

Pine Orchard Association

**ZONING
ORDINANCE**

POA Board
10-19-2018

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Revision Log

Date of revision	Description	Revised by
Oct. 1, 2017	Reformatted for MS Word 2016	Peter Robinson
July 7, 2018	Corrected formatting issues, updated figure one font	Peter Robinson
Nov. 13 2018	Amended Section 4.1, added Citation Appeals Procedure in Section 13, Amended Definitions Section 16	Pine Orchard Board, effective 10/19/2018

Pine Orchard Zoning Ordinance

The following represents the revision of the original Zoning Ordinance adopted by the Zoning Authority of The Pine Orchard Association. June 26, 1945, and the amendments adopted as of March 21, 1959; August 18, 1977; October 22, 1984; February 27, 1986; July 31, 1989; December 2, 1991; and June 6, 1992.

A new ordinance was approved by the Executive Committee of The Pine Orchard Association at its meeting on September 19, 1994 and was effective as of that date. An amendment to the Zoning Ordinance was approved by the Executive Committee of the Pine Orchard Association at its meeting on September 21, 2018 and is effective as of October 19, 2018.

Attest: Margaret E. Haering
Clerk, December 3, 2018

BE IT RESOLVED: –That the following zoning regulations be and hereby are adopted by the Zoning Authority of The Pine Orchard Association.

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1 Purpose

These regulations shall be made for the purpose of providing a comprehensive plan which will promote the health, safety, and general welfare of the community; for the purpose of securing safety from fire, panic, flood and other dangers; for the purpose of providing adequate light and air; for the purpose of preventing the overcrowding of land and avoiding undue concentration of population; for the purpose of facilitating the adequate provision for water, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration as to the character of the community and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the territorial limits of the Association.

Toward these ends, the Zoning Authority is authorized to regulate the bulk, height and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size and location of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land.

The Zoning Authority may divide the community into districts of such number, shape and area as may be best suited to carry out the purposes of these regulations; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. The regulations in one district may differ from those in another district and may provide that certain classes or kinds of buildings, structures or use of land are permitted only after obtaining a special permit from the Zoning Authority subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values.

2 Existing Uses

Nothing in these Regulations shall prohibit the continuance of existing nonconforming uses of any building or land as they exist on the effective date of these Regulations.

3 Zones

For the purposes of these Regulations, the territory of The Pine Orchard Association is hereby divided into districts which shall be designated as follows:

AA-1, A-1, A-2, A-3, A-4.

The boundaries of the various districts are hereby established as shown on the official zoning map of the Pine Orchard Association.

4 Permitted Uses

In these AA-1, A-1, A-2, A-3 and A-4 districts no building or land shall be used and no building shall be erected or altered which is arranged, intended or designed to be used respectively for other than one or more of the following uses:

4.1 A single-family dwelling

Travel trailers and mobile homes may not be used for dwelling purposes. A single-family dwelling may not be used or offered for use as a Short-Term Rental Property.

4.2 Professional name plate

Office of a physician, surgeon, lawyer, architect, insurance agent, accountant, engineer, land surveyor, or real estate broker, when located in the dwelling used by such person as his private residence; provided there is no display or advertising except for a professional name plate not exceeding 100 square inches in area and without individual illumination.

The office uses covered by this paragraph are subject to the following additional restrictions:

4.2.1 Limited use

There shall be no more than two non-resident persons engaged in the operations of the office uses.

4.2.2 Percentage of Residence

The floor area used for office purposes shall not exceed one-third of the floor area of the dwelling unit.

4.2.3 External Evidence

The office shall not impair the residential character of the premises through any external evidence of use other than the sign permitted by this paragraph.

4.3 Accessory building

Accessory use incident to the above permitted uses. No accessory building shall be used for residence purposes except for persons employed on the premises. Such accessory buildings shall be attached to the main building by a common wall, or by a breezeway not to exceed ten feet in length. Provided, however, that on any lot exceeding 12,500 square feet in area there may be one detached accessory building and one additional detached accessory building for each additional 15,000 square feet area of said lot.

Accessory buildings shall be included in the permitted building area. The total area of all buildings shall not exceed the maximum building area, nor encroach upon the applicable front, rear, and side yard requirements.

Swimming pools, patios, and game courts, whether on, above, or below grade level, shall not be computed as part of the allowable building area, but shall be located so as to conform to all front, rear, and side yard requirements.

Outside artificial light shall be so arranged that no strong rays fall upon neighboring dwellings.

4.4 Real state signage

A sign not more than five square feet in area when placed in connection with the sale, rental, construction or improvement of the premises and for no other purpose, save signs designating the occupant and signs such as "No Trespassing", "No Dumping" and the like, and other non-commercial signs not exceeding 100 square inches in area and without individual illumination.

4.5 Removal of earth

Earth, sand, gravel, clay or quarry stone may be removed from the premises in any district but only when it is surplus material necessarily resulting from construction, landscaping or agricultural operations taking place upon the premises. Prior to any such removal, the owner or developer shall obtain permission from the Zoning Authority. The Zoning Authority shall be authorized to attach such conditions as are necessary to assure that no permanent damage to the landscape will take place, and it may require the owner or developer to provide a performance bond to that effect.

Nothing shall be done to alter the natural drainage of the land that would adversely affect adjoining property.

In any district, top soil or loam may be removed from the area to be covered by a building or structure, provided no less than four inches of top soil or loam remains outside the foundation line, and provided that the entire area disturbed is seeded with a suitable cover or is put to cultivation.

4.6 Property

Public parks, and private natural resource conservation areas.

4.7 Signage

All signs erected under authority of The Pine Orchard Association or any other governmental body.

4.8 Horses

Horses kept for personal use require a minimum of two acres for the first horse and an additional acre for each additional horse.

A zoning conformity permit shall be applied for and obtained from the Zoning Authority before any construction, alteration or change in use shall be initiated for the uses referred to in this section.

5 Special Permit Uses

5.1 Features of land or buildings

In any district, there are certain uses and features of land or buildings which, because of their unique characteristics, must be regulated by considering, in each case, the impact of such uses and features upon neighboring uses and the surrounding area, compared with the public need for them at a particular location. These uses and features are treated as requiring special permits, and the Zoning Authority may, in appropriate cases, after public notice and hearing, grant special permits. Where an existing use or feature which is permitted only by special permit is proposed to be extended or altered in a manner which would in any way change the character or intensity of the use or feature, such proposed extension or alteration shall be treated as a special permit under this section. Special permits shall be granted only where the Zoning Authority finds that the proposed use or feature or the proposed extension or alteration of an existing use or feature is in accord with the public convenience and welfare after taking into account, where appropriate:

5.1.1 Building Attributes

The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of structures;

5.1.2 Traffic

The resulting traffic, safety, traffic patterns, and adequacy of proposed off-street parking and loading;

5.1.3 Impairments

The nature of the surrounding area and extent to which the proposed use or feature might impair its present and future development;

5.1.4 Drainage

The adequacy of sanitary system and storm drainage, and the adequacy of landscaping;

5.1.5 Location

The proximity of dwellings and other places of public gathering;

5.1.6 Standards

The standards of these regulations and the comprehensive purpose and intent that they are designed to achieve.

