

d. Existing Buildings and Uses.

The following conditions shall apply to apartment houses, garden apartments, row houses, two family and three family dwellings where such uses are referenced as allowed in the RMF-4, RMF-6, RMF-10, RH-3, R-3 or RR-10 zoning districts.

- (1) Existing buildings proposed to be converted to dwelling units or expanded in the number of dwelling units in existence on the effective date of these amendments [November 11, 2005] shall meet all requirements specified in §4.G.3.a., §4.G.3.b. and §4.G.3.c. to the extent feasible given the constraints posed by the location of existing buildings proposed to remain on the lot. Existing parking spaces in existence on the effective date of these amendments [November 11, 2005] proposed to be increased by 25 percent in number shall meet all requirements specified herein pertaining to location and screening of parking, sidewalks and curbs, and front yard landscaping to the extent feasible given the constraints posed by the location of existing buildings and improvements proposed to remain on the lot.
- (2) The Department of Planning and Zoning and, in the case of special exceptions, the Planning Commission, reserves the right to require compliance with any or all requirements in §4.G.3. when they determine that such compliance is feasible on the lot.

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**4.G.4. Site Design Standards for Non-Residential and Other Uses.**

a. Non-residential and other uses in RMF-10, RMF-6, RMF-4, R-3, RH-3 and RR-10 Zoning Districts.

The following design standards shall apply to non-residential uses, congregate housing, continuing care facilities, nursing homes and rooming/boarded houses where such uses are referenced as allowed in the RMF-10, RMF-6, RMF-4, R-3, RH-3 or RR-10 zoning districts.

- (1) Screening of Parking. All parking and loading areas shall be screened from view from adjacent property on the side and rear lot lines by an approved screen or landscaped buffer as specified in Section 8.D.
- (2) Front Yard Landscaping. All front yards shall be completely landscaped (excluding approved driveways and pedestrian access) according to an approved landscape plan consisting of a combination of trees, shrubs and vegetative ground cover. All plant material shall be maintained and any approved plant material which dies shall be replaced as soon as possible but no later than the next planting season. All mature trees in healthy condition located on the lot beyond the construction limit line shall be retained whenever possible.
- (3) Sidewalks and Curbs. Where absent, sidewalks and curbs shall be installed within the street right-of-way along the full front lot line adjacent to the street, with sidewalks to be five feet wide and sidewalks and curbs constructed to meet the standards of the City Highway Department. Existing sidewalks and curbs in a poor or deteriorating condition shall, at the determination of the Highway Department, be repaired or replaced. Provision shall also be made for grading and improvements of shoulders, sight distances and driveway aprons within the right-of-way of the street. Where the right-of-way is of insufficient width for sidewalks, said sidewalks shall be installed along the front lot line on the property in compliance with standards and conditions of the Highway Department and with a public access easement granted to the City. All sidewalks along a state highway shall meet the requirements of §8.B.3-4 of these Regulations. Street trees shall be planted for each forty (40) feet of street lot line frontage, except where sight distance requirements do not make this practical. Street trees shall not be less than two inches caliper and shall be deciduous of a variety commonly acceptable for landscaping use in this planting zone and suitable for location along a street.

b. Non-residential and other uses in the R-3 and RH-3 zoning districts.

The following additional design standards shall also apply to non-residential uses, congregate housing, continuing care facilities, nursing homes and rooming/boarding houses where such uses are referenced as allowed in the R-3 or RH-3 zoning districts.

- (1) Location of Parking. All new on-site parking and accessory buildings shall not be located between the street and the principal buildings.
- (2) Street Wall. For new construction, a building or buildings of the development shall create a street wall extending substantially across the front width of the lot (exclusive of side yards, required spaces between buildings, and approved driveway and pedestrian access) and parallel or nearly parallel to the street, with said units of such building or buildings oriented to the street with front entrances facing the street. Notwithstanding §2.B. definition of corner lot, property lot lines for corner lots which lie to the rear of said buildings oriented to the street or which abut the rear lot line of adjoining lots shall be considered a rear lot line and subject to applicable rear yard requirements.
- (3) Setbacks. For new construction, buildings on a lot located closest to the street shall be setback a distance approximate to the mean setback of other buildings located closest to the street on adjacent side lots along the block, except when required on-site parking, usable open space, or other improvements required to be placed to the rear of buildings render said mean setback infeasible. In such cases, the building shall be moved closer to the street to the degree necessary to accommodate the required improvements, provided that in no case shall the front yard be less than the minimum as required for said uses.

c. Existing Buildings and Uses.

The following conditions shall apply to non-residential uses, congregate housing, continuing care facilities, nursing homes and rooming/boarding houses where such uses are referenced as allowed in the RMF-10, RMF-6, RMF-4, R-3, RH-3 or RR-10 zoning districts.

- (1) Existing Buildings. Existing buildings proposed to be expanded by 25 percent or more in total floor area in existence on the effective date of these amendments [November 11, 2005] shall meet all requirements specified in §4.G.4.a. and §4.G.4.b. to the extent feasible given the constraints posed by the location of existing buildings proposed to remain on the lot. Existing parking spaces in existence on the effective date of these amendments [November 11, 2005] proposed to be increased by 25 percent in number shall meet all requirements specified herein pertaining to location and screening of parking, sidewalks and curbs, and front yard landscaping to the extent feasible given the constraints posed by the location of existing buildings and improvements proposed to remain on the lot.
- (2) The Department of Planning and Zoning and, in the case of special exceptions, the Planning Commission, reserves the right to require compliance with any or all requirements in §4.G.4. when they determine that such compliance is feasible on the lot.

**4.G.5. Site Plan: Two or More Dwellings on a Lot.**

A site plan shall be submitted in accordance with §10.D. of these Regulations whenever more than one single family, two family, and/or three family dwelling is proposed to be constructed on a single lot or whenever an existing building is proposed to be expanded in a manner which would result in more than one of said uses to be located on a lot, provided such construction or expansion is specifically permitted by these Regulations.

**4.G.6. Use Regulations: Accessory Uses.**

a. Livestock and Poultry.

The keeping of livestock and poultry shall not be permitted except in a farm in zoning districts where farming is specifically allowed as a use.

b. Horses as Household Pets.

The keeping of a horse(s) or other equine(s) as household pets shall be permitted only in the RA-80 Zoning District provided: (1) no manure is stored on the lot; (2) all animals are secured within a fenced enclosure of not less than 20,000 square feet, said enclosure located not closer than fifty (50) feet from any street or within one hundred (100) feet from any other property line; and, (3) all other public health requirements are met.

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## **4.H. PLANNED NEIGHBORHOOD DEVELOPMENT: PND**

### **4.H.1. Purpose and Intent.**

The purpose and intent of the Planned Neighborhood Development (PND) zone is to encourage compatible land planning for large-scale, mixed-use developments as well-integrated units that: (1) provide housing and economic development opportunities appropriate to the location and scale of the site; (2) incorporate a compatible mix of traditional neighborhood uses; (3) include a variety of housing types, styles, and costs to promote housing choice and economic diversity; (4) protect environmentally sensitive areas, drinking water supplies and areas of natural beauty; (5) protect historic sites; (6) provide conveniently located public facilities and recreational areas; (7) locate residences within reasonable walking distance of neighborhood centers with shops and services designed to meet the daily needs of residents; (8) allow for cluster development that promotes energy efficient patterns of development and the preservation of common open space; (9) include streets designed to enhance pedestrian safety, lessen congestion, and curb speeding; and, (10) provide sidewalk networks and street trees.

It is intended that the Planned Neighborhood Development regulations will permit flexibility in the design and development of large tracts of lands over time. The PND regulations allow for the review and approval of detailed plans for each phase of development in accordance with a previously approved master plan that governs overall development patterns for the entire PND.

The PND is a floating zone that can be applied to sites meeting the standards specified herein.

### **4.H.2. General Development Principles.**

#### **4.H.2.a. Overall Layout.**

The overall site design shall include a complementary mix of uses, which may include residential, neighborhood retail and service uses, non-residential uses, community facilities and open space and recreational uses, as permitted below.

Within proposed residential areas, a variety of housing types shall be provided to promote housing choice and economic diversity. Parks, playgrounds, and recreational facilities that meet the needs of the residents shall be located within walking distance to residential areas, while other community facilities shall be located along appropriate streets and in areas that will not create land use conflicts with residential areas. Neighborhood retail and service uses shall be clustered within neighborhood centers, oriented toward the neighborhood and not toward areas outside the neighborhood. The purpose of the neighborhood center is primarily to provide for the daily needs of the residents of the neighborhood.

A variety of commercial, industrial and major recreational uses, including offices, research and development, hotels and conference centers, light industrial uses, and sports complexes may be located at peripheral sites, provided suitable access is provided. Such uses should be linked to the proposed residential community with local roads and open space systems.

#### **4.H.2.b. Development Standards.**

##### **(1) Ownership and Minimum Site Size.**

At the time of the submission and approval of the petition to change the zone of a site to the PND zone, the site shall be under single ownership and control with a minimum gross site area of 100 acres. The site may consist of several contiguous parcels, and parcels that are separated by a public street shall be considered contiguous.

(2) Density of Development.

The maximum residential density shall be one unit per 10,000 square feet of gross area of the PND site. The maximum amount of non-residential development shall not exceed a floor area ratio of 0.1, calculated on the gross acreage of the PND site. The minimum amount of common recreation facilities and open space, including usable open space, within the PND shall not be less than 33% of the gross acreage of the site. Community facility uses serving the proposed development and the City, as a whole shall not exceed 10% of the gross acreage of the PND site. The PND development shall be designed and approved for no fewer than 250 dwelling units. For purposes of calculating density for assisted living, congregate or continuing care senior housing, each dwelling unit shall be counted as 0.1 units. For age restricted (55 years of age and older) independent living projects, each dwelling unit shall be counted as 0.5 units.

(3) Permitted Uses.

The Master Plan and Final Site Plans developed in accordance with the Master Plan may include the following permitted uses.

(a) Residential Uses.

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~~One-family dwelling, two-family dwelling, three-family dwelling, townhouse, garden apartment, apartments, and age-restricted (55 years of age and older), assisted living, congregate housing and continuing care facilities. Additional residential uses of similar kind and character may be permitted by the Zoning Commission upon review and approval of the Master Plan.~~

(b) Non-Residential Uses.

(i) Neighborhood retail and service uses, including: banks or financial institutions; barbershops or beauty parlors; restaurants (excluding fast food and drive-through facilities); retail sale of books, newspapers and magazines, drugs, flowers, tobacco, food and baked goods, gifts, toiletries, toys, stationary, artwork and handicrafts; professional offices for clergy, financial consultants, lawyers, real estate or insurance agents, teachers, health care providers, or other similar professions; dry cleaning and laundromats; convenience stores; and, health centers. Additional neighborhood retail and service uses of a similar kind and character may be permitted by the Zoning Commission upon review and approval of the Master Plan.

(ii) Community facilities, including: community centers; nursery, kindergarten, or elementary schools; instruction in music, crafts, and the performing arts; day care centers; churches or other places of worship; municipal police, fire or maintenance facilities; sewer or water pumping stations; transformer substations. Additional community facility uses of a similar kind and character may be approved by the Zoning Commission upon review and approval of the Master Plan.

All or a substantial portion of the neighborhood retail and service uses and the community facilities shall be located within neighborhood centers.

(iii) Non-residential uses, not serving the immediate needs of the residential development, may be approved by the Zoning Commission upon review of the Master Plan. Such uses may include: banking or financial institutions; business services; business and professional offices; hotels, motels and conference centers; manufacturing or assembly of electrical equipment, business machines, chemicals, and medical products; printing and publishing; research or testing laboratories; and sports complexes. Additional non-residential uses of a similar kind and character may be permitted by the Zoning Commission upon review and approval of the Master Plan.

(c) Open Space and Recreation Uses.

Common open space; usable open space, including parks, playgrounds, or recreational facilities; equestrian centers and facilities; forest or wildlife reservations; and such other similar facilities serving

City-wide needs as may be permitted by the Zoning Commission upon review and approval of the Master Plan.

(d) Accessory Uses.

(e) Single-Family Dwellings on Separate Lots.

If single-family dwellings on separate lots are proposed, the following minimum lot and yard requirements shall apply.

Minimum Lot Area	5,000 square feet
Minimum Lot Width	50 feet
Front Yard Setback	20 feet
Side Yard Setbacks	5 feet for principal and accessory buildings
Rear Yard Setback	25 feet for principal buildings; 5 feet for accessory buildings

(f) Two or More Single-family Dwellings on a Parcel.

Where two or more single-family dwellings are to be built on one parcel in a cluster plan, the side and rear yards shall be required as though each structure were on an individual lot.

#### 4.H.3. Master Plan.

##### 4.H.3.a. Petitions.

All applications for PND approval shall be in the form of a petition for a change of zone of the subject property to the PND zone, fifteen (15) copies of which shall be submitted to the Zoning Commission for review and consideration.

Together with the petition, the applicant shall submit to the Zoning Commission fifteen (15) copies of a Master Plan that shall include the following information:

- (1) Name of proposed development; name and address of the property owner; if the petitioner is not the property owner, a statement of consent executed by the property owner; name, address and seal of the individual or firm(s) preparing the Master Plan; and date of the petition;
- (2) The total tract boundary drawn in accordance with an applicable Class A-2 Survey, which complies with the 1976 code adopted by the Connecticut Association of Land Surveyors, with distances marked to at least the nearest foot;
- (3) Area in square feet of the total PND site and each phase; graphic scale, north point or arrow; vicinity map showing surrounding properties and existing zoning;
- (4) Site conditions information including topography, wetlands, flood plains, streams and rivers, based on readily available information; existing structures; and, roadways and easements;
- (5) A map or series of maps showing the proposed pattern of development and its relation to the surrounding area, including existing and proposed land uses and their relation to wetlands, flood plains, streams and rivers, topography, general drainage patterns, and adjacent streets and roads;
- (6) The location and amount, by total and by phase, of the following proposed uses: the maximum number of dwelling units, by type; the maximum gross floor area (by type) proposed for neighborhood retail and service uses, for community facilities, and for non-residential uses; the gross land area to be used for common open space, for usable open space, and for equestrian centers and facilities and other such facilities serving City-wide needs;

- (7) All proposed phases of development, including boundaries of each phase, the anticipated type and density of development for each phase, and the year application for final plan approval is anticipated for each phase;
  - (8) The location and anticipated size in square feet of all areas proposed, by total and by phase, to be conveyed or dedicated to the City as common open space and usable open space, including all public parks, playgrounds, recreational areas and other sites proposed for public facilities or utilities;
  - (9) Regulated areas and buffers defined by the Inland Wetland and Watercourses Regulations, including functions and values of all on-site wetlands;
  - (10) A major street plan showing the proposed internal circulation system of arterial and collector roads, and the total length of said streets proposed to be conveyed to the City, if any;
  - (11) Off-site road improvements designed to serve the proposed PND development as shown in the Master Plan, with traffic engineering studies identifying the difference between development potential pursuant to the proposed Master Plan as contrasted with development potential pursuant to underlying zoning;
  - (12) The proposed treatment of the perimeter of the development, including building setbacks and materials and techniques to be used as screens or landscaped or natural buffers;
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- (13) A conceptual plan and/or narrative indicating how the proposed development would be served by public utilities and storm drainage facilities;
  - (14) A statement by the applicant of how the proposed development is consistent with the Plan of Conservation and Development;
  - (15) A statement by the applicant of how the proposed development conforms with the purpose and intent specified in Section 4.H.1 and the overall layout specified in 4.H.2.a. above; and,
  - (16) A statement by the applicant giving the reasons why the proposed site is suitable for use as a PND according to §4.H.3.c below.

#### 4.H.3.b. Agency Review.

All petitions for PND zone designation shall be referred to the following agencies for review and comment as required by the Connecticut General Statutes (C.G.S.):

- (1) To the Housatonic Valley Council of Elected Officials in accordance with §8-3b of the C.G.S.
- (2) To adjoining municipalities in accordance with §8-3h of the C.G.S.
- (3) To water companies operating within the watershed of the proposed PND in accordance with §8-3i of the C.G.S.
- (4) To the Planning Commission of the City of Danbury in accordance with §8-3a of the C.G.S.

#### 4.H.3.c. Action on Petitions.

The Zoning Commission shall take action on the petition for the PND pursuant to the procedures and the time requirements set forth in the Connecticut General Statutes for petitions requesting a change in the boundaries of zoning districts. In its review of the petition, the Commission shall determine the suitability of the site for PND development, as specified on the Master Plan and other documents and evidence submitted as part of the petition. The Zoning Commission may approve a petition if it finds that the proposed site is suitable for PND development for each of the following reasons:

- (1) The proposed development is consistent with the Plan of Conservation and Development and the Comprehensive Planning Program on which it is based;
- (2) Environmentally sensitive areas are adequately protected;
- (3) The proposed development is in substantial harmony with the surrounding area;
- (4) Existing streets, including proposed street improvements, and proposed streets providing access to the site, are adequate to support anticipated traffic volumes at acceptable levels of service;
- (5) Existing and proposed public facilities are adequate to serve the proposed development; and
- (6) Municipal sewer and water service adequate to serve the proposed PND can be provided.

#### 4.H.3.d. Applicable Regulations.

Prior to approval of the petition, all applicable sections of these Zoning Regulations for the underlying zoning district shall remain in effect. Upon approval, the zone of the property shall be changed to the PND zone, and the development controls in this §4.H. shall govern the property. All other provisions of these Regulations shall apply, except that in the case of a conflict between the provisions of these PND regulations and other provisions of the Zoning Regulations, the provisions of this §4.H. shall control.

#### 4.H.3.e. Review and Approval of Master Plans.

The Zoning Commission shall have the power to approve, deny, or modify the petition, including the Master Plan, and any proposed amendments thereto, in its legislative discretion. Any change to an approved Master Plan shall not be effective unless and until the Zoning Commission approves such amendment after public notice and hearing pursuant to the same procedures as referred to herein for approval of the original Master Plan, provided that approval shall not be necessary for any decrease in the maximum number of residential units or maximum square footage of nonresidential space set forth in the Master Plan.

#### 4.H.4. Final Site Plans.

##### 4.H.4.a. Review and Approval of Final Site Plans.

Upon the Zoning Commission's approval of a petition to change the zoning designation of a parcel of land to the PND zone, the applicant (or its successor(s) shall, prior to developing any phase of the development identified in the Master Plan, file with the Department of Planning and Zoning (the "Department") an application for approval of a Final Site Plan for the entire site or each such phase, as determined by the applicant. The applicant shall file ten (10) copies of the application and all supporting documentation. Notwithstanding any contrary provision in these Zoning Regulations, special exception approval shall not be required for any Final Site Plan as defined in this Section 4.H. All Final Site Plans shall comply with and include all information and analyses as required for site plans as specified in Section 10.D of these Regulations. The Department may require such reasonable improvements to public streets providing access to the PND site to prevent the creation of conditions adversely affecting traffic safety and congestion by the proposed development of the PND, and may impose such other reasonable conditions upon approval as may be necessary to ensure that the Final Site Plan conforms to the requirements and provisions of the Master Plan. To be approved, a Final Site Plan shall be in conformance with the approved Master Plan and other applicable regulations contained herein. All Final Site Plans, which require or contemplate a subdivision or resubdivision of land shall comply with the Subdivision Regulations of the City of Danbury. No zoning permit shall be issued for any phase of development as set forth in the Master Plan unless Final Site Plan approval has been issued for such phase.



#### 4.H.4.b. Performance Bonds.

(1) All improvements shall, unless specifically agreed to by the City, be made by the developer at its expense, without reimbursement by the City. To ensure the satisfactory completion of all required public improvements, including public road improvements, the Planning and Zoning Department may, as a condition of approval of a Final Site Plan, require a performance bond to be filed with the City, in an amount recommended by the City Engineer, to represent its estimate of the cost of the proposed work in each Final Site Plan plus an additional factor of twenty percent (20%). The bond shall be posted in the form of a passbook savings account or letter of credit to the City under terms acceptable to the City.

(2) All provisions of the Subdivision Regulations governing performance bonds shall apply. The term of a letter of credit shall not be less than the time remaining to complete the approved Final Site Plans for the PND plus an additional six (6) months. A letter of credit shall provide for at least thirty (30) days written notice of expiration to the Planning and Zoning Department. The amount of the performance bond may be reviewed by the City every two years and said amount may be adjusted as deemed necessary to ensure that adequate funds are available to complete all work as required by these Regulations.

