

*ZONING REGULATIONS*

*OF*

*THE CIVIC  
ASSOCIATION*

*OF*

*SHORT BEACH,  
CONNECTICUT*

Original Zoning Regulations adopted February 15, 1949, effective April 1, 1949.

Major Revision adopted January 9, 1990, effective January 22, 1990.

December 1, 1992 Sections 7.3, 7.4.1 and Schedule A, line 4a, accessory buildings and Section 7.3 height.

July 15, 1993 Sections 4.8, 4.8.1, and 4.8.2 nonconformity.

April 21, 1994 Section 9.2, 9.4, 9.5, 9.6, Administration and Enforcement.

July 14, 1999, Section 2.1.1, zoning application permit, and Section 6.2.6, prohibited uses.

June 30, 2000, Section 3.26, definition of Street Line and Section 7.2.1, Interior Lots.

July 15, 2001, Section 8.5, Grading, Excavation, Removal or Deposit of Earth Materials and Related Activities.

July 1, 2004, Section 6.2.11, Prohibited Uses, 6.4.2 k, Permitted Uses – Business District C, and 7.5, Area, Location and Bulk Standards.

July 1, 2005, Section 6.7, Noise.

June 15, 2015, Sections 8.1.5, Location of Parking and Loading Spaces and 8.4.2, Conditions and Safeguards.

July 10, 2015, Sections 6.3.8 and 6.4.3, Special Permits.

June 30, 2021, Section 2.1.2, Fee

January 10, 2022, delete line 9 in Schedule A, in accordance with Public Act 21-29, alter regulations 4.5, 4.6.4, and 4.7.5, to make nonconformities section

conform to Public Act 21-29, and add 6.2.22 Prohibit Cannabis Establishments authorized by Public Act 21-1 to Prohibited Uses.

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## ***SECTION 1 - APPLICABILITY AND JURISDICTION***

- 1.1 **Purpose:** In accordance with the provisions of Chapter 124 of the Connecticut **General Statutes**, the Zoning Regulations of the Civic Association of Short Beach are made in accordance with a comprehensive plan of zoning encompassing the entire territorial area of the Association and are designed for the following purposes:
- 1.1.1 to promote the health, safety and general welfare;
  - 1.1.2 to lessen congestion in the streets;
  - 1.1.3 to secure safety from fire, panic, flood and other dangers;
  - 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; and
  - 1.1.7 to conserve the value of buildings and encourage the most appropriate use of land throughout the Civic Association of Short Beach, Connecticut.
- 1.2 **Jurisdiction:** Within the territorial limits of the Civic Association of Short Beach, Connecticut, 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 divided, sold, encumbered or conveyed only in accordance with these Regulations and shall not be so divided, 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, 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 non conforming setback, yard, open space or off-street parking and loading spaces more nonconforming.

- 1.3 **Other Laws:** The provisions of these Regulations are the minimum requirements necessary for the purposes set forth in 1.1 above and shall not be deemed to repeal, abrogate or lessen the effect of any other laws, regulations or ordinance or any covenants or agreements between parties provided, however, that where these Regulations impose a greater restriction, the provisions of these Regulations shall prevail.
  
- 1.4 **Nonconformity:** Any use, building or other structure or any lot which existed lawfully, by variance or otherwise, on the date 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 4.

## ***SECTION 2 - ZONING PERMIT AND CERTIFICATE***

2.1 **Zoning Permit:** A ***Zoning Permit*** is the document authorizing commencement of building construction and site improvement under these Regulations. Except for ordinary minor repairs, buildings 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 the Commission and a ***Zoning Permit*** therefor has been issued. All **Applications** shall be submitted and ***Zoning Permits*** issued in accordance with the following procedures:

2.1.1 **Application:** An Application for a ***Zoning Permit*** shall be submitted in triplicate to the Commission in form prescribed by the Commission, signed by the owner or his authorized agent, and containing the following:

- a. Dimensions and area of the lot, including apparent width of all abutting street rights-of-way and all other easements and rights-of-way of record;
- b. The height, dimensions, use, total floor area, number of stories and location of all existing buildings and other structures on the lot, whether existing or proposed, with respect to all lot lines;
- c. The location, area and dimensions of all required off-street parking and loading spaces and the means of access to such spaces; and
- d. Such additional information as the Commission may deem necessary to determine compliance with the provisions of these Regulations.

2.1.2 **Fee:** The following application fees shall be required prior to issuance of a zoning permit: structures and additions up to 200 square feet - \$50.00, over 200 square feet \$200.00, Zoning

Compliance letter, - \$25.00, swimming pools, retaining walls, changes in grade, and driveways - \$50.00.

- 2.1.3 **Referral:** Where required by any provision of these Regulations, the pertinent drawings, plans and documents called for shall be submitted to the Commission for its approval.
- 2.1.4 **Approval and Issuance:** The Commission shall approve an ***Application*** for a ***Zoning Permit*** and shall issue a ***Zoning Permit*** if it determines that all requirements of these Regulations as well as any additional conditions imposed by action of any other Town or State Agency having jurisdiction have been met. Issuance of a ***Zoning Permit*** does not supersede or relieve the applicant of the responsibility of obtaining any other approvals and/or permits, building or otherwise, that may also be necessary to authorize the activity applied for. Such ***Zoning Permit*** shall expire one year from the date of issuance, except that should the activity covered by said ***Permit*** be incomplete at that time, the Commission may extend said ***Permit*** for an additional period of one year for good cause shown.
- 2.2 **Certificate of Zoning Compliance:** A ***Certificate of Zoning Compliance*** is the document authorizing use or occupancy of a premises after completion of building construction and site improvements under these Regulations. Land, buildings and other structures, or parts thereof, may be used or occupied, or changed in use, only after a ***Certificate of Zoning Compliance*** therefor has been issued by the Commission certifying conformity with these Regulations. When the premises are ready for occupancy, the applicant shall submit to the Commission either: (a) an "as-built" plot plan prepared by a registered land surveyor demonstrating that the building or other structure is in compliance with the requirements of these Regulations; or, (b) at the discretion of the Commission, a notarized affidavit on a form prescribed by the Commission certifying that the building or other structure is in compliance with the requirements of these Regulations. Upon receipt of either (a) or (b) above, and upon inspection of the premises if deemed necessary by the Commission, the Commission shall issue a ***Certificate of Zoning Compliance***.



## ***SECTION 3- DEFINITIONS***

- 3.1 **General:** The paragraphs which follow define and explain certain words used in these Regulations. Other words used in these Regulations shall have the meaning commonly attributed to them. Doubts as to the precise meaning of words in these Regulations shall be determined by the Commission by resolution, giving due consideration to the expressed purpose and intent of these Regulations. Words in the present tense include the future and the singular number includes the plural and vice-versa.
- 3.2 **Building, Detached:** A building separated on all sides from adjacent buildings by open spaces from the ground up. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.
- 3.3 **Building, Accessory:** A building located on the same lot as a principal building and devoted or intended to be devoted to a use other than that of the principal use of the lot. Any portion of a principal building devoted to or intended to be devoted to an accessory use is not an accessory building.
- 3.4 **Building, Principal:** A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.
- 3.5 **Building Coverage:** The proportion of the lot area expressed as a percent, that is covered by the maximum horizontal cross-section of a building or buildings or other structures.
- 3.6 **Commission:** The Zoning Commission of the Civic Association of Short Beach, Connecticut (The Short Beach Civic Association Executive Board).
- 3.7 **Critical Coastal Resources:** Coastal bluffs and escarpments, rocky shorefronts, beaches and dunes, and tidal wetlands including tidal marshes, as defined in Section 22a-93 of the **General Statutes**, are deemed to be critical coastal resources for purposes of these Regulations.