5.2 Additional Zoning Requirements

In granting a special permit, the Zoning Authority may attach such additional conditions and safeguards as are deemed necessary to protect the neighborhood, such as the following:

5.2.1 Minimal lot requirements

Requirement that front, side or rear yards be greater than the minimum required by these regulations;

5.2.2 Fencing

Requirement for screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices, as specified by the Zoning Authority;

5.2.3 Up-keep

Modification of the exterior features or appearance of any structure, where necessary to preserve property values;

5.2.4 Property limitations

Limitation of size, number of occupants, method or time of operation, or extent of facilities;

5.2.5 Private Road Definition and Requirements

Requirement that any driveway that serves three or more residences shall be designated a Private Road, and shall conform as to foundation, drainage and geometric design to the road specifications of the Town Engineer of the Town, except that the paved width shall be not less than twenty (20) feet. It is the intent that all private roads shall be so designed and constructed, that at a later date, if desired, they can readily be upgraded to town standards, including full width of right of way and a turn-around. circle at any cul-de-sac without causing the abutting lots to become nonconforming as to lot size or set-backs;

5.2.6 Off-street parking

Provision of off-street parking or other special features required by this or other applicable codes or regulations;

5.2.7 Regulation of intense light

Failure to comply with any such condition or safeguard shall constitute a violation of these regulations.

5.3 Special Permits

The uses and features requiring a special permit in accordance with the terms and provisions of these regulations are as follows:

5.3.1 Division of lots

The division of a lot or parcel of land, existing as of the effective date of these regulations, into two lots;

5.3.2 Public Education & Meetings

Public elementary and secondary schools meeting all requirements of the compulsory education laws of the State of Connecticut;

5.3.3 Fire stations;

5.3.4 Electric utility substations;

5.3.5 Churches;

5.3.6 Rear lots;

5.3.7 Change of Use

A change from one nonconforming use to another that is different in nature and purpose (Section 10, 10.3 and 10.4);

5.3.8 Private Clubs

Private clubs, offering such recreational facilities as golf courses, tennis courts, swimming pools, yachting and boating facilities, together with accessory buildings and structures;

5.3.9 Traprock

Traprock (crushed stone) transportation, handling, loading, and shipping facilities;

5.3.10 Non-profit state licensed day care center.

5.4 Open Space Residential Communities

5.4.1 Definition of

In general, an Open-Space Residential Community is defined as one contiguous property on which a number of single-family detached dwellings (five or more) are erected on lots that are smaller than regularly permitted in the Zoning District in which it lies, in order that the remainder of the site can be combined to form useable OPEN SPACE, such OPEN SPACE to have merit as a nature preserve or for recreation. The Zoning Authority may approve a SPECIAL USE, to permit the establishment of Open-Space Residential Communities in any AA-I, or A-I District in accordance with the procedures, standards and conditions herein specified. Before granting a SPECIAL USE PERMIT, the Zoning Authority shall find that the development plan accomplishes all the following PURPOSES (as applicable) as well as those of Section I and 5.1, of these Regulations; and shall find also that all STANDARDS AND CONDITIONS herein specified have been met appropriately.

5.4.2 Purpose

The plan for an Open-Space Residential community must locate, design and plan to erect or alter dwellings and accessory buildings and roads, and set aside Open Space, in such a manner as to accomplish the following purposes:

5.4.2.1 Land preservation

To preserve land, including woodlands, and wetlands and shore, as undeveloped Common Open Space in significant undivided blocks of area;

5.4.2.2 Protection of Exceptional terrain

To preserve and protect exceptional terrain, and natural beauty from the disfiguring placement of buildings, structures, roadways, utilities, and other appurtenances;

5.4.2.3 Coastal Preservation

To preserve land for purposes of conserving natural resources and coastal resources within the [Coastal Boundary Zone as defined by Connecticut General Statutes Section 22a-94](#);

5.4.2.4 Wetland Preservation

To preserve wetlands, watercourses, water bodies, topographical and soil features, marine and wildlife habitats, or other features with conservation value, and to protect these from pollution and erosion;

5.4.2.5 Waterfront parcels

Encourage water-dependent uses of waterfront parcels, wherever feasible.

5.4.3 Standards and Conditions -Common Land and Common Open Space

5.4.3.1 Definitions:

Common Land shall be land within the Community not designated as individual building lots. It includes land for ancillary common uses, including roads, and also Common Open Space, which may contain passive and active recreational areas, as well as unimproved areas.

5.4.3.2 Permitted Uses of the Common Land:

The Common Land shall be used, and no structure shall be erected on it or altered, which is arranged, intended or designed to be used respectively, for other than one or more of the following uses:

5.4.3.2.1 Private roads, driveways, and parking areas;

5.4.3.2.2 Accessory buildings

Certain accessory buildings which are for Association use, such as clubhouses, equipment storage buildings, mailbox enclosures, also, garages and carports, if they belong to the Homeowners' Association, and if they are built in blocks of two to five units abutting a road or parking area. No building or part of a building on the Common Land shall be used as a dwelling;

5.4.3.2.3 Common Open Space as below.

5.4.3.3 Area and Character-Common Open Space:

The Comprehensive Site Development Plans shall provide for Common Open Space equal to at least 40% of the total acreage of the Community or an area equal to at least 10,000 sq. ft. for each residential lot shown in the Plan, whichever is greater. Such Common Open Space shall encompass land having ecological and aesthetic value, and/or recreational value, with dimensions, location, and topography to satisfy the purposes set forth in paragraph 5.4.2. The following uses are permitted:

5.4.3.3.1 Clubhouses;

5.4.3.3.2 Swimming pools and game courts;

5.4.3.3.3 The uses as in Section 4, Paragraphs 4.4, 4.5, 4.6, 4.7 and 4.8.

5.4.3.4 Ownership and Maintenance of the Common Land:

5.4.3.4.1 Separated Common Land

In an Open-Space Residential Community, in addition to the areas of residential building lots individually owned, there shall be a separated portion of Common Land, in which the individual lot owners have certain rights and responsibilities, to wit—this separated Common Land shall remain the joint responsibility severally of each owner of a Dwelling Unit and Lot, in the ratio that the assessed value of the individual Dwelling Unit and Lot bears to the aggregate of the assessed values of all individual Dwelling Units and Lots within the said Open-Space Residential Community, or in such other ratio as may be stated in the covenant of the Homeowners Association and approved by the Zoning Authority. This joint responsibility is for the payment of all taxes, fees and liens levied against the Common Land and its improvements, for the maintenance in good condition of all buildings and improvements upon the Common Land, also for the maintenance of all roads, driveways and parking areas in good and serviceable condition for the rapid passage of fire trucks and other public vehicles, including snow removal as needed; and for the maintenance of Common Open Space and recreational areas in a safe, clean and attractive condition; all this maintenance is to be at no expense to the Town of Branford or the Pine Orchard Association. The method of preservation of the Common Land shall accomplish the purposes stated in Paragraph 5.4.2 and shall be described within the Comprehensive Development Plan. This shall be subject to the approval of the Zoning Authority.

