

**Southwest Connecticut Reliability Project
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City of Danbury

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**INLAND WETLANDS
AND WATERCOURSES REGULATIONS
OF THE
CITY OF DANBURY**

PREAMBLE

The inland wetlands and watercourses of the City of Danbury are an indispensable and irreplaceable but fragile natural resource with which the citizens of the City have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water, the hydrological stability and control of flooding and erosion, the recharging and purification of groundwater, and to the existence of many forms of animal, aquatic and plant life.

Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of deposition, filling, or removal of materials, or the diversion or obstruction of water flow, or the pollution of its atmosphere, erection of structures and other uses, all of which have despoiled, polluted, and/or eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant adverse impact on the environment and ecology of the City of Danbury and has imperiled and will continue to imperil the quality of the environment, thus adversely affecting the ecological, scenic, historic, and recreational values and benefits of the City for its citizens now and forever more.

The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable, and unregulated uses, disturbance, or destruction are in the public interest, and are essential to the health, welfare, and safety of the citizens of the City of Danbury. It is, therefore, the purpose of these regulations to protect the citizens of the City of Danbury, by making provisions for the protection, preservation, maintenance, and use of the inland wetlands and watercourses (1) by minimizing their disturbance and pollution, (2) maintaining and improving water quality in accordance with the highest standards set by Federal, State or Local authorities, (3) preventing damage from erosion, turbidity or siltation, (4) preventing loss of fish and other beneficial aquatic organisms, wildlife, and vegetation and the destruction of the natural habitats thereof, (5) deterring and inhibiting the danger of flood and pollution, (6) protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational, and other public and private uses and values, and, (7) protection of the City's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse, and mismanagement by providing an orderly process to balance the need for economic growth of the City and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the citizens of the City the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

It is also the purpose of these Regulations to prevent substantial degradation of the City's significant wetlands and watercourses, to avoid any further uncompensated loss of the total stock of Danbury's wetlands and watercourses, and to encourage compensation for the unavoidable loss of wetlands or watercourses.

SECTION 1: TITLE, PURPOSE AND AUTHORITY

- 1.1. These Regulations shall be known and may be cited as the "Inland Wetlands and Watercourses Regulations of the City of Danbury".
- 1.2. The purpose of these Regulations is to carry out and effectuate the purposes and policies of the Connecticut General Statutes, Sections 22A-36 through 22A-45, inclusive, as amended.
- 1.3. These Regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these Regulations.
- 1.4. The Commission shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny permits for all regulated activities on inland wetlands and watercourses in the City of Danbury pursuant to the Inland Wetlands and Watercourses Act and these Regulations.

SECTION 2: DEFINITIONS

As used in these Regulations:

“The Act” means The Inland Wetlands and Watercourses Act, Section 22A-36 through 22A-45, inclusive, of the Connecticut General Statutes, as amended.

“Best Management Practice” means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or water courses; procedures for maintaining continuous stream flows; and confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

“Bogs” are areas distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.

“Clear Cutting or Grubbing”. "Clear Cutting" means the harvesting of trees which are of two inch (2") diameter or greater at breast height, in a fashion which removes at least fifty percent of the trees in an area not less than one acre in size. "Grubbing" means to dig; clear of roots, stumps, etc.; to uproot.

“Commission” means the Environmental Impact Commission of the City of Danbury.

“Commission Member” means a member of the Environmental Impact Commission of the City of Danbury.

“Commissioner of Environmental Protection” means the Commissioner of the

Department of Environmental Protection of the State of Connecticut.

“Construction” is defined as activities undertaken for the purpose of erecting a structure, including stockpiling of building materials, digging of foundations, but not including grading, clearing, and stockpiling of soil or other site preparations.

“Continual Flow” means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydro-logical season, June through September, but it recurs in prolonged succession.

“Deposit” includes but shall not be limited to fill, grade, dump, place, discharge or emit.

“Designated Agent” means an individual or individuals designated by the Commission to carry out specific functions and purposes.

“Discharge” means the emission of any water, substance or materials into wetlands or watercourses whether or not such substance causes pollution.

“Disturb the natural and indigenous character of the wetland or watercourse” means to alter the inland wetland and watercourse by reason of removal or deposition of material, clearing the land, altering or obstructing water flow, or pollution.

“Environmentally Sensitive Zone of the Watercourse” means the area encompassed by a distance of 100 feet outward from the edge of the stream channel of a watercourse during low flow conditions. The intent of these Regulations is to preserve the ecological integrity and pollutant renovation functions within this area.

“Essential to the Farming Operation” means that the activity proposed is necessary and indispensable to sustain farming activities.

“Farming” means the use of land for the growing of crops, raising of livestock or other agricultural purposes.

“Feasible” means able to be constructed or implemented consistent with sound engineering principles.

“License” means the whole or part of any permit, certificate, approval or similar form of permission which may be required of any person by the provisions of these Regulations under the authority of the Environmental Impact Commission.

“Marshes” are areas with soils that exhibit aquatic moisture regimes and are distinguished by the absence of trees and shrubs and the dominance of soft-stemmed herbaceous plants. The water table in marshes is at or above the ground surface throughout the year and areas of open water six inches or more in depth are common, but seasonal water table fluctuations are encountered.

“Material” means any substance, solid, liquid or gas, organic or inorganic, including, but not limited to soil, sediment, aggregate, earth, gravel, clay, bog, mud, debris, sand, refuse, or waste.

“Nurseries” means land used for propagating trees, shrubs, or other plants for transplanting, sale, or for use as stock for grafting. This definition does not include stockpiling of soil or use for storage of equipment not necessary for the operation.

“Permit” means the whole or any part of any license, certificate of approval or similar form of permission which may be required of any person by the provisions of these Regulations under the authority of the Commission.

“Permittee” means the person to whom such permit has been issued.

“Person” means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

“Planning Commission” means the Planning Commission of the City of Danbury.

“Point Source Drainage Discharge” means water carried by pipes, culverts, paved ditches or other conveyances, which drain directly into a wetland at a distinct point.

“Pollution” means harmful effect on or the contamination or rendering unclean or impure of any wetlands or watercourses of the state by reason of any waste or other materials, including thermal discharges, discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any wetlands or watercourses. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing, or excavation activity.

“Prudent” means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

“Regulated Activity” means any operation within or use of a wetland or watercourse involving removal or deposition of materials, or any obstruction, construction, alteration or pollution, of such wetland or watercourse, or any operation within or use of any land which may disturb the natural and indigenous character of a wetland or watercourse, but shall not include the activities specified in Section 4 of these Regulations. Regulated activities include but are not limited to the following:

(a) Activities in Upland Review Areas. Any of the activities listed in subparagraphs (i) through (iv) of this paragraph shall be deemed to be a regulated activity when any portion of said activities is conducted within the following upland review areas: a) within 100 feet of the outer boundary of a wetland, b) within 200 feet of the mean high water line of Candlewood Lake, Lake Kenosia, Still River, and all public water supply reservoirs, and c) within 100 feet of the mean high water line of any other watercourse:

(i) location of any portion of any subsurface waste disposal system;

(ii) clear cutting or grubbing of land, except as permitted in Section 4 of these Regulations;

(iii) excavating, filling or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition when the area of the ground cover destroyed, removed or disturbed by such activity is cumulatively more than five thousand (5,000) square feet, and any part of the area of such ground cover is within the upland review areas; or

(iv) permanent outdoor or underground storage or storage capacity of any petroleum based product.

None of the above listed activities to be conducted within the upland review areas specified in this Section shall be deemed to be a regulated activity if, as of the original effective date of the language in this subsection (a) (January 1, 1992), said activity has been completed, or a zoning permit has been issued for said activity, or the Zoning Commission or the Planning Commission has issued a special permit or special exception allowing the activity.

(b) Any construction or other development activity which adds or proposes to add one or more acres of impervious surface, shall be deemed to be a regulated activity if (1) the discharge of stormwater will increase the loading of pollutants from such impervious surfaces to a watercourse as compared to pre-development conditions, as determined under the standard set forth in subsection (b)(i) hereof; or (2) if the discharge of stormwater will increase the downstream peak flow of the receiving watercourse using the 25 year storm as a reference standard. Notwithstanding the foregoing sentence, the activities referred to in this subsection (b) shall not be deemed to be a regulated activity if, as of the effective date of this subsection (b) (April 24, 1998), said activity has been completed, or a zoning permit has been issued for said activity, or the Zoning Commission or Planning Commission has issued a special permit or special exception allowing the activity.

(i) The determination of pollutant loadings from a proposed development shall be made using the method described in Debo and Reese, *Municipal Stormwater Management*, Lewis Publishers, 1995, pp. 169-171 ("Debo and Reese"). The pollutant loading factors shall use the mean concentrations for each pollutant, utilizing the composite data table developed by the Environmental Protection Agency for the "National Urban Runoff Program". This composite table is found at page 170 of Debo and Reese, *supra*. Additionally, pollutant reduction factors specified in Debo and Reese, pp. 547-633, for specific best management practices may be used to normalize pollutant loadings from the site, provided that in all cases the pollutant reduction factor shall be the most conservative reduction factor stated therein. Other methodologies for predicting pollutant loadings to a receiving watercourse or pollutant reduction factors for best management practices may be proposed by the applicant, for the review and consideration of the Environmental Impact Commission or its agent, as alternatives to the methods described herein.

“Regulated Area” means a wetland, a watercourse, or upland review area as defined in these Regulations.

“Remove” includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast.

“Rendering Unclean or Impure” means any alteration of the physical, chemical or biological properties of any of the waters of the City including, but not limited to change in odor, color, turbidity, temperature or taste.

“Significant Activity” means:

(a) any activity involving a deposition of material which will or may have a substantial adverse effect on a wetland or watercourse;

(b) any activity involving a removal of material which will or may have a substantial adverse effect on a wetland or watercourse;

(c) any activity which substantially alters the natural channel or may inhibit the natural dynamics of a wetland or watercourse;

(d) any activity which substantially diminishes the natural capacity of a wetland or watercourse to support desirable fisheries, wildlife or other biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, ground water recharge, and/or provide recreation, open space or significant wildlife habitat, or perform other functions;

(e) any activity which may result in lowering the water quality of a wetland or watercourse below the water quality goals established by the Department of Environmental Protection of the State of Connecticut;

(f) any activity which destroys unique wetlands or watercourses having demonstrable scientific, aesthetic, or educational value;

(g) any activity which causes substantial turbidity, siltation, or sedimentation in a wetland or watercourse; or

(h) any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area.

In determining whether an activity is a significant activity" as defined herein, the Commission may consider any and all relevant factors including but not limited to whether the activity:

(i) involves filling, draining or permanent development on wetlands which will replace or permanently alter the characteristics of twenty-five percent (25%) or more of its current undeveloped area;

(ii) will result in any degree of loss of functionality of a wetland or watercourse in any of the categories defined in "Bulletin No. 9" published by the Department of Environmental Protection of the State of Connecticut;

(iii) involves drainage to a watercourse which may increase its floodstage due to runoff from impervious areas greater than one (1) acre in size;

(iv) will substantially affect undisturbed virgin wetland tracts which provide high functional values of ecological integrity in every category as defined in "Bulletin No. 9" published by the Department of Environmental Protection of the State of Connecticut;

(v) will substantially affect a permanent stream channel and its banks;

(vi) will substantially affect the one hundred (100) year floodway, as defined in Federal Emergency Management Agency (FEMA) maps;

(vii) will substantially affect ecological communities that are classified as "critical habitats" by the Connecticut Department of Environmental Protection's Natural Resource Diversity Data Base;

(viii) will substantially affect the habitat of a Connecticut or U.S. Endangered Species; or

(ix) will substantially affect a unique wildlife habitat which functions as a breeding/nesting grounds for species that are locally rare or wetlands which function as buffers or ecosystem edges for wetland communities that serve as habitats for species that are endangered, threatened, or locally rare.

"Soil Scientist" means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management (formerly the United States Civil Service Commission).

(a) Degree: soil science or a related discipline which includes 30 semester hours, or equivalent in biological, physical, or earth science, with a minimum of 15 semester hours in such subjects as soil genesis, pedology, soil chemistry, soil physics and soil fertility; or

(b) Combination of education and experience -- courses equivalent to a major in soil science or a related discipline, which includes at least 30 semester hours in biological, physical, or earth sciences. At least 15 of these semester hours must be in the areas specified in a. above, plus appropriate experience or additional education.

"Swamps" are areas with soils that exhibit ehoic moisture regimes and are distinguished by the dominance of wetland trees and shrubs.

“Waste” means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute a wetland or watercourse.

“Watercourses” means rivers, streams, brooks, water-ways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through, or border upon the City of Danbury, or any portion thereof, not regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation.

“Wetlands” means land, including submerged land, not regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and Floodplain by the National Cooperative Soil Survey, as it may be amended from time to time by the United States Department of Agriculture Natural Resource Conservation Service. Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by said National Cooperative Soil Survey.

“Wetland Discharge Point” means the location, in the regulated area, where the point source drainage discharge flows into a wetland.

“Zoning Board of Appeals” means the Zoning Board of Appeals of the City of Danbury.

“Zoning Commission” means the Zoning Commission of the City of Danbury.

SECTION 3: INVENTORY OF REGULATED AREAS

- 3.1. The map of regulated areas entitled "Inland Wetlands and Watercourses Map, Danbury, Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection in the office of the Town Clerk or of the Commission. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types, vegetation, and locations of watercourses. The Commission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.
- 3.2. Any property owner who disputes the designation of any part of his or her land as a wetland or watercourse on the Inland Wetlands and Watercourses Map may petition the Commission to change the designation by submitting an application to the Commission.

All applications for such a redesignation shall be in writing, on a form to be supplied by the Commission, and shall include all relevant facts and circumstances which support the change as specified in the application. The petitioner shall provide proof that the designation is inappropriate. Documentation in accordance with Section 14 of these Regulations is required of the property owner when the Commission requires an accurate delineation of regulated areas.

SECTION 4: PERMITTED USES AS OF RIGHT AND USES

4.1. The following operations and uses shall be permitted in wetlands and watercourses:

(a) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation and activities conducted by, or under the authority of, the Department of Environmental Protection for the purpose of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this Section shall not be construed to include (1) road construction or the erection of buildings not directly related to the farming operation, (2) relocation of watercourses with continual flow, (3) filling or reclamation of wetlands or watercourses with continual flow, (4) clear cutting of timber except for the expansion of agricultural crop land, or (5) the mining of top soil, peat, sand, gravel or similar material from a wetland or watercourse for the purposes of sale;

(b) A residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the building permit has been issued or the subdivision has been approved by the Planning Commission as of July 1, 1974, and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. The person claiming a use of wetlands permitted as of right under this subsection shall document the validity of said right by notifying the Commission on the form attached to these Regulations as Schedule B and made a part hereof, and by providing the Commission with the information required by such form, including a certified copy of the building permit, the approval date of the subdivision, if applicable, and a site plan showing house and well locations, septic system, and driveway;

(c) Boat anchorage or mooring, not to include dredging or dock construction:

(d) Uses incidental to the enjoyment or maintenance of residential property, defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the City and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse.

(e) Construction and operation, by water companies as defined by Section 16-1 of the Connecticut General Statutes, or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and

withdrawal of water in connection with public water supplies except as provided in Section 22a-401 and 22a-410 of the Connecticut General Statutes.

(f) Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For the purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

4.2. The following operations and uses shall be permitted as non-regulated uses in regulated areas provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

(a) Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife, and silviculture management practices, including educational and research activities;

(b) Outdoor recreation, including the use of play and sporting areas, field trails, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing and cross-country skiing where otherwise legally permitted and regulated;

(c) Installation of groundwater monitoring wells for the purpose of subsurface hydrogeologic or water quality investigation, provided that a mitigation plan for restoring damaged or disturbed areas of soils or vegetation is approved prior to installation by the Danbury Health and Housing Department; and

(d) Placement of no more than one newly constructed dock into a watercourse from a parcel of land abutting such watercourse, provided that said dock has no more than two moorings and does not exceed 25 feet in length. Notwithstanding the foregoing sentence, any dock which was initially placed into a watercourse prior to the effective date of this subsection (d) (April 24, 1998) shall be permitted as of right, and the removal and redeployment of any such dock shall also be permitted as of right.

4.3. To implement the purpose of this Section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous character of the wetland or watercourse, shall, prior to commencement of such operation or use, notify the Commission by completion and submission of the form attached to these Regulations as Schedule B, to provide the Commission sufficient information to enable it properly to determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The Commission shall rule that the proposed operation or use is a permitted or a nonregulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than thirty-five (35) days following the date of receipt by the Commission of said notification form, provided that the failure of the Commission to act within such

time period shall not be deemed to constitute approval of the proposed operation or use. The Commission shall notify the applicant of its decision and publish notice of its decision in accordance with the requirements of Section 10.4. of these Regulations.

- 4.4. All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these Regulations shall require a permit from the Commission in accordance with Section 6 of these Regulations.

SECTION 5: ACTIVITIES REGULATED BY THE STATE

- 5.1. In addition to any permit or approval required by the Commission, the Commissioner of Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:

- (a) a construction or modification of any dam pursuant to Sections 22a-401 through 22a-410 of the General Statutes, as amended;

- (b) construction or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the General Statutes, as amended;

- (c) construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the State pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the General Statutes, as amended;

- (d) diversion of water in excess of fifty thousand (50,000) gallons per day or any surface waters of the State where the tributary watershed area above the point of diversion is one hundred (100) acres or larger pursuant to Sections 22a-365 through 22a-378 of the General Statutes, as amended;

- (e) discharges into the waters of the State pursuant to Section 22a-430 of the General Statutes, as amended; or,

- (f) discharge of fill or dredged materials into the wetlands and watercourses of the State pursuant to Section 401 of the Federal Clean Water Act (CWA), as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal CWA.

- 5.2. The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities and other activities, in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education.

- 5.3. The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to Section 22a-28 through 22a-35 of the General Statutes.

SECTION 6: REGULATED ACTIVITIES TO BE LICENSED

- 6.1. No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Commission.
- 6.2. The Commission shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands, watercourses, or regulated areas and any other regulated activity as defined in Section 2 of these Regulations, unless such operation or use is permitted or nonregulated pursuant to Section 4 of these Regulations.
- 6.3. Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission, or violating any other provision of these Regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 13 of these Regulations and any other remedies as provided in Section 22a-44 of the Connecticut General Statutes, as amended.

SECTION 7: PERMIT APPLICATION REQUIREMENTS AND PROCEDURES

- 7.1. Any person wishing to conduct a regulated activity shall, prior to the commencement of such activity, submit an Application for Permit to Conduct Regulated Activity to the Commission. The form for such application is annexed hereto as Schedule A and is made a part of these Regulations. Copies of application forms are on file in the office of the Commission.
- 7.2. All applications shall contain such information as is necessary for a fair and informed determination of the issues. All information submitted in the application shall be considered factual and binding. A failure of the applicant or any of his, her or its agents to provide correct information, or performance exceeding the scope of the work as set forth in the application, shall be sufficient grounds for the revocation of any permit under these Regulations and/or for penalties to be imposed. Each day of violation shall be considered as a separate offense.
- 7.3. All applications shall include the following information in writing:
 - (a) The applicant's name, home and business address and telephone numbers.
 - (b) The owner's name, home and business address and telephone numbers and written consent to the proposed activity if the applicant is not the owner of the property involved in the applications. If the owner is a corporation or other non-individual entity the name, address, and phone number of a principal must be included.
 - (c) Applicant's interest in the land.
 - (d) A sketch showing the geographical location of the land which is the subject of the proposed activity, and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands or watercourses to be disturbed, soil type(s), and wetland vegetation.

(e) The purpose and description of all proposed activities including computation of the area(s) in acres of wetlands or watercourses disturbance and the proposed amount of fill, and proposed erosion and sedimentation controls.

(f) A detailed narrative of the alternatives considered and subsequently rejected by the applicant and why the proposal to alter wetlands set forth in the application was chosen. The Commission may require the applicant to submit a site plan showing the alternatives.

(g) Two site plans with one showing the existing conditions, and one showing proposed conditions in relation to wetlands and watercourses, and identifying any further activities associated with or reasonably related to the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

(h) List of names and correct mailing addresses of all abutting property owners, and all owners of property across the street from the subject property. In the event that the Commission schedules a public hearing on the application, the applicant shall submit envelopes preaddressed to such owners no later than five (5) days following the date on which the Commission sets the matter down for a hearing. If land abutting or across the street from the subject property is a "common interest community" as defined in Chapter 828 of the Connecticut General Statutes, and a unit owners' association has been organized for such common interest community, the applicant need only submit the name of (and if applicable, an envelope preaddressed to) the unit owners' association.

(i) Certification that the applicant is familiar with these Regulations and all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information.

(j) Authorization for the members and agents of the Commission and the City to inspect the property, at reasonable times: both before and after a final decision has been issued if a permit has been issued; while the regulated activities are being conducted; and at any time thereafter up to and including the period of time in which the applicant's bond or surety is in effect in order to ensure that the activities are being conducted in accordance with the permit.

(k) Whether the proposed regulated activity will require subdivision or re-subdivision approval, a zoning permit, special permit, special exception or exemption, or a variance, from the Zoning Commission, Planning Commission or Zoning Board of Appeals, as the case may be.

(l) Whether any of the following circumstances applies:

(i) Any portion of the property affected by the decision of the Commission is located within five hundred (500) feet of the boundary of

an adjoining municipality;

(ii) A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;

(iii) A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or,

(iv) Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

(m) Any other information the applicant deems necessary to the understanding of what the applicant is proposing.

(n) Submission of the appropriate filing fee based on the fee schedule established in Section 12 of these Regulations.

(o) Any compensatory mitigation measures which the applicant wishes to propose to the Commission, in accordance with the criteria set forth in Section 9.2(d) of these Regulations. Notwithstanding any other provision of these Regulations, the applicant shall not be required to propose, either in the application or at the request of the Commission, any compensatory mitigation measure that would create or restore a wetland or watercourse that is larger than one and one half times the area of the wetland or watercourse that would be eliminated or degraded as a result of the proposed activity.

(p) A completed DEP reporting form; the Commission shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Environmental Protection in accordance with Section 22a-39-14 of the Regulations of Connecticut State Agencies, as amended.

7.4. At any time prior to issuance of a decision on an application for a permit or in the case of an application on which a public hearing is conducted, at any time prior to the close of the public hearing, the Commission may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application.

7.5. Decisions on Nonregulated Activities (Declaratory Ruling). If the Commission finds that a proposed activity does not involve any regulated activity or involves only a permitted use as defined in Section 4, it shall issue a declaratory ruling allowing the activity. A declaratory ruling may be limited or revoked by the Commission if it is later shown that a regulated activity or non-permitted use is a consequence of the proposed activity. The Commission shall state in writing its reasons for finding that a proposed permitted use or other activity does not involve a regulated activity.