- 3.8 **Dwelling:** A building containing one or more dwelling units.
- 3.9 **Dwelling Unit:** Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.
- 3.10 **Dwelling, Single-Family:** A dwelling having only one dwelling unit from ground to roof.
- 3.11 **Dwelling, Two-Family:** A dwelling having two dwelling units, whether one above the other or adjacent to each other.
- 3.12 **Family:** One or more persons related by blood, marriage or adoption, and in addition, any gratuitous guests or domestic servants thereof; or a group of not more than four (4) persons who need not be so related who are living together in a single dwelling unit and maintaining a common household. A roomer, boarder or lodger to whom rooms are let and/or board is furnished shall not be considered a member of the "family" and no roomer, boarder or lodger shall be permitted where the "family" is defined as a group of unrelated persons
- 3.13 **Floor Area, Minimum; Dwelling and Dwelling Unit:** In determining compliance with minimum floor area requirements for "dwellings" and "dwelling units" only finished livable floor area having a ceiling height of at least seven (7) feet shall be counted. The following shall not be included in the computation of finished livable floor area:
- a. garages;
  - b. outside vestibules; bay windows;
  - c. utility rooms for heating apparatus;
  - d. attics;
  - e. terraces; open porches; enclosed porches not heated by a central heating system for the "dwelling"; and
  - f. 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 taken from the inside surfaces of exterior walls or partitions enclosing the floor area. Any floor other than a ground floor must have access thereto by a permanent inside stairway if said floor is to be included in computing floor area.

- 3.14 **Floor Area, Maximum:** In computing the total floor area of all buildings and other structures on any lot to determine compliance with maximum floor area provisions, measurements of floor area shall be taken to the outside surfaces of exterior walls enclosing the floor area, and shall include all roofed areas (e.g. covered porches).
- 3.15 **Frontage:** A property line that is also a street line.
- 3.16 **Height:** In measuring the height of a building or other structure to determine compliance with maximum height provisions, measurements shall be taken from the average ground level within 10 feet of the building or structure to the level of the highest roof of the building or highest feature of the structure. Where a precipitous drop of 10 feet or more in the ground level occurs within 10 feet of the building or structure, the average ground level at that location shall be measured at the foundation wall.
- 3.17 **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 Branford Town Clerk or (2) is a building lot shown on a subdivision map approved by the "Commission" and the Planning and Zoning Commission of the Town of Branford and filed in the Office of the Branford Town Clerk.
- 3.18 **Lot Area and Shape:** In determining compliance with minimum lot area and shape requirements of these Regulations, land subject to easements for drainage facilities and underground public utilities may be included, but no street or highway, easement of vehicular access or private right-of-way for vehicles serving more than one dwelling unit, or easement for above ground public utility transmission lines may be included. Area consisting of ponds, lakes or tidal and freshwater wetlands 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 other District.

- 3.19 **Lot, Corner:** A "corner lot" is a "lot" having lot lines formed by the intersection of two streets, whether public or private, and where the interior angle of such intersection is less than 135 degrees. A "lot" fronting on a curved street shall be considered a "corner lot" if the central angle of the curve is less than 135 degrees.
- 3.20 **Nonconformity:** See Par. 4.2 of Section 4.
- 3.21 **Property Line, Rear:** A "rear property line" is any property line which is parallel to or within 45 degrees of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a "corner lot", only one lot line shall be considered a rear property line.
- 3.22 **Property Line, Side:** Any property line which is not a street line or a rear property line.
- 3.23 **Story:** A "story" is that portion of a building between the surface of any floor and the surface of the floor, ceiling or roof next above. Stories are counted one over the other. Attics not used for human occupancy shall not be considered a story. When a basement has a ceiling height of seven (7) feet or greater and the ceiling of the basement is five (5) feet or more above the average ground level within 10 feet of the building, the basement shall be considered a "story".
- 3.24 **Street:** A "street" shall mean any public way duly accepted by the Town of Branford, any State Highway, except limited access State Highways, or any street shown on a subdivision map approved by the "Commission" and filed in the Office of the Branford Town Clerk, or any improved, privately-owned access way open to vehicular travel by the general public.

- 3.25 **Street Width:** The "width" of a street shall mean the distance between the "street lines".
- 3.26 **Street Line:** the street line is the boundary line of a lot that borders a street.
- 3.27 **Trailer:** The term "trailer" shall include mobile home and camper or any vehicle, conveyance or enclosure which is used or is 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. Notwithstanding the aforesaid, the term "trailer" shall specifically exclude any such vehicle under eight (8) feet in length as well as conventional travel vans that may have been internally modified for the comfort of its passengers.
- 3.28 **Wetland:** The term "wetland" shall have the same meaning as defined in the **General Statutes** of the State of Connecticut, as amended from time to time.
- 3.29 **Tidal Marsh:** The term "tidal marsh" shall include tidal wetlands and means "wetland" as defined by Section 22a-29 of the **General Statutes** and which have been identified and delineated on maps prepared by the Connecticut Department of Environmental Protection.

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## ***SECTION 4 - NONCONFORMITY***

- 4.1 **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 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.
- 4.2 **Definitions:** A nonconforming use, building or other structure, or lot, is one which existed lawfully, whether by variance or otherwise, on the effective date on 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 use 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 the Par. 4.6.4.
- 4.3 **Approved Applications and Permits:** 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 **ZONING PERMIT** 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.
- 4.4 **Change in Plans:** Subject to the time limitations of Par. 4.4.1, nothing in these Regulations shall be deemed to require any change in the proposed use of any land, building or other structure or the area, location, bulk or construction of any building or other structure for which an **Application** for a **ZONING PERMIT** has been lawfully approved and **ZONING PERMIT** issued and any required **BUILDING 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.

- 4.4.1 **Time Limit:** Any ***APPLICATION*** approved and any ***Zoning Permit*** issued before adoption of these Regulations shall become null and void unless the use, building or other structure authorized thereby shall be established and completed within two (2) years from the effective date of such adopted Regulations or any amendment thereto. The Commission may grant one (1) extension of such period for an additional period not to exceed one (1) year after public hearing for good cause demonstrated to the satisfaction of the Commission.
- 4.4.2 **Previous Regulations:** The provisions of Paragraphs 4.4 and 4.4.1 shall apply to ***BUILDING PERMITS*** and ***CERTIFICATES OF OCCUPANCY*** lawfully issued and in effect prior to these Regulations.
- 4.5 **Casualty:** If any nonconforming building or structure or any building or structure containing a nonconforming use shall be damaged or destroyed by fire, explosion, act of God or other casualty, such building or other structure may be restored and any nonconforming use resumed to the extent that such building, structure or use existed at the time of the casualty.
- 4.6 **Nonconformity - Use:** The following provisions and limitations shall apply to a nonconforming use of land, building or other structure:
- 4.6.1 **Enlargement:** Except as may be set forth below, 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.