5.4.3.4.2 Disposition of the Common Land

The Disposition of the Common Land including roads, improvements and wetlands thereon, may include, but is not limited to the following:

5.4.3.4.2.1 Limited To

Establishment of a mandatory homeowners' association to own and maintain the land.

5.4.3.4.3 Failure to Maintain

In the event that the owners of an Open-Space Residential Community, its dwelling Units and Lots, or the Homeowners' Association shall at any time fail to maintain the Common Land in reasonable order and condition, according to the Plan, The Pine Orchard Association, through the chairman of its Zoning Authority, may serve written notice upon such Homeowners' Association, or upon the owners of the Dwelling Units and Lots within the Community, describing its complaint, and including a demand that such deficiencies of maintenance be cured within thirty days after the receipt of such notice. If the Homeowners' Association or the Owners within the Community shall neglect or refuse to comply within thirty days, or any extension of such time, The Pine Orchard Association may cause the work required by said order to be done, and the expense so incurred shall, from the time said work is begun, be and continue a lien in favor of The Pine Orchard Association upon such Common Land.

5.4.4 Standards and Conditions-Residential Development:

The application for a SPECIAL PERMIT for the Residential Development Plan shall conform to the following standards:

5.4.4.1 Minimum Area of Development:

The acreage covered by the Residential Community shall consist of not less than 10 acres if any of the land lies within the Coastal Boundary Zone, or 5 Acres if the land lies entirely outside of The Coastal Boundary Zone (as defined by the Connecticut [Coastal Management Act](#) as amended);

5.4.4.2 Location Relative to Zoning Districts:

The area covered by the proposed Open Space Residential Community shall be located entirely within the AA-I, A-I, Districts or both;

5.4.4.3 Number of Lots:

The maximum number of dwelling units or building lots within the Open Space Residential Plan shall be calculated in the following manner:

5.4.4.3.1 Gross Acreage of District

Determine the gross acreage in each zoning district of the Open Space Residential Community Plan;

5.4.4.3.2 Gross Acreage of all Inland Wetlands

Determine the gross acreage of all inland wetlands and tidal wetlands in each zoning district within the Open Space Residential Community Plan;

5.4.4.3.3 Calculation of Gross Acreage

Calculate 75% of the gross acreage of paragraph 5.4.4.3.2 above;

5.4.4.3.4 Determination of Adjusted Gross Acreage

The adjusted gross acreage for each zoning district in an Open Space Residential Community shall be: paragraph 5.4.4.3.1 above, minus paragraph 5.4.4.3.3 above;

5.4.4.3.5 Rule for Maximum Number of Dwelling

The maximum number of dwelling units/or lots shall not exceed 90% of the number obtained by dividing the adjusted gross acreage (paragraph 5.4.4.3.4 above) in each zoning district by the minimum lot size permitted by existing zoning. For purposes of this calculation:

5.4.4.3.5.1 Rounding

All numbers if they exceed "0.5", shall be rounded up to the next whole number;

5.4.4.3.5.2 Special Rules for Two or More Zoning Districts

If the area planned for development is located within two or more zoning districts, the total number of lots/ dwelling units shall not exceed the number permitted in each district under the above formulas, but they may be located in the developed area irrespective of the boundary of the zoning district.

5.4.4.4 Area and Yard Requirements;

Location and Structures: When individual lots are to be used, one dwelling unit only shall be built upon one building lot. The requirements of the A-2 District regarding minimum lot area, width,

yards and building height shall apply. Building lots larger than minimum size are permitted. The distance between buildings shall be reduced by any projection, bay window, roof projection or overhang. A garage separate from the dwelling is permitted when the condition set forth in Section 4 paragraphs 4.3 is met;

5.4.4.5 Water Supply and Sewage Disposal:

Every building lot and dwelling shall be served by public water supply. Every building lot and dwelling shall also be connected to the Town Sanitary Sewer System;

5.4.4.6 Setback

Setback of all Buildings from sensitive coastal and wetland resources: No building lots shall be permitted within the bounds of any inland wetland or tidal wetland area. No wetland area may be filled in to provide additional building lot areas. No dwelling, accessory building or other structure shall be erected within 25 feet of any tidal wetlands, coastal bluffs, escarpments and beaches or dunes;

5.4.4.7 Arrangement of Clusters:

Lots smaller than those allowed by the zoning map, but of a minimum size equal to the lot requirements of an A-2 zone, are permitted only in cluster arrangements. The number of lots, and layout and arrangement thereof, shall be such as to carry out the purposes of paragraphs 5.4.2 of these regulations.

5.4.5 Standards and Conditions for Other Improvements

5.4.5.1 Private Roads and Driveways:

All roads serving an Open Space Residential Community shall be constructed with a minimum road paved surface width of twenty (20) feet for two-way traffic. The centerline of each private road shall be concurrent with the centerline of the fifty (50) foot width planned for an eventual possible town road, and used to define street lines for Front Yard set-back. (Refer to Section 16 "Front Yard".)

All driveways serving individual dwellings shall be constructed with a minimum road surface width of twelve (12) feet. Driveways shall be constructed to provide year-round access for emergency and service vehicles and shall have an all-weather passable surface. Private roads and driveways on Common Land shall have curbs for water control. The slope of a driveway shall not exceed eight percent (8%) within thirty-five (35) feet of its intersection with a road, and under no circumstance shall the grade at any point exceed fifteen percent (15%).

The minimum diameter of the paved circle of a cul-de-sac turn-around must be eighty (80) feet, concentric with a 120-foot circle for a planned eventual possible right of way if the roads become town roads.

If any roads are located within the 100-year flood plain, the minimum elevation must be within one foot of the base flood plain level and the road boundary must be marked with positive indicators of the water depth above the road surface. These roads shall be graded to meet any existing roads or drives where appropriate.

5.4.5.2 Parking:

At least 2 off-street parking spaces shall be provided within each building lot. This requirement is independent of garage or carport spaces available. Additional parking at least equal twice the number of lots or units shall be provided along the private road system for general purpose parking within reasonable propinquity of the units served.

