

An Age-Restricted Housing District (“ARHD”) is a 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 modifications 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:

- (a) To advance the goal of the Town Plan of Conservation and Development to respond to changing demographics by providing additional housing opportunities for persons who are 55 years and older.
- (b) To allow the use of flexible design techniques on parcels of land on which development under conventional zoning standards may be constrained by difficult topography, soils, rock, wetlands or other limiting features.
- (c) 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.
- (d) To serve as a transitional zone between other land uses, such as between industrial uses and traditional residential uses.

38.2 Standards

38.2.1 - Location, Size, Site Area Shape, and Characteristic.

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 five acres nor more than fifteen acres zoned for either residential or industrial use. The property shall abut an industrially zoned property, if zoned residential or residentially zoned property, if zoned industrial. Lot area and shape shall comply with the definition in Section 6.25, including that no more than 25% of the minimum lot area shall contain wetlands and watercourses.

38.2.2 - Dwelling Density

The maximum residential density in the ARHD shall be five (5) units per acre, and shall be based upon the total area of land to be included in the ARHD minus any additional area of land to be conveyed as open space in connection with the adoption of the ARHD. If the Commission accepts a fee in lieu of open space the maximum residential density shall be based upon the total area of land to be included in the ARHD.

* Effective 1/25/16 (entire text under Sec. 38)

38.2.3 - Open Space

No less than one (1) acre, or 20 percent of the tract, whichever is greater, shall be set aside for open space. The area proposed for open-space preservation is to be conveyed to the Town or another suitable entity and shall be excluded from the proposed ARHD, but the area of such portion shall be included in the minimum area requirement in this Section 38.2. If approved by the Commission, the open space requirement may be satisfied by conveying other, non-contiguous property to the Town or another suitable entity approved by the Town for use as open space. The area of such other property must be at least 30% of the area to be developed and must be determined by the Commission to be of value to the Town as open space. The Commission may also accept a fee in lieu of a dedication of open space, as authorized by Connecticut General Statute 8-25(b), if the Commission finds the open space to not be of value to the Town. 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 or another suitable entity has been made or a suitable fee paid. Such conveyance must be made by warranty deed and must be free of any encumbrances.

38.3 Age Restrictions.

A. Each dwelling unit must be occupied by

(a) persons who are 55 years of age or older;

(b) A spouse of an occupant pursuant to (a) above;

(c) An occupant pursuant to (b) above who survives his or her spouse;

(d) An occupant pursuant to (b) above whose spouse has entered into a long-term continuing care facility;

in (c) and (d) above, remaining spouses who remarry or cohabitate must meet all occupancy requirements;

(e) A personal care attendant who is in service to a resident 55 years of age or older, to attend to that resident's medical and/or health needs, provided that (i) the personal care attendant is 21 years of age or older and is not paying the resident any form of rent, (ii) the resident in question has a note from his or her doctor stating that the condition of the resident is such that a personal care attendant is warranted.

B. The development and dwelling units shall have in their deeds and leases declarations containing such age restrictions as a requirement for owning or occupying each unit.

38.4 Zone Change Application.

A formal zone change application for the establishment of an Age-Restricted Housing District must be submitted to the Commission in writing, signed by the owner or owners of all parcels within the proposed District. An application for an Age-Restricted Housing District shall be subject to a public hearing and must include 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.
2. **Conceptual Plans:** Conceptual Plans for the proposed development in sufficient detail to show the existing conditions and general layout of improvements proposed to be erected on the site, including streets, the open spaces to be provided, the nature and location of the proposed use or uses and the relationship of the proposed development to surrounding properties. Conceptual Plans are not intended to be prepared to the detail required in Site Development Plans, but rather are to give the Commission a general idea of what is proposed for the property in question.
3. **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.

 - (a) The ARHD and its standards and Basic Development Plans will accomplish the purposes set forth in Section 38.1;
 - (b) 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, and drainage, landscaping, buffer areas and private streets;
 - (c) 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;
 - (d) 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.
 - (e) The Commission shall have found that an ARHD is in harmony with the area in which it is proposed and sited to protect neighboring property values while respecting the site's natural and man-made features.

38.5 Special Use and Site Development Plan Procedures.

1. Special Use Application

Following approval of the ARHD zone change, the applicant shall submit a Special Use Application. After a public hearing, the Commission may approve a Special Use to an ARHD if it finds that the proposed development conforms to the General Standards for Special Uses set forth in Section 38.1 and will be in harmony with the purpose and intent of the Plan of Development and these Regulations. The Special Use shall be consistent with the requirements in Sections 42.1 through 42.4.4 of these Regulations. In addition:

- (1) There shall be evidence 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 project volumes;
- (2) There shall be a statement from the Police Commission that the proposal will not cause any undue traffic hazards;
- (3) There shall be a statement from the Fire Marshal that the proposal meets fire safety standards;
- (4) There shall be a statement from the Town Engineer that the basic drainage system, public and private street design and the design of elements to be served by the Public Works Department of the Town are adequate;
- (5) The Commission may consider a statement from any other municipal department or advisory committee whose opinion is deemed appropriate by the Commission;
- (6) The Commission shall have found that an ARHD is in harmony with the area in which it is proposed and has been designed and sited to protect neighboring property values while respecting the site's natural and man-made features;
- (7) The Commission shall have found that the proposed development is appropriately related to the town's general goals regarding housing and open space;
- (8) The Commission shall consider the proximity of the proposed development to other like developments and to any lower density residential developments in the area in the evaluation of density and traffic impacts to developed neighborhoods and;
- (9) A Special Use to allow an ARHD may be approved subject to the imposition of a time period within which an application for

approval of a Site Development Plan must be filed, and/or other appropriate conditions and safeguards deemed by the Commission necessary to protect the public health, safety, and property values.

2. Site Development Plans

After the effective date of a Special Use permit for an Age Restricted Housing District permitted by the Commission, the Commission is then

authorized to consider an application for approval of a Site Development Plan for the proposed site in accordance with the standards and procedures of Section 41 and 62.5 of the Zoning Regulations, the provisions of this Section, and any conditions imposed as part of the Special Use approval.

Six (6) copies of all Site Development Plans shall be submitted and shall include the following information:

(1) Location and size of the 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.;

(2) Present and proposed land uses and the acreage of each use, as well as existing land uses in the surrounding areas;

(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) The location of any other ARHD Districts within one (1) mile of the site under consideration; and

(12) 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, covenants and/or easements related to public access rights, legal information related to disposition, ownership and maintenance of community facilities and open space, and proposed homeowners' associations, if any.

38.6 Development Standards

The following minimum standards shall apply to developments in the ARHD and is based on the total area of land to be included in the ARHD minus any additional area of land to be conveyed as open space. If a fee is collected in lieu of open space the minimum standards below are based on the entire ARHD lot.

1. Site Area Size: The AHRD lot must be a minimum of 5 acres and a maximum of 15 acres.
2. Frontage: The AHRD lot must have a minimum of 125 feet of frontage on a state highway.
3. Setbacks: Each building must have a minimum front setback from a private street of 20 feet; minimum side and rear setback of 30 feet; minimum setback from a public street of 50 feet.
4. Separation Distances: Separation between single family homes shall be a minimum of 20 feet; separation between duplex or multi-family buildings shall be a minimum of 30 feet.
5. Open Space: The Commission may require that land be set aside for open space, recreational, and/or other public purposes. In requiring such provision, the Commission shall have determined that the site contains land deemed significant for open space, recreational, and/or other public purposes, based on said land's size, shape, natural features, location and access. A minimum of 20% of the lot to be developed shall be set aside for open space. See section 38.2 for requirements if open space is located other than on the lot being developed. The Commission may also accept a fee in lieu of a dedication of open space, as authorized by Connecticut General Statute 8-25(b).

6. Building height: Maximum 3 stories (35 feet)
7. Building coverage: Maximum lot coverage by buildings and other structures as a percent of lot area shall not exceed 35%.
8. Density per acre: Maximum of 5 units per acre of lot area
9. Impervious surface area ratio: Maximum impervious surface coverage of pavement, buildings and other structures as a percent of lot area shall not exceed 50%
10. Parking: 2 parking spaces shall be provided for every unit, plus spaces for guests in a number to be determined by the Commission. Spaces in garages and driveways count as required parking.
11. Other Improvements: There shall be a buffer area 15 feet wide containing landscaping, fencing, and/or berms between the district and adjacent property in order to provide privacy from the adjacent use. A minimum of 50% of the trees and shrubs planted in the buffer zone shall be evergreens. Buffer areas may be part of the required lot setbacks if there is sufficient landscaping, berm, and/or fencing to assure privacy. The Commission may reduce the width and length of the buffer if a combination of a berm, fencing, landscaping and/or existing landscaping/vegetation in a narrower buffer area satisfies the goal of privacy. Maintenance of buffer areas shall be the responsibility of property owners or a homeowners' association. Off-street parking and loading areas shall be provided with suitable landscaping planting islands within and/or border landscaping adjacent to such areas in such a manner as to enhance the appearance of the area.
12. Streets: Streets in the development shall be built to town standards unless a deviation from those standards is approved by the Commission.
13. Utilities: All Age Restricted Housing District Developments shall be serviced municipal sanitary sewers and public water supply. All utilities including, but not limited to, electric, telephone, gas, water and sanitary sewers shall be placed underground.

The Commission shall review the Special Use and Site Development Plans consistent with its usual procedures for such applications. The ARHD shall be fully approved and ready for development when the initial ARHD application, the Special Use, and the Site Development Plan have all been approved.

38.8 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 erosion and sedimentation control measures and 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 North Branford Subdivision Regulations.
2. Prior to the issuance of any Certificate of Zoning Compliance to permit 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, landscaping, recreational facilities, club houses and other common areas. Said financial guarantee shall be conditioned upon completion of said common facilities within five (5) years 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.

38.9 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.
3. Enforcement of Age Restrictions. In order to assure compliance with the age restrictions required by Section 38.3 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.

38.10 Modification of Detailed Site Plans.

- In the event any application is submitted to modify Site Development Plans, such application shall be processed as follows:
1. Except as provided in subsection 2.2 of this Section 38.10, if any of the proposed modifications would create additional structures or dwelling units, change the

layout of structures, or change the traffic flow through the development, such proposed modifications will require submittal of a Special Use application per the requirements outlined in Section 38.5, and the procedure for the Commission to review and act upon such application shall be the same as the procedure to review a Special Use Permit and Site Plan.

2. Such proposed modifications shall be treated as an application to modify a Site Plan if none of the proposed modifications would create additional structures or dwelling units, and all of the proposed modifications would either:
 - (1) comply with (A) the dimensional standards applicable to the Multifamily District, or (B) comply with 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.

ARTICLE IV - DESIGN AND USE REQUIREMENTS

- SECTION 41 - SITE DEVELOPMENT PLAN STANDARDS
- SECTION 42 - SPECIAL USE PERMITS
- SECTION 42A - SPECIAL USE PERMITS: OPEN SPACE SUBDIVISIONS
- SECTION 42B - SPECIAL USE PERMITS: MULTIPLE DWELLING CLUSTER DEVELOPMENT & PLANNED ADULT RESIDENTIAL CLUSTER DEVELOPMENTS (Repealed*)
- SECTION 42C - SPECIAL USE PERMITS: ELDERLY DEVELOPMENTS**
- SECTION 42D - SPECIAL USE PERMITS: HISTORIC CONVERSION
- SECTION 43 - EXCAVATION, GRADING, REMOVAL AND FILLING
- SECTION 44 - ADDITIONAL STANDARDS

* Effective: 3/28/02
** Effective: 11/14/05

(List revised 3-11-04 to add Section 42D which had been omitted from list since its passage on 3-6-87.)

SECTION 41 - SITE DEVELOPMENT PLAN STANDARDS

- 41.1 General: The standards hereinafter specified are applicable to the use of land, buildings and other structures, and to the construction, reconstruction, enlargement, extension, moving or structural alteration of buildings and other structures as well as site development and landscaping in connection therewith, in the following cases:
- a. to uses listed on Schedule A as permitted in a district as a matter of right, subject to administrative approval of a SITE DEVELOPMENT PLAN;
 - b.* to uses listed on Schedule A as permitted in a district, subject to the securing of a SPECIAL USE PERMIT from the Commission under Section 42, 42A, 42C or 42D.**
 - c. to multiple dwellings located in Residence R-40P Districts under Section 31; and
 - d. to uses located in Town Design Districts under Section 34.

Any such use shall conform to the General Standards and any Special Standards for particular uses hereinafter specified. The standards of this Section are in addition to other provisions of these Regulations applicable in the district in which the use is to be located and are in addition to the standards of Section 42 pertaining to SPECIAL USES and Section 34 pertaining to Town Design Districts.

- 41.2 General Standards: A SITE DEVELOPMENT PLAN shall conform to the requirements of Section 62.2.3.. The following General Standards shall apply to all uses subject to approval of a SITE DEVELOPMENT PLAN by the Commission under this section:**

41.2.1 Plan of Development: The SITE DEVELOPMENT PLAN shall be in conformance with the purpose and intent of any plan of development, or supplement or amendment thereto, adopted by the Commission and pertaining to the area in which the use is to be located, particularly in regard to but not limited to the following:

- a. the provision of streets;
- b. the setback, bulk and appearance of buildings and other structures; and
- c. the provision and location of landscaping features.

* Amended: 6/15/81

** Effective: 5/05/88

41.2.2 Neighborhood: The use of land, buildings, and other structures, the location and bulk of buildings and other structures and the development of the lot shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.

41.2.3 Access: Provision shall be made for vehicular access to the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and on the lot and to avoid traffic congestion on any street. Access shall also conform to the following:

- a. Where reasonable alternate access is available, the vehicular access to the lot shall be arranged to avoid traffic use of existing local residential streets situated in or bordered by Residence Districts.
- b. The street giving access to the lot shall have traffic carrying capacity and shall have suitable paving and other improvements to accommodate the traffic generated by the proposed use as well as other existing traffic on the street.
- c. Provision shall be made for turning lanes and traffic controls within the street as may be necessary to provide safe access and avoid traffic congestion.
- d. Access driveways shall be of a design and have sufficient capacity to avoid back up of entering vehicles within any street.
- e. Driveways into the lot shall not exceed a grade of 8 % and shall conform to Town Ordinances or regulations of the State of Connecticut as applicable. Driveways connecting to a street shall not exceed a width of 30 feet unless a greater width is required by the Town Ordinance, the Commission or the State of Connecticut.
- f. Unless otherwise approved by the Commission, there shall be no more than one (1) driveway entering any lot from any one street, except that there may be one (1) additional driveway for each 300 feet of lot frontage in excess of 150 feet.

41.2.4 Existing Streets: Where the lot has frontage on an existing street, proper provision shall be made for drainage, grading and improvement of shoulders and sidewalk areas within the right-of-way of the street and for provision of curbs and sidewalks, as approved by the Commission and in accordance with the pattern of development along the street. Provision shall also be made for appropriate future continuation and improvement of

streets terminating at the lot where the use is to be located and in accordance with the standards of the Road Ordinance and the Land Subdivision Regulations of the Town of North Branford.

- 41.2.5 Emergency Services: Suitable provision shall be made on the lot for access to buildings and other structures by fire, police and other emergency services and for fire hydrants, where public water supply is available, in accordance with good fire protection practices.
- 41.2.6 Drainage: Provision shall be made for the collection and discharge of storm water on the lot in a such a manner as to assure the usability of off-street parking and loading spaces, to avoid hazards to pedestrian and vehicular traffic on the lot and in any street, to avoid storm water flow across sidewalks and other pedestrian ways and to protect wetlands and water courses from pollution. Provision shall also be made for the protection of existing water courses and for the construction of channels and other drainage systems in accordance with sound design criteria under good engineering practice and as approved by the Commission.
- 41.2.7 Wetlands and Water Courses: The SITE DEVELOPMENT PLAN shall provide for protection of wetlands and water courses, unless modification thereof is authorized by the North Branford Inland Wetlands Agency, and shall conform to the Streambelt Protection District limitations as specified in Section 33.
- 41.2.8 Excavation, Grading, Removal and Filling: The SITE DEVELOPMENT PLAN shall make best use of the natural contour of the land, avoiding extensive excavation, grading, removal and filling operations. Any such operations shall otherwise conform to the provisions of Paragraphs 43.4.4. and 43.4.7 through 43.4.10 of Section 43.
- 41.2.9 Parking and Loading: Off-street parking and loading spaces shall be provided in accordance with the provisions of Section 53.
- 41.2.10 Outside Storage: Outside storage (including storage and/or display of merchandise, supplies, wastes, machinery, equipment and other materials not in an enclosed building and the outside manufacture, processing or assembling of goods, but excluding areas for the parking of registered motor vehicles in daily use) shall be limited in Business and Industrial Districts as follow:
- a. No outside storage areas shall extend into the area required for setback from a street line or Residence District boundary line.
 - b. In addition, in B-3 and I-3 Districts, no outside storage area shall extend into the area required for setback from a property line.

- c. Outside storage areas shall be limited in extent on any lot, in accordance with the district where located, as follows:

<u>District</u>	<u>% of Lot Area</u>
SED*	10 % (See Subsection 36.14)
B-1	25 %
B-2	10 %
B-3	10 %
I-1	25 %
I-2	25 %
I-3	10 %
MBP	0 %

- d. In B-1, B-2 B-3, I-2 and I-3 Districts all outside storage areas shall be enclosed, except for necessary access drives, by buildings and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other lot and from any street, provided that the Commission may determine that such enclosure is not necessary in connection with necessary and reasonable outside storage that is an adjunct to retail sales.

41.2.11** Lighting: The location, height, design and arrangement of outside lighting shall conform to the provisions of 41.2.2, the standards of Section 51 and to the following:

- a. That all exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at the property lines and disability glare at any location on or off the property. The lighting must also be, as much as physically possible, contained to the target area. The “maintained horizontal illuminance recommendations” set by the Illuminating Engineering Society of North America (IES) shall be observed.
- b. All exterior lighting shall use full cut-off or shielded type fixtures. (See Appendix Sketch 7, Examples of Acceptable/Unacceptable Lighting Fixtures.)
- c. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The uplighting exception is externally lit signs in the Specialized Economic Development District, the North Branford Town Design District I and Northford Town Design District II Overlay Districts that may be allowed to be lit by ground light sources subject to the Planning and Zoning Commission review and approval. If floodlighting is used, it must be

* Effective: 1/20/95
 ** Effective: 12/08/04

shielded to prevent: a.) disability glare for drivers or pedestrians, b.) light trespass beyond the property line, and c.) light above a 90 degree, horizontal plane. Internally lit signs are allowed in Business and Industrial Zones subject to the Planning and Zoning Commission review and approval but are prohibited within the North Branford Town Design District I and Northford Town Design District II overlay Districts unless they are legal nonconforming signs which existed lawfully on the effective date of these Regulations or any amendment hereto.

- d. All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security. (“Non-essential” can apply to: display, aesthetic, parking and sign lighting.)
- e. All exterior lighting which existed lawfully on the effective date of these Regulations or any amendment hereto shall be legal nonconforming.

41.2.12 Landscaping: Landscaping shall be provided and permanently maintained on the lot to conform to the standards of Par. 41.2.1, 41.2.2 and 41.2.10 and to the following:

- a. All areas of the lot not covered by buildings and other structures, outside storage and paving shall be suitably landscaped with trees and/or shrubs, lawns or other suitable landscaping or shall be left as natural terrain if not disturbed by excavation, grading, removal or filling. The Commission may require that the area required for setback of parking spaces from a street line (Par. 53.3.5) be provided with specimen trees, shrubs and other ornamental landscaping.
- b. In Business and I-2 and I-3 Districts, in addition to the provisions of Par. 41.2.12.a, there shall be provided in the area required for setback from a Residence District boundary line a greenbelt, having a width not less than one-third of the width of the required setback area, planted with trees and shrubs of suitable species, no less than 50 % of which being evergreens. Any new planting shall have a minimum after planting and pruning of six (6) feet. Suitable existing trees and shrubs may be preserved, or augmented by new planting, to form the required greenbelt. The Commission, however, may approve fences, walls or other means of landscaping in substitution for the greenbelt when the Commission determined that the purpose of the greenbelt will be accomplished.
- c.* On a lot containing multiple dwellings in the R-40P District, the R-GA District, or in a development for which a SPECIAL USE

* Amended: 6/15/81

PERMIT has been granted under Section 42A or 42B, where the side or rear property line is also the boundary line between such District and another Residence District, the area required for setback from such line shall be provided with a greenbelt having a minimum width of 20 feet, planted with trees and shrubs of suitable species, no less than 50 % of which being evergreens. Any new planting shall have a minimum height after planting and pruning of six (6) feet. Suitable existing trees and shrubs may be preserved, or augmented by new planting, to form the required greenbelt.

- d. Off-street parking and loading areas shall be provided with suitable landscaping planting islands within and/or border landscaping adjacent to such areas in such a manner as to enhance the appearance of the area. Any parking area accommodating 10 or more cars shall be provided with not less than one (1) tree for each 10 cars or fraction thereof, which trees shall be of a species approved by the Commission and shall be not less than 2 inches caliper and 10 feet in height.

41.2.13* Handicapped Accessibility: The SITE DEVELOPMENT PLAN shall be in conformance with the applicable provisions of Article 21 of the State of Connecticut Basic Building Code, “Making Buildings Accessible to and Usable by the Physically Handicapped”.

41.2.14** Soil Erosion and Sediment Control Plan: Provision shall be made for the control of soil erosion and sediment control in accordance with the provisions of Section 62.5.4, SOIL EROSION and SEDIMENT CONTROL PLAN, of these Regulations.

41.3 Special Standards: The following SPECIAL STANDARDS are also applicable to particular uses for which administrative approval of a SITE DEVELOPMENT PLAN is required:

41.3.1 Farm Stands: Stands, including any structure of tables, for the display and sale of farm, truck garden, forestry and nursery produce in Residence and Industrial Districts (Line A-6.1 of Schedule A) shall be established primarily for the display and sale of products grown on the premises where the stand is located, shall not exceed a maximum ground coverage of 400 square feet, shall observe all setbacks required for buildings and other structures and shall be provided with not less than one (1) off-street parking space for each 50 feet of ground coverage by the stand.