#### 4.H.5. Specific Standards.

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##### 4.H.5.a. Height.

Maximum building height shall be 35 feet for single-family, two-family, three-family, garden apartments and townhouses, and 75 feet for apartment uses. The maximum height for retail uses shall be 30 feet. The maximum height for offices, hotels and conference centers shall be 75 feet. The maximum height for light industrial and all other permitted uses shall be 45 feet. The maximum height limitations shall not apply to the exemptions specified in §3.J.1. of these Regulations.

##### 4.H.5.b. Perimeter Design.

The uses, height and the design of the development must be so located as to exercise no undue detrimental effect upon surrounding properties. If topographic or other barriers do not provide reasonable privacy for existing uses adjacent to the development, the Zoning Commission may require one or more of the following:

- (1) additional setbacks from the perimeter of the site for residential and non-residential uses and structures; and/or
- (2) screening of said residential and non-residential uses and structures located adjacent to the perimeter of the development by screens or natural or landscaped buffers.

##### 4.H.5.c. Building Spacing.

The development shall provide for reasonable light, ventilation, and visual and acoustic privacy for residences and other structures. Fences, insulation, walls, barriers, topography, and landscaping may be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable views, and noise reduction. Mid-rise buildings shall be located in such a way as to avoid adverse impact on neighborhood buildings and shall not invade the privacy of the occupants of such buildings. Spacing between buildings shall comply with all applicable building and life safety codes.

##### 4.H.5.d. Street Trees.

At least one street tree shall be planted for every one hundred (100) linear feet of road frontage, or fraction thereof, along both sides of all streets unless a waiver is granted by the Department for one or more required trees because there are existing trees growing along the right-of-way which comply with these regulations. Street trees shall be a deciduous tree of at least 2 inches caliper, measured six inches above

ground level, of type, form and condition acceptable to the City. All trees shall be suitable for this area and planted following acceptable nursery practices.

#### 4.H.5.e. Housing Options.

Upon approval by the Zoning Commission, the overall residential density within the Planned Neighborhood Development may be increased for affordable housing from one dwelling unit per 10,000 square feet to one unit per 8,000 square feet of the total land area within the PND in accordance with the provisions of Title 8, Chapter 124, Section 8-2g of the Connecticut General Statutes. At least half of all dwelling units constructed in excess of the number of units otherwise permitted shall be affordable housing constructed of comparable size and workmanship as all other units in the proposed development. Any application for Final Site Plan approval which includes a 55 years of age or older independent living project shall be accompanied by proposed deed restrictions and other proof satisfactory to the Department that the development will comply with all applicable federal requirements and restrictions.

#### 4.H.5.f. Open Space and Environmental Design.

(1) Not less than one-third of the gross area of the development shall be reserved for common open space, with such open space designated on the Master Plan. All lands not offered for dedication to the City must be owned and maintained by an association to be formed by the owner or owners of the property. The method of ownership and maintenance of all common open space designated for the development or any phase thereof shall be specified at the time of application for approval of the Final Site Plan for the development or phase, as the case may be.

(2) Usable open space shall be included as part of the requirement for common open space and shall total not less than 500 square feet for each dwelling unit. Usable open space shall include park, playground, or recreational facilities, as permitted herein, of such type, extent and location to be adequate to meet the active and passive recreational needs of the occupants of the development.

(3) The development shall provide, to the greatest extent possible, for the preservation of significant landscape features, including but not limited to wetlands, floodplains, excessive slopes and ridgelines, significant forest areas, and areas of unique wildlife habitat. As part of its review of the Master Plan, the Zoning Commission may require that significant landscape features be preserved as part of the common open space development and integrated with the environmental characteristics of the site and adjacent areas.

(4) The areas designated as common open space shall not be subject to excessive grading and site clearing of topsoil, trees and natural features, except as necessary to provide for usable open space.

#### 4.H.5.g. Property Owners Association.

In cases where a property owners association is proposed to manage and maintain approved common open space, private streets and other improvements and property, the association shall be established before certificates of occupancy are issued. Membership shall be mandatory for each lot or property owner, and it shall be recorded on the Final Site Plan and in the Danbury Land Records that each lot or property owner possess an undivided interest in the designated open space, private streets or other improvements and property and is jointly and severally responsible for the payment of taxes on the maintenance of the designated open space, streets, and other improvements and property. Where the proposed open space exceeds five (5) acres and is suitable for community use, the land may be offered for dedication to the City of Danbury and deeded to the City by warranty deed if acceptable to the City.

#### 4.H.5.h. Off-Street Parking and Loading.

(1) All off-street parking and loading spaces shall be designed to permit safe access to spaces and circulation within the parking facility. All off-street parking and loading shall be designed in accordance with Section 8.C. of these Zoning Regulations. Given the mixed-use nature of the PND, parking facilities

serving primarily a nighttime or weekend use may be counted proportionally as facilities for a primary daytime or weekend use, and vice versa, when each use is assured permanent access to the facilities of the other use, and when there will be no substantial overlapping in parking periods.

(2) All parking areas and loading spaces serving non-residential uses shall be screened from view from abutting residential uses by a view-restrictive landscaped buffer or natural buffer. The perimeter of all parking areas shall be landscaped with plant material to a minimum width of ten feet. The perimeter planting shall include a combination of shrubs and trees selected to provide shade and to screen parking areas. Walls, earth mounds, and fences, or any combination thereof, may be included with plant material to produce a view-restrictive screen. Grass and other plant ground cover shall be planted, mulched, and maintained on all portions of the landscaped strip.

#### 4.H.5.i. Traffic Circulation.

(1) The PND site must have direct vehicular access to an arterial and/or collector street(s) of location and design adequate to accommodate projected traffic generated by the development.

(2) The location and number of points of access to the site, the interior circulation pattern of streets and pedestrian ways, the separation between pedestrians and motor vehicles, and the arrangement of parking areas in relation to buildings and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings and uses.

(3) All streets within the development shall be constructed according to the criteria and standards specified in the Subdivision Regulations of the City of Danbury.

(4) A concrete sidewalk and curb with a minimum width of five feet shall be constructed along all streets and roads in accordance with specifications of applicable regulations of the City of Danbury, except that bituminous concrete for trails providing pedestrian access within major areas of common open space may be accepted; and (2) wider sidewalks may be required in commercial areas as necessary to facilitate pedestrian traffic.

#### 4.H.5.j. Signs.

Notwithstanding provisions of Section 8.E., all signs in areas designated in the approved Master Plan to be devoted to residential uses shall comply with the sign regulations specified in Section 8.E.2.a-e; all signs in areas designated in the approved Master Plan to be devoted to non-residential uses and open space and recreational uses, including neighborhood centers, shall comply with the sign regulations specified in Section 8.E.3.

#### 4.H.5.k. Municipal Sewer and Water.

All uses in the site shall be served by municipal sewer and water.

#### 4.H.5.l. Historic and Archaeological Sites.

All historic structures recognized by the National Register of Historic Places or the Connecticut Historical Commission shall be noted on the Final Site Plan along with proposed plans for the future use or alteration of the structure. All archaeological sites shall be identified on the Final Site Plan along with a professional assessment of the significance of the site and proposed methods to minimize degradation of the identified archaeological resources.

#### 4.H.5.m. Inland Wetlands and Watercourses.

The PND shall comply with all requirements and restrictions of the City of Danbury Inland Wetlands and Watercourses Regulations. All Final Site Plans shall be filed with and/or referred to the Department of Health and Housing or the Environmental Impact Commission, as appropriate, for review and approval.





## SECTION 5. COMMERCIAL DISTRICTS

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<b>A. General Commercial District: CG-20.</b>	<b>5-1</b>
<b>B. Arterial Commercial District: CA-80.</b>	<b>5-7</b>
<b>C. Limited Roadside Commercial Industrial District: LCI-40.</b>	<b>5-13</b>
<b>D. Light Commercial District: CL-10.</b>	<b>5-17</b>
<b>E. Neighborhood Commercial Districts: CN-5, CN-20.</b>	<b>5-21</b>
<b>F. Central Business District: C-CBD.</b>	<b>5-23</b>
<b>G. Campus Research Park: CRP.</b>	<b>5-27</b>
<b>H. Additional Commercial Regulations.</b>	<b>5-33</b>

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### 5.A. GENERAL COMMERCIAL DISTRICT: CG-20.

#### 5.A.1. Purpose and Intent.

The purpose of this district is to provide an area for growth of commercial services of a more general nature than permitted in the CL-10 district. This district is most appropriate on principal roadways of the City in more suburban locations where larger lot sizes can provide a buffer between commercial services and residential areas.

#### 5.A.2. Uses.

Land and structures may be used only for the following.

##### a. Permitted Uses.

- (1) Adult day care center.
- (2) Ambulance service.
- (3) Animal petting zoo and farm. See Section 5.A.4.a.
- (4) Assembly hall, dance hall, club, fraternal organization, fraternity, sorority.
- (5) Automobile service station; service garage. See Section 3.D.3.
- (6) Bakery, wholesale.
- (7) Banking or financial institution.
- (8) Barber shop or beauty parlor.
- (9) Bus station.
- (10) Business or professional office.
- (11) Car wash. See Section 5.A.4.b.
- (12) Church or other place of worship.
- (13) Cleaning, laundering, dyeing, or diaper service; laundromat. See Section 5.A.4.c.
- (14) Convenience market.
- (15) Dairy, including the manufacture and distribution of milk, dairy products and other related food products.
- (16) Delivery service. See Section 5.A.4.d.
- (17) Dressmaker, locksmith, shoe repair, tailor, watch or jewelry repair.
- (18) Driving school.
- (19) Employment agency.
- (20) Firehouse.
- (21) Funeral home.
- (22) Glass installation.
- (23) Grocery store without the sale of alcoholic liquor. See also Section 5.A.2.c. below.

- (24) Gymnasium, health center, reducing salon, tanning salon.
- (25) Hotel or motel.
- (26) Indoor Theater.
- (27) Library.
- (28) Marine supplies.
- (29) Medical office.
- (30) Monument sales establishment, with incidental processing to order, but excluding the shaping of stones and similar processes.
- (31) Museum.
- (32) Music or dancing school.
- (33) Park, playground, or recreation facility.
- (34) Parking area or parking garage.
- (35) Photographic studio.
- (36) Plants for printing, engraving or other reproductive services.
- (37) Police station.
- (38) Post office.
- (39) Radio or television repair.
- (40) Radio or television station, excluding transmitting towers.
- (41) Real estate or insurance agency.

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- (42) Rental of machinery, furniture, appliances, equipment, or supplies.
- (43) Research or testing laboratory.
- (44) Restaurant, fast food restaurant, or café, all without the sale of alcoholic liquor. See also Section 5.A.2.c. below.
- (45) Retail stores or shops, except package stores. See also Section 5.A.2.c. below.
- (46) Sale, rental, and/or repair of automobiles, automobile trailers, trucks, house trailers, motorcycles, boats, and farm equipment.
- (47) School for pupils below high school grade.
- (48) Storage or sale of building materials.
- (49) Swimming pool or skating rink, bowling alley, pool hall, miniature golf or golf driving range, tennis courts, racquetball facility, or indoor amusement enterprise
- (50) Telephone exchange, transformer substation, or water pumping station.
- (51) Travel agency.
- (52) Truck terminal, warehouse, moving and storage establishment.
- (53) Uniform sales or rental.
- (54) Upholsterer, carpentry, woodworking or millwork manufacture, building or window cleaning.
- (55) Vending machine operations or repair.
- (56) Veterinary hospital, boarding kennel, or breeding kennel.
- (57) Wholesale or distribution.

b. Special Exception Uses.

- (1) Adult business uses. See Section 5.A.5.a.
- (2) Congregate housing. See Section 5.A.5.b.
- (3) Continuing care facility. See Section 5.A.5.c.
- (4) Day care center.
- (5) Hospital.
- (6) Nursing home. See Section 5.A.5.d.
- (7) Sewage pumping station, sewage treatment facility.
- (8) Storage, sale, or repair of construction equipment. See Section 3.E.4.
- (9) Water storage facility.

c. Special Permit Uses.

- (1) Grocery store with the sale of alcoholic liquor in accordance with Section 3.F.2.
- (2) Package store in accordance with Section 3.F.2.
- (3) Restaurant or café, excluding fast food restaurant, with the sale of alcoholic liquor in accordance with Section 3.F.2.
- (4) Tavern in accordance with Section 3.F.2.

d. Accessory Uses. See Section 3.G.

**5.A.3. General Use Regulations.**

a. Unless otherwise specified or modified below, the following regulations shall apply to all uses specified in Section 5.A.2.

Minimum lot area, sq. ft	20,000
Minimum lot width, ft	100
Minimum front yard, ft	25
Minimum side yard, ft	10
Minimum rear yard, ft	25
Maximum height, ft	45
Maximum building coverage	33 1/3%

b. A parcel of land located in this district having a minimum of one hundred (100) acres utilized primarily for retail development in one contiguous structure shall have the area, width, yard, and height requirements of the C-CBD district as to individual lots and structures located thereon although the use of the entire parcel at its perimeter shall comply with the minimum lot front, side and rear yard requirements of the CG-20 district.

**5.A.4. Specific Use Regulations: Permitted Uses.**

The following use regulations shall apply to the permitted uses specified below.

a. Animal Petting Zoo and Farm.

- (1) Lot size shall be a minimum of five (5) acres.

b. Car Wash.

- (1) The use shall be served by public water and sewer.

c. Cleaning, Laundering, Dyeing, or Diaper Service; Laundromat.

- (1) The use shall be served by public water and sewer.

d. Delivery Service.

- (1) Vehicles shall be limited to one ton capacity.

**5.A.5. Specific Use Regulations: Special Exception Uses.**

The following use regulations shall apply to the special exception uses specified below.

a. Adult Business Uses.

- (1) Not more than one type of adult business use, as defined herein, may operate on any lot.



(2) No adult business use shall be located within one thousand (1,000) feet of any other existing adult business use, such distances to be measured from the shortest distance between property lines of the lots of the existing and proposed adult business uses.

(3) No adult business use shall be located on a lot within five hundred (500) feet of any residential zoning district or a lot on which any one of the following uses is located, such distances to be measured from the shortest distance between property lines of the lot on which the adult business use is or is proposed to be located and the residential district boundary lines or property lines of the uses listed below:

(a) churches or other places of worship;

(b) schools, up to and including the 12th grade, and their adjunct play areas; and

(c) public playgrounds, public parks, public swimming areas or public libraries.

(4) All business transactions on the premises shall be conducted within the building.

(5) All adult business uses and their related activities, materials, and storage shall be located within a building and shall not be visible from the exterior of the building.

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(6) Advertisements, displays, or other promotional materials of prohibited sexual acts shall not be shown or exhibited so as to be visible from the exterior of the building.

(7) The opaque covering of display windows is prohibited.

(8) All signs for adult business uses shall comply with the regulations specified in Section 8.E.3 except that: 1) signs shall not include written descriptions, logos, symbols, or other graphic or pictorial depictions of material relating to prohibited sexual acts; 2) signs shall be limited in area to the restrictions specified in Section 8.E.3, or to a total of one hundred fifty (150) square feet per establishment, whichever is less; and, 3) lettering on said signs shall not exceed eighteen (18) inches in height.

(9) All signs for adult business uses shall comply with the regulations specified in Section 8.E.2. except that: 1) signs shall not include written descriptions, logos, symbols, or other graphic or pictorial depictions of material relating to prohibited sexual acts; 2) signs shall be limited in area to the restrictions specified in Section 8.E.2., or to a total of one hundred fifty (150) square feet per establishment, whichever is less; and, 3) lettering on said signs shall not exceed eighteen (18) inches in height.

b. Congregate Housing.

Congregate housing unaffiliated with a continuing care facility either on or off the lot shall meet all other regulations contained herein for the specific housing type or types (e.g. garden apartment, row house) so constructed as congregate housing, except as modified by the regulations specified below:

(1) no more than two persons may occupy a dwelling unit;

(2) the minimum lot area per dwelling unit shall be one thousand (1,000) square feet;

(3) all required parking areas and loading spaces shall be screened from view from adjacent residential uses on abutting lots by a screen or landscaped or natural buffer, as specified in Section 8.D.; and,

(4) in addition to common dining facilities, the development may also include recreational facilities, activity centers, and other facilities for use by the residents of the congregate housing development as specified by the regulations of the Connecticut Department of Housing governing congregate housing.

c. Continuing Care Facility.

A continuing care facility shall consist of congregate housing and a nursing home, and may also include independent living units.

(1) Congregate housing shall meet all other regulations contained herein for the specific housing type or types (e.g. garden apartment, row house) so constructed as congregate housing, except as modified by the regulations specified below:

- (a) no more than two persons may occupy a dwelling unit;
- (b) the minimum lot area per dwelling unit shall be one thousand (1,000) square feet;
- (c) such facility shall be under the control or sponsorship of the affiliated nursing home;
- (d) all required parking areas and loading spaces shall be screened from view from adjacent residential uses on abutting lots by a screen or landscaped or natural buffer, as specified in Section 8.D.;
- (e) pedestrian access from the congregate housing to the nursing home shall be provided;
- (f) in addition to common dining facilities, the development may also include recreational facilities, activity centers, and other facilities for use by the residents of the congregate housing development as specified by the regulations of the Connecticut Department of Housing governing congregate housing; and,
- (g) all of the facilities generally available to residents of the nursing home shall also be available to residents of the congregate housing facility.

(2) The nursing home shall meet all requirements specified in Section 5.A.5.d.

(3) The facility may include independent living units, provided:

- (a) the housing units shall be subject to all provisions regulating the specific housing type or types (e.g. garden apartment, row house), including area and bulk requirements; and,
- (b) all of the facilities and services generally available to residents of the congregate housing and nursing home shall also be available to all independent living unit residents.

d. Nursing Home.

(1) The minimum lot area shall be one acre.

(2) All nursing homes shall be fully licensed by the State of Connecticut and have received a Certificate of Need, as required from the Connecticut Commission on Hospitals and Health Care, prior to issuance of a Zoning Permit by the City.

(3) All required parking areas and loading spaces shall be screened from view from adjacent residential uses on abutting lots by a screen or landscaped or natural buffer, as specified in Section 8.D.

#### **5.A.6. Landscape Requirements.**

##### **a. Front Yards.**

A continuous strip not less than twenty (20) feet wide shall be maintained between the street lot line and the balance of the lot and shall be suitably landscaped. This strip may be transversed by driveways as approved by the Planning Commission in the case of special exceptions or by the Planning Department in the case of permitted uses.

##### **b. Residential Buffer.**

Where the front of a CG-20 use faces a residential district, said CG-20 use shall be further screened from the district use by a screen placed at the rear of the twenty (20) foot landscaped area required in 5.A.6.a. above. See Section 5.G.1.

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## **5.B. ARTERIAL COMMERCIAL DISTRICT: CA-80.**

### **5.B.1. Purpose and Intent.**

The purpose of this district is to provide guidelines compatible with the character and function of an arterial roadway. Arterial roadways provide both access to adjacent developments as well as act as a major carrier of intra- and inter-city traffic. In recognition of its dual role, this district has been designed to limit traffic congestion and insure traffic safety.

### **5.B.2. Uses.**

Land and structures may be used only for the following.

#### a. Permitted Uses.

Nothing herein shall prevent the use of an existing building located on property zoned CG-20 and containing a use permitted in the CG-20 zone but prohibited by the CA-80 zone on the effective date of adoption of this Section, October 25, 1984, for any use permitted in the CG-20 zone on October 25, 1984. Expansion, enlargements or extensions of existing buildings are subject to Sections 9 and 11 of these Regulations.