A shoulder, with a paved surface of a type approved by the Zoning Authority, shall be provided for this parking that is additional to the 20-foot minimum paved roadway.

5.4.5.3 Clubhouses:

No more than one clubhouse may be erected on each five (5) acres of Common Land, except that none shall be permitted if the area of Common Land is less than three (3) acres. A clubhouse is to be of one story, except that houses of designated historical interest may be used as a clubhouse.

5.4.5.4 Swimming Pools, Tennis and other game courts:

These recreational facilities when located within the proposed development shall:

5.4.5.4.1 Noise abatement

Be fenced in and planted around with shrubbery or hedges to provide adequate buffering of noise between them and adjoining dwelling lots;

5.4.5.4.2 Discharge of waste water

Be arranged so that there is no discharge of halogen based effluent or other chemical systems, or any water injurious to the natural life and organisms within wetlands, into tidal marsh, streams or swamplands.

5.4.6 Preliminary Consideration:

Prior to the formal submission of an Application for a Special Permit, the applicant should request the Planning Committee to review in a preliminary and informal manner his proposal for an Open-Space Residential Community. Informal plans should meet all the requirements for an Open-Space Residential Community as specified under these regulations. The Planning Committee may request the applicant to submit such additional information as it finds necessary. Any decision rendered at this stage is "tentative."

5.4.7 Application:

Application for a SPECIAL USE PERMIT pertaining to a proposed Open-Space Residential Community shall be submitted in writing to the Zoning Authority, and shall be accompanied by an Application for a Certificate of Zoning Conformity and an application fee of \$250.00 or \$20.00 per building lot, whichever is less, together with the following documentation:

5.4.7.1 Statement:

A written statement describing the purposes to be achieved by the Community, the proposed treatment of the site, the proposed type of property ownership and, in the case of a Homeowners' Association, a copy of the covenant relating to the rights and responsibilities of the dwelling owners in the Common Land and its Open-Space, and the proposed method and maintenance of the Common Land and improvements thereon.

5.4.7.2 Site Development Plans:

A set of Comprehensive Site Development Plans certified by a land surveyor and/or Professional Engineer, drawn to a scale of not less than forty (40) feet to one inch, shall be submitted and include:

5.4.7.2.1 Open-Space Development Plan:

An Open-Space Development Plan showing a topographic map of the area of the Open-Space Residential Community, with its location, boundaries and size proposed for the special use, with topography both existing and proposed at a maximum contour interval of two feet, and the location of wetlands, water bodies and watercourses, wooded areas, major rock outcroppings, and other significant natural features. The proposed location of buildings, recreational facilities and utilities in the common land and the boundaries of the Open-Space shall be denoted thereon. The acreage of the whole Community, of the aggregate of all building lots, of the wetlands (as used in paragraphs 5.4.4.3) and the Common Open-Space shall be given;

5.4.7.2.2 Open-Space Residential Development Plan:

An open-Space Residential Development Plan with a topography at a maximum contour interval of two feet and showing the location of lots, parking spaces, any recreational facilities, utilities, the configuration of the main roads and individual driveways and road intersections designed to protect the public safety;

5.4.7.2.3 Open-Space Record Map:

If applicable, for applications involving the establishment of a new street, or the creation of individual lots for single-family dwellings, a [mal map meeting the requirements for the Record Subdivision Map under the Regulations of the Town of Branford shall be submitted, incorporating as specific restrictions the maximum number of individual lots for single family dwellings and the minimum area of permanently reserved Common Open-Space specified in these regulations;

5.4.7.2.4 Coastal Site Plan Review:

The use of land, buildings and other structures within the Coastal Management District are subject to review and approval in accordance with the Connecticut Coastal Management Act (ref. Section 45, Zoning Regulations of the Town of Branford, Coastal Management District).

5.4.8 Procedure and Public Hearing:

5.4.8.1 Application for Special Permit

An application for Special Permit under the terms of this section shall be submitted to the Chairman of the Zoning Authority. The Zoning Authority can determine when the Application is complete, and may request whatever additional information it deems necessary to make a decision on the application.

Within sixty-five days of the receipt of the complete application, the Zoning Authority shall begin a Public Hearing on the application. However, the applicant may consent in writing to an extension of time for the public hearing and action on the application within the limits allowed by law.

5.4.8.2 Length of time

As required by law, the Zoning Authority shall render its decision on the application within sixty-five days of the completion of the Public Hearing. The Zoning Authority may approve the application, if it finds that the purposes specified in Paragraph 5.4.2 will be accomplished, that the standards and conditions of these regulations have been met, and that the Development would have no significant adverse effect upon adjacent property or on the public health and safety.

5.4.8.3 Bonding:

As a condition of approval and endorsement, the Zoning Authority must require the applicant to execute an Agreement and file a Bond with The Pine Orchard Association to guarantee completion of the public improvements including all roads and utilities, as specified in the Development Plan within two years. The Bond shall be in the form and amount and with a surety acceptable to the Authority, and shall be a surety bond executed by a surety company authorized to enter into such bonds in the State of Connecticut. In lieu of a surety bond, the Zoning Authority may, upon approval of counsel, accept an assigned savings account passbook, or letter of credit, from a recognized financial institution. Bonding requirements may be consolidated with those of the Town of Branford, under such terms and conditions as the Zoning Authority may determine.

5.4.8.4 Separate Application for Dwelling Units:

It should be noted that approval of a Plan for an Open-Space Residential Community under this Section does not extend to the erection or alteration of any single-family dwelling unit. Plans for such individual housing must be submitted separately, following the normal procedure, according to Sections VI and IX of this Ordinance.

5.4.9 Endorsement:

The approval of the Special Permit shall be on the Open-Space Residential Development Plan and the Record Subdivision Map to be filed in the Office of the Branford Town Clerk., These shall be signed by the Chairman of the Zoning Authority with the date of approval indicated.

5.4.10 Expiration Approval

Expiration Approval of an application under this chapter 5.4 is conditional up on completion of roads, sewers, utilities installation, site improvements and at least two dwellings, in accordance with the plans as approved, within a period of two (2) years after the approval is voted upon. Said approval shall become null and void in the event of a failure to complete the same within this two (2) year period. However, extensions of this time limit maybe granted by the Zoning Authority for good cause.

5.4.11 Appeals:

Appeals from the decision of the Zoning Authority on a special permit application may be taken to the Superior Court or its successors in the manner provided in [section 8-8 of the Connecticut General Statutes](#).