* Amended: 3/30/80

** Amended: 8/31/85

41.3.2 Multiple Dwellings in R-40P and R-GA Districts: Multiple dwellings in Residence R-40P and R-GA Districts (Line A-2 of Schedule A) shall conform to the following Special Standards:

- */**
- a. Each building in a R-40P District shall contain not more than five (5) dwelling units and each building in a R-GA District shall contain not more than eight (8) dwelling units.
 - b. In R-GA Districts, the lot shall contain not less than 10,000 square feet each dwelling unit.
 - c. In R-40P Districts, the number of dwelling units by number of bedrooms, shall not exceed the number specified by the Commission for the District under Par. 31.5.3. and such units shall be provided with reserved open space as provided in Par. 31.5.4 and shall be located in the area specified on the Land Use Plan under Par. 31.5.1.

***41.3.3 Family Day Care Homes: Family Day Care Homes (Line B-5 of Schedule A) shall conform to the following Special Standards:

- a. The person or persons conducting such use shall reside in the dwelling unit, and there shall be no more than two (2) non-resident persons engaged in the conduct of such use.
- b. The use shall not impair the residential character of the premises.
- c. No enclosed outside play area shall be located between any street line and the detached single family dwelling.
- d. Sufficient off-street parking spaces shall be provided in accordance with Section 53.4.13 and shall be located on the same lot with the use.

****41.3.4 Domestic Animal Daycare Centers (Line C-4.1 of Schedule A): Shall conform to the following Special Standards:

- a. Seventy (70) s.f. of interior floor area shall be provided for each domestic animal;
- b. A Plan acceptable to the East Shore District Health Department for waste disposal, including disinfecting applicable indoor and outdoor areas;

* Amended: 1/01/83

** Amended: 9/19/84

*** Amended: 6/21/91

**** Effective: 1/03/09

- ** c. Outdoor exercise area shall be enclosed by a fence which shall be a minimum of five (5') feet in height, shall provide appropriate screening and shall conform to the required building line setbacks. Use of the outdoor area shall be permitted from 7 a.m. to 6 p.m.;
- ** d. The Center may include an area for grooming and bathing;
- ** e. Overnight kenneling may be provided for daycare members as an accessory to the principal use; and
- ** f. The building or outside exercise area shall not be closer than two hundred (200') feet to any existing residential zone.

*** 41.3.5 Used Motor Vehicle Sales Accessory to New or Remanufactured Automobile Parts and Equipment Sales (Line C-10.3 of Schedule A): Shall conform to the following Special Standards:

- a. There shall be no indoor display of vehicles for sale;
- b. Outdoor display of vehicles for sale shall be limited to the lesser of one (1) car per two hundred (200) square feet of gross first floor area, but no more than a total of ten (10) automobiles;
- c. The display of vehicles for sale shall not be within the established parking setbacks for the zone as provided in Section 53.3.5;
- d. Motor vehicles on display shall not occupy any parking space required for compliance with the number of spaces required in Section 53; and
- e. There shall be no automobile repair or maintenance performed on site other than that required, if any, to comply with the requirements for a used-car dealer's license issued by the Connecticut Department of Motor Vehicles.

**** 41.3.6 Self Storage Facility: Self Storage Facilities (Line C 13.2 of Schedule A): shall conform to the following Special Standards and are also applicable to SPECIAL USES:

- 1. "Self Storage Facility" means a building, group or buildings or other facility having compartments, rooms, spaces, containers or other type of units that are individually leased, rented, sold or otherwise contracted for by customers for the storage of personal or business goods or property and where the facility owner/operator has limited

** Effective: 1/03/09

*** Effective: 7/18/11

**** Effective: 2/26/15 (entire text under Section 41.3.6)

access to the units. For purposes of this Title, self-storage facilities shall conform to the following standards:

The use shall be limited to individual storage compartments which shall be at least 25 square feet and not more than 500 square feet and shall specifically exclude any commercial use or activity otherwise permitted by Site Plan in I-2 and I-3 Zones, and shall meet Article IV - Design and Use Requirements, Section 41: Maximum lot coverage by buildings as percent of lot area, maximum floor area and maximum lot coverage by buildings, storage and paving as percent of lot area shall not exceed limits as published in Section 24, Schedule B of these Zoning Regulations.

2. No outside storage is allowed unless a Special Use Permit is granted under Section 24, Schedule A, Line C13.3 of these regulations. All goods and property stored in a self-storage facility shall be stored in an enclosed building. No outdoor storage of boats, RV's, vehicles, etc., or storage in outdoor storage pods or shipping containers is permitted without a Special Use Permit Application and approval; and shall meet Article IV - Design and Use Requirements, Section 42.5.13.
3. No electrical outlets will be allowed in individual units.
4. Buffer
 - A. 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 or have natural existing buffers.
 - B. The landscape buffer shall be designed to achieve an aesthetically attractive screened design.
 - C. A minimum setback from buildings to property lines of 100 feet is required when the buffer is adjacent to a residential zone. Paving for parking and driveway access and other improvements associated with the development shall have a minimum setback of 50 feet, and be suitable screened by landscaping and/or fences.
5. All storage units of all buildings shall be of neutral tones which harmonize with the surrounding area.
6. Self storage facilities shall not operate or allow tenant access between the hours of 9:00 P.M. and 7:00 A.M.

7. Permitted Activities: The only activities permitted in individual storage units shall be the rental of the unit and the pickup and deposit of goods and/or property in storage. Storage units shall not be used for activities such as:
 - A. Residences, offices, workshops, studios, hobby or rehearsal areas;
 - B. Manufacturing, fabrication, or processing of goods, service or repair or vehicles, engines, appliances or other electrical equipment, or any other industrial/commercial activity;
 - C. Conducting retail sales or any kind including garage or estate sales or auctions or to conduct any other commercial activity;
 - D. Storage of flammable, perishable or hazardous materials or the keeping of animals.

8. Storage Units:
 - A. All storage units shall gain access from the exterior of the building(s) or an interior corridor.
 - B. If the facility abuts residentially zoned property, the facility loading bays, docks or doors shall be screened by landscaping and/or fences from the residential property.
 - C. Electrical service to storage units shall be for lighting only. No electrical outlets are permitted inside the individual storage units.
 - D. Site Lighting
 - All exterior lights shall be designed, located, installed and directed in such a manner as to prevent objectionable light at the property lines and disability glare on or off the property. The “maintained” horizontal illuminance recommendations set by the Illuminating Engineering Society of America (IES) shall be observed. An isolux plan shall be provided for all site lighting, demonstrating compliance with minimum IES Standards.
 - All parking area lighting shall be full cut-off type fixtures.

- All building lighting for security or aesthetics shall be full cut-off or a shielded type, not allowing any upward distribution of light. Floodlighting is discouraged, and if used, must be shielded to prevent: (a) disability glare for drivers or pedestrians, (b) light trespass beyond the property line, and (c) light above a 90 degree, horizontal plane. Wallpack type fixtures are not acceptable.
- If the facility is adjacent to residential property, no direct light source shall be visible at the property line at ground level or above.

*41.4 Bond: When required by the Commission, the applicant shall file with the Commission a completion bond to guarantee faithful performance of improvements in accordance with the approved SITE DEVELOPMENT PLAN.

After the site improvements have been completed but prior to the release of said completion bond, the applicant shall file with the Commission a maintenance bond to be held for a period of one (1) year following the release of the completion bond to guarantee the survival of plantings and to ensure any other relevant improvements.

Such completion and maintenance bonds shall:

- a. be in an amount acceptable to the Town Engineer;
- b. be in a form acceptable to the Town Attorney;
- c. be 1) a surety bond, executed by a surety company authorized to enter into such bonds in the State of Connecticut; 2) a cash bond; 3) a savings account passbook in the name of the Town of North Branford to be held in escrow by the Town, together with a letter from the applicant stating that the passbook is being provided in accordance with the conditions of SITE DEVELOPMENT PLAN approval and may be drawn against by the Town if necessary; or 4) an irrevocable letter of credit;
- d. have an expiration date no earlier than sixty (60) days after the required date of completion, or, in the case of a maintenance bond, no earlier than the end of the one year period.

* Amended: 3/30/80

** 41.5 Change in Use:

- A. A change in use of land or in the use of a structure or building will require Commission approval of a site plan if such change in use increases the required amount of parking, loading or access or requires substantial alteration to the land, structure or building.

- B. Minor changes in the use or occupancy of land, structures or buildings not requiring additional parking, loading, or access will not require site plan approval.

** Effective: 12/03/93

SECTION 42 - SPECIAL USE PERMITS

- 42.1 General: In accordance with the procedures, standards and conditions hereinafter specified, the Commission may grant a SPECIAL USE PERMIT to authorize establishment of one or more of the uses for which a SPECIAL USE PERMIT must be secured as required by these Regulations. All requirements of this Section are in addition to other requirements applicable in the district in which the SPECIAL USE is to be located.
- 42.2* Application and Procedure: Application for a SPECIAL USE PERMIT under this Section shall be submitted in writing to the Zoning Enforcement Officer together with an APPLICATION for a ZONING PERMIT. The Commission, upon written request by the applicant, may by resolution determine that the required submission of all or part of the information specified in Par. 62.5.2 and 62.5.3 is not necessary in order to decide on the application and need not be submitted. The Commission may request the applicant to submit such additional information that it deems necessary in order to decide on the application. In acting on any application, the Commission shall hold a public hearing, shall decide thereon and shall give notice of its decision as required by law. Prior to the Public Hearing, the applicant shall post a "Notice of Public Hearing" sign and shall notify all property owners within 500 feet in all directions of the site in accordance with the procedures of Par. 63.2 of these Regulations.
- 42.3 Approval: After the public hearing, the Commission may approve the application to permit establishment of one or more of the uses for which a SPECIAL USE PERMIT must be secured if it shall find that the proposed use and the proposed buildings and other structures will conform to the GENERAL STANDARDS, as well as any SPECIAL STANDARDS for particular uses, specified in this Section and will be in harmony with the purpose and intent of these Regulations. Approval of an application under this Section shall constitute approval conditioned upon completion of the proposed SPECIAL USE in accordance with plans as approved. Any substantial revision of an approved SPECIAL USE shall require submission of a SPECIAL USE PERMIT application as for the original application. Any SPECIAL USE may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values.
- 42.4 General Standards: The proposed use and the proposed buildings and structures shall conform to the following GENERAL STANDARDS:
- 42.4.1 Streets: The streets giving access to the lot where the use is to be located shall be adequate to accommodate the vehicular and pedestrian traffic generated by the use, in addition to other usage of the street, without undue congestion or hazards.

* Amended: 4/27/81

42.4.2 Lot: The lot on which the use is to be established shall be of sufficient size and adequate dimensions to permit conduct of the use and provisions of buildings, other structures and facilities in a manner that will not impair the reasonable use, enjoyment and value of adjacent property or the neighborhood.

42.4.3 Neighborhood: The use of land, buildings and other structures, the location, bulk and appearance of buildings and other structures and the development of the lot, including but not limited to the landscaping, lighting and parking and loading areas, shall be of a character as to harmonize with the neighborhood, to accomplish transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.

42.4.4 Other: The use shall conform to all other provisions of these Regulations, including but not limited to the SITE DEVELOPMENT PLAN standards of Section 41 concerning Plan of Development, Access, Existing Streets, Emergency Services, Drainage, Wetlands, and Water Courses, Excavation, Grading, Removal and Filling, Lighting and Landscaping.

42.4.5 Special Standards: The following SPECIAL STANDARDS are also applicable to particular SPECIAL USES:

42.5.1*+ Multiple Dwellings in B-1, B-2, B-3 and MBP Districts:

A. All dwelling units shall be restricted to upper floor areas only.*
This restriction does not apply to the MBP District.**

B. All dwelling units shall be served by municipal sewers and public water. The Commission may, at its discretion, permit onsite well and water supply only when approved by the East Shore District Health Department, Department of Public Utility Control and Department of Health Services.

C. There shall be no more than five (5) such dwelling units in any building and each dwelling unit shall be restricted to one bedroom.

D. In the MBP District only, the lot shall contain not less than 20,000 square feet for each dwelling unit. Lots in the B-2 and B-3 districts shall contain not less than 20,000 square feet for each dwelling unit.

E. All dwelling units shall have access and egress separate from the access and egress for any other use in the building.

* Amended: 9/01/93

** Effective: 3/01/02

+ Effective: 7-17-14

F. Each such dwelling unit shall be provided with either a usable balcony or porch or a designated landscaped ground level yard for outdoor recreation having an area of not less than 500 square feet. Upon written request, the Commission may waive this requirement.

G. No outside clothes line or the hanging of clothes shall be permitted.

H. Parking spaces shall comply with the parking standards of Sections 53.3 and 53.4. Visitor and/or additional parking shall be provided as deemed appropriate by the Planning and Zoning Commission.**

42.5.2 Hospitals and Convalescent Homes: Hospitals, convalescent homes, nursing homes and sanitarium (Line B-8 of Schedule A) shall conform to the following Special Standards:

A. In Residence R-80 Districts, the use shall be located on a lot having a minimum area of 10 acres, and there shall be no more than one (1) patient bed for each 10,000 square feet of lot area; in all other districts, the use shall be located on a lot having a minimum area of five (5) acres, and there shall be no more than one (1) patient bed for each 5,000 square feet of lot area.

B. In Residence Districts, no building or other structure established in connection with such use shall extend within less than 100 feet of any property line other than a street line.

C. The use shall be served by public water supply.

42.5.3 Kennels and Stables: Commercial kennels, livery and boarding stables and riding schools (Line A-7 of Schedule A) shall conform to the following Special Standards:

A. The use shall be located on a lot of not less than five (5) acres.

B. Any building, enclosures, feed yards or runs for animals shall be located not less than 150 feet from any property or street line or any natural water course.

C. Adequate provision shall be made for off-street parking of the automobiles and other motor vehicles or all persons using or visiting the use.

** Effective: 3/01/02

42.5.4 Uses Allowed Under Line B-11 of Schedule A: Schools, philanthropic and charitable institutions, community houses, day nurseries and child care centers, business and professional offices, medical and dental clinics allowed under Line B-11 of Schedule 'A' shall conform to the following Special Standards:

- A. No lease for the above uses may be executed for a term in excess of five (5) years.
- B. No Special Use Permit for uses listed in Line B-11 of Schedule 'A' shall be granted for a period longer than five (5) years.
- C. If located in a Residential Zone, the subject uses shall not impair the residential character of the neighborhood and there shall be no evidence of the use outside the school building except for permitted signs.
- D. A certificate of zoning compliance shall be required prior to issuance of a certificate of occupancy.

(*42.5.5 – Accessory Dwelling Unit Amended 6/06/16 and moved to Section 44.8)

42.5.6 Indoor Amusement Centers*: Indoor amusement centers and indoor amusement centers as a subordinate secondary use (Use Line C-8 and C-8.1 Schedule A) shall conform to the following special standards:

1. ** The Commission may grant a Special Use Permit for uses listed in Line C-8 and C-8.1 of Schedule A for a period not to exceed ten (10) years. The Commission, upon application, may grant extensions for periods not to exceed ten years to the currently approved period, provided the operation is being conducted as approved. The Special Use Permit shall be issued to the operator (s) of the business only and shall not be transferable unless specifically approved by the Commission.
2. The applicant requesting the Special Use Permit shall submit a statement of intended use describing the place where the amusement devices are to be located, hours of operation, floor plan showing the location of the amusement devices, and the stated number of type of amusement devices to be used therein.
3. The indoor amusement center shall require the operator(s) or his/her designated adult supervisor (s) to be present on the premises at all times. The adult supervisor shall be at least 21 years of age and shall not permit loiterers, truants or disorderly persons on the premises.
4. The indoor amusement center shall prohibit the use or possession of alcoholic beverages or illegal substances on the premises.
5. Adequate provision shall be made for off-street parking as requires under Section 53 for all motor vehicles using or visiting the use.

* Amended: 5/17/91

** Effective: 3/18/11

42.5.7 Group Day Care Homes:* Group Day Care Homes (Line B-5.1 of Schedule A) shall conform to the following Special Standards:

- A. The person or persons conducting such use shall reside in the dwelling unit and there shall be no more than two (2) non-resident persons engaged in the conduct of the use.
- B. The use shall not impair the residential character of the premises.
- C. No enclosed outside play area shall be located between any street line and the detached single family dwelling.
- D. Sufficient off-street parking spaces shall be provided in accordance with Section 53.4.13 and shall be located on the same lot with the use.

42.5.8 Intermediate Processing Facilities:** Intermediate Processing Facilities allowed under use Line C-20 of Schedule A shall conform to the following Special Standards:

- 1. The use shall be located on a lot of not less than five (5) acres. The site shall have frontage or direct access to a state highway. No buildings or structures shall be located less than 100 feet from any street line and 200 feet from any residence district.
- 2. Outside storage or stockpiling of refuse, garbage and recyclable materials are prohibited unless stored within an enclosure, trailer, or container approved by the Planning and Zoning Commission. All permitted enclosures, containers and trailers shall be adequately screened with fencing and/or landscaping.
- 3. Adequate provision shall be made for off-street parking of motor vehicles including commercial vehicles of all persons using or visiting the use.
- 4. In accordance with the standards of local and state health regulations provisions shall be made for control of litter, noise, odors and rodents.
- 5. Adjacent to each property line of such intermediate processing facility there shall be provided a greenbelt having a minimum width of 20 feet, planted with trees and shrubs of appropriate species, at least 50 % of which shall be evergreens and have a minimum height of five (5) feet and shall be planted no more than 10 feet from one another measured from the center of the tree. Suitable existing trees and shrubs may be preserved and/or supplemented by new plantings to form the required greenbelt.

* Effective: 6/21/91

** Effective: 1/17/92

42.5.9 Mixed Business Park (MBP) Uses allowed under Lines A-2, B-2, C-1 through C-1.2, C-2 and C-21 shall conform to the following special standards:*

- A. Uses shall be located on properties having frontage on and primary access to a state highway.
- B. On-site parking, driveways, and loading areas shall be located to the rear and side of existing and proposed buildings located along a street line setback. Parking, driveways, and loading areas limited to the sides and front entrance areas of buildings. The Commission may, upon written request, waive or partially waive this requirement if the property contains an existing building with a nonresidential use and established parking and the Commission finds that an alternative design meets the objectives of this district. All other parking standards shall comply with Section 53 of these Regulations.
- C. No part of the area required for setback from a Residence District boundary shall be used for off-street parking, driveway, and loading. A strip of land not less than 50 feet in width shall be left in its natural state, if already wooded or shall be landscaped with an adequate mix of evergreen and deciduous trees and shrubs. At least 50 % of the trees shall be evergreens and have a minimum height of five (5) feet and shall be planted no more than 10 feet from one another from the center of tree.
- D. To reduce possible traffic conflict points, the Commission may require the developer to provide vehicular access connection to an adjacent property on the site plan to serve as a common driveway serving more than one property. A written agreement for the common use and maintenance off shared access must be recorded in the Town land records.
- E. No building used exclusively for residential usage shall have a footprint greater than 5,000 S.F. and the gross square footage of residential usage on the site shall not exceed the gross square footage of buildings used for commercial and business uses on the site. **
- F. Spacing between buildings:
 - 1. One-story, 15 feet minimum
 - 2. Two-story, 25 feet minimum

The Commission may permit a single story breezeway or porch connecting two or more buildings within this building separation setback.

* Effective: 9/1/93

** Effective: 3/1/02

- G. All site utilities shall be installed underground.
- H. Outside storage areas are prohibited. Dumpsters shall be located in enclosures having an exterior surface compatible with the principal buildings and adequately screened with landscaping.
- I. No accessory structures shall be used for human habitation or for conduct of a business, whether for profit or otherwise. No accessory structures shall exceed 15 feet in height, contain a floor area in excess of 750 square feet and extend within less than 50 feet of a Residence District and 25 feet from all other property lines.
- J. Decorative walls, fences, walkways, lighting, and landscaping improvements are permitted within the setback areas if approved by the Commission.
- K. The applicant must demonstrate that the site design makes proper provision for pedestrian access and safety. The plan shall provide for pedestrian walkways and circulation in and around the buildings. Interior walkways shall be constructed of slate, brick, concrete or suitable paving blocks but in no case shall they be loose gravel or earth. Sidewalks along State highways are required and shall be installed by the developer in accordance with requirements of Section 322 of the North Branford Subdivision Regulations. The Commission reserves the right to waive the sidewalk requirements.
- L. Individual Business identification signs and ground signs shall conform to Section 52.5.3 of the Zoning Regulations. Upon written request, the Commission may authorize a larger ground sign in accordance with Section 52.5.6. All signs are subject to final approval by the Commission and shall include review of design location and materials used.
- M. Exterior lighting shall be of a style and character which is in harmony with the character of the district. Lighting standards in parking areas shall not exceed twenty (20) feet in height. Luminaries shall have shielded light sources to prevent glare. Pedestrian walkways shall be illuminated with light bollards or other low level lighting standards with shielded light sources. All outdoor lighting shall be designed for safety, convenience and security while minimizing sky glow, an adverse effect from illumination upon the size, enjoyment and value of nearby property and upon the appearance of the community.

- N. Architectural details of the particular style and period proposed shall be incorporated into the design for any new construction and should relate harmoniously to adjacent buildings. It is not intended that the architectural details of old businesses be duplicated precisely, but they should be regarded as suggestive of the extent, nature and scale of details that would be appropriate on new buildings or alterations. Desirable architectural features, where appropriate for a particular style, including gabled roofs, multi-pane windows (12 over 12, 6 over 6), chimneys, porches, shutters, gothic arches, white columns and entablature, and fanlights. Examples of designed architectural style include Colonial, Georgian, Federal Greek Revival, Romantic Revival and Victorian styles.
- O. Basic landscaping plans, portraying all landscaping elements, shall be submitted with the Special Use Permit application. Upon approval of the Special Use Permit, detailed landscaping plans shall be incorporated into the maps comprising the Site Development Plan. Suitable landscaping, including lawns and nursery-grown trees and shrubs, is required around foundations and between structures and other areas not covered by impervious surfaces.
- P. The Commission may appoint an advisory committee to assist the Commission in review and recommendations on all site development plans and may provide assistance to property owners and others.
- Q. A Special Use Permit is required for all new development, expansion or alteration of existing development, or for a change of use within the mixed business park district. Upon written request, a waiver of the Special Use Permit requirement may be granted by the Commission under the following conditions:
1. Revisions to a site development plan application for which a public hearing was previously held for the special use permit within the past six months and which do not result in a change of use;
 2. Minor changes in an existing use or existing structure. A minor change is one which will not result in additional dwelling units, additional floor space for sales or service, or additional parking requirements.
- R. Upon approval of the Special Use Permit the applicant shall file for and submit an application to the Commission for Site Development Plan approval in accordance with this section and Section 43 of these Regulations.
- S. All proposed changes to uses existing at the time of adoption of this district and all proposed alterations or additions to structures existing at the time of adoption of this district will require upgrading of signs,

landscaping, access ways, common design elements and other standards of this district to the extent possible. The Commission may upon written request, waive or partially waive these requirements.