- 4.6.2 **Change:** No nonconforming use of land, buildings or other structures shall be changed to any use which is substantially different in nature and purpose from the former nonconforming use except to such uses that are permitted uses in the District in which the use is located. No nonconforming use of land, buildings or other structures if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be less conforming again.
- 4.6.3 **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.
- 4.6.4 **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.
- 4.7 **Nonconformity - Improvements:** The following provisions and limitations shall apply to nonconforming buildings, other structures and improvements:
- 4.7.1 **Enlargement:** Any nonconforming building, other structure or improvement may be enlarged, extended, reconstructed or structurally altered only if the enlargement or extension is conforming to these Regulations.
- 4.7.2 **Change:** Any nonconforming building, other structure or improvement if once changed to conform or to more nearly conform to these Regulations shall not thereafter be changed so as to be nonconforming or less conforming again.

- 4.7.3 **Moving:** Any nonconforming building, other structure or improvement shall not be moved unless the result of such moving is to reduce or eliminate the nonconformity.
- 4.7.4 **Nonconforming Street Setback:** Notwithstanding the provisions set forth above, any nonconforming principal building or other structure lawfully existing on the effective date of these Regulations having a street setback of less than twenty (20) feet but not less than ten (10) feet may be enlarged, extended or structurally altered at an upper floor level provided said upper floor expansion does not increase the street setback nonconformity and all other zoning standards are satisfied. If such upper floor expansion is limited by the maximum floor area specified in Schedule A, appropriate street setback shall be provided so as to minimize the setback nonconformity of the expansion.
- 4.7.5 **Repair and/or Restoration:** Nothing in this Section shall be deemed to prohibit work on any nonconforming building or other structure when required by law to protect the public health or safety, provided that such work does not increase the nonconformity. Nothing in this Section shall be deemed to prohibit work on ordinary repair and maintenance of a nonconforming building or other structure or replacement of existing materials with similar materials. Elevating any nonconforming structure to provide a higher finished floor elevation solely to the extent necessary to comply with Coastal Area Management and the Flood Plain Management Ordinance will be permitted, except that under no circumstances will any building height be permitted to exceed 30 feet.
- 4.7.6 **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 Par. 8.1 shall continue to conform to such provisions to the extent that it conforms on the effective date of such Paragraph. Any use of land, buildings or other structures which does not conform to one or more of the provisions of Par. 8.1 shall not be changed to a use which would need additional off-street

parking or loading spaces to comply with the provisions of Par. 8.1 unless such spaces are provided as required for the new use under Par. 8.1.

4.8 **Nonconformity - Lots:** A vacant lot which has been recorded in the office of the town clerk of the Town of Branford on or before April 1, 1949 that does not meet the area, shape or frontage or any other applicable requirements of these Regulations pertaining to lots, may be used as a legal lot, and a building or other structure may be constructed thereon, provided that all of the following requirements are met:

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

4.8.2 If proposed to be used for a new dwelling, the lot shall contain an area of not less than 4,000 square feet, not including land used for public or private streets whether dedicated or not, or land subject to easements of vehicular access by more than one (1) dwelling unit, and shall be served by both public water supply and municipal sanitary sewers or on-site systems approved by the East Shore Health District; and

4.8.3 If the lot does not meet the area requirements of these Regulations, its owner shall not also be the owner of contiguous lots or land which in combination with such undersized lot would make a lot that conforms or more nearly conforms to the lot area requirements of these Regulations.

4.9 **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.

4.10 **Corner Visibility:** On any corner lot, the Commission may order in writing the removal of any fence, wall or planting which is located within the triangular space on the lot that exists within 25 feet of the street line intersection, so as to provide a clear, unobstructed line of sight across such triangle at an elevation of three (3) feet above the street line.



## ***SECTION 5 - DISTRICTS AND BOUNDARIES***

5.1. ***Districts:*** For the purpose of these Regulations, the territory of the CIVIC ASSOCIATION OF SHORT BEACH, CONNECTICUT is hereby divided into the following districts:

Residence District A

Residence District B

Business District C.

5.2. ***District Boundaries:*** The boundaries of the Districts specified in 5.1 above are hereby established in accordance with the descriptions set forth below.

5.2.1 ***Residence District A:*** That area bounded by the junction of the southern terminus of that beach now known as Johnson's Beach with Clark Avenue, easterly and southerly by Long Island Sound, southerly by the Farm River Gut, westerly by the Farm River (also known as the East Haven River), northerly by Shore Drive, and thence easterly by Clark Avenue to the starting point. District A shall also include that area bounded by a line starting at the south-east corner of the property now or formerly of Stanley Bush (also known as lot #14) on the Town of Branford Assessor's Map as of July 10, 1978), thence westerly along the southern boundary of said Bush property, continuing in a straight line across Farm River Road to the south-east corner of the property now or formerly of Joseph Gilmore (also known as lot #2 on said Assessor's Map), thence westerly along the southern boundary of said Gilmore property to the south-east corner of the property now or formerly of Albertina Pacelli (also known as lot #1 on said Assessor's Map), thence westerly along the southern boundary of said Pacelli property to its south-west corner, thence northerly along the western boundary of said Pacelli property to the north-west corner of said Pacelli property, thence due west to the Farm River, thence northerly and easterly along the east bank of said River to the intersection of said river bank with the northern boundary of the property now or formerly of Amelia Bracken, Charles and Lilo Leonard, and Anton

and Dona Wohlert (also known as lot #18 on said Assessor's Map), thence easterly along the northern boundary of said Bracken/Leonard/Wohlert property to its intersection with the western boundary of the Branford Electric Railway Association right-of-way, thence southerly along the western boundary of said right-of-way to the point of origin.

- 5.2.2 **Residence District B:** That area of the Civic Association of Short Beach which is not included in Residence District A and Business District C.
- 5.2.3 **Business District C:** That area on the north side of Shore Drive between (but not including) the building known as the Short Beach Fire Station and the Bristol Street Extension (also known as the Right of Way), and between Court Street and Taylor Place, and on the south side of Shore Drive between Bungalow Lane and the easterly boundary of the site now occupied by Poulton's Garage (but not including the site now occupied by the adjoining residence); in all cases to the depth of the lot or 100 feet, whichever is less.
- 5.3. **Flood Plain District:** The Flood Plain District is a class of District that is in addition to and overlapping one or more of the other districts and includes all areas of special flood hazard as delineated on the official Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map of the Town of Branford. In any Flood Plain District no land shall be filled or excavated and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered until an Application for a ***Zoning Permit*** has been approved by the Commission and a development permit as described in the Town Flood Plain Ordinance has been issued by the Town Engineer. In the event of any conflict in requirements or standards, the more restrictive shall prevail.
- 5.4 **Coastal Management District:** The Coastal Management District is a class of district in addition to and overlapping one or more of the districts and includes the area encompassed within the Coastal Boundary as defined by the

Connecticut Coastal Management Act, as set forth in Chapter 444 of the Connecticut *General Statutes*. The Act also defines coastal resources, Coastal site plans, adverse impacts on coastal resources, water-dependent uses and specifies the requirements and procedures for municipalities to follow in conducting Coastal Site Plan Reviews. Within this District, no Application for a *Zoning Permit* shall be approved and no *Zoning Permit* shall be issued until a Coastal Site Plan Review Application has been approved by the **Branford Planning and Zoning Commission** in accordance with the Connecticut Coastal Management Act or it has been determined by the Town of **Branford Zoning Enforcement Officer** that the use is one exempt from such review. A Coastal Site Plan Review for all buildings, uses, or activities to be located in this District is essential to determine whether or not the potential adverse impacts of the proposed activity on Coastal Resources and future water-dependent development activities are acceptable under the Connecticut Coastal Management Act, as amended. In the event of any conflict in requirements or standards, the more restrictive shall prevail.