6 Schedule of Minimum Size of Lots

The minimum Size of Lots and/or Bulk of Buildings and Structures shall be erected or altered on premises used save in accordance with the following schedule:

P.O.A. Zoning District	ax. Ht. of Bldg. in feet	Min. Area of plot in sq. ft.	Min. width of plot in feet	Maximum Building Area % of lot	Setback for Front Yard	Setback for Rear Yard	Side Yards
AA-1	30	40,000	150	not > 20%	50 feet	30 feet	Minimum width of each side yard to be 30 feet
A-1	30	20,000	100	not > 25%	50 feet	20 feet	Aggregate width of 2 side yards must equal 30% of lot width; minimum width of each side yard to be 15 feet
A-2	30	9,000	75	not > 30%	25 feet	20 feet	Aggregate width of 2 side yards must equal 30% of lot width; minimum width of each side yard to be 10 feet
A-3	30	7,000	55	not > 35%	20 feet	20 feet	Aggregate width of 2 side yards must equal 25% of lot width; minimum width of each side yard to be 6 feet
A-4	30	4,500	50	not > 40%	15 feet	20 feet	Aggregate width of 2 side yards must equal 25% of lot width; minimum width of each side yard to be 4 feet

Definitions

***Front Yard:**

When lots run through to another street there shall be deemed a front yard on each street. Where lots are corner lots there shall be deemed a front yard on each side adjacent to a street. Where a lot is located on Long Island Sound with water on more than one side, each such side shall be deemed a front yard.

Where lots are located on the Long Island Sound waterfront, no building shall be erected or altered so as to extend beyond the building line drawn on the zoning map.

****Side Yards:**

Where lots run through to another street there shall be deemed no rear yard and the sides not adjacent to street shall be deemed to be side yards. Where lots are corner lots there shall be no rear yard and the yards not adjacent to streets shall be deemed to be side yards.

Rear Lot:

Any lot not fronting on a public street shall have a permanent access to a public street not less than 20 feet in width. Rear lots shall be subject to applicable front, rear and side yard requirements.

+ Wetlands:

In determining whether a plot that includes wetlands complies with the minimum area requirement, any area of pond, lake, marsh or other wetland shall not be used to fulfill more than twenty-five percent of the minimum area requirement. The term Wetland shall have the same meaning as defined in the Connecticut General Statutes.

+ Flood Plain:

Where the lot contains any area lying below the 100-year flood elevation, (12ft NGVD-datum of 1929) as of date 1986, all dwellings constructed after the passage of this amendment shall have the lowest floor elevated to or above the 100-year flood level. If any dwelling on such lot be separated from the nearest public or private road by such low-lying area, it is required that a raised driveway or causeway 12 feet wide be constructed from the road to each such dwelling so that the surface of this driveway or causeway be no lower than one foot below the 100-year flood elevation for the access of rescue vehicles.

7 Exterior Lighting

7.1 Leakage and overflow

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. Disability glare shall be defined as the eyes line-of-sight contact with a direct light source, which causes a partial blindness.

7.2 Height limitations

All exterior lighting, placed at an elevation of over four feet high above the ground measured to the highest point of the light source from the existing ground, shall use full cut-off or shielded type fixtures, as shown on Figure 1 - *Examples of Acceptable lighting fixtures*.

7.3 Light pollution – night sky

No lighting shall be directed upward, except low intensity decorative lighting, which is consistent with Figure 1 - *Examples of Acceptable lighting fixtures*.

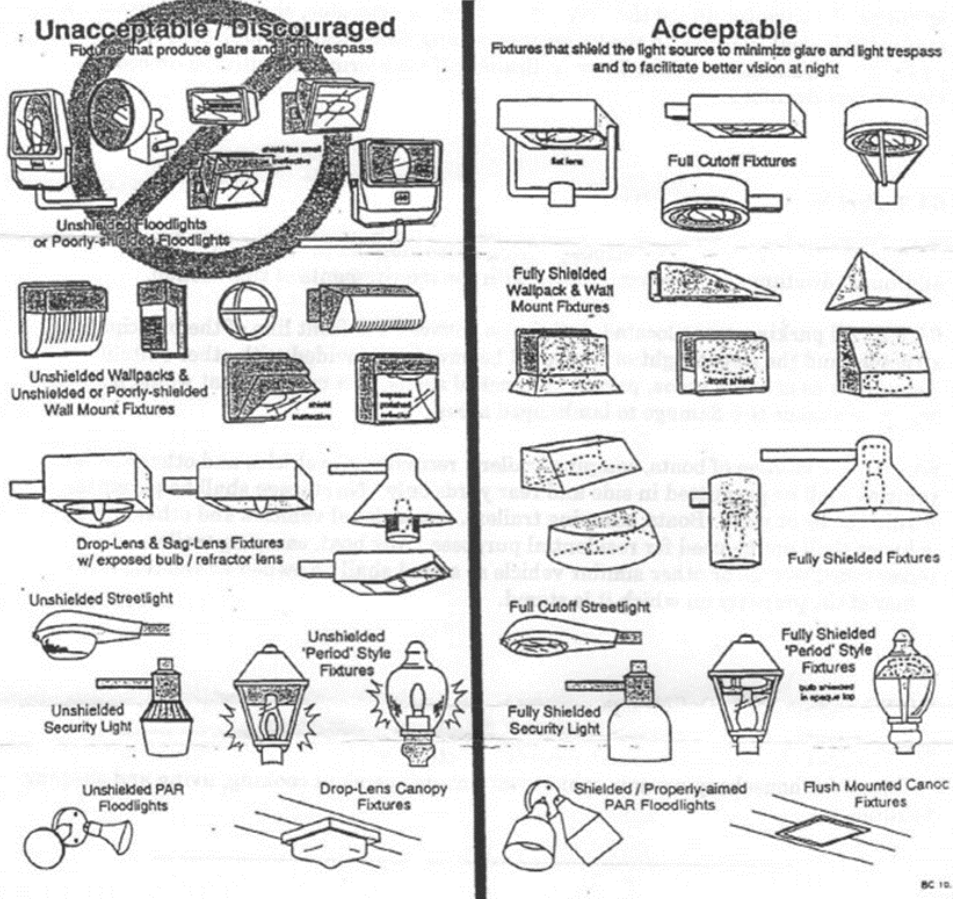
7.4 Flashing lights

There shall be no moving or flashing lights, except those placed-on residences as holiday decorations.

7.5 Placement

All exterior lights shall be affixed to a principal or accessory building, except those placed on the ground, or at a maximum elevation of ten feet above the ground.

Examples of Acceptable / Unacceptable Lighting Fixtures



Turner Miller Group, LLC
 NY Headquarters: 2 Executive Boulevard, Suite 401, Suffern, NY 10901 TEL 845.368.1472 FAX 845.368.1572
 CT Office: Building A-3, 408-410 Highland Avenue, Cheshire, CT 06410 TEL 203.271.2458
 www.TurnerMillerGroup.com

Figure 1 Examples of Acceptable and Unacceptable Lighting Fixtures

8 Coastal Management Program

8.1 Use of land and buildings

The use of land, buildings and other structures within the Coastal Management District as defined by [the Connecticut Coastal Management Act](#), shall be established and conducted in conformity with the underlying zoning classification, subject to the additional requirements of the Town of Branford, in conformance with the procedures of the Town of Branford.