42.5.10* Commercial Recreational Facilities Allowed Under Use Line C-9 shall conform to the following Special Standards:

- A. Support Facilities: Special netting and lighting structures may be permitted to exceed the 35 foot height restriction requirement where demonstrated to the satisfaction of the Commission to be necessary for the specified use and of no adverse impact to the surrounding properties. The maximum height shall not exceed 80 feet. Necessary fencing, lighting and/or netting structures exceeding the maximum 6 foot height restriction within the minimum setback areas of Schedule B, where demonstrated to be necessary and to the satisfaction of the Commission, may be permitted subject to Commission approval. All light sources shall be shielded so as to minimize the visibility of the light sources outside the lot where it originates.
- B. Hours of Operation: All outdoor playing field lighting shall be turned off by 11:30 p.m. and all patrons and visitors must leave the premises by 12:00 midnight. Starting time for all activities, events or programs shall not begin before 7:00 a.m.

42.5.11** Adult Day Care Centers (Allowed under Use Line B-5.3):

- A. The use, location, and design of the proposed building shall be in conformity with the nature and character of the surrounding environs including the appropriateness of roadway arteries serving the property.
- B. No outdoor recreation or gathering area, if any, shall be located between the building and any street line and said area shall be adequately screened and landscaped.
- C. Bulk Standards: The Commission shall apply the bulk standards in the particular zone the adult day care center is proposed as set forth in Schedule B of Section 24.5.
- D. Sufficient off-street parking spaces shall be provided as deemed appropriate by the Commission in accordance with the provisions of Section 53.4.16.
- E. The Commission may restrict the hours of operation and the number of adults receiving care within the Center at any one time, based on its size, location and the general standards set forth in Section 42.4.

* Effective: 9/20/95

** Effective: 10/15/04

42.5.12* Farm/Winery Use with Related Accessory and Incidental Uses to Farm Winery Included Under Use Line A-6.2 shall conform to the following Special Standards:

1. Definition: Any place or premises, comprising a minimum of ten (10) acres on which fruit is grown and wine/wine products (limited to wine and brandies distilled from grape products and other fruit products, including grappa and eau-de-vie) are manufactured, stored and sold, meeting the permit requirements of Connecticut General Statutes §30-16(as amended) and applicable definitions and guidance of Title 22 (as amended) of the Connecticut General Statutes.
2. General: A farm winery is a specific type of “Farm” use and the following activities are recognized as a normal part of a farm winery use and are therefore allowed as part of the permitted use:
 - a.) retail sale of wine produced at the farm winery and related items;
 - b.) a wine tasting room for tasting; and
 - c.) group visitations for the above purposes.

The following said accessory uses shall be incidental, complementary and secondary to the farm winery approved hereunder:

- d.) a farm winery café may also be permitted on the premises which shall permit the preparation and sale of food to members of the public seated indoors and/or on a patio area adjoining the building. A farm winery café may also conduct special events, such as dinners, luncheons, corporate parties, etc., provided that the service of food and/or wine at such special events shall occur solely on the indoor and/or outdoor seating areas as shown on the site plan.
 - e.) a residential structure for the personal use by the permittee and his/her family shall also be permitted on the property.
3. Special Use Requirements:
 - a. The use, location, and design of the proposed farm winery shall be in conformity with the nature and character of the surrounding neighborhood including the appropriateness of roadway arteries serving the property and with parking located in areas on the site where it will be the least visible from access roads and adjoining properties. Site access, parking, and circulation criteria shall conform with the provisions of Section 53 of the zoning regulations.
 - b. All refuse areas shall be screened from view offsite and subject to all setbacks required for the Zoning District and a minimum of one hundred feet (100’) from any dwelling on an adjacent lot.

* Effective 11-05-12
(entire text under Section 42.5.12)

- c. A Preliminary Site Plan of the proposed development superimposed on the Existing Conditions Map, and containing at least the following information, both existing and proposed:
 - 1. all buildings and structures;
 - 2. streets, driveways, and off-street parking facilities;
 - 3. the location of sewage disposal and water supply facilities;
 - 4. a schematic landscaping plan, including trees, shrubs, lawns, and any other natural features not to be disturbed;
 - 5. A location map at a scale of 1" = 800' showing the location of the proposed development in relation to existing streets.

- d. Site Development Plan Approval: After the effective date of a Special Use for a Farm/Winery is approved by the Commission, the Commission is authorized to consider an application for approval of a Site Development Plan for the proposed site in accordance with the standards and procedures of Section 41 and 62.5, and 53 of the Zoning Regulations, the provisions of this Section, and any conditions imposed as part of the SPECIAL USE approval.

- e. Hours of operation shall not exceed the hours from 9:00 AM to 10:00 PM on Sunday through Thursday, and from 9:00 AM to 12 Midnight on Friday and Saturday.

- f. The special zoning bulk standards for the Farm/Winery Use regulations shall be as follows:
 - 1) Building coverage of Principal Winery Use shall be no more than five (5) percent of the lot area with a minimum building setback of 100 feet from all property lines.

 - 2) Building coverage of Winery Accessory Uses and Residential Uses shall each be no more than two (2) percent of lot area. Winery Accessory Uses shall have a minimum building setback of 100 ft. from all property line. Residential Uses shall follow the respective residential zone building setback requirements.

 - 3) Site paving shall cover no more than ten (10) percent of lot area.

 - 4) Any pre-existing building within the minimum building setback distance may be approved by the Commission for use in the winery operation and/or the winery accessory uses if the Commission determines that its intended use, size, location and distance from the surrounding residential properties are appropriate to the area and will not be detrimental due to its operation and traffic.

- g. Signage must conform to Section 52 of the North Branford Zoning Regulations, but shall not exceed 16 square feet.

42.5.13* Self Storage Facility: Self Storage Facilities with Outside Storage (Line C13.3 of Schedule A) shall conform to the requirements of Section 41.3.6 and the following Special Standards:

1. Outside storage as a use that is incidental to the self-storage facility is permitted with a Special Use Permit. A list of the items that would be stored outdoors of the self-storage facility shall be submitted as part of the Special Use Permit Application. Outdoor storage shall be limited by and subject to the provisions published in Section 41.2.10.

42.5.14** Bulk Storage of Propane (Use Line C23 of Schedule A) having special standards, as stated below:

1. Definition: Bulk storage of propane is defined as any location at which liquefied propane is or will be stored in a tank exceeding 2,500 gallons prior to further distribution or delivery.
2. The maximum amount of bulk storage of propane cumulatively on any one lot is five thousand (5,000) gallons.
3. Bulk storage facilities are required to submit a Fire Safety Analysis Report that meets NFPA 58 requirements which includes blast and fire protection for the proposed facility to the Fire Marshal as part of the Special Use Permit application.

42.5.15*** Age Restricted Housing District (Use Line A-9.2 of Schedule A) having special standards, as stated in Section 38.

42.5.16****Restaurants: (Allowed under Line C5 and C5.1) Shall meet the following Special Standards:

- A. On site consumption of alcoholic beverages in conformance with the minimum distance requirements of Section 54.4.1 is allowed.
- B. On site consumption of alcoholic beverages which does not meet the minimum distance requirements under 45.4.1 shall be allowed if it meets the following standards:
 1. Establishment shall be a full service restaurant.
 2. Restaurants may only have a wine and/or beer permit.

* Effective 2-26-15 (entire text under Section 42.5.13)

** Effective 6-8-15

*** Effective 1-25-16

****Effective 3-21-16

3. Wine and beer shall only be served at tables.
4. Seating at bar(s) or counter(s) is prohibited.
5. Service bar(s) shall only be allowed for the storage and dispensing of beer and wine.
6. Outdoor seating must be surrounded by solid screening approved by the Planning and Zoning Commission.
7. Except for business identification signage complying with Section 52, no external facing signage attached to the structure or on the premises is allowed.

* SECTION 42A - SPECIAL USE PERMITS: OPEN SPACE SUBDIVISIONS

42A.1 General: The Planning and Zoning Commission may grant a SPECIAL USE to allow development of an Open Space Subdivision in the R-40 zone which permits a reduction in lot requirements while preserving land for open space, recreational, and/or other public purposes. The Commission shall follow the procedures specified herein and, before granting a SPECIAL USE under this Section, shall find that the standards and conditions specified herein have been met and that the SPECIAL USE will accomplish the purposes set forth in Paragraph 42A.2 and will be in harmony with the purpose and intent of the Town's Plan of Development and Zoning Regulations.

42A.2 Purpose: An Open Space Subdivision shall result in the permanent preservation of land for the following purposes:

42A.2.1. the provision of parks, playgrounds, or other outdoor recreation areas;

42A.2.2 the protection and conservation of natural water courses, wetlands, or water supply;

42A.2.3 the protection of natural drainage systems or floodplains;

42A.2.4 the preservation of sites or areas of scenic value or historical interest;

42A.2.5 the conservation of forest, wildlife, agricultural, or other natural resources.

42A.3 Application and Procedure: Application for a SPECIAL USE to allow an Open Space Subdivision shall be submitted in writing and shall be accompanied by the following:

42A.3.1 a proposed Open Space Subdivision plan of the subject site, which plan shall meet the Preliminary Plan requirements of the Subdivision Regulations (Section 501) and the standards of Paragraph 42A.4.

42A.3.2 for those sites for which on-site sewage disposal systems are proposed, the results of soil test samples, seepage tests, and deep test pits, and a report prepared by a licensed professional engineer evaluating the suitability of the natural soils on the site to accommodate on-site sewage disposal systems; seepage tests and deep tests shall be conducted in accordance with the requirements of Section 603b. of the Subdivision Regulations.

The Commission may request the applicant to submit such additional information that it deems necessary to decide upon the application.

* Amended: 6/15/81

In acting on any such application, the Commission shall hold a public hearing, shall decide thereon, and shall give notice of its decision as required by law. Prior to the public hearing, the applicant shall post a “notice of public hearing” sign and shall notify all property owners within 500 feet in all directions of the site in accordance with the procedures of Par. 63.2 of these Regulations.

42A.4 Standards: An Open Space Subdivision shall conform to the following standards in addition to those of the Subdivision Regulations:

42A.4.1 Acreage: The site shall be at least 15 contiguous acres in size.

42A.4.2 Number of Lots: The maximum number of lots permitted shall be determined as follows:

a. from the total acreage of the site shall be subtracted three-fourths (3/4) of the area of all wetlands and water courses (as defined by State law) on the site, excluding free flowing water courses such as brooks, streams, and rivers;

b. the acreage derived in a. above shall be multiplied by 0.9, and the result rounded off to the nearest whole number.

42A.4.3 Lot Area and Shape: Each lot shall meet the following requirements:

a. For those sites not to be served by public sanitary sewers:

Minimum lot area – 24,000 square feet, exclusive of wetlands or standing bodies of water

Minimum street frontage – 60 feet

Minimum width at the building line – 110 feet

Minimum dimension of ‘building square’ side – 110 feet

b. For those sites to be served by public sanitary sewers:

Minimum lot area – 20,000 square feet, up to 25 % of which may be wetlands or standing bodies of water

Minimum street frontage – 60 feet

Minimum width at the building line – 100 feet

Minimum dimension of ‘building square’ side – 100 feet

Each lot shall otherwise meet the appropriate zoning standards of the R-40 zone as specified in Schedule B.

Interior lots as set forth in Par. 24.2.2 shall be prohibited in an Open Space Subdivision.

- 42A.4.4 Open Space Land: The minimum amount of land to be reserved for open space, recreational, and/or other public purposes shall be determined by multiplying the acreage of the entire site by the percentage by which the minimum lot area is to be reduced. Provision for the permanent reservation, operation, and maintenance of said land shall be as per Section 313 of the Subdivision Regulations.
- 42A.5 Decision: After the public hearing, the Commission may approve a SPECIAL USE to allow an Open Space Subdivision if it finds that the proposed subdivision conforms to the General Standards for SPECIAL USES as set forth in Paragraph 42.4 and will be in harmony with the purpose and the intent of the Plan of Development and these Regulations. In addition:
- 42A.5.1 the Commission shall have found that the subdivision plan is designed appropriately in relation to soil types, wetlands, water courses, topography, scenic vistas, and other natural features;
- 42A.5.2 the Commission shall have determined that the site contains land deemed significant and desirable for open space, recreational, and/or other public purposes, based upon said land's size, shape, natural features, location and access. The dimensions of this land and its location within the subdivision shall be determined by the Commission. In making such a determination, the Commission may consider recommendations of appropriate agencies.
- A SPECIAL USE to allow an Open Space Subdivision may be approved subject to appropriate conditions and safeguards deemed by the Commission necessary to protect the public health, safety, convenience, and property values.
- 42A.6 Subdivision Approval: After the effective date of a SPECIAL USE for an Open Space Subdivision approved by the Commission, the Commission is authorized to consider an application for subdivision approval of the proposed site in accordance with the standards and procedures of the Subdivision Regulations, the provisions of this Section, and any conditions imposed as part of the SPECIAL USE approval.
- 42A.7 Multiple Dwellings in an Open Space Subdivision: The Commission may approve a SPECIAL USE to allow a mix of single-family and multiple dwellings as part of an Open Space Subdivision in accordance with the following provisions:
- 42A.7.1 For the purposes of this paragraph, the term 'buildable area' shall be as per Par. 42B.3.1.
- 42A.7.2 The portion of the site that may be considered for multiple dwellings shall be as follows:

- a. for those sites less than 20 acres in size, no multiple dwellings shall be allowed;
- b. for those sites at least 20 acres but less than 60 acres in size, up to 25 % of the entire site's buildable area may be considered for multiple dwelling development;
- c. for those sites 60 acres or more in size, up to 15 acres of the entire site's buildable area may be considered for multiple dwelling development.

42A.7.3 The maximum number of single-family lots allowed under this paragraph shall be determined by subtracting the buildable area proposed for multiple dwelling development from the buildable area of the entire site, multiplying the remainder by 0.9, and rounding off the result to the nearest whole number.

42A.7.4**** An application for a SPECIAL USE to allow a mix of single-family and multiple dwellings as part of an Open Space Subdivision shall be filed in accordance with the requirements of this Section and Section 42A.7.6 of these Regulations.

42A.7.5**** That portion of the site to be utilized for the development of multiple dwellings shall conform to the standards and requirements of Section 42A.7.6 of these Regulations, including the provisions of Paragraph 42A.7.6.4 if the SPECIAL USE is approved.

42A.7.6**** General: The Planning and Zoning Commission may grant a SPECIAL USE to allow the development of multiple dwellings in clusters on unique sites in R-40 zone restricted by natural or manmade physical conditions, adjacent development, or property lines. The Commission shall follow the procedures specified herein and, before granting a SPECIAL USE under this section, shall find that the standards and conditions specified herein have been met and that the SPECIAL USE will be in harmony with the purpose and intent of the Town's Plan of Development and the Zoning Regulations.

****42A.7.6.1 Application and Procedure: Application for a SPECIAL USE to allow a Multiple Dwelling Cluster Development shall be submitted in writing and shall be accompanied by the following:

- 42A.7.6.1.a an Existing Conditions Map of the site, at a scale of not less than 1" = 40', showing no less than the following:
 1. existing contours at a maximum interval of five feet;

**** Effective: 3/27/02

2. existing natural soils, confirmed by field samples and tests and classified as per the Soil Survey of New Haven County, Soil Conservation Service;
3. wetlands and watercourses (as defined by State law), large trees, wooded areas, rock outcroppings, significant open space and conservation features, recognized landmarks, historic sites, and existing buildings and other structures.

42A.7.6.1.b a Utilities Report specifying the means by which sewage disposal and water supply will be provided for the proposed development:

1. for those sites for which on-site sewage disposal systems are proposed, the results of soil test samples, seepage tests, and deep test pits, and an evaluation prepared by a licensed professional engineer of the suitability of the natural soils on the site to accommodate on-site sewage disposal systems; seepage tests and deep tests shall be conducted in accordance with the requirements of Section 603b. of the Subdivision Regulations;
2. for those sites for which sanitary sewers are proposed, a statement from the Town Engineer that the site can be adequately served by sanitary sewers;
3. for those sites for which an on-site source of water supply is proposed, a report prepared by a licensed professional engineer indicating the number of wells proposed and the per-well yield requirements;
4. for those sites for which public water is proposed, a statement from the appropriate water utility that the site can be adequately served by its public water lines.

42A.7.6.1.c a Preliminary Site Plan of the proposed development, superimposed on the Existing Conditions Map, and containing at least the following information, both existing and proposed:

1. all buildings and structures;
2. streets, driveways, and off-site parking facilities;
3. the location of sewage disposal and water supply facilities;
4. a schematic landscaping plan, including trees, shrubs, lawns, and any other natural features not to be disturbed;
5. a location map at a scale of 1" = 800' showing the location of the proposed development in relation to existing streets.

42A.7.6.1.d Preliminary Architectural Plans of the proposed dwellings, including, but not limited to, exterior elevations, generalized floor plans, and perspective drawings in sufficient detail to indicate their function, bulk, and exterior character.

The Commission may request the applicant to submit such additional information that it deems necessary to decide upon the application. In acting on any such application, the Commission shall hold a public hearing, shall decide thereon, and shall give notice of its decision as required by law. Prior to the public hearing, the applicant shall post a “notice of public hearing” sign and shall notify all property owners within 500 feet in all directions of the site in accordance with the procedures of Par. 63.2 of these Regulations.

****42A.7.6.2 Standards: A Multiple Dwelling Cluster development shall conform to the following standards in addition to other applicable Sections of these Regulations:

42A.7.6.2.a Acreage: The site shall contain a minimum of 3.5 contiguous acres and a maximum of 15 contiguous acres of buildable area. For the purposes of determining the buildable area, the acreage of the site shall be separated into: (1) wetlands and watercourses (as defined by State law), excluding free flowing watercourses such as brooks, streams, and rivers (the ‘wet’ area); and (2) the balance of the site (the ‘dry’ area).

The buildable area shall be defined as the smaller of: (1) the total acreage of the site minus three-fourths (3/4) of the ‘wet’ area; (2) 1.25 times the ‘dry’ area.

Sites containing more than 15 contiguous acres of buildable area may be considered by the Commission; however, in such cases, the computations of Par. 42A.7.6.2.d shall be applicable to a maximum of 15 acres of buildable area only.

42A.7.6.2.b Frontage: The site shall have at least 50 feet of frontage on a town or State road.

42A.7.6.2.c Other Zoning Requirements: The site shall otherwise meet the appropriate zoning standards and requirements of the R-40 zone as specified in Schedule B, unless in the opinion of the Commission, a greater setback is required to properly protect surrounding properties from the impact of intensity of development and protect privacy and reasonable use of residential property.

42A.7.6.2.d Number of Bedrooms: The maximum number of bedrooms permitted shall be determined by multiplying the acreage of the site’s buildable area by 3.6 and rounding off the results to the nearest whole number.

42A.7.6.2.e Number of Dwelling Units: The number of dwelling units shall not exceed 60% of the maximum number of bedrooms derived in

**** Effective: 3/27/02

Par. 42A.7.6.2.d above, rounded off to the nearest whole number.

42A.7.6.2.f Open Space Land: The Commission may require that land be set aside for open space, recreational and/or other public purposes. In requiring such provision, the Commission shall have determined that the site contains land deemed significant for open space, recreational, and/or other public purposes, based upon said land's size, shape, natural features, location and access. The dimensions of this land and its location within the site shall be determined by the Commission, except that the non-open space portion of the site shall not be reduced below 10,000 square feet per dwelling unit. In making a determination whether or not to require the provision of land for open space recreational, and/or other public purposes, the Commission may consider recommendations of appropriate agencies.

In addition to or in lieu of said provision of land, the Commission may require appropriate easements and restrictions on any portion of the site that it has determined would be in the public interest to retain, maintain and conserve in its natural state; said easements may include, but shall not be limited to, scenic easements, conservation easements, pedestrian easements, and passive recreation easements.

****42A.7.6.3Decision: After the public hearing, the Commission may approve a SPECIAL USE to allow a Multiple Dwelling Cluster Development if it finds that the proposed development conforms to the General Standards for SPECIAL USES as set forth in Paragraph 42A.7.6.3 and will be in harmony with the purpose and intent of the Plan of Development and these Regulations. In addition:

- 42A.7.6.3.a the Commission shall have found that the proposed development is in harmony with the area in which it is proposed and has been designed and sited to protect neighboring property values while respecting the site's natural and man-made features.
- 42A.7.6.3.b the Commission shall have found that the proposed development is appropriately related to the town's general goals regarding housing, open space, and community facilities.
- 42A.7.6.3.c the Commission shall consider the proximity of the proposed development to other like developments.

A SPECIAL USE to allow a Multiple Dwelling Cluster Development may be approved subject to: the imposition of a time period within which an application

**** Effective: 3/27/02

for approval of a Site Development Plan must be filed, and/or other appropriate conditions and safeguards deemed by the Commission necessary to protect the public health, safety, convenience, and property values.

****42A.7.6.4Site Development Plan Approval: After the effective date of a SPECIAL USE for a Multiple Dwelling Cluster Development approved by the Commission, the Commission is authorized to consider an application for approval of a Site Development Plan for the proposed site in accordance with the standards and procedures of Section 41 and 62.5 of the Zoning Regulations, the provisions of this Section, and any conditions imposed as part of the SPECIAL USE approval.

42A.7.6.4.a The Site Development Plan shall be in substantial conformance with the Preliminary Site Plan required by Par. 42A.7.6.1.

42A.7.6.4.b The Commission shall review the floor plans of the dwelling units to assure that the number of bedrooms proposed does not exceed the maximum number of bedrooms allowed by Par. 42A.7.6.2.d; the Commission shall also review building elevations to assure the development is in harmony with the general character of the neighborhood in which it is located.