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## ***SECTION 6 - PERMITTED USES***

- 6.1 **General:** Land, buildings and other structures in any District may be used for one or more of the uses, and no other, specified in the paragraphs that follow as permitted in the appropriate district. Any use not specified in a particular district as permitted is prohibited.
- 6.2 **Prohibited Uses:** To further assist in the interpretation of permitted uses, the following uses, the listing of which is not intended to be exhaustive, are specifically prohibited in all Districts:
- 6.2.1 The use or occupancy of a trailer, mobile home, camper or any vehicle as a dwelling except in accordance with the following provisions:
- a. On any lot, one (1) trailer may be parked or stored in a garage or other accessory building or other appropriate enclosure approved by the Commission so as to be completely hidden from view from public roads and private dwellings, except that a trailer may be used as a temporary dwelling for a period not to exceed 48 hours in each calendar year.
  - b. A "trailer" may be used as living quarters for a period not to exceed 120 days by the owner or occupant of a dwelling which has been damaged by casualty, subject to the issuance of a permit therefore by the Commission. Said trailer shall comply with all sanitary requirements and shall conform with the applicable regulations pertaining to accessory buildings. Notwithstanding the above, the Commission for good cause shown, may permit said trailer to encroach within the required setback areas and may extend the 120 day occupancy period to allow completion of repairs as a result of casualty damage.
  - c. A "trailer" may be used as a non-residence, construction office in connection with and for the duration of a construction project

on the lot where the "trailer" is located, provided that such "trailer" conforms to the applicable setback requirements for accessory buildings and is removed within 30 days after completion of the project.

- 6.2.2 The erection, construction and use of the type of structure known as a "Quonset Hut", either as the principle building or as an accessory building, permanently or temporarily.
- 6.2.3 The conversion of single family dwellings for use by more than one family.
- 6.2.4 Trailer camps or overnight cabins for the accommodation of automobile tourists.
- 6.2.5 Canvas tents or canvas roofed buildings used for summer camps.
- 6.2.6 The outdoor storage in any Residence District of any motor vehicle which is not legally street operable.
- 6.2.7 The outdoor accumulation, dumping, storage or incineration of used or discarded materials, trash, rubbish, debris, building materials, radioactive or dangerous materials, inoperable motor vehicles, parts of motor vehicles or construction equipment, and other mechanical equipment, with or without the dismantling, processing, salvage, sale or other use or disposition of the same.
- 6.2.8 Indoor or outdoor recreation and amusement enterprises, including but not limited to pool and billiards, bowling, arena, penny arcades, dance halls, miniature golf, and the like.
- 6.2.9 Carousels, merry-go-round, Ferris wheel, shooting gallery, freak show and other similar amusement devices except when sponsored by a local, charitable organization and then for a period not to exceed ten (10) consecutive days and when a **Zoning Permit** therefor has been issued.

- 6.2.10 New and used automotive sales.
  - 6.2.11 Bulk storage yards, buildings and/or facilities.
  - 6.2.12 Commercial and wholesale bakeries.
  - 6.2.13 Laundry, cleaning and pressing establishments.
  - 6.2.14 Restaurants and other food service establishments that include entertainment and dancing.
  - 6.2.15 Sale of alcoholic beverages under any permit as defined by the Liquor Control Act, except that stores principally engaged in the sale of groceries may sell beer only under an appropriate permit issued by the State of Connecticut Liquor Control Commission.
  - 6.2.16 Chemical manufacture.
  - 6.2.17 Laboratories, including experimental, research and manufacturing.
  - 6.2.18 Carpentry and woodworking shops.
  - 6.2.19 Stone yards or monument works.
  - 6.2.20 Funeral parlors and undertakers establishments.
  - 6.2.21 Veterinary hospitals, commercial kennels, grooming facilities and animal clinics.
  - 6.2.22 Cannabis Establishments authorized by Public Act 21.1.
- 6.3 **Permitted Uses - Residence Districts A and B:** In Residence Districts A and B, land, buildings and other structures shall be used for one or more of the following uses:

- 6.3.1 A single, detached dwelling for one (1) family and not more than one (1) such dwelling per lot. Under no circumstances will a conversion of a dwelling for use by two (2) or more families be permitted.
- 6.3.2 A professional or business office in a dwelling unit, subject to the following conditions:
- a. The person or persons conducting the office shall reside in the dwelling unit, and there shall be no more than two (2) non-resident persons engaged in the conduct of the office.
  - b. The office shall not impair the residential character of the premises, and there shall be no evidence of the office outside the dwelling unit except for permitted signs.
  - c. The floor area used for the office shall be contained within the dwelling and shall not exceed one third of the finished, livable floor area of the dwelling unit, as defined in Par. 3.13, or 400 square feet, whichever is less.
  - d. In addition to the required parking for the dwelling unit, additional off-street parking spaces shall be provided in support of the proposed office use.
- 6.3.3 Customary home occupations in a dwelling unit, including home industries and service occupations, subject to the following conditions:
- a. The person or persons conducting the occupation shall reside in the dwelling unit, and there shall be not more than two (2) non-resident persons engaged in the conduct of the occupation.
  - b. The occupation shall not impair the residential character of the premises, and there shall be no evidence of the occupation outside the dwelling unit except for permitted signs.

- c. The floor area used for the occupation shall be contained within the dwelling and shall not exceed one third of the finished, livable floor area of the dwelling unit, as defined in Par. 3.13, or 400 square feet, whichever is less.
- d. In addition to the required parking for the dwelling unit, additional off-street parking spaces shall be provided in support of the proposed home occupation use.

6.3.4 The renting of rooms and/or the furnishing of board in a dwelling unit to a total of not more than two (2) persons, subject to the following conditions;

- a. The person or persons letting the rooms and/or furnishing the board shall reside in the dwelling unit.
- b. When rooms are let, the dwelling unit shall contain a minimum floor area of 400 square feet times the number of persons to whom the rooms are let.
- c. The letting of rooms shall not include the provision of cooking facilities for such rooms but may include sharing of the cooking facilities of the dwelling.
- d. No accessory building shall be used for letting of rooms or furnishing of board.
- e. In addition to the required parking for the dwelling unit, one (1) additional off-street parking space shall be provided for each person to whom rooms are let.

6.3.5 Public buildings, parks, playgrounds and open space lands of the Town of Branford, the State of Connecticut, the Federal Government or any other governmental unit.