- (1) Adult day care center.
- (2) Ambulance service.
- (3) Assembling or finishing of articles made from previously prepared cellophane, canvas, cork, fiber, glass, horn, leather, paper, plastics, precious metals or stones, shells, textiles, wood, yarns, metals.
- (4) Assembly hall, dance hall, club, fraternal organization, fraternity, sorority.
- (5) Automobile service station; service garage. See Section 3.D.3.
- (6) Bakery, wholesale.
- (7) Banking or financial institution.
- (8) Barber shop or beauty parlor.
- (9) Building or window cleaning.
- (10) Bus or limousine terminal.
- (11) Bus Station.
- (12) Business or professional office.
- (13) Carpentry, woodworking, or millwork.
- (14) Car Wash. See Section 5.B.4.a.
- (15) Church or other place of worship.
- (16) Cleaning, laundering, dyeing, or diaper service.
- (17) Convenience Market. See Section 5.B.4.b.
- (18) Delivery service. See Section 5.B.4.c.
- (19) Dependency Treatment Center.
- (20) Dressmaker, locksmith, shoe repair, tailor, watch or jewelry repair.
- (21) Driving school.
- (22) Employment agency.
- (23) Firehouse.
- (24) Funeral home.
- (25) Glass installation.
- (26) Gymnasium, health center, reducing salon, or tanning salon.
- (27) Hotel or motel.
- (28) Indoor theater.
- (29) Library.
- (30) Machine manufacturing.
- (31) Manufacture and assembling of artist's materials, clocks and watches, musical instruments, sporting goods, toys or office materials.

- (32) Manufacture of optical goods, business machines, precision instruments, surgical and dental instruments and equipment.
  - (33) Manufacturing, compounding, processing, packaging or treatment of candy, cosmetics, drugs, pharmaceuticals or toiletries.
  - (34) Marine supplies.
  - (35) Medical office.
  - (36) Metal finishing, plating, grinding, polishing, cleaning and rustproofing, stamping and extrusion of small products.
  - (37) Monument sales establishment, with incidental processing to order, but excluding the shaping of stones and similar processes.
  - (38) Museum.
  - (39) Music or dancing school.
  - (40) Parking area or parking garage.
  - (41) Photographic studio.
  - (42) Plants for printing, engraving or other reproductive services.
  - (43) Police station.
  - (44) Radio or television repair.
  - (45) Radio or television station, excluding transmitting towers.
  - (46) Real estate or insurance agency.
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- (47) Rental of machinery, furniture, appliances, equipment, or supplies.
  - (48) Research or testing laboratories.
  - (49) Restaurant or café, excluding fast food restaurant, without the sale of alcoholic liquor. See also Section 5.B.2.c. below.
  - (50) Retail stores or shops, except package stores. See also Section 5.B.2.c. below.
  - (51) Sale, rental, and/or repair of automobiles, automobile trailers, trucks, house trailers, motorcycles, boats, farm equipment.
  - (52) Schools for pupils below high school grade.
  - (53) Storage or sale of building materials.
  - (54) Swimming pool or skating rink, bowling alley, pool hall, miniature golf or golf driving range, tennis court, or racquetball facility.
  - (55) Travel agency.
  - (56) Truck terminal, warehouse, moving and storage establishment.
  - (57) Uniform sales or rental.
  - (58) Vending machine operator or repairer.
  - (59) Veterinary hospital, boarding kennel, or breeding kennel.
  - (60) Wholesale or distribution.

b. Special Exception Uses.

- (1) Congregate housing. See Section 5.B.5.a.
- (2) Continuing care facility. See Section 5.B.5.b.
- (3) Day care center.
- (4) Grocery store without the sale of alcoholic liquor. See also Section 5.B.2.c. below and Section 5.B.5.c.
- (5) Hospital.
- (6) Nursing home. See Section 5.B.5.d.
- (7) Telephone exchange, transformer substation, sewer and water pumping station, sewage treatment facility, and water storage facility.

c. Special Permit Uses.

- (1) Grocery store, as a special exception approved by the Planning Commission, with the sale of alcoholic liquor in accordance with Section 3.F.2. See Section 5.B.5.c.

- (2) Package store in accordance with Section 3.F.2.
- (3) Restaurant or café, excluding fast food restaurant, with the sale of alcoholic liquor in accordance with Section 3.F.2.
- (4) Tavern in accordance with Section 3.F.2.

d. Accessory Uses. See Section 3.G.

**5.B.3. General Use Regulations.**

Unless otherwise specified or modified below, the following regulations shall apply to all uses specified in Section 5.B.2.

a. The following requirements shall apply to new lots created subsequent to the effective date of adoption of this amendment, October 25, 1984. The requirements shall also apply where two (2) or more existing lots are combined to form a lot equal to or greater than eighty thousand (80,000) square feet.

Minimum lot area, sq. ft	80,000
Minimum lot frontage, ft	200
Minimum lot width, ft	200
Minimum front yard, ft.*	25
Minimum side yard, ft	20
Minimum rear yard, ft	30
Maximum height, ft	45
Maximum building coverage	30%
Maximum building coverage – retail	30% (1-5 acres)
Maximum building coverage – retail	25% (5-10 acres)
Maximum building coverage – retail	20% (10 acres or more)
Maximum floor area ratio	.4

b. The following requirements shall apply to those existing lots within the CA-80 zone described in any instrument of conveyance and filed in the Office of the Town Clerk of Danbury prior to the date of adoption of this amendment, September 18, 1984. These requirements shall also apply where two or more such existing lots are combined

Minimum lot area, sq ft	20,000
Minimum lot frontage, ft	50
Minimum lot width, ft	100
Minimum front yard, ft*	25
Minimum side yard, ft	10
Minimum rear yard, ft	25
Maximum height, ft	45
Maximum building coverage	30%
Maximum building coverage – retail	30% (1-5 acres)
Maximum building coverage – retail	25% (5-10 acres)
Maximum building coverage – retail	20% (10 acres or more)
Maximum floor area ratio	.4

\* Such setback shall be measured from the property line or from thirty (30) feet in from the center of an arterial road, whichever setback requirement is greater.

**5.B.4. Specific Use Regulations: Permitted Uses.**

The following use regulations shall apply to the permitted uses specified below.

a. Car Wash.

(1) The use shall be served by public water and sewer.

b. Convenience Market.

(1) The use shall be permitted only on the same site with an automobile service station.

c. Delivery Service.

(1) Vehicles shall be limited to one ton capacity.

**5.B.5. Specific Use Regulations: Special Exception Uses.**

The following use regulations shall apply to the special exception uses specified below.

a. Congregate Housing.

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Congregate housing unaffiliated with a continuing care facility either on or off the lot shall meet all other regulations contained herein for the specific housing type or types (e.g. garden apartment, row house) so constructed as congregate housing, except as modified by the regulations specified below:

(1) no more than two persons may occupy a dwelling unit;

(2) the minimum lot area per dwelling unit shall be one thousand (1,000) square feet;

(3) all required parking areas and loading spaces shall be screened from view from adjacent residential uses on abutting lots by a screen or landscaped or natural buffer, as specified in Section 8.D.; and,

(4) in addition to common dining facilities, the development may also include recreational facilities, activity centers, and other facilities for use by the residents of the congregate housing development as specified by the regulations of the Connecticut Department of Housing governing congregate housing.

b. Continuing Care Facility.

A continuing care facility shall consist of congregate housing and a nursing home, and may also include independent living units.

(1) Congregate housing shall meet all other regulations contained herein for the specific housing type or types (e.g. garden apartment, row house) so constructed as congregate housing, except as modified by the regulations specified below:

(a) no more than two persons may occupy a dwelling unit;

(b) the minimum lot area per dwelling unit shall be one thousand (1,000) square feet;

(c) such facility shall be under the control or sponsorship of the affiliated nursing home;

(d) all required parking areas and loading spaces shall be screened from view from adjacent residential uses on abutting lots by a screen or landscaped or natural buffer, as specified in Section 8.D.;

(e) pedestrian access from the congregate housing to the nursing home shall be provided;

(f) in addition to common dining facilities, the development may also include recreational facilities, activity centers, and other facilities for use by the residents of the congregate housing development as specified by the regulations of the Connecticut Department of Housing governing congregate housing; and,

(g) all of the facilities generally available to residents of the nursing home shall also be available to residents of the congregate housing facility.

(2) The nursing home shall meet all requirements specified in Section 5.B.5.d.

(3) The facility may include independent living units, provided:

(a) the housing units shall be subject to all provisions regulating the specific housing type or types (e.g. garden apartment, row house), including area and bulk requirements; and,

(b) all of the facilities and services generally available to residents of the congregate housing and nursing home shall also be available to all independent living unit residents.

c. Grocery Store.

(1) The store shall have a minimum gross floor area of 20,000 sq. ft.

d. Nursing Home.

(1) The minimum lot area shall be one acre.

(2) All nursing homes shall be fully licensed by the State of Connecticut and have received a Certificate of Need, as required from the Connecticut Commission on Hospitals and Health Care, prior to issuance of a Zoning Permit by the City.

(3) All required parking areas and loading spaces shall be screened from view from adjacent residential uses on abutting lots by a screen or landscaped or natural buffer, as specified in Section 8.D.

#### **5.B.6. Mill Plain Road Curb Cut Control Plan.**

a. The purpose of this requirement is to provide guidelines for existing and future driveway cuts along Mill Plain Road. By reducing the size and number of areas where conflicting vehicle turning movements occur, it is intended to provide safer and more efficient traffic operations along that roadway.

b. The area subject to this requirement shall be defined as the roadway surface located between the New York State line and its intersection with Exit 4 of Interstate 84. In addition to other requirements described in this and previous sections, all curb cuts shall be brought into conformance with the recommendations contained on the map entitled: "Mill Plain Road - Curb Cut Control Plan". Conformance to the map shall be required only if:

(1) the use of the property changes or any alterations are proposed which would necessitate the filing of a site plan application; or

(2) the State Department of Transportation initiates a major resurfacing of the roadway. At that time, all curb cuts would be viewed as new cuts.



c. In reviewing existing and future curb cuts, the following guidelines shall be considered:

- (1) cuts should be located opposite existing streets and/or major driveways;
- (2) the number of site access points should be limited;
- (3) driveway closures should not restrict internal site circulation;
- (4) connections between adjacent properties should be encouraged; and,
- (5) the design of a curb cut (i.e. width, turning radius, etc.) shall be determined by the Planning Department in the case of permitted uses, or Planning Commission in the case of special exceptions, and the State Department of Transportation.

d. The owner of adjoining lots, whenever practicable, will create a two-way accessway drive between each lot.

#### **5.B.7 .Landscape Requirements.**

##### **a. Front Yards.**

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A continuous strip not less than twenty (20) feet wide shall be maintained between the street lot line and the balance of the lot and shall be suitably landscaped. This strip may be transversed by driveways as approved by the Planning Commission in the case of special exceptions or by the Planning Department in the case of permitted uses. See Section 5.H.1.

## 5.C. LIMITED ROADSIDE COMMERCIAL INDUSTRIAL DISTRICT: LCI-40

### 5.C.1 Purpose and Intent

The purpose of this district is to provide, along certain parts of major thoroughfares or adjacent to commercial or industrial districts, for a combination of commercial and limited industrial uses of types requiring adequate space, such as motels, restaurants and specialized manufacturing or commercial uses not incompatible with residences.

### 5.C.2 Uses

Land and structures may be used only for the following

#### a. Permitted Uses

- (1) Assembling or finishing of articles made from previously prepared cellophane, canvas, cork, fiber, glass, horn, leather, paper, plastics, precious metals or stones, shells, textiles, wood, yarns, or metals.
- (2) Asylum for the mentally ill, insane, or addicted.
- (3) Auditorium.
- (4) Automotive service station for the sale of automotive fuel and lubricants and minor servicing and repair work, but not including welding, body repair, auto painting, or machine shop.
- (5) Banking or financial institutions.
- (6) Barber shop or beauty parlor.
- (7) Billiard parlor, bowling alley, table tennis, miniature or model racing car facilities.
- (8) Bus station.
- (9) Business or professional office.
- (10) Carpentry, millwork, woodwork, or upholsterer.
- (11) Cemetery.
- (12) Church or other place of worship.
- (13) Cleaning, dyeing, laundering, or diaper service;. laundromat. See Section 5.C.4.a.
- (14) Club
- (15) Dressmaker, locksmith, shoe repair, tailor, watch or jewelry repair.
- (16) Farming. See Section 5.C.4.b.
- (17) Firehouse.
- (18) Forest or wildlife reservation.
- (19) Forestry. See Section 5.C.4.c.
- (20) Golf club.
- (21) Hospital.
- (22) Hotel or motel.
- (23) Library.
- (24) Manufacture and assembling of artist's materials, clocks, watches, musical instruments, sporting goods, toys, or office materials.
- (25) Manufacturing, compounding, processing, packaging, or treatment of candy, cosmetics, drugs, or toiletries.
- (26) Manufacture of electrical equipment
- (27) Manufacture of optical goods, business machines, precision instruments, or surgical and dental instruments or equipment.
- (28) Mobile manufactured home park. See Section 5.C.4.d.
- (29) Museum.
- (30) Nursing home. See Section 5.C.4.e.
- (31) One family dwelling. See Section 5.C.4.f.
- (32) Park, play ground, or recreational facility.

- (33) Police station.
  - (34) Research or testing laboratory.
  - (35) Restaurant or café, excluding fast food restaurant, without the sale of alcoholic liquor. See also Section 5.C.2.b. below.
  - (36) Retail sale of antiques, books, clothing and shoes, drugs, dry goods and notions, flowers, food and baked goods, garden supplies, gifts, hardware, toiletries, stationary, or tobacco.
  - (37) Rooming house; boarding house. See Section 5.C.4.g.
  - (38) Sale, rental and /or repair of automobiles, automobile trailers, trucks, house trailers, motorcycles, boats and farm equipment.
  - (39) Sawmill. See Section 5.C.4.h.
  - (40) School.
  - (41) Self service storage.
  - (42) Sewer or water pumping station, telephone exchange, transformer substation, water storage facility. See Section 5.C.4.i.
  - (43) Television or radio repair.
  - (44) Tennis club.
  - (45) Three family dwelling. See Section 5.C.4.j.
  - (46) Two family dwelling. See Section 5.C.4.k.
  - (47) Veterinary hospital, boarding kennel, or breeding kennel.
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b. Special Permit Uses.

- (1) Package store in accordance with Section 3.F.2.
- (2) Restaurant or café, excluding fast food restaurant, with the sale of alcoholic liquor in accordance with Section 3.F.2.
- (3) Tavern in accordance with Section 3.F.2.

c. Accessory Uses. See Section 3.G.

**5.C.3. General Use Regulations**

Unless otherwise specified or modified below, the following regulations shall apply to all uses specified in Section 5.C.2.

Minimum lot area, sq. ft	40,000
Minimum lot area per dwelling unit, sq. ft.	40,000
Minimum lot width, feet	150
Minimum front yard, feet	30
Minimum side yards, each, feet	30
Minimum rear yard, feet	30
Maximum height, feet	30
Maximum building coverage	25%

**5.C.4. Specific Use Regulations: Permitted Uses.**

The following use regulations shall apply to the permitted uses specified below.

a. Cleaning, laundering, dyeing, or diaper service; Laundromat.

- (1) The use shall be served by public water and sewer.

b. Farming.

- (1) Farming may include dairy, truck, or nursery gardening.
- (2) No livestock or poultry except household pets shall be kept on any lot of less than three (3) acres.
- (3) No greenhouse over one thousand five hundred (1,500) square feet in area shall be located on any lot of less than three (3) acres nor within one hundred (100) feet of any lot line.
- (4) No structure used for the housing of livestock or poultry shall be located within fifty (50) feet from any street or within seventy-five (75) feet from any other property line.
- (5) The commercial raising of fur-bearing animals, other than rabbits, and the keeping of swine for commercial purposes is prohibited. Chickens and pigeons may be kept on any lot one acre or larger at the rate of not more than fifty (50) birds per acre.
- (6) No manure or dust producing fertilizer shall be stored in the open within one hundred (100) feet of any property line.
- (7) All poultry, including pigeons, shall be kept within a building or fenced enclosure.
- (8) For the purpose of this Section, a horse or pony shall not be considered a household pet.

c. Forestry.

- (1) A portable sawmill is permitted provided it is located not less than two hundred (200) feet from any street line and five hundred (500) feet from any other property line.

d. Mobile manufactured home park.

- (1) All mobile manufactured home parks shall meet the requirements specified in Section 4.B.8.

e. Nursing home.

- (1) All nursing homes shall be fully licensed by the State of Connecticut and have received a Certificate of Need, as required from the Connecticut Commission on Hospitals and Health Care, prior to issuance of a Zoning Permit by the City.
- (2) All required parking areas and loading spaces shall be screened from view from adjacent residential uses on abutting lots by a screen or landscaped or natural buffer, as specified in Section 8.D.

f. One family dwelling.

- (1) Only one principal dwelling per lot shall be permitted.

g. Rooming house; boarding house.

- (1) Rooming houses and boarding houses are limited to owner-occupied one family dwellings.
- (2) The letting of rooms and furnishing of board shall be limited to eight (8) persons in addition to family members of the dwelling.

(3) No parking areas shall be permitted between the principal building and a public street.

(4) All parking areas shall be screened from adjacent residential properties by a screen or landscaped or natural buffer as specified in Section 8.D.

h. Sawmill.

(1) A sawmill is permitted provided it is located not less than seventy-five (75) feet from any street line or one hundred fifty (150) feet from any other property line.

(2) Timber storage and sales in connection with the sawmill operation is permitted as an accessory use.

i. Sewer or water pumping station, telephone exchange, transformer substation, water storage facility.

(1) The facility shall be screened on all sides by a screen or landscaped or natural buffer as specified in Section 8.D.

(2) There shall be no outside service yard or outside storage.

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(3) The facility shall be completely enclosed by a fence at least six (6) feet in height, all gates shall be secured at all times from entry by unauthorized personnel.

j. Three family dwelling.

(1) Only one three family dwelling per lot shall be permitted.

k. Two family dwelling.

(1) Only one two family dwelling per lot shall be permitted.

## **5.D. LIGHT COMMERCIAL DISTRICT: CL-10.**

### **5.D.1. Purpose and Intent.**

The purpose of this district is to provide an area of limited retail and office uses along the principal approaches to the central business district. The intent of this district is to provide an area for growth of commercial services that may not be appropriate for the central business district but is appropriate on small lots along the major approaches to the central business district. This district is also appropriate for outlying shopping centers to provide commercial services for suburban residential areas.

### **5.D.2. Uses.**

Land and structures may be used only for the following.

#### **a. Permitted Uses.**

- (1) Banking or financial institutions.
- (2) Barber shop or beauty parlor.
- (3) Bus or railroad station.
- (4) Business or professional office.
- (5) Church or other place of worship.
- (6) Club.
- (7) Convenience market.
- (8) Dressmaker, locksmith, shoe repair, tailor, watch or jewelry repair.
- (9) Driving school.
- (10) Employment agency.
- (11) Firehouse.
- (12) Fraternal organization.
- (13) Funeral home.
- (14) Grocery store without the sale of alcoholic liquor. See also Section 5.D.2.c. below.
- (15) Health center, gymnasium, swim club, pool, reducing salon, or tanning salon.
- (16) Hotel or motel.
- (17) Indoor theater.
- (18) Library.
- (19) Medical office.
- (20) Museum.
- (21) Park, playground, or recreation facility.
- (22) Parking area or parking garage.
- (23) Photographic studio.
- (24) Plants for printing, engraving, or bookbinding.
- (25) Police station.
- (26) Post office
- (27) Radio or television station, excluding transmitting towers.
- (28) Real estate or insurance agency.
- (29) Restaurant, fast food restaurant, or café without the sale of alcoholic liquor. See also Section 5.D.2.c. below.
- (30) Retail stores and shops, except package stores. See also Section 5.D.2.c. below.
- (31) Sale, rental, and/or repair of automobiles, automobile trailers, trucks, house trailers, motorcycles, boats, farm equipment.
- (32) School.
- (33) Telephone exchange, transformer substation, sewage or water pumping station.
- (34) Television or radio repair.

(35) Travel agency.

b. Special Exception Uses.

- (1) Congregate housing. See Section 5.D.4.a.
- (2) Continuing care facility. See Section 5.D.4.b.
- (3) Hospital.
- (4) Nursing home. See Section 5.D.4.c.
- (5) Sewage treatment facility.
- (6) Water storage facility.

c. Special Permit Use.

- (1) Grocery store with the sale of alcoholic liquor in accordance with Section 3.F.2.
- (2) Package store in accordance with Section 3.F.2.
- (3) Restaurant or café, excluding fast food restaurant, with the sale of alcoholic liquor in accordance with Section 3.F.2
- (4) Tavern in accordance with Section 3.F.2.

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d. Accessory Uses. See Section 3.G.

**5.D.3. General Use Regulations.**

Unless otherwise specified or modified below, the following regulations shall apply to all uses specified in Section 5.D.2.