42A.7.6.4.c The following Special Design Standards shall be applicable to a Site Development Plan for a Multiple Dwelling Cluster Development approved under this Section:

1. Paved areas or structures for active recreation and parking areas shall not be permitted within the required setbacks of the R-40 zone.
2. Through paths, common parking areas, or drives shall not be located closer than twenty feet to any window or door of a residential unit.
3. On those sites which lack unique natural features (e.g., dramatic topography) or existing wooded areas of sufficient density and size and of appropriate species to provide adequate screening and privacy between proposed dwellings and public areas, the Commission may require additional buffering materials such as landscaping, fences, or earthen berms to accomplish said purpose.
4. Each multiple dwelling shall contain not more than four dwelling units; however, the Commission may approve up to six dwelling units per multiple dwelling, to accommodate unusual site conditions.
5. Each dwelling unit shall have at least one access door or set of stairs directly to the outdoors.
6. The interior perimeter walls of each multiple dwelling shall be

**** Effective: 3/27/02

constructed of eight-inch concrete block; other interior perimeter wall construction may be approved by the Commission if it is shown to provide at least equal noise insulation and fire protection.

42A.7.6.4.d Proper provision, approved by the Commission shall be made by the developer for the permanent preservation, operation, and maintenance of the land to be set aside for open space, recreational, and/or other public purposes as per Par. 42A.7.6.2.f, including but not limited to:

1. the establishment of suitable restrictive covenants;
2. the establishment of an association to own, operate, and maintain the land;
3. the dedication to the Town of North Branford, if accepted by the Town; and/or,
4. the dedication to the North Branford Land Conservation Trust, if accepted by the Trust.

Disposition of said land shall be by warrantee deed, unless otherwise approved by the Commission.

42A.7.6.4.e In those cases where a Site Development Plan is approved for a site for which an on-site source of water supply is proposed, the applicant shall submit to the Commission – prior to the issuance of any building permit – a statement from the Connecticut Department of Health Services that there is water available in sufficient quantity and quality to serve the number of approved dwelling units, based upon the results of yield tests conducted on wells installed at the site. If the yield tests indicate there to be an insufficient quantity of water to serve the number of approved dwelling units, the applicant shall submit to the Commission a revised Site Development Plan for a lesser number of dwelling units, which number shall not exceed that which the water supply is capable of supporting. The requirements of this paragraph shall not, however, preclude the applicant from obtaining the aforementioned statement and submitting it to the Commission prior to Site Development Plan approval.

42A.8 * / ** Affordable dwellings on individual lots in an Open Space Subdivision:

42A.8.1 Purpose

The purpose of an Open Space Subdivision containing affordable dwelling units is:

* Effective: 12/20/91

** Effective: 12/03/93

1. To permit a mixture of fair market rate detached single family units and affordable detached single family units on individual lots;
2. To increase the diversity of the Town's housing stock in accordance with P.A. 88-338;
3. To allow small scaled developments scattered throughout the community consistent with the goals and objectives of the Plan of Development; and
4. To protect environmentally sensitive areas of Town by cluster design development.

The Commission may approve a Special Use to allow a mix of fair market rate and affordable dwelling units on individual lots as part of an Open Space Subdivision in accordance with the following provisions:

- 42A.8.2 The site shall contain a minimum of 5 contiguous acres and shall not exceed a maximum of 15 contiguous acres in size.
- 42A.8.3 All developments containing affordable housing units shall be served by both municipal sewers and public water supply. The Commission may, at its discretion, permit individual on-site well water or community well systems subject to the approval of East Shore District Health Department, Department of Public Utility Control, and Department of Public Health and Addiction Services, if applicable. Developments served by municipal sewers shall require confirmation from the Water Pollution Control Authority that appropriate capacity exists for the proposed development.
- 42A.8.4 The Commission may, if deemed necessary, require the submission of a written report by a qualified traffic engineer evaluating the impact of the development on the transportation system, including the amount of traffic projected within and for the proposed development and the adequacy of the surrounding streets and traffic controls to accommodate existing traffic, projected traffic from other approved developments in the area.
- 42A.8.5 the development shall be served by a public, paved road having a minimum width of 30 feet and shall conform to the Road Ordinance of the Town of North Branford. The Commission may, however, allow the reduction of pavement width to 24 feet for nonextendable cul-de-sacs and when the overall site development plan has been designed to the satisfaction of the Commission.
- 42A.8.6 A minimum of two (2) off-street parking spaces shall be provided for and located at each dwelling, at least one (1) of which shall be

located within an enclosed garage. Other than private, passenger vehicles in everyday use, any open parking and/or storage of campers, mobile homes, boats and trailers or any recreational vehicles shall be located to the rear of the principle structure and screened from view of adjoining dwellings, unless otherwise approved by the Commission.

- 42A.8.7 The Commission shall require the development to include concrete sidewalks within the street right-of-way along the frontage of lots and shall be constructed to the standards of the Town of North Branford. All utilities shall be placed underground. The Commission reserves the right to waive or partially waive these requirements.
- 42A.8.8 All driveways and parking areas shall be paved with asphalt. Walkways shall be surfaced with concrete, stone, brick or appropriate landscaping treatment approved by the Commission.
- 42A.8.9 The applicant shall provide copies of complete declarations and covenants and other required documents to the Commission to confirm deed restrictions for the proposed affordable units. Copies shall be referred to the Town Attorney for review.
- 42A.8.10 Number of Lots: The maximum number of lots for individual detached single family dwellings shall be determined as follows:
 - A. The “buildable area” shall be determined by subtracting the following from the total site acreage:
 - 1. 25 percent of areas designated as wetlands and watercourses (see Section 6.30 of the Zoning Regulations);
 - 2. 100 percent of areas designated as flood hazard areas.
 - B. The “buildable area” derived in A.) above shall be multiplied by 1.2 and the result rounded off to the nearest whole number.
- 42A.8.11 Building Standards: Each lot shall meet the following requirements:
 - A. Minimum lot area – 15,000 square feet, exclusive of wetlands or standing bodies of water and shall not contain an average grade greater than 20 %
 - B. Minimum street frontage – 80 feet
 - C. Minimum width at the building line – 80 feet
 - D. Minimum dimension of building square side – 80 feet
 - E. Minimum setback from streetline – 50 feet
 - F. Minimum setback from side property line – 10 feet

- G. Minimum setback from rear property line – 25 feet
 - H. Minimum living area for all floors of a dwelling– 900 sq.ft.
 - I. Maximum lot coverage by buildings as % of lot area – 15%
- 42A.8.12 Each lot shall otherwise meet the appropriate zoning standards of the R-40 District as specified in Schedule B.
- 42A.8.13 Interior lots as set forth in Par. 24.2.2 shall be prohibited in an Open Space Subdivision.
- 42A.8.14 The plans shall provide examples of proposed product types for the residential units, typical building layouts and elevations of all buildings (front, back and both side) showing proposed textures, materials and colors. Identical buildings will not require multiple elevations. The applicant shall provide examples of exterior building materials to the Commission for review and approval.
- 42A.8.15 The plans shall provide proposed types, quantities and general location of residential units including square footage and number of bedrooms and densities for individual sections or phases of the development as well as for the development as a whole.
- 42A.8.16 A summary table shall be provided indicating compliance with the development standards. The table shall show proposed phasing, the number and type of buildings and units, number of parking spaces required and provided, square feet and percent of lot area covered by pavement and buildings, lot area, frontage and landscaping requirements and amount of open space provided.
- 42A.8.17 If the development is contiguous to undeveloped land owned by the applicant and capable of future residential development under these Regulations the applicant shall provide a conceptual master plan incorporating other adjoining properties showing road and lot layout design.
- 42A.8.18 Landscaping: A landscaping plan, portraying all landscaping elements, shall be submitted with the Special Use Permit application. This plan shall be incorporated into the maps comprising the subdivision plan. Suitable landscaping, including lawns and nursery-grown trees and shrubs, is required around foundations and between structures and other areas not covered by impervious surfaces, except that the Commission may waive this requirement in lieu of maintenance of existing natural vegetation.

Landscape Plan Inclusions: The landscape plan shall provide a listing and count of all trees and shrubs to be planted, including a minimum of two front yard trees of 2 ½ inches or larger caliper, by

common and botanical names, size (caliper, height, time until maturity) at planting, and height and spread at maturity. Large trees and stands of mature trees and shrubs are to remain undisturbed where practical and desirable. All trees and shrubs to remain undisturbed shall be tagged, or otherwise identified, in the field prior to commencement of site work, and shall be shown on the landscape plan. No Certificate of Occupancy shall be issued until all landscaping elements have been completed: or in lieu of completion, surety has been posted in an amount sufficient to ensure said completion. The amount of surety is to be determined by the Town Engineer.

- 42A.8.19 Decision: After the public hearing, the Commission may approve a Special Use to allow an Open Space Subdivision containing affordable housing units if it finds that the proposed subdivision conforms with the provisions of Section 42A.8 and will be in harmony with the purpose and intent of the Plan of Development and these Regulations.
- 42A.8.20 Subdivision Approval: After the effective date of a Special Use for an Open Space Subdivision approved by the Commission, the Commission is authorized to consider an application for subdivision approval of the proposed site in accordance with the standards and procedures of the Subdivision Regulations, the provision of this Section, and any conditions imposed as part of the Special Use approval.
- 42A.8.21A. At least twenty percent (20%) of the permitted number of units must be affordable units which are made available for sale or rent to moderate income households. The affordable units shall be indistinguishable from the market-rate units in all manner, including but not limited to size, number of bedrooms, location, appearance, provision of amenities and community facilities, quality of construction and, installation of utilities. The Commission encourages developments to provide a higher percentage of affordable dwelling units. When determining the actual number of affordable units the result shall be rounded off to the nearest whole number. (i.e. 2.5 = 3 units).
- 42A.8.21B. Definition of Moderate Income Household: Moderate income households are those which, at the time of execution of a contract of sale or lease agreement are as defined by C.G.S. Sections 8-39A and 8-30g.

42A.8.21C. Definition of Affordable Housing Unit: An “Affordable Housing Unit” is a dwelling unit as defined by C.G.S. Sections 8-30g and 8-39A. For the purpose of this section an affordable housing unit is defined as one containing two or three bedrooms.

42A.8.21D. Determination of Eligibility
In determining whether an applicant for an Affordable Housing Unit meets the definition of Moderate Income Household, the same factors and methods of calculations outlined under C.G.S. Sections 8-30g and 8-39A, shall be administered by the North Branford Housing Authority or other appointed Department selected by the Commission. Moderate income households applying for dwelling units shall be selected on the basis of the following categories of priority:

- a. Residents of the Town of North Branford for two (2) continuous years, whether presently or in the past ten (10) years.
- b. Nonresident municipal and Board of Education employees;
- c. All others.

42A.8.21E. Resale Restrictions
In the case of Affordable Housing Units, the title to said properties shall be restricted for at least (20) twenty years so that in the event of any resale by the owner or any successor, the resale price shall not exceed the then maximum sales price as defined in Section 42A.8.19 C. In no event shall an owner be compelled to sell at a price below his cost. Such restrictions shall be conveyed by deeds incorporation the terms and conditions of the sale agreement and resale restrictions. A copy of which shall be filed with the Town of North Branford until released by the Town.

The sale and resale or lease, sublease and re-letting of units may not occur until the Housing Authority of the Town of North Branford or other appointed Department verifies that the conditions have been met with respect to the initial sale or resale price or rent under a lease, sublease or re-letting. The new purchaser or renter of the property shall also provide the Housing Authority with information verifying their income for the prior three years. All sale and resale or lease, sublease and re-letting of units shall adhere to requirements of C.G.S. Section 8-30g.

*** SECTION 42B REPEALED BY THE PLANNING AND ZONING
COMMISSION
EFFECTIVE MARCH 28, 2002

***SECTION 42B – SPECIAL USE PERMITS: MULTIPLE DWELLING
CLUSTER DEVELOPMENTS & PLANNED ADULT RESIDENTIAL CLUSTER
DEVELOPMENTS**

42B.1 General: The Planning and Zoning Commission may grant a SPECIAL USE to allow the development of multiple dwellings in clusters on unique sites in R-40 and R-80 zones restricted by natural or manmade physical conditions, adjacent development, or property lines.* The Commission shall follow the procedures specified herein and, before granting a SPECIAL USE under this section, shall find that the standards and conditions specified herein have met and that the SPECIAL USE will be in harmony with the purpose and intent of the Town's Plan of Development and Zoning Regulations.**

For the purposes of this regulation, Planned Adult Residential Cluster Developments shall mean development of dwelling units designed to be exclusively occupied by and to meet specific requirements and design standards suitable for occupancy by one or more persons at least one of whom is at least 55 years of age or over with the specific intent to provide a variety of specially designed housing and living environments that provide supportive services necessary to permit the older population, despite age, infirmity and other functional limitations to remain as independent as possible in a residential setting. Developments under this section may consist of one or more of the housing types and living environments being developed as a unified community which will meet the specific needs of this population, including:

- (1) single family detached dwellings;
- (2) multi-family attached and semi-attached dwellings;

either on individual lots or on large parcels of land under unified ownership.***

42B.2 Application and Procedure: Application for a SPECIAL USE to allow a Multiple Dwelling Cluster or Planned Adult Residential Cluster Development shall be submitted in writing and shall be accompanied by the following:

42B.2.1 an Existing Conditions Map of the site, at a scale of not less than 1" = 40', showing no less than the following:

- a. Existing contours at a maximum interval of five feet;

- * Amended: 6/15/81
- ** Amended: 5/05/88
- *** Effective: 1/02/99
- **** Effective: 3/28/02

- b. Existing natural soils, confirmed by filed samples and tests and classified as per the Soil Survey of New Haven County, Soil Conservation Service;
 - c. Wetlands and watercourses (as defined by State law), large trees, wooded areas, rock outcroppings, significant open space and conservation features, recognized landmarks, historic sites, and existing buildings and other structures.
- 42B.2.2 a Utilities Report specifying the means by which sewage disposal and water supply will be provided for the proposed development:
- a. For those sites for which on-site sewage disposal systems are proposed, the results of soil test samples, seepage tests, and deep test pits, and an evaluation prepared by a licensed professional engineer of the suitability of the natural soils on the site to accommodate on-site sewage disposal systems; seepage tests and deep tests shall be conducted in accordance with the requirements of Section 603b of the Subdivision Regulations;
 - b. For those sites for which sanitary sewers are proposed, a statement from the town Engineer that the site can be adequately served by sanitary sewers;
 - c. For those sites for which an on-site source of water supply is proposed, a report prepared by a licensed professional engineer indicating the number of wells proposed and the per-well yield requirements;
 - d. For those sites for which public water is proposed, a statement from the appropriate water utility that the site can be adequately serviced by its public water lines.
- 42B.2.3 a Preliminary Site Plan of the proposed development, superimposed on the Existing Conditions Map, and containing at least the following information, both existing and proposed:
- a. All buildings and structures;
 - b. Streets, driveways, and off-street parking facilities;
 - c. The location of sewage disposal and water supply facilities;
 - d. A schematic landscaping plan, including trees, shrubs, lawns, and any other natural features not to be disturbed;

- e. A location map at a scale of 1" = 800' showing the location of the proposed development in relation to existing streets;
- f. Site grading plans showing contours at a minimum of 2 foot intervals.

42B.2.4 Preliminary Architectural Plans of the proposed dwellings, including but not limited to, exterior elevations, generalized floor plans, and perspective drawings in sufficient detail to indicate their function, bulk and exterior character.

The Commission may request the applicant to submit such additional information that it deemed necessary to decide upon the application. In acting on any such application, the Commission shall hold a public hearing, shall decide thereon, and shall give notice of its decision as require by law. Prior to the public hearing, the applicant shall post a "notice of public hearing" sign and shall notify all property owners within 500 feet in all directions of the site in accordance with the procedures of Par.63.2 of these Regulations.

42B.3 STANDARDS:

42B.3.1 Multiple Dwelling Cluster Developments: a Multiple Dwelling Cluster Development shall conform to the following standards in addition to other applicable Sections of these Regulations:

- a. Acreage: The site shall contain a minimum of 3.5 contiguous acres and a maximum of 15 contiguous acres of buildable area. For the purposes of determining the buildable area, the acreage of the site shall be separated into: (1) wetlands and watercourses (as defined by State law), excluding free flowing watercourses such as brooks, streams, and rivers (the "wet" area); and (2) the balance of the site (the "dry" area).

The buildable area shall be defined as the smaller of: (1) the total acreage of the site minus three-fourths (3/4) of the "wet" are; (2) 1.25 times the "dry" area.

Sites containing more than 15 contiguous acres of buildable area may be considered by the Commission; however, in such cases, the computations of Par. 42B.3.4 shall be applicable to a maximum of 15 acres of buildable area only.

- b. Frontage: The site shall have at least 50 feet of frontage on a town or State road. Other Zoning Requirements: The site shall otherwise meet the appropriate zoning standard and requirement of the R-40 or R-80 zones as specified in Schedule B.

- c. Number of Bedrooms: The maximum number of bedrooms permitted shall be determined by multiplying the acreage of the site's buildable area by 3.6 and rounding off the result to the nearest whole number.
- d. Number of Dwelling Units: The number of dwelling units shall not exceed 60 % of the maximum number of bedrooms derived in Par. 42B.3.1.c above, rounded off to the nearest whole number.
- e. Open Space Land: The Commission may require that land be set aside for open space, recreational and/or other public purposes. In requiring such provision, the Commission shall have determined that the site contains land deeded significant for open space, recreational, and/or other public purposes, based upon said land's size, shape, natural features, location and access. The dimensions of this land and its location within the site shall be determined by the Commission, except that the non-open space portion of the site shall not be reduced below 10,000 square feet per dwelling unit. In making a determination whether or not to require the provision of land for open space, recreational, and/or other public purposes, the Commission may consider recommendations of appropriate agencies.

In addition to or in lieu of said provision of land, the Commission may require appropriate easements and restrictions on any portion of the site that it has determined would be in the public interest to retain, maintain and conserve in its natural state; said easements may include, but shall not be limited to, scenic easements, conservation easements, pedestrian easements and passive recreation easements.

42B.3.2

Planned Adult Residential Cluster Developments: a Planned Adult Cluster Development shall conform to the following standards in addition to other applicable Sections of these Regulations:

- a. Acreage: The area of such development shall be at least 30 acres.
- b. Density: The maximum number of allowable dwelling units shall not exceed 3 dwelling units per 40,000 square feet of gross lot area; further, those areas suitable for building development that are not part of the designated open space for the development as described in Section 42B.3.2.h shall not exceed an intensity of development of four buildings for each 40,000 square feet of said developable area, with no more than two dwelling units per building and no more than two-thirds of the buildings in the development being duplex units. The single family and duplex dwelling units must be dispersed throughout the developable area. The Planning and Zoning Commission may require a lesser density if, in its opinion, site conditions, impact on surrounding properties and adverse environmental impacts indicate such a reduction is necessary to protect the public interest.

- c. Site Coverage: Maximum lot coverage by buildings as percentage of lot area shall be no more than 15 % of the gross area of the site, including garages. Total coverage by buildings, parking, and other impervious surfaces shall not exceed 40 % of the gross area of the site and shall not exceed 50 % of the developable area.
- d. Setbacks: Each dwelling cluster or individual dwelling unit or part thereof shall conform to the following setback requirements:
 - 1. A minimum distance of 300 feet from any street line or public highway line upon which the site has frontage.
 - 2. A minimum of 40 feet from any other property line, unless in the opinion of the Commission, a greater setback is required to properly protect surrounding properties from the impact of intensity of the development which would affect the privacy and reasonable use of residential property.
 - 3. The minimum distance between clusters and/or single dwellings shall be 15 feet. In the case of developments consisting of lots to be conveyed within a common interest community, the minimum setback of dwelling clusters and/or individual dwellings or parts thereof shall be a minimum of 8 feet.
- e. Single family dwelling units/dwelling clusters: Individual, detached, single family dwellings and dwelling clusters shall not exceed two stories for human occupancy.
- f. Frontage: Each such development shall have at least 200 feet of frontage on a public highway or unobstructed easement of access or exclusive right of way, at least 50 feet wide, on a public highway.
- g. Bedrooms: Each dwelling unit shall contain at least one bedroom and no more than two. Bedrooms are defined as any room other than a kitchen, living room, office or bathroom, and containing an entry door and/or closet. Open air or screened porches shall not be considered a room.
- h. Open Space Land: For the purpose of these regulation, or any part thereof, "open space" is defined as any land that is not occupied by building(s), part of an individual building lot designed for private ownership within the cluster development, or covered by parking area, driveway or roadway. Such area shall encompass land having meaningful ecological, aesthetic and recreational characteristics. The area of open space shall not be less than 35 % of the gross land area.

- i. Landscaping: The entire lot area of each dwelling unit and/or dwelling cluster not utilized for buildings, paved parking or walk areas shall be landscaped with lawns, shrubs, trees and other plantings, including intervening spaces between buildings, parking lots, roads and/or drives.

42B.4 Decision: After the public hearing, the Commission may approve a SPECIAL USE to allow a Multiple Dwelling Cluster Developments or Planned Adult Residential Cluster Developments if it finds that the proposed development conforms to the General Standards for SPECIAL USES as set forth in Paragraph 42.4 and will be in harmony with the purpose and intent of the Plan of Development and these Regulations. In addition:

42B.4.1 The Commission shall have found that the development is in harmony with the area in which it is proposed and has been designed and sited to protect neighboring property values while respecting the site's natural and man-made features.

42B.4.2 The Commission shall have found that the proposed development is appropriately related to the town's general goals regarding housing, open space and community facilities.

42B.4.3 The Commission shall consider the proximity of the proposed development to other like developments.

A SPECIAL USE to allow a Multiple Dwelling Cluster Development or Planned Adult Residential Cluster Developments may be approved subject to: the imposition of a time period within which an application for approval of a Site Development Plan must be filed, and/or other appropriate conditions and safeguards deemed by the Commission necessary to protect the public health, safety, convenience and property values.

42B.5 Site Development Plan Approval: After the effective date of a SPECIAL USE for a Multiple Dwelling Cluster development or planned Adult Residential Cluster Developments approved by the Commission, the Commission is authorized to consider an application for approval of a Site Development Plan for the proposed site in accordance with the standards and procedures of Section 41 and 62.5 of the Zoning Regulations, the provisions of this Section and any conditions imposed as part of the SPECIAL USE approval.

42B.5.1 The Site Development Plan shall be in substantial conformance with the preliminary Site Plan required by Par. 42B.2.3.

42B.5.2 The Commission shall review the floors plans of the dwelling units to assure that the number of bedrooms proposed does not exceed the maximum number of bedrooms allowed by Par.42B.3.1 c or 42B.3.2 g,

the Commission shall also review building elevations to assure the development is in harmony with the general character of the neighborhood in which it is located.