- 6.3.6 Signs as provided in Section 8.2.
- 6.3.7 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the following additional standards and conditions:
- a. The accessory use shall be located on the same lot with the permitted use to which it is accessory.
  - b. Accessory uses may include off-street parking spaces and private garages and boat houses.
  - c. There shall be no more than one (1) commercial vehicle parked or stored on any lot and such vehicle shall not exceed one (1) ton capacity. If such vehicle displays any visible commercial advertising, such vehicle must be parked or stored only in an enclosed garage.
- 6.3.8 **Special Permits:** Subject to the securing of a Special Permit in accordance the provisions of Paragraph 8.4, land, buildings and other structures in a Residence District A or B may be used for one or more of the following uses:
- 6.3.8(a) Notwithstanding the provisions of Paragraph 6.3.1, more than one (1) single, detached dwelling for one (1) family on a lot provided that in the Residence A District there is 7,500 square feet of lot area for each dwelling and in the Residence B District there is 4,500 square feet of lot area for each dwelling, and said dwellings and any accessory buildings are positioned in such a manner as to permit subdivision in conformity with the Area, Location and Bulk Standards set forth in Schedule A of Section 8. In lieu of the minimum frontage requirements, each potential lot shall have access to a street by means of an unobstructed perpetual easement of access, held in the same ownership as said lot, at least 20 feet wide to a street.

Within the lines of such access way there shall be constructed a graveled or other paved way sufficient in width and thickness to accommodate fire and other emergency apparatus.

6.3.8(b) Non-profit churches and other places of worship, as well as similar and related non-profit facilities.

6.3.8(c) Non-profit membership clubs, fraternal organizations, lodges and community houses, provided that there is no sale or use of alcoholic liquors on the premises.

6.3.8(d) Day Nurseries.

6.3.8(e) Public utility substations, equipment buildings, structures and other facilities, provided there are no outside service yards or outside storage of supplies.

6.3.8(f) On any waterfront lot, limited water-dependent uses such as marinas, recreational fishing and boating facilities and uses that provide general public access to marine or tidal waters.

6.4 **Permitted Uses - Business District C:** In Business District C, land, buildings and other structures shall be used for one or more of the following:

6.4.1 Any use permitted in Residence Districts A and B as enumerated in Par. 6.3 above.

6.4.2 Stores and other buildings and structures where goods are sold or personal service is rendered primarily at retail, such as the following as well as any business or service similar thereto, except as may be specifically excluded under Par. 6.2 above:

a. Art or antique shops not conducted as a home occupation.

- b. Motor vehicle service stations providing, in addition to gasoline, only those services related to tire, greasing and battery service.
- c. Bakery - limited to agency or sale of goods produced on premises.
- d. Barber or beauty shop.
- e. Confectionery store (includes sale of goods produced on premises).
- f. Drug store, dry goods and notion stores.
- g. Grocery, fruit, and vegetable stores.
- h. Hardware, electrical appliance stores.
- i. Laundry, cleaning, pressing - agencies only.
- j. Meat, fish, poultry markets, delicatessens.
- k. Restaurants, tea rooms and similar food service establishments, but excluding entertainment and dancing.
- l. Shoe store, shoe repair shop.
- m. Wearing apparel, clothing stores.

6.4.3 **Special Permits:** Subject to the securing of a Special Permit **in accordance with the provisions of Paragraph 8.4,** land, buildings and other structures in a Business District C may be used for one or more of the following uses:

6.4.3(a) Motor vehicle storage and repair garages having only a limited repairers license issued by the State of Connecticut, provided that no entrance is situated within a radius of 200 feet from a lot used or reserved for use as a church, public playground, school or park. Notwithstanding the above, however, no existing motor vehicle garage shall be deemed to become nonconforming by the subsequent establishment of any such church, public playground, school or park.

6.5 **Off-street Parking and Loading:** Parking and loading spaces shall be provided off the street for any use of land, buildings and other structures as specified in Par. 8.1.



6.6 **Signs:** All permitted signs shall be established in accordance with the requirements of Par. 8.2.

6.7 **Noise:** It shall be unlawful for any person or entity to operate any air-conditioning equipment, or any other type of mechanical equipment or apparatus installed on or attached to any building or premises, in such a manner so as to create excessive noise that causes annoyance, inconvenience or detriment to the public or any person. Noise shall be considered excessive if the sound pressure level from said equipment or apparatus exceeds the following:

- a) In residential zones, forty-five (45) decibels between the hours of 10:00 p.m. and 7:00 a.m. and fifty-five (55) decibels at any other time of day or night; and.
- b) In commercial zones, eighty (80) decibels.

Said decibel level is to be measured on a Type 2 Sound Meter or ANSI equivalent. The meter reading shall be taken on the property line. Emergency generators are exempt from the forty-five (45) decibel limit only if operating during emergencies.

If, as a result of such measurement, said equipment or apparatus is found to violate the terms of this section, the operation of such equipment or apparatus shall be discontinued immediately and not resumed unless proper corrections have been made and approved by the Zoning Enforcement Officer.

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## ***SECTION 7 - AREA, LOCATION AND BULK STANDARDS***

- 7.1 **Schedule A:** "Schedule A - Standards" is hereby declared to be a part of these Regulations and is herein referred to as "**Schedule A**". The area, location and bulk standards are as hereinafter specified and as listed in **Schedule A**.
- 7.2 **Lot Area, and Frontage:** Each lot shall have at least the minimum area and the minimum frontage on a street specified in Schedule A except as set forth below.
- 7.2.1 **Interior Lots:** An interior lot is any lot which has no street line or a street line of 20' or less. Any such lot must have access to a street by private, exclusive right-of-way of not less than 20' in width throughout its length. No portion of any building or other structure on an interior lot shall extend within 20' of any property line.
- 7.3 **Height:** No building or other structure shall exceed the number of stories and/or the maximum height, whichever is less, as specified in **Schedule A**. This limitation, however, shall not apply to the following when not used for human occupancy, and not connected to or part of living space: spires, cupolas, towers, chimneys, flag poles, radio or television antennas, and such features as elevator, heating, ventilation, air conditioning and similar equipment that are located on the roof of a building and do not occupy more than 10% of the area of the roof. Accessory buildings may not exceed a maximum height of 16'-0" or one and one-half (1.5) stories. Satellite dish antennas are not included in the above and are not exempted from the maximum height limitations.
- 7.4 **Setbacks:** No portion of any building or other structure shall extend within the minimum required distances from any street line, rear property line, other property line or The High Water Line of Long Island Sound or the Farm River or other critical coastal resource, as specified in Schedule A, subject to the exceptions and additional limitations identified below. Whenever a property is encumbered by a right-of-way or travelway open to the public, required

setbacks shall be measured from a line 10 feet off of the centerline of said travelway. Under no circumstances shall the minimum setback to any structure be less than six (6) feet from the edge of any established access easement or right-of-way and where no defined access easement or right-of-way is recorded, the minimum setback shall be 12 feet measured from the centerline of said travelway.

7.4.1 **Accessory Buildings:** Accessory buildings may extend to the lesser minimum distance of a rear property line as specified in **Schedule A**, provided that the rear property line does not front on a public or private street.

