

Town of Branford
Department of

Planning & Zoning

Planning and Zoning
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SECTION 38 – AFFORDABLE HOUSING

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

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

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

38.1.3 To offer a home ownership opportunity for moderate

income families;

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

Creation of an Affordable Housing District (AHD) as a common interest ownership community is required to ensure that high standards within the development will be maintained, and that fees assessed on residents will be used to pay for maintenance and other common areas. Although a common interest ownership community is required, individual lots for single family homes will not be owned in common, but by the individual unit owners. Smaller Affordable Housing District (AHD)s are permitted to exempt themselves from certain provisions of the Common Interest Ownership Act (CIOA), Conn. Gen. Stat. 5 47-200 et seq., as provided at Conn. Gen. Stat. SS 47-215(a)(2) and 47-215(c). All requirements of this Section 38 apply to an Affordable Housing District (AHD), even if the AHD is exempt from certain CIOA requirements.

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

38.2.1 Location:

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

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

38.2.3 Affordability Requirement: Not less than twenty (20) percent of the dwelling units in the development (and each phase of the development) shall be conveyed by deeds containing covenants or restrictions which shall require

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

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

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

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

- a. Statement: A written statement describing the purpose to be accomplished by the Zone Change and Special Exception and the proposed treatment of the site.
- b. Basic Development Plan: An Affordable Housing District (AHD) Basic Development Plan in the form of an A-2 survey with a schematic subdivision map of the area, including schematic lot lines, proposed roads and rights of way, a schematic grading plan with two (2) foot contours, schematic utility and storm drainage plans, and schematic planting plans illustrating plant massings

and standards, demonstrating that the proposed subdivision and development of the land complies with the Special Exception standards and conditions herein specified. Wetlands, field located by a registered soil scientist, must be shown. Schematic architectural plans and elevations are also required at this time, as are schematic phase boundaries and a scheduling of phases, if applicable. The following are not required at this stage of the process: road cross-sections and profiles, engineered water and sewer plans and record subdivision map.

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

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

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

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

38.3.5 Final Action: After preliminary approval of the AHD Zone Change, Special Exception and Basic Development Plan, the Applicant shall submit an Affordable Housing District (AHD) Detailed Development Plan including all the information required for the preliminary approval, and all information necessary to determine compliance with Sections 31 (Site Plans), 38.5 and 38.6. (Alternatively, the Applicant may submit this information simultaneously with the Zone Change and Special Exception application.) Detailed Development Plans may be submitted in stages or sections, but specifications on the percentage and cost of affordable units shall be established in the first stage or section of the AHD Detailed Development Plan. Detailed Development Plans shall include a Record Subdivision map. This map shall indicate which specific lots will be deed-restricted in accordance with Section 38.2.3. Four (4) copies shall be submitted.

38.3.6 Approval of AHD Detailed Development Plan:

Within 65 days after receipt of the Detailed Development Plan, the Commission shall approve or disapprove the application. Approval of the Detailed Development Plan shall also constitute subdivision approval for the AHD. The Commission may, at its discretion, hold a public hearing on a Detailed Development Plan application and render a decision within 65 days of the close of such hearing. The decision may be extended for up to 130 days with the consent of the applicant. A public hearing must be held if the AHD plan requires a resubdivision of the land. The Commission may approve the application and Detailed Development Plan if the Commission finds that one or more of the purposes specified in Paragraph 38. 1 will be accomplished and that the standards and conditions of this section and all other applicable Zoning and Subdivision Regulations have been met. In granting final approval, the Commission may attach such conditions as it deems necessary to preserve the purpose and intent of these Regulations. If the Detailed Development Plan is approved, the Commission shall give notice in the same manner as required for the amendment of these Regulations.

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

Health Department with the date of final approval indicated on the maps.

38.3.8 Common Interest Ownership Community Declarations: Draft common interest ownership community declaration provisions covering continued compliance with the Detailed Development Plan shall be submitted to the Commission prior to approval of the Detailed Development Plan. The common interest ownership community documents must require compliance with the standards stated in Sections 38.5 and 38.6, and compatibility among units in the development.

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

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

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

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

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

38.5 Standards for Affordable Housing Development Plans:

38.5.1 Affordability Deed Restrictions: In order to ensure affordability, the applicant must place deed restrictions

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

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

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

38.5.4 Site Landscaping: All common areas of the development not used for buildings, driveways, and parking areas shall be suitably landscaped and maintained with lawn and trees or shrubs or, where appropriate, shall be left undisturbed as natural terrain. Common parking areas shall contain evenly distributed landscaped areas protected by solid curbing every sixth (6th) space in a row of parking spaces. Fences, walls, landscaped earth berms, and/or

closely planted evergreens, trees, hedges or shrubs shall be used to screen parking areas to a height of four (4) feet from public rights-of-way and adjoining properties and recreation areas. The Detailed Development Plan shall also include a plan for tree preservation and protection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38.6 Dwelling Unit Standards:

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

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

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

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

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

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

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

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

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

38.7 Bond: The Commission may require that the applicant file a performance bond in form, amount and with surety approved by the Commission, to ensure completion of streets, driveways,

parking areas, sidewalks, storm drainage sewer systems, landscaping, and other essential site improvements in accordance with the application as approved. For phased developments, the Commission may require a bond sufficient to ensure the completion of site improvements adequate for each phase, even if no other phases are constructed.

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



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