42B.5.3 The following Special Design Standards shall be applicable to a Site Development Plan for a Multiple Dwelling Cluster Development and/or Planned Adult Residential Cluster developments approved under this section:

- a. Paved areas or structures for active recreation and parking area shall not be permitted within the required setbacks of the zone in which the development is located.
- b. Through paths, common parking areas or devices shall not be located closer than twenty feet to any window or door of a residential unit.
- c. On those sites which lack unique natural features (e.g., dramatic topography) or existing wooded areas of sufficient density and size and of appropriate species to provide adequate screening and privacy between proposed dwellings and public areas, the Commission may require additional buffering materials such as landscaping, fences or earthen berms to accomplish said purpose.
- d. Each multiple dwelling in a Multiple Dwelling Cluster shall contain not more than four dwelling units; however, the Commission may approve up to six dwelling units per multiple dwelling to accommodate unusual site conditions.
- e. Each dwelling unit shall have at least one access door or set of stairs directly to the outdoors.
- f. The interior perimeter walls of each multiple dwelling shall be constructed of eight-inch concrete block; other interior perimeter wall construction may be approved by the Commission if it is shown to provide at least equal noise insulation and fire protection.

42B.5.4 Proper provision, approved by the Commission, shall be made by the developer for the permanent preservation, operation and maintenance of the land to be set aside for open space, recreational, and/or other public purposes as per Par. 42B.3.6, including but not limited to:

- a. The establishment of suitable restrictive covenants;
- b. The establishment of an association to own, operate and maintain the land;

- c. The dedication to the Town of North Branford, if accepted by the Town; and/or,
- d. The dedication to the North Branford Land Conservation Trust, if accepted by the Trust.

Disposition of said land shall be by warrantee deed, unless otherwise approved by the Commission.

42B.5.5 In those cases where a Site Development Plan is approved for a site for which an on-site source of water supply is proposed, the applicant shall submit to the Commission – prior to the issuance of any building permits – a statement from the Connecticut Department of Health Services that there is water available in sufficient quantity and quality to serve the number of approved dwelling units, based upon the results of yield test conducted on wells installed at the site. If the yield tests indicate there to be an insufficient quantity and quality of water to serve the number of approved dwelling units, the applicant shall submit to the Commission a revised Site Development Plan for a lesser number of dwelling units, which number shall not exceed that which water supply is capable of supporting. The requirements of this paragraph shall not, however, preclude the applicant from obtaining the aforementioned statement and submitting it to the Commission prior to Site Development Plan approval.

*SECTION 42C – SPECIAL USE PERMITS: +ELDERLY DEVELOPMENTS+

42C.1 General: The Planning and Zoning Commission may grant a SPECIAL USE to allow the development of Elderly Developments+ on unique sites restricted by natural or man-made physical conditions, adjacent development, or property lines. The Commission shall follow procedures specified herein and, before granting a SPECIAL USE under this Section, shall find that the standards and conditions specified herein have been met and that the SPECIAL USE will be in harmony with the purpose and intent of the Town’s Plan of Development and Zoning Regulations. For purposes of this Regulation, “ELDERLY” shall mean a person who is 55** years of age or older and, if applicable his/her spouse. The development and dwelling units shall have in its deeds and condominium declarations such age requirement as a restriction.+

42C.2 Purpose: It is recognized that there are tracts of land in the Town of North Branford which can be developed and improved in accordance with a unified plan for the use of land, buildings and other structures to provide for a broad range of specialized facilities for the elderly, when such tracts are of sufficient size to accommodate such facilities in a manner consistent with the character of the Town and when significant common open space is provided and/or natural features of the terrain are preserved and retained. Such facilities may include housing specifically designed for and occupied by elderly persons +and+ geriatric, +continuing+ or convalescent care facilities. Social and recreational facilities and other associated uses +may be+ included as non-residential uses to the extent that such non-residential uses are designed to complement other uses and are intended to serve the needs of the residents of the development and their guests. Development of such facilities must be in accordance with a plan that will support the comprehensive plan of zoning, enhance property values, protect the public health and safety and achieve the purpose of these Regulations.

42C.3 Permitted Uses: Any site for which a Special Use Permit has been granted shall be used for an +elderly development, which may+ include housing, geriatric, convalescent or continuing care facilities for the elderly and ancillary support services include recreational and social facilities, transportation services, dietary care, communal dining, arts and crafts centers, meeting rooms, administrative offices, storage facilities and trash removal facilities. Sizable elderly residential developments and continuing care facilities accommodating 200 or more dwelling units may also provide an area for limited retail and service facilities primarily for the service and convenience of its residents and its guests, subject to the approval of the Commission. The total of such commercial space shall not exceed 20 square feet of gross floor area for each dwelling unit.

* Effective: 1/26/87

** Effective: 9/3/98

+ Effective: 11/14/05

42C.4 Application and Procedure: A petition for the establishment of an Elderly Development* shall conform to the standards set forth in Paragraph 42C.5 and shall be submitted to the Commission in writing, and shall be accompanied by the following:

42C.4.1 Statement: A written statement, in 10 copies, relative to the nature of existing development around the proposed facility, the concepts relating to open space proposals and their preservation, a description of the types of proposed uses, types of dwelling units, proposed ownership and design features.

42C.4.2 General Development Plan: A complete General Development Plan for the proposed development, in ten (10) copies, shall be submitted. As appropriate and where applicable, plans shall be prepared and certified by an architect, professional civil engineer and/or landscaped architect licensed to practice in the State of Connecticut. Where possible, maps should be drawn at a minimum scale of 1" = 40' but in no case less than 1" = 100', showing the information required below:

- a. Property Map: A map showing the location and size of the property of the proposed development 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 facility, as well as existing zoning boundaries, the adjoining properties within 500 feet of the proposed facility and the names of the owners of such properties as appear on the latest records in the office of the Assessor;
- b. Existing Conditions Map: A map showing existing conditions including existing structures by use, topography, vegetation, significant natural features, and the boundaries of any officially designated wetland areas;
- c. Site Development Plan: A preliminary plan showing the location of proposed buildings and structures, roads, parking and other paved areas, walkways, recreational facilities, open space areas and limits of proposed development stages and including a tabulation of the required standards and the design standards used;
- d. Grading and Utilities Plan: A preliminary plan of proposed grading and a schematic layout of proposed storm drainage and utility systems, including water supply, sanitary sewers, electric, telephone, gas, and other utilizes all of which shall be placed underground;

* Effective: 11/14/05

- e. Landscaping Plan: A preliminary plan of existing and proposed landscaping treatment, including major trees areas, water bodies, treatment of open space areas, screening, existing and proposed topography, location of lighting fixtures and location of signs;
- f. Architectural Plans: Preliminary generalized floor plans, exterior elevations, perspective drawings **in sufficient detail to indicate their function, bulk, and exterior character ** and descriptive information on number and size of units, rooms per unit, **units per building**, types of building materials and specific exterior materials and finishes to be used;
- g. Reports: A preliminary report or reports in ten (10) copies showing the proposed method of handling sewage disposal, water supply, storm water discharge including capacity of water courses, volume of additional discharge, improvements needed and design basis, projected development scheduling and contemplated financing program.
- h. Additional Information: Any additional information which the Commission may reasonable require or the applicant may wish to submit, including information on traffic, soil conditions, marketability, environmental impact, project model, proposed covenants, easements, deeds, etc.

42C.5 Standards: Elderly Developments** shall conform to the following standards and requirements:

42C.5.1 Site Area Shape and Characteristics: The site for an Elderly Development** shall contain a minimum area of twenty (20) acres** of generally buildable land with suitable soils, topography and other natural features. Ponds, marshes and designated wetlands shall not be used for purposes of computing allowable density. Natural features of the land shall be retained when reasonably possible. Each site shall have a minimum frontage of 50 feet on a street and be of such shape that a square with a minimum dimension of 400 feet will fit on the site.

42C.5.2 Density: The minimum lot area per dwelling unit in the housing portion** of an Elderly Development** shall be as follows:

- a. For efficiency and one bedroom dwelling units: 8,000 sq.ft. per d.u.
- b.* For two bedroom dwelling units: 9,500 sq.ft. per d.u.

* Effective: 2/19/93

** Effective: 11-14-05

The minimum lot area per nursing home bed in an Elderly Development**shall be as follows:

- c. For one nursing home bed: 5,000 sq.ft. per n.h.b.

42C.5.3 Floor Area: The minimum floor area per dwelling unit in an Elderly Development** shall not be less than 600 square feet.

42C.5.4 Setbacks: No buildings or other structures shall extend within less than 150 feet of any street line or any other property line, **unless in the opinion of the Commission, a reduction down to the development's minimum setback from a Residence District boundary line is in harmony with the purpose and intent of Section 42C.5.14.a. The Commission may also require a greater setback to properly protect surrounding properties from the impact of intensity of development and protect privacy and reasonable use of adjacent residential property.**

*42C.5.5 Height: Buildings and other structures shall not exceed a height of 35 feet, except that the Commission may authorize an increase up to and not to exceed 45 feet if the applicant provides to the Commission's satisfaction, design features that minimize the visual impact of the increased height on the surrounding neighborhood. **The Commission may also limit the proposed height of buildings to one or two stories where increased height along with building length and width will have a visual impact to surrounding neighborhoods having small residential lot sizes. **

- a. Height is to be measured from the finished grade adjacent to the exterior walls of the building, vertically to the highest point of the building, including top of parapet, roof ridge and roof top mechanicals.

42C.5.6 Building Bulk and Coverage

- a. Maximum floor area as a percent of lot area shall not exceed 20 percent.
- b. Maximum lot coverage by buildings and other structures as a percent of lot area shall not exceed 10 percent.

42C.5.7 Open Space Land: The Commission may require that land be set aside for open space, recreational, and/or other public purposes. In requiring such provision, the Commission shall have determined that

* Effective: 9/03/98

** Effective: 11-14-05

the site contains land deemed significant for open space, recreational, and/or other public purposes, based upon said land's size, shape, natural features, location and access.

The dimensions of this land and its location within the site shall be determined by the commission, except that the non-open space portion of the site shall not be reduced below 8,000 square feet per dwelling unit. In making a determination whether or not to require the provision of land for open space, recreational, and/or other public purposes, the Commission may consider recommendations of appropriate agencies.

In addition to or in lieu of said provision of land, the Commission may require appropriate easements and restrictions on any portion of the site that it has determined would be in the public interest to retain, maintain and conserve in its natural state; said easements may include, but shall not be limited to, scenic easements, conservation easements, pedestrian easements and passive recreation easements.

42C.5.8 Landscaping: Landscaping shall be provided and permanently maintained on the lot to conform to the standards of Par.41.2.1 and 41.2.2. and 41.2.10 and to the following:

a. There shall be provided in the area required for side and rear yard setbacks from, a greenbelt, having a width not less than one-third

of the width of the required setback area, planted with trees and shrubs of suitable species, no less than 50 % of which being evergreens. Any new planting shall have a minimum height after planting and pruning of six (6) feet and shall be planted 15 feet on center from one another. Suitable existing trees and shrubs may be preserved, or augmented by new planting, to form the required greenbelt.

The Commission, however, may approve fences, walls or other means of landscaping in substitution for the greenbelt when the Commission determines that the purpose of the greenbelt will be accomplished.

b. Off-street parking and loading areas shall be provided with suitable landscaping planting islands within and/or border landscaping adjacent to such areas in such a manner as to enhance the appearance of the area. Any parking area accommodating 10 or more cars shall be provided with not less than one (1) tree for each 10 cars or fraction thereof, which trees shall be not less than two (2) inches caliper and 10 feet high.

42C.5.9 Streets and Drives: Major access streets, whether private or proposed to be dedicated as public streets, shall be constructed to at least the minimum Town road standards. Interior driveways shall have a paved roadway width of at least 12 feet for on-way travel and at least 24 feet for two directional travel with no parallel parking allowed.

42C.5.10 Utilities: All Elderly Developments* shall be served by municipal sanitary sewers and public water supply. All utilities including, but not limited to, electric, telephone, gas, water and sanitary sewers shall be placed underground.

42C.5.11 Parking: No part of any parking area shall extend within 100 ft. of any street line or property line. Off-street parking spaces shall be provided as required by Section 53 of these Regulations and the following specific ratios:

Residential portion of an elderly development*	1 ½ *space for each residential dwelling unit
Nursing home portion of an elderly development*	1 space for each 2 nursing home beds
Other supporting facility uses	1 space for each 400 sq.ft. of floor area

All parking shall be designed as an integral part of the overall site design, property arranged to prevent undue concentration of parking facilities, and attractively landscaped through ample use of trees, shrubs, hedges, walls and fences.

42C.5.12 Other Improvements: Sidewalks having a minimum width of four (4) feet shall be provided between all buildings and parking areas, streets and drives. Appropriate exterior lighting shall be designed and provided at building entrances, along walkways, in parking areas, at all access points to streets and at such other locations as may be required for the safety of vehicular and pedestrian traffic. Suitable, screened areas and facilities shall be provided for the adequate reduction, collection and disposal of refuse. All laundry and clothes drying facilities shall be contained within a structure. All signs shall be designed as part of the overall design concept and shall meet the requirements of these Regulations for signs in residential districts.

42C.5.13 Professional Standards: All maps, plans and technical drawings shall be designed by and of a qualified professional engineer, architect, landscape architect and/or surveyor, licensed to practice in the State

* Effective: 11/14/05

of Connecticut, when submitted for approval. All site plans and landscape plans shall be designed by a registered landscape architect, architect or civil engineer; all structures intended primarily for human occupancy shall be designed by a registered architect; all boundary surveys and property maps shall be prepared by a registered land surveyor; all engineering design, road and utility plans and sanitary sewerage facilities designs shall be prepared by a registered civil engineer.

*42C.5.14 Decision: After a public hearing, the Commission may approve a SPECIAL USE to allow an Elderly Development if it finds that the proposed development conforms to the General Standards for SPECIAL USES as set forth in Section 42C.5 and will be in harmony with the purpose and intent of the Plan of Development and these Regulations. In addition:

42C.5.14.a * the Commission shall have found that the proposed development is in harmony with the area in which it is proposed and has been designed and sited to protect neighboring property values while respecting the site's natural and man-made features.

42C.5.14.b.* the Commission shall have found that the proposed development is appropriately related to the town's general goals regarding housing, open space, and community facilities.

42C.5.14.c.* the Commission shall consider the proximity of the proposed development to other like developments and to any lower density residential developments in the area in the evaluation of density and traffic impacts to developed neighborhoods.

42C.5.14.d.* A SPECIAL USE to allow an Elderly Development may be approved subject to the imposition of a time period within which an application for approval of a Site Development Plan must be filed, and/or other appropriate conditions and safeguards deemed by the Commission necessary to protect the public health, safety, convenience, and property values.

42C.6 Site Development Plan Approval: After the effective date of a SPECIAL USE for an Elderly Development* is approved by the Commission, the Commission is authorized to consider an application for approval of a Site Development Plan for the proposed site in accordance with the standards and procedures of section 41 and 62.5 of the Zoning Regulations, the provisions of this Section, and any conditions imposed as part of the SPECIAL USE approval.

* Effective: 11-14-05

42C.6.1** The Site Development Plan shall be in substantial conformance with the Preliminary Site Plan required by Par. 42A.7.6.1.c.

42C.6.2* The Commission shall review building elevations to assure the development is in harmony with the general character of the neighborhood in which it is located.

42C.6.3 The following Special Design Standards shall be applicable to a Site Development Plan for an Elderly Development*** approved under this Section:

- a. Paving: Paved areas or structures for active recreation and parking areas shall not be permitted within the required setbacks of the R-40 zone;
- b. Proximity: Through paths, common parking area, or drives shall not be located closer than twenty feet to any window or door of a residential unit;
- c. Sanitary Sewerage: Evidence from the Sewer Commission 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;
- d. Traffic: Evidence that the proposal will not cause any undue traffic hazards;
- e. Fire Protection: A statement from the Fire Marshal that the proposal meets fire safety standards and concerning the fire fighting feasibility of the proposed plan;
- f. Public Works: Evidence from the Town Engineer with reference to the adequacy of the basic drainage system, the public street design and the design elements to be served by the Public Works Department of the Town;
- g. Other Information: Statements, studies or analysis from any other municipal department or advisory committee whose opinion is deemed appropriate by the Commission.

* Amended: 8/5/87
** Effective: 3/27/02
*** Effective: 11/14/05

42C.7.1 Proper provision, approved by the Commission, shall be made by the developer for the permanent preservation, operation, and maintenance of the land to be set aside for open space, recreational , and/or other public purposes as per Par. 42C.5.6, including but not limited to:

- a. the establishment of suitable restrictive covenants;
- b. the establishment of an association to own, operate and maintain the land;
- c. the dedication to the Town of North Branford, if accepted by the Town; and/or,
- d. the dedication to the North Branford Land Conservation Trust, if accepted by the Trust.

Disposition of said land shall be by warranty deed, unless otherwise approved by the Commission.

*SECTION 42D HISTORIC CONVERSION

42D.1 General: In accordance with procedures, standards and conditions as set forth in Section 42, the Commission may grant a Special Use Permit to authorize the conversion of historically and/or architecturally significant buildings which have been recorded in but not limited to the Historical and Architectural Survey of North Branford, 1980. Historically and/or significant buildings located in R-40, R-80 and R-GA zones may be granted a Special Use Permit to allow a conversion of use from residential to commercial. Such structures in all other zones may also be granted a Special Use Permit to allow a conversion to a use normally not permitted in the zone where located. Such building types may be obsolete by reason of location, large size or the nature of the structure and therefore may not be usable for a use permitted in the residential, commercial or industrial zone where located.

42D.2 Purpose: The purpose of a Historic Conversion is to promote the educational, cultural, economic and general welfare of the Town of North Branford by providing a mechanism to identify and preserve the distinctive historic and architectural characteristics of the Town and conserving and improving the value of property designated as landmarks while protecting and enhancing the attractiveness of the Town.

42D.3 Application and Procedure: Application for a Special Use Permit to allow a Historic Conversion shall be submitted in writing and shall be accompanied by the following:

42D.3.1 Ten (10) copies of a map of the site at a scale of not less than 1" = 40', which shall meet all of the requirements set forth in Section 62.4 Plot Plan of these Regulations.

42D.3.2 A utilities report specifying the means by which sewage disposal and water supply will be provided or continued to be provided for the project:

- a) for those sites on which an on-site sewage disposal system exists, an evaluation prepared by a licensed professional engineer shall be submitted as to the suitability of the system to accommodate the proposed use;
- b) for these sites which are connected to sanitary sewers, a statement from the Town Engineer shall be submitted addressing the adequacy of the system to accommodate projected effluence from the project;
- c) for those sites on which an on-site source of water exists a report prepared by a licensed professional engineer shall be submitted indicating the suitability of the existing water supply to accommodate the proposed use.

* Effective: 3/6/87

- 42D.3.3 A statement containing the following information:
- a) a description and evaluation of the existing uses within 500 feet of the subject site;
 - b) site development;
 - c) an inventory of buildings in the neighborhood and within 500 feet around the parcel for which the Special Permit is requested.
- 42D.3.4 A statement giving a description of how the Conversion in use supports the integrity of the Town of North Branford.
- 42D.3.5 Proof of record that subject building is listed in the Historical and Architectural Survey of North Branford, 1980 or is a historically significant building.
- 42D.3.6 Ten (10) copies of architectural plans of any existing and proposed additions or structures or alterations thereof and signs and outdoor illumination facilities. Such plans shall be prepared by a licensed architect or engineer and shall include exterior elevation drawings, floor plans, perspective drawings, and shall indicate the bulk, and exterior character and finish of the building or structure.
- 42D.4 Standards: Historic Conversions shall conform to the following standards in addition to all other applicable Sections of these Regulations:
- 42D.4.1 The Commission may approve or approve with conditions a Special Permit under this Section 42D if it finds that all of the standards applicable to Special Permits under Section 42 have been met in addition to all other standards and requirements under Section 34 TOWN DESIGN DISTRICTS and SECTION 34A NORTHFORD, TOWN DESIGN DISTRICT II*, Section 41 – Site Plans, Section 44 – Additional Standards, Section 52 – Signs, Section 53 – parking and Loading, Section 62.4 Plot Plan and Section 62.5 Site Development Plan and that all of the following additional standards are met:*
- a) the building or major portion thereof, for which conversion is requested shall be recorded in but not limited to the Historical and Architectural Survey of North Branford, 1980;
 - b) any proposed additions to or extensions of such building shall be incidental to the intended conversion, preservation and rehabilitation and shall conform to all of the setbacks, height and coverage requirements of the Zoning District where located, except that an existing building within a street line setback may be allowed to increase its nonconformity within that setback with a rear building extension (total floor area) to the existing building not to exceed 50 percent of the existing building's first floor area and not to extend out beyond the other existing sides of the building and shall conform to all other lot coverage requirements of the Zoning District where located:**

* Effective: 5/05/88

** Effective: 3/11/04

- c) the use to which the conversion is requested shall assure substantial preservation and rehabilitation of the building, shall match in design the historic architectural style, and shall be in harmony with the neighborhood as specified.**

42D.5 Decision: After the public hearing, the Commission may approve a SPECIAL USE to allow an Historic Conversion if it finds that the proposed development conforms to the General Standards for SPECIAL USES as set forth in Paragraph 42.4 and will be in harmony with the purpose and intent of the Plan of Development and these Regulations.

A SPECIAL USE to allow an Historic Conversion may be approved subject to the imposition of a time period within which an application for approval of a Site Development Plan must be filed, and/or other appropriate conditions and safeguards deemed by the Commission necessary to protect the public health, safety, convenience and property values.

42D.6 Site Development Plan Approval: After the effective date of a SPECIAL USE for an Historic Conversion approved by the Commission, the Commission is authorized to consider an application for approval of a Site Development Plan for the proposed site in accordance with the standards and procedures of Section 41 and 62.5 of the Zoning Regulations, the provisions of this Section, and any conditions imposed as part of the SPECIAL USE approval.

42D.6.1 the Site Development Plan shall be in substantial conformance with the Preliminary Site Plan required by Par. 42D.3.1.

42D.6.2 the Commission shall review the floor plans of the building and review building elevations to assure the development is in harmony with the general character of the neighborhood in which it is located. Such plans shall meet all the requirements set forth in Section 42D.3.6.