- a. Notwithstanding the provisions of **Schedule A**, a detached garage structure may be located within the required setback from a street line provided a setback of not less than 10 feet is retained from the front of the garage to the street line or six (6) feet from any other wall to the street line.

7.4.2 **Architectural Projections:** Pilasters, belt courses, sills, cornices, marquees, canopies, awnings, eaves and similar architectural features and open fire escapes may project not more than one (1) foot into the area required for setback from a street line, property line or critical coastal resource.

7.4.3 **Fences, Walls, Terraces and Entry Stoops:** 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 or necessary entry stoops, but no fence, wall, terrace or entry stoop shall be located within the right-of-way of any street or within the limits of any beach area.

7.4.4 **Decks and Swimming Pools:** Decks whose finished floor is one foot or more above the average ground level at the edge of the deck, whether attached to the main building or not, and hot tubs, Jacuzzis and permanent swimming pools, whether in-ground or on-ground, shall conform to the setback requirements for accessory buildings.

- 7.4.5. **Narrow Streets:** In the event that the street where the lot has frontage has a width of right-of-way of less than 50 feet, the required setback from a street line shall be measured from the delineated or defined right-of-way if one exists or from an "apparent" street line or limit of occupancy as determined by the Commission from field observation.
- 7.4.6 **Corner Visibility:** On a corner lot, no fence, wall, planting or other structure more than three (3) feet in height shall be located within the triangular area formed by the street lines and a line connecting two points on said street lines at a distance of 25 feet from the corner.
- 7.5 **Coverage and Bulk:** The aggregate lot coverage of all buildings and other structures on any lot, including accessory buildings, shall not exceed the percentage of the lot area as specified in **Schedule A**. The aggregate lot coverage of all buildings, decks, terraces, patios, drives, parking areas, and impervious surfaces shall not exceed the percentage of the lot as specified in Schedule A. The total floor area of all buildings and other structures on any lot, excluding basements, shall not exceed the percentage of the lot as specified in **Schedule A**.
- 7.6 **Minimum Floor Area - Dwelling:** Each dwelling shall have a minimum floor area on the ground floor as specified in **Schedule A**.
- 7.7 **Corner Lots:** On any corner lot, the required minimum street setback specified in **Schedule A** shall be applied to each street line.

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**SCHEDULE A**

**AREA, LOCATION AND BULK STANDARDS**

<b>Line</b>	<b>Standards</b>	<b>Districts</b>		
		<b>A</b>	<b>B</b>	<b>C</b>
1.	Minimum Lot Area (in square feet)	7,500	4,500	4,500
2.	Minimum Street Frontage for each lot	75 ft.	50 ft.	50 ft.
3.	Maximum Number of Stories	3	3	3
4.	Maximum Height of Buildings	30 ft.	30 ft.	30 ft.
	a. Accessory Building Height	16 ft.	16 ft.	16 ft.
5.	Minimum Required Setbacks			
	a. From Street Lines	20 ft.	20 ft.	20 ft.
	b. From Rear Property Line	20 ft.	20 ft.	20 ft.
	c. Accessory Building from Rear Line	6 ft.	6 ft.	6 ft.
	d. From L. I. Sound or Farm River	25 ft.	25 ft.	25 ft.
	e. From Critical Coastal Resources	25 ft.	25 ft.	25 ft.
	f. From Side or Other Property Lines	10 ft.	6 ft.	6 ft.
6.	Maximum Building Lot Coverage (as % of Lot Area)	30 %	30 %	30 %
7.	Maximum Total Floor Area (as % of Lot Area)	50 %	50 %	70 %
8.	Maximum Aggregate Lot Coverage by Buildings, Decks, Drives and Parking	75 %	75 %	85 %

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## ***SECTION 8 - GENERAL REQUIREMENTS***

8.1 ***Parking and Loading:*** Parking and loading spaces shall be provided off the street in such number and in such manner as to accommodate the motor vehicles of all persons normally using or visiting a use, building or other structure at any given time. Off-street parking and loading spaces shall conform to the standards hereafter specified and shall be permanently maintained and made available for use in connection with and for the full duration of the use of land, building, and other structures for which such spaces are herein required. If any existing use of land, building or other structures conforming to the requirements of this Section is changed to a use requiring additional off-street parking or loading spaces to comply with this Section, the additional spaces shall be provided for the new use in accordance with the standards herein specified.

8.1.1 ***Design:*** Parking and loading spaces shall conform to the following:

8.1.1(a) a parking space shall be of such shape as to contain a rectangle not less than nine (9) feet in width and 20 feet in length and having vertical clearance, access and slope to accommodate automobile having an overall length of 20 feet.

8.1.1(b) a loading space shall be 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.

8.1.2 ***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 spaces provided in connection with a single family dwelling, all off-street parking and loading spaces located

within 10 feet of any street line shall be separated from such street line by a curb, fence, or wall or an embankment in such a manner that cars will not overhang the street line.

8.1.3 **Parking Spaces:** Off-street parking spaces shall be provided as follows:

8.1.3(a) **Dwellings:** Each dwelling shall have at least two (2) spaces for each dwelling unit.

8.1.3(b) **Commercial Buildings:** Each commercial building shall have adequate off-street parking to accommodate its employees as well as its normal flow of customers. In determining the adequacy of proposed parking spaces, consideration shall be given to the nature of the commercial use or uses involved. In no case, however, shall fewer than 3 parking spaces for each commercial use in each commercial building be provided.

8.1.4 **Loading Spaces:** Each commercial building shall provide at least one off-street loading space in addition to required off-street parking spaces as specified above. The Commission, however, at its discretion, based upon occupancy and unusual circumstances, may permit one or more parking spaces to also be designated for use as the loading space.

8.1.5 **Location of Parking and Loading Spaces:** Some or all of the parking spaces required herein for:

a. residential use may be located on abutting or nearby tracts of land in any residential or business district;

b. commercial use may be located on abutting or nearby tracts of land in any business district;

By special permit in accordance with Section 8.4; provided, however, that such nearby tract of land is situated within a four

hundred (400) foot radius of the subject property; that such ownership of land or easement shall also appear on the land records of the town of Branford; and further provided, that reasonable and conforming signs shall be posted at the building and at the land to direct the public to such land. Loading spaces shall always be located on the same tract of land as the commercial building.

8.2 **Signs:** For the purpose of these Regulations, the term "sign" shall include every sign, billboard, illustration, insignia, lettering, pictures, display, banner, pennant, flag or other device, however made, displayed, painted, supported or attached, intended for the purpose of advertisement, identification, publicity or notice, where visible from any street or from any lot other than the lot on which the sign is located. It shall ***not*** include any flag, pennant or insignia of any governmental unit or non-profit organization or any sign located within the right-of-way of any public street when authorized by the Board of Selectmen of the Town of Branford in accordance with the **General Statutes** of the State of Connecticut. Unless otherwise permitted, no sign shall be established, erected, constructed, reconstructed, enlarged, extended, moved or structurally altered until a ***Zoning Permit*** therefore has been approved by the Commission. All signs shall conform to the provisions hereinafter specified.