Minimum lot area, sq. ft.	10,000
Minimum lot width, ft.	70
Minimum front yard, ft.	10
Minimum side yard, ft.	10
Minimum rear yard, ft.	10
Maximum height, ft.	50
Maximum building coverage	33 1/3%

**5.D.4. Specific Use Regulations: Special exception Uses.**

The following use regulations shall apply to the special exception uses specified below.

a. Congregate Housing.

Congregate housing unaffiliated with a continuing care facility either on or off the lot shall meet all other regulations contained herein for the specific housing type or types (e.g. garden apartment, row house) so constructed as congregate housing, except as modified by the regulations specified below:

- (1) No more than two persons may occupy a dwelling unit;
- (2) The minimum lot area per dwelling unit shall be one thousand (1,000) square feet;
- (3) All required parking areas and loading spaces shall be screened from view from adjacent residential uses on abutting lots by a screen or landscaped or natural buffer, as specified in Section 8.D.; and,

- (4) In addition to common dining facilities, the development may also include recreational facilities, activity centers, and other facilities for use by the residents of the congregate housing development as specified by the regulations of the Connecticut Department of Housing governing congregate housing.

b. Continuing Care Facility.

A continuing care facility shall consist of congregate housing and a nursing home, and may also include independent living units.

(1) Congregate housing shall meet all other regulations contained herein for the specific housing type or types (e.g. garden apartment, row house) so constructed as congregate housing, except as modified by the regulations specified below:

- (a) no more than two persons may occupy a dwelling unit;
- (b) the minimum lot area per dwelling unit shall be one thousand (1,000) square feet;
- (c) such facility shall be under the control or sponsorship of the affiliated nursing home;
- (d) all required parking areas and loading spaces shall be screened from view from adjacent residential uses on abutting lots by a screen or landscaped or natural buffer, as specified in Section 8.D.;
- (e) pedestrian access from the congregate housing to the nursing home shall be provided;
- (f) in addition to common dining facilities, the development may also include recreational facilities, activity centers, and other facilities for use by the residents of the congregate housing development as specified by the regulations of the Connecticut Department of Housing governing congregate housing; and,
- (g) All of the facilities generally available to residents of the nursing home shall also be available to residents of the congregate housing facility.

(2) The nursing home shall meet all requirements specified in Section 5.D.4.c.

(3) The facility may include independent living units, provided:

- (a) the housing units shall be subject to all provisions regulating the specific housing type or types (e.g. garden apartment, row house), including area and bulk requirements; and,
- (b) All of the facilities and services generally available to residents of the congregate housing and nursing home shall also be available to all independent living unit residents.

c. Nursing Home.

- (1) The minimum lot area shall be one acre.
- (2) All nursing homes shall be fully licensed by the State of Connecticut and have received a Certificate of Need, as required from the Connecticut Commission on Hospitals and Health Care, prior to issuance of a Zoning Permit by the City.
- (3) All required parking areas and loading spaces shall be screened from view from adjacent residential uses on abutting lots by a screen or landscaped or natural buffer, as specified in Section 8.D.





## **5.E. NEIGHBORHOOD COMMERCIAL DISTRICTS: CN-5, CN-20.**

### **5.E.1. Purpose and Intent.**

The purpose of this district is to provide a location for stores, shops, personal services and offices of a limited nature that will serve the daily needs of the residents of the immediate neighborhood. The intent is to provide commercial services but to limit their size to avoid unnecessary traffic flow, which adversely affects neighborhoods.

### **5.E.2. Uses.**

Land and structures may be used only for the following.

#### **a. Permitted Uses.**

Nothing herein shall prevent the use of an existing building located on property formerly zoned CG-20 and currently zoned CN-20 by a change in the zoning map effective November 7, 1985, and containing a use permitted in the CG-20 zone but prohibited by the CN-20 zone on effective date of said adoption of said map changes on November 7, 1985, for any use permitted in the CG-20 zone on November 7, 1985. Expansions, enlargements or extensions of existing buildings are subject to Sections 9 and 11 of these Regulations.

- (1) Automotive service stations for the sale of automotive fuel and lubricates and minor servicing and repair work, but not including welding, body repairing, auto painting, or machine shop. See Section 3.D.3.
- (2) Banking for financial institutions.
- (3) Barber shop or beauty parlor.
- (4) Business or professional office.
- (5) Cleaning, laundering, dyeing, or diaper service; laundromat.
- (6) Convenience market.
- (7) Dress maker, shoe repair, and tailor.
- (8) One family dwelling.
- (9) Photographic studio.
- (10) Real estate or insurance agency.
- (11) Restaurant or café, excluding fast food restaurant, without the sale of alcoholic liquor. See also Section 5.E.2.c. below.
- (12) Retail stores and shops, except package stores. See also Section 5.E.2.c. below.
- (13) Television or radio repair.
- (14) Travel agency.

#### **b. Special Exception Uses:**

- (1) Banquet hall.
- (2) Sale and rental of automobiles and trucks, new or used, with inventory, minor servicing and repair work, but not including welding, body repairing, auto painting or machine shop, in CN-5 zoning districts only.
- (3) School.
- (4) Sewage pumping station, sewage treatment facility.
- (5) Water storage facility.

#### **c. Special Permit Uses.**

- (1) Package store in accordance with Section 3.F.2.
- (2) Restaurant or café, excluding fast food restaurant, for the sale of beer and wine only in accordance with Section 3.F.2.

d. Accessory Uses. See Section 3.G.

**5.E.3. General use Regulations.**

a. Unless otherwise specified or modified below, the following regulations shall apply to all uses specified in Section 5.E.2.

DISTRICT	CN-5	CN-20
Minimum lot area, sq. ft.	5,000	20,000
Minimum lot width, ft.	50	100
Minimum front yard, ft.	20	10
Minimum side yard, ft.	10	10
Minimum rear yard, ft.	35	35
Maximum height, ft.	30	30
Maximum building coverage	33 1/3%	33-1/3%

b. By agreement of the owners of two lots in a CN-5 or CN-20 zoning district duly recorded in the Land Records of the City of Danbury, and if such lots are used solely for a use permitted by Section 5.E.2., the required side yards where such lots adjoin may be omitted and the buildings may be built to the common lot line, provided that the opposite side yards shall be not less than 12 feet in width and provided further that the party or other walls separating such buildings shall be of masonry construction. Except in the case of buildings built to the common lot line as above provided, no side yard shall be less than 10 feet in width.

**5.E.4. Specific Use Regulations: Permitted Uses.**

The following use regulations shall apply to the permitted uses specified below.

a. Maximum gross floor area of all buildings per lot shall not exceed 5,000 square feet in a CN-5 zoning district or 20,000 square feet in a CN-20 zoning district.

b. One Family Dwelling.

(1) Only one principal dwelling per lot shall be permitted.

## **5.F. CENTRAL BUSINESS DISTRICT: C-CBD.**

### **5.F.1. Purpose and Intent.**

The purpose of this district is to allow a mixture of compatible uses which will strengthen the down town as the social and economic focus of the City; to promote a cohesive down town for the interaction of people and businesses; to stimulate investment; to improve vehicular access, safety, and parking; to facilitate pedestrian movement; and to provide a setting for community activities.

### **5.F.2. Uses**

Land and structures may be used only for the following.

#### **a. Permitted Uses.**

- (1) Banking or financial institutions.
- (2) Barber shop or beauty parlor.
- (3) Bus or railroad station.
- (4) Business or professional office.
- (5) Church or other place of worship.
- (6) Club
- (7) Convenience market.
- (8) Dressmaker, locksmith, shoe repair, tailor, watch or jewelry repair.
- (9) Driving school.
- (10) Employment agency.
- (11) Entertainment and/or education center.
- (12) Firehouse.
- (13) Fraternal organization
- (14) Funeral home.
- (15) Grocery store without the sale of alcoholic liquor. See also Section 5.F.2.c. below.
- (16) Health center, gymnasium, swim club, swimming pool, reducing salon, or tanning salon. See Section 5.H.4..
- (17) Hotel or motel
- (18) Indoor theater.
- (19) Library.
- (20) Medical office, excluding medical offices or clinics those whose primary function is the treatment of drug addiction or substance abuse.
- (21) Museum.
- (22) One family dwelling. See Section 5.F.4.a.
- (23) Park, playground, or recreation facility.
- (24) Parking area or parking garage.
- (25) Photographic studio.
- (26) Physical medicine facility.
- (27) Police station.
- (28) Post office.
- (29) Radio or television station, excluding transmitting towers.
- (30) Real estate or insurance agency.
- (31) Restaurant, fast food restaurant, or café, without the sale of alcoholic liquor. See also Section 5.F.2.c. below.
- (32) Retail stores and shops, except package store. See also Section 5.F.2.c. below.
- (33) School; college or university

- (34) Shelter for the homeless with no greater than twenty beds.
- (35) Telephone exchange, transformer substation, sewage or water pumping station.
- (36) Television or radio repair.
- (37) Three family dwelling.
- (38) Travel agency.
- (39) Two family dwelling.

b. Special Exception Uses.

Special exception uses in C-CBD district include all uses which according to Section S.C.4. of these Regulations require one hundred (100) or more parking spaces, plus the following.

- (1) Ambulance Service.
- (2) Apartment house, garden apartment, row house, townhouse. See Section 5.F.5.a.
- (3) Automobile polishing, hand washing, and cosmetic care.
- (4) Congregate housing. See Section 5.F.5.b.
- (5) Continuing care facility. See Section 5.F.5.c.
- (6) Hospitals.
- (7) Nursing home. See Section 5.F.5.d.
- (8) Sale and rental of automobiles, automobile trailers, trucks, house trailers, motorcycles, boats and farm equipment, including service and repair as part of such operations.
- (9) Shelter for the homeless with over twenty beds. See Section 5.F.5.e.
- (10) Water storage facilities.

c. Special Permit Uses.

- (1) Grocery store with the sale of alcoholic liquor in accordance with Section 3.F.2.
- (2) Package store in accordance with Section 3.F.2.
- (3) Restaurant or café, excluding fast food restaurant, with the sale of alcoholic liquor, in accordance with Section 3.F.2.
- (4) Tavern in accordance with Section 3.F.2.
- (5) Crematory in accordance with Section 3.F.4.

d. Accessory Uses. See Section 3.G.

**5.F.3. General Use Regulations.**

a. Unless otherwise specified or modified below, the following regulations shall apply to all uses specified in Section 5.F.2.

Minimum lot area, sq. ft	None
Minimum lot width, ft	None
Minimum front yard, ft	None
Minimum side yard, ft	None
Minimum rear yard, ft	None
Maximum height, ft	75
Maximum building coverage	100%

b. development of lots must include all provisions for parking and loading in accord with Section 8.C. of these Regulations.

c. No restaurant, including fast food restaurants, and no retail store or shop may be accessed by a drive-in or drive-through facility by which food, beverages, or products are dispensed to patrons within motor vehicles.

**5.F.4. Specific Use Regulations: Permitted Uses.**

The following use regulations shall apply to the permitted uses specified below.

a. One Family Dwelling.

(1) Only one principal dwelling per lot shall be permitted.

**5.F.5. Specific Use Regulations: Special Exception Uses.**

The following use regulations shall apply to the special exception uses specified below.

a. Apartment house, garden apartment, row house and townhouse.

(1) Each dwelling unit shall contain the minimum floor area as set below:

Efficiency	300 square feet
One bedroom	425 square feet
Two bedroom	600 square feet
Three bedroom	750 square feet
Each additional bedroom	100 square feet

b. Congregate Housing.

Congregate housing unaffiliated with a continuing care facility either on or off the lot shall meet all other regulations contained herein for the specific housing type or types (e.g. garden apartment, row house) so constructed as congregate housing, except as modified by the regulations specified below:

(1) no more than two persons may occupy a dwelling unit;

(2) the minimum lot area per dwelling unit shall be one thousand (1,000) square feet;

(3) all required parking areas and loading spaces shall be screened from view from adjacent residential uses on abutting lots by a screen or landscaped or natural buffer, as specified in Section 8.D.; and,

(4) in addition to common dining facilities, the development may also include recreational facilities, activity centers, and other facilities for use by the residents of the congregate housing development as specified by the regulations of the Connecticut Department of Housing governing congregate housing.

c. Continuing Care Facility.

A continuing care facility shall consist of congregate housing and a nursing home, and may also include independent living units.

(1) Congregate housing shall meet all other regulations contained herein for the specific housing type or types (e.g. garden apartment, row house) so constructed as congregate housing, except as modified by the regulations specified below:

- (a) no more than two persons may occupy a dwelling unit;
- (b) the minimum lot area per dwelling unit shall be one thousand (1,000) square feet;
- (c) such facility shall be under the control or sponsorship of the affiliated nursing home;
- (d) all required parking areas and loading spaces shall be screened from view from adjacent residential uses on abutting lots by a screen or landscaped or natural buffer, as specified in Section 8.D.;
- (e) pedestrian access from the congregate housing to the nursing home shall be provided;
- (f) in addition to common dining facilities, the development may also include recreational facilities, activity centers, and other facilities for use by the residents of the Connecticut Department of Housing governing congregate housing; and,
- (g) all of the facilities generally available to residents of the nursing home shall also be available to residents of the congregate housing facility.

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(2) The nursing home shall meet all requirements specified in Section 5.F.5.d.

(3) The facility may include independent living units, provided:

- (a) the housing units shall be subject to all provisions regulating the specific housing type or types (e.g. garden apartment, row house), including area and bulk requirements; and,
- (b) all of the facilities and services generally available to residents of the congregate housing and nursing home shall also be available to all independent living unit residents.

d. Nursing Home.

- (1) The minimum lot area shall be one acre.
- (2) All nursing homes shall be fully licensed by the State of Connecticut and have received a Certificate of Need, as required from the Connecticut Commission on Hospitals and Health Care, prior to issuance of a Zoning Permit by the City.
- (3) All required parking areas and loading spaces shall be screened from view from adjacent residential uses on abutting lots by a screen or landscaped or natural buffer, as specified in Section 8.D.

e. Shelter for the Homeless.

- (1) The shelter shall be sponsored by the City or a non-profit organization.

## **5.G. CAMPUS RESEARCH PARK: CRP.**

### **5.G.1. Purpose and Intent.**

The purpose and intent of the Campus Research Park (CRP) Zoning District is to provide for the integrated design of a mixed-use campus research park, offering education, job training, and/or research and development in basic and applied science, including related housing and ancillary services intended for the use of colleges or universities and students, faculty and employees of businesses affiliated with the research park.

### **5.G.2. General Regulations.**

The CRP Zoning District shall have a minimum gross area of 10 acres that may consist of one parcel or several contiguous parcels, including parcels that are separated by a public street. The Campus Research Park Zoning District may include all uses as specified herein, including a campus research park consisting of two or more of the special exception uses specified herein.

### **5.G.3. Uses.**

Land and structures may be used only for the following.

#### **a. Permitted Uses.**

- (1) Church or other place of worship. See Section 5.G.5.a.
- (2) College or university. See Section 5.G.5.b.
- (3) Nursery, kindergarten, elementary or secondary school. See Section 5.G.5.c.
- (4) One family dwelling. See Section 5.G.5.d.
- (5) Telephone exchange, transformer substation, water treatment facility, sewage or water pumping station, water storage facility. See Section 5.G.5.e.
- (6) Two and three family dwelling. See Section 5.G.5.f.

#### **a. Special Exception Uses.**

Land and structures may be used for the special exception uses listed below provided they are part of a campus research park development and related to the purpose and intent thereto. See Section 5.G.6.

- (1) Auditorium.
- (2) Business hotel or motel.
- (3) Business incubator.
- (4) Business offices for administration of the campus research park.
- (5) Business or professional office.
- (6) Campus center.
- (7) Classrooms and laboratories for basic or applied research and instruction, including research and development in the fields of biotechnology, medical, semi-conductor, pharmaceutical, physical, biological, behavioral sciences and technology, plastics and polymers, photonics and optics, environmental science, toxicology, wildlife medicine, genetics, comparative medicine, bioengineering, cell biology, human and animal nutrition, and veterinary medicine, including administrative and business support services for the foregoing activities.
- (8) Conference center.
- (9) Day care center, child.
- (10) Restaurant, principally for use of students, faculty and staff of the campus park development, without the sale of alcoholic beverages. See also Section 5.G.7.



- (11) Garden apartments, row houses, apartments and dormitories for students, faculty, and employees of colleges and universities and businesses affiliated with the campus research park.
- (12) Library.
- (13) Live/work units.
- (14) Park, playground or recreation facility.
- (15) Parking garage or deck.

**5.G.4. General Use Regulations.**

The following regulations shall apply to all uses specified in Section 5.G.3., unless otherwise specified in 5.G.5. and 5.G.6. For mixed use development containing, on one lot, two or more uses specified above, the minimum lot area shall be the sum of the minimum lot areas for each use so located on the lot and the minimum distance shall be 25 feet between principal buildings and 6 feet between accessory buildings.

a. Principal uses and buildings.

Minimum lot area, residential, sq. ft. per unit	
Garden apartment, row house, live/work unit	2,500
Apartment	1,500
Dormitories	500 per room (plus required parking)
Minimum lot area, all others, sq. ft.	20,000
Minimum lot width, ft.	100
Minimum front yard, ft.	25 (see Sec. 5.G.6)
Minimum side yard, ft.	10 (see Sec. 5.G.6)
Minimum rear yard, ft.	25 (see Sec. 5.G.6)
Maximum height, ft.	
Garden apartments, row houses, live/work units	35
Apartments, dormitories, all others	65, except the maximum height shall not be greater than 45 feet for buildings and structures closer than 100 feet from any single family residential zoning district boundary other than property boundaries of a college or university.
Maximum building coverage	30%

b. Accessory uses and buildings.

Detached accessory buildings and uses shall meet all other requirements as specified in Section 3.G. of these Regulations even if such are related to non-residential uses. Minimum side and rear yards for detached accessory buildings and uses shall be six (6) feet.

**5.G.5. Specific Use Regulations: Permitted Uses.**

The following use regulations shall apply to the permitted uses specified below.

a. Church and other place of worship.

- (1) The minimum lot area shall be one acre.
- (2) Vehicular access onto the site shall be provided solely from a collector or arterial street.
- (3) The lot shall be buffered from adjacent properties on the side and rear by a screen or landscaped buffer as defined in Section 8.D.
- (4) The minimum building setbacks shall be as follows: front yard 50 feet; side yard 50 feet; and, rear yard 75 feet.
- (5) A rectory and/or parish hall is permitted as an accessory use.

b. College or university.

- (1) The minimum lot area shall be ten (10) acres.
- (2) Vehicular access to the site shall be provided from an arterial street.
- (3) The minimum building setbacks shall be as follows: front yard 50 feet; side yard 50 feet; and, rear yard 75 feet.
- (4) The site shall be served by municipal sewer and water facilities.
- (5) The facility shall be accredited by the State of Connecticut.

c. Nursery, kindergarten, elementary or secondary school.

- (1) The minimum lot area shall be two (2) acres.
- (2) Vehicular access to the site shall be provided from a collector or an arterial street.
- (3) The site shall be served by municipal sewer and water facilities.
- (4) The site shall be buffered from adjacent properties on the side or rear yard by a screen, landscaped buffer, or natural buffer as defined in Section 8.D.
- (5) The minimum building setbacks shall be as follows: front yard 50 feet; side yard 50 feet; and, rear yard 75 feet.
- (6) The facility shall be accredited by the State of Connecticut.

d. One family dwelling.

- (1) All one family dwellings shall comply with applicable regulations as specified in Section 4.A. of these Regulations for one family dwellings in the RA-8 Zoning District.

e. Telephone exchange, transformer substation, water treatment facility, sewage or water pumping station, water storage facility.

- (1) The facility shall be buffered on all sides by a screen or landscaped buffer as defined in Section 8.D.
- (2) There shall be no outside service yard or outside storage.
- (3) The facility shall be completely enclosed by a fence at least six (6) feet in height.

f. Two and three family dwelling.

- (1) All two and three family dwellings shall comply with applicable regulations as specified in Section 4.B. of these Regulations for two and three family dwellings in the RMF-4 Zoning District.
- (2) The site shall be served by municipal sewer and water facilities.

**5.G.6. Specific Use Regulations: Campus Research Park Regulations.**

The following use regulations shall apply to a campus research park development.

a. General Regulations.