7.6. Decisions on Regulated. Nonsignificant Activities (Summary Ruling). If the Commission finds that a proposed activity is a regulated activity but not a significant

activity, it may issue a summary ruling granting a permit for the activity with or without conditions. In order to grant a permit at this stage, the Commission, after full review of the considerations set forth in Section 9 and other pertinent factors, shall state upon the record its reasons for granting the permit with or without conditions.

7.7. Decisions on Significant Activities (Plenary Ruling). If the Commission finds that the activity applied for is or may be a significant activity, the Commission may request the applicant to provide information which may include, but is not limited to, the following:

(a) Site Plan. A site plan for the proposed use or operation of the applicant's property and any adjacent property which will be affected, which shows existing and proposed conditions, wetland and watercourse boundaries, upland review areas if applicable, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the development, drawn by a licensed surveyor, professional engineer or landscape architect registered in the State of Connecticut. The map shall be at a scale of 1" = 40' (one inch equals forty feet), or at such other scale as the Commission may deem to be more suitable for the size of the site. If the applicant's surveyor, professional engineer or landscape architect is unable to comply with any requirement of this subsection (a) with regard to the mapping of adjacent property, the reasons shall be clearly stated on the site plan.

(b) Engineering Reports. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses, and the proposed erosion and sedimentation control plan.

(c) Soil Sample Mapping. The applicant shall present documentation by a soil scientist showing the soil types classified as poorly drained, very poorly drained, alluvial, or flood plain according to the National Cooperative Soils Survey. The applicant shall also present a map of the land in question signed by a licensed surveyor on which the flag locations defining the boundaries of the regulated soil types are depicted.

(d) Analysis of Material to be Deposited. The applicant shall describe any materials to be deposited on the affected property in terms volume, chemical or physical characteristics, composition, and the possibility of erosion or leaching from deposited materials.

(e) Proposed Activity. A description of the proposed construction or the erection of structures on the affected property, including blueprints or engineering or architectural plans or designs, to the extent necessary to permit the Commission to determine the impact of such construction on any regulated area. Such description should include the purposes of such construction or activity.

(f) Other Property Owners. A list of other property owners of whom the applicant has notice whose rights or interests will be significantly affected by the proposed activity.

(g) Watercourse Characteristics. If the proposed activity upon the applicant's property may affect a watercourse lying within, partly within, or flowing through or adjacent to the applicant's property, the applicant shall submit information relative to the present character and the projected impact of the proposed activity upon the watercourse. For any regulated activity that occurs in the environmentally sensitive zone of the watercourse, the following information is required:

(i) A map, on a minimum scale of 1" = 40', that illustrates the environmentally sensitive zone of the watercourse in the vicinity of the proposed activity;

(ii) Illustration and description of any proposed area of impervious coverage on the environmentally sensitive zone of the watercourse;

(iii) Mitigative measures proposed by the applicant to treat the stormwater discharge to the environmentally sensitive zone of the watercourse. Such measures may include compensating for loss of pervious areas on the environmentally sensitive zone of the watercourse, establishing vegetative cover, and structural measures to reduce stormwater pollutants draining from the proposed development on to the environmentally sensitive zone of the watercourse.

(h) Mitigation Measures. Measures which would mitigate the impact of the proposed activity. Such measures include, but are not limited to, best management practices, plans or other actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or point source drainage discharges to wetlands, or which otherwise safeguard water resources.

(i) Environmental Impact and Alternatives. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application (which communities and functions the applicant shall specifically describe), and a description of why each alternative considered was deemed neither feasible nor prudent.

(j) Compensatory Mitigation Measures. Evaluation of alternative on-site or off-site mitigation measures, in accordance with the standards and criteria for such measures set forth in Section 9.2d of these Regulations, to compensate for the direct loss of wetlands or watercourses or the diminishing of the environmental functions of regulated wetlands or watercourses that will occur as a result of the proposed activity.

(k) Habitat Report. A report that identifies wetland vegetation species, wildlife, habitat characteristics and functional values of the wetland system on the proposed site of development.

- 7.8. Fourteen (14) copies of all application materials shall be submitted unless the Commission otherwise directs in writing.
- 7.9. The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Commission, provided such meeting is no earlier than three (3) business days after receipt, or thirty-five (35) days after such submission, whichever is sooner.
- 7.10. Except as otherwise provided in this Section 7.10, any application to renew a permit or to amend an existing permit shall be made in accordance with this Section 7 provided:
- (a) The application may incorporate by reference the documentation and record of the original application;
 - (b) The application, if for renewal, shall state the reason why the authorized activities will not be or were not initiated or completed within the time specified in the permit, and if for amendment, shall describe in detail the nature of the proposed amendment and the reasons why it is necessary;
 - (c) The application shall describe any changes in facts or circumstances involving or affecting wetlands or watercourses or the property for which the permit was issued;
 - (d) The Commission shall evaluate any application to amend an existing permit pursuant to Section 9 of these Regulations and grant the application as filed, grant it with any terms or limitations, or deny it; and
 - (e) Any application to renew a permit (whether filed before or after the expiration of the original permit) shall be granted upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit may be valid for more than ten (10) years from the date of its original approval.
- 7.11. A reporting form shall be completed during the application process which provides the Commissioner of Environmental Protection with information necessary to properly monitor the inventory of State wetlands. The reporting form shall be part of the application and specified sections shall be completed by the applicant. These sections shall include the following: name of applicant; location and name of the project; project and site description; area of wetlands and/or linear feet of watercourse proposed to be altered. The Commission shall be responsible for the remaining information on the reporting form and for any corrections thereon and for filing it in accordance with the Inland Wetlands and Watercourses Regulations of the Department of Environmental Protection.
- 7.12. Incomplete applications may be denied.

- 7.13. When an application to conduct or cause to be conducted a regulated activity upon any portion of such wetland or watercourse is filed and any portion of such wetland or watercourse is within 500 feet of the boundary of New Fairfield, Brookfield, Bethel, or Ridgefield in Connecticut or Southeast in New York State, the applicant shall give written notice of the application by certified mail, return receipt requested, to the municipal wetland agency of the adjacent municipality on the same day of filing an inland wetland permit application with the Commission. The applicant shall submit proof of such notice to the Commission within five (5) days of the date of receipt of the application.
- 7.14. The Commission shall notify the clerk of any adjoining municipality of the pendency of any application, petition, request or plan concerning any project on any site when:
- (a) Any portion of the property affected by the decision of the Commission is located within five hundred (500) feet of the boundary of an adjoining municipality;
 - (b) A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - (c) A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or
 - (d) Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality. Notice of the pendency of such application shall be made by registered mail and shall be mailed within seven (7) days of the date of receipt of the application.
The notice required under this Section shall be by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application, petition, request or plan. No hearing may be conducted on any such application, petition, request or plan unless the adjoining municipality has received the notice required under this Section. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.
- 7.15. When an application is filed with the Commission to conduct or cause to be conducted a regulated activity upon a wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 16-1 of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the watershed on the land records of the City of Danbury and with the Commission. Such notice shall be made by certified mail, return receipt requested, and shall be made within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Commission.
- 7.16. All applications and supporting maps and documentation shall be open for public inspection at the Commission's office.

- 7.17. Whenever the Commission or its designated agent requests revisions to an application or any component part thereof, the revision shall be accompanied by a narrative explanation of the changes from the previously filed application, and any revised site plan shall clearly indicate the changes from the previous site plan.

SECTION 8: PUBLIC HEARINGS

- 8.1. The Commission shall not hold a public hearing on an application unless the Commission determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five (25) persons requesting a hearing is filed with the Commission not later than fifteen (15) days after the date of receipt of such application or the Commission finds that a public hearing regarding such application would be in the public interest. Such hearing shall be held no later than sixty-five (65) days after the date of receipt of such application. Any person may appear and be heard at a public hearing.
- 8.2. Notice of the public hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the public hearing in a newspaper having a general circulation in each municipality where the affected wetland and watercourse or any part thereof is located.
- 8.3. The public hearing shall be commenced and completed within the time periods set forth in Section 10.2 of these Regulations. The Commission shall mail notice of the public hearing to the applicant and the owner(s) of record of land abutting or across the street from the subject property no less than fifteen (15) days prior to the day of the hearing.
- 8.4. In the case of any application which is subject to the notification provisions of Section 7.11 of these Regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record. Such adjoining municipality may, through a representative, appear and be heard at any hearing on the application.

SECTION 9: CONSIDERATIONS FOR DECISION

- 9.1. The Commission may consider the following in making its decision on an application:
- (a) The application and its supporting documentation;
 - (b) Public comments, evidence and testimony from a public hearing or meeting;
 - (c) Reports from other federal, State and local agencies and commissions including but not limited to the following authorities of the City of Danbury;
 - (i) Conservation Commission;
 - (ii) Planning Commission and Zoning Commission;

- (iii) Building Official;
- (iv) Department of Health;
- (v) Engineering Department;
- (vi) Department of Public Works; and
- (vii) Director of Planning.

(d) The Commission also may consider comments from the Fairfield County Soil and Water Conservation District, the Housatonic Valley Council Regional Planning Agency, Candlewood Lake Authority or other regional organizations, or agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.

9.2. Standards and Criteria for Decision.

In carrying out the purposes and policies of these Regulations and sections 22a-36 to 22a-45a of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Commission shall consider all relevant facts and circumstances including but not limited to:

(a) The environmental impact of the proposed regulated activity on wetlands or watercourses.

(b) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses.

(c) The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses.

(d) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources. In evaluating such loss of wetlands or watercourses, the Commission may consider as a condition of issuing a permit for such activity mitigation measures including, but not limited to, measures to (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources. Any mitigation measures, including but not limited to those proposed by the applicant, shall be considered in accordance with the following standards and criteria:

(i) The environmental impact of the proposed activity on wetlands and watercourses on the applicant's property should be considered independently of the proposed compensatory mitigation measures. If the Commission determines that the proposed activity will not significantly impair a wetland or watercourse (based upon the criteria described in Section 9.2 (a) - (g) above, and there are no feasible and prudent alternatives to the loss of a wetland or watercourse (or the diminishing of

their environmental functions), compensatory mitigation may be considered as a means of assuring that the total stock of wetlands and watercourses in Danbury is substantially maintained.

(ii) Any compensatory mitigation measure shall be designed to restore or create wetlands or watercourses including, but not limited to marsh restorations, shoreline stabilization, establishing wetland vegetation, and sponsoring environmental design services or construction activities to implement the project.

(iii) On-site mitigation measures should be considered as the primary alternative for compensating for the unavoidable loss of a wetland or watercourse due to a proposed activity.

(iv) Any proposal for off-site compensatory mitigation on property of the City of Danbury shall not be submitted until the Health & Housing Department (after consultation with other City departments that may be involved with or have jurisdiction over the subject parcel) has approved the proposed work. If the Health & Housing Department determines that the work should be performed only by the City (or by its authorized agents), the applicant's proposal shall include a written commitment to pay the City the amount that is determined by the Health & Housing Department to be reasonably necessary to cover the cost of the proposed work. The Commission may include such cost as part of the amount of any bond which it sets pursuant to Section 11 of these Regulations. Any proposal for off-site compensatory mitigation on private property shall be accompanied by a written statement of consent, signed by the property owner, and a letter of approval from the Danbury Health & Housing Department approving the compensatory mitigation project.

(e) The character and degree of injury to, or interference with, safety, health, or the reasonable use of property which is caused or threatened by the proposed regulated activity.

(f) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

(g) The degree to which the environmentally sensitive zone of the watercourse is maintained in a stable, vegetated and ecologically viable state that preserves the pollutant reduction functionality within the riparian zone.

(h) The degree to which drainage impacts at the location in the wetland where the point source discharge occurs are mitigated by best management practices and outlet protection. Unless demonstrated by the applicant that no feasible or prudent alternatives are available, point source drainage discharges to wetlands without stormwater management controls shall be prohibited.

- 9.3. (a) In the case of an application which received a public hearing either on the petition of twenty five (25) or more persons pursuant to § 8.1 of these Regulations or pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the Commission shall consider the facts and circumstances set forth in Section 9 of these Regulations. The finding and the reasons therefor shall be stated on the record in writing.
- (b) In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Commission shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he or she is entitled to the permit or to present alternatives to the proposed regulated activity.
- 9.4. In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision.

SECTION 10: DECISION PROCESS AND PERMIT

- 10.1. The Commission, or its duly authorized agent (acting pursuant to subsection (a) of this Section 10.1), may grant the application as filed or grant it upon terms, conditions, limitations or modifications of the regulated activity, which are designed to carry out the policy of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, or deny it. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
- (a) The Commission hereby delegates to the City's Coordinator of Environmental and Occupational Health Services and the City's Environmental Inspector the authority to issue declaratory rulings (pursuant to Section 7.5 of these Regulations) and summary rulings (pursuant to Section 7.6 of these Regulations) or to renew approvals for activities originally approved by a declaratory ruling or summary ruling, for activities that are not located in a wetland or watercourse. Either of such persons (hereafter referred to as "Agent") shall have the authority to issue such an approval or renewal, provided that the Agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to section 22a-39 of the Connecticut General Statutes, and provided further that the Agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses.
- (b) Any person receiving an approval from the Agent pursuant to subsection (a) above shall, within ten (10) days of the date of such approval, publish, at the applicant's expense, notice of approval in a newspaper having a general

circulation in the City of Danbury. Any person may appeal such decision of the Agent to the Commission within fifteen (15) days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three (3) business days after receipt by the Commission or the Agent of such appeal. The Commission shall, at its discretion, sustain, alter, or reject the decision of its Agent or require an application for a permit in accordance with these Regulations.

- 10.2. Any public hearing on an application shall be held no later than sixty-five (65) days after the date of receipt of an application. The hearing shall be completed within forty-five (45) days of its commencement, and action shall be taken on applications within thirty-five (35) days after completion of public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this Section for the holding of the hearing and for action on such application, provided the total extension of any such period shall not be for longer than the original period as specified in this Section, or may withdraw the application. The failure of the Commission to act within any time period specified in this Section, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Commission either shall be withdrawn by the applicant or shall be denied by the Commission.
- 10.3. The Commission shall state upon its record the reasons for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.
- 10.4. The Commission shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Commission shall cause notice of its order granting or denying the permit to be published, in a newspaper having general circulation in the municipality wherein the wetland or watercourse lies. In any case in which such notice is not published within such fifteen (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter. A copy of all Commission decisions shall be forwarded to the Commissioner of Environmental Protection in such a form as is prescribed by the Commissioner.
- 10.5. If an application for an activity regulated by the Commission also involves an activity or project which requires zoning or subdivision or resubdivision approval, a special zoning permit, variance or special exception, the Commission shall cause a copy of the decision and report on the application to be filed with the Planning Commission, Zoning Commission, or Zoning Board of Appeals, as the case may be, within fifteen days of the date of decision.
- 10.6. If the Commission denies a permit, the application shall not be resubmitted within one (1) year from the date of the denial unless the proposal is modified in a fashion that substantially changes the impacts which resulted in the denial. Such submittal shall take the form of a new application.
- 10.7. Any permit issued under this section for the development of property for which an

approval is required under sections 8-3, 8-25, or 8-26 of the Connecticut General Statutes shall be valid for five years provided that in approving such an application the Commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued under this section for any other activity shall be valid for a period determined by the Commission, which period shall be not less than two years and not more than five years. All permits shall expire upon the date of completion of the act specified therein.

- 10.8. No permit approved after the effective date of these Regulations shall be assigned or transferred without the written permission of the Commission. Such permission shall be granted upon receipt and review by the Commission of a written statement, on a form provided by the Commission, signed by the transferee, stating that the transferee has reviewed the applicable regulations and the terms and conditions of the permit and agrees to be bound thereby. If a bond or other security obligation is in place, the transferee shall also submit proof acceptable to the Commission that the transferee has assumed such obligation, or shall provide such substitute security as may be acceptable to the Commission. If no such bond or security obligation is in place, the Commission may require the transferee to file a bond or other substitute security acceptable to the Commission.
- 10.9. If a bond is required in accordance with Section 11 of these Regulations, no permit shall be issued until such bond is provided.
- 10.10. The following general provisions shall apply to the issuance of all permits:
 - (a) If the Commission relied in whole or in part on information provided by the applicant, and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
 - (b) All permits issued by the Commission are subject to and do not derogate from any present or future rights or powers of the Commission or the City of Danbury, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state and municipal laws or regulations pertinent to any property or activity.
 - (c) If the activity authorized by the permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the permit may begin until such approval is obtained.
 - (d) The permittee shall take such necessary steps, consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
- 10.11. Each permit issued pursuant to these Regulations shall be in writing and in such form as the Commission may prescribe, and shall be signed by the Chairman or Secretary of the Commission. Any restrictions or conditions applicable to the permit shall be set forth in full therein.

SECTION 11: BONDS

- 11.1. Upon approval of the application and prior to the issuance of a permit, the Commission in its discretion may require the applicant to file a bond. The amount of the bond shall not exceed one hundred ten percent (110%) of the cost of correcting violations of the permit or any of its conditions, as estimated by the City Engineer. The bond shall be posted in the form of a certified check, passbook or letter of credit. The term of any such letter of credit shall not be less than the time remaining to complete the permitted activity plus an additional six (6) months. The bond shall be conditioned on compliance with all provisions of these Regulations and the terms, conditions and limitations established in the permit. The Commission shall release the bond upon its determination that permitted activities have been completed to its satisfaction or upon its determination that the permitted activity has not been commenced or completed within the time periods specified in Section 10.7 of these Regulations.

SECTION 12: APPLICATION FEES

- 12.1. Definitions. As used in this Section:
 - (a) "Residential Uses" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.
 - (b) "Commercial Uses" means activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.
 - (c) "Other Uses" means activities other than residential uses or commercial uses.
- 12.2. Fees are set to cover the reasonable cost of reviewing and acting on applications, and monitoring compliance with any permit or Commission order.
- 12.3. All fees required by these Regulations shall be submitted to the Commission by check or money order payable to the City of Danbury at the time the application is filed with the Commission.
- 12.4. No application shall be granted or approved by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to Section 12.6. of these Regulations.
- 12.5. The application fee is not refundable, except as otherwise provided herein.
- 12.6. The applicant may petition the Commission to waive, reduce or allow delayed payment of the application fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Commission should consider in its determination under this Section. The Commission shall return any fee paid for an application that the Commission grants by a declaratory ruling. The Commission may waive all or part of the application fee if the Commission determines that:

(a) The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or

(b) The amount of the application fee is clearly excessive in relation to the cost to the City for reviewing and processing the application. The Commission shall state upon its records the basis for all actions under this Section.

The Commission shall state upon its record the basis for all actions under this section.

12.7. The City of Danbury and the State of Connecticut shall be exempt from the payment of fees.

12.8. Application fees shall be based on the following schedule:

(a) PERMITTED & NON-REGULATED USES (Section 4 of these Regulations):

(i) Permitted uses of a wetland or watercourse (Section 4.1)
\$25.00

(ii) Non-regulated uses of a wetland or watercourse (Section 4.2)
.....\$25.0
0

(b.) REGULATED USES (Sections 5 and 6 of these Regulations):

(i) Subdivision site plan, single family dwellings
\$350.00 PLUS \$50.00 per lot and \$50.00 per acre (or part) of wetlands and watercourses on property.

(ii) Condominium or attached unit developments
\$350.00 PLUS \$25.00 per unit and \$50.00 per acre of wetlands and watercourses on property.

(iii) Single family dwelling not part of a subdivision
\$150.00 PLUS \$25.00 per acre (or part) of wetlands and watercourses on the property.

(iv) Residential expansions greater than 25%, septic system expansion or repair, pools, or tennis courts
\$100.00 PLUS \$25.00 per acre (or part) of wetlands and watercourses on the property.

(v) Residential expansions less than 25% or other nonsignificant regulated activities
..... \$50.00

(vi) Commercial uses: 0 to 20,000 sq.ft. of building area
 \$1,000.00
 20,000 sq.ft. to 40,000 sq.ft. of building area
 \$1,500.00
 Greater than 40,000 sq.ft. of building area
 \$2,000.00

(vii) Significant Activity Fee (to be paid prior to commencement of
 public hearing)
 \$500.00

(viii) Pond dredging \$200.00

(ix) Map Amendment Petitions (Section 13.3)
 \$150.00 *PLUS* the actual costs of the Commission's soil scientist or other
 technical consultants' fees, if any, will be paid to the City of Danbury.
PLUS \$35.00 per 100 linear feet of proposed new boundary of the
 wetland or watercourse.

(x) Additional Compliance Inspections\$100.00 per
 inspection

(c) AMENDMENT & RENEWAL OF PERMITS (Section 7.10 of these
 Regulations):

(i) Amendment of Permit (Revised site plan)
 \$170.00

(ii) Renewal of Permit
\$80.00

SECTION 13: ENFORCEMENT

13.1. The Commission may appoint an agent or agents to act in its behalf with the authority to inspect property, except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these Regulations.

13.2. The Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these Regulations.

13.3. If the Commission or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these Regulations, the Commission or its duly authorized agent may, with-out limitation of any other remedy provided by law:

(a) issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10)

calendar days of the issuance of such order the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having a general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this Section shall not delay or bar an action pursuant to Section 22a-44(b) of the General Statutes, as amended;

(b) suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Commission shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Commission shall hold a public hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend or revoke a permit by certified mail within fifteen (15) days of the date of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having a general circulation in the municipality;

(c) issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Commission may request that the person appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or file a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Section 13.3.a or other enforcement proceedings as provided by law.

SECTION 14: AMENDMENTS

- 14.1. An application filed with the Commission which is in conformance with these Regulations as of the date of receipt of such application shall not be required thereafter to comply with any change in these Regulations, including changes to upland review areas, taking effect on or after the date of such receipt, and any appeal from the decision of the Commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this Section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of wetlands or watercourses or (2) to any change in these Regulations necessary to make them consistent with the provisions of Chapter 440 of the General Statutes as of the date of such receipt.

- 14.2. These Regulations and the City of Danbury Inland Wetlands and Watercourses Map may be amended from time to time in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. Except in the case of map amendments pursuant to Section 14.3, the Commission shall provide the Commissioner of Environmental Protection with a copy of any proposed amendments to regulations and notice of the public hearing thereon at least thirty-five (35) days before the public hearing on their adoption. Fee schedules shall be adopted as Regulations or as otherwise provided by municipal ordinance.
- 14.3. A public hearing shall be held on petitions to amend these Regulations and the Inland Wetland and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two (2) days, the first not more than twenty-five (25) days nor less than fifteen (15) days, and the last not less than two (2) days, before such hearing. A copy of such proposed regulation or boundary change shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such sharing, and may be published in full in such newspaper.
- 14.4. Any person who proposes an amendment to these Regulations or to the Inland Wetlands and Watercourses Map shall submit a petition to the Commission. Forms for such petitions may be obtained from the office of the Commission. Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Danbury, Connecticut", shall contain at least the following information:
- (a) The petitioner's name, address and telephone number;
 - (b) The address of the land affected by the petition;
 - (c) The owner's name (if not the applicant), address, telephone number, and the owner's written consent to the proposed action and to inspections and soil data verification by the Commission or its authorized agents;
 - (d) The petitioner's interest in the land affected by the petition, if any;
 - (e) Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations;
 - (f) A map of the property, including two-foot topographical contours; direction of stream flow, if any; wetland or watercourse boundary line as shown on the City of Danbury Inland Wetlands and Watercourses Map; proposed new boundary; location of test holes; and soil types;
 - (g) The reasons for the requested action;
 - (h) The names and addresses of adjacent property owners; and
 - (i) Soil test hole data, including field notes.