8.2.1 **Purpose:** It is the purpose and intent of this Paragraph to accommodate the establishment of signs necessary for identification, direction and reasonable commercial promotion while avoiding a proliferation of signs and signs of a character that would be detrimental to the public health and safety, property values and the appearance and beauty of the community. All signs shall pertain only to a use of land, buildings and other structures actually in being on the lot where the sign is located. When such use shall have been discontinued for a continuous period of six (6) months, all signs pertaining thereto shall be removed or eliminated.

8.2.2 **Permitted Signs:** In Residence Districts, 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. Projecting and hanging signs

attached to buildings shall not project into the area required for setbacks. No sign attached to the ground shall exceed a height of eight (8) feet. The following signs are permitted in Residence Districts:

- a. On any lot, one (1) identification sign giving only the name of the premises and/or of the occupant, or announcing the professional capacity of a physician, surgeon, dentist, architect, attorney, insurance agent, real estate broker or other similar professional whose office is located in the dwelling unit used by such person as his private residence. In Residence District A such sign shall not exceed 200 square inches in area and in Residence District B such sign shall not exceed two (2) square feet in area.
- b. private warning and traffic signs with no advertising thereon, each not exceeding two (2) square feet in area.
- c. on a lot where the premises are for sale or for rent, one (1) real estate sign not exceeding five (5) square feet in area and not referring to any other premises.
- d. building contractors' and designers' signs pertaining to buildings under construction and/or improvement on the lot, providing that the total area of such signs shall not exceed 16 square feet and such signs shall be removed within 30 days after completion of the project.
- e. on any lot containing a church, place of worship, parish hall, cemetery, museum, school, membership club, charitable institution, recreation facilities, nature preserve, wildlife sanctuary, convalescent home, public utility or buildings, uses and facilities of the Town of Branford, State of Connecticut or Federal Government, one (1) sign not exceeding 16 square feet in area.
- f. on any lot, business or industrial establishments are permitted only one (1) sign, not exceeding 20 square feet in area and more than five (5) feet in any dimension, which sign may be detached, overhanging or protruding from the main building.

- g. temporary signs for other purposes and for limited periods of time where approved by the Commission.

No **Zoning Permit** and no Certificate of Zoning Compliance is required for signs permitted under Subparagraphs 8.2.3a, 8.2.2c and 8.2.3d.

8.2.3 **Location and Height:** Signs permitted under (e) and (f) above shall not extend within less than 10 feet of the street line or six (6) feet of any other property 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 one (1) foot from the wall of the building. No sign attached to the ground shall exceed a height of eight (8) feet.

8.2.4 **Business Districts:** In Business District C, in addition to signs permitted on any lot under Par., 8.2.2 above, signs attached to buildings are also permitted and shall not exceed an aggregate area of one (1) square foot for each horizontal linear foot of such wall of which it is a part. Signs permitted by this subparagraph 8.2.4 shall pertain only to the business conducted or the sale of products sold or produced on the premises.

8.2.5 **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.

8.2.6 **Special Events:** Notwithstanding the provisions of this Paragraph 8.2, temporary signs advertising charitable affairs, or special events or those of pre-election character shall not be limited as to size and

may be displayed for periods not exceeding 15 consecutive days and totaling not more than 30 days in any calendar year. Upon written application made to it, the Commission may by resolution authorize the establishment of such temporary signs for a longer period than permitted above.

8.3 **Coastal Area Management:** The use of land, buildings and other structures within the Coastal Management District shall be established and conducted in conformity with the underlying zoning classification, subject to the additional requirements of this Section. Accordingly, such residential and non-residential uses shall be permitted as are permitted and in the same manner as permitted in the underlying zone, provided the coastal site plan review determines that the potential adverse impacts of the proposed use on both the coastal resources and future water dependent activities are acceptable within the meaning of the Connecticut Coastal Management Act, as amended. No **Zoning Permit** shall be approved by the Commission and no Certificate of Zoning Compliance shall be issued by it until a determination has been made by the **Branford Planning and Zoning Commission** and certified in writing that such use or structure has been reviewed and approved in accordance with the Connecticut Coastal Management Act, as amended, or is a use exempt from such review as provided for by the **General Statutes**. Reference is made to Section 45 of the Zoning Regulations of the Town of Branford which sets forth the exemptions, application requirements, statutory criteria, and review procedures.

8.3.1 **Violations:** In accordance with Section 22a-108 of the **General Statutes**, any activity undertaken within the Coastal Boundary without the required coastal site plan review and approval, shall be considered a public nuisance and shall be subject to enforcement remedies authorized in that Section.

8.4 **Special Permit Uses:** In any District, there are certain uses which are unusual uses that under favorable circumstances will be appropriate, harmonious and desirable uses in their district but that possess such special characteristics that each use should be considered as an individual case. These uses are deemed to be permitted uses in their respective districts but ones which must be

regulated by considering, in each case, the impact of the uses upon neighboring uses and the surrounding area. The Commission may grant such special permits only after public notice and hearing as required by the **General Statutes**. Where an existing use which is permitted only by special permit is proposed to be extended, enlarged or modified in such a way as to change the character or intensity of the use, such extension, enlargement or modification shall be treated as a special permit under this Paragraph.

8.4.1 **General Considerations:** Special permits shall be granted by the Commission only after finding that the special permit is not in conflict with the general public convenience and welfare and after taking into consideration the following, where appropriate:

- a. The size and intensity of the proposed use and the size of the lot on which it is to be located.
- b. The resulting traffic, safety, traffic patterns, vehicular access to the lot and the adequacy of proposed off-street parking and loading spaces.
- c. The adequacy of water supply, sanitary sewer systems, storm drainage and erosion protection facilities.
- d. Police and fire protection needs.
- e. The effect upon the surrounding area, taking into account the topography of the lot, the character of the development, the site plan and proposed landscaping.

8.4.2 **Conditions and Safeguards:** In granting a special permit, the Commission may attach such additional conditions and safeguards as are deemed necessary to protect the surrounding area, such as:

- a. Setback requirements greater than those specified in Schedule A.
- b. Limitation on the number of parking spaces.
- c. Additional screening of parking areas or other portions of the site from adjoining properties or the street by the use of walls, fencing, landscaping or other appropriate means specified by the Zoning Commission.

- d. Modification of the exterior design and appearance of any structure where necessary to protect property values and to preserve and enhance the appearance of the neighborhood.
- e. Limitations on the size, number of occupants, method or hours of operation or extent of proposed facilities.
- f. Regulation on number, design, and location of access drives or other traffic features.
- g. Provision of additional off-street parking or other special features in addition to those required by this or other applicable codes and ordinances.
- h. Regulation of source and intensity of exterior lighting.

Failure of applicant to comply with such additional conditions and safeguards shall constitute a violation of the regulations.

8.4.3 **Effective Date:** Any special permit granted under the provisions of this Paragraph shall not become effective until a copy thereof has been filed in the land records of the Town of Branford as required by the **General Statutes**.