42D.6.3 the Site Development Plan and structure plans shall be in conformance with the provisions and standards of Section 34 and Section 34A.*

* Effective: 5/05/88

** Effective: 3/11/04

SECTION 43 - EXCAVATION, GRADING, REMOVAL OR FILLING

- 43.1 General: Excavation, grading or filling of land, or removal of sod, loam, clay, sand, gravel or stone from any lot, is permitted only in accordance with the exclusions listed in Par. 43.2 or upon securing a TEMPORARY SPECIAL USE PERMIT from the Commission in accordance with Par.43.3 through 43.6. Such TEMPORARY SPECIAL USE PERMIT may be granted by the Commission subject to conditions deemed necessary to prevent damage to other property and to protect the health, safety, convenience and general welfare.
- 43.2 Exclusions: A TEMPORARY SPECIAL USE PERMIT is not required in connection with the following excavation, grading, removal or filling operation:
- 43.2.1 necessary foundation and trench work on a lot for which a ZONING PERMIT and a Building Permit have been issued and then not exceeding 300 cubic yards of material;
- 43.2.2 necessary foundation and trench work on a lot for which a ZONING PERMIT and a Building Permit have been issued and then more than 300 but not exceeding 1,000 cubic yards of material provided that the Zoning Enforcement Officer, when issuing the ZONING PERMIT, is satisfied that the conditions of Par. 43.4.3, 43.4.4, 43.4.6, 43.4.7 and 43.4.9 through 43.4.12 will be met;
- 43.2.2.b All necessary work for an engineering septic system on a lot for which a ZONING PERMIT and a Building Permit have been issued, and then more than 1,000 cubic yards but not exceeding 2,000 cubic yards of material provided that the engineered septic system has been approved by the municipal or District Health Department and the Zoning Enforcement Officer, when issuing the ZONING PERMIT, is satisfied that all requirements and Section 43.4 have been met.*
- 43.2.3 Work for landscaping and changing of contours on a lot, when no Building Permit is required, and then not exceed 100 cubic yards in any calendar year AND work for landscaping and changing of contours on a lot, when no Building Permit is required, and then more than 100 but not exceeding 300 cubic yards in any calendar year, provided that a Zoning Permit therefore is obtained and the Zoning Enforcement Officer, when issuing the Permit, is satisfied that the conditions of Par. 43/43, 43.4.4, 43.4.6, 43.4.7, and 43.4.9 through 43.4.12 will be met;*
- 43.2.4 stone quarry operations and earth excavation, removal and filling relating thereto, in Industrial Quarry I-1 Districts;
- 43.2.5 construction of improvements and changing of contours in a subdivision approved by the Commission and in accordance with construction plans

* Effective: 5/5/88

and grading plans, with existing and proposed contours, for such subdivision.

- 43.2.6 work under a SITE DEVELOPMENT PLAN approved by the Commission in accordance with Section 41 or 32, or under a SPECIAL USE PERMIT granted by the Commission under Section 42;
 - 43.2.7 the normal maintenance and repair of roads and driveways, and the construction of new Town roads;
 - 43.2.8 conduct of a sanitary landfill by the Town of North Branford as approved by the State of Connecticut;
 - 43.2.9 stockpiling of street maintenance material required by the Town of North Branford.
- 43.3 Application and Procedure: Application for a TEMPORARY SPECIAL USE PERMIT under this Section shall be submitted in writing to the Zoning Enforcement Officer together with an APPLICATION for a ZONING PERMIT. The Commission may request the applicant to submit such additional information that it deems necessary in order to decide on the application. In acting on any application, the Commission shall hold a public hearing, shall decide thereon and shall give notice of its decision as required by law. The application shall be signed by the owner of the lot, or his authorized agent, where the excavation, grading, removal or filling operation is proposed and shall be accompanied by maps and plans, drawn to scale of 1" = 40', with profiles on the longitudinal axis 200 feet on center or closer if required by the Commission, prepared by a licensed surveyor or engineer, and showing the following:
- 43.3.1 zoning district for the lot, the Town Tax Assessor's map and parcel number for the lot and the acreage of the lot;
 - 43.3.2 a small scale map, drawn to the same scale as the Town Tax Assessor's map of the area, showing the location of the lot, the names of all abutting owners and streets and the names of the applicant and the owner of the lot;
 - 43.3.3 in the area of the proposed operation and within 100 feet thereof, existing contours and the proposed contours for the completed operation, which contours shall have a maximum interval of five (5) feet;
 - 43.3.4 location and size of any existing and proposed buildings or structures on the lot;
 - 43.3.5 proposed travel access to the area of the proposed operation;

- 43.3.6 location of rivers, streams, brooks, waterways, lakes, pond, marshes, swamps, bogs, flood plains and wooded areas on and adjacent to the lot;
 - 43.3.7 details of existing and proposed drainage systems and proposed measures for erosion and sedimentation control, and details of proposed planting for the area of the proposed operation, both to prevent erosion during the course of the operation and at the conclusion thereof; and
 - 43.3.8 the location and limits of the area of the proposed operation.
- 43.4 Standards: The Commission may grant a TEMPORARY SPECIAL USE PERMIT for a maximum period of one (1) year, when it is satisfied that the following conditions will be met:
- 43.4.1 The operation will be carried out in conformity with the maps and plans as approved.
 - 43.4.2 the applicant shall file with the Commission a performance bond in form acceptable to the Town Attorney and executed by the owner of the lot and the person, firm, or corporation to conduct the operation, as principals and in such amount as the Commission deems sufficient to insure the rehabilitation of the lot in accordance with the maps and plans as approved.
 - 43.4.3 No screening, sifting, washing, crushing or other forms of processing shall be conducted on the lot unless located in an I-1 or I-2 District.
 - 43.4.4 No fixed machinery shall be erected or maintained within 100 feet of any property line or street line.
 - 43.4.5 Excavation occurring within 50 feet of a property or street line shall blend with the grade of the adjoining property or street and shall not exceed a slope of 1 % from such line.
 - 43.4.6 No building or other structure shall be erected on the lot during the operation except temporary shelter for machinery and field office, or portable sanitary facilities, subject to approval by the Commission.
 - 43.4.7 At all stages of the operation, and upon completion, proper drainage shall be provided to prevent collection and stagnation of water and the prevention of harmful effects upon surrounding properties through soil erosion or interference with natural watercourses.
 - 43.4.8 During the period of operation, barricades or fences shall be erected as are deemed necessary by the Commission for the protection of pedestrians and vehicles.

- 43.4.9 Truck access to the site shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. The access road shall be provided with a dustless surface. At points of access to town or state roads, normal traffic shall have the right-of-way over trucks utilizing the access.
- 43.4.10 Proper measures, as determined by the Commission shall be taken to minimize the impact on adjacent properties for noise, flying dust or rock and unsightly or dangerous conditions. Such measures may include, when considered necessary, screening, fencing, limitations upon the practice of stockpiling excavated materials upon the site and shall include covering of truck loads.
- 43.4.11 There shall be no operation conducted between 5 P.M. and 8 A.M., nor on Saturdays, Sundays or legal holidays, except with the approval of the Commission.
- 43.4.12 When the operation is completed, or work has progressed sufficiently to where reclamation is practicable, the area affected by the operation shall then be graded so that slopes in disturbed areas shall be no steeper than 1:3 (vertical-horizontal). A layer of topsoil shall be spread over the disturbed area, to a minimum depth of four (4) inches after compaction in accordance with the approved final grading plan. The area shall then be seeded with a suitable grass mixture at the minimum rate of 5 lbs. per 1,000 square feet containing at least 75 % permanent grasses and maintained by mulching, repairing and reseeded until the area is stabilized and approved by the Commission.
- 43.5 Expiration and Renewal: The following shall be applicable to the expiration and renewal of TEMPORARY SPECIAL USE PERMITS under this Section:
- 43.5.1 Any TEMPORARY SPECIAL USE PERMIT granted under this Section shall expire one (1) year from the date of such grant, unless specifically granted for a shorter period of time.
- 43.5.2 In the event that an application is denied, the Commission shall not be required to consider an application pertaining to the same lot for a period of 12 months from the date of denial.
- 43.5.3 After due notice and public hearing as required for action on an application under this Section, the Commission may grant one (1) extension of an approved TEMPORARY SPECIAL USE PERMIT for a period not to exceed one (1) year, provided that the operation is being conducted as approved and provided that the Commission may determine that a revised or additional performance bond shall be posted.

43.6 Existing Operations: The owner of a lawful excavation, grading, removal or filling operation, existing on the effective date of this Section and authorized under Zoning Regulations previously in effect, shall, upon expiration of such prior authorization, comply with the requirements of this Section.

SECTION 44 - ADDITIONAL STANDARDS

- 44.1 General: The requirements hereinafter specified are supplementary to and in addition to requirements and standards set forth elsewhere in these Regulations.
- 44.2 Professional or Business Office: A professional or business office in a dwelling unit in a Residence District is an additional use for which a ZONING PERMIT and CERTIFICATE OF ZONING COMPLIANCE are required. The use shall conform to the following conditions:
- 44.2.1 The person or persons conducting the office shall reside in the dwelling unit, and there shall be no more than one (1) nonresident person engaged in the conduct of the office.
 - 44.2.2 The office shall not impair the residential character of the premises, and there shall be no evidence of the office outside the dwelling unit except permitted signs.
 - 44.2.3 The floor area used for the office shall not exceed one-third of the floor area of the dwelling unit or 400 square feet, whichever is less.
 - 44.2.4 The portion of the dwelling unit used as an office shall be confined to but one (1) floor of the dwelling unit.
 - 44.2.5 Off-street parking spaces shall be provided as specified in Section 53.
- 44.3 Customary Home Occupations: Customary home occupations in a dwelling unit in a Residence District, including home industries and service occupations, is an additional use for which a ZONING PERMIT and CERTIFICATE OF ZONING COMPLIANCE are required. The use shall conform to the following conditions:
- 44.3.1 The person or persons conducting the occupation shall reside in the dwelling unit, and there shall be no nonresident persons engaged in the conduct of the occupation.
 - 44.3.2 The occupation shall not impair the residential character of the premises, and there shall be no evidence of the occupation outside the dwelling unit except permitted signs.
 - 44.3.3 The floor area used for the conduct of the occupation shall not exceed one-third of the floor area of the dwelling unit or 400 square feet, whichever is less.
 - 44.3.4 The portion of the dwelling unit used for the conduct of the occupation shall be confined to but one (1) floor of the dwelling unit.

- 44.3.5 No finished consumer goods shall be acquired outside the dwelling unit for sale in connection with a home occupation.
- 44.3.6 Off-street parking spaces shall be provided as specified in Section 53.
- 44.4 Room and Board: The letting of rooms and/or furnishing of board in a dwelling unit is an additional use for which a ZONING PERMIT and CERTIFICATE OF ZONING COMPLIANCE are required. The use shall conform to the following conditions:
- 44.4.1 The person or persons letting the rooms and/or furnishing board shall reside in the dwelling unit.
- 44.4.2 The letting of rooms shall not include the provision of cooking facilities for such rooms but may include sharing of the cooking facilities of the dwelling.
- 44.4.3 No accessory building shall be used for letting of rooms or furnishing of board.
- 44.5 Farms: Farms, truck gardens, forestry, the keeping of livestock and poultry and nurseries (including greenhouses incidental thereto) shall conform to the following conditions:
- 44.5.1 Farms shall not include commercial piggeries or mink or fox farms.
- 44.5.2 In Residence Districts, any greenhouse shall be located not less than 100 feet from any property or street line.
- 44.5.3.* Whether in connection with a farm or not, no livestock or poultry shall be kept on a lot of less than 160,000 square feet, and a) any buildings, enclosures or feed yards therefore shall conform to the setback requirements for buildings and other structures and b) all poultry and any pasture for livestock shall be enclosed by a fence set back not less than 10 feet from any property or street line.
- 44.5.4 Notwithstanding the provisions of Par. 44.5.3, livestock or poultry may be kept on a lot of less than 160,000 square feet provided that all of the building, enclosure, feed yard and poultry and pasture fencing and setback provisions of Par. 44.5.3 are met and provided that a) for livestock, the lot contains not less than 80,000 square feet for the first animal plus 40,000 square feet for the second animal and the total number of animals does not exceed two (2), b) an aggregate of not more than 20 chickens or other poultry are kept on the lot and c) all poultry and any pasture for livestock shall be enclosed by a fence set back not less than 25 feet from any property or street line.
- 44.5. There shall be no commercial slaughtering nor any fertilizer manufacturing or commercial reduction of animal matter.

44.6 Accessory Uses and Buildings: Accessory uses and buildings shall conform to the following conditions:

44.6.1 Residence Districts: In Residence Districts, accessory uses and buildings shall conform to the following additional conditions:

- a. The accessory use shall be located on the same lot with the permitted use to which it is accessory.
- b. Accessory uses may include off-street parking and loading spaces and private garages, and driveways giving access thereto, but shall not include driveways to a use permitted only in a Business or Industrial District.
- c. Except in connection with as farm, there shall be no more than one (1) commercial vehicle parked or stored on any lot and such vehicle shall not exceed 1 ½ tons capacity.
- d. Accessory uses may include outside dry storage of one boat exceeding (14) feet in length, provided that such boat is stored on a registered trailer, and provided that such space shall meet the setback requirements for buildings and other structures as specified in Section 24.4 and Schedule B.*
- e. An accessory building in a residential zone shall not be used as an accessory dwelling unit, shall not be used as part of any home occupation or to store business vehicles and equipment used by the resident for any business except as allowed under Section 44.6.1.c.**
- f. Any accessory building in a residential zone shall be designed to reflect the residential character and appearance of the neighborhood and shall be constructed of materials typically used in residential home construction, unless it is located on a farm. The residential accessory building footprint shall be no more than 50 per cent of the principal residential building footprint on the lot and shall not exceed a maximum building size of 1,000 sq. ft. of floor area on any lot 50,000 sq. ft. or larger, unless it is on a farm.**

44.6.2 Swimming Pools: Swimming pools are an accessory use, wherever located, and shall conform to the following additional conditions:

- a. No private swimming pool shall be located between any street line and the single detached dwelling for one (1) family to which it is accessory.

* Effective: 7/1/88

** Effective: 12/8/04

- b. No public or semi-public swimming pool shall be located in the area required for setback from a street line.
- c. No swimming pool, whether private, public or semi-public, shall extend within less than 10 feet of a property line, other than a street line.
- d. All swimming pools shall be fenced as required by the Building Code, and a permit for such fence shall be obtained from the Building Inspector prior to any construction, installation, enlargement or alteration of any private, public or semi-public swimming pool.

44.6.3 Dumpster and Outdoor Storage Areas shall comply with all setbacks as specified in Section 24 Schedule B. All receptacles and areas must be enclosed with fences and/or landscaping.

44.7 Corner Visibility: On any corner lot there shall be no building, or structure including signs, nor any fence, wall or planting, located within a triangular space on the lot bounded by the two intersecting street lines and a straight line connecting a point on one street line 25 feet from the intersection with a point on the other street line 25 feet from the intersection, so as to obstruct a clear line of sight anywhere across such triangle between an observer's eye at an elevation 3.5 feet above one street line and an object one (1) foot above the other street line, except that any building may extend to within the minimum distance of a street line as specified in these Regulations. Any sign, fence, wall or planting which so obstructs such line of sight shall not be considered a nonconformity authorized to continue under the provisions of Par. 2.3.

44.8 Accessory Dwelling Unit:*/+ The following regulations are designed to permit a wider variety of housing types for various segments of North Branford's population (Line A-11 of Schedule A). The purpose of this section is to promote the general welfare of the Town by allowing an alternative dwelling. An accessory dwelling unit is a dwelling unit that is accessory and subordinate to a single family detached dwelling. Such accessory dwelling unit constitutes an additional use for which a ZONING PERMIT and CERTIFICATE OF ZONING COMPLIANCE are required.

STANDARDS

- A. Either the principal single family dwelling or the accessory dwelling unit shall be permanently occupied by the owner (s) of the premises. Prior to the issuance of a Zoning Permit, the owner (s) shall submit an affidavit to the Zoning Enforcement Officer verifying that either the accessory dwelling unit or the principal dwelling is occupied by an owner of the premises as required for the original application.

* Effective 10/01/90

+ Amended 6/06/16

- B. A ZONING PERMIT, CERTIFICATE OF ZONING COMPLIANCE shall automatically terminate when there is a change of ownership of the premises unless the change of ownership is for no consideration. New permits and an affidavit will need to be submitted upon a change of ownership of the premises.
- C. The use shall be located on conforming lots in the R-80 or R-40 districts meeting the minimum area, location and bulk standards of Section 24.
- D. Both dwelling units shall be attached by a common wall, floor, or ceiling, not simply attached by a breezeway or porch and shall be contained in one building. The building's appearance shall conform with the single family character of the neighborhood, preserving natural topographic features and the historic values of the area.
- E. The units may have separate outside entrances but the accessory dwelling unit shall have only one outside door along the front façade. Any additional exterior egress serving the accessory unit shall be located to the rear or side of the building.
- F. The floor area of the accessory dwelling unit may not exceed one third (1/3) of the gross floor area of the principal unit or 750 square feet, whichever is less. If not served by municipal sanitary sewers, East Shore District Health must provide certification prior to approval that the on-site septic disposal system is capable of accommodating the accessory dwelling unit.
- G. Two (2) off-street parking spaces shall be provided on the lot for each dwelling unit.
- H. Both dwelling units shall share the use of one street address number assigned by the Town of North Branford. The street address numbers shall be affixed to a permanent support at the street line and/or located on the exterior front of the dwelling.

ARTICLE V - TOWNWIDE REQUIREMENTS

SECTION 51 - PERFORMANCE STANDARDS

SECTION 52 - SIGNS

SECTION 53 - PARKING AND LOADING

SECTION 54 - ALCOHOLIC BEVERAGES

SECTION 51 - PERFORMANCE STANDARDS

- 51.1 General: The use of land, buildings and other structures, whenever located, shall be established and conducted so as to conform to the performance standards hereinafter specified. The performance standards establish certain nuisance factors and other conditions which if committed or exceeded in the use of land, buildings and other structures will be detrimental to the use, enjoyment and value of other land, buildings and structures or will be detrimental to the public health, safety and welfare and will be therefore be contrary to the comprehensive plan of zoning. The Zoning Enforcement Officer is authorized to make surveys and take measurements to determine compliance. No APPLICATION for a ZONING PERMIT shall be approved by the Zoning Enforcement Officer and no CERTIFICATE OF ZONING COMPLIANCE shall be issued by him until he has made a determination that the proposed use of land, buildings and other structures will be established and conducted in accordance with the performance standards and with the standards stated in other relevant Town, State and Federal codes, ordinances or regulations, whichever is the more restrictive. The performance standards hereinafter specified shall be of continuing applicability.
- 51.2 Air Pollution: Provision shall be made for control of emissions of smoke, gas, fumes, fly ash, dirt, dust and odors in accordance with the standards of the State Department of Environmental Protection.
- 51.3 Noise: With the exception of time signals and noise necessarily involved in the lawful construction or demolition of buildings and other structures or lawful excavation, grading, removal or filling operations, no noise shall be transmitted outside the lot where it originates when noise has a decibel level, octave band, intermittence and/or beat frequency which endangers the public health and safety or impairs safety on or the value and reasonable use of any other lot.
- 51.4 Vibration: With the exception of vibration necessarily involved in the lawful construction or demolition of buildings and other structures or lawful excavation, grading, removal or filling operations, no vibration shall be transmitted outside the lot where it originates.
- 51.5 Glare and Heat: No light shall be transmitted outside the lot where it originates so as to endanger the public health or safety, including the public safety on any street or highway, or to impair the value and reasonable use of any other lot.
- 51.6 Refuse and Pollution: No refuse or other waste materials shall be deposited on any lot except with the approval of the East Shore District Health Department.
- 51.7 Danger: No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable codes, ordinances and regulations of the Town of North Branford, State of Connecticut and Federal Government.

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

SECTION 52 - SIGNS

- 52.1 General: Unless otherwise provided in this Section, no sign permanent or temporary* shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until an APPLICATION for a ZONING PERMIT therefore has been approved by the Zoning Enforcement Officer. It is the purpose and intent of this Section to accommodate the establishments of signs necessary for identification, direction and reasonable commercial promotion while avoiding signs of a character, as well as a proliferation and extension of signs, that would be detrimental to the public health and safety, property values and the appearance and beauty of the community. All signs shall conform to the provisions hereinafter specified and to any additional conditions or limitations that may be imposed by the Commission in connection with the approval of a SITE DEVELOPMENT PLAN or SPECIAL USE PERMIT.
- 52.2 Definition: The term “sign” shall include every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag or other device, however made, displayed, painted, supported or attached, intended for use for the purpose of advertisement, identification, publicity or notice, when visible from any street or from any lot other than the lot on which the sign is located and either 1) located out-of-doors or 2) located indoors and intended to be viewed from outside the building. The term “sign”, however, shall not include any organization, any traffic or directional sign located within the right-of-way of a street when authorized by the Town of North Branford or State of Connecticut nor any illustrations, insignia or letting which are an integral and permanent part of the architecture of a building approved under a SITE DEVELOPMENT PLAN or SPECIAL USE PERMIT.
- 52.3 Standards – All Districts: Signs in all Districts shall conform to the following standards:
- 52.3.1 Purpose: All signs, except as hereinafter provided, shall advertise, identify or give publicity or notice only with respect to a use of land, buildings or other structures actually in being on the lot where the sign is located. When such use shall have been discontinued for a continuous period of six (6) months, all signs pertaining thereto shall be removed or otherwise eliminated.
- 52.3.2 Location: No sign shall be located within or hang over the right-of-way of any street, except that a sign attached to the wall of a building may project 15 inches from the wall and into such right-of-way.
- 52.3.3 Projecting and Hanging Signs: No signs shall project over or hang over any sidewalk, driveway, walkway, roadway or access way, except that signs attached to the wall of a building may thus project not more than 15 inches there from, provided that such projection does not occur within 10 feet vertical clearance of the ground.