9 Parking

9.1 Off street parking

A minimum of one off-street parking space shall be provided for all new or additional dwelling units, in accordance with the requirements of this section.

9.2 Driveway composition

All parking areas located in the area between the front line of the principal structure and the street right-of-way shall be paved or provided with other suitable cover, such as crushed stone, pavers, or crushed shells, in a manner that would not create erosion or tire damage to landscaped areas.

9.3 Storage of recreational vehicles

The storage of boats, camping trailers, recreational vehicles and other similar vehicles shall be permitted in side and rear yards only. No storage shall be permitted within the front yard. Boats, camping trailers, recreational vehicles and other similar vehicles shall not be used for residential purposes. Any boat, camping trailer, recreational vehicle, or other similar vehicle so stored shall be owned by the resident or owner of the property on which it is stored.

10 Nonconforming Uses, Structures, and Lots

10.1 Statement of Purpose.

10.1.1 Nonconforming use

A nonconforming use, structure or lot is one which existed lawfully, whether by variance or otherwise, on the date these Zoning Regulations or any amendment thereto became effective, and which fails to conform to one or more of the applicable zoning regulations or such amendment thereto.

10.1.2 Detrimental to permitted uses

Such nonconformities are incompatible with and detrimental to permitted uses, structures, and lots in the zoning districts in which they are located; they cause disruption of the comprehensive land use pattern of the Association; and they inhibit present and future development of nearby properties.

10.1.3 No expansion

It is a fundamental principle of zoning law that nonconformities are not to be expanded, and that they should be abolished or reduced to conformity as quickly as the fair interests of the parties will permit. This principle is declared to be the intent of these regulations.

10.2 Extensions and Alterations.

No nonconforming use of land shall be enlarged, extended or altered, and no structure or part thereof devoted to a nonconforming use shall be enlarged, extended, constructed, or structurally altered, except in changing the use to one which is permitted in the district in which such use is located. No nonconforming use of a structure shall be extended to occupy land outside such structure or space in another structure. No existing nonconforming lot shall be further subdivided

10.3 Change of use.

10.3.1 Nonconforming use of land or structure

No nonconforming use of land or of a structure shall be changed to any use which is substantially different in nature and purpose from the former nonconforming use, except such uses as are permitted in the district in which they are located, unless a special permit is granted by the Zoning Authority, upon a finding, among other things, that the new use will have a lesser impact upon the surrounding area than the old one.

10.3.2 Conditions and safeguards

In reviewing an application under paragraph 10.3.1 above of this Section, the Zoning Authority may attach such conditions and safeguards as are deemed necessary to protect the neighborhood, such as, but not limited to, those set forth in Section 5 of these Regulations.

10.4 Abandonment.

Any nonconforming use which has been abandoned for nine consecutive months or for a total of 18 months during any 3-year period shall not again be devoted to any use other than those uses permitted in the district in which the nonconforming use is located.

10.5 Restoration.

Nothing in these regulations shall be deemed to prohibit the restoration of any structure and its use where such structure has been destroyed by any means out of control of the owner, provided the restoration of such structure and its use in no way increases any former nonconformity, and provided further that restoration of such a structure is begun within one year of such destruction and diligently prosecuted to completion within two years following such destruction.

11 Board of Zoning Appeals Membership and Powers

11.1 Appointment of Zoning Board members

The Executive Board of The Pine Orchard Association shall appoint a Board of Zoning Appeals consisting of five regular members and three alternate members who shall have all the powers and duties set forth in the general statutes. The regular and alternate members shall not be members of The Zoning Authority. The Board of Zoning Appeals shall be appointed by the Executive Board of the Pine Orchard Association, one of the original regular members to serve for one year, one for two years, one for three years, one for four years and one for five years, and one of the original alternate members to serve for three years, one for four years and one for five years and thereafter each new regular member and alternate member shall be appointed for a term of five years, and may be removed for cause by the Executive Board. Before removal, charges shall be presented to such member in writing, and he shall be given reasonable opportunity to be heard in his own defense. Any vacancy in such board, including any vacancy among the alternates, shall be filled for the unexpired portion of the term, by the Executive Board. The Board of Zoning Appeals, by vote of its regular members only shall elect a chairman from among its members, and all meetings of such Board shall be held at the call of the chairman and at such other times as the Board determines and shall be open to the public.

Such chairman may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member and each alternate member when seated upon each question or, if absent or failing to vote, indicating such fact; and shall also keep records of its official action.

11.2 Powers and Duties

The Board of Zoning Appeals except in Special Permit Use cases shall have the following powers and duties: (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 Authority or other designated official charged with the enforcement of this regulation; and (2) to determine and vary the application of the zoning 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 such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

12 Application to Zoning Authority

Applications to the Zoning Authority or the Board of Zoning Appeals, as the case may be, shall be in conformity with the notice, hearing, publication, payment of prescribed fee, site plan and other procedural requirements set forth in [Connecticut General Statutes Sections 8-3](#), 8-3c, 8-3d, and [8-7](#), and any amendments thereto.

Applications for building construction or change shall first present to the Zoning Authority the information required on the Board's application form, obtainable from the Association.

Applicants for Special Permit or proposers of any development or subdivision of land shall apply first to the chairman of the Planning Committee for a preliminary hearing.

13 Enforcement

13.1 Power of enforcement

The Zoning Authority shall have the responsibility and the power to enforce the provisions of these regulations. The Zoning Authority shall be authorized to delegate the enforcement responsibilities and powers to a Committee of its membership, and it shall be further empowered to retain and employ an enforcement officer to undertake these duties from time to time. The Zoning Authority, or the duly designated Committee or enforcement official, shall have all the enforcement authority conveyed by Connecticut General Statutes [Section 8-12](#), and any amendments thereto.

13.2 Limitations

No building or structure may be constructed or altered, and no building structure or land may be used except in accordance with the provision of these regulations.

13.3 Action or proceeding

13.3.1 Violation of Regulation

If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of any provision of this regulation, any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

Such regulations shall be enforced by the officer or official Zoning Authority or Committee thereof, who shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations or, when the violation involves grading of land or the removal of the earth, to issue, in writing, a cease and desist order to be effective immediately. 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 owner, agent, lessee, tenant, 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 or 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 Court of Common Pleas or its successors 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, or having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately, or continues to violate any provision of the regulations made under authority of the provisions of this chapter specified in such order shall be subject to a civil penalty of two hundred and fifty dollars, payable to the treasurer of the Association.