- 14.5. Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, Danbury, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Commission. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 14.4, the petition shall include:
- (a) The name, address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
 - (b) The names and addresses of the owners of abutting land;
 - (c) Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
 - (d) Map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
- 14.6. The Commission may require a petitioner for a change in the Inland Wetlands and Watercourse Map to present documentation by a soil scientist showing the soil types classified as poorly drained, very poorly drained, alluvial, or floodplain according to the National Cooperative Soils Survey. Such documentation shall include a map of the land in question signed by a soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted. Watercourses shall be delineated by a soil scientist, geologist, ecologist or other individual deemed qualified by the Commission.
- 14.7. Within ninety (90) days after receipt of a petition for a change in these Regulations or the Inland Wetlands and Watercourses Map, the Commission shall hold a public hearing to consider the petition. The Commission shall act upon the changes requested in such petition within sixty (60) days after the close of the hearing. The petitioner may consent to one or more extensions of the periods specified in this Section for the holding of the hearing and for action on such petition, provided the total extension of any such period shall not be for longer than the original period as specified in this Section, or may withdraw such petition. The failure of the Commission to act within any time period specified in this Section, or any extension thereof, shall not be deemed to constitute approval of the petition.
- 14.8. The Commission shall make its decision and state, in writing, the reasons why the change in these Regulations or the Inland Wetland and Watercourses Map was made. The Commission shall provide a copy of such amended regulation or map boundary to the Commissioner of Environmental Protection no later than ten (10) days after its adoption, provided failure to submit such regulation or boundary shall not impair the validity of the regulation or boundary.

SECTION 15: APPEALS

- 15.1. Appeal on actions of the Commission shall be made in accordance with the provisions of Section 22a-43 of the General Statutes, as amended.
- 15.2. Notice of such appeal shall be served upon the Commission and the Commissioner of Environmental Protection.

SECTION 16: CONFLICT AND SEVERANCE

- 16.1. If there is a conflict between the provisions of these Regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection or provision of these Regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.

SECTION 17: OTHER PERMITS

- 17.1. Nothing in these Regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the City of Danbury, State of Connecticut, or the Government of the United States, including any approval required by the Department of Environmental Protection or the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

SECTION 18: RECORDS RETENTION AND DISPOSITION

- 18.1. The Commission and the Town Clerk for the City of Danbury shall retain complete administrative records of Commission actions and dispose of such records in accordance with the retention/disposition schedule set forth in Section 18.2.
- 18.2. The Public Records Administrator of the Connecticut State Library has established the following new records, retention/disposition schedules for municipal inland wetlands agencies effective April 24, 1989:

<u>RECORD TITLE</u>	<u>MINIMUM RETENTION REQUIRED</u>	
	<u>IN AGENCY</u>	<u>TOWN CLERK</u>
Applications (Including supporting materials)	10 Years	
Decision Letters	10 Years	Permanent
Approved Site Plans	10 Years	

Legal Notices	10 Years	Permanent
Staff and Public Written Testimony (Hearing Records)	10 Years	
Minutes of Meetings and Public Hearings	15 Years	Permanent
Tapes. Audio-Inland Wetland Matters	4 Years	
Notices of Violation & Orders	10 Years	
Text of Changes Adopted in Regulations	Continuous Update/ Permanent	
General Correspondence Issued or Received	5 Years	

SECTION 19: EFFECTIVE DATE OF REGULATIONS

- 19.1. These Regulations including the Inland Wetlands and Watercourses Map, application forms, fee schedule and amendments thereto, shall become effective on January 1, 1992, except as otherwise specified herein.



CITY OF DANBURY AQUIFER PROTECTION AREA REGULATIONS

Approved by the Planning Commission May 6, 2009
Effective June 29, 2009
Amended February 25, 2011

**City of Danbury Planning Commission
155 Deer Hill Avenue
Danbury, Connecticut 06810**

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SECTION 1. Title and Authority

- (a) Aquifers are an essential natural resource and a major source of public drinking water for the State of Connecticut. Use of groundwater will increase as the population grows and opportunities for new surface water supplies diminish due to the rising cost of land and increasingly intense development. At the same time, numerous drinking water wells have been contaminated by certain land use activities, and others are now threatened. To address this problem, Connecticut has established the Aquifer Protection Area Program (Connecticut General Statutes §22a-354a to §22a-354bb) to identify critical water supply aquifers and to protect them from pollution by managing land use. Protection requires coordinated responsibilities shared by the state, municipality and water companies to ensure a plentiful supply of public drinking water for present and future generations. It is therefore the purpose of these regulations to protect aquifer protection areas within the City of Danbury by making provisions for:
- (1) implementing regulations consistent with state regulations and An Act Concerning Aquifer Protection Areas, Connecticut General Statutes §22a-354a to §22a-354bb ("the Act");
 - (2) delineating aquifer protection areas on the city/town zoning or inland wetland and watercourse areas maps;
 - (3) regulating land use activity within the aquifer protection area including: prohibiting certain new activities; registering existing regulated activities; and issuing permits for new regulated activities at registered facilities; and
 - (4) administering and enforcing these regulations.
- (b) These regulations shall be known as the Aquifer Protection Area Regulations (the "APA Regulations") of the City of Danbury.
- (c) These regulations were adopted and may be amended, from time to time, in accordance with the provisions of §22a-354p of An Act Concerning Aquifer Protection Areas, the Connecticut General Statutes §22a-354a to §22a-354bb and the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10.
- (d) The Planning Commission of the City of Danbury is established as the Aquifer Protection Agency (the "Agency") in accordance with Section 2-48 of the City of Danbury Code of Ordinances and shall implement the purposes and provisions of the APA Regulations and the Act.
- (e) The Agency shall administer all provisions of the Act and shall approve or deny registrations, issue permits, issue permits with terms, conditions, limitations or modifications, or deny permits for all regulated activities in aquifer protection areas in the City of Danbury pursuant to the Act.

SECTION 2. Definitions

- (a) As used in these Regulations, the following definitions apply:
- (1) "Affected water company" means "affected water company" as defined in §22a-354h of the Connecticut General Statutes;
 - (2) "Agency" means the Planning Commission of the City of Danbury;
 - (3) "Agriculture" means "agriculture" as defined in the §1-1(q) of the Connecticut General Statutes;
 - (4) "Applicant" means, as appropriate in context, a person who applies for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies or a permit under Section 9 of the APA Regulations;
 - (5) "Application" means, as appropriate in context, an application for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, an application for a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies or an application for a permit under Section 9 of the APA Regulations;
 - (6) "Aquifer protection area" means "aquifer protection area" as defined in §22a-354h of the Connecticut General Statutes and any extension of such area approved by the Commissioner pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies;
 - (7) "Area of contribution" means "area of contribution" as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies;
 - (8) "Bulk storage facility" means property where oil or petroleum liquids are received by tank vessel, pipeline, railroad car or tank vehicle for the purpose of storage for wholesale distribution;
 - (9) "Certified Hazardous Materials Manager" means a hazardous materials manager certified by the Institute of Hazardous Materials Management and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable laws and identify appropriate pollution prevention practices for such activities;
 - (10) "Commissioner" means the commissioner of environmental protection, or his or her agent;
 - (11) "Domestic sewage" means "domestic sewage" as defined in §22a-430-3(a) the Regulations of Connecticut State Agencies;

- (12) "Facility" means property where a regulated activity is conducted by any person, including without limitation any buildings located on the property that are owned or leased by that person; and includes contiguous land owned, leased, or for which there is an option to purchase by that person;
- (13) "Floor drain" means any opening in a floor or surface which opening or surface receives materials spilled or deposited thereon;
- (14) "Hazardous material" means (A) any hazardous substance as defined in 40 CFR 302.4 and listed therein at Table 302.4, excluding mixtures with a total concentration of less than 1% hazardous substances based on volume, (B) any hazardous waste as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies, (C) any pesticide as defined in §22a-47 of the Connecticut General Statutes, or (D) any oil or petroleum as defined in §22a-448 of the Connecticut General Statutes;
- (15) "Hazardous waste" means "hazardous waste" as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies;
- (16) "Industrial laundry" means a facility for washing clothes, cloth or other fabric used in industrial operations;
- (17) "Infiltration device" means any discharge device installed below or above the ground surface that is designed to discharge liquid to the ground;
- (18) "Inland wetland and watercourse areas map" means a map pursuant to §22a-42a of the Connecticut General Statutes;
- (19) "ISO 14001 environmental management system certification" means a current ISO 14001 environmental management system certification issued by an ISO 14001 environmental management system registrar that is accredited by the American National Standards Institute (ANSI) - American Society for Quality (ASQ) National Accreditation Board (ANAB);
- (20) "Level A mapping" means the lines as shown on Level A maps approved or prepared by the Commissioner pursuant to §22a-354c, §22a-354d or §22a-354z of the Connecticut General Statutes encompassing the area of contribution and recharge areas;
- (21) "Lubricating oil" means oil that contains less than 1% chlorinated solvents and is used for the sole purpose of lubricating, cutting, grinding, machining, stamping or quenching metals;
- (22) "Municipality" means "municipality" as defined in §22a-354h of the Connecticut General Statutes;
- (23) "Owner" means the owner or lessee of the facility in question;

- (24) "De-icing chemical" means sodium chloride, calcium chloride, or calcium magnesium acetate;
- (25) "Person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, political or administrative subdivision of the state, or other legal entity of any kind;
- (26) "Pollution" means "pollution" as defined in §22a-423 of the Connecticut General Statutes;
- (27) "Pollution prevention" means the use of processes and materials so as to reduce or minimize the amount of hazardous materials used or the quantity and concentration of pollutants in waste generated;
- (28) "Professional engineer" means a professional engineer licensed in accordance with Chapter 391 of the Connecticut General Statutes, and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable law and identify appropriate pollution prevention practices for such activities;
- (29) "Publicly Owned Treatment Works" means "publicly owned treatment works" as defined in §22a-430-3 of the Regulations of Connecticut State Agencies;
- (30) "Public service company" means "public service company" as defined in §16-1 of the Connecticut General Statutes;
- (31) "Public supply well" means "public supply well" as defined in §19-13-B51b of the Regulations of Connecticut State Agencies;
- (32) "Recharge area" means "recharge area" as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies;
- (33) "Registered regulated activity" means a regulated activity which has been registered under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 8 of the APA Regulations, and is conducted at the facility identified in such registration;
- (34) "Registrant" means a person, who or which, has submitted a registration for an existing regulated activity under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 4 of the APA Regulations;
- (35) "Regulated activity" means any of the following activities, which are located or conducted, wholly or partially, in an aquifer protection area, except as provided for in §22a-354i-5(c) and §22a-354i-6 of the Regulations of Connecticut State Agencies, or Section 4 of the APA Regulations:
 - (A) underground storage or transmission of oil or petroleum, to the extent such activity is not pre-empted by federal law, or hazardous material, except for (i)

an underground storage tank that contains number two (2) fuel oil and is located more than five hundred (500) feet from a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, or (ii) underground electrical facilities such as transformers, breakers, or cables containing oil for cooling or insulation purposes which are owned and operated by a public service company,

- (B) oil or petroleum dispensing for the purpose of retail, wholesale or fleet use,
- (C) on-site storage of hazardous materials for the purpose of wholesale sale,
- (D) repair or maintenance of vehicles or internal combustion engines of vehicles, involving the use, storage or disposal of hazardous materials, including solvents, lubricants, paints, brake fluids, transmission fluids or the generation of hazardous wastes,
- (E) salvage operations of metal or vehicle parts,
- (F) wastewater discharges to ground water other than domestic sewage and stormwater, except for discharges from the following that have received a permit from the Commissioner pursuant to §22a-430 of the Connecticut General Statutes: (i) a pump and treat system for ground water remediation, (ii) a potable water treatment system, (iii) heat pump system, (iv) non-contact cooling water system, (v) swimming pools,
- (G) car or truck washing, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (H) production or refining of chemicals, including without limitation hazardous materials or asphalt,
- (I) clothes or cloth cleaning service which involves the use, storage or disposal of hazardous materials including without limitation dry-cleaning solvents,
- (J) industrial laundry activity that involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (K) generation of electrical power by means of fossil fuels, except for (i) generation of electrical power by an emergency engine as defined by §22a-174-22(a)(2) of the Regulations of Connecticut State Agencies, or (ii) generation of electrical power by means of natural gas or propane,
- (L) production of electronic boards, electrical components, or other electrical equipment involving the use, storage or disposal of any hazardous material or involving metal plating, degreasing of parts or equipment, or etching operations,

- (M) embalming or crematory services which involve the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (N) furniture stripping operations which involve the use, storage or disposal of hazardous materials,
- (O) furniture finishing operations which involve the use, storage or disposal of hazardous materials, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (P) storage, treatment or disposal of hazardous waste subject to a permit under §22a-449(c)-100 to §22a-449(c)-110, inclusive, of the Regulations of Connecticut State Agencies,
- (Q) biological or chemical testing, analysis or research which involves the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works, and provided that on-site testing of a public supply well by a public water utility is not a regulated activity,
- (R) pest control services which involve storage, mixing or loading of pesticides or other hazardous materials,
- (S) photographic finishing which involves the use, storage or disposal of hazardous materials, unless all waste water from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (T) production or fabrication of metal products which involves the use, storage or disposal of hazardous materials including (i) metal cleaning or degreasing with industrial solvents, (ii) metal plating, or (iii) metal etching,
- (U) printing, plate making, lithography, photoengraving, or gravure, which involves the use, storage or disposal of hazardous materials,
- (V) accumulation or storage of waste oil, anti-freeze or spent lead-acid batteries which are subject to a general permit issued by the Commissioner under §22a-208(i) and §22a-454(e)(1) of the Connecticut General Statutes,
- (W) production of rubber, resin cements, elastomers or plastic, which involves the use, storage or disposal of hazardous materials,
- (X) storage of de-icing chemicals, unless such storage takes place within a weather-tight water-proof structure for the purpose of retail sale or for the purpose of de-icing parking areas or access roads to parking areas,
- (Y) accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer or composting of solid waste which is subject to a permit

issued by the Commissioner pursuant to §22a-207b, §22a-208a, and §22a-208c of the Connecticut General Statute, except for a potable water treatment sludge disposal area,

- (Z) dying, coating or printing of textiles, or tanning or finishing of leather, which activity involves the use, storage or disposal of hazardous materials,
 - (AA) production of wood veneer, plywood, reconstituted wood or pressure-treated wood, which involves the use, storage or disposal of hazardous material, and
 - (BB) pulp production processes that involve bleaching;
- (36) "Release" means "release" as defined in §22a-133k-1 of the Regulations of Connecticut State Agencies;
 - (37) "State aquifer protection regulations" means §22a-354i-1 to §22a-354i-10, inclusive, of the Regulations of Connecticut State Agencies;
 - (38) "Storage" means the holding or possession of any hazardous material;
 - (39) "Storage tank" means a stationary device which is designed to store hazardous materials, and is constructed of non-earthen materials including without limitation concrete, steel, fiberglass or plastic;
 - (40) "Topographic feature" means an object, whether natural or man-made, located on the earth surface and of sufficient size that it appears on a 1:24,000 scale topographic quadrangle map drawn by the United States Geological Survey;
 - (41) "Underground" when referring to a storage tank or storage tank component means that ten percent or more of the volumetric capacity of such tank or component is below the surface of the ground and that portion which is below the surface of the ground is not fully visible for inspection;
 - (42) "Vehicle" or "vehicles" means a "vessel" as defined by §15-170 of the Connecticut General Statutes, and any vehicle propelled or drawn by any non-muscular power, including without limitation an automobile, aircraft, all-terrain vehicle, tractor, lawn mower or snowmobile;
 - (43) "Waters" means "waters" as defined in §22a-423 of the Connecticut General Statutes;
 - (44) "Well field" means "well field" as defined in §22a-354h of the Connecticut General Statutes; and
 - (45) "Zoning district map" means any map showing zoning districts prepared in accordance with maps adopted pursuant to §8-3 of the Connecticut General Statutes.

SECTION 3. Delineation of Aquifer Protection Area Boundaries

- (a) The Planning Commission shall delineate the aquifer protection areas on the Official Zoning Map of the City of Danbury adopted pursuant to §22a-42a the Connecticut General Statutes. Such delineation shall consist of the combined areas of contribution and recharge areas as shown on Level A maps approved or prepared by the Commissioner.
 - (1) Such boundaries shall be delineated within one hundred twenty (120) days after being notified by the Commissioner that an aquifer protection area is located partially or entirely within the City of Danbury.
 - (2) Notice of such delineation shall be published in a newspaper having substantial circulation in the affected area. Such notice shall include at least the following:
 - (A) a map or detailed description of the subject aquifer protection area; and
 - (B) the name, telephone number, and address of a representative of the Agency who may be reached for further information.
- (b) In order to clarify the location of an aquifer protection area boundary, the Agency may apply to the Commissioner to extend such boundary to coincide with the nearest property line, municipal boundary or topographic feature pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies. Such extension shall, at a minimum, fully encompass the aquifer protection areas bounded by the approved level A mapping but shall not exceed the distance necessary to clarify the location of the aquifer protection area or to facilitate the administration of regulations pertaining thereto. An aquifer protection area boundary may not be extended without prior written approval of the Commissioner.
 - (1) Any request by the Agency to the Commissioner for extension of an aquifer protection area boundary shall include at least the following:
 - (A) A map to scale delineating (i) the aquifer protection area boundary mapped under Section 3(a) of the APA regulations and (ii) the proposed extension of the aquifer protection area boundary;
 - (B) A certification by the chairperson or duly authorized agent of the Agency that notice of such request has been provided to all owners of property within the proposed extended aquifer protection area and all affected water companies in accordance with the following:
 - (i) Such notice shall include at least the following:
 - (aa) A map showing the aquifer protection area boundaries and the proposed extension of such boundaries,

- (bb) the name, address, and telephone number of a representative of the Agency who may be contacted for further information, and
 - (cc) a statement that any person may, not later than thirty (30) days after said notification, submit to the Agency written comments on such proposed boundary extension;
 - (ii) Such notice shall be effectuated by the following:
 - (aa) Delivery of notice by certified mail to those individuals and entities identified in Subsection (b)(1)(B) of this Section, or
 - (bb) the publication of a notice in a newspaper having substantial circulation in the affected area; and posting of notice near the proposed boundaries of the subject aquifer protection area of at least four signs each of which shall be at least four square feet in size (2' x 2'); and
 - (iii) a summary of comments received by such Agency regarding the proposed boundary extension and the Agency's response.
- (2) Not later than sixty (60) days after receiving the Commissioner's written approval of a request to extend an aquifer protection area boundary, the Agency shall cause such boundary to be delineated in accordance with Subsection (a) of this Section.
- (c) No person may challenge the boundaries of the aquifer protection area under the APA Regulations unless such challenge is based solely on a failure by the Agency to properly delineate the boundaries in accordance with §22a-354n of the Connecticut General Statutes.
 - (d) A map of the location and boundaries of the aquifer protection areas, or regulated areas, shall be available for inspection in the Department of Planning and Zoning.
 - (e) If the Level A mapping is amended in accordance with §22a-354b-1(i) or §22a-354b-1(j) of the Regulations of Connecticut State Agencies, the Agency shall cause the amended aquifer protection area boundary to be delineated in accordance with Subsections (a) or (b) of this Section.

SECTION 4. Prohibited and Regulated Activities

- (a) All regulated activities are prohibited in aquifer protection areas, except as specified in Subsection (b) of this Section.
- (b) The following regulated activities are not prohibited in aquifer protection areas:
 - (1) a registered regulated activity which is conducted in compliance with §22a-354i-9 of the Regulations of Connecticut State Agencies or Section 12 of the APA Regulations;

- (2) a regulated activity which has received a permit issued pursuant to §22a-354i-8 of the Regulations of Connecticut State Agencies or Section 9 of the APA Regulations; and
 - (3) a regulated activity which is on any municipally-owned site undergoing remedial action pursuant to 40 CFR 271 at the time the applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map, provided: (1) no such regulated activity substantially commenced or was in active operation for the five-year period preceding the date that the applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map, and (2) any person who engages in such regulated activity within the ten-year period commencing on the date that such applicable aquifer protection area is designated on a municipal zoning district map or inland wetland map registers such regulated activity on a form prescribed by the Commissioner of Environmental Protection and in accordance with the provisions of Section 22a-345i-7 of the Regulations of Connecticut State Agencies.
- (c) The following are not regulated activities:
- (1) Any activity conducted at a residence without compensation;
 - (2) any activity involving the use or storage of no more than two and one-half (2.5) gallons of each type of hazardous material on-site at any one time, provided the total of all hazardous materials on-site does not exceed fifty-five (55) gallons at any one time;
 - (3) any agricultural activity regulated pursuant to §22a-354m(d) of the Connecticut General Statutes;
 - (4) any activity provided all the following conditions are satisfied:
 - (A) such activity takes place solely within an enclosed building in an area with an impermeable floor,
 - (B) such activity involves no more than 10% of the floor area in the building where the activity takes place,
 - (C) any hazardous material used in connection with such activity is stored in such building at all times,
 - (D) all waste waters generated by such activity are lawfully disposed through a connection to a publicly owned treatment works, and
 - (E) such activity does not involve (i) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than one hundred and ten (110) gallons of hazardous materials;

- (5) any activity solely involving the use of lubricating oil provided all the following conditions are satisfied:
 - (A) such activity does not involve cleaning of metals with chlorinated solvents at the facility,
 - (B) such activity takes place solely within an enclosed building in an area with an impermeable floor,
 - (C) any hazardous material used in connection with such activity is stored in such building at all times, and
 - (D) such activity does not involve: (i) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than one hundred ten (110) gallons of such lubricating oil and associated hazardous waste; and
- (6) any activity involving the dispensing of oil or petroleum from an above-ground storage tank or tanks with an aggregate volume of two thousand (2000) gallons or less provided all the following conditions are satisfied:
 - (A) such dispensing activity takes place solely on a paved surface which is covered by a roof,
 - (B) the above-ground storage tank(s) is a double-walled tank with overfill alarms, and
 - (C) all associated piping is either above ground, or has secondary containment.
- (d) Determination of a non-regulated activity.
 - (1) Any person proposing to carry out a non-regulated activity, as set forth in Section 4(c) of these regulations, in an aquifer protection area shall, prior to commencement of such activity, notify the Agency or its duly authorized agent on a form provided by the Agency. Such form shall provide sufficient information to enable the Agency or its duly authorized agent to properly determine that the proposed activity is a regulated activity or a non-regulated activity within the aquifer protection area.
 - (2) If such activity is determined to be a non-regulated activity, then no further action under the APA Regulations is necessary.