At the time of the submission for approval of a petition to change the zone of a site to the Campus Research Park Zoning District, the site shall be under single ownership and control. A campus research park shall contain a combination of two or more uses where the different types of land use are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared facilities, all uses designed and intended to be used in accordance with the purpose and intent of the Campus Research Park Zoning District.

b. Overall Layout.

The overall site design for a campus research park is limited to uses specified in Section 5.G.3.b. above. Uses within the campus research park shall be designed and oriented toward one another within a campus-like setting, not oriented toward uses outside the campus research park, and intended for the use of persons and firms associated with the development. The park shall be designed as a unified whole with functional consideration given to the coordinated layout of buildings, the location of streets and sidewalks, the distribution of open space, and landscaping. The location of uses shall be so arranged to limit undue detrimental effect upon surrounding properties including, but not limited to, the effect of noise and other nuisances on abutting residential zoning districts.

- (1) Area. The campus research park shall have a minimum gross area of 10 acres that may consist of several contiguous parcels, including parcels that are separated by a public street.
- (2) Location. The campus research park shall abut or lie directly across a public street from a college or university for a minimum width of 100 feet.
- (3) Perimeter Yards. Except as specified below, all buildings or other roofed structures located within the Campus Research Park shall be a minimum of 100 feet from any abutting single-family residential zoning district boundary. Parking areas, including spaces, aisles and related landscaping, may be located within the 100 foot perimeter yard provided they are located a minimum of 25 feet from any single-family residential zoning district boundary. If topographic or other barriers do not provide reasonable privacy between the campus research park and abutting single-family residential zoning districts, as determined by the Planning Commission, a view-restrictive screen, landscaped or natural buffer, as specified in Section 8.D., may be required. Undeveloped perimeter yards left as open space may be considered and counted as common open space. These perimeter yard restrictions shall not apply to any portion of the Campus Research Park abutting college or university property, including such property zoned single-family residential, in which case the requirements of Section 5.G.4. shall apply exclusively.
- (4) Motor Vehicle Access. Access to the campus research park across abutting zoning districts shall comply with Section 8.B.2. of these Regulations.
- (5) Residential uses; business hotels and motels. No more than fifty (50) percent of the total ground floor area of all buildings in the campus research park may be devoted to residential uses and business hotels and motels, including accessory buildings.

c. Common Open Space.

Not less than thirty (30) percent of the total land area of the campus research park development shall be reserved for common open space, which may include: park, playground and recreational facilities; bicycle paths, running paths and hiking trails. No playground or recreational facility other than bicycle paths, running paths and hiking trails may be located within the front, side or rear yard specified in Section 5.G.4.a. Common open space shall be suitably landscaped and may include, for purposes of calculation, all required yards left as open space abutting other property and adjacent single family residential zoning districts. All lands not offered for dedication to the City shall be owned and maintained by an association to be formed by the owner(s) of the property. The method of ownership and maintenance of all common open space designated for the development shall be specified at the time of application for approval of a special exception.

d. Parking.

The campus research park development shall meet the requirements of Section 8.C. of these Regulations. References to elderly housing in Section 8.C.4. shall refer to housing restricted to occupants aged 55 or older pursuant to applicable law.

Parking facilities serving primarily a nighttime or weekend use may be counted proportionally as facilities for a primary daytime or weekend use, and vice versa, when each use is assured permanent access to the facilities of the other use, and when there will be no substantial overlapping in parking periods. Shared parking facilities shall be within the same phase containing the uses to be served and under the same ownership or long-term lease for the life of the other use sharing said parking. All plans proposing such shared parking shall include evidence of compliance with this provision at the time of application for special exception approval.

e. Sewer and Water Service.

All uses within the campus research park development shall be served by municipal sewer and water facilities.

f. Performance Bonds.

- (1) All improvements shall, unless specifically agreed to by the City, be made by the owner at his expense, without reimbursement by the City. To ensure completion of all required public improvements, including public road improvements, the Planning Commission may, as a condition of approval of the special exception, require a performance bond to be filed with the City, in an amount recommended by the City Engineer, to represent its estimate of the cost of the proposed work plus an additional factor of twenty (20) percent. The bond shall be posted in the form of a passbook savings account or letter of credit to the City under terms acceptable to the City.
- (2) All provisions of the Subdivision Regulations governing performance bonds shall apply. The term of a letter of credit shall not be less than the time remaining to complete the approved special exception site plan plus an additional six (6) months. A letter of credit shall provide for at least thirty (30) days written notice of expiration to the Planning Commission. The amount of the performance bond may be reviewed by the City every two years and said amount may be adjusted as deemed necessary to ensure that adequate funds are available to complete all work as required by these Regulations.

**5.G.7. Special Permit Uses.**

Restaurant principally for use of students, faculty and staff of the campus park development, with the sale of alcoholic beverages in accordance with Section 3.F.2.

**5.G.8. Special Exception Applications.**

a. General.

Applications for approval of special exceptions, including the Campus Research Park, shall be submitted to the Planning Commission in accordance with Section 10.C. of these Regulations, including submission of a site plan in accordance with Section 10.D. of these Regulations, for the proposed development or for each phase or phases thereof. A separate site plan shall be submitted for each phase of development. All site plans that include a campus center shall indicate the uses proposed to be located within the center. Each site plan shall indicate the total ground floor area of buildings devoted to residential uses and business hotels and motels.

The Planning Commission may require such reasonable conditions as permitted under law upon approval as may be necessary to ensure that the site plan conforms to the requirements of these Regulations.

b. General Layout Plan.

To ensure that all provisions of these Regulations shall be met upon completion of a Campus Research Park, all applications for development submitted for approval in phases within the campus research park shall include with the site plan application a General Layout Plan of the entire campus research park which shall include the following:

- (1) Name of proposed development; name and address of the property owner; if the petitioner is not the property owner, a statement of consent executed by the property owner; name, address and seal of the individual or firm(s) preparing the General Layout Plan; date of the site plan application;
- (2) The total tract and proposed phase boundaries of development, drawn in accordance with an applicable Class A-2 Survey, which complies with the 1976 code adopted by the Connecticut Association of Land Surveyors, with distances marked to at least the nearest foot; all perimeter yards as required herein; graphic scale, north point or arrow; vicinity map showing surrounding properties and existing zoning; topography, wetlands, flood plains, streams and rivers, based on readily available information;
- (3) Area in square feet of the total campus research park site and each phase; a note stating the total area in square feet required for common open space in the campus research park and provided in each site plan;
- (4) General layout of approved phases of development and the site plan for phases submitted for approval, including structures, parking, and vehicular access; for the remainder of the campus research park, existing buildings and structures and existing and proposed rights-of-way, easements, storm drainage facilities and public utility extensions and easements; and,
- (5) All existing and proposed streets providing motor vehicle access to each phase and the total length of streets proposed to be conveyed to the City, if any; off-site road and intersection improvements proposed to serve the campus research park.

The General Layout Plan shall be updated as necessary as each new site plan application is submitted for each phase.

**5.G.9. Relationship With Other Regulations.**

All other provisions of the Zoning Regulations not in conflict with specific provisions of this Section 5.G. shall apply. All site plans that require or contemplate a subdivision or resubdivision of land shall comply with the Subdivision Regulations of the City of Danbury. These Regulations shall not abrogate or annul other applicable municipal, state or Federal regulations.

## **5.H. ADDITIONAL COMMERCIAL REGULATIONS.**

The following regulations shall apply to all commercial districts.

### **5.H.1. Landscape Requirements.**

#### **a. General.**

All required landscaping shall be indicated on the required site plan as required in Section 10.D. and shall be in accordance with these regulations and those specified in Section 8.D. of these Regulations.

#### **b. Residential District Buffers.**

Where adjacent to residential districts, commercial uses shall be separated from such residential districts by a "landscape buffer" or a "natural buffer" or a "screen". The type of separation and width of any buffer shall be as required by the Planning Commission in the case of a special exception, or by the Planning Department in the case of a permitted use.

### **5.H.2. Parking.**

a. Where the front of a commercial use faces on a residential use or district, no off-street parking will be allowed in the required front yard of such commercial use.

b. All parking area design shall meet the requirements specified in Section 8.C., including requirements specific for commercial zoning districts.

### **5.H.3. Signs.**

All signs shall comply with the sign regulations specified in Section 8.E.



## SECTION 6. INDUSTRIAL DISTRICTS

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A. Light Industrial District: IL-40.	6-1
B. General Industrial District: IG-80.	6-5
C. Additional Industrial Regulations.	6-8

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### 6.A. LIGHT INDUSTRIAL DISTRICT: IL-40.

#### 6.A.1. Purpose and Intent.

The purpose of this district is to provide an area for expansion of the industrial base in the City. The uses allowed in this district are of a limited and light industrial nature that if appropriately developed can be compatible with abutting commercial and residential uses.

#### 6.A.2. Uses.

Land and structures may be used only for the following:

##### a. Permitted Uses.

- (1) Adult day care center. See Section 6.A.4.a.
- (2) Assembling or finishing of articles made from previously prepared cellophane, canvas, cork, fiber, glass, horn, leather, paper, plastics, precious metals or stones, shells, textiles, wood, yarns, and metals, excluding the manufacture or processing of such materials, paper or pulp and tanneries.
- (3) Bakery, wholesale.
- (4) Banking or financial institution.
- (5) Business or professional office.
- (6) Carpentry, woodworking, millwork, or upholsterer.
- (7) Cleaning, laundering, dyeing, or diaper service. See Section 6.A.4.b.
- (8) Contractor's offices, including general, building, electrical, HVAC, landscaping, and mechanical. See Section 3.E.4.
- (9) Day care center. See Section 6.A.4.c.
- (10) Firehouse.
- (11) Fuel cell power generation facility. See Section 6.A.4.d.
- (12) Institution for instruction in a skill or vocation.
- (13) Manufacture and assembling of artist's materials, clocks and watches, musical instruments, sporting goods, toys, or office materials.
- (14) Manufacture of electrical equipment.
- (15) Manufacture of optical goods, business machines, precision instruments, or medical, diagnostic, surgical and dental instruments and equipment.
- (16) Manufacturing, compounding, processing, packaging or treatment of candy, cosmetics, drugs, pharmaceuticals, or toiletries.
- (17) Parking area; parking garage.
- (18) Plants for printing, engraving, bookbinding, or other reproductive services.
- (19) Police station.
- (20) Post office, mailing agency, parcel delivery.
- (21) Processing, lettering, engraving, polishing, or sale of monumental stones to order, but excluding preliminary cutting and shaping.
- (22) Radio or television station, excluding transmitting towers.
- (23) Repair of automobiles, trailers, trucks, house trailers, boats, or farm equipment, including full body paint spraying and all body and fender work.
- (24) Research or testing laboratories.
- (25) Telephone exchange, sewer or water pumping station.



b. Special Exception Uses.

- (1) Airport.
- (2) Airport passenger terminal, aircraft hangar and storage space, aircraft maintenance shops, rental facilities, or flight instruction facilities. See Section 6.A.5.a.
- (3) Automobile service station with or without repair service. See Sections 3.E.9. and 6.A.5.b.
- (4) Bus terminal; school bus terminal. See Section 6.A.5.c.
- (5) Gymnasium or health center. See Section 6.A.5.d.
- (6) Hotel or motel.
- (7) Medical office; physical medical facility.
- (8) Metal finishing, plating, grinding, polishing, cleaning, or rust proofing, stamping and extrusion of small products, excluding the storage or sale of scrap metals.
- (9) Storage and dry processing of waste paper, excluding incineration.
- (10) Storage or sale of building materials. See Section 3.E.4.
- (11) Storage, sale, rental and/or repair of construction equipment. See Section 3.E.4.
- (12) Transfer station if in existence prior to the effective date of this amendment [October 15, 2007].
- (13) Transformer substation, water storage facility.
- (14) Truck terminal, warehouse, moving and storage establishment; self-service storage. See Section 6.C.3.
- (15) Wholesale distributor. See Section 6.C.3.

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c. Accessory Uses. See Sections 3.G. and 6.C.5.

**6.A.3. General Use Regulations**

Unless otherwise specified or modified below, the following regulations shall apply to all lots in the IL-40 Zoning District. See Section 6.C.4.

Minimum lot area, sq. ft.	40,000
Minimum lot width, ft.	150
Minimum front yard setback, ft.	30
Minimum side yard setback, ft.	20, except 30' where the yard abuts a residential zoning district.
Minimum rear yard setback, ft.	30
Maximum height, ft.	45
Maximum building coverage	30%

**6.A.4. Specific Use Regulations: Permitted Uses.**

The following use regulations shall apply to the permitted uses specified below:

a. Adult day care center.

- (1) The facility shall be licensed in accordance with the State of Connecticut requirements.
- (2) A driveway shall be provided which allows for the safe delivery of clients to the facility by motor vehicle.

b. Cleaning, laundering, dyeing, or diaper service.

- (1) The use shall be served by municipal water and sewer.

c. Day care center.

- (1) The use shall be served by municipal sewer and water.
- (2) The facility shall be licensed in accordance with the State of Connecticut requirements.
- (3) All outdoor play yards shall be enclosed by a fence.
- (4) A driveway shall be provided which allows for the safe delivery of children to the facility by motor vehicle.

d. Fuel cell power generation facility.

- (1) The facility shall be completely enclosed by a fence at least six (6) feet in height; all gates shall be secured at all times from entry by unauthorized personnel.
- (2) There shall be no outside storage of materials.
- (3) The facility shall be screened from view from adjacent residential uses on abutting lots by a landscaped or natural buffer, as specified in Section 8.D.

**6.A.5. Specific Use Regulations: Special Exception Uses.**

The following use regulations shall apply to the special exception uses specified below.

a. Airport passenger terminal, aircraft hangar and storage space, aircraft maintenance shops, rental facilities, or flight instruction facilities.

- (1) Lots must abut the Municipal Airport of the City of Danbury.
- (2) The outer boundary of such lots shall not be more than five hundred (500) feet from the point where the lot abuts the Municipal Airport of the City of Danbury.

b. Automobile service station with or without repair service.

- (1) Stations shall be less than three bays without repair service, and no greater than three bays with repair service.

c. Bus terminal; school bus terminal.

- (1) Terminals shall have direct access to an arterial street.

d. Gymnasium or health center.

Gymnasiums and health centers may provide therapeutic massage as an accessory use operated in conjunction with athletic, physical fitness, or weight reduction programs, provided such is administered solely by a massage therapist licensed to practice massage therapy by the State of Connecticut. A copy of a current Connecticut massage therapist's license for each person administering therapeutic massage on the premises shall be included with the application for a Zoning Permit for the use; all additional persons administering therapeutic massage on the premises shall provide the Zoning Enforcement Officer with a copy of their current massage therapist licenses. Licenses for all persons administering therapeutic massage shall be prominently displayed on the premises.



## **6.B. GENERAL INDUSTRIAL DISTRICT: IG-80.**

### **6.B.1. Purpose and Intent.**

The purpose of this district is to provide an area for manufacturing, assembly, and product processing of a more general industrial nature than permitted in the IL-40 district. Large lot areas are required to provide an appropriate buffer for the heavy industrial uses that are permitted. This district is also appropriate for planned industrial uses organized in an industrial park setting in suburban locations.

### **6.B.2. Uses.**

Land and structures may be used only for the following.

#### **a. Permitted Uses.**

- (1) Assembling or finishing of articles made from previously prepared cellophane, canvas, cork, fiber, glass, horn, leather, paper, plastics, precious metals or stones, shells, textiles, wood, yarns, and metals, excluding the manufacture or processing of such materials, paper or pulp and tanneries.
- (2) Bakery, wholesale.
- (3) Banking or financial institutions.
- (4) Business or professional offices.
- (5) Carpentry, woodworking, or millwork manufacture.
- (6) Cleaning, laundering, dyeing, or diaper service. See Section 6.B.4.a.
- (7) Contractor's offices, including general, building, electrical, HVAC, landscaping, and mechanical. See Section 3.E.4.
- (8) Firehouse.
- (9) Fuel cell power generation facility. See Section 6.B.4.b.
- (10) Manufacture and assembling of artist's materials, clocks and watches, musical instruments, sporting goods, toys, or office materials.
- (11) Manufacture of: electrical equipment; felt for hats; manufacturing of hats; glass, including installation; insecticides, fungicides, disinfectants, detergents, and similar industrial and household chemical products; optical goods; business machines, precision instruments; medical, diagnostic, surgical and dental instruments and equipment; pottery or ceramic products; silverware and similar products; and transportation equipment.
- (12) Manufacturing, compounding, processing, packaging or treatment of candy, cosmetics, drugs, pharmaceuticals or toiletries.
- (13) Metal fabrication, sheet metal work.
- (14) Monument or stone cutting plant.
- (15) Parking area; parking garage.
- (16) Plants for printing, engraving, bookbinding, and other reproductive services.
- (17) Police Station.
- (18) Post office, mailing agency, parcel delivery.
- (19) Repair, including full body paint spraying and all body and fender work of automobiles, trailers, trucks, house trailers, boats, farm equipment.
- (20) Research or testing laboratories.
- (21) Telephone exchange, sewer and water pumping station.
- (22) Textile spinning, weaving, manufacturing, dyeing, printing, or processing, excluding tanneries.
- (23) Wood waste processing. See Section 6.B.4.c.

#### **b. Special Exception Uses.**

- (1) Electric power plant. See Sec. 6.B.5.a.
- (2) Machine manufacturing.
- (3) Manufacture of bricks, tile, terra cotta, cement, concrete and concrete products.
- (4) Metal finishing, plating, grinding, polishing, cleaning, or rust proofing, stamping and extrusion of small products, excluding the storage or sale of scrap metal.
- (5) Petroleum distribution and storage. See Section 6.B.5.b.

- (6) Processing of fur and wool.
- (7) Screening of earth materials, not including washing or crushing. See Sec. 6.B.5.c.
- (8) Sewage treatment facility, transformer substation, water storage facility.
- (9) Smelting and refining of precious metals.
- (10) Storage of concrete aggregates or manufacture of concrete and concrete products.
- (11) Storage or manufacture of bituminous product. See Section 3.E.4.
- (12) Storage or sale of building materials. See Section 3.E.4.
- (13) Storage, sale, rental or repair of construction equipment. See Section 3.E.4.
- (14) Tool and die making, including incidental casting.
- (15) Truck terminal, warehouse, moving and storage establishment; self-service storage. See Section 6.C.3.
- (16) Wholesale distributor. See Section 6.C.3.

c. Accessory Uses. See Sections 3.G. and 6.C.5.

**6.B.3. General Use Regulations**

Unless otherwise specified or modified below, the following regulations shall apply to all lots in the IG-80 Zoning District. See Section 6.C.4.

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Minimum lot area, sq. ft.	80,000
Minimum lot width, ft.	200
Minimum front yard setback, ft.	40
Minimum side yard setback, ft.	30, except 40' where the yard abuts a residential zoning district.
Minimum rear yard setback, ft.	40
Maximum height, ft.	35
Maximum building coverage	30%

**6.B.4. Specific Use Regulations: Permitted Uses.**

The following use regulations shall apply to the permitted uses specified below:

- a. Cleaning, laundering, dyeing, or diaper service.
  - (1) The use shall be served by municipal water and sewer.
- b. Fuel cell power generation facility.
  - (1) The facility shall be completely enclosed by a fence at least six (6) feet in height; all gates shall be secured at all times from entry by unauthorized personnel.
  - (2) There shall be no outside storage of materials.
  - (3) The facility shall be screened from view from adjacent residential uses on abutting lots by a landscaped or natural buffer, as specified in Section 8.D.
- c. Wood Waste Processing.
  - (1) No portion of any lot or area devoted to wood waste processing shall be closer than five hundred (500) feet from any residential zoning district.

**6.B.5. Specific Use Regulations: Special Exception Uses.**

The following use regulations shall apply to the special exception uses specified below.

- a. Electric power plant.

(1) All lots containing an electric power plant shall be a minimum of five hundred (500) feet from any residential zoning district line.

b. Petroleum Distribution and Storage.

(1) Storage tanks in excess of 10,000 gallons of capacity shall require approval of the Fire Marshal.

c. Screening of Earth Materials.

(1) This use is defined as the sifting of earth material through screen to remove stones.

## 6.C. ADDITIONAL INDUSTRIAL REGULATIONS.

The following regulations shall apply to all industrial districts.