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

52.3.5 Light and Motion: No flashing signs and no revolving, waving or other moving signs are permitted. No lighting which is hazardous, or confusing to vision, is permitted. The lighting of all signs shall conform to the requirements of Section 41.2.11 Lighting.*

52.4 Standards - Residence Districts: In addition to the standards specified in Par. 52.3, all signs in Residence Districts shall conform to the following standards:

52.4.1 Permitted Signs: The following signs are permitted in Residence Districts, and no other, and none shall be illuminated except signs accessory to a SPECIAL USE and when specifically approved by the Commission to be so illuminated:

- a. on any lot, one (1) identification sign not exceeding two (2) square feet in area, giving only the name of the premises and/or of the occupant, or announcing a professional or business office or a home occupation on the premises;
- b. on a lot where the premises are for sale or for rent, one (1) real estate sign not exceeding eight (8) square feet in area and not referring to any other premises;
- c. building contractors' and designers' signs pertaining to building under construction on the lot where the signs are located, provided that the total area of such signs shall not exceed 24 square feet, and such signs shall be removed within 30 days after completion of the project;
- d. on a lot containing a farm, one (1) sign not exceeding 16 square feet in area;
- e. on a lot at the entrance to a residential neighborhood, one (1) permanent sign not exceeding 16 square feet in area giving only the name of the neighborhood;
- f. on any lot containing Town facilities of a SPECIAL USE, one (1) sign not exceeding 16 square feet in area;
- g. on any lot containing Town facilities or a church or other place of worship, one (1) sign constituting a bulletin board and not exceeding 16 square feet in area; and

* Effective; 12/8/04

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

No APPLICATION for a ZONING PERMIT and no CERTIFICATE OF ZONING COMPLIANCE is required for signs permitted under Sub-paragraphs 52.4.1 (a), 52.4.1 (b) and 52.4.1 (h).

54.4.2 Location and Height: Signs permitted under Par. 52.4.1 (c), 52.4.1(d), 52.4.1 (e), 52.4.1 (f) and 52.4.1 (g) shall not extend within less than 10 feet of any property line or street line; other signs may extend to the property line or street line. No sign shall be located on any roof, and no sign attached to a building shall project above the top of the wall of the building. Signs attached to buildings may project into the area required for setback provided that the sign does not project more than 15 inches from the wall of the building. No sign attached to the ground shall exceed a height of eight (8) feet.

52.5 Standards – Other Districts: Signs permitted under Par. 52.4 are permitted in all other Districts. In addition to the standards specified in Par. 52.3, all other signs in Business and Industrial Districts shall conform to the following standards:

52.5.1 Location and Height: Except as hereinafter provided, signs shall observe all setbacks required for buildings and other structures, but signs attached to buildings may project into the area required for setbacks provided that the sign does not project more than 15 inches from the wall of the building; no sign shall be located on any roof, and no sign attached to a building shall project above the top of the wall of the building nor more than 15 inches from the wall of the building.

52.5.2 General Business B-1 District:

- a. on any lot, one (1) sign attached to the ground is permitted for each street where the lot has frontage, and such sign shall not exceed 32 square feet in area nor a height of 12 feet but may extend to within 10 feet of the street line;
- b. signs attached to buildings and not exceeding 12 square feet in area may project up to four (4) feet from the wall of the building, provided that the provisions of Par.52.3.3 are met;
- c. signs attached to one (1) wall of a building, including projecting signs in Par. 52.5.2 (b), may have a total area of as much as 20 % of the area of such wall measured to a height of 12 feet above ground level, but signs attached to any other wall shall not exceed either 5 % of the area of such other wall measured to a height of 12 feet above ground level or 30 square feet, whichever is less, and shall give only the name of the enterprise or occupant of the premises; signs are

permitted on more than one (1) wall only when each wall faces directly onto a public highway or where more than one (1) wall has a public entrance to the building; service entrances at the rear of a building may have an identification sign not exceeding three (3) square feet in area.

52.5.3 Central Business B-2 District:

- a. on any lot, one (1) sign attached to the ground is permitted for each street where the lot has frontage, and such sign shall not exceed 24 square feet in area nor a height of 10 feet but may extend to the street line;
- b. signs attached to buildings and not exceeding 12 square feet in area may project up to four (4) feet from the wall of the building, provided that the provisions of Par. 52.3.3 are met; and
- c. signs attached to one (1) wall of a building, including projecting signs in Par. 52.5.3b, may have a total area of as much as 10 % of the area of such wall measured to a height of 12 feet above ground level, but signs attached to any other wall shall not exceed either 5 % of the area of such other wall measured to a height of 12 feet above ground level or 40 square feet, whichever is less, and shall give only the name of the enterprise or occupant of the premises; signs are permitted on more than one (1) wall only when each wall faces directly onto a public highway or when more than one (1) wall has a public entrance to the building; service entrances at the rear of a building may have an identification sign not exceeding three (3) square feet in area.

52.5.4 Local Business B-3 District:

- a. on any lot, one (1) sign attached to the ground is permitted for each street where the lot has frontage, and such sign shall not exceed 12 square feet in area nor a height of 10 feet but may extend to the street line;
- b. signs attached to buildings and not exceeding 12 square feet in area may project up to four (4) feet from the wall of a building, provided that the provisions of Par. 52.3.3 are met;
- c. signs shall be attached to only one (1) wall of a building, and the total area of signs, including projecting signs in Par. 52.5.4b, shall not exceed 5 % of the area of such wall measured to a height of 12 feet above ground level; signs are permitted on more than one (1) wall only when each wall faces directly onto a public highway or where more than one (1) wall has a public entrance to the building; service

entrances at the rear of a building may have an identification sign not exceeding three (3) square feet in area; and

- d. all lighting of signs 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.

52.5.5 Industrial Districts:

- a. on any lot, one (1) sign attached to the ground is permitted, and such sign shall not exceed 50 square feet in area nor a height of 10 feet; and
- b. signs attached to one (1) wall of a building may have a total area of as much as 10 % of the area of such wall measured to a height of 12 feet above ground level, but signs attached to any other wall shall not exceed 5 % of the area of such other wall measured to a height of 12 feet above ground level or 40 square feet, whichever is less, and shall give only the name of the enterprise or occupant of the premises.

52.5.6 Ground Signs: In Business and Industrial Districts, the Commission, in connection with the approval of a SITE DEVELOPMENT PLAN for any lot on which a large enterprise, a shopping center complex or an industrial park is to be located, may authorize the applicant to reduce by a specific amount the maximum area of signs permitted to be attached to buildings, or to eliminate such signs, and to provide one (1) sign, attached to the ground, that is larger in area than otherwise permitted in the District.

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

52.7 Special Events: Notwithstanding the provisions of this Section, the Commission may, upon written application made to it and by resolution, authorize the establishment of temporary signs for periods not exceeding 10 consecutive days, and totaling more than 30 days in any calendar year, for the purpose of announcing special events having a community purpose.

SECTION 53 - PARKING AND LOADING

- 53.1 General: Parking spaces and loading spaces shall be provided off the street for any use of land, buildings, or other structures in accordance with the standards hereinafter specified. The number of off-street parking and loading spaces required by the 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. All off-street parking and loading spaces hereafter established, whether required by this Section or not, shall conform to the standards of Paragraph 53.3.
- 53.2 Definitions: For the purpose of this Section, a parking space and a loading space shall consist of the following:
- 53.2.1 Parking Space: A space of such shape as to contain a rectangle not less than nine (9) feet in width and twenty (20) feet in length and having vertical clearance, access and slope as to accommodate an automobile having an overall length of twenty (20) feet. The Commission may, however, allow for compact parking spaces not less than nine (9) feet in width and fifteen (15) feet in length and having vertical clearance, access and slope as to accommodate an automobile.*
- 53.2.2 Loading Space: A space of such shape as to contain a rectangle not less than 12 feet in width and 40 feet in length and having a vertical clearance of not less than 15 feet and such access and slope as to accommodate a truck having an overall length of 40 feet.
- 53.3 Design and Construction Standards: All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:
- 53.3.1 Turning: Each parking space shall be provided with adequate area for approach, turning and exit of an automobile having an overall length of 20 feet without need to use any part of a public street right-of-way, except that this provision shall not apply to spaces provided in connection with a dwelling containing one (1) dwelling unit when the sole driveway access to such spaces connects to a street other than a State Highway or a Town Major Street shown on the Plan of Development adopted by the Commission. No loading space, including any truck loading bay, ramp or dock, shall be designed or arranged in a manner that a truck must use any part of a public street right-of-way to enter, back into and/or exit from such space.
- 53.3.2 Improvement: All off-street parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street right-of-way. Except for necessary driveway entrances, and except for parking

*Effective: 9/20/95

spaces provided in connection with a dwelling containing one (1) dwelling unit, all off-street parking and loading spaces located within 20 feet of any street line shall be separated from such street line by a curb, a fence or wall or an embankment and shall be provided with the curb, fence, wall or embankment in such a manner that cars will not overhang the street line.

53.3.3 Layout: All off-street parking areas shall be provided with parking spaces of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such spaces as to allow safe and convenient use of each parking space. Provision shall be made for safe and convenient use of parking spaces and for circulation within parking areas as follows:

- a. by provision of suitable circulation driveways giving access to parking aisles and spaces;
- b. by provision for safe pedestrian circulation within parking areas;
- c. by providing for channelized traffic flow within parking areas, including provision of fences, or islands to separate any two (2) parking bays from any other bay; and
- d. by suitable markings, curbs, end islands, fences or other devices to encourage proper and efficient use of each parking space.

All off-street loading spaces shall be provided with a suitable angle of approach and sufficient width and length to accommodate the types of trucks expected to use the space. No loading space shall be arranged in such a manner as, when the space is in use, to block use of required parking spaces or traffic circulation within parking areas.

53.3.4 Location – Loading: No off-street loading spaces or access aisle in connection therewith shall be located in the area required for setback from a street line or Residence District boundary line; in Residence Districts and Industrial Park I-3 Districts, no such space shall be located in the area required for setback from a property line.

53.3.5 Location – Parking: No parking space or access aisle in connection therewith shall extend within less than the following distances of a street line, property line or Residence District boundary line:

<u>District</u>	<u>Street Line</u>	<u>Property Line</u>	<u>Residence Boundary</u>
B-1	10'	-	50'
B-2	10'	-	50'
B-3	20'	10'	50'
I-1	50'	-	50'
I-2	20'	-	50'
I-3	50'	25'	50'
MBP***	50'	20'	50'
SED****	75'	25'	100'

In Residence Districts no parking or access aisles, except parking spaces provided in connection with a dwelling containing one (1) dwelling unit, shall be located within the area required for setbacks by buildings and other structures. *** (see also Paragraph 42.5.9 of the Regulations)

53.4 Parking Spaces Standards: It is the purpose and intent of this Section to assure that off-street parking spaces are provided to accommodate the automobiles of all persons normally using or visiting a use, building or other structure at any one time. Off-street parking spaces shall be provided in accordance with the following minimum standards and shall be located on the same lot with the use:

<u>Use Classification</u>	<u>Standard</u>
53.4.1 Dwelling containing one (1) dwelling unit.	2 spaces for each dwelling.
53.4.2 Dwellings containing more than one (1) dwelling unit.	2 spaces for each dwelling unit.
53.4.3 Professional or business office in a dwelling unit.	1 space for each 100 sq. ft. of floor area devoted to the use (in addition to spaces required for the dwelling unit).
53.4.4 Rooms to let in a dwelling unit.	1 space for each 2 beds.
53.4.5 Churches, places of worship, theaters, assembly hall, stadium or undertaker's establishment.	1 space for each 3 seats.
53.4.6 Hospitals, convalescent homes, nursing homes and sanitarium.	1 space for each 2 beds.
53.4.7 ** Retail stores, business and professional offices, banks and other financial institutions, medical and dental clinics and veterinary hospitals, indoor amusement centers.	* 1 space for each 150 sq.ft. of gross floor area on the first floor plus 1 space for each 300 sq.ft. of gross floor area on the upper floors, and located not more than 300 feet in a direct line from the building.

- * Amended: 5/3/82
- ** Effective: 5/17/91
- *** Effective: 9/1/93
- **** Effective: 1/20/95

<u>Use Classification</u>	<u>Standard</u>
53.4.8 Motor vehicle service stations and repair garages.	10 spaces, or 5 spaces for each garage bay, whichever is greater.
53.4.9 Hotel and motels.	1 space for each guest room plus 1 space for each employee.
53.4.10 Restaurants and other food and beverage service establishments.	1 space for each 50 sq.ft. of patron floor area and located not more than 300 feet in a direct line from the building.
53.4.11 Bowling alleys.	5 spaces for each alley.
53.4.12 Warehouse, wholesale businesses, trucking terminals, contractor's businesses, research laboratories, central office buildings and establishments for the manufacture, processing or assembling of goods and intermediate processing facilities.	1 space for each 1.5 employees or 1 space for each 500 sq.ft. of gross floor area, whichever is greater.
53.4.13* Child Day Care Center, Family Day Care Homes and Group Day Care Homes. Domestic Animal DayCare Center****	1 space for each employee plus 1 space for every 5 children. 1 space for every employee plus 1 space for every five (5) animals permitted under Section 41.3.4 (a) ****
53.4.14** Flea Markets	1 space for each 50 sq.ft. of showroom/display area plus 1 space for each employee and 1 space for each seller and located not more than 300 feet in a direct line from the building or structure.
53.4.15**** Commercial Recreational Facility	35 spaces for each ball field, 1 space for each employee, 1 space for each 150 sq.ft. of gross floor area for retail stores & offices, 1 space for each 50 sq.ft. of patron floor area for restaurant & other food beverage establishments, 4 spaces for each horseshoe pit, 35 spaces for each ice rink, 1 space for each employee and one space for every 2.5 visitors for each indoor Recreational facility, 1 space for each employee & 1 space for every 5 children in sports camp, 1 space for every ½ acre of general passive recreational land (picnic area, fishing areas, trails)
* Effective: 6/21/91	
** Effective: 12/3/93	
*** Effective: 9/20/95	
**** Effective: 1/03/09	

(For uses not covered elsewhere in the Regulations the Commission shall base parking space requirements on Standards published by the Urban Land Institute, the Institute of Transportation Engineering, and the National Recreation and Park Association.)

53.4.16 Other Uses: Sufficient parking spaces shall be provided in connection with any use not listed under Paragraph 53.4 to preserve the purpose and intent of this section.

53.5 Loading Space Standards: Each building, other than a dwelling or a farm building, having a ground floor area in excess of 4,000 square feet, shall have one (1) off-street loading space for each 40,000 square feet of gross floor area or fraction thereof, excluding basements.

53.6 Classification of Uses: Whenever two or more use classifications listed in Par. 53.4 shall be applicable to a use of land, buildings or other structures, the standard requiring the larger number of parking spaces shall apply. Where separate parts of a building or structure are used for different use classifications, the number of required spaces shall be determined by adding the number of spaces required for each type of use.

53.7 Joint Use: Joint parking areas and loading spaces may be established by the owners of separate, contiguous lots in order to provide the total number of off-street parking and loading spaces required for each lot.

53.8 Modification of Standards: The Commission, in connection with the approval of a SITE DEVELOPMENT PLAN for a lot in a Business or Industrial District or in connection with the granting of a SPECIAL USE PERMIT may authorize off-street parking and/or loading spaces less in number than specified in Par. 53.4 and 53.5 or authorize such spaces to be located on a lot other than the lot where the use is located, if the Commission determines that the following standards and conditions are met:

53.8.1 The number of spaces provided on the SITE DEVELOPMENT PLAN are sufficient to accommodate the vehicles of all persons using and visiting the particular use or occupancy of land, buildings or other structures specified in the APPLICATION for a ZONING PERMIT;

53.8.2 There is sufficient and suitable area on the lot to provide in the future the full number of spaces specified in Par. 53.4 and 53.5;

53.8.3 That spaces located on another lot are conveniently accessible to persons normally using or visiting the use, and that traffic congestion and on-street parking and loading will not result; and

53.8.4 The authorization shall be applicable only to the particular use or occupancy of land, buildings or other structures specified in the APPLICATION, or such authorization and any CERTIFICATE OF ZONING COMPLIANCE issued for the use shall become null and void in the event that such use or occupancy is changed to another use or occupancy.

53.9* Handicapped Parking: All proposed uses and changes of use shall provide sufficient handicapped parking spaces as required in the Connecticut State Building Code. Location, design standards and identification signage shall comply with this code.

* Effective: 12/3/93

SECTION 54* - ALCOHOLIC BEVERAGES

54.1 General: The following regulations shall apply to the location of any business where alcoholic liquor, wine, beer and/or ale is sold at retail for consumption on or off premises under a permit issued by the Liquor Control Commission of the State of Connecticut, which business is hereinafter referred to as a "Liquor Outlet".

54.2** Measurement: All required distances shall be measured from the nearest corner of any building or space used as a Liquor Outlet to the nearest corner of any church, synagogue, or college building or from the nearest property line of any town-owned school, park, playground, or recreational facility. Measurement shall be a straight line measurement.

54.3** Discontinuance: If any existing Liquor Outlet, with a valid existing permit, which shall be located within the prescribed distance provided for in Section 54.4, shall be discontinued for a period of one (1) year, such Liquor Outlet shall not be resumed except in conformity with Section 54.4.

54.4** Location:

54.4.1***No Liquor Outlet shall be located within 500 feet of any church, synagogue, college, school, park or town-owned playground, except when a state highway separates the Liquor Outlet from any church, synagogue, college, school, park, or town owned playground, then the required separating distance shall be reduced to 400 feet, with the exception that liquor outlets for consumption on premises located less than the required separating distance specified herein may be allowed if they conform to Section 42.5.16 and a Special Use Permit is issued for said use.

54.4.2 No Liquor Outlet for consumption off premises shall be located less than 1500 feet from an establishment with the same class permit. There is no required separation distance for establishments where alcoholic liquor, wine, beer and/or ale is sold at retail for consumption on premises.

*Amended: 2/18/86

**Amended: 3/30/15

***Amended: 3/21/16

ARTICLE VI - ADMINISTRATION AND ENFORCEMENT

- SECTION 61 - ZONING BOARD OF APPEALS
- SECTION 62 - ADMINISTRATION
- SECTION 63 - AMENDMENTS
- SECTION 64 - PENALTIES AND REMEDIES
- SECTION 65 - VALIDITY
- SECTION 66 - EFFECTIVE DATE

SECTION 61 - ZONING BOARD OF APPEALS

- 61.1 General: The Zoning Board of Appeals shall have all of the powers and duties prescribed by these Regulations and the General Statutes of the State of Connecticut and may adopt rules and procedures necessary to exercise its authority.
- 61.2 Powers: The powers and duties of the Zoning Board of Appeals include the following:
- 61.2.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Planning and Zoning Administrator or the Zoning Enforcement Officer;
 - 61.2.2 To hear and decide all matters upon which it is required to pass by the specific terms of these Regulations or of the General Statutes of the State of Connecticut; and
 - 61.2.3 To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values 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, so that substantial justice will be done and the public safety and welfare secured.
- 61.3 Findings: It shall be the policy of the Zoning Board of Appeals, when exercising the power to determine and vary the application of these Regulations as described in Par. 61.2.3, to make all of the following findings:
- 61.3.1 That there exist conditions, fully described in the findings, especially affecting the parcel of land for which a variance is sought, as a result of which conditions a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship;
 - 61.3.2 That such conditions do not affect generally the district in which the parcel is situated;
 - 61.3.3 That, for reasons fully set forth in the findings, the variance is necessary to relieve the exceptional difficulty or unusual hardship and is the minimum necessary to accomplish such purpose; and
 - 61.3.4 That the variance will be in harmony with the purpose and intent of these Regulations and will conserve the public health, safety, convenience, welfare and property values.

61.4 Special Treatment of Use Variances: It is recognized that variances of use provisions of these Regulations present special problems not occurring in the case of variances of other types, and as such, Section 8-6 of the State Statutes provides that these Regulations may specify the extent to which use variances may be granted. Therefore, the following provisions shall control with regard to any application made hereafter for a use variance.

The Zoning Board of Appeals, when exercising the power to determine and vary the application of these Regulations as described in Par. 61.2.3, shall adhere to the following:

61.4.1 Where a use of land, buildings or other structures is permitted in a district subject to administrative approval of a SITE DEVELOPMENT PLAN by the Commission, a variance in connection with such use may be granted only subject to submission and approval of a SITE DEVELOPMENT PLAN by the Commission.

61.4.2 Where a use of land, buildings or other structures is prohibited in a district but is permitted in another district subject to administrative approval of a SITE DEVELOPMENT PLAN by the Commission under these Regulations, a variance to permit such use may be granted only subject to submission and approval of a SITE DEVELOPMENT PLAN by the Commission.

61.4.3 No variance shall be granted which would permit a use of land, buildings or other structures prohibited in all districts in Town.

61.4.4* No application for a variance from the use provision of these Regulations (as distinguished from the area, frontage, yard, coverage, height, etc, provisions hereof) shall be voted upon until a report with recommendations thereon has been received from the Planning and Zoning Commission, or if no such report has been received, until 20 days after a copy of such application has been sent to the Planning and Zoning Commission for its recommendations.

61.4.5* The Board shall not grant any use variance unless each of the findings can be substantiated by the Board and written basis for such determination by the Board shall be entered into the minutes of the meeting at which such variance request is acted upon:

- a. The subject parcel of land cannot be reasonably developed for any permitted use within the district in which it is located because of reason particular to the parcel in question and not applicable to the area as a whole.
- b. This use will not impair the essential existing character of the area nor conflict with the general purpose and intent of these Zoning Regulations.

61.5.1*/** Notices: The Zoning Board of Appeals shall, upon receipt, transmit to the Commission a copy of each application made to the Board. In addition, the Board shall transmit to the Commission a copy of each notice of hearing and decision of the Board, which transmittal shall be made within the same time periods as required for publication of notices by the Board under the General Statutes of the State of Connecticut. Notice of applications for a variance in the use of property any portion of which lies within five hundred feet of a contiguous municipality shall, at least one week prior to the hearing on such application for applications be given to the clerk of such municipality. The notice shall be in writing and state the facts of the application and the date, time and place of the hearing.

After making application and being given assignment for public hearing thereon, the applicant shall submit a property map containing a list of names and addresses of owners of all properties within 100 feet in all directions of the subject property as verified from the most current Real Property Records on file in the Office of the Assessor of the Town of North Branford (or actual owners of record if otherwise known to the applicant). The list shall also include map numbers and lot numbers. The applicant shall mail notification of said pending application to the owner(s) of each property not less than fifteen (15) days prior to the day of the hearing. Notice of the public hearing shall be sent certified mail/return receipt and shall include the text of the application, schedule date, time and place of public hearing. Mail receipts shall be submitted to the Zoning Enforcement Officer prior to the public hearing.

61.5.2 Appeals: Any party aggrieved by a ruling of the Zoning Enforcement Officer or any other official charged with the enforcement of these Regulations, shall file such appeal in accordance with the procedures established herein, within 30 days after the date of such ruling. Such appeals shall be filed in accordance with the provisions of Section 8-7 of the State Statutes, using a form provided by the Board, which specified the grounds for such appeal and includes such other information as may be required.