SECTION 5. Activities Regulated by the State

- (a) The Commissioner shall exclusively regulate activities within aquifer protection areas that are specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall regulate all other regulated activities.

- (b) Any person conducting regulated activities that are within the authority of the Commissioner shall submit a registration or obtain a permit or exemption from the Commissioner prior to engaging in such activity. The Commissioner shall process applications for those regulated activities.
- (c) The Agency may submit an advisory decision to the Commissioner for consideration on any permit regulated under this Section in accordance with the Connecticut General Statutes §22a-354p(g).

SECTION 6. Application for an Exemption from Prohibition or Regulation

- (a) The owner or operator of a regulated activity may seek an exemption from the Commissioner pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies. Any person seeking an exemption from the Commissioner shall concurrently submit a copy of the application for an exemption to the Agency and any affected water company.
- (b) The Agency may submit written comments to the Commissioner on any exemption regulated under this Section in accordance with §22a-354i-6(c) of the Regulations of Connecticut State Agencies within sixty (60) days of the agency receipt of copy of the application.

SECTION 7. General Registration, Permit Application and Transfer Procedures

- (a) All applications for permits and registrations shall contain sufficient information for a fair and informed determination of the issues. The Agency may request additional information from the applicant for this purpose.
- (b) The day of receipt of a registration, permit application or transfer form shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission of the application to the Agency or its duly authorized agent, or thirty-five (35) days after such submission, whichever is sooner.
- (c) At any time during the review period, the Agency may require the applicant or registrant to provide additional information about the regulated activity. Requests for additional information shall not stay the time limitations for registrations and permits as set forth in Sections 8 and 9 of the APA Regulations.
- (d) All permit applications and registrations shall be open for public inspection.
- (e) Incomplete permit applications and registrations may be denied without prejudice.
- (f) No permit or registration issued under Sections 8 or 9 of the APA Regulations shall be assigned or transferred except with written approval by the Agency.

- (g) The Agency shall notify the town clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) any portion of the property affected by a decision of such agency is within five-hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

SECTION 8. Registration Requirements

- (a) Any person engaged in a regulated activity which substantially commenced, or was in active operation within the past five (5) years, or with respect to which a municipal building permit was issued, either (A) before the effective date of the state aquifer protection regulations, or (B) before the date an applicable aquifer protection area is designated on a municipal zoning district map or inland wetland and watercourse areas map, whichever occurs later, or for any municipally-owned site undergoing remedial action pursuant to 40 CFR 271, any person who engages in a regulated aquifer protection area is designated on a municipal zoning district map, shall register the activity in accordance with this Section unless such person has pending an application for an exemption pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies.
 - (1) The Commissioner shall process registrations for those regulated activities specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall process registrations for all other regulated activities.
 - (2) If the regulated activity is not specified in §22a-354p(g) of the Connecticut General Statutes, the person engaged in such activity shall submit a registration to the Agency not later than one hundred eighty (180) days after adoption of regulations pursuant to §22a-354p of the Connecticut General Statutes, or the designation the aquifer protection area pursuant to §22a-354i-2 of the Regulations of Connecticut State Agencies, whichever occurs later. Any municipally-owned site undergoing remedial action pursuant to 40 CFR 271, the person engaged in such regulated activity shall submit a registration within the ten (10) year period commencing on the date the applicable aquifer protection area is designated on a municipal zoning district map or inland wetlands map. Any person submitting a registration pursuant to the requirements of this subsection shall simultaneously file a copy of the registration with the Commissioner, Commissioner of Public Health and the affected water company.

- (b) All registrations shall be provided on a form prescribed by the Agency and shall be accompanied by the correct registration fee in accordance with Section 18 of the APA Regulations. Such registration forms may be obtained from the Department of Planning and Zoning. Such registration forms shall include at least the following information in writing or on maps or drawings:
- (1) The name, business telephone number, street address and mailing address of the:
 - (A) Registrant; if the registrant is a corporation or limited partnership, the full name of the facility and such corporation or limited partnership as registered with the Connecticut Secretary of State, and any officer or governing or managing body of any partnership, association, firm or corporation,
 - (B) owner of such facility if different than the registrant, and
 - (C) manager or operator overseeing the operations of such facility;
 - (2) the location of such facility, using street address or other appropriate method of location, and a map showing the property boundaries of the facility on a 1:24,000 scale United States Geological Survey topographic quadrangle base;
 - (3) an identification of the regulated activity or activities conducted at the facility, as described in Section 2(a)(35) of the APA Regulations, which regulated activity or activities shall consist of any regulated activity which substantially commenced, was in active operation, or with respect to which a municipal building permit was issued within the past five years; and
 - (4) a certification by the registrant that the subject regulated activity is in compliance with the best management practices set forth in Section 12(a) of the APA Regulations, as follows, signed after satisfying the statements set forth in the following certification:

"I have personally examined and am familiar with the information submitted in this registration and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in this document or certification may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
- (c) When deemed necessary to protect a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, the Agency may:
- (1) require, by written notice, any registrant to submit for review and written approval a storm water management plan prepared in accordance with Section 12(b) of the APA Regulations. If so required, the storm water management plan shall be implemented by the registrant immediately upon its approval; or

- (2) require, by written notice, any registrant to submit for review and written approval the materials management plan prepared in accordance with Section 12(a) of the APA Regulations. If so required, the materials management plan shall be implemented by the registrant immediately upon its approval.
- (d) If the Agency determines that a registration is incomplete, it shall reject the registration and notify the registrant of what additional information is required and the date by which it shall be submitted.
- (e) If the registration is determined to be complete, and the regulated activity is eligible for registration, the Agency shall send written notification of such registration to the registrant. Such registration shall be determined to be complete and eligible if the registrant has not otherwise received a notice of rejection from the Agency, not later than one hundred and eighty (180) days after the date the registration is received by the Agency.
- (f) The following general provisions shall be included in the issuance of all registrations:
 - (1) The Agency has relied in whole or in part on information provided by the registrant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the registration may be modified, suspended or revoked;
 - (2) all registrations issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;
 - (3) a complete registration shall expire five (5) years from the date of receipt of such registration by the Agency;
 - (4) the registrant shall apply to the Agency to renew the registration on a form prescribed by the Agency for a facility prior to expiration of such registration; and
 - (5) If a registered regulated activity is out of business or inactive when registration renewal is required, a five (5) year allowance shall be in effect from the date the registration expires. If the registrant has not applied to renew the registration within five (5) years of the date the registration expires, the facility is no longer eligible for registration.
- (g) If a regulated activity which is eligible for registration in accordance with Subsection (a) of this Section fails to be registered or if the registrant of an active registered activity fails to apply for renewal prior to expiration, the Commissioner or municipal aquifer protection agency, as appropriate, may accept a late registration at their discretion, subject to the limitations in Subsection (f)(5) of this Section.

- (h) Any person wishing to assume the benefits under a registration for regulated activities shall apply to transfer such registration on a form prescribed by the Agency and submitted to the Agency.

SECTION 9. Permit Requirements

- (a) Any person may apply for a permit to add a regulated activity to a facility where a registered regulated activity occurs.
- (b) The Agency shall process permit applications for those registrants that have registered pursuant to Section 8 of the APA Regulations. The Commissioner shall process permit applications for regulated activities specified in §22a-354p(g) of the Connecticut General Statutes and for those registrants that have registered pursuant to §22a-354i-7(b)(1) of the Regulations of Connecticut State Agencies.
- (c) Action shall be taken on permit applications within sixty-five (65) days after the completion of a public hearing or in the absence of a public hearing within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of either of these timeframes, provided the total extension of all such periods is sixty-five (65) days or less.
- (d) An application for a permit shall be made on a form prescribed by the Agency and shall be accompanied by the correct application fee in accordance with Section 18 of the APA Regulations. Such permit application forms may be obtained from the Department of Planning and Zoning. Simultaneously with filing an application, the applicant shall send a copy of the application to the Commissioner, the Commissioner of Public Health and the affected water company. An application shall include the following information:
 - (1) The information as required for a registration under Section 8(b) of the APA Regulations shall be provided for the proposed regulated activity;
 - (2) a confirmation and certification that the existing and proposed activity:
 - (A) remains and shall remain in compliance with Section 12(a) of the APA Regulations,
 - (B) shall not increase the number of underground storage tanks used for storage of hazardous materials, and
 - (C) remains and shall remain in compliance with all local, state, and federal environmental laws;
 - (3) a materials management plan in accordance with Section 12(a) of the APA Regulations;
 - (4) a stormwater management plan in accordance with Section 12(b) of the APA Regulations;

- (5) the following environmental compliance information with respect to environmental violations which occurred at the facility where the regulated activities are conducted, within the five years immediately preceding the date of the application:
 - (A) any criminal conviction involving a violation of any environmental protection law,
 - (B) any civil penalty imposed in any state or federal judicial proceeding, or any penalty exceeding five thousand dollars imposed in any administrative proceeding, and
 - (C) any judicial or administrative orders issued regarding any such violation together with the dates, case or docket numbers, or other information which identifies the proceeding. For any such proceeding initiated by the state or federal government, the Agency may require submission of a copy of any official document associated with the proceeding, the final judgment or order;
- (6) any additional information deemed necessary by the Agency regarding potential threats to the ground water and proposed safeguards; and
- (7) the following certification signed by the applicant and the individual responsible for preparing the application, after satisfying the statements set forth in the certification:

"I have personally examined and am familiar with the information submitted in this document and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
- (e) The Commissioner, any affected water company or the Commissioner of Public Health may, not later than thirty (30) days after receiving a copy of an application for a permit under this Section, submit to the Agency written comments on such application. The Agency shall give due consideration to any such comments, and shall provide a copy of the decision to the Commissioner, the affected water company and the Commissioner of Public Health.
- (f) To carry out the purposes of the Act, the Agency may grant an application as filed, grant it upon such terms, conditions, limitations or modifications necessary, or deny it. The Agency shall state upon the record the reason for its decision.
- (g) The Agency may hold a public hearing on an application for a permit in accordance with Section 10 of the APA regulations.

- (h) The Agency shall not issue a permit unless a complete application has been received and the applicant demonstrates to the Agency's satisfaction that all requirements of this Section of the APA regulations have been satisfied and all of the following standards and criteria have been met:
 - (1) the proposed regulated activity shall take place at a facility where a registered regulated activity occurs;
 - (2) the proposed regulated activity shall not increase the number, or storage capacity of underground storage tanks used for hazardous materials except for the replacement of an existing underground storage tank in accordance with Section 12(a)(3) of the APA Regulations;
 - (3) the materials management plan and storm water management plan have been satisfactorily prepared in accordance with Sections 12(a) and 12(b) of the APA Regulations;
 - (4) the applicant has submitted a confirmation and certification that all regulated activities remain and shall remain in compliance with all local, state and federal environmental laws in accordance with Subsection (d)(2) of this Section;
 - (5) the applicant's compliance record does not indicate (A) that any noncompliance resulted from indifference to or disregard for the legal requirements, (B) an unwillingness or inability to devote the resources necessary to comply and remain in compliance, or (C) that instances of noncompliance have led to serious environmental harm, harm to human health or safety, or a substantial risk of such harm;
 - (6) the proposed regulated activity shall be conducted in accordance with Section 12 of the APA Regulations;
 - (7) the existing regulated activity is being conducted in accordance with Section 12 of the APA Regulations; and
 - (8) the certification required under Subsection (d)(7) of this Section has been signed by the applicant and the individual responsible for preparing the application.
- (i) The Agency may impose reasonable conditions or limitations on any permit issued under this Section to assure protection of the ground water, including, but not limited to the following:
 - (1) best management practices in addition to those set forth in Section 12 of the APA Regulations; and
 - (2) groundwater monitoring.
- (j) The following general provisions shall be included in the issuance of all permits:
 - (1) the Agency has relied in whole or in part on information provided by the applicant

and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked;

- (2) all permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;
 - (3) the permit shall expire ten (10) years from the date of issuance of such permit by the Agency; and
 - (4) a person shall apply to the Agency to renew the permit on a form prescribed by the Agency prior to expiration of such permit. Such renewal shall be granted upon request by the Agency unless a substantial change in the permitted activity is proposed, or enforcement action with regard to the regulated activity has been taken, in which case, a new permit application shall be submitted and reviewed in accordance with the provisions of this Section.
- (k) The Agency shall notify the applicant or permittee within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in issuance or denial of a permit to be published in a newspaper having a general circulation in the municipality in which the aquifer protection area is located.
 - (l) A permittee may request a modification of a permit from the Agency. Such request shall be on a form prescribed by the Agency, and shall include the facts and reasons supporting the request. The Agency may require the permittee to submit a new application for a permit or renewal in lieu of a modification request.
 - (m) A person wishing to assume the benefits under a permit for regulated activities shall apply to transfer such permit on a form prescribed by the Agency and submitted to the Agency.

SECTION 10. Public Hearings Regarding Permit Applications

- (a) If the Agency decides to hold a public hearing regarding an application for a permit to conduct a regulated activity within an aquifer protection area, such hearing shall commence no later than sixty-five (65) days after the receipt of such application.
- (b) Notice of the hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each city/town where the affected aquifer, or any part thereof, is located.
- (c) The Agency shall send to any affected water company, at least ten (10) days before the hearing, a copy of the notice by certified mail, return receipt requested. Any affected water company may, through a representative, appear and be heard at any such hearing.

- (d) All applications, maps and documents relating thereto shall be open for public inspection.
- (e) At such hearing any person or persons may appear and be heard.
- (f) The hearing shall be completed within thirty-five (35) days of its commencement.
- (g) The applicant may consent to an extension of the time frames in Subsections (a) or (f) of this Section, provided the total extension of all such periods, including any extensions provided in Section 9(c), totals sixty-five (65) days or less.
- (h) In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision.
- (i) The applicant or permittee shall be notified of the Agency's decision in accordance with Section 9(k) of the APA Regulations.

SECTION 11. Bond and Insurance Relevant to Permit Applications

- (a) An applicant may be required to file a bond as a condition of the permit. Such bond shall be either a certified check, passbook 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 monitoring compliance with all permit conditions as determined by the Agency.
- (b) Any bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.

SECTION 12. Best Management Practices

- (a) Every regulated activity shall be conducted in accordance with the following:
 - (1) hazardous materials may be stored above ground within an aquifer protection area only in accordance with the following conditions:
 - (A) hazardous material shall be stored in a building or under a roof that minimizes storm water entry to the hazardous material storage area, except that a roof is not required for a bulk storage facility as defined in Section 2 of the APA Regulations,
 - (B) floors within a building or under a roof where hazardous material may be stored shall be constructed or treated to protect the surface of the floor from deterioration due to spillage of any such material,

- (C) a structure which may be used for storage or transfer of hazardous material shall be protected from storm water run-on, and ground water intrusion,
 - (D) hazardous material shall be stored within an impermeable containment area which is capable of containing at least the volume of the largest container of such hazardous material present in such area, or 10% of the total volume of all such containers in such area, whichever is larger, without overflow of released hazardous material from the containment area,
 - (E) hazardous material shall not be stored with other hazardous materials that are incompatible and may create a hazard of fire, explosion or generation of toxic substances,
 - (F) hazardous material shall be stored only in a container that has been certified to meet state or federal specifications for containers suitable for the transport or storage of such material,
 - (G) hazardous material shall be stored only in an area that is secured against unauthorized entry by the public, and
 - (H) the requirements of this subdivision are intended to supplement, and not to supersede, any other applicable requirements of federal, state, or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976;
- (2) no person shall increase the number of underground storage tanks used to store hazardous materials;
 - (3) an underground storage tank used to store hazardous materials shall not be replaced with a larger tank unless (A) there is no more than a 25% increase in volume of the larger replacement tank, and (B) the larger replacement tank is a double-walled tank with co-axial piping, both meeting new installation component standards pursuant to §22a-449(d)-1(e) and §22a-449(d)-102 of the Regulations of Connecticut State Agencies, and with interstitial monitoring;
 - (4) no person shall use, maintain or install floor drains, dry wells or other infiltration devices or appurtenances which allow the release of waste waters to the ground, unless such release is permitted by the Commissioner in accordance with §22a-430 or §22a-430b of the Connecticut General Statutes; and
 - (5) a materials management plan shall be developed and implemented in accordance with the following:
 - (A) a materials management plan shall contain, at a minimum, the following information with respect to the subject regulated activity:
 - (i) a pollution prevention assessment consisting of a detailed evaluation of alternatives to the use of hazardous materials or processes and practices

that would reduce or eliminate the use of hazardous materials, and implementation of such alternatives where possible and feasible,

- (ii) a description of any operations or practices which may pose a threat of pollution to the aquifer, which shall include the following:
 - (aa) a process flow diagram identifying where hazardous materials are stored, disposed and used, and where hazardous wastes are generated and subsequently stored and disposed,
 - (bb) an inventory of all hazardous materials which are likely to be or will be manufactured, produced, stored, utilized or otherwise handled, and
 - (cc) a description of waste, including waste waters generated, and a description of how such wastes are handled, stored and disposed,
 - (iii) the name, street address, mailing address, title and telephone number of the individual(s) responsible for implementing the materials management plan and the individual(s) who should be contacted in an emergency,
 - (iv) a record-keeping system to account for the types, quantities, and disposition of hazardous materials which are manufactured, produced, utilized, stored, or otherwise handled or which are discharged or emitted; such record-keeping system shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the municipal aquifer protection agency, and
 - (v) an emergency response plan for responding to a release of hazardous materials. Such plan shall describe how each such release could result in pollution to the underlying aquifer and shall set forth the methods used or to be used to prevent and abate any such a release;
- (B) when a materials management plan is required under either Section 8(c) or 9(d) of the APA Regulations, such materials management plan shall be completed and certified by a professional engineer or a certified hazardous materials manager, or, if the facility where the regulated activity is conducted has received and maintained an ISO 14001 environmental management system certification, then the registrant may complete and certify the materials management plan; and
- (C) the materials management plan shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the municipal aquifer protection agency.
- (b) The development and implementation of a storm water management plan required for regulated activities in accordance with Sections 8(c) and 9(d) of the APA Regulations,

shall be as follows: A storm water management plan shall assure that storm water run-off generated by the subject regulated activity is (i) managed in a manner so as to prevent pollution of ground water, and (ii) shall comply with all of the requirements for the General Permit of the Discharge of Storm Water associated with a Commercial Activity issued pursuant to §22a-430b of the Connecticut General Statutes.

SECTION 13. Other State, Federal and Local Laws

- (a) Nothing in these regulations shall obviate the requirement for the applicant to obtain any other assents, permits or licenses required by law or regulation by the City of Danbury, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers and the United States Environmental Protection Agency. Obtaining such assents, permits or licenses are the sole responsibility of the applicant.
- (b) No person shall conduct any regulated activity within an aquifer protection area which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special exception or variance, or other documentation establishing that the proposal complies with the City of Danbury zoning or subdivision regulations.

SECTION 14. Enforcement

- (a) The Agency may appoint a duly authorized agent to act in its behalf with the authority to issue notices of violation or cease and desist orders.
- (b) If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which violates any provision of these regulations, the Agency or its duly authorized agent may:
 - (1) Issue a notice of violation.
 - (A) The notice of violation shall state the nature of the violation, the jurisdiction of the Agency, and the necessary action required to correct the violation including without limitation halting the activity in the aquifer protection area.
 - (B) The Agency may request that the person appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit or registration. Failure to carry out the action(s) directed in a notice of violation may result in issuance of an order under Subsection (2) of this Section or other enforcement proceedings as provided by law.
 - (2) Issue a written order.
 - (A) Such order shall be issued by certified mail, return receipt requested to such person conducting such activity or maintaining such facility or condition to cease such activity immediately or to correct such facility or condition. The

Agency shall send a copy of such order to any affected water company by certified mail, return receipt requested.

- (B) Within ten (10) days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. Any affected water company may testify at the hearing. The Agency shall consider the facts presented at the hearing and, within ten (10) days of the completion of the hearing, notify the person by certified mail, return receipt requested, that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn.
- (3) Suspend or revoke registration or permit.
- (A) The Agency may suspend or revoke a registration or a permit if it finds, after a hearing, that the registrant or permittee has not complied with the terms, conditions or limitations set forth in the registration or the permit. Prior to revoking or suspending any registration or permit, the Agency shall issue notice to the registrant or the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that warrants the intended action.
 - (B) The Agency shall hold a hearing to provide the registrant or permittee an opportunity to show that it is in compliance with its registration or permit. The Agency shall notify the registrant or permittee of its decision by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of a suspension or revocation in a newspaper having general circulation in the City of Danbury.
- (c) An order issued pursuant to Subsection (b)(2) of this Section shall be effective upon issuance, shall remain in effect until the Agency affirms, revises, or withdraws the order, and shall not delay or bar an action pursuant to Subsection (b)(3) of this Section.
 - (d) A court may assess criminal and or civil penalties to any person who commits, takes part in, or assists in any violation of any provision of the APA regulations in accordance with §22a-354s(b) and §22a-354s(c) of the Connecticut General Statutes.

SECTION 15. Amendments

- (a) These regulations may be amended, changed or repealed in accordance with §22a-354p(b) of the Connecticut General Statutes.
- (b) If a complete application is filed with the Agency which is in conformance with the APA regulations as of the date of its filing, the permit issued shall not be required to comply with any changes in regulations taking effect on or after the filing date. The provisions of this Section shall not apply to the establishment, amendment, or change of the boundaries of the aquifer protection area or to any changes in the APA Regulations necessary to make the regulations consistent with Chapter 446i of the Connecticut General Statutes as of the date of the Agency's decision.

SECTION 16. Appeals

- (a) Appeal of the Agency’s regulation, order, decision or action shall be made in accordance with §22a-354q of the Connecticut General Statutes.

SECTION 17. Conflict and Severance

- (a) If there is a conflict between the provisions of the APA Regulations, the provision that imposes the most stringent standards shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part that can be given effect without such valid part or parts.
- (b) If there is a conflict between the provisions of the APA Regulations and the Act, the provisions of the Act shall govern.