### 6.C.1. Performance Standards.

#### a. General.

##### (1) Application.

Any existing or proposed use carried on in an industrial district shall conform to the following standards. The performance standards shall be measured at the lot line of each use, or group of uses, except where such lot line adjoins a commercial or residential district. At such district boundaries, performance standards shall be measured one hundred fifty (150) feet inside the industrial district boundary.

##### (2) Certification.

The developer shall at his own expense furnish in writing, together with the application for a zoning permit, sufficient evidence to the Zoning Enforcement Officer that the proposed use will not produce any nuisance in excess of the measurable performance standards listed below.

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#### b. Standards.

##### (1) Smoke.

Smoke or other air contaminant shall not be discharged into the atmosphere for a period or periods aggregating more than three (3) minutes in any one hour, which is as dark or darker in shade than as designated at No. 2 on the Ringleman Chart, as published by the United States Bureau of Mines, or which is of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke, designated at No. 2 on the Ringleman Chart.

##### (2) Odor.

Offensive odors, as defined by Section 22a-174-23 of the regulations promulgated by the Connecticut Department of Environmental Protection (D.E.P.), shall not be discharged beyond the property line of an operation that stores, uses or produces a substance which will cause said odor. Any determination of a violation of Section 22a-174-23, in effect as of January 1, 1994 as the same shall be amended from time to time, constitutes a violation of this provision. The determination of a violation shall be made by the Connecticut D.E.P. Air Management Bureau staff or City of Danbury personnel who have received equivalent training by the D.E.P. in investigating air pollution problems.

- (a) Where lot lines bounding and industrial use adjoin a residential district, there shall be no offensive odors noticeable at said lot lines.

##### (3) Vibration

No noticeable vibration shall exceed the standards developed by the U.S. Bureau of Mines, Bulletin #442, or any revision thereof.

- (a) Where lot lines bounding an industrial use adjoin a residential zoning district, there shall be no vibration noticeable at said lot lines.

### **6.C.2. Landscape Requirements.**

The following landscape buffer requirements shall apply to all industrial zoning districts.

a. General.

All required landscaping and perimeter plantings shall be indicated on a Landscaping Plan submitted as part of the site plan as required in Section 10.D. and shall be in accordance with these Regulations and those specified in Section 8.D. of these Regulations for landscaped buffers.

b. Front Yards.

In all industrial zoning districts, a continuous perimeter planting strip not less than twenty (20) feet deep shall be maintained along the entire front lot line from the street/front lot line to the balance of the lot. The perimeter planting strip shall be fully landscaped with a combination of trees and shrubs. Grass, flowers or other living ground cover shall be planted and mulched on incidental portions of the perimeter planting strip not covered by other landscape material. All plant material shall be maintained. This perimeter planting strip required for front yards may be crossed by approved driveways and walks provided that (1) in no case shall such plantings obscure required sight distances for driveways and (2) travel lanes serving drive-through uses shall not extend into front yard setbacks or perimeter planting strips (see Sec. 3.E.8.). The parking of motor vehicles or equipment within the perimeter planting strip is prohibited.

All perimeter planting strips require review and approval by the Planning Commission in the case of special exceptions or by the Department of Planning and Zoning in the case of permitted uses to determine compliance with this section.

c. Residential District Buffers.

In all industrial zoning districts, where any portion of any side or rear lot line of any use abuts a residential zoning district boundary, said use shall be screened from view from the residential district boundary by a minimum thirty (30) foot deep perimeter planting strip along said lot line. The area to be screened shall be substantially covered with a combination of shrubs and deciduous and coniferous trees, all selected to provide a view-restrictive screen. Grass or other living ground cover shall be planted and mulched on incidental portions of the landscape strip not covered by other landscaping material. A view-restrictive fence or wall may also be required to ensure adequate screening. All plant material shall be maintained.

All residential buffer strips require review and approval by the Planning Commission in the case of special exceptions or by the Department of Planning and Zoning in the case of permitted uses to determine compliance with this section.

d. Parking.

No off-street parking, storage or display of motor vehicles shall be permitted in the required front yard setback of any use in any industrial zoning district. All parking areas in industrial zoning districts shall meet the requirements specified in Section 8.C.

### **6.C.3. Warehouse and Wholesale Distributor Retail Sales.**

A warehouse or wholesale distributor business may be permitted to conduct a temporary retail sale of goods stored on the premises as part of the business upon approval of a Zoning Permit by the Zoning Enforcement Officer, subject to the following conditions:

- a. The retail sales period shall not exceed ten (10) consecutive days commencing on the first day of the sale. The business shall not conduct more than two retail sales in one calendar year at intervals of not less than



three months. The Zoning Enforcement Officer shall be notified in writing at least seven (7) days prior to the commencement of each sale.

- b. The area devoted to the retail sale shall be clearly identified and shall be a maximum of five thousand (5000) square feet.
- c. The area devoted to the retail sale shall be located wholly within the building in which the principal use is conducted and no item shall be sold or displayed in any part of the building or lot outside the area devoted to the retail sale.
- d. In addition to the parking facilities provided for the principal use pursuant to Section 8.C. of these Regulations, additional temporary parking shall be provided for such retail sales pursuant to Section 8.C. of these Regulations. Parking facilities shall be on the same lot with the principal use except that all or part of the required facilities for the retail sales may be provided on other property, pursuant to an agreement with the other property owners, the pedestrian entrance to which is within five hundred (500) feet walking distance to a pedestrian entrance to the principal use being served and provided such access is provided by a walkway approved by the Zoning Enforcement Officer and indicated on an approved plot plan or site plan.
- e. The entity conducting such sale shall provide at its own cost such adequate traffic and safety control measures including but not limited to traffic patrolman and traffic signs as may be necessary to avoid undue traffic congestion and hazards.
- f. The applicant shall submit to the Zoning Enforcement Officer a letter of approval from the Fire Marshal, if so required, stating that all facilities to be used in connection with the proposed retail sale comply with all the provisions and regulations of the fire code.

#### **6.C.4. Yard Setback and Frontage Exclusions.**

- a. Side yard setbacks of adjoining lot lines may be omitted provided both lots are zoned entirely within an industrial zoning district and make use of a single shared driveway entrance.
- b. No yard setback is required where a lot line adjoins a railroad property line.
- c. The frontage of two or more lots making use of a single joint entry and exit to a public street may be computed as a single frontage.

#### **6.C.5. Helipads.**

Helipads are permitted as an accessory use in IL-40 and IG-80 Zoning Districts in accordance with the following regulations, subject to the granting of a special exception by the Planning Commission following a public hearing.

- a. Standards.

The landing and take-off of privately owned helicopters not owned by a governmental agency and not operated as a revenue producing helicopter passenger service on a routine or scheduled basis shall be subject to the following restrictions and limitations.

- (1) Only multi-engine helicopters shall be permitted; facilities shall accommodate no more than one helicopter take-off or landing.
- (2) The applicant must own or lease a parcel of land having a minimum of fifty (50) acres, upon which such landing and take-off will occur.
- (3) The take-off and landing area must be located at least two-hundred and fifty (250) feet inside the boundaries of the parcel of land.
- (4) No noise shall be emitted which is greater than eighty (80) decibels, as the term decibel is defined by the Federal Aviation Agency.
- (5) Service facilities shall be limited to the following:



- (a) necessary shelter facilities;
- (b) below ground level fuel storage not to exceed ten thousand (10,000) gallons of fuel; and,
- (c) routine maintenance and repairs and necessary emergency repairs.

b. Review and Approval.

- (1) A proposed flight profile must be approved by the Federal Aviation Administration.
- (2) No special exception shall be approved unless the standards contained in Section 10.C. are met.
- (3) The holder of a special exception issued under this Section must comply with all other applicable local, state, and federal statutes, ordinances, rules, regulations, and orders.
- (4) By the acceptance of a special exception issued under this Section, the holder shall agree to maintain the landing and take-off facilities in a safe and orderly condition and agrees to hold the City of Danbury harmless from any claims made against the City of Danbury for any loss, damage or injury to person or property resulting from such operation.

**6.C.6. Signs.**

All signs in industrial zoning districts shall comply with the regulations specified in Section 8.E.

c. Substantial improvement. Any combination of repairs, reconstructions, alterations, or improvements to a structure, taking place over a one (1) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure using the cost approach to value, prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, roof, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

d. Water surface elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods or various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **7.A.4. Application.**

The requirements of this Section shall apply to all areas (zones A and A1-30) within the boundaries shown on the flood insurance rate maps. ~~Notwithstanding the provisions of other sections of the Zoning Regulations or other ordinances, regulations or codes, the requirements of this Section 7.A. shall take precedence.~~

a. Necessary permits from federal and state governmental agencies required by federal and state agencies, including Section 404 of the Federal Water Pollution Act Amendments of 1972, shall be submitted with applications for site plan approval.

#### **7.A.5. Site Plan.**

a. Within the boundaries of the flood insurance rate maps (FIRM) in areas designated as zones A and A1-30, a site plan conforming to the requirements of Section 10.D. is required, showing all of the data necessary to determine conformance with this Section 7.A. as applied to:

(1) the construction, alteration or placement of buildings or structures, prefabricated buildings, and mobile manufactured homes, and

(2) all development which is defined as any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

b. In considering a site plan for approval, the Planning Commission shall find:

(1) any filling in a floodplain district shall be the logical extension of land presently lying at higher elevations;

(2) any filling must not in any way retard the flow of the stream or reduce the volume of storage which alleviates flooding elsewhere (the flow of the stream as stated above shall be that flow considered as 100-year flood flow); and,

(3) all required principal and fire exits shall have access to ground or structure leading to ground having continuous elevation above the 100-year flood flow level.

c. An approved site plan shall contain the elevations in relation to mean sea level of:

(1) the lowest floor (including basement) and whether or not the structure contains a basement; and

## SECTION 7. OVERLAY ZONES

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A. Floodplain Zones.	7-1
B. Airport Protection Zones.	7-6
C. Public Water Supply Watershed Protection Zones.	7-7

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### 7.A. FLOODPLAIN ZONES.

#### 7.A.1. Purpose.

For the purpose of securing safety from flood, prevention of property damage and loss, and all other related dangers, of promoting the general health and welfare, and of assuring eligibility for the benefits of the National Flood Insurance Program to the residents of the City of Danbury by regulating and restricting areas in the floodplains of streams or water bodies which have or tend to have overflowed their banks, the provisions of this Section shall apply in any area which is classified as a floodplain district. A permit shall be required for all proposed construction and other development, including the placement of mobile manufactured homes, which occurs in all floodplain zones. Such permit shall be issued by the Planning Commission upon satisfactory completion of the requirements of this Section.

#### 7.A.2. Scope.

The City of Danbury hereby adopts these restrictions for floodways as detailed on the Floodway Boundary and Floodway Maps and additionally outlined in the Flood Insurance Study and Floodway Data Table dated April 16, 1982, as amended, and on file in the Town Clerk's Office. The regulatory floodway is defined as the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation of that flood more than one foot at any point. For the purposes of this Section, the floodplain zones shall be those areas (zones A and A1-30/AE) shown on the Flood Insurance Rate Maps on file in the Town Clerk's Office, dated April 16, 1982, hereby adopted by the City of Danbury.

#### 7.A.3. Definitions.

Unless specifically defined below or in Section 2, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application.

a. Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

b. Start of construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a mobile manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a mobile manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

In unnumbered A zones, the Planning Commission shall reasonably utilize any available base flood elevation data and floodway data from state, federal or other sources as criteria for requiring that:

- (1) when the base flood elevation is determined for any new construction or substantial improvements in an unnumbered A zone, the more stringent regulations under the A1-30/AE zone referred to in Section 7.A.7. shall apply;
- (2) in unnumbered A zones where base flood elevations have been determined, but before a floodway is designated, the Planning Commission may require that no new construction, substantial improvement, or other development, including fill, be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development; and,
- (3) should floodway data be requested and/or provided, the Planning Commission may adopt a regulatory floodway based on the principal that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

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**7.A.7. Numbered A Zones with Base Flood Elevation (A1-30/AE).**

The general requirements outlined previously in A zones (unnumbered with or without elevations) also pertain to numbered A zones, especially where such general requirements are more stringent.

a. Site Plan.

Within the area of zones A, A1-30/AE shown on the flood insurance rate map, an application for a building permit and the site plan shall show:

- (1) For new construction, for the placement of a mobile manufactured home in a new or expanded mobile manufactured home park, for the replacement of a mobile manufactured home in an existing mobile manufactured home park, and for the placement of prefabricated buildings or for substantial improvements (defined as 50 percent or more of market value) to residential structures, the lowest floor including the basement shall be elevated to or above the elevations of the 100-year flood.
- (2) For new construction and placement of prefabricated buildings and other development or substantial improvements to nonresidential structures, the lowest floor including the basement shall be elevated to or above the elevation of the 100-year flood, or, together with attendant utility and sanitary facilities, must be floodproofed to a point one foot (1') above the elevation of the 100-year flood.
- (3) The floodproofing permitted in paragraph (2) above requires walls substantially impermeable to the passage of water with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional architect or engineer shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. Such certification with reference to the elevation (mean sea level datum) to which the building is floodproofed shall be permanently filed in the records of the City Building Department.
- (4) New construction or substantial improvements of buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (2) floodproofing.

This data shall be permanently filed in the records of the City Building Department.

**7.A.6. Unnumbered A Zones (without elevation or floodway).**

a. Criteria.

- (1) Permits shall be reviewed to assure sites are reasonably free from flooding.
- (2) The proposed improvements shall not in any way impede the flow of water in the watercourse during periods of 100-year flooding. Any relocation of or alteration to a watercourse shall maintain the carrying capacity of such watercourse. Any such relocation or alteration of a watercourse shall be reported to the Building Inspector of a neighboring community that may be affected by such activities, and to the state coordinating office and the federal insurance administrator.
- (3) New or replacement water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters as required in section 2.2.(B) of the Subdivision Regulations.
- (4) No subsurface waste disposal system shall be located within the boundaries of the floodplain of a 100-year flood unless the lowest elevation of the leaching facilities is more than twenty-four (24) inches above the elevation of the 100-year flood.
- (5) The construction/development shall be designed or modified and adequately anchored in conformance with Section 425.35 of the Connecticut State Basic Building Code to prevent collapse, lateral movement or flotation of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; shall be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damage; and shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Subdivision proposals and other proposed development, including mobile manufactured home parks, shall:
  - (a) be consistent with the need to minimize flood damage:
  - (b) have public utilities and facilities such as sewer, gas, electrical and water systems located to minimize flood damage;
  - (c) have adequate drainage provided to reduce exposure to flood hazards; and,
  - (d) provide, as stated in Section 7.A.6.b., base flood elevation for subdivision proposals and other proposed development, including mobile manufactured home parks, which are five (5) acres or fifty (50) lots, whichever occurs first, which must then meet the requirements for A1-30/AE zones.
- (7) The property owner shall provide as-built elevations and floodproofing levels of new construction and substantial improvements, including an Elevation Certificate as required under the National Flood Insurance Program.

b. Standards.

## **7.B. AIRPORT PROTECTION ZONES.**

### **7.B.1. Establishment of Zones.**

The Airport Protection Zone is established for the purpose of reducing hazards endangering the lives and property of users of the Danbury Airport, pursuant to the provisions of Section 15-91 of the General Statutes of Connecticut, as amended, and in accordance with the airport approach plan formulated and adopted by the State Aeronautics Commission for said airport. In addition to other provisions of these Regulations, the provision of this Section shall control the height of any airport hazard within the airport approach zone districts and airport transitional zone districts as described in this Section and further delineated on the map entitled "Building Zone Map, Sheet 5 of 5, effective September 2, 1960, District."

### **7.B.2. Airport Approach Zone Districts.**

In an approach district, any use is permitted which conforms to the provisions of these Regulations for the district or districts in which it lies, as shown on the Official Zoning Map of the City of Danbury, but subject also to the following special regulations.

- a. The height of any structure or vegetation within an airport approach zone district shall not extend above the approach surface, as shown on the map referred to in Section 7.B.1. above.
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### **7.B.3. Airport Transition Districts.**

In an airport transition district, any use is permitted which conforms to the provisions of these Regulations for the district or districts in which it lies, as shown on the Official Zoning Map of the City of Danbury, but subject also to the following special regulations.

- a. The height of any structure or vegetation within the airport transition district shall not extend above the transitional surface, as shown on the map referred to in Section 7.B.1. above.

### **7.B.4. Exemptions.**

Variances to the height restrictions specified in Sections 7.B.2. and 7.B.3. may be granted by the Zoning Board of Appeals if the State Aeronautics Commission has stated in writing that such greater height will not constitute an undue hazard to aviation and provided further that any object exceeding the height restrictions is marked in accordance with the requirements of the State Aeronautics Commission.

### **7.B.5. Previous Approvals.**

Nothing herein shall prevent the construction or maintenance of any building or structure to a height of up to forty-five (45) feet above the surface of the land in the Airport Protection District if a special exception and/or site plan as to said uses were applied for prior to adoption of this amendment, September 18, 1986, and subsequently approved.

### **7.B.6. Other Applicable Regulations.**

In addition to the requirements of this Section, all applicable state and federal regulations pertaining to aviation shall be observed. Construction of proposed buildings or structures must comply with Sections 10.C. and 10.D. of these Regulations.



- (a) provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - (b) the bottom of all openings shall be no higher than one (1) foot above grade;
  - (c) openings may be equipped with screens, louvers, valves or other covering or devices provided they permit the automatic flow of floodwaters in both directions;
  - (d) electrical, plumbing, and other utilities are prohibited below the base flood elevation; and,
  - (e) use of the enclosed area shall be the minimum necessary to allow for parking of vehicles or limited storage of maintenance equipment used in connection with the premises or entry to the living area (via stairway or elevator).
- (5) Mobile manufactured homes shall be further secured by, but not limited to, over-the-top and frame ties to ground anchors.
- (a) Over-the-top ties shall be provided at each of the four corners of the mobile manufactured home, with one additional tie per side at intermediate locations for homes less than fifty (50) feet long, and two (2) additional ties per side for homes more than fifty (50) feet long.
  - (b) Frame ties shall be provided at each corner of the mobile manufactured home, with four (4) additional ties per side at intermediate points plus one additional tie per side for homes more than fifty (50) feet long.
  - (c) Each component of the anchoring system shall be capable of holding a force of forty-eight hundred (4800) pounds.
  - (d) No additions to mobile manufactured homes shall be permitted.
- (6) All required principal and fire exits to buildings shall lead to ground or other structures leading to ground having continuous elevation above and outside of the floodplain and usable by the public in case of emergency.

#### **7.A.8. Floodways.**

Located within areas of special flood hazard established in Section 7.A.2. are areas designated as floodways on the community's flood boundary and floodway map or created subsequent to Section 7.A.6.b. Since the floodway is an extremely hazardous area due to the velocity of flooded waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

- a. Encroachments, including fill, new construction, substantial improvements, and other developments, shall be prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge.

(b) Sanitary landfill, septage lagoon, or wastewater treatment facility for municipal or industrial wastes.

(c) Junkyard, salvage yard.

(d) Truck terminal or bus parking facility with ten (10) or more parking spaces.

(e) Gasoline station, auto repair, auto body shop. See Section 7.C.3.a.(3) below.

(f) Bulk storage of road salt for commercial or municipal purposes.

(g) Any use which is not allowed in the respective zoning district.

(2) All parking areas containing ten (10) or more parking spaces must be paved with impervious surface, contain an oil separation system, and be maintained in accordance with an approved maintenance plan. A proposed maintenance plan for the parking area shall be submitted at the time of the application and referred to the Director of Health or his/her designee for review and report.

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(3) Notwithstanding Section (1)(e) above, existing gasoline stations, auto repair and auto body shops located within Class I Watershed Areas or Class II Lake Kenosia Watershed Areas may undertake environmental remediation or may be relocated to other parcels located within said Class I and Class II watershed areas for the purpose of rehabilitating the existing site of environmental contaminants or substandard fuel storage facilities, but not for other reasons for relocation, subject to the following conditions.

(a) Environmental remediation of sites with existing uses specified above, whether or not such sites are to be abandoned, shall require site plan approval; relocation from one site to another, as specified above, shall require approval as a special exception for the proposed site for relocation by the Planning Commission. For purposes of remediation and/or relocation, the applicant shall submit a report along with the application for site plan and/or special exception approval containing evidence of contaminated subsurface conditions or substandard fuel storage facilities existing on the site, and a recommended remediation plan for the existing site. The report shall include a review and findings by the City's Director of Health or his/her designee that sufficient evidence exists to merit remediation of the site due to existing environmental contamination or substandard fuel storage facilities to prevent the release of fuel and/or hazardous materials and that the recommended remediation plan is adequate to remove said contaminants and/or substandard fuel storage facilities.