13.3.2 Short Term Rental Property violation

If any building or structure has been used as a Short Term Rental Property, in violation of this regulation, any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent such unlawful use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. Such regulations shall be enforced by the officer or official Zoning Authority or Committee thereof. The owner or agent of any building or premises that violates the prohibition on operation of a Short-Term Rental Property, shall be fined one hundred fifty dollars for each day of violation. The Superior Court shall have jurisdiction of all such offenses, subject to appeal. All fines that remain unpaid shall constitute a lien against the property used as a Short-Term Rental.

13.4 Citation Appeals Procedure

13.4.1 Definitions

As used in this article, the following terms shall have the meanings indicated:

CERTIFIED MAIL: Any form of mail, whether by the United States Postal Service or a private mail carrier, whereby the intended recipient is requested to provide a signed receipt showing that he or she received the mailing.

CITATION OFFICIAL: A person empowered to issue citations under the Zoning Ordinance of the Pine Orchard Association.

HAND DELIVERY: The direct delivery of a document to a recipient by the Citation Officer, or any form of delivery to the last-known address of an intended recipient by the United States Postal Service or by any private mail carrier, whereby the carrier provides a written confirmation of delivery to the Citation Officer.

ZONING REGULATIONS: The Zoning Regulations of the Pine Orchard Association.

13.4.2 Issuance of citations.

Initial notice required. Before the Zoning Officer may issue a citation, he or she must issue a written notice informing the recipient of the nature of the violation. Any such initial notice may be served either by hand delivery or by certified mail to the person named in such citation. If the person to whom such notice has been sent by certified mail refuses to accept such mail, the

original or a certified copy of the original notice may be sent by regular United States mail. The Citation Officer shall file and retain an original or certified copy of the initial notice, as well as any delivery confirmation or return receipt from certified mail, whether or not the mail was accepted. The date of delivery of the initial notice shall be deemed to be the earlier of: (1) the actual date of delivery, or (2) five business days after the date of the original mailing, regardless of whether such mailing was accepted.

13.4.3 Citation process.

The Citation Officer may issue a citation to any person to whom an initial notice has been delivered pursuant to § 13.4.2 above if such Citation Officer finds that the violation described in the initial notice has not been fully abated by the end of the second day after the date of delivery of such notice. Any such citation may be served either by hand delivery or by certified mail to the person named in such citation. If the person named in a citation sent by certified mail refuses to accept such mail, the original or a certified copy of the original citation may be sent by regular United States mail. The Citation Officer shall file and retain an original or certified copy of the citation, as well as any delivery confirmation or return receipt from certified mail, whether the mail was accepted. The date of delivery of the citation shall be deemed to be the earlier of: (1) the actual date of delivery, or (2) five business days after the date of the original mailing, regardless of whether such mailing was accepted.

13.4.4 Penalties for offenses; fines.

Violations of Zoning Regulations. A fine of \$150 per day may be assessed by citation for any violation of the Zoning Regulations for as long as such violation continues to exist.

Any person receiving a citation shall be allowed a period of 30 days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation. Such fines shall be made payable to the Treasurer of the Pine Orchard Association. If such fine is not paid within the thirty-day period, further actions may be taken pursuant to [Section 7-152c of the Connecticut General Statutes](#).

13.4.5 Appeals and hearings.

Any person who receives a citation may challenge his or her liability therefor and request a hearing thereon in accordance with the provisions of Section 7-152c of the Connecticut General Statutes

13.4.6 Controlling Provisions

In the event of a conflict of these provisions and Connecticut General Statutes Section 7-152c, then Connecticut General Statutes Section 7-152c shall control.

14 Amendments

14.1 Right to amend

These Regulations may from time to time be amended, changed, or repealed as provided by law.

15 Validity

15.1 Rulings

Should any of these Regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Regulations as a whole, or of any other part thereof.

16 Definitions

Certain words in these Regulations are defined for the purpose hereof as follows:

DWELLING UNIT: One or more rooms connected, constituting a separate, independent housekeeping unit, which contains independent cooking, living and sleeping facilities.

SINGLE FAMILY DWELLING: A building designed for and occupied exclusively as a home or residence for not more than one family.

FAMILY: One or more persons related by blood, marriage, or adoption, and in addition, any domestic servants, or gratuitous guests. A roomer, boarder, or lodger shall not be considered a member of a family.

SHORT TERM RENTAL PROPERTY: A residential dwelling unit that is used and/or advertised for rent for occupancy by guests for consideration for a period of less than thirty (30) continuous days.

ACCESSORY BUILDING: A subordinate building, including a private garage, pump house, storage shed or other roofed enclosed space whose use is incidental to that of the main building and, if not attached to the main building, shall not exceed 15 feet in height, and if attached to the main building, shall not exceed the height of the main building.

ZONING AUTHORITY: The Executive Board of The Pine Orchard Association.

BUILDING AREA: The area contained within the outside foundations of a building and including any projections of said building which extend more than thirty inches from the main building, and shall include accessory buildings, but not swimming pools, game courts and terraces, that are open to the sky.

NONCONFORMING USE, STRUCTURE, OR LOT: One which existed lawfully, whether by variance or otherwise, on the date these Zoning Regulations or any amendment thereto became effective, and which fails to conform to one or more of the applicable zoning regulations or such amendment thereto.

HEIGHT OF A STRUCTURE: The height of a structure shall be measured from the pre-development level of the ground at the highest part of the lot that is adjacent to the structure, to the highest feature of the structure, excluding chimneys. The level of the ground adjacent to

the structure shall be certified by a Professional Engineer licensed to practice in the State of Connecticut, and such certification shall be filed with the Pine Orchard Association Zoning Authority prior to development.

STRUCTURE: A structure is a combination of materials to form a construction for use, occupation, or ornamentation, whether installed on, above or below the surface of land or water. However, a structure shall not include sidewalks, parking areas, driveways, fences not exceeding six feet in height and landscape features. Retaining walls, non-retaining walls, fences, or any combination thereof greater than six (6) feet in height are considered structures. A retaining wall, non-retaining wall, fence, or any combination thereof greater than six (6) feet in height defined herein as a structure shall be certified by a Professional Engineer licensed to practice in the State of Connecticut, and such certification shall be filed with the Pine Orchard Association Zoning Authority prior to construction.

RETAINING WALLS: A combination of materials, constructed to accommodate changes in grade, which is necessary to support or prevent the lateral displacement of soil or other materials. A retaining wall greater than three feet (3') in height shall be certified by a Professional Engineer licensed to practice in the State of Connecticut, and such certification shall be filed with the Pine Orchard Association Zoning Authority prior to development.

LOT: A parcel of land in the same ownership that meets the requirements of Section 6 for the applicable district.