8.5 **Grading, Excavation, Removal or Deposit of Earth Materials and Related Activities.**

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

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

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

6.

preserve distinctive natural features such as rock outcrops and ridge lines: and



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

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

8.5.2 **Standards:** All proposed activities covered by these Regulations shall comply with the following standards: Upon completion of blasting, filling, excavation or construction of retaining wall, the applicant shall furnish a statement from a licensed professional engineer that the finished slope is stable and has been constructed in accord with the approved plan. No Certificate of Zoning Compliance shall be issued until this requirement has been satisfied to the satisfaction of the Zoning Enforcement Officer.

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

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

- a. The Commission makes a finding that the requirements of Section 8.5.1 are met;
- b. The top of any slope greater than four feet in height is protected by a fence at least five feet in height of a quality acceptable to the Commission, to prevent injury to the general public;

- c. All blasting shall be conducted in a manner acceptable to the Branford Fire Marshall.

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

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

- 1) No retaining wall shall exceed a height of eight (8) feet.
- 2) No retaining wall shall be permitted within fifteen feet of a side or rear property line or Residential District Boundary line.
- 3) No retaining wall shall be located less than fifteen feet from a street line except when necessary to provide the minimum sightline required for safety, sidewalks, bus stops or other pedestrian amenities.
- 4) When used to create terraces, retaining walls should be a minimum of ten feet apart and the terrace area between them shall not exceed a slope one foot or rise for three feet of horizontal distance.
- 5) The top of any retaining wall greater than four feet in height shall be protected by a fence at least four feet in height of a quality and construction acceptable to the Commission to prevent injury to the general public.
- 6) All retaining walls greater than four feet in height shall be designed by a licensed professional engineer and plans submitted shall bear the signature and live seal of the engineer.
- 7) All drainage at the base of the wall, including flow from weep holes, shall be connected to storm drainage and not allowed to traverse parking areas, drives or adjacent roadways.

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

8.5.6 **Condition of Site During Activity:** Slopes shall be maintained during construction so as not to exceed one foot rise for two feet of horizontal distance whenever construction is suspended for more than two weeks. There shall be no sharp declivities, slopes, pits, or depressions and proper drainage shall be provided to avoid stagnant water soil erosion, and water pollution. The Board may require that the entire construction area be fenced if it finds that it is necessary to ensure public safety.

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

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

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

waiver shall be limited to 1) the area adjoining the joint property line or 2) the immediate vicinity of the septic system or access drive, as applicable.

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

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

8.5.12 **Disposal of Excavated Material:** The total volume of earth materials to be removed from the site and its destination, if known, shall be stated in the application. Deposition of such materials on any site(s) within the Town of Branford shall be carried out in conformance with these regulations. If earth materials in excess of 100 cubic yards are to be transported to a location outside of the Town of Branford, it is the applicant's responsibility to secure proper authorization for disposal at the ultimate location.

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

- a) No constituent part of such fill shall exceed one cubic yard in volume;
- b) No materials shall be used as fill which pose a fire or pollution hazard;

- c) No materials shall be used as fill which will impair the future use of the site for purposes normally allowed in the zoning district;
- d) The location of such material on the site shall be shown on an “as built” plan to be filed with the Board and noted on the Land Records of the Town of Branford prior to release of bond.

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## ***SECTION 9 - ADMINISTRATION AND ENFORCEMENT***

- 9.1 **Interpretation:** In its interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, comfort, convenience and general welfare.
- 9.2 **Enforcement:** The provisions of these Regulations shall be enforced by the Executive Board of the CIVIC ASSOCIATION OF SHORT BEACH, CONNECTICUT. The Executive Board may appoint a Zoning Enforcement Officer to assist and act for the Executive Board.
- 9.3 **Inspections:** The Executive Board or its agent is authorized to inspect or cause to be inspected any land, building or other structure to determine compliance with these Regulations. No Certificate of Zoning Compliance shall be issued until the Executive Board has inspected the land, building or other structure involved to determine that the use and/or buildings or other structures conform to these Regulations.
- 9.4 **Orders:** The Executive Board or its agent is authorized to issue a Cease and Desist Order if in its judgment the use of land, buildings and other structures or the construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure are not being carried out in compliance with these Regulations: it shall withdraw such Order when it determines that there is compliance with these Regulations. The Executive Board is authorized to order in writing the remedying of any condition found to be in violation of these Regulations, and to further enforce its orders as provided by Chapter 124 of the Connecticut **General Statutes**.
- 9.5 **Penalties:** The owner or agent of any building or premises where a violation of any provision of such regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who

commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be fined not less than ten nor more than one hundred dollars for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars nor more than two hundred and fifty dollars for each day that such violation continues, or imprisoned not more than ten days for each day such violation continues or both; and the superior court shall have jurisdiction of all such offenses, subject to appeal as in other cases. Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten days after such service, shall be subject to a civil penalty not to exceed two thousand five hundred dollars, payable to the treasurer of the Civic Association of Short Beach. Such violations may also result in criminal penalties and the taxing of costs and attorney's fees.

- 9.6 **Records:** The Executive Board shall keep records of all ***Applications, Zoning Permits*** and ***Certificates of Zoning Compliance***, all identifiable complaints of any violation of these Regulations, all inspections made under these Regulations and all notices of violation served and the action taken thereon.



## ***SECTION 10 - ZONING BOARD OF APPEALS***

- 10.1 **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.
- 10.2 **Powers:** The powers and duties of the Zoning Board of Appeals include the following:
- 10.2.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Commission or its authorized agent.
  - 10.2.2 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
  - 10.2.3 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.
- 10.3 **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. 10.2.3, to make all of the following findings:
- 10.3.1 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;

10.3.2 That such conditions do not affect generally the district in which the parcel is situated;

10.3.3 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

10.3.4 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.

10.4 **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.

10.5 **Amendments:** Any application to vary these Regulations or any provision thereof that may be in the process of amendment by the Commission shall be viewed by the Zoning Board of Appeals under the provisions of the Regulations officially in force at the time said application was officially received.

**SECTION 11 - AMENDMENTS, VALIDITY, EFFECTIVE DATE  
AND REPEAL**

- 11.1 **Amendments:** These Regulations, including the boundaries of the Districts which are a part hereof, may be amended by the Commission on its own initiative or when initiated by a petition. Any amendment may be adopted only after due notice and public hearing as prescribed by the **General Statutes** of the State of Connecticut. Any petition for amendment shall be accompanied by the following;
- 11.1.1 For petitions concerning the text of these Regulations, 15 copies of the precise wording of the existing and proposed text shall be submitted.
- 11.1.2 For petitions concerning the boundaries of the Districts, three (3) copies of a precise description of the property included in the proposed change together with a map drawn to a scale of not more than 100 feet to the inch, covering the area of the proposed change and all area in the Town of Branford within 500 feet of the proposed change and showing within such area the existing and proposed zoning district boundary lines, the existing property lines and the names of the current property owners as indicated in the Branford Assessor's records.
- 11.1.3 A petition fee of \$50.00, which shall be considered a deposit and any portion of which that is unused for required legal notices, stenographic or mechanical recordings of hearings and other required expenses shall be returned to the petitioner.
- 11.2 **Validity:** If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the effect of such a 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. 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 a 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.

- 11.3 **Effective Date and Repeal:** 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. The Short Beach Zoning Regulations (Section 29 of the By-Laws), adopted and revised July 26, 1978 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 had not be effected.