(b) Remediation of all contaminated subsurface conditions at the existing location shall meet the standards of Connecticut's Remediation Standard Regulations and shall be certified as clean by a Licensed Environmental Professional for the use of the property. If there are no documented conditions of release, a Connecticut Voluntary Site Remediation Standards environmental investigation shall be conducted at the existing location to be abandoned or remediated by a Licensed Environmental Professional and certified as clean.

(c) All existing underground fuel storage systems at the site shall be properly abandoned in accordance with the standards of the Connecticut Department of Environmental Protection.

(d) The existing use may only be relocated to a zoning district that otherwise allows such use as a permitted or special exception use and shall be developed in accordance with the regulations governing said zoning district, including all other requirements of §7.C. of these Regulations except as modified by this §7.C.3.a.(3). No use, as specified above,

**7.C. PUBLIC WATER SUPPLY WATERSHED PROTECTION ZONES.**

**7.C.1. Purpose and Intent.**

It is the purpose and intent of the overlay zones:

- a. to facilitate the adequate provision of potable water,
- b. to protect existing and potential public surface and ground drinking water supplies from sources of contamination which contribute to the degradation of water quality,
- c. to promote public health and the general welfare of the community, and
- d. to promote environmental protection.

**7.C.2. Classifications.**

The public water supply watershed protection zones are comprised of two area classifications, located on the map entitled "Public Water Supply Watershed Protection Zones" enacted September 9, 1993, as amended, each containing a subclass to which additional regulations apply:

a. Class I Watershed Area: Lands located within the public water supply watersheds, excluding the Class II Lake Kenosia Watershed Area.

(1) Class I Environmentally Sensitive Area: Lands located within the Class I Watershed Area having one or more of the characteristics noted in Section 2.

b. Class II Lake Kenosia Watershed Area: Lands located within the public water supply watershed of Lake Kenosia, which are regulated differently from Class I due to differences in water resource function and existing and potential future land use conditions.

(1) Class II Lake Kenosia Environmentally Sensitive Area: Lands located within the Class II Lake Kenosia Watershed Area, having one or more of the characteristics noted in Section 2.

c. The watershed boundaries shown on the map are approximate and precise locations are subject to field verification.

**7.C.3. Use Regulations.**

In addition to other provisions of these Regulations, the following regulations shall apply for all lots or portions of lots located within the designated public water supply watershed protection areas specified in Section 7.C.2. above. All land, wetlands, streams, rivers, lakes, ponds, and other bodies of water located within such designated watershed protection areas shall be subject to provisions pertaining to public water supply watersheds. If a conflict exists between provisions in Section 7.C. governing public water supply watersheds and other regulations applicable to a parcel, the regulations in Section 7.C. governing public water supply watersheds shall apply to the extent necessary to give said regulations full force and effect.

a. Regulations Applicable to all Class I and Class II Lake Kenosia Watershed Areas.

(1) The following uses are prohibited.

(a) Manufacture, use, storage, or disposal of hazardous materials in any watershed area without an emergency response plan approved by the Health and Housing Department.

The transportation hazard analysis shall identify locations of transport of fuel or hazardous materials on roads served by the new sewer extension.

c. Regulations Applicable to all Class I and Class II Lake Kenosia Environmentally Sensitive Areas.

In addition to the provisions of Section 7.C.3.a., the following requirements apply to lots or portions of lots located within the Class I and Class II Lake Kenosia Environmentally Sensitive Areas.

(1) No development, except for single family dwellings on individual lots or accessways or driveways serving less than three (3) dwellings or home landscaping or maintenance activities, shall drain stormwater onto land within a Class I or Class II Environmentally Sensitive Area without an acceptable means of pretreatment of such runoff. Acceptable pretreatment measures will be evaluated by the Director of Health or his or her designee in terms of their compliance with current best management practices as published by Federal and/or State agencies.

(2) Where individual sewage disposal systems are proposed, the design and installation of such systems shall be in accordance with Health Department regulations and shall use seepage rates which do not exceed that of soils existing on the site prior to the deposition of any fill. Seepage rates of fill sections shall not be used in the system design, unless the system is approved by the Department of Environmental Protection and the Health and Housing Department.

(3) An Erosion and Sedimentation Control Permit must be obtained from the Health Department prior to the commencement of any work resulting in an earth change, except for those activities listed within Section 8.A.7. All earth changes shall be stabilized within twenty-four (24) hours of the completion of the work and must be revegetated within a time period determined by the Health and Housing Department.

d. Additional Regulations Applicable to Class I Environmentally Sensitive Area.

The following requirements shall apply to lots or portions of lots located within the Class I Environmentally Sensitive Area in addition to the provisions of Section 7.C.3.a-c.

(1) Any lot created subsequent to the adoption of this provision, September 9, 1993, shall have a minimum lot area of 80,000 square feet.

(2) No greater than ten percent (10%) of a lot located in an RA-80, RA-40, CN-20, IL-40, or LCI-40 zoning district and no greater than twenty percent (20%) of a lot located in an RA-20 zoning district shall be covered by buildings, structures, parking, and impervious surfaces.

(3) Earth changes shall be prohibited on slopes greater than twenty-five percent (25%), unless the Planning Commission receives a report from the Department of Health and Housing of the City of Danbury which documents that erosion control measures provided with the plan are adequate to meet the purpose and intent of these regulations and to protect public health, safety and welfare.

(4) Manufacture, use, storage, or disposal of hazardous material shall be prohibited.

e. Additional Regulations Applicable to Class II Lake Kenosia Environmentally Sensitive Area.

The following requirements shall apply to lots or portions of lots located with the Class II Lake Kenosia Environmentally Sensitive Area in addition to the provisions of Section 7.C.3.a. and 7.C.3.c.

shall be relocated to or within an environmentally sensitive area. The underground fuel storage systems at the relocated or remediated site shall meet all tank system standards specified in Section 9-82 of the Danbury Code of Ordinances, as amended. All proposed auto repair and auto body shops shall meet the hazardous materials storage and operational standards of the Connecticut Department of Environmental Protection and the Environmental Health Division of the City Department of Health and Housing.

(e) No Certificate of Compliance shall be issued for the remediated and/or relocated use unless the use meets all requirements of these Regulations and unless the existing site from which a relocated use has been abandoned has been remediated in accordance with an approved remediation plan reviewed by the Director of Health or his/her designee for conformance with these provisions.

(f) All other provisions governing nonconformities, as specified in Section 9 of these Regulations, shall remain in effect, except as modified herein.

(g) No Certificate of Compliance shall be issued for the remediated and/or relocated use unless the use meets all requirements of these Regulations and unless the existing site from which a relocated use has been abandoned has been remediated in accordance with an approved remediation plan reviewed by the Director of Health or his/her designee for conformance with these provisions.

(h) All other provisions governing nonconformities, as specified in Section 9 of these Regulations, shall remain in effect, except as modified herein.

b. Additional Regulations Applicable to all Class I Watershed Areas.

No new development in a Class I Watershed Area shall be served by public sewer unless the extension of service is necessary to protect public water supplies and the watershed from existing conditions that result in present or potential pollution problems after due consideration of such factors as soil suitability for on-site septic systems, lot sizes and configurations, pollution problems in the area, and other relevant factors. The extension must otherwise comply with all regulations of the City of Danbury. All applications shall be referred to the Director of Health or his/her designee for review and report on compliance with this provision.

The foregoing notwithstanding, a new development may be served by public sewer if the applicant, at the time of application, can demonstrate to the satisfaction of the City:

(1) that the proposed development is consistent with the Land Development Plan Map, dated March 1, 2002, of the Plan of Conservation and Development, as amended, as determined by the Director of Planning or his or her designee, and

(2) that through a Water Supply Impact Analysis, the sewer extension needed by the new development will not adversely affect public water supplies in the watershed. The Water Supply Impact Analysis shall be referred to the Director of Health or his or her designee for review and report on compliance with this provision. The Analysis as submitted shall include:

(a) a site specific pollutant loading analysis that demonstrates that the new development will result in no net increase of stormwater pollutants to the receiving water bodies, and

(b) a watershed analysis that identifies: ((1)) the locations where new development could occur between the existing sewer line and the site where the sewer is proposed to be extended, including the maximum level of land use development that could occur under existing zoning regulations and the potential impact of said uses upon water supplies (including appropriate mitigation measures); and, ((2)) a transportation hazard analysis.

(1) No greater than fifty percent (50%) of any lot shall be covered by buildings, structures, parking and impervious surfaces. The maximum building coverage shall not exceed the percentage set for the zoning district in which the lot is located, except for cluster subdivisions subject to Section 4.A.6.

**7.C.4. Environmental Analysis and Plan Notation.**

a. An Environmental Analysis must be submitted with any application for a special exception, subdivision, site plan, or excavation permit involving lots or portions of lots located within a public water supply watershed protection zones. The Environmental Analysis shall be prepared and certified by a qualified soils scientist or licensed engineer and shall contain at least the following information.

(1) Impact of the project upon ground and surface water quality and ground water recharge based on applicable water quality standards and including the estimated phosphate and nitrate loading on ground water and surface water from new streets, driveways, septic tanks, lawn fertilizer, and other activities within the development.

(2) A map illustrating the soil units between the proposed leachfield and the nearest downgradient watercourse. This map shall be accompanied by a narrative discussion of the estimated travel time of sewage effluent to the nearest watercourse based upon permeability characteristics that are typical of the soils downgradient of the proposed leachfield, exhibited on the map.

(a) Based upon this map and discussion, the Health and Housing Department may require an on-site seepage analysis and a specific calculation of the travel time of sewage to assure adequate renovation, i.e., 21 day travel time, of sewage effluent prior to its discharge to the nearest watercourse.

(b) If the location of a subsurface disposal system in a public water supply watershed is situated in an "area of special concern", as defined by Section 19-13 B 103 (d)(e)(1)(a) of the Connecticut Public Health Code Standards and Technical Regulations, then the Health and Housing Department may require a seepage analysis, using on-site soil permeability data.

(3) Capability of soils, vegetative cover, and proposed erosion control measures to support the proposed development and to prevent erosion, silting or other instability.

(4) Certification that the development shall not cause a diversion of existing drainage water from a reservoir where such diversion would result in a net decrease of volume over what now enters such reservoir.

b. All site plans submitted for permitted uses, special exception uses, and excavation permits, and all plot plans submitted for the issuance of a Zoning Permit, shall note that the proposed development is subject to all the applicable requirements of the Zoning Regulations pertaining to the Public Water Supply Watershed Protection Zone in which it is located.



## SECTION 8. SUPPLEMENTAL REGULATIONS

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### 8.A. EROSION AND SEDIMENTATION CONTROLS.

#### 8.A.1. Purpose and Intent.

The City of Danbury hereby finds that significant quantities of soil are eroding from certain areas undergoing conversion to non-agricultural uses such as housing developments, industrial areas, recreational facilities, and roads. This erosion and resulting sedimentation makes necessary costly repairs to washed out fills, roads, and embankments, clogs storm sewers, muddies streams, and deposits silt in lakes and reservoirs. It is the purpose of this Section to prevent soil erosion and sedimentation from occurring as a result of non-agricultural development by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction in order to promote the public safety, health, convenience and general welfare of the community.

#### 8.A.2. Permits.

##### a. Permit Requirement.

No person shall do any grading, stripping, excavating or filling or undertake any earth change unless a valid grading permit is received from the Environmental Inspector with the following exceptions:

- (1) any activity occurring on a regulated wetland or watercourse, where a permit is required from the Environmental Impact Commission; or,
- (2) exemptions which are listed in this Section.

##### b. Permit Application.

An application obtained from the Planning Department shall be completed and submitted for each grading permit. Plans, specifications, and timing schedules shall accompany each application for a grading permit. Such plans shall be prepared in accordance with, but not limited to, "The Erosion and Sediment Control Handbook," U.S. Department of Agriculture, Soil Conservation Service, Storrs, Connecticut.

#### 8.A.3. Plan Data Requirements.

The plans and specifications accompanying the grading permit application shall contain the following data unless waived by the Environmental Inspector.

- a. A boundary line survey of the site on which the work is to be performed.
- b. A plan of the site at a scale not more than one (1) inch to sixty (60) feet showing:
  - (1) name of applicant;
  - (2) a timing schedule indicating construction sequence and time of year of construction;



- (3) an estimate by the preparer of such plan of the quantity of excavation and fill involved;
- (4) existing and proposed topography to be placed on the plan at a maximum of two (2) foot contour intervals;
- (5) location of existing and proposed structures on site;
- (6) plans of all drainage provisions, retaining walls, cribbing, planting, erosion control measures or other control measures to be constructed in connection with, or as part of, the proposed work;
- (7) name of person assigned the responsibility for implementing this erosion and sedimentation control plan; and,
- (8) other information or data as may be required by the Environmental Inspector such as but not limited to a soil investigation report and a map showing the drainage area of land tributary to the site and estimated runoff of the area served by any drains.

c. A narrative describing the project, including a schedule of major activities to occur in the construction of the site, the application of construction practices, design criteria, construction details and the maintenance program for any erosion control structures that are installed and any other information pertinent to the project's effect upon the ground surface.

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#### **8.A.4. Bond Requirement.**

- a. The Environmental Inspector, as a condition of the issuance of a grading permit, may require a performance bond. Such bond shall be either a certified check, pass book or irrevocable letter of credit. The bond shall be in a form approved by the Corporation Counsel, payable to the City of Danbury, and in the amount of the estimated total cost of all temporary and/or permanent soil erosion control measures. Such bond shall be made on the condition that the permittee shall comply with all the provisions of this Section and all the terms and conditions of the grading permit.
- b. In the event of failure to complete the work or failure to comply with all the requirements, conditions and terms of the permit subsequent to the issuance of a Cease and Desist Order by the Environmental Inspector, the Environmental Inspector may order such work as is necessary to eliminate any danger to persons or property and to leave the site in a safe condition, and he may authorize completion of all necessary temporary or permanent soil erosion control measures. The permittee or persons issuing the instrument of credit or making the cash deposits shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the City in causing any and all such work to be done. In the use of a cash deposit, any unused portion thereof shall be refunded to the permittee upon successful adherence to the approved plan and completion of such approved work.

#### **8.A.5. Restrictions and Specifications.**

- a. All earth changes shall be designed, constructed, and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest possible period of time.
- b. Hay bale filters and/or filter fabric shall be installed at all culvert outlets and along the toe of all critical cut and fill slopes.
- c. Culvert discharge areas will be protected with riprap channels; energy dissipators will be provided as necessary.
- d. Catch basins will be protected with hay bale filters throughout the construction period and until all disturbed areas are thoroughly stabilized.

- e. Erosion and sediment control measures will be installed prior to construction.
- f. Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the earth change area shall be designed to limit the water flow to a non-erosive velocity.
- g. Temporary soil erosion control facilities shall be removed and earth change areas graded and stabilized with permanent soil erosion control measures pursuant to approved standards and specifications.
- h. Permanent soil erosion control measures for all slopes, channels, ditches or any disturbed land area shall be completed within fifteen (15) calendar days after final grading or completion of the final earth change. When it is not possible to permanently stabilize a disturbed area after an earth change has been completed or where significant earth change activity ceases, temporary soil erosion control measures shall be implemented. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures shall be implemented. All disturbed areas, stockpiles of fill or excavated material shall be stabilized in such a manner as not to cause unreasonable hazard to persons or property.
- i. Additional control measures shall be installed during the construction period, if necessary or required.
- j. Soil, miscellaneous debris, or other materials applied, dumped or otherwise deposited on public streets, highways or sidewalks in conjunction with such earth change or grading shall be promptly removed.

**8.A.6. Review and Action.**

- a. General.

The Environmental Inspector shall review and approve all erosion and sedimentation control plans. All such complete plans shall be either approved, approved with conditions or denied within thirty (30) days of their receipt. This period may be extended thirty (30) days with the consent of applicant.

- b. Denial of Permit.

Grading permits shall not be issued when in the opinion of the Environmental Inspector the work as proposed by the applicant would interfere with any existing drainage course or result in the deposition of debris or sediment off-site or into any waterway, or result in permanent instability of the terrain despite all planned erosion control measures. In all cases the Environmental Inspector shall state upon the record all reasons for denial of such permit.

- c. Modification of Approved Plans.

All modifications of the approved grading plans must be submitted and approved by the Environmental Inspector before construction commences. All necessary dates and plans shall be submitted with any proposal to modify the approved grading plan. No grading work of earth change in connection with any proposed modifications shall be permitted without the approval of the Environmental Inspector.

**8.A.7. Exemptions from Permits.**

No grading permit shall be required for the following:

- a. agricultural use of land;
- b. minor land disturbing activities such as home gardens, construction of utility facilities within paved portions of public rights-of-way, individual home landscaping, minor repairs and maintenance work which does not exceed one-half (1/2) acre;

c. preparation of one family dwelling sites which are not a part of a subdivision plan approved by the Planning Commission; and,

d. alterations or additions to existing structures where the disturbed area will not exceed five thousand (5,000) square feet.

Operations which are exempted from obtaining a grading permit shall not interfere with any existing drainage course or result in the deposition of debris or sediment off-site.

**8.A.8. Enforcement.**

The Environmental Inspector or his duly authorized agent, may enter at all reasonable times in, or upon, any private or public property for the purpose of inspecting and investigating conditions and practices which may be a violation of this Section. In the event of violation of this Section, the Environmental Inspector or his duly authorized agent shall serve notice of such violation to the landowner of such property upon which such violation has occurred. Upon receipt of such notification, the landowner shall have twenty-four (24) hours in which to cease and correct such violation and comply with the provisions of this Regulation. Where such violation is not ceased and corrected subsequent to twenty-four (24) hours after receipt of such notification the Environmental Inspector or his duly authorized agent shall issue a Cease and Desist Order causing all work to terminate until such time all violations of this Section have been ceased and corrected.

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## **8.B. MOTOR VEHICLE ACCESS; SIDEWALKS.**

Access to or parking in connection with a use shall be considered to be an accessory use and controlled by the same requirements as such use. In addition, all driveways and sidewalks shall be subject to the following requirements.

### **8.B.1. Standards for Motor Vehicle Access.**

#### **a. Location.**

##### **(1) Intersections.**

(a) In all commercial and industrial districts, all driveways shall enter a public street right-of-way at least one hundred (100) feet from its intersection with another public street. In all residential districts, all driveways shall enter a public street right-of-way at least fifty (50) feet from its intersection with another public street. If the lot width is insufficient to provide for the required distance, access shall be as far from the intersection as the lot and other provisions of these Regulations will permit. For all cases cited above, the distance in which access is prohibited shall be measured from the tangent of the curb return of the intersecting street cartway to the tangent of the curb return of the driveway.

(b) Where a lot contains frontage on more than one public street, access may be required to be provided from the street having the lesser traffic volume.

##### **(2) Distance Between Driveways.**

As part of the review and approval of such access the Planning Department may require up to one hundred and fifty (150) feet of separation distance between two-way driveways, whether they be located on a single lot or on separate lots; up to seventy-five (75) feet of separation distance between one-way driveways, whether they be located on a single lot or on separate lots; and up to one hundred and fifty (150) feet of separation distance between one-way and two-way driveways whether they be located on a single lot or on separate lots. Such separation distances shall be measured from the center line of the driveways.

##### **(3) Joint Access.**

Provisions may be required to facilitate future interconnections of parking areas, whether they are on a single lot or on separate lots. The Planning Director or his/her designee, may require driveways on lots with limited frontage to be placed near property lines so as to facilitate future consolidation of driveways upon development of adjacent property.

#### **b. Design.**

##### **(1) Street Improvements.**

(a) The street providing access to a lot shall be suitably improved to accommodate the amount and types of traffic generated by the proposed use. Turning lanes, traffic directional islands, frontage roads and traffic controls may be required.

(b) Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.

(2) Angle of Intersection.

The angle of intersection between a two-way driveway and the street shall not be less than seventy-five (75) degrees. The angle of intersection between a one-way drive and the street shall not be less than sixty (60) degrees.

(3) Grades.