REAR LOT: A parcel of land in the same ownership which does not front on a street, but which has a permanent means of access to a street at least 20 feet in width.

FRONT YARD: The required open space between the street line and a line parallel thereto across the lot through the nearest point of the building area to said street line. Where any lot or building abuts a private road (q.v.), the street line used for measurement of the Front Yard shall be a line parallel to and offset twenty-five (25) feet from the centerline of the road.

REAR YARD: The required space between the rear line of the lot and a line parallel thereto across the lot through the nearest point of the building area to said rear line.

SKETCH OF FRONT YARD SETBACKS FOR PRIVATE ROADS

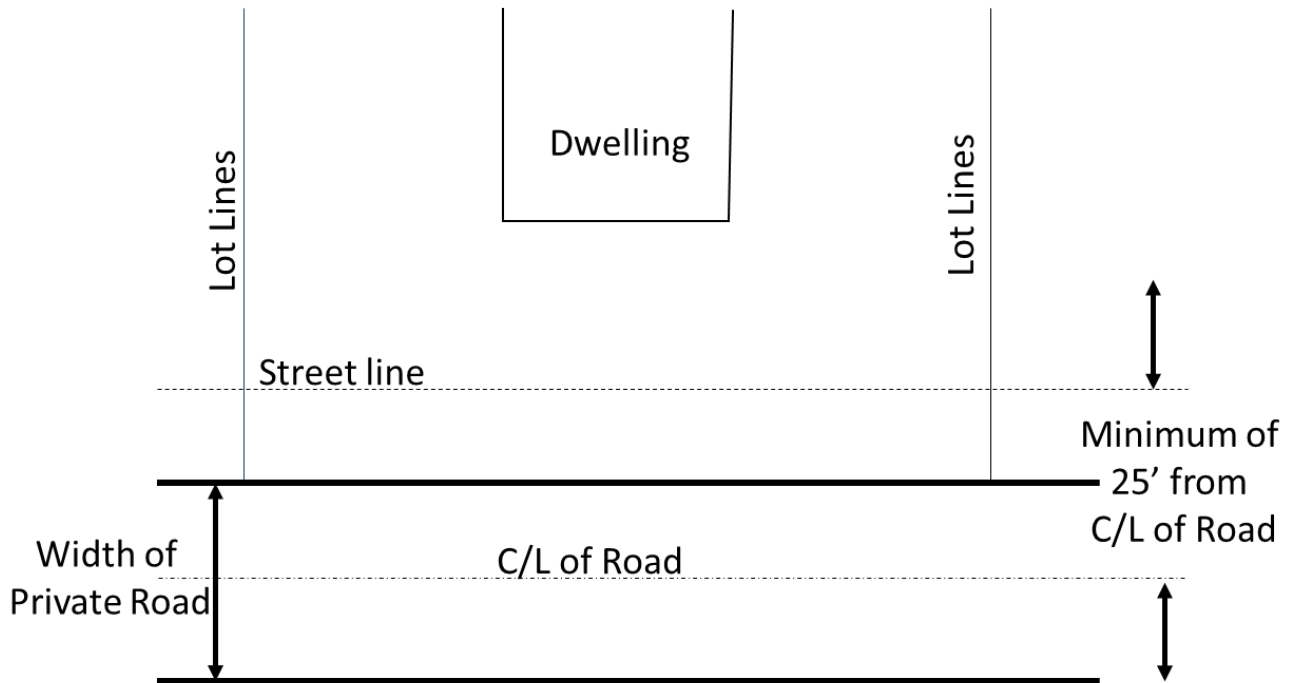


Figure - 2 Sketch of Setbacks

SIDE YARD: The required open space between the side line of a lot and a line parallel thereto through the nearest point of the building area between the front yard and the rear yard to said side line.

HEIGHT OF A BUILDING: The height of a building shall be measured from the level of the ground at the foundation on the highest part of the lot to the highest point of the building, excluding chimneys.

STREET: shall mean and include streets, avenues, boulevards, roads, lanes, alleys and any other way, exclusive of driveways serving not more than two contiguous lots.

PRIVATE ROAD: A drive or roadway for use by motor vehicles, serving three or more residences, and privately owned.

WIDTH OF LOT: The width required in Section 6, measured along the property line at the street, except in the case of a lot fronting on a turn-around circle. In this case the width required shall be measured at the front yard setback distance from the property line as shown in the accompanying sketch:

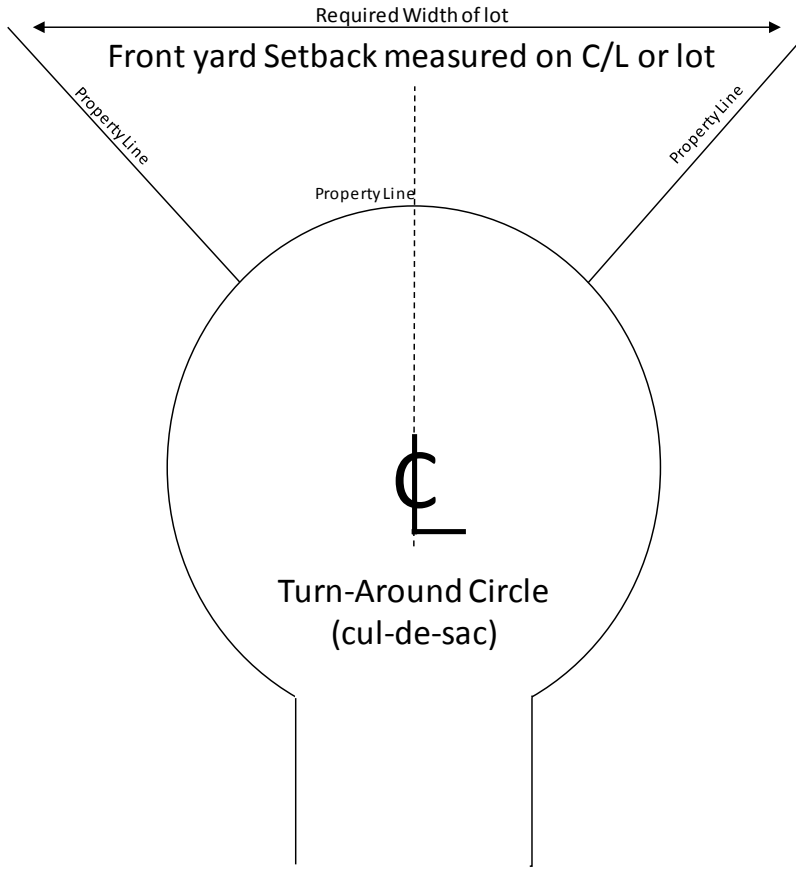


Figure 3 - Sketch of lot width