SECTION 18. Application and Registration Fees

- (a) All fees required by these regulations shall be submitted to the Agency by certified check or money order payable to the City of Danbury at the time the registration or permit application is filed with the Agency.
- (b) No registration or permit application shall be granted or approved by the Agency unless the correct registration/application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Subsection (f) of this Section.
- (c) The registration or permit application fee is nonrefundable.
- (d) Registration or permit application fees shall be based on the following schedule:

Fee Schedule			
	Facility Size		
	Small (< 1 acre)	Medium (1-5 acres)	Large (> 5 acres)
Registrations:			
Industrial	200	400	600
Commercial	200	400	600
Other	200	400	600
Fee Schedule (continued)			
	Facility Size		
	Small (< 1 acre)	Medium (1-5 acres)	Large (> 5 acres)
Permits:			
Industrial	400	600	800
Commercial	400	600	800
Other	400	600	800
Public Hearing	250	250	250

Facility Inspection/Monitoring	To Be Bonded	To Be Bonded	To Be Bonded
Regulation Petition	350	350	350
Transfer Fee	100	100	100

- (e) Boards, commissions, councils and departments of the City of Danbury are exempt from all fee requirements.
- (f) The registrant or applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this Section. The Agency may waive all or part of the application fee if the Agency determines that:
 - (1) the activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the registrant or applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the registration or permit application fee; or
 - (2) the amount of the registration or permit application fee is clearly excessive in relation to the cost to the City for reviewing and processing the application.
- (g) Extra Assessments

The Agency may require additional technical assistance in evaluating the registration or permit application, including but not limited to written advice from outside consultants, experts, or legal advisors. If such experts are required to process said application, the expense shall be estimated by the Agency based on a preliminary and reasonable estimate prepared by a qualified party or expert, and the applicant/registrant will be required to deposit said amount with the Agency. Funds shall be held in escrow and drawn down upon by the City to reimburse the costs for said experts. Funds shall be replenished at the request of the Agency pursuant to the same process. The total amount deposited by the applicant/registrant and expended by the City shall not exceed the actual costs incurred by the City to process the application or registration. Unused funds will be returned to the applicant/registrant upon written request to the Agency, subsequent to release of the registration or permit by the Agency, and after all invoices due to outside consultants are paid by the City.

For the purpose of this assessment, an “outside consultant” means a professional who is not an employee of the City of Danbury including but not limited to engineering, environmental, hydrogeology and hazardous materials management professionals.

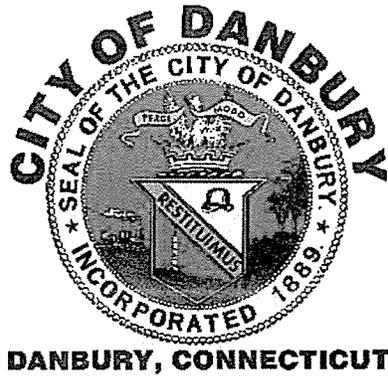
- (h) The Agency shall state upon its record the basis for all actions under this Section.

SECTION 19. Effective Date of Regulations

The APA Regulations, APA boundaries and amendments thereto, shall become effective upon (1) the Commissioner's determination that such regulations are reasonably related to the purpose of ground water protection and not inconsistent with the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10 and (2) filing in the Office of the Town Clerk.

Effective Date: June 29, 2009

Revision Date: February 25, 2011



CITY OF DANBURY ZONING REGULATIONS

Effective December 1, 1994
As amended through October 19, 2015

City Of Danbury Zoning Commission
155 Deer Hill Avenue
Danbury, Connecticut 06810

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REGULATIONS

DIVIDING THE CITY INTO DISTRICTS AND REGULATING WITHIN SUCH DISTRICTS: THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, OR USE OF BUILDINGS OR STRUCTURES AND THE USE OF LAND; THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE AREA OF LOTS AND THE PERCENTAGE THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE, OR OTHER PURPOSE; SUPPLEMENTAL REGULATIONS AND OVERLAY ZONES; ADVERTISING SIGNS AND BILLBOARDS; AND, PROVIDING FOR SPECIAL EXCEPTIONS AND SPECIAL PERMITS, NONCONFORMITIES AND VARIANCES, ADMINISTRATION AND ENFORCEMENT OF THESE REGULATIONS, AND SUCH OTHER PROVISIONS NECESSARY TO IMPLEMENT THE PURPOSES OF THESE REGULATIONS.

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1.A. SHORT TITLE.

These Regulations shall be known and may be cited as the "City of Danbury Zoning Regulations."

1.B. AUTHORITY.

These Regulations are enacted and ordained under the grant of powers by the General Assembly of the State of Connecticut, Title 8, Chapter 124 of the "General Statutes of Connecticut," as amended.

1.C. PURPOSE.

These Regulations are enacted to: protect the public health, safety, general welfare, convenience, and property values of the City; lessen congestion in the streets; secure safety from fire, panic, flood, and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentrations of population; and, facilitate adequate provision for transportation, water, sewerage, schools, parks, and other public requirements. These Regulations are made with reasonable consideration given as to the character of districts within the City and to their peculiar suitability for particular uses and with the intent of conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

1.D. ESTABLISHMENT OF CONTROLS.

In their interpretation and application, these Regulations shall be held to be the minimum requirements adopted for the promotion of the purposes stated herein, and shall apply with uniformity for each class or kind of building, structure, or

use of land throughout each district. The regulations in one district may differ from those in another district, and may provide that certain classes or kinds of buildings, structures, or uses of land are permitted only after obtaining a special permit from the Zoning Commission or a special exception from the Planning Commission subject to standards set forth in these Regulations.

1.D.1. Types of Control.

The following regulations shall apply in the respective districts: use regulations, including permitted and special exception uses, accessory uses, and uses requiring a special permit; lot requirements, including size, width, and coverage; setback requirements for front, side, and rear yards; maximum height requirements; and, other district and supplemental regulations and overlay restrictions.

1.D.2. Compliance with Regulations.

Except as otherwise provided for in these Regulations for lawfully existing nonconformities, no land, structure or premises, or part thereof, shall be constructed, reconstructed, extended, enlarged, or the use changed, or the dimensional requirements of lots, yards, courts, or open spaces changed except in conformity with the requirements of these Regulations for the applicable district in which it is located. No building or buildings shall occupy in the aggregate a greater percentage of lot area, nor be greater in height than as set forth in the applicable section hereof, except as otherwise specifically provided for in these Regulations.

1.D.3. Effect on Other Requirements.

In their interpretation and application, the provisions of these Regulations shall be held to be adopted for the purposes stated herein. It is not intended by these Regulations to repeal, abrogate, annul, or in any way to impair or to interfere with any existing provisions of law or regulation or covenants or with any rules, regulations, or permits previously adopted or issued pursuant to law, provided, however, that where these Regulations impose greater restrictions than are imposed or required by such existing provisions of law or ordinance or covenants or by such rules, regulations, or permits, the provisions of these Regulations shall control.

1.E. SEPARABILITY.

1.E.1. Provisions.

If a court of competent jurisdiction finds any provision of these Regulations to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of these Regulations shall continue to be separately and fully effective.

1.E.2. Application.

If a court of competent jurisdiction finds the application of any provision or provisions of these Regulations to any lot, building or other structure, or parcel of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.

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2.A. LANGUAGE INTERPRETATIONS.

For the purpose of these Regulations, certain terms and words used herein shall be interpreted as follows:

- 2.A.1. words used in the present tense include the future;
- 2.A.2. the singular includes the plural and the plural the singular;
- 2.A.3. the word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity;
- 2.A.4. the word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character;
- 2.A.5. the word "built" includes the words "erected, constructed, reconstructed, altered, enlarged, or moved";
- 2.A.6. the word "used" includes the meaning "intended, arranged, or designed to be used or occupied";
- 2.A.7. the "City" is the City of Danbury, Connecticut;
- 2.A.8. the word "original" means the conditions existing on the effective date of these Regulations;
- 2.A.9. the words "shall" and "must" are mandatory; the words "may" and "should" are permissive; and,
- 2.A.10. the word "Regulation" or "these Regulations" means the "City of Danbury Zoning Regulations," unless clearly referring to a different set of regulations.
- 2.A.11. the word "state" is the State of Connecticut unless clearly referring to a different state or country. [Eff. 5/2/2015]

2.B. DEFINITIONS.

Unless a contrary intention clearly appears, the following words and phrases shall have the meaning given in this Section. All words and terms not defined herein shall be used with a meaning of standard usage.

Access way. A private way for vehicular traffic providing a corridor for a driveway to proceed to a street from the bulk of a flag lot, the area of such lot to be computed exclusive of the area of such access way. [Rev. 11/26/2011]

Accessory use. A use of land customarily incidental and subordinate to the principal use, and located on the same lot with such principal use or specifically permitted by these Regulations on a separate lot.

Adult bookstore. An establishment, having as a substantial or significant portion of its stock in trade for sale or rental, books, magazines, or other materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "prohibited sexual acts" as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

Adult business use. Any adult bookstore, adult cabaret, adult hotel or motel, adult mini-motion picture theater, adult theater, escort agency, nude modeling studio, or combination thereof, as defined herein. [Rev. 11/26/ 2011]

Adult cabaret. A cabaret, tavern, theater, club, or similar establishment which features strippers, male or female impersonators, waiters or waitresses, or similar entertainers who exhibit, display, or engage in "prohibited sexual acts" as defined herein.

Adult hotel or motel. A hotel or motel which provides temporary occupancy by patrons for fewer than ten (10) consecutive hours at a time.

Adult mini-motion picture theater. An enclosed building offering films or video presentations distinguished or characterized by an emphasis on matter depicting, describing, or relating to "prohibited sexual acts", as defined herein, for observation by patrons within private viewing booths and/or by use of token or coin-operated projectors or other video machines.

Adult theater. Any business, indoor or outdoor, offering films or video presentations distinguished or characterized by an emphasis on matter depicting, describing, or relating to "prohibited sexual acts" as defined herein.

Affordable housing. Housing for which persons and families pay thirty percent or less of their annual income. [Rev. 7/8/2013]

Affordable housing application. An application made to a board, commission, or agency, as required herein, in connection with an affordable housing development by a person who proposes to develop such affordable housing.

Affordable housing development. A housing development which is assisted housing, in a set-aside development as defined in Chapter 126a Section 8-30g of the General Statutes of Connecticut, or includes dwelling units that will be conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at or below prices which will preserve the units as affordable housing as defined in Section 8-39a. of the General Statutes of Connecticut. [Rev. 7/8/2013]

Airport hazard. Any structure, vegetation, or use of land which obstructs or may hereafter obstruct the aerial approaches to the Danbury Municipal Airport.

Airport reference point. A point selected and marked at the approximate center of the airport landing area.

Aisle. A corridor used for access within a parking area by motor vehicles to the parking spaces.

Amusement enterprise, indoor. A facility providing entertainment or games of skill within a building, including coin or token operated children's rides, pinball machines, video games, table games such as shuffle board and basket hoops, and similar amusements, either mechanically or electronically operated, but excluding gambling of any kind or the serving of alcoholic beverages.

Apartment house. A building or integrated group of buildings not less than four (4) stories in height housing dwelling units under single ownership, condominium ownership, or in cooperative ownership, arranged to be occupied by four (4) families or more living independently but with common services.

Approach area. The ground lying under the approach surface of an airport.

Approach surfaces. An inclined plane located directly above the approach area. The dimensions of the approach areas are delineated on the map referred to in Section 7.B. of these Regulations.

Approach zone. All the air space delineated horizontally by the boundaries of the airport approach zone district, in effect complying with and synonymous to the approach surface.

Approach zone district. All that area on the ground lying under the approach zone, in effect complying with and synonymous to the approach area.

Area of special flood hazard. See Section 7.A., Floodplain Zones.

Assisted housing. Housing which is receiving or will receive financial assistance under any government program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance under Chapter 319uu or Section 1437F of Title 42 of the United States Code. [Rev. 7/8/2013]

Athletic field or court. A permanently installed field or court, including playing fields, designed and constructed and primarily used for athletic competition.[Eff. 02/17/2016]

Auditorium. A building or structure designed or intended for use for the gathering of people as an audience to hear lectures, music and plays and other presentations.

Barber shop; beauty parlor. Any establishment where barbering or cosmetology services are provided on a regular basis, including hair care, nail care, and skin care; may include the accessory sale of products related to the services provided. [Eff. 11/26/2011]

Base flood; 100-year flood. See Section 7.A., Floodplain Zones.

Base flood elevation (BFE). See Section 7.A., Floodplain Zones.

Basement. That portion of a building partly underground in which at least half of the height of the total perimeter of the exterior wall is below grade.

Bicycle. Any device having two tandem wheels propelled by human power or power assist, excluding motorcycles, upon which any person may ride. [Eff. 5/2/2015]

Billboard. Any sign, including all off-premise signs, designed or intended to direct attention to a business, product, activity or service that is not sold, rented, offered or existing on the property where the sign is located, including the billboard structure and all attached sign faces.

Billboard, relocated. A billboard which replaces an existing billboard and which is constructed pursuant to approval of a Billboard Relocation Permit as provided for in Section 8.E.10.

Blockface. The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets.

Boarding house. A building that is the primary residence of the owner in which lodging is available for permanent occupancy only and where meals are regularly prepared and served for compensation to the residents only.

Body-piercing studio. A personal service establishment whose principal use is the practice of creating an opening in the body of a person for the purpose of inserting jewelry or other decoration. [Eff. 11/26/2011]

Building. A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support, or enclosure of persons, animals, or property of any kind. The connection of two (2) buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building.

Building, accessory. A subordinate building on the same lot used for permitted accessory uses. Any portion of a principal building developed or intended to be devoted to an accessory use is not an accessory building.

Building bulk. The gross cubic feet above ground level of all buildings on the lot, excluding open porches and outside balconies.

Building coverage. The portion of a lot occupied by the ground floor area of all principal and accessory buildings.

Building line. The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line.

Building, principal. A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

Business hotel or motel. A hotel or motel containing suites with living, sleeping and kitchen areas, primarily intended for stays of three days or greater.

Business incubator. A facility dedicated to the start-up and growth of small businesses, accomplished through: management systems, including access to professional advice, information on small business regulations, management, advertisement, promotion, marketing, sales, inventory, labor relations, and financial counseling; and support systems, including clerical and reception staff, cleaning and business security, and access to copy and facsimile machines, computers, and other office equipment.

Cafe. An establishment where food and beverages are served for sale at retail for consumption in a ready to consume state on the premises but which does not necessarily serve hot meals or have a kitchen or dining room. Cafes may include entertainment activities, as herein defined, for cafes located only in the CG-20, CA-80 or C-CBD Zoning Districts. [Rev. 1/14/2013]

Café permit. A permit granted by the CT Department of Consumer Protection Liquor Control Division to cafes for the retail sale of alcoholic liquor to be consumed on the premises of a cafe. [Rev. 1/14/2013]

Campus center. A building devoted to two or more of the following uses: active and passive recreational facilities, health center, medical clinic, food service excluding the sale of alcoholic beverages, an office copy center, retail sale of books, school supplies, newspapers and magazines, drugs, flowers, tobacco, gifts, toiletries, toys, stationary, artwork and handicrafts, and offices and/or related activities; provided all services and facilities are primarily intended for the use of students, faculty and employees of the campus research park.

Campus Research Park. A mixed-use development that offers education, job training, and/or research and development in basic and applied science, including related housing and ancillary services, that may be affiliated with area businesses and adjacent colleges or universities.

Children's Bereavement Counseling & Education Center. A program which provides support services to children experiencing traumatic family disruption including death of a relative, acute family illness, divorce or other family separation, and which may also include concurrent support for the child's parent or guardian. The program also provides educational training and resources for teachers, clergy, physicians, parents and other members of the public interested in learning how to cope with and manage such emotional issues. Treatment of specific mental illness, or programs for mental illness, including but not limited to alcohol and drug abuse, shall not be a component of any such program.

Club. An organization of persons which is the owner, lessee, or occupant of an establishment operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain, and which includes the establishment so operated. A "member of the club" is a person who, whether as a charter member or admitted in agreement with the by-laws of the club, has become a bona fide member thereof, who maintains his membership in a bona fide manner in accordance with such by-laws, and whose name and address are entered on the list of membership.

Cluster development. A development that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, or the preservation of environmentally sensitive areas.

Co-location. Locating wireless telecommunication facilities on more than one provider on a single site.

Conference center. A facility used for conferences and seminars limited to accommodations for conference attendees.

Congregate housing. A multi-family development consisting of independent living assisted by congregate meals, housekeeping, and other personal services as specified by regulations of the Connecticut Department of Housing governing congregate housing, but excluding institutions designed primarily to provide care for persons with mental disabilities or drug addictions.

Conservation Land Trust. A nonprofit land-holding organization incorporated pursuant to Chapter 602 of the C.G.S. having as one of its principal purposes the conservation and preservation of land.

Continuing care facility. A facility for the transitional residency of elderly and/or disabled persons, including congregate housing and a nursing home. The facility may also include dwelling units for independent living, with or without assistance.

Convenience market. A retail store with a floor area of 3,000 square feet or less that primarily sells prepackaged food items, tobacco, periodicals and household goods, but excluding the sale of motor vehicle gasoline and automotive servicing or repair unless otherwise allowed as a use in the zoning district.

Court. An open space on a lot surrounded by walls of a building on three or more sides.

Crematory. A facility for the disposal by incineration of the bodies of dead people.

Day care center. The use of land and structures for a child day care center or a group day care home.

Day care center, adult. A structured program of therapeutic, social, and rehabilitative services for disabled adults and the frail elderly, provided in a group setting designed to serve four or more persons on a regular basis for a part of the 24 hours in one or more days in a week. May also include facilities providing social, recreational, entertainment, and health and education programs for the elderly for part of the 24 hours in one or more days in a week.

Day care center, child. The use of land and structures for a program of supplemental care, licensed by the State, for more than 12 related or unrelated children outside their own homes on a regular basis for a part of the 24 hours in one or more days in a week.

Dependency Treatment Center. An establishment which provides care and treatment to substance abusive or dependant persons and temporary residential occupancy in conjunction with said care and treatment, which may include cooking and eating facilities, as licensed by the Department of Public Health of the State of Connecticut, pursuant to Sec. 19a-493 of the Connecticut General Statutes.

Deteriorated housing. A residential building containing dwelling units, either occupied or vacant, in which the entire building has been either condemned by the City of Danbury, or is substantially unfit for human habitation, unsafe, or is in a state of dilapidation, deterioration, or substantial disrepair.

Development. Any man-made change to improved or unimproved land, including but not limited to: the erection, construction, expansion, placement, alteration, and use of buildings or other structures and parking areas; mining, dredging, filling, grading, excavation, or drilling operations. See also Section 7.A., Floodplain Zones.

Dormitory. A building intended or used principally for a long-term stay by students of a college, university or other educational institution for the purpose of providing rooms for sleeping purposes, including laundry and cleaning services. Accessory common kitchen and gathering rooms for social purposes may also be provided.

Drive-Through Use; Drive-In Use. A use, either principal or accessory, that dispenses food, beverages, products or services to patrons who remain in motor vehicles.

Driveway. A corridor which provides motor vehicle access from a street onto a lot.

Dwelling, detached. A dwelling surrounded on all sides by yards.

Dwelling, one family. A detached building with one dwelling unit; a single family dwelling.

Dwelling, three family. A detached building with three dwelling units.

Dwelling, two family. A detached building with two dwelling units.

Dwelling unit. A housing unit containing a single room or group of rooms designed for occupancy as separate living quarters by one family. Separate living quarters are those in which occupants have direct access to the unit from outside of the building or through a common hall and which contain separate bedrooms (other than efficiency units) and provisions for living, dining, kitchen and bathroom facilities for the exclusive use of the occupants. The following uses are not considered dwelling units as defined herein: clubs; congregate housing; dormitories; fraternal organizations; fraternity or sorority houses; hotels or motels; nursing homes; rooming houses or boarding houses; shelters for the homeless; or, similar uses. [Rev. 11/26/2011]

Earth change. A man-made change to the natural cover or topography of the land, including cut and fill activities which may result in or contribute to soil erosion or sedimentation.

Efficiency unit. A dwelling unit that has only one combined living, dining and sleeping room with a minimum floor area of three hundred (300) square feet, and which may also contain additional rooms with kitchen and bathroom facilities.

Entertainment activities. Includes musical or theatrical performances, dancing, comedy acts, educational programs, lectures, readings of literature, or similar activities, with or without fixed seating, as herein restricted. [Eff. 1/14/2013]

Entertainment and/or education center. A use of buildings or structures for entertainment activities, as herein defined, with or without fixed seating, excluding adult business uses. [Rev. 1/14/2013]

Environmentally sensitive area. Land located within a public water supply watershed protection zone which has one or more of the following characteristics: (1) areas located within two hundred fifty (250) feet of the high water mark of a reservoir; (2) areas located within one hundred (100) feet of any wetland or watercourse, as defined in Sections 2.32 and 2.33 of the "Inland Wetland and Watercourses Regulations of the City of Danbury," which drain into a reservoir; (3) wetlands, watercourses, reservoirs, lakes, and ponds; and, (4) areas with slopes fifteen (15%) or greater which have a soil depth of twenty inches (20") or less to bedrock.

Erosion. The process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.

Escort agency. Any establishment, club, or business, which offers or advertises male or female companionship for remuneration, except for social service agencies providing home based companion service for elderly or home bound persons.

Established airport elevation. The elevation of the highest point of the usable landing area.

Excavation; cut. Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated and the conditions resulting therefrom.

Family. A family shall be: (a) one or more persons living together as a single housekeeping unit, who are all related by blood, marriage or adoption, including foster children; or (b) a group consisting of not more than four (4) persons, living together as a single housekeeping unit, who are unrelated by blood, marriage or adoption; or a combination of (a) and (b) above, provided that such persons shall live together as a single housekeeping unit and the number of unrelated individuals shall not exceed three (3).

Farm. A tract of five (5) acres or more used for agriculture, forestry, nursery or truck gardening, or for raising of animals for laboratory use or for fur.

Federal Emergency Management Agency (FEMA). See also Section 7.A., Floodplain Zones.

First division. The division of a lot into two lots, provided said lot was duly recorded prior to June 3, 1958. A free split. [Eff. 11/26/2011]

Floating sign. Any sign in which letters, logos, symbols, or other graphic materials are not directly mounted, suspended, or painted to a surface or panel, or enclosed by a border.

Flood Insurance Rate Map. An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study. The official report from the Federal Emergency Management Agency which contains examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain. Any land susceptible to being inundated by water from any source.

Floor area, gross. The sum of the areas of the several floors of a building, as measured from the interior faces of exterior walls, including all areas used for human occupancy, elevator shafts and stairwells at each story, interior balconies, and mezzanines, but excluding porches or outside balconies, and any floor space intended or designed for the parking of motor vehicles or for heating, cooling and ventilating equipment. [Rev. 11/26/2011]

Floor area, usable. The gross floor area of a building, excluding elevator shafts and stairwells at each story, interior balconies and mezzanines, storage areas for mechanical and/or utility equipment, and permanent hallways, entrance foyers, lobbies and lounges, and storage rooms for the common use of all tenants of the building, provided all such areas are not customarily used as work space.

Floor area ratio (F.A.R.). The ratio of gross floor area permitted to the area of the lot (e.g. a floor area ratio of 2.0 means two square feet of building floor area may be constructed for each square foot of lot area).

Floor, lowest. The lowest floor of the lowest enclosed area, including basement, except that an unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access, or storage, in an area other than a basement area is not considered a building's lowest floor.

Fraternity house; sorority house. A dwelling used as group living quarters containing bedrooms, bathrooms, and common dining and kitchen facilities for students who are members of a fraternity or sorority officially recognized by a college, university, post-secondary business or post-secondary technical school accredited by the State of Connecticut. [Eff. 11/26/2011]

Free-standing sign. Any sign supported by structures or supports which are placed on or anchored in the ground and are independent from any building or other structure.

Free-standing solar photovoltaic (PV) system. A free-standing, ground mounted, solar PV system, including related architectural elements, that delivers electricity primarily to a building or structure that is either the principal or accessory structure. [Eff. 06/04/2015]

Fuel Cell Power Generation Facility. A power generation facility that uses fuel cell technology as the primary method of generating electrical energy, with a minimum nameplate rating of one megawatt of generation. Fuel cell technology includes any technology that converts hydrogen and oxygen into electricity through an electro-chemical reaction that does not involve combustion.

Fuel storage. The containment of liquid hydrocarbon fuel, including, but not limited to, heating oil, diesel fuel, gasoline or kerosene either above or below ground.

Full course meal. A diversified selection of food which ordinarily cannot be consumed without the use of tableware and which cannot be conveniently consumed while standing or walking. [Eff. 1/14/2013]

Garage, parking. A building or portion thereof used for the temporary storage of motor vehicles.

Garage, service. A building used for repair and maintenance of motor vehicles.

Garden apartments. A building or integrated group of buildings containing four or more dwelling units under single, condominium, or cooperative ownership.

Grading. Any stripping, excavation, filling, stockpiling, or any combination thereof, and also including the land in its excavated or filled condition.

Grading Permit. A permit issued by the Environmental Inspector or other staff person designated by the Director of Health to authorize work to be performed under Section 8.A.

Grocery store. Any store (also known as a supermarket, food store or food market) which is primarily engaged in the sale of a wide variety of baked goods, beverages, canned goods, frozen foods, cereals, dairy products, produce, meats, seafood, and poultry. Specialty food stores primarily engaged in the sale of a limited line of foods and/or condiments (e.g. cheese, chocolate, jellies and jams, herbs and spices) shall, for the purposes of these Regulations, be defined as retail stores and subject to all regulations herein for retail stores.

Grocery store beer permit. A permit granted by the Connecticut Department of Consumer Protection Liquor Control Division to any grocery store as defined herein allowing the retail sale of beer in standard containers not to be consumed on the premises. [Rev. 1/14/2013]

Group day care home. The use of land and structures for a program of supplementary care, licensed by the State, for not less than 7 nor more than 12 related or unrelated children on a regular basis for a part of the 24 hours in one or more days in the week.

Group home. A one family dwelling shared by six or fewer handicapped persons and necessary resident staff members who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Hazardous materials. Any substance or combination of substances which, because of quantity, concentration, or physical, chemical, or infectious characteristics, pose a present or potential hazard to soil, groundwater, surface water, atmosphere, wildlife, vegetation, or human health if discharged, placed, or disposed into or onto any land or water within the municipal boundaries of the City. Hazardous materials include but are not limited to any of the following chemical substances: (1) any substance on the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) Hazardous Substance list (40 CFR 355.20); (2) any substance on the Superfund Amendments and Reauthorization Act of 1986 (SARA) list of "Extremely Hazardous Substances" (40 CFR 355); (3) any "Hazardous Chemical" as defined by the Federal Occupational Safety and Health Administration (OSHA) pursuant to the Hazardous Communication Act (29 CFR 1910.1200); (4) any substance on the "Toxic Chemicals" list promulgated by SARA (40 CFR 372.45); (5) any substance on the Hazardous Substances list promulgated by DOT (40 CFR 172.101); and, (6) any substance as defined by Danbury's "Hazardous Substances Ordinance" (40 CFR 117.3).

Health center. A business whose primary purpose is to provide facilities and programs for athletic, physical fitness, or weight reduction activities, including gymnasiums, swimming pools, game courts, exercise equipment, locker rooms, shower or bath facilities, saunas, and similar facilities and services. Services may also include therapeutic massage as an accessory use administered in conjunction with athletic, physical fitness, or weight reduction programs, provided such treatment is administered solely by a massage therapist currently licensed to practice massage therapy by the State of Connecticut.

Height. For a building, the vertical distance from the mean ground level at the building wall to the highest point of mansard, curvilinear, slanted, or flat roofs (including parapets), or to the mean level between the eaves and ridge of a gable, hip, or gambrel roof, as illustrated below.

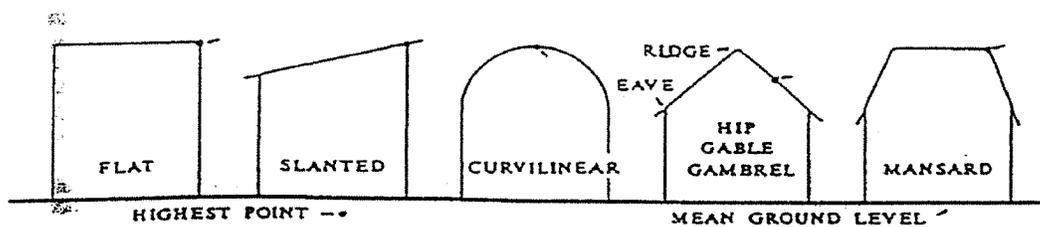


ILLUSTRATION OF HEIGHT MEASUREMENT TERMS

High water mark. The elevation, based on United States Geological Survey datum, of the top of the dam of a reservoir.

Historic properties and structures. Any property or structure listed on the National Register of Historic Places, as administered by the National Park Service under the supervision of the U.S. Secretary of the Interior. See also Section 7.A., Floodplain Zones.

Home occupation. An accessory use carried on for compensation entirely within a dwelling.

Homeowners association. A formally constituted non-profit association or corporation made up of the property owners and/or residents of an area for the purpose of owning, operating, and maintaining various common facilities or properties within the area.

Hookah Bars. An establishment or part thereof where hookahs, waterpipes, or similar apparatus are used by patrons to smoke tobacco or other herbs. [Eff. 1/14/2013]

Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facility.

Hotel; motel. A building, designed and used primarily for temporary occupancy which provides or offers accommodations for transients, exclusive of persons employed and living on the premises, and which may provide rooms for public assembly and may include the serving of food.

Ice Cream/Frozen Yogurt Store. An establishment whose primary business is the sale of ice cream/frozen yogurt and where no drive through use is provided. The sale of other food or beverage is incidental to the sale of ice cream/frozen yogurt. [Eff. 12/22/2012]

Impervious surface. A man-made surface which prevents or greatly inhibits the infiltration of water into the underlying soil. For purposes of these Regulations, stone or gravel shall not be deemed to be impervious.

Individual Sewage Disposal System (ISDS). Any on-site method of disposing of residential or commercial domestic wastes, including, but not limited to, leachfields, cesspools, septic tanks, and dry wells.

Indoor Field Sports Arena. A facility which provides, as the principal use, indoor athletic fields and spectator seating for baseball, softball, lacrosse, soccer and/or similar field sports and related programs requiring large scale buildings and which may also include, in addition to these field sports, indoor facilities for miniature golf, batting cages, golf driving ranges, volleyball, basketball, tennis, roller hockey and similar sports activities. Accessory uses may include pro shops, child day care facilities, concessions, amusement enterprises, exercise rooms and similar facilities for use by patrons of the principal uses.

Indoor Shooting Range. A fully enclosed and secured firing range facility that allows the indoor discharge of pistols and low caliber rifles for use of practice, competition skill development and safety training. [Eff. 10/20/2011]

Indoor Theater. A building showing motion pictures or having live entertainment but excluding Adult Business Use as defined herein, or the televising or screening of sporting contests or athletic events, whether permitting legalized wagering or not, teletrack facility, off-track betting facility parlors and the like.

Information technology. Business offices which study, design, develop, implement, support or manage computer systems and applications. [Eff. 6/2/2011]

Institution for instruction in a skill or vocation. A school which provides non-academic instruction in skills or vocational training, including martial arts, music and the performing arts, arts and crafts, pet obedience, hair dressing, cosmetology, business and computer skills, real estate, graphic design, and similar instruction, but excluding nursery, kindergarten, elementary, high school, college or university, post-secondary business or technical schools, driving schools and day care centers.

Junk yard. More than fifty (50) square feet of space used for the accumulation or storage of waste, or discarded or used materials of any kind.

Kennel. Any place used for breeding, boarding, training, or keeping of four (4) or more dogs over the age of four (4) months. [Eff. 10/19/2015].

Laboratory. A facility for scientific research, investigation, testing, or experimentation, excluding the manufacture or sale of products except as incidental to the main purpose of the laboratory.

Laundromat. A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

Live/Work Unit. A garden apartment or row house dwelling unit that includes workspace subject to the following conditions: (1) the workspace does not exceed fifty percent (50%) of the gross floor area of the unit; (2) the workspace is restricted to office and research use, exclusive of the use or handling of hazardous materials; and, (3) no more than two individuals not residing in the dwelling unit shall be employed in the workspace.

Lot. Any recorded division of land and/or water in separate ownership; plot.

Lot area. The area of land contained within the property lines of a lot.

Lot, corner. A lot at the junction of and abutting on two (2) or more intersecting streets when the angle of intersection is not more than one hundred thirty-five (135) degrees or where the intersection is rounded by a curve having a radius of less than one hundred (100) feet. A corner lot shall be deemed to have two (2) front yards and two (2) side yards but no rear yard.

Lot, flag. A lot so shaped and designed that the bulk of the lot is set back from the street behind other lots with at least fifty (50) feet of street frontage, with an access way connecting the bulk of the flag lot to the street. See 'Illustration of Lot Terms' below. [Eff. 11/26/2011]

Lot frontage. That dimension of a lot measured at the street lot line only.

Lot, interior. A lot abutting only one street.

Lot line. A property line bounding the area of a lot.

Lot line, front. The line separating the lot from the street; a street lot line; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Lot line, rear. The line parallel to or within 45 degrees of being parallel to a street lot line which defines the rear of the lot.

Lot line, side. Any lines which are not front or rear lot lines.

Lot line, street. A lot line separating a lot from a street.

Lot, through. A lot abutting two (2) generally parallel streets, which has two (2) street lot lines and two (2) side lot lines.

Lot width. A line generally parallel to the street measured between the two side lot lines. Such line shall be measured at the front yard setback required by these Regulations.

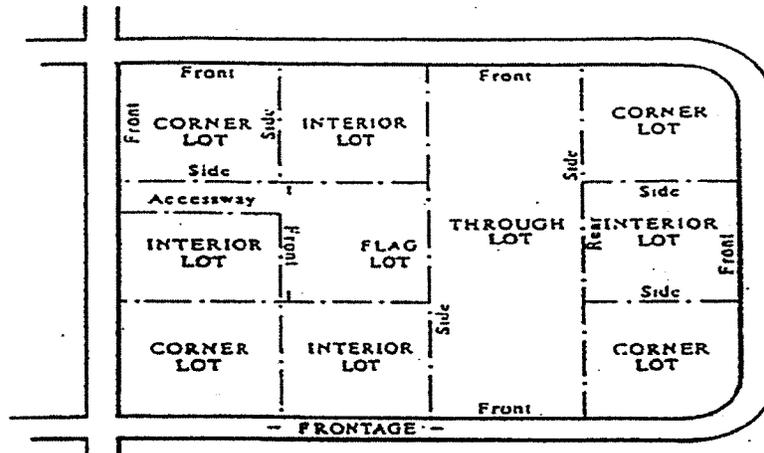


ILLUSTRATION OF LOT TERMS

Massage therapy. The systematic and scientific manipulation and treatment of the soft tissues of the body by a massage therapist, as further defined and regulated under Chapter 384a, Sec. 20-206a-f. of the C.G.S., as amended. Excludes prohibited sexual acts, as defined herein. [Eff. 11/26/2011]

Mean sea level. See Section 7.A.

Medical Marijuana Dispensary Facility. A place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers, and for which the CT Department of Consumer Protection has issued a dispensary facility license to an applicant under C.G.S. Sections 21a-408 through 21a-408q, inclusive, and in accordance with Section 21a-408-14 of the Regulations of Connecticut State Agencies. [Eff. 1/30/2014]

Medical Marijuana Production Facility. A secure, indoor facility where the production of marijuana occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license under C.G.S. Sections 21a-408 through 21a-408q, inclusive, and in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies. [Eff. 1/30/2014]

Medical office. An establishment used for the investigation, prevention, treatment and/or alleviation of human diseases and other physical or mental ailments and/or medical conditions affecting any structure or function of the human body by professionals or practitioners certified or licensed by the State of Connecticut to perform such services, including medical doctors, dentists, nurse-midwives, chiropractors, podiatrists, optometrists, physical therapists, psychologists, and osteopaths.

Minimum square. A square, each side of which is the length prescribed for the district in which a lot is situated, and which is capable of being drawn entirely within the boundaries of said lot behind the front yard setback.

Mining; quarrying. All or any part of the process involved in the excavation of sand, gravel, clay, rock or other earth materials by any means for sale, exclusive of grading a lot preparatory to construction or other improvements for which a Zoning Permit has been issued.

Mobile manufactured home. A one family dwelling, designed for transportation, after fabrication, on streets and highways on its own wheels or on a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on a permanent foundation, connection to utilities and the like. This definition shall also include mobile homes and trailers used for residential purposes, but excludes recreational vehicles and trailers used as field offices for construction projects. All mobile manufactured homes, mobile homes, and trailers used as residences, built on or after June 15, 1976, shall have been constructed in accordance with federal manufactured home construction and safety standards and shall be no less than thirty-five (35) feet in length and no less than eight (8) feet in width. See also Section 7.A., Floodplain Zones.

Mobile manufactured home park. A parcel of land in the same ownership upon which two (2) or more mobile manufactured homes, occupied for residential purposes, are located.

Mobile manufactured home park licensee. Any person licensed by the State of Connecticut to operate and maintain a mobile manufactured home park, according to the provisions of the Connecticut General Statutes.

Mobile manufactured home, replacement. A mobile manufactured home, as defined above, which is intended to replace an existing unit or occupy a mobile manufactured home space that was previously occupied but is presently vacant for any reason, including voluntary removal by the mobile manufactured home owner, execution of a summary process judgement by the mobile manufactured home park licensee, or destruction by fire, storm, explosion, accident, act of God, or the public enemy.

Mobile manufactured home space. A plot of ground within a mobile manufactured home park designed for the accommodation of one mobile manufactured home.

Natural gas power generation facility. An electricity producing generator using natural gas as a fuel source. The generator is a turbine engine that uses the generated heat to drive its alternator. All residual heat is mostly recycled. [Eff. 7/29/2014]

Nonconforming building. A building or part thereof which does not meet the requirements for building size or location on a lot for the district and use in which such building is located where such building was lawfully in existence prior to the enactment of these Regulations or amendment thereto.

Nonconforming lot. A lot which does not comply with the lot size or width requirements for the use and district in which it is located where such lot was legally recorded prior to the enactment of these Regulations or amendment thereto.

Nonconforming use. A use, whether of land or of building, which does not comply with the applicable use provisions of these Regulations or amendment thereto where such use was lawfully in existence prior to the enactment of these Regulations or amendment thereto.

Nonconformities. Nonconforming buildings, lots, and/or uses.

Nude modeling studio. Any establishment, club, or business which offers or advertises, or is equipped or arranged so as to provide as part of its services the photographing by patrons of persons displaying the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, except for schools accredited by the State of Connecticut to provide such instruction.

Nursing home. A facility licensed by the State of Connecticut which provides licensed nursing care services for permanent residents, and which includes basic provisions of food, shelter, laundry, and other personal services to all residents. Includes the terms "convalescent home", "rest home," or "home for the aged."

Off-premises advertising sign. Any sign, including a billboard, which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold, or offered elsewhere than on the premises upon which the sign is located.

Open space. A space not occupied by a building or other roofed structure on the same lot as the principal building, or use. In calculating required open space, such shall not be deemed to include driveways, parking areas, or other surfaces designed or intended for vehicular travel.

Open space, common. Open space within or related to a development, not on individually owned lots or dedicated for public use, but which is designed and intended for the common use and enjoyment of all the residents of the development.

Open space, usable. Open space intended, designed, and constructed for the outdoor use and enjoyment of residents of the lot or parcel containing such open space, as regulated herein.

Overlay zone. A specified area which is subject to specific regulations not otherwise applicable to the zoning district(s) in which it is located.

Package store. An establishment for the retail sale of alcoholic liquor not to be consumed on the premises under a package store permit issued by the CT Department of Liquor Control.

Package store permit. A permit granted by the CT Department of Consumer Protection Liquor Control Division to package stores for the retail sale of alcoholic liquor not to be consumed on the premises. [Rev. 1/14/2013]

Parcel. A contiguous quantity of land, including one or more lots, held in single ownership.

Park, playground, or recreation facility. An open area or facility which provides for active or passive recreation, including playing fields, play lots, swimming, ice skating, picnicking, dog parks in accordance with Section 12-3 of the Code of Ordinances, public offices with community rooms, and similar activities, but excluding commercial amusements, clubs, health clubs, billiard parlors, miniature golf and driving ranges, go-carts, race tracks, amusement parks, carnivals, and zoos, and all other uses of a similar nature and/or intensity, and excluding all such uses operated for profit within residential districts. [Rev. 5/2/2015]

Parking aisle. The unobstructed area immediately adjacent to parking spaces which permits maneuvering of vehicles entering or leaving a parking space and which connects the parking space to a driveway providing access to the parking area from a street.

Parking area; parking facility. A parking area is an open area used for temporary off-street parking of motor vehicles, including parking lots; parking facilities including parking decks and garages for temporary off-street parking of motor vehicles.

Parking bay. A row of three or more parking spaces.

Parking space. A space available for the parking of one motor vehicle.

Permanent soil erosion control measures. Those control measures which are installed or constructed to control soil erosion and which are maintained after completion of the project.

Permitted use. A use specifically authorized in a zoning district subject to all provisions and requirements contained in these Regulations.

Personal service use. A barber shop, beauty parlor, tanning salon, tattoo parlor or body-piercing studio, as defined herein. [Eff. 11/26/2011]

Photovoltaic (PV). A semiconductor based device that converts light directly into electricity. [Eff. 06/04/2015].

Physical medical facility. A facility that provides programs for the physical rehabilitation of patients who have lost mobility or who have other physical disabilities that can be corrected by programs of practice, exercise or training by the use of modules simulating various facets of society including, but not limited to, work, home, commercial/retail, and recreational experiences, such programs to be provided by professionals or practitioners certified or licensed by the State of Connecticut to perform physical rehabilitation services.

Porch. A covered or roofed open structure projecting from and connected to a building. [Eff. 11/26/2011]

Premises. That portion of a lot or building devoted to a specific purpose or use.

Principal use. The main use of a lot or structure.

Prohibited sexual act. An act of erotic fondling, nude performance, sexual excitement, sado-masochistic abuse, masturbation, or sexual intercourse, as defined by the State Penal Code.

Public. Owned, operated, or controlled by a government jurisdiction or agency.

Public utility easement. An area reserved for the right-of-way of a public utility service line for electric power, telephone transmission, gas transmission, sanitary sewer service, or water supply.

Public water supply watershed. Any land which drains into a reservoir used for the provision of potable water.

Restaurant. An establishment with (1) a dining room separate from a patron bar and (2) full kitchen facilities where no less than sixty percent of all patron seats are regularly devoted to the consumption of hot full course meals served to customers at tables in a ready-to-consume state and whose principal method of operation includes one of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or (2) a cafeteria-type operation where food and beverages generally are consumed at tables within the restaurant building. Excludes fast food restaurant. Restaurants may include entertainment activities, as herein defined, for restaurants located only in the CG-20, CA-80 or C-CBD Zoning Districts. [Rev. 1/14/2013]

Restaurant, fast food. An establishment whose principal business is the sale of food and beverages in a ready-to-consume state for consumption (1) within the restaurant building, (2) within a motor vehicle parked on the premises, or (3) off the premises as carry out orders, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in disposable or edible containers; it is self-service, with customers expected to clean up after themselves; and, menus are posted.

Restaurant permit. A permit granted by the CT Department of Consumer Protection Liquor Control Division to restaurants, including fast food restaurants, for the retail sale of (1) alcoholic liquor, (2) beer and cider, or (3) wine, beer and cider for consumption on the premises. [Rev. 1/14/2013]

Revegetate. To establish a vegetative ground cover which will minimize erosion after any land disturbing activity.

Roof-mounted solar photovoltaic (PV) system. A solar PV system, including related architectural elements, attached to any part or type of roof on an approved building or structure that is either the principal or accessory structure. [Eff. 06/04/2015]

Rooming house. A building that is the primary residence of the owner in which lodging is available for permanent occupancy only, without the furnishing of board.

Row house. A dwelling unit combined as part of a row of four or more similar units separated by party walls without openings, each unit having a separate outside entrance and extending from the ground floor to the roof. A townhouse.

Satellite dish antenna. A high powered umbrella-like antenna designed or intended to transmit or receive audio, video, or other signals to or from earth orbiting satellites or other celestial stations; satellite earth station.

Scenic road. A road or portion thereof as specified as a scenic road in the City of Danbury Code of Ordinances. [Eff. 8/27/2015]

Self-Service Storage. A structure with self-contained storage spaces, which may be of various sizes, leased or rented on an individual basis with no other commercial transactions.

Sewage Works. All municipal facilities, including but not limited to the Danbury Sewage Treatment Facility, owned or operated by the City of Danbury for the purpose of collecting, pumping, treating and disposing of sewage. [Eff. 9/29/2011]

Shelter for the homeless. A facility providing temporary housing and ancillary services for one or more individuals who would otherwise be without shelter; homeless shelter.

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, or written copy intended to advertise, announce, identify or communicate information of any kind to the public. A sign shall be construed to include the sign structure and sign face.

Sign, awning. A sign attached to a cloth, plastic, or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Sign, canopy. A sign attached to a structure other than an awning made of cloth, metal or other material with frames affixed to a building and carried by a frame that is supported by the ground. Includes marquee signs which may or may not be supported by the ground.

Sign, double-faced. A sign with one sign face on each side of the sign structure.

Sign face. The display area of a sign that can be used to advertise, announce, identify or communicate information of any kind to the public and which is completely enclosed by a box or outline or within a single continuous perimeter composed of a square, circle, rectangle, triangle, or combination thereof enclosing the extreme limits of the display area. Portions of the frame or structural members may be considered as part of the sign face if so designed with lighting or other ornamentation that is incorporated for the sign display area.

Sign, freestanding. A sign anchored directly to the ground by at least one upright pole, post, fence or other vertical structure or support or resting upon a foundation on the ground, and which is not attached to a building.

Sign height. The vertical distance from the mean ground level beneath the sign to highest point of the sign.

Sign, multiple-faced. A sign with more than one sign face on one or both sides of the sign structure.

Sign, nonconforming. A sign, including any billboard, that was legally permitted under these Regulations when originally erected but which subsequently does not comply with applicable provisions of these Regulations or amendments thereto.

Sign, portable. A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse (e.g. sandwich board sign).

Sign, projecting; hanging sign. A sign attached to and projecting out from a building face or wall.

Sign, roof. Any sign painted, applied, erected or constructed wholly or partially on or over the roof of a building structure or extending vertically above any portion of the roof.

Sign, single face. A sign with only one sign face on one side of the sign structure.

Sign structure; billboard structure. The supports, uprights, bracing, framework and other structural members that physically support and enclose one or more sign faces, including billboard sign faces, whether single or multiple-faced, double-faced, or V-type.

Sign, V-type. A sign with two sign faces on a sign structure where the interior angle formed by the two sign face areas are 60 degrees or less where one sign face is designed to be seen from one direction and the other side from another direction.

Sign, wall. A sign fastened, placed or painted directly on a wall of a building or structure other than a freestanding sign in such manner that only one side of the sign is visible.

Sign, window; door sign. A sign applied, painted or affixed to a window or door windows or placed immediately behind the glass pane that is exposed to public view.

Solar photovoltaic (PV) related architectural element. A structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment. Related equipment includes a solar PV cell, panel or array, lines, mounting brackets or poles, framing and foundations used for or intended to be used for collection of solar energy. [Eff. 06/04/2015]

Solar photovoltaic (PV) System. A solar collection system consisting of one or more building systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for the collection, inversion, storage and distribution of solar energy for electricity generation. [Eff. 06/04/2015]

Special exception. A use not generally allowed throughout a district, but which may be permitted by the Planning Commission subject to special requirements as provided for in these Regulations.

Special permit. An approval for a use or related activity not allowed as a permitted use in a district, granted by the Zoning Commission subject to special restrictions as specified herein.

Start of construction. See Section 7.A.

State Penal Code. Title 53a of the Connecticut General Statutes.

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, excluding basements.

Street. Any existing or duly approved right-of-way used or intended to be used for passage or travel by motor vehicles; road; highway; expressway. Arterial streets, collector streets and expressways are as specified in the City of Danbury Subdivision Regulations. All other streets not so specified shall be deemed to be local streets. [Rev. 8/27/2015]

Street wall. A wall or portion of a wall of a building that is facing and parallel or nearly parallel with an adjacent street.

Street cartway. The portion of a street right-of-way designed or intended for vehicular use.

Stripping. Any activity which removes or significantly disturbs the vegetation surface cover or topsoil layer, including clearing and grubbing operations.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. See also Section 7.A., Floodplain Zones.

Substantial improvement. See Section 7.A.

Tank. A receptacle used for the storage of materials.

Tanning salon. Any business or establishment whose principal use is to provide artificial lighting or coloring systems to produce a tan on an individual's body. [Eff. 11/26/2011]

Tattoo parlor. A personal service establishment whose principal use is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. [Eff. 11/26/2011]

Tavern. An establishment where beer and cider, not exceeding six percent alcohol by volume, and wine are served for consumption on the premises with or without the sale of food at tables and/or patron bars. Taverns may include entertainment activities, as herein defined, for taverns located only in the CG-20, CA-80 or C-CBD Zoning Districts. [Rev. 1/14/2013]

Tavern permit. A permit granted by the CT Department of Consumer Protection Liquor Control Division to taverns for the retail sale of beer, cider and wine to be consumed on the premises. [Rev. 1/14/2013]

Temporary soil erosion control measure. Interim control measures which are installed or constructed for the control of soil erosion until permanent soil erosion control is in effect.

Tower. A structure intended to support equipment used to receive or transmit electromagnetic waves, including self-supporting lattice, guyed and monopole.

Townhouse. A row house.

Trailer. A detached vehicle or object with wheels, having no motive power of its own, but drawn by or used in connection with a motor vehicle, which is or can be used for temporary sleeping, living, working quarters, or storage. Mobile homes shall not be considered trailers.

Transition district. All that area on the ground under the transitional surfaces and transition zones.

Transition zone. All the air space fixed by the transitional surface lying above the floor of the surface.

Transitional surfaces. Inclined planes with a slope of 7:1 measured upward and outward in a vertical plane at right angles to the center line of an airport runway extending from lines on the ground one hundred fifty (150) feet from a parallel in the center line of each runway upward and outward to an elevation one hundred fifty (150) feet above the established airport elevation. Transitional surfaces extend from the edges of all approach surfaces upward and outward to an elevation five hundred (500) feet above the established airport elevation.

Tree. A woody perennial plant, commonly acceptable for landscaping use in the planting zone appropriate for the Danbury area, having a well-defined main stem or trunk, which can be expected to grow to a height of at least twenty feet and have a diameter of four inches or more at a point four feet above the ground at maturity.

Underground storage. Containment below the surface of the ground. For the purposes of these Regulations, a freestanding container located within a building and used to store fuel for heating purposes shall not be considered underground storage.

Variance. A permissive waiver of terms and conditions of these Regulations granted by the Zoning Board of Appeals.

Vehicle, recreational. A vehicle which is built on a single chassis, 400 square feet or less when measured at the longest horizontal projections, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Water surface elevation. See Section 7.A.

Wetlands. Any land which consists of any of the soil types designed as poorly drained, very poorly drained, alluvial, or flood plain by the National Cooperative Soils Survey, as amended, of the United States Department of Agriculture Soil Conservation Service, or which contain obligative wetland plant species indigenous to wetland conditions as listed in Niering, W. and Goodwin, R., "Inland Wetlands Plants of Connecticut," 1973. Wetlands may include filled, graded, excavated, or otherwise disturbed sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey even if the site does not yet exhibit characteristic vegetation of a wetland, bog, marsh, or swamp area.

Window and door signs. Any sign that is placed inside a window or door or affixed to a glass pane and is visible from the exterior of the window or door.

Wireless telecommunication facility. The equipment and structures (including, but not limited to, antennas and towers) involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services. Excluded from this definition is any satellite dish or antenna (as defined herein), which is to be located on a lot zoned for residential use and which will constitute an accessory use to the principal residential use of such lot.

Wireless telecommunication services. Services associated with the transmission and/or reception of wireless telecommunications, including but not limited to, cellular, personal communication services, specialized mobilized radio and paging.

Wood waste processing. A use consisting of: the acceptance of raw wood waste, including brush, logs, tree stumps, leaves, wood chips and other natural wood products and yard wastes; the processing of wood waste by grinding, chipping, coloring, blending, and stockpiling such materials; and bulk sales of wood waste processed on the site. Includes related buildings, structures, and storage of equipment.

Yard. An open space extending from a lot line to the facing wall of a building on the same lot, unoccupied except as specifically permitted herein. The minimum depth of a required yard shall be measured as the yard setback required for front, side, or rear yards, as specified herein.

Yard, buffer. An area covered with vegetation, fencing, or other screening material designed to provide a visual separation between different districts or uses.

Yard, front. An open space extending the full length of the front lot line to a yard setback distance specified herein for front yards.

Yard, rear. An open space extending the full length of the rear lot line to a yard setback distance specified herein for rear yards.

Yard setback. A line drawn parallel to a front, side, or rear lot line at a distance specified herein for front, side, or rear yards.

Yard, side. An open space extending along the side lot line from the required front yard to the required rear yard or, in the absence of either of such front or rear yards, to the front or rear lot line, as appropriate.

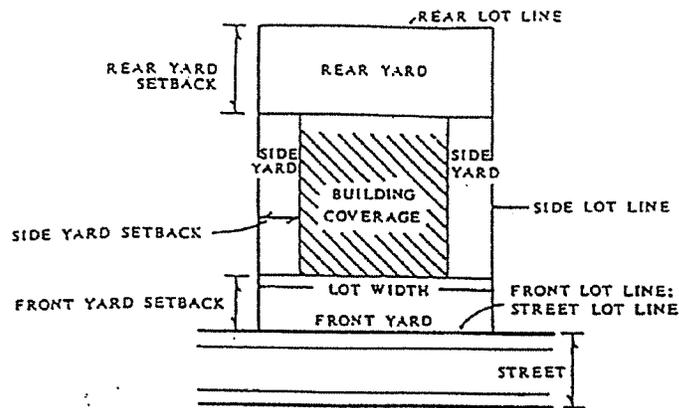


ILLUSTRATION OF YARD TERMS

SECTION 3. DISTRICT REGULATIONS

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3.A. ESTABLISHMENT OF DISTRICTS.

The City of Danbury is hereby divided into the following zoning districts, with their respective symbol designations.

3.A.1. Residential Districts.

a. Single Family Residential Districts

Single Family Residential District:	RA-8
Single Family Residential District:	RA-20
Single Family Residential District:	RA-40
Single Family Residential District:	RA-80

b. Multi-Family Residential Districts

Multi-Family Residential District:	RMF-10
Multi-Family Residential District:	RMF-6
Multi-Family Residential District:	RMF-4
Three Family Residential District:	R-3

c. Mixed Residential Districts

High-Rise Residential District:	RH-3
Waterfront Residential-Recreational District:	RR-10
Residential-Office District:	R-O
Planned Neighborhood Development:	PND

3.A.2. Commercial Districts.

a. Highway Commercial Districts

General Commercial District:	CG-20
Arterial Commercial District:	CA-80
Limited Roadside Commercial Industrial District:	LCI-40
Light Commercial District:	CL-10

b. Other Commercial Districts

Neighborhood Commercial District:	CN-5
Neighborhood Commercial District:	CN-20
Central Business District:	C-CBD
Campus Research Park:	CRP

3.A.3. Industrial Districts.

a. Light Industrial District:	IL-40
b. General Industrial District:	IG-80

3.B. OFFICIAL ZONING MAP.

The boundaries of the zoning districts in which the City is divided shall be shown upon a map entitled the "Official Zoning Map of the City of Danbury". Said Map and all notations, references, and other data shown thereon is hereby incorporated by reference into these Regulations as if said Map were fully described herein.

3.B.1. Measurement.

Where a zoning district boundary is indicated by measurement, such boundary shall be measured perpendicular to the street line unless otherwise indicated.

3.B.2. Property Lines.

Where a zoning district boundary follows a property line, the property line shown on the Assessor's map of the City on the date of adoption of such boundary shall be such district boundary.

3.B.3. Streets as Boundaries.

Zoning districts shall include all streets and rights-of-way lying within district boundary lines. When opposite sides of a street lie in different districts, the boundary shall be deemed to be the center of the right-of-way.

3.B.4. Submerged Land.

The land lying under any lake, pond, stream, or wetland shall be restricted by the zoning for the zoning district in which it lies, except as otherwise permitted herein.

3.C. USE REGULATIONS: GENERAL.

3.C.1. General Application.

The use of land and structures shall be limited to only the permitted principal and accessory uses specified for each zoning district, and to uses allowed by special exception and special permit in accordance with procedures specified herein, unless specifically permitted, exempted, or otherwise modified by these Regulations. All other uses not expressly allowed within a zoning district are prohibited.

3.C.2. Overlay Zones.

All regulations governing overlay zones specified in Section 7 are superimposed on the zoning districts listed above, wherever applicable, and the provisions of Section 7, as specified herein, shall apply in addition to all applicable provisions of other sections of these Regulations. Where provisions governing overlay zones impose greater restrictions than those imposed by other applicable provisions of these Regulations, the provisions of the overlay zones shall control.

3.C.3. Entertainment Activities.

Entertainment activities, as herein defined, may be engaged in the following uses: assembly halls, auditoriums, banquet halls, cafes, churches or other places of worship, clubs, country clubs, dance halls, entertainment and/or education centers, fraternal organizations, hotels and motels, indoor theaters, public and private schools, restaurants, taverns and other uses in which entertainment uses clearly meet the definition of an accessory use, as determined by the Zoning Enforcement Officer, except as otherwise restricted or prohibited by these Regulations. Hookah bars and adult business uses are not allowed, in whole or in part, in any of the uses specified above. [Eff. 1/14/2013]

3.C.4. Medical Marijuana Dispensary and Production Facilities. [Eff. 12/1/2014]

Notwithstanding other provisions of these Regulations, the following restrictions shall apply to any use which dispenses or produces medical marijuana, as defined herein.

- a. Medical marijuana dispensary facility.

The dispensing or sale at retail of medical marijuana, as defined herein as a medical marijuana dispensary facility, shall be limited to retail stores or shops, including pharmacies, which shall also offer the sale of other prescription and non-prescription drugs and medicines, cosmetics and other sundry items.

- b. Medical marijuana production facility.

The growing of marijuana or the production or manufacture of marijuana products is prohibited in the City of Danbury, regardless of whether such use or activity has received a producer license from the CT Department of Consumer Protection as a medical marijuana production facility.

- c. Section 10.J of these Regulations is repealed upon the effective date of the enactment of this Section 3.C.4.

3.D. USE REGULATIONS: PERMITTED USES.

3.D.1. General Application.

Permitted uses within a zoning district shall be allowed provided a Zoning Permit, as specified in Section 10, is first issued by the Zoning Enforcement Officer.

3.D.2. Group Homes.

All one family dwellings may be used as group homes, as defined herein, wherever one family dwellings are otherwise allowed by these Regulations. All group homes within one family dwellings shall meet all regulations applicable to the one family dwelling.

3.E. USE REGULATIONS: SPECIAL EXCEPTION USES.

3.E.1. General Application.

In addition to complying with the requirements for special exception uses, all special exceptions must apply for and receive approval from the Planning Commission for the special exception and its related site plan as required in Section 10.

3.E.2. High Traffic Generators.

All uses which will generate over five hundred (500) motor vehicle trips per day, either individually or in combination with other uses on a lot, as determined by the Trip Multiplier Table in Section 10.D., shall be defined as special exception uses and subject to all review and regulatory restrictions contained herein for special exceptions.

3.E.3. This Section has been left blank intentionally.

Reserved for future use.

3.E.4. Outdoor Storage, Sale, Rental or Repair of Construction Equipment or Building Materials.

The following restrictions shall apply to any use where the storage, sale, rental or repair of construction equipment and vehicles or building materials are allowed as either a principal or accessory use. Excludes automobiles, motorcycles, pick-up trucks, sports utility vehicles and vans (see §5.H.2.).

- a. All outdoor storage, sale, rental or repair of construction equipment and vehicles or building materials shall be completely screened from adjacent properties and roadways by a view restrictive fence or wall not less than five (5) feet nor more than eight (8) feet in height above ground level.
- b. No outdoor storage, sale, rental or repair of construction equipment and vehicles or building materials shall be located between the front lot line and the front of the principal building on the lot.
- c. In addition to the provisions in subsections (a) and (b) above, the indoor storage of landscape materials is allowed in a greenhouse structure in the CA-80 Zoning District.

3.E.5. Historic Properties and Structures.

In addition to uses otherwise allowed in their respective zoning districts, historic properties and structures may be used for the following adapted uses: (1) conference, community or nature centers; (2) retreats for meetings, prayer, meditation, or study; (3) educational facilities accredited by the State of Connecticut; (4) museums; (5) restaurants, excluding drive-in facilities; (6) inns and bed and breakfast lodgings; (7) day camp; (8) centers for the performing arts;

(9) youth hostels for persons under age 26; elder hostels for persons age 55 or older; (10) nature conservancies, public gardens, and arboretums; (11) business offices; (12) professional offices for accountants, architects, artists, clergy, engineers, financial consultants, lawyers, real estate or insurance agents, teachers, or similar professions; (13) studios for instruction in music or the performing arts; and (14) photographic and art studios. One dwelling unit may be provided as an accessory use within existing buildings on the lot for use as a residence for the owner or caretaker of the property, provided such dwelling unit does not exceed 500 sq.ft. in floor area. All adapted uses must comply with the following regulations, unless such use(s) is otherwise allowed within the zoning district as a permitted or special exception use.

- a. The rehabilitation of historic structures, all exterior alterations and additions to historic structures, and all new structures on the historic property or on the same lot as an historic structure, shall comply with the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as amended."
- b. All on-site parking shall be buffered from adjacent property, as provided for herein.
- c. No portion of any historic property or structure may be used as an adult business, as defined herein.
- d. Approvals.
 - (1) Adapted uses proposed for historic properties and structures shall be special exception uses subject to all review and approval requirements for such uses as specified in Section 10 of these Regulations. A special exception shall be required for exterior alterations and additions to historic properties and structures used as or proposed for an adapted use, and for all new structures proposed to be located on the same lot as an adapted use. A special exception shall be required for such alterations and additions even if such properties and structures have previously been granted a special exception for the adapted use.
 - (2) The application for a special exception for an adapted use(s), or for all exterior alterations and additions to historic properties and structures used or proposed to be used for adapted uses, or for structures proposed to be located on the same lot as an adapted use, shall include a Restoration Plan for review and approval by the Planning Commission.
 - (3) The Restoration Plan shall consist of (a) a detailed description of all exterior changes, modifications or additions to historic properties and structures, and (b) architectural renderings of façade elevations for each side of historic structures, and additions thereto, and for each side of proposed structures, including all materials and colors to be used. Facade elevations for historic structure(s) shall show all proposed exterior alterations and changes, included all repairs, replacements, removals, restorations, replications, and all restoration methods and materials to be employed, and shall identify all exterior verandas, towers, porches, roofs, walls, windows, doors, stairways, and other features to be retained, restores, removed or replaced.

3.E.6. Wireless Telecommunication Facilities. [Eff. 12/12/1999]

- a. Purpose and Intent.
 - (1) The purpose of this section is to accommodate the communication needs of residents and businesses by providing for the location of wireless telecommunication facilities, towers and antennas while protecting public health, safety, convenience and property values. The goals of this regulation are to encourage the location of wireless telecommunication towers and antennas away from residential neighborhoods; to protect natural and scenic vistas within the community, to encourage placement of wireless telecommunication towers, antennas and facilities upon nonresidential buildings or structures; to encourage joint use of new or existing towers and facilities; to minimize adverse visual and operational effects through careful design, siting and screening; to protect historic factors from potential adverse impacts; to reduce the number of towers and/or antennas needed in the future; and, to accommodate the need for wireless telecommunication towers and antennas while regulating their location and number.

- (2) The regulations are consistent with the provisions of the Telecommunications Act of 1996. The regulations do not discriminate among providers of functionally equivalent services, prohibit or have the effect of prohibiting the provision of personal wireless services, or regulate the placement, construction, and modification of personal wireless services on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions.

b. General Regulations.

- (1) Wireless telecommunication facilities are permitted in all zoning districts subject to the standards and requirements contained herein. The following guidelines, standards, application requirements and procedures and considerations for approval shall apply to the placement, height, setbacks, construction, and screening of wireless telecommunication facilities, towers and antennas that may be permitted. For the purposes of this section, antenna is defined as a device used to receive or transmit electromagnetic waves, including but not limited to, whip, panel, and dish antennas.
- (2) The placement of any wireless telecommunication facility, whether a new location, an addition, or a change to an existing facility, shall be a special exception use in all zoning districts subject to approval by the City of Danbury Planning Commission.

c. Location Preference Guidelines.

The general order of preference for the location of any telecommunications facility shall range from "1" as the most preferred to "6," the least preferred:

- (1) Totally enclosed within existing structures;
- (2) On existing structures such as nonresidential buildings located in industrial or commercial zoning districts; water tower/tanks; utility poles; billboards and bridges;
- (3) On existing or approved towers;
- (4) On new towers located on property occupied by one or more existing towers;
- (5) On new towers located in an industrial or commercial zoning district; and,
- (6) On new towers located in residential zoning districts.

d. General Standards.

Any property on which a wireless telecommunications facility is proposed shall meet the following minimum standards.

- (1) The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the wireless telecommunications facility and shall be designed with particular design characteristics that have the effect of reducing or eliminating visual obtrusiveness. Documentation of the minimum height needed, prepared by a licensed telecommunication systems engineer, shall accompany an application. The Planning Commission may require the submission of propagation modeling results to facilitate its review of tower height.
- (2) A tower must comply with the yard setback requirements for principal uses and buildings in the zoning district in which it is located, or be set back from all property lines a distance equal to the height of the tower plus twenty-five (25) feet, whichever is greater.
- (3) A wireless telecommunications facility may be considered as either a principal or accessory use. The minimum lot area for the construction of a new tower shall be that of the zoning district in which it is located. More than one tower on a lot may be permitted if all setbacks, design, and landscape requirements are met for each tower. A wireless telecommunications facility may be located on leased land as long as there is adequate ingress and egress to the site for service vehicles, and such access is documented in a deed easement presented to the Planning Commission.
- (4) All towers in residential zoning districts shall be monopole design unless otherwise modified and approved by the Planning Commission. The Planning Commission may require that a monopole be designed and treated with architectural materials so that it is camouflaged to resemble a woody tree

with a single trunk and branches on its upper part, or other suitable camouflage as determined by the Planning Commission.

- (5) A security fence shall be required around the antenna tower and other equipment.
 - (6) Landscaping shall be required around the security fence(s), which shall consist of no less than two rows of sight-obscuring evergreen trees planted not less than ten (10) feet on center. The rows of evergreen trees shall be staggered to ensure adequate screening. The evergreen plantings shall be a minimum height of six (6) feet at planting and shall be maintained by the owner of the property to ensure its effectiveness.
 - (7) All accessory buildings or structures associated with wireless telecommunication facilities shall comply with the following:
 - (a) Each building or structure shall contain not more than 360 square feet of gross floor area or be more than 12 feet in height.
 - (b) Each building or structure shall comply with the yard setback requirements for principal buildings and structures for the zoning district in which it is located.
 - (c) If located on the roof of a building, the structure shall not extend more than 12 feet above the highest point of the roof and be designed to blend with the color and design of the building to the greatest extent possible.
 - (d) All ground level buildings, boxes, cabinets or other structures shall be surrounded by a security fence and be landscaped according to the landscaping requirements of Section 3.E.6.d.(6) of these Regulations.
 - (e) Accessory buildings shall be designed to be in harmony with the surrounding neighborhood properties and with due consideration for the impact that the tower will have on these properties, i.e., buildings in residential districts must have characteristics such as rooflines, siding, fenestration, etc. that are compatible with residential structures in the immediate area. The Planning Commission may impose conditions that foster a compatible design of the antenna tower with the site and the surrounding environment.
 - (8) Towers which protrude above the tree coverage on any property that is located within a view corridor of any vista that is identified by the Planning Commission pursuant to the Plan of Conservation and Development, and any amendments thereto, are prohibited.
 - (9) Illumination shall not be permitted on the tower unless required by the Federal Communications Commission, the Federal Aviation Agency or the Connecticut Siting Council. If illumination is so permitted, it shall be placed so as to minimize the effect on surrounding properties.
 - (10) No signs or advertising shall be permitted on any tower or antenna or accessory building, except that no- trespassing, warning and ownership signs are permitted at a height not to exceed six (6) feet above ground level.
 - (11) A tower must be able to accommodate a minimum of three users unless the applicant demonstrates that it is technically infeasible. These users shall include, but are not limited to, other wireless communication companies, and local police, fire and ambulance companies. The Planning Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
 - (12) A tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.
 - (13) All proposed facilities shall comply with Section 7.B., Airport Protection Zones, of these Regulations.
- e. Application Procedures.

Any special exception application for the siting of a wireless telecommunication facility filed pursuant to Section 10 of these Regulations shall be accompanied by the following.

- (1) A description of the proposed tower, antenna(s) and associated equipment, including height, design features, access roads, utilities, landscaping, and any additional information necessary to describe the facility.
- (2) A site plan as required in Section 10.D. of these Regulations, including the following additional information.

- (a) A plan showing where and how the proposed antenna(s) will be affixed to a particular building or structure, if applicable.
- (b) Details of all proposed antenna(s) and mounting equipment, including size and color.
- (c) Elevations of all proposed shielding and details of material including color.
- (d) Elevations of all proposed equipment, buildings, boxes, cabinets or other structures and details of all proposed fencing including, but not limited to, color.
- (e) Tower base elevation and height of tower.
- (f) A design drawing, including cross section and elevation, of all proposed towers. A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. The design shall indicate how, in the event the tower falls or collapses; the tower will not encroach upon any adjoining property.
- (g) A view shed analysis showing all areas from which the tower will be visible, and if requested by the Planning Commission, a simulation of the proposed site in order to help the Commission determine the visual impacts associated with the proposal. Additionally, the Planning Commission may require the applicant, prior to the commencement and/or conclusion of the hearing, to fly, at the maximum height of the proposed installation, a brightly colored three foot diameter balloon at the site location on such date(s) and at such time(s) as the Planning Commission deems appropriate.
- (h) A description of the nature of uses on adjacent and nearby properties within 1,000 feet.
- (i) A map of surrounding topography within 1,000 feet at contour intervals not exceeding ten feet.
- (j) A map indicating the service area of the proposed wireless telecommunications facility site; the extent of the provider's existing and planned coverage within the City of Danbury, and a map indicating the search radius for the proposed site, including the location of tall structures within one quarter mile of the proposed site.
- (k) A report from a licensed telecommunication systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system.
- (l) A description of alternative sites that were explored, including reference to the preference guidelines and description of attempts made to address and locate alternative sites that are higher on the locational preference list than the selected site, if applicable.
- (m) A report from a licensed telecommunications systems engineer indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public safety communications.
- (n) Documentation prepared by a licensed telecommunications systems engineer that no existing or planned tower or other structure can accommodate the applicant's antenna. For tall structures located within a one-quarter mile radius of the proposed site, documentation that the owners of these locations have been contacted in writing and have denied permission to install the antenna on these structures for other than economic reasons.
- (o) An affidavit by the applicant stating that any additional space on the proposed tower will be made available to future users when technically feasible and at reasonable rates. If the applicant is not the property owner, the applicant shall submit a letter from the property owner, or its authorized agent, consenting to the additional space on the proposed tower being made available to future users.

f. Abandonment.

A wireless telecommunication facility not in use for 12 consecutive months shall be removed by the facility owner at its expense. This removal shall occur within 90 days of the end of such 12-month period, unless such owner submits, within such 90 day period, evidence to the Zoning Enforcement Officer that shows an intent not to abandon the use, pursuant to Connecticut law. If there are two or more users of a single tower, this provision shall not become effective until all users cease utilizing the tower.

g. Considerations for Decision.

In addition to review standards found in these Regulations, the Planning Commission, in reviewing applications for wireless telecommunications facilities, shall consider:

- (1) Detailed analysis of alternative sites, structures, access, and antennas as provided by the applicant. The Commission shall pay particular attention to the location preference guidelines found in Section 3.E.6.c. of these Regulations, and may deny the application if it finds that the applicant has failed to exhaust other more preferable location alternatives in accordance with such location preference guidelines.
- (2) Detailed propagation and antenna separation analysis relative to tower height.
- (3) Tower sharing or co-location to facilitate the telecommunications needs of municipalities and other entities in order to reduce the need to construct additional towers. The Commission reserves the right to require the applicant to utilize the provisions of Section 16-50aa of the Connecticut General Statutes to achieve tower sharing, and may deny the application if the applicant does not submit sufficient proof that it has utilized those provisions.
- (4) Assessment of tower structure type.
- (5) Assessment of design characteristics/architectural treatments that mitigate, reduce or eliminate visual impacts on adjacent areas.
- (6) If located on a property listed on the National Register of Historic Places, preservation of the historic and/or architectural character of the landscape or any structure.
- (7) Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.
- (8) Conditioning approval of the application upon the applicant's compliance with its affidavit stating that any additional space on the proposed tower will be made available to future users when technically feasible and at reasonable rates.

h. Denial of Application.

Any decision by the Planning Commission denying a request to place, construct or modify a telecommunications facility shall be in writing and supported by substantial evidence contained in a written record.

3.E.7. Reserved. [Eff. 06/04/2015]

3.E.8. Drive-Through Use.

All uses, whether existing or proposed, which include a drive-through use as either a principal or accessory use shall be deemed to be a special exception use and subject to all provisions of these Regulations governing special exception uses. Drive-through uses shall meet the following design standards:

- a. traffic lanes providing access to and from drive-through windows and order boards shall not obstruct on-site vehicular traffic flow to and from required parking and loading spaces or other driveways providing ingress and egress into and within the site;
- b. no portion of said travel lanes shall extend into front yards, perimeter planting strips or residential district buffer strips as required herein;
- c. drive-through lanes to windows and order boards shall be of sufficient length, as determined by the Planning Commission, to provide adequate vehicular stacking on-site without extending into the adjacent street right-of-way, but in no case shall be less than one hundred feet in length approaching order boards, if present, or drive-through windows; and,
- d. all said drive-through lanes shall be a minimum of twelve (12) feet in width and clearly designated by painted lines or curbing and shall include directional signs and arrows to avoid traffic confusion.

3.E.9. Automobile Service Stations and Service Garages.

- a. No zoning permit shall be issued for the erection or enlargement of a service garage with a capacity to serve more than five (5) motor vehicles at one time, or for automobile service stations, either as a primary or secondary activity, or for the conversion of any premises for such purposes, if any part of the lot is situated within a distance of five hundred (500) feet from the following uses, as measured along the public streets on which they exist: a nursery, kindergarten, elementary or secondary school, a hospital, church or other place of worship, theater, library, or museum.
- b. No zoning permit shall be issued for a service garage or automobile service station unless all pumps and other service equipment are located at least fifteen (15) feet from any side or front lot line.
- c. No existing garage with a capacity for more than five (5) motor vehicles, or group of garages with a capacity for more than five (5) motor vehicles, or an automobile service station shall be deemed to become a nonconforming use through the subsequent erection of such a school, hospital, place of worship, theater, library, museum, or playground as defined above within the aforesaid prescribed area.
- d. A certificate of approval is required from (1) the Zoning Commission for any use dealing in or repairing motor vehicles under provisions of Section 14-54 of the CGS, or (2) the Zoning Board of Appeals for a use involved in the sale of gasoline or any other product under provision of Section 14-319 of the CGS, as specified further in Sections 10.A.1 and 11.C of these Regulations.

3.F. USE REGULATIONS: SPECIAL PERMIT USES.

3.F.1. General Application. [Rev. 8/27/2015]

In addition to complying with all applicable requirements of these Regulations, uses requiring special permits must receive approval from the Zoning Commission of an application for a special permit as specified in Section 10.C. All applications for a special permit use which will generate over five hundred (500) motor vehicle trips per day shall also receive approval by the Planning Commission as a special exception prior to action by the Zoning Commission.

3.F.2. Cafes and Taverns, Grocery Stores, Package Stores, and Restaurants.

No building, premises, or portion thereof shall be used, erected, arranged, or intended to be used for a café or tavern, grocery store, package store, or restaurant that includes the retail sale of alcoholic liquor requiring a permit from the CT Department of Consumer Protection Liquor Control Division unless the person intending to erect, arrange, or design such building, premises, or portion thereof for use as a café or tavern, grocery store, package store or restaurant shall first obtain a special permit from the Zoning Commission. [Rev. 6/2/2011] [Rev. 1/14/2013] [Rev. 8/27/2015]

a. General Criteria. [Rev. 8/27/2015]

The following general criteria shall apply to all cafes or taverns, grocery stores, package stores, or restaurants applying for a special permit from the Zoning Commission for the retail sale of alcoholic liquor. Notwithstanding anything herein to the contrary, where a person seeks to obtain a special permit from the Zoning Commission for the uses set forth pursuant to this Section 3.F.2., the provisions of Section 10.C. of these Regulations shall apply, except that in addition to the findings set forth in Section 10.C.4.a., the Zoning Commission shall find that:

- (1) the proximity of such premises or buildings will not have a detrimental effect upon any adjacent school, church or other place of worship; and,
- (2) the location of such premises or buildings will not have a detrimental effect upon the immediate area with due consideration given to:
 - (a) the compatibility and impact of the use on the surrounding area, including adjacent residential neighborhoods, and,
 - (b) the impact of the use upon traffic congestion and safety.

The Zoning Commission in approving a special permit may impose such conditions as will ensure compliance with this Section. Notwithstanding other provisions of these Regulations, the Zoning Commission may approve, deny, or approve with conditions an application for a special permit provided said use is otherwise allowed in the zoning district within which it is located. Approval of a special permit shall not relieve the applicant from meeting all other requirements of the Zoning Regulations.

b. Cafes and Taverns. [Rev. 8/27/2015]

In addition to the general criteria specified above, all applications for a café or tavern special permit shall be accompanied by a complete floor plan showing all dining areas, rooms, and bar areas, including all seats and tables, and areas which may, either permanently or temporarily, be used for entertainment activities as herein defined and restricted, said floor plan to be part of any approval, or approval with conditions, of an application for a special permit.

c. Grocery Stores.

In addition to the general criteria specified above, the following regulations shall pertain to an existing or proposed grocery store applying for a special permit for the sale of beer. [Rev. 8/27/2015]

- (1) Any grocery store as defined herein shall be permitted to sell beer at retail as an accessory use under a grocery store beer permit issued by the CT Department of Consumer Protection Liquor Control Division. [Rev. 8/27/2015]
- (2) Such an accessory use shall not be deemed to be an expansion or extension of a nonconforming use in any situation where the use of a grocery store is a nonconforming use, provided no extension or expansion to the existing building or floor area is involved.

d. Package Stores.

In addition to the general criteria specified above, the following regulations pertain to a proposed package store applying for a special permit for the sale of alcoholic liquor. [Rev. 8/27/2015]

(1) Distance Requirements. [Eff. 8/27/2015]

No building shall be used and no building shall be erected which is arranged, intended or designed to be used for a package store unless the following distance requirements are met.

- (a) The main pedestrian entrance of the proposed package store shall be no closer than two thousand feet (2000') to the nearest main pedestrian entrance of (i) any other existing package store in Danbury located on a separate lot, or (ii) any other existing package store in Danbury located within the same shopping center or complex of stores on the same lot.
- (b) Notwithstanding the above, in no case shall the main pedestrian entrance of the proposed package store be within five hundred feet (500') from the nearest main pedestrian entrance of a school, church or other place of worship in Danbury.
- (c) Distance requirements are measured as a straight line from one said entrance to the other. Compliance with the above distance requirements must be met to obtain site plan approval, or a waiver therefrom. Such approval shall be obtained prior to application for a special permit.

(2) Review and Approval. [Eff. 8/27/2015]

Application for special permit approval to the Zoning Commission shall require submission of the following information and plans.

- (a) A site plan as specified in §10.D.3., unless a waiver to the site plan is granted by the Department of Planning and Zoning in accordance with §10.D.6.
- (b) One original and nine copies of the following area plan showing the location of the proposed package store, the nearest existing package store, and any school, church or other place of worship within 500' in Danbury, as specified above, containing the following information.
 - (i) The name and address of the proposed package store, the nearest existing package store, and any school, church or other place of worship in Danbury within 500' of the proposed package store; name and address of the property owner; name, address and seal of the individual or firm preparing the area plan; north point or arrow; and , graphic scale.
 - (ii) The location of the proposed package store, nearest existing package store, and any applicable school, church or other place of worship in Danbury, including the precise location of the main pedestrian entrance(s) of all, and a straight line extending from the nearest main pedestrian entrance of one to the nearest main pedestrian entrance of the other(s), and distance measurement of the line.
 - (iii) Intervening lot lines, roads, driveways, and intersections in sufficient detail for orientation to the area.
 - (iv) Any additional information deemed necessary by the Zoning Commission to determine compliance with §10.C.4.a.

The area plan shall be prepared, signed and sealed by a land surveyor licensed and registered in the state, at a scale of 1" equals 60' or smaller (1"=>60') and drawn in accordance with an applicable Class A-2 Survey which complies with the 1976 code adopted by the CT Association of Land

Surveyors, as amended. Area plans shall be drawn on standard sheet sizes of 24"x36" unless otherwise authorized by the Department of Planning and Zoning prior to submission.

e. Restaurants.

In addition to the general criteria specified above, all applications for a special permit shall be accompanied by a complete floor plan of the restaurant, as herein defined, showing all dining areas, rooms and bar areas, including all seats and tables, and areas which may, either permanently or temporarily, be used for entertainment activities as herein defined and restricted, said floor plan to be part of any approval or approval with conditions, of an application for a special permit. Hours when hot full course meals are regularly to be served shall be noted for approval to ensure that the principal use is a restaurant. [Rev. 8/27/2015]

f. Downtown Revitalization Zone (DRZ).

On or after the effective date of §11-6 of the Code of Ordinances, all entertainment activities as defined herein or regulated in §3.C.3. and which are located within the Downtown Revitalization Zone shall obtain an Entertainment License if required in §11-6, provided such uses specified in §3.C.3. are allowed in the zoning district where such uses and activities are proposed.

3.F.3. Excavation.

There shall be no mining or quarrying operations in the City of Danbury except (1) grading activities in compliance with §8.A. or (2) continuation of a previously approved operation as a nonconforming use under terms and conditions in effect at the time of such approval.

3.F.4. Crematory. [Rev. 06/04/2015]

- a. The crematory shall be located on the same lot or parcel on which a funeral home is being operated and shall only be allowed in zoning districts where specified as requiring a special permit.
- b. The use of the facility, including any loading and unloading areas, shall be conducted entirely on and within the property lines of the subject lot or parcel.
- c. No zoning permit shall be issued until the proposed location of the crematory has been approved by the Zoning Commission as required by and in accordance with Section 19a-320 of the Connecticut General Statutes.
- d. No portion of the lot containing the crematory shall be closer than 500 feet of a residential structure or land used for residential purposes not owned by the owner of the crematory, nor closer than 500 feet from any boundary of a residential zoning district.

3.G. USE REGULATIONS: ACCESSORY USES.

3.G.1. Location.

The location of all accessory uses shall be limited to the lot on which the principal use to which it is accessory is located, unless otherwise permitted on a separate lot by these Regulations.

3.G.2. Residential Use.

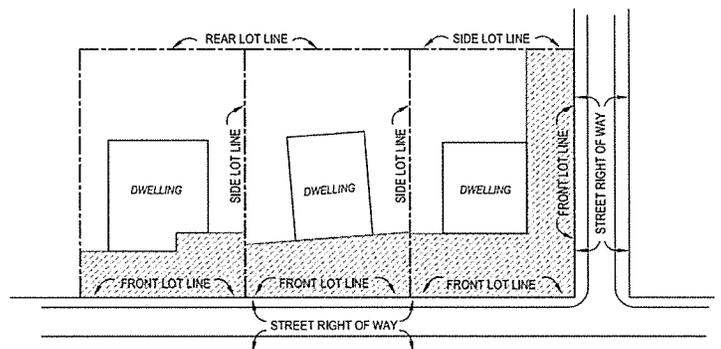
No accessory building shall be used as a residence.

3.G.3. Accessory Buildings, Structures and Uses In Residential Districts. [Rev. 02/17/2016]

Detached buildings, structures and uses accessory to dwellings in residential districts shall be subject to the following restrictions:

- a. shall not be located in the required minimum front yard, except that a bus shelter may be located within the front yard setback provided it does not exceed the maximum size necessary for its purpose, that a paved surface to the curb is provided to facilitate pedestrian access to buses, minimizes potential pedestrian-traffic conflicts, does not impede sight distances as required herein, and is approved by the Department of Planning and Zoning for permitted uses and Planning Commission for special exception uses;
- b. shall not exceed fifteen (15) feet in height; and
- c. when combined with other accessory buildings on the lot, shall not have a total ground floor area, which exceeds fifty percent (50%) of the total ground floor area of all principal buildings on said lot. By agreement of the owners of two (2) adjoining lots duly recorded in the City land records, accessory buildings with the same limitations of height and area may be constructed on a common lot line when built of the same exterior materials and a masonry party wall, provided free access to both rear yards for emergency vehicles is maintained.
- d. For one family dwellings, no swimming pool or building may be located between the dwelling and the front lot line, except for detached garages accessory to the dwelling, provided said garages are not located within the front yard setback.
- e. Athletic fields and courts may be accessory to residential dwellings in all residential districts, except the Deer Hill Avenue and Pleasant Street RA-8 Overlay Zones, provided the following restrictions are met. [Eff. 02/17/2016]

- (1) No athletic field or court shall be located between the front lot line (i.e. the street right-of-way) and the dwelling as shown in the hatched area(s) below.



- (2) No part of any athletic field or court shall be located within twenty-five (25) feet of any side or rear lot line.
- (3) The sale of food, beverages (including alcoholic and non-alcoholic beverages), cigarettes, and other retail items is prohibited on any residential property in a residential zone containing an athletic field or court.
- (4) Where determined as necessary by the Zoning Enforcement Officer, a solid fence or screen shall be installed surrounding the athletic field or court, or portion thereof.
- (5) All artificial lighting used to illuminate any athletic field or court shall be so arranged that all direct rays from such lighting shall fall only on such athletic field or court.
- (6) A Zoning Permit shall be required for installation of any athletic field or court.

3.G.4. Home Occupations.

- a. One home occupation is permitted per dwelling unit.
- b. All home occupations, as defined herein, shall:
 - (1) be clearly secondary to the use of the dwelling for dwelling purposes;
 - (2) not change the external residential character of the dwelling in any visible manner;
 - (3) not create objectionable noise, odor, vibrations, waste, or unsightly conditions noticeable off the premises;
 - (4) not create interference with radio and television reception in the vicinity, nor create a health or safety hazard;
 - (5) only use equipment which is customarily incidental to residential occupancy;
 - (6) be engaged in only by the immediate members of the family residing on the premises;
 - (7) except for the display of fruits and vegetables grown on the premises, not be visible from the street;
 - (8) limit retail sales to only articles made, raised, or grown on the premises; and,
 - (9) not exceed twenty-five per cent (25%) of the dwelling floor area above the basement.
- c. Permitted home occupations shall include dressmaking, millinery, preparation of food products, watch repair, television and radio repair, beauty parlor, barber shop, accountant, architect, artist, dentist, designer, engineer, lawyer, musician, physician, surgeon, teacher, real estate and insurance agent, or similar occupation or person qualified through professional training to perform services of a professional nature.
- d. A zoning permit shall be required for each home occupation.

3.G.5. Garages for One Family Dwellings.

Accessory uses to one family dwellings may include private garage space for the use of the occupants of the premises for not more than three (3) vehicles on any lot and for one (1) additional vehicle for each five thousand (5000) square feet by which the lot exceeds twenty thousand (20,000) square feet. One car space in a private garage on each lot may be used for storage of a commercial vehicle of not more than one and one-half (1 1/2) tons capacity (manufacturer's rating) and space in a private garage may be rented to persons not resident on the premises for storage of noncommercial vehicles only. Not more than one currently registered vehicle three-quarter (3/4) tons or less customarily used for transportation rather than commerce may be stored outside a garage. See Section 8.C.8.c.

3.G.6. Bulk Trash Containers or Dumpsters.

Bulk trash containers, dumpsters, and commercial refuse collection areas shall be screened from view on all sides (except one side used for access) by living plant materials, such material to be restricted to evergreen shrubs, or a combination of evergreen shrubs, trees, and/or view restrictive fencing. The height of the screening material shall equal or exceed that of said container or refuse. This requirement shall be applicable for commercial, industrial, and special exception uses in all districts, except within the C-CBD district.

3.G.7. Satellite Dish Antenna.

Satellite dish antennae are permitted in all districts and shall:

- a. be considered as "structure" as defined in Section 2 of these Regulations;
- b. conform to the height and setback requirements of the district in which the property lies;
- c. if free-standing, be sufficiently screened to insure compatibility with adjacent land uses; and,
- d. be of a type and design approved by the FCC and in conformance with all other local, State, and Federal laws, rules, and regulations.

3.G.8. Construction Trailers.

Trailers may be permitted for temporary field office facilities in connection with construction projects. All such trailers shall be removed immediately upon completion of the construction project.

3.G.9. Massage Therapy.

Massage therapy, as defined herein, may be provided as an accessory use in hospitals, nursing homes, medical clinics and medical offices, health centers, gymnasiums, reducing salons, barber shops or beauty parlors, provided such services are administered solely by a massage therapist licensed to practice massage therapy by the State of Connecticut. Current licenses for all persons administering massage therapy shall be prominently displayed on the premises. For barber shops or beauty parlors, a floor plan of the proposed facility showing all rooms, facilities and their intended uses shall accompany the application for a Zoning Permit. See §5.H.4. [Eff. 11/26/2011]

3.G.10. Bicycle Racks. [Eff. 5/2/2015]

Bicycle racks designed for the temporary storage of bicycles are permitted as an accessory use for all principal uses, provided racks (1) are not placed within or prevent use of and access to required off-street parking or loading spaces, (2) do not impede or present a safety hazard for pedestrian or vehicular travel, and (3) are not located in the front yard. A zoning permit, including notation on the required plot plan of the location of the proposed bicycle rack(s), must be submitted and approved by the Zoning Enforcement Officer.

3.G.11. Electric Vehicle Charging Stations. [Eff. 5/2/2015]

Electric vehicle charging (EVC) stations designed for the temporary storage and recharging of electric motor vehicles are permitted as an accessory use for all principal uses, provided EVC charging stations, including related kiosks, power cabinets and cords, and parking spaces (1) are not placed in or prevent use of and access to required off-street parking or loading spaces, except for one-, two-, and three-family dwellings, (2) do not impede or present a safety hazard for pedestrian or vehicular travel, and (3) are not located in the front yard. Bollards or similar devices shall be positioned as necessary to prevent any collision between the vehicle and the related kiosk and power cabinet. All parking spaces to be used by the EVC station shall meet the parking design criteria for standard vehicles specified in Section 8.C.2. of these Regulations and, except for one-, two- and three-family dwellings, shall have the following words clearly painted on a facing abutting sign: "ELECTRIC VEHICLE PARKING ONLY."

A revised site plan shall be submitted to the Department of Planning and Zoning for review and approval of all proposed EVC stations, except for one-, two- and three-family dwellings, and submission and approval of a zoning permit by the Zoning Enforcement Officer. For one-, two- and three-family dwellings, a zoning permit, including notation on the required plot plan of the location of the proposed EVC station(s), must be submitted and approved by the Zoning Enforcement Officer.

Approval for installation of any EVC station requires submission and approval by the Danbury Building Department of an Electric Vehicle Charging Station Uniform Permit Application, as required by the CT Department of Public Safety, an approved building permit, and all other applicable City, state and federal approvals.

3.G.12 Solar Photovoltaic (PV) Systems [Eff. 06