For safe, convenient, and efficient access, no portion of any driveway shall exceed twelve (12%) percent in grade, including the driveway apron, as measured along the full length of the driveway from the paved portion of the intersecting street or the street cartway for unpaved streets.

(4) Width.

Driveways for one-way travel shall not measure less than twelve (12) feet in width, except in the case of one, two and three family dwellings. There shall be no minimum width requirement for driveways serving single family dwellings, except where required by these or other regulations. Two and three family dwellings shall be served by a driveway measuring not less than nine (9) feet in width. Driveways for two-way travel shall be not less than twenty (20) feet wide.

(5) Sight Distance.

Each proposed driveway shall possess adequate sight distance in all directions in accordance with the following table:

**SIGHT DISTANCE FOR DRIVEWAYS**

	Posted Speed Limit (M.P.H.)				
	25	30	35	40	45+
Minimum Sight Distance	150 Ft.	190 Ft.	230 Ft.	270 Ft.	310 Ft.

**8.B.2. Access Across Abutting Districts.**

Access across a residential district to a use lying in a commercial or industrial district is prohibited, but nothing herein shall prohibit access across a commercial or industrial district to a use lying in a residential district. This provision shall not prohibit access across a commercial district to a use lying in an industrial district nor access across an industrial district to a use lying in a commercial district.

**8.B.3. Sidewalks and Other Improvements.**

Where a lot contains frontage on a state highway, the Planning Department, in conjunction with the State Department of Transportation, may require the installation of a sidewalk five (5) feet in width. Provisions shall also be made for grading and improvements of shoulders, sight distances and curb cuts within the right-of-way of the street. The exact location of said sidewalk, shoulders, and curb cuts shall be determined by the Planning Department and the State Department of Transportation.

**8.B.4. State Highway Approvals.**

No required site plan for property proposing access onto a state highway shall be approved by the Planning Department in the case of permitted uses or Planning Commission in the case of special exceptions until the proposed access for such development has been jointly approved by the State Department of Transportation and the Planning Department. Developments which require approval by the State Traffic Commission are exempt from the joint approval requirements of this paragraph.



business days after the submission of the parking report. Failure to act within such five day period shall constitute approval of the parking report.

The facility owner or operator holding events scheduled to be held periodically during the year or season may submit one report providing the required information covering all such scheduled events. The installation of additional permanent seating designed to accommodate special events shall require the submission of a revised site plan for approval showing all such seating and the amount of additional parking required to be provided and indicating the location(s) of such additional parking as stated in the parking report.

If all or part of the additional parking spaces required for the event are not located on the same lot as the principal use, all or part of the required spaces for the event may be provided on a lot under the same ownership or with a lease agreement on property under separate ownership, or under public ownership, provided the pedestrian entrance is within one thousand (1,000) feet walking distance to the pedestrian entrance of the approved use hosting the event. Parking facilities serving primarily a nighttime or weekend use or event may be counted proportionately as facilities for primarily a daytime or weekday use or event, and vice versa, when each use is assured permanent access to the facilities of the other use, and when there will be no substantial overlapping in parking periods.

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For the purpose of this sub-section, special events shall be limited to accessory uses customarily associated with the approved use and limited in duration to 52 events per year per approved use. This parking requirement shall not pertain to exemptions specified in §10.B.1.g.

c. **Parking in Front Yards.**

Parking spaces in required front yards shall not be permitted, except if specifically permitted elsewhere herein.

**8.C.2. Parking Design Criteria.**

a. **Shape.**

Each parking space shall be rectangular in shape, with free access to a driveway connecting to a public way.

b. **Dimensions.**

(1) **General.**

All parking space width dimensions are measured at right angles to the stall lines. All parking space length dimensions include motor vehicle overhang of two feet six inches and are measured at right angles to curb face, wall or reference lines, whichever is applicable. No portion of the landscaped planting area shall be counted toward satisfying parking space dimensional requirements.



(2) Standard Vehicles.

The minimum dimensions for parking spaces and aisles for standard motor vehicles shall be as follows:

**DIMENSIONS FOR STANDARD PARKING SPACES AND AISLES**

Parking Angle	Space Width	Space Length	Aisle Width		Width at Curb
			(1-way)	(2-way)	
90°	9'	18'0"	24'0"	24'0"	9'0"
60°	9'	21'0"	18'0"	20'0"	10'5"
45°	9'	19'10"	15'0"	20'0"	12'9"
30°	9'	16'10"	12'0"	20'0"	18'0"
Parallel	8'	24'0"	12'0"	24'0"	n/a

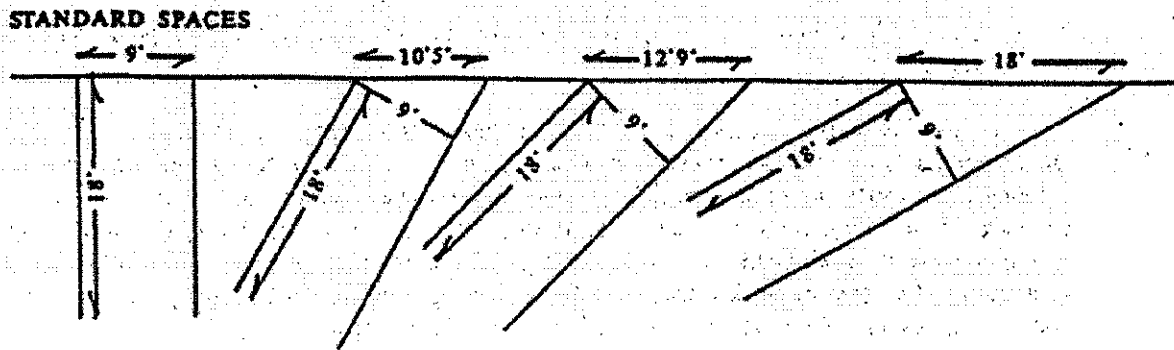
(3) Compact Vehicles.

Up to one-third of the total number of required parking spaces may be designed for compact motor vehicles. Where possible, these spaces shall be clustered together, located in areas with convenient access to the principal building(s) served, and shall be marked with signs restricting their use to compact motor vehicles. The minimum dimensions for parking spaces and aisles for compact motor vehicles shall be as follows:

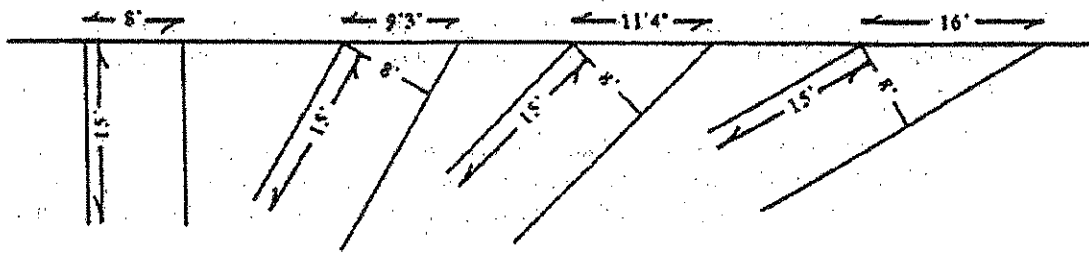
**DIMENSIONS FOR COMPACT PARKING SPACES AND AISLES**

Parking Angle	Space Width	Space Length	Aisle Width		Width at Curb
			(1-way)	(2-way)	
90°	8'	15'0"	24'0"	24'0"	8'0"
60°	8'	16'8"	18'0"	20'0"	9'3"
45°	8'	16'6"	15'0"	20'0"	11'4"
30°	8'	14'0"	12'0"	20'0"	16'0"
Parallel	7'	21'0"	12'0"	24'0"	n/a

Aisle widths refer to that portion of the parking area required for ingress and egress to parking spaces. Other areas of access must meet the width dimensions required for driveways. All required handicapped parking spaces must be designed in accordance with requirements of the Building Code.



### COMPACT SPACES



### ILLUSTRATION OF REQUIRED PARKING SPACE DIMENSIONS

#### (4) Parking Garages and Decks.

Because the restricted access and circulation patterns of parking garages and decks impede public convenience in their use, parking spaces located within such parking facilities may be 8.5 feet in width for angle parking spaces rather than the mix of standard and compact space widths permitted above, provided that all spaces within the facility, other than parallel spaces, are a minimum 8.5 feet in width.

#### (5) Obstructions.

Except for one, two, and three family dwellings, all parking areas shall be designed to permit each motor vehicle to proceed to and from all unoccupied parking spaces without requiring the moving of any other parked motor vehicle, unless valet parking is provided while such parking area is in use and a plan for such valet parking is submitted with the site plan and approved.

### 8.C.3. Landscape Requirements.

a. All parking areas where adjacent to a sidewalk or street line shall have a landscaped safety island not less than three (3) feet in width and six (6) inches high, except at points of access. A durable bumper guard, approved by the Building Inspector, must be installed to prevent vehicles encroaching on the landscaped safety island.

b. Required parking areas for all multi-family, commercial, industrial, special exception, and RH-3 uses shall be landscaped as follows.

(1) Required parking areas shall have a landscaped island marking each end of rows of vehicle spaces and an intermediate island across each such row at intervals of not more than fifteen (15) vehicle spaces. Such planting islands shall not be less than eight (8) feet wide in the direction parallel to the row and not less than eighteen (18) feet long in the direction perpendicular to the row. Each such island shall have a suitable curb of granite or concrete, shall be planted with grass or ground cover, and shall have one tree of not less than two (2) inch caliper. One tree of not less than two (2) inches caliper shall be planted for each forty (40) feet of street line frontage, except where sight distance does not make this practical.

(2) A tree will be defined as being deciduous, of a variety commonly acceptable for landscaping use in this planting zone. Parking garages are not subject to these landscaping requirements.

c. Within the C-CBD district, the following regulations shall apply in addition to all other applicable regulations, provided that such landscaping shall not infringe on sight distances required for driveways in Section 8.B.

(1) Where the perimeter of a parking lot abuts a street right-of-way, the side or sides of the parking area shall be landscaped with living plant material the entire length of the street line to a minimum width of ten (10) feet. Such parking lots with perimeter planting shall not be subject to the landscaped island requirements of Section 8.C.3.(b).

(2) The perimeter planting shall include a combination of shrubs and deciduous and coniferous trees, all selected to provide shade and a view-restrictive screen for parking areas. Earth mounds that measure no higher than 30 inches above the adjacent street grade may be included with the living plant material to produce a view-restrictive screen. Headlights of parked vehicles must be obscured from the public right-of-way. Grass or other living ground cover shall be planted, mulched and maintained on portions of the landscaped strip not occupied by other landscaped material.

(3) The parking of vehicles within the perimeter planting strip is prohibited. Permitted driveways may be located across the perimeter planting strip.

d. All landscaping requirements shall not apply to enclosed parking facilities.

e. All parking areas shall provide adequate means for the maneuvering of vehicles in and out of parking spaces, adequate sight distance throughout the parking area and adequately controlled circulation pattern insuring the safety of both motorists and pedestrians. Landscape islands shall be designed and situated so as to provide a turning radius of sufficient size to permit vehicles to navigate the turn into a parking space or in the proper lane of a driveway or street. Parking areas in excess of fifty (50) spaces shall contain a pedestrian walkway system within such areas and between all buildings on the site.

#### 8.C.4. Amount of Parking Required.

The table of Required Off-Street Parking Spaces, as herein provided, shall be considered as the minimum number of parking spaces required per use. Where more than one use occurs on the same lot, the cumulative total of each use shall be the requirement, except as provided in Section 8.C.1. In the event that more than two (2) automobiles are used by the persons living in a dwelling unit so occupied, additional off-street parking spaces shall be required for all automobiles in excess of two (2) used by persons in such a dwelling unit.

#### REQUIRED OFF-STREET PARKING SPACES

a. Agricultural and Recreational Uses.	1 per employee, plus 1 per 5 adult memberships or enrollments.
(1) Campgrounds, etc, with building, country clubs and the like.	As determined by the Planning Commission.
(2) Open recreational uses.	1 per linear feet of frontage used for sheltered display or for sales.
(3) Open roadside stand.	
b. Business Uses, Automotive.	10 per fixed stall equipped for washing, drying, etc. Parking spaces in this case need not be stalls but may be waiting space in driveway.
(1) Automobile washing establishment.	2 per service bay if station provides repairs, otherwise

(2) Automobile service station.	1 per pump, plus 1 per 150 usable gross sq.ft. of retail area.
c. Business Uses, except automotive, institutional uses.	
(1) Places of assembly with fixed seats, such as a church, theater, auditorium, indoor sport arena, entertainment and/or education center, conference center, classrooms and laboratories.	1 per 4 seats. (Seat=18 linear inches of pew or bench).
(2) Amusements or places of assembly without fixed seats, such as dance hall, skating rink, entertainment and/or education center, conference center, classrooms and laboratories.	1 per every four (4) persons based upon the occupancy limit determined by the Fire Marshal.
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(3) Bowling alley.	5 per alley.
(4) Hospitals, sanitariums.	1 per 4 beds for patients, plus 1 per 2 employees on largest shifts.
(5) Hotel or motel, including business hotel or motel, tourist home.	1 per room plus 1 per 2 employees at largest shift.
(5a) Dormitory	1 space per occupant, based on maximum design occupancy.
(6a) Day Care Center, adult.	1 for every 10 persons, plus 1 for each employee.
(6b) Day Care Center, child; Group Day Care Home.	1 per 10 children, plus 1 per employee.
(7) Nursing or convalescent homes, religious or charitable institutions with boarding facilities.	1 per 6 beds, plus 1 per 2 employees. Does not apply to members of religious orders residing and employed on premises.
(8) Restaurants, Clubs, tavern.	1 parking space for every 5 persons allowed under the maximum capacity as determined by the CT Fire Safety Code, plus 1 per 2 employees at largest shift.
(9) Retail, personal service uses, such as stores, supermarkets, shopping centers, barbershops, banks.	1 per 150 sq.ft. of usable gross floor area.
(10) Business and professional offices, business incubators, excluding medical offices.	1 per 300 sq.ft. of usable gross floor area.
(11a) Medical offices.	1 per 100 sq.ft. of usable gross floor area.

(11b) Physical Medicine Facility	1 space per employee on the largest shift, plus 1 space per client at peak capacity. For this use, one quarter of the parking required for clients may be handicapped parking spaces designed per the requirements of the State of CT Basic Building Code.
(12) Public and Private Schools (High School).	1 per 4 students, plus 1 per 1 employee.
Public School (All others).	1 per .75 employee.
Private School for adults.	1 per 1.5 students, plus 1 per 1 employee.
Private School for children (under 16 years).	1 per 15 students, plus 1 per 1 employee.
(13) Funeral parlors.	1 per 4 seats, plus 1 per vehicle maintained on the premises, plus 1 per employee.
(14) Library; Museum.	1 per 800 square feet of gross floor area.
d. Industrial Uses.	
(1) Manufacturing and processing warehouses and wholesale whether principal or accessory uses.	1 per employee on largest shift plus 1 per company vehicle usually kept on the premises. Where the number of employees cannot be determined, 1 parking space per 400 sq.ft. of usable floor area shall be provided.
e. Institutional Uses (see comparable business uses).	See comparable business uses above.
f. Residential Uses.	
(1) Dwelling (one family, two family, and three family).	2 per dwelling unit plus 1 per 2 resident employees.
(2) Home medical, dental office.	1 per 2 employees, plus 1 per 100 square feet of usable gross floor area for office, plus dwelling requirement.
(3) Boarding, rooming or lodging house.	1 per 2 beds, plus 1 per 2 employees.
(4) Apartment houses, garden apartments, row houses, mobile homes and congregate housing.	2 per dwelling unit plus 1 per 2 resident employees except in the case of efficiency units for which only 1 space is required, and except in the case of one bedroom apartments, for which only 1½ spaces are required. In addition, 1 visitor space for every four units shall be provided except in the C-CBD zone.
(5) Publicly sponsored "limited income" housing for the elderly.	1 per 2 dwelling units, plus 1 per employee.

(5a.) Elderly housing	2 per dwelling unit, plus 1 per 2 resident employees, except in the case of efficiency units for which only 1 space is required, and except in the case of one bedroom apartments for which only 1.5 spaces are required.
(6) Shelter for displaced families and individuals.	1 per 5 beds plus 1 per employee.
(7) Assisted living facility	1 space per every 3 dwelling units, plus 1 space per employee on the largest shift.
(8) Live/work unit.	3 per unit.
g. Handicapped Parking.	Handicapped parking shall be provided in accordance with the requirements set forth in the State of CT Basic Building Code. In instances where handicapped parking spaces are required, such spaces shall be in addition to the number of spaces mandated in sections 8.C.4.a.-c., and e.-i., except for Section 8.C.4.c.(11b) Physical Medicine Facility, in which case up to one quarter of the spaces required for clients may be designated as handicapped parking spaces.

**8.C.5. Off-Street Loading Space.**

a. Each loading space shall be sufficient in size and arrangement to accommodate trucks of the type servicing the establishment. In the case of hospitals, institutions, hotels, restaurants, retail, wholesale and industrial uses, and wherever required by other uses, each loading space shall be a minimum of five hundred (500) square feet and loading spaces shall be furnished according the following table:

**REQUIRED OFF-STREET LOADING SPACE**

GROSS FLOOR AREA	NUMBER OF SPACES
Up to 15,000 sq. ft.	1
15,000 to 30,000 sq. ft.	2
Each additional 30,000 sq. ft.	1

b. Parking space as required in Section 8.C.4. shall not be considered for loading or unloading space. Aisles in off-street parking areas may be used to maneuver for entry into loading spaces, if the efficient operation of the parking area is not affected thereby.

c. In any cases where an off-street loading space or spaces have been established, loading shall thereafter take place in such space or spaces in preference to any public street or sidewalk.

**8.C.6. Parking and Loading Area Surfacing.**

Required parking, loading, and unloading facilities shall have adequate all weather surfacing, capable of allowing free and safe movement of all vehicles customarily using the facility.

**8.C.7. Illumination of Parking and Loading Areas.**

All artificial lighting used to illuminate any parking or loading space or spaces shall be so arranged that all direct rays from such lighting shall fall entirely within such parking space or spaces.

**8.C.8. Additional Requirements.**

a. Markings.

Parking spaces and directional travel signs for parking areas in multi-family, commercial, and industrial districts shall be clearly marked.

b. Use Restrictions.

Parking spaces and areas shall be for transient parking of motor vehicles only, with no sales, dead storage, repair work, dismantling, or servicing of any kind, except as permitted for service garages and service stations.

c. Unlicensed Vehicles.

Except as permitted in duly authorized districts, automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any property other than in completely enclosed buildings, except that unregistered farm vehicles may be allowed, provided they are used as farm vehicles on a bona fide farm as defined herein.

d. Camping Trailers, Camping Vehicles, and Boats with Trailers.

Parking and storage of currently licensed camping trailers, camping vehicles, and boats with trailers shall be restricted as follows:

- (1) in number, not more than one vehicle or trailer of each type for a total of not more than two vehicles or trailers per lot;
- (2) in length, not more than thirty-six (36) feet; and,
- (3) in location, not in a front, side, or rear yard setback.
- (4) The trailer, vehicle, or boat with trailer shall not extend beyond the front of the house.

e. Driveways.

Driveways providing access to parking spaces and lots shall be designed and constructed in accordance with the standards specified in Section 8.B.

## **8.D. LANDSCAPE REQUIREMENTS.**

The location and requirements for landscaped areas, screens, landscaped buffers, and natural buffers are as outlined in the requirements for each district. These types of landscape treatment shall conform to the following specifications.

### **8.D.1. Screen.**

An opaque solid wall constructed with masonry materials or an evergreen hedge of suitable appearance, not less than five (5) feet nor more than eight (8) feet above the ground level.

### **8.D.2. Landscaped Area.**

An open space, unoccupied except for walks or driveways, with the ground surface maintained in lawn, or evergreen ground cover, or any combination of the foregoing, with or without shrubs and trees.

### **8.D.3. Landscaped Buffer.**

An open unoccupied area requiring a mixture of evergreen and deciduous trees, and other plant materials, which will within five (5) years produce a visual barrier between adjacent land uses of different types. Where landscaped buffers are required, a planting plan and plant list with types and sizes shall be required as part of the site plan requiring approval.

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### **8.D.4. Natural Buffer.**

A suitable wooded open space, unoccupied except by plant materials, cleared of all rubbish, and waste materials, and left in a natural state with the land surface covered with a suitable ground cover.