61.6a**/** Time Limit (entire Section 61.6a DELETED Effective 11-09-06)

* Effective: 7/1/88
** Effective: 4/17/93
*** Effective: 11/09/06

61.6b**/** (entire Section 61.6b DELETED Effective 11-09-06)

61.7 Posting of “Notice of Public Hearing” Sign: Whenever a public hearing is scheduled by the Zoning Board of Appeals, the appellant or applicant shall post a sign on the property which is the subject of the public hearing. The sign shall be visible and legible to passersby on the principal street at the affected property. Such sign, to be provided to the appellant or applicant by the Town, shall state the date, time and place of the public hearing, shall indicate the subject matter of the public hearing, and shall be in evidence for the continuous period of 14 days preceding the date of the public hearing.

** Effective: 8/1/88

*** Effective: 11/09/06

SECTION 62 - ADMINISTRATION

- 62.1 Administrative Officers: The Zoning Enforcement Officer shall be appointed by a two-thirds vote of the Planning and Zoning Commission and shall have the responsibility and authority to enforce the provisions of these Regulations. The Commission may appoint deputy zoning enforcement officers to assist and act for him. The Planning and Zoning Administrator shall have the responsibility to assist the Planning and Zoning Commission by reviewing all APPLICATIONS for SITE DEVELOPMENT PLANS and applications for SPECIAL USE PERMITS accompanying an APPLICATION. No ZONING PERMIT shall be issued unless signed by the Zoning Enforcement Officer; any ZONING PERMIT that involves approval of a SITE DEVELOPMENT PLAN or SPECIAL USE PERMIT by the Commission, or other action of the Commission, shall be countersigned by the Planning and Zoning Administrator. No CERTIFICATE OF ZONING COMPLIANCE shall be issued unless signed by the Zoning Enforcement Officer; any CERTIFICATE that pertains to a use, building, structure or site development for which a SITE DEVELOPMENT PLAN or SPECIAL USE PERMIT has been approved by the Commission shall be countersigned by the Planning and Zoning Administrator.
- 62.2 Application: APPLICATION for a ZONING PERMIT shall be submitted to the Zoning Enforcement Officer. The APPLICATION shall be accompanied by the following as applicable to the particular proposal:
- 62.2.1 application fees as specified in Par. 62.11;
 - 62.2.2 a plot plan as specified in Par. 62.4;
 - 62.2.3 a SITE DEVELOPMENT PLAN, including statement of use, site plan and architectural plans, as specified in Par. 62.5;
 - 62.2.4 an application for any SPECIAL USE PERMIT; and
 - 62.2.5 such application information that the Zoning Enforcement Officer or Planning and Zoning Administrator deems necessary to determine compliance with the provisions of these Regulations.
- 62.3 Referrals and Review: All APPLICATIONS for a ZONING PERMIT shall be referred by the Zoning Enforcement Officer to the Planning and Zoning Administrator for review. When an APPLICATION for a ZONING PERMIT may be approved only after approval of a SITE DEVELOPMENT PLAN, SPECIAL USE PERMIT or other action by the Commission or the Zoning Board of Appeals, a copy of the APPLICATION and accompanying maps, plans and documents shall be promptly referred by the Zoning Enforcement Officer to such Commission or Board. It shall be the responsibility of the Planning and Zoning Administrator to coordinate the commission's plan review process, to place the

APPLICATION on the Commission's agenda in accordance with its by-laws, to request additional information from the applicant on behalf of the Commission, to maintain the Commission's record of actions under these Regulations and to report the Commission's actions to the Zoning Enforcement Officer.

62.4* Plot Plan: A certified plot plan shall be submitted with the APPLICATION for a ZONING PERMIT for any proposed buildings, structures and improvements. The plot plan shall be submitted in duplicate, shall be drawn to scale and shall show all of the following information, both existing and proposed where applicable:

- a. Name of applicant and property owner;
- b. the area of the lot, and the dimensions, radii and angles or bearings of all lot lines;
- c. street address and assessor's map and lot number;
- d. north arrow and graphic scale;
- e. the height, dimension, use, floor area, ground coverage and location of all buildings and other structures;
- f. the locations, area and dimension of off-street parking and loading spaces, curb cuts, driveways, easements and right-of-way;
- g. dimensions of all setback lines observed by buildings and structures;
- h. the location of any on-site sewage disposal system, water supply well or waterline;
- i. signs and other facilities and improvements that are subject to the provisions of these Regulations;
- j. any wetlands, watercourses, 25 year flood line, 100 year flood line and floodway boundary lines;
- k. existing and proposed site grades, contours and flood elevation zone data, top of foundation elevation, and any proposed watercourse relocation:
 - a. where property is located in a flood prone area include base elevations, finished floor elevations.**
- l. such additional information as may be necessary to determine compliance with the provisions of these Regulations.

For proposed construction involving only interior alterations, or alterations with no enlargement or extension of any existing building or structure, the Zoning Enforcement Officer may waive the required submission of a plot plan. Plot plans accompanying APPLICATIONS which pertain to a nonconforming building or structure or a nonconforming lot shall be prepared and certified by a A-2 licensed land surveyor or engineer.

The Planning and Zoning Administrator may waive any of the plot plan requirements in cases where such information is not needed to determine conformity with these Regulations.

* Amended: 3/6/87

** Effective: 5/5/88

**62.4.1 Foundation Verification

The applicant shall submit a certified A-2 “As-Built” plot plan to the Zoning Enforcement Officer within 14 days after the completion of foundation footings, columns, piers or walls, for verification of setbacks for any new detached building or structure on a lot. The Zoning Enforcement Officer may require a certified A-2 “As-Built” plot plan in other situations involving close proximity to setback lines, lot lines, wetland boundary lines or other similar building restriction lines.

62.5 Site Development Plan: A SITE DEVELOPMENT PLAN shall be submitted with the APPLICATION for a ZONING PERMIT for a) all uses permitted in a district subject to administrative approval of a SITE DEVELOPMENT PLAN, b) for all uses subject to the securing of a SPECIAL USE PERMIT and c) as otherwise specified in these Regulations. The SITE DEVELOPMENT PLAN shall include all of the following information and may be substituted for the plot plan specified in Par. 62.4 if it provides all of the information required for a plot plan:

62.5.1 Statement of Use: A written statement describing the proposed use in sufficient detail to determine compliance with the provisions of these Regulations, including the use provisions of Section 23 and the performance standards of Section 41; four (4) copies shall be submitted.

62.5.2 Site Plan: Six (6) copies of a site plan, which may be in one or more sheets, prepared by a licensed surveyor, engineer, architect, or landscape architect, as authorized by law, drawn to a scale of not less than 40 feet to the inch, showing all of the following information, both existing and proposed:

- a. property lines of the lot, and lines delimiting any lesser area of the lot to be used under the APPLICATION;
- b.* contours, existing and proposed, at an interval not exceeding two (2) feet, or equivalent ground elevations, unless upon written request from the applicant, the Commission determines by resolution such information is not necessary;
- c. wetlands and water courses, as defined in Section 6, and any large trees, wooded areas and ledge;
- d. buildings, structures, retaining walls, signs, and outdoor illumination facilities;
- e. streets, driveways, sidewalks and off-street parking and loading facilities;

* Amended: 8/31/85

** Effective: 3/6/87

- f.* sewage disposal and water supply facilities and storm drainage;
- g. landscaping, including trees, shrubs, lawn and other features, and natural terrain not to be disturbed;
- h. a location map, showing the location of the lot in the Town, at a scale of 1" = 800';
- i. a vicinity map, at the same scale as the Town Tax Assessor's map, showing the lot and, for all area within 500 feet of the lot, the existing zoning district boundary lines, existing streets and existing property lines and lots, including the Map and Parcel numbers therefore from such Assessor's map; and
- j. a schedule of data indicating no less than the area of the lot, total floor area, the total ground coverage by buildings and by all paved area, the number of parking and loading spaces required and provided and an estimate of the amount of earth material to be removed from or deposited on the lot.

62.5.3 Architectural Plans: Six (6) copies of architectural plans of all proposed buildings, structures, signs and outdoor illumination facilities, which plans, except for drawings for signs, shall be prepared by a licensed architect or engineer and shall include exterior elevation drawings, generalized floor plans and perspective drawings in sufficient detail to indicate the function, bulk and exterior character and finish.

62.5.4* Soil Erosion and Sediment Control Plan

1. DEFINITIONS

- 1.1 "Certification" means a signed, written approval by the North Branford Planning and Zoning Commission (its designated agent or the New Haven County Soil and Water Conservation District) that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- 1.2 "Commission" means the Planning and Zoning Commission of the Town of North Branford.
- 1.3 "County Soil and Water Conservation District" means the New Haven County Soil an Water Conservation District established under subsection (a) of section 22a-315 of the General Statutes.

* Amended: 8/31/85

- 1.4 “Development” means any construction or grading activities to improved or unimproved real estate.
- 1.5 “Disturbed area” means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- 1.6 “Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- 1.7 “Grading” means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- 1.8 “Inspection” means the periodic review of sediment and erosion control measures shown on the certified plan.
- 1.9 “Sediment” means solid material, whether mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 1.10 “Soil” means any unconsolidated mineral or organic material or any origin.
- 1.11 “Soil Erosion and Sediment Control Plan” means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

2. ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre unless upon written request from the applicant, the Commission determines by resolution such information is not necessary.

3. EXEMPTIONS

A single family dwelling that is not part of a subdivision of land and agricultural uses and agricultural activities shall be exempt from these soil erosion and sediment control regulations.

4. EROSION AND SEDIMENT CONTROL PLAN

4.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

4.2 Said plan shall contain, but not be limited to:

A. A narrative describing:

1. the development;
2. the schedule for grading and construction activities including:
 - a. start and completion dates;
 - b. sequence of grading and construction activities;
 - c. sequence for installation and/or application of soil erosion and sediment control measures;
 - d. sequence for final stabilization of the project.
3. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
4. the construction details for proposed soil erosion and sediment control measures and storm water management facilities.
5. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
6. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

B. A site plan map at a scale of one inch equals 40 feet unless upon written request from the applicant, the Commission determines by resolution such information is not necessary.

1. the location of the proposed development and adjacent properties;
2. the existing and proposed topography including soil types, wetlands, watercourses and water bodies;
3. the existing structure on the project site, if any;
4. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
5. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
6. the sequence of grading and construction activities;
7. the sequence for installation and/or application of soil erosion and sediment control measures;
8. the sequence for final stabilization of the development site.

C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

5. MINIMUM ACCEPTABLE STANDARDS

5.1 Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and, does not cause off-site erosion and/or sedimentation.

5.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

5.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be

used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

6. ISSUANCE OR DENIAL OF CERTIFICATION

6.1 The North Branford Planning and Zoning Commission (its designated agent or the New Haven County Soil and Water Conservation District) shall either certify that the soil erosion and sediment control plans, as filed, complies with the requirements and objectives of this Regulation or deny certification when the development proposal does not comply with these Regulations.

6.2 Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

6.3 Prior to certification, any plan submitted to the municipality may be reviewed by the New Haven County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

6.4 The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

7. CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

7.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 41.4 of the Regulations.

7.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

7.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

7.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

8. INSPECTION

8.1 Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

62.5.5.* Lighting Plan: The Commission, if deemed necessary, shall require the applicant to submit an outdoor lighting plan separate from the site development plan or landscaping plan. The isolux plan shall show the location, the height above grade, the type of illumination, the source lumens, and the luminous area for each source light which is proposed. The style and design specifications of all fixtures to be used shall be submitted for Commission approval.

62.6 Approval of Site Development Plans: The following procedures, standards and conditions shall be applicable to review and action on uses permitted in a district subject to administrative approval of a SITE DEVELOPMENT PLAN by the Commission:

62.6.1 Additional Information: The Commission may request the applicant to submit such additional information that it deems necessary in order to decide on the SITE DEVELOPMENT PLAN, including but not limited to a) detailed plans for storm drainage, sewage disposal and water supply facilities, b) storm drainage computations, and c) the results of soils surveys, seepage tests and borings. The Commission, upon written request by the applicant, may by resolution determine that the required submission of all or part of the information specified in Par. 62.5.2 and 62.5.3 is not necessary in order to decide on the PLAN and need not be submitted.

62.6.2 Action: Within 65 days after receipt of a SITE DEVELOPMENT PLAN and APPLICATION by the Commission, it shall either approve, approve subject to modifications or disapprove the PLAN. The applicant may consent in writing to any extension of the time for action. The grounds for the action of the Commission shall be stated by the Commission in its records, and the Commission shall transmit a copy of its action to the Zoning Enforcement Officer. In the event of the failure of the Commission to act within the 65 day period, or as such period may be extended, the Zoning Enforcement Officer shall enforce the provisions of these Regulations.

*Effective: 12/8/04

62.6.3 * Standards: The SITE DEVELOPMENT PLAN shall be approved by the Commission when the Commission determines that the PLAN conforms to all of the requirements of these Regulations and to the standards for SITE DEVELOPMENT PLANS specified in Section 41. As a condition of approval, the Commission may establish a date of completion by which all site improvements associated with the approved SITE DEVELOPMENT PLAN shall be completed.

62.7 Approval and Issuance: The Zoning Enforcement Officer shall issue a ZONING PERMIT and shall issue a CERTIFICATE OF ZONING COMPLIANCE for the use or occupancy of any land, building or other structure in accordance with the provisions of Par. 62.1 and when he determines that all of the requirements of these Regulations have been met. No ZONING PERMIT and no CERTIFICATE shall be considered issued unless signed by the Zoning Enforcement Officer or his Deputy. Within 10 days after notification by the applicant that the premises are ready for occupancy, the Zoning Enforcement Officer shall issue or deny a CERTIFICATE. One (1) copy of the plot plan or SITE DEVELOPMENT PLAN shall be returned by the Zoning Enforcement Officer to the applicant. The following additional requirements shall apply to the issuance of ZONING PERMITS and CERTIFICATES:

62.7.1 Staking: No ZONING PERMIT shall be issued by the Zoning Enforcement Officer for any new construction until the applicant has accurately placed stakes or markers on the lot indicating the location of proposed construction. The Zoning Enforcement Officer may require the applicant to place stakes or markers on the lot indicating the location of lot lines. The Zoning Enforcement Officer may require the placement of stakes or markers to be made and certified by a licensed land surveyor.

62.7.2 Measurements: If deemed necessary to determine compliance with these Regulations and before issuance of a CERTIFICATE OF ZONING COMPLIANCE, the Zoning Enforcement Officer shall require the applicant to furnish measurements of any construction features subject to the requirements of these Regulations, including setback distances, which measurements shall be prepared and certified by a licensed land surveyor. When such certified measurements are not so required, the applicant shall submit to the Zoning Enforcement Officer a notarized affidavit on a form prescribed by the Commission certifying that the building, structure or other construction features are in compliance with the requirements of these Regulations.

62.7.3 Sanitation: Where a proposed use or a proposed building or other structure involves the installation, extension, relocation or reconstruction of an on-site sewage disposal or water supply system, no ZONING PERMIT shall be issued until plans for such system have been approved

* Amended: 5/1/80

by the East Shore District Health Department; no CERTIFICATE OF ZONING COMPLIANCE shall be issued until such system has been completed and approved by the East Shore District Health Department or until the use or building or structure has been provided with connections to a public sanitary sewer and/or public water supply system.

62.7.4 Conditions: Any maps, plans, documents, statements and stipulations submitted to and approved by the Commission or Zoning Board of Appeals in connection with any action of such Commission or Board under these Regulations, and any conditions of approval attached by the Commission or Board, shall be conditions for issuance of a ZONING PERMIT and a CERTIFICATE OF ZONING COMPLIANCE by the Zoning Enforcement Officer.

62.7.5 Temporary Certificate: Upon certification by the applicant that the public health and safety will not be impaired and that there will be compliance with all other laws pertaining to health and safety, the Zoning Enforcement Officer may issue a TEMPORARY CERTIFICATE OF ZONING COMPLIANCE having a duration of not more than six (6) months and renewable only for one additional six (6) month period, for the temporary use of land, building or other structures in the process of improvement and completion in accordance with an approved ZONING PERMIT.

62.7.6 Other Permits: Issuance of a ZONING PERMIT or 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. The Zoning Enforcement Officer may at his discretion withhold issuance of a ZONING PERMIT or CERTIFICATE until any such permit has been approved and obtained by the applicant.

62.7.7*No ZONING PERMIT shall be issued by the Zoning Enforcement Officer for any residential dwelling unit, other than a foundation, until the roadway that it fronts is substantially complete, including as a minimum, completion of the sub-base, base and binder course of bituminous concrete payment to a distance of twenty feet beyond the most distant front corner of the lot or up to the front portion of the lot for a cul de sac or other design. The Planning and Zoning Commission, at its discretion, may waive all or a portion of the above standards where deemed appropriate.

62.8 Time Limits: Approved SPECIAL USE PERMITS and ZONING PERMITS shall be exercised within the following time limits:

* Effective: 4/30/10

- 62.8.1 Special Use Permit: An approved SPECIAL USE PERMIT shall terminate and be null and void one (1) year after such approval unless a ZONING PERMIT has been issued for the SPECIAL USE. The Commission, in approving the SPECIAL USE PERMIT, however, may specify a time limit in excess of such one (1) year period, and the Commission may grant one (1) extension for an additional period not to exceed one (1) year.
- 62.8.2 Zoning Permit: A ZONING PERMIT issued shall terminate and be null and void two (2) years after issuance unless the use or work authorized thereby has been established or completed and a CERTIFICATE OF ZONING COMPLIANCE therefore has been issued. The Commission may grant extension of the two (2) year period for additional periods not to exceed one (1) year.
- 62.9 Inspections: The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any building, structure or premises to determine compliance with these Regulations. No ZONING PERMIT and no CERTIFICATE OF ZONING COMPLIANCE shall be issued until the Zoning Enforcement Officer has inspected the building, structure or premises involved to determine that the use and/or the building or other structure conform to these Regulations.
- 62.10 Orders: The Zoning Enforcement Officer may revoke a ZONING PERMIT in case of any false statements or misrepresentation of fact in the APPLICATION or on the maps and plans on which the ZONING PERMIT was based. The Zoning Enforcement Officer is authorized to issue a STOP WORK ORDER if the use of land, buildings and other structures or the construction, reconstruction, extension, enlargement, moving or structural alteration of a building or other structure is not being carried out in compliance with these Regulations; he shall withdraw such ORDER when there is compliance with these Regulations. The Zoning Enforcement Officer is authorized to order in writing the remedying of any conditions found to be in violation of these Regulations.
- 62.11* Fee: The Commission shall set the fees for the following: Application for a Zoning Permit; Application for a Special Use Permit; a Site Development Plan; Certificate of Zoning Compliance; Certificate of Zoning Compliance certifying the validity of a non-conforming use; Temporary Certificate of Zoning Compliance; Application for Temporary Special Use Permit; and inspection upon the granting thereof; and, a Petition for an Amendment to the Zoning Regulations or Zoning Map.
- 62.12 Records: The Zoning Enforcement Officer shall keep records of all fees, all APPLICATIONS, ZONING PERMITS, and CERTIFICATES, all written complaints of any violation of these Regulations, all inspections made under these Regulations and all notices of violation served by him/her and the action taken thereon.

62.13 Rules, Policy and Procedure: The Commission may from time to time by resolution adopt administrative rules, policies and procedures for the administration and enforcement of these Regulations, including but not limited to the following:

- 62.13.1 Procedures to be followed and reports and notices by the Zoning Enforcement Officer and Planning and Zoning Administrator;
- 62.13.2 Zoning administrative forms and notices; and
- 62.13.3 Design criteria to guide preparation and review of SITE DEVELOPMENT PLANS.

SECTION 63 - AMENDMENTS

63.1 These Regulations, including the Zoning Map which is part hereof, may be amended by the Commission on its own initiative or when initiated by a written petition. Any amendment may be adopted only after due notice and public hearing as prescribed by the General Statutes of the State of Connecticut. Any petition for amendment shall be accompanied by the following:

63.1.1 Text: For petitions concerning the text of these Regulations, 20 copies of the precise wording of both the existing and proposed text shall be submitted.

63.1.2 Map: For petitions concerning the Zoning Map, the following shall be submitted:

a. three (3) copies of a map, drawn to the same scale as the Town Tax Assessor's map, showing the area of the proposed change and all area in the Town of North Branford within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, existing property lines and, from the North Branford Assessor's records, the owner of each lot and the Assessor's Map and Parcel number for each lot, and in addition, the map shall show for the change area the existing contours at an interval not exceeding five (5) feet; and

b. three (3) copies of a metes and bounds description of the area proposed to be changed.

63.1.3 Fee: A petition fee as specified in Section 62.

63.2* Posting of "Notice of Public Hearing" Sign: The petitioner requesting amendment of the Zoning Map shall post a sign on property in the area proposed to be changed, which sign shall be visible and legible to passersby on the principal street at the change area. Such sign, to be provided to the petitioner by the Town, shall state the date, time, and place of the public hearing, shall indicate what change of zone is being requested, and shall be in evidence for the continuous period of 14 days preceding the date of the public hearing. In addition, the petitioner requesting amendment of the Zoning Map shall provide proof of certified mail letter notification to all property owners within 500 feet in all directions of the property included in the proposed change 15 days prior to any public hearing.

SECTION 64 - PENALTIES AND REMEDIES

- 64.1 Penalties: Any person, firm or corporation who shall violate any provision of these Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut pertaining to zoning.
- 64.2 Remedies: The proper authorities of the Town of North Branford, or any person, firm or corporation, may institute any appropriate action or proceedings to enforce the provisions of these Regulations or to prevent, restrain, enjoin, correct or abate any violation of these Regulations, as may be authorized by law.

SECTION 65 - VALIDITY

- 65.1 If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.
- 65.2 If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid as such provision applies to a particular building, other structure or lot, the effect of such decision shall be limited to the particular building, other structure or lot, and the general application of such provision to other buildings, structures or lots shall not be affected.

SECTION 66 - EFFECTIVE DATE AND REPEAL

- 66.1 These Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission in accordance with the General Statutes of the State of Connecticut.
- 66.2 The Zoning Regulations for the Town of North Branford, adopted effective August 1, 1962, and all amendments thereto, are repealed coincident with the effective date of these Regulations. The repeal of the above Regulations, and all amendments thereto, shall not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, forfeiture or punishment incurred prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal has not been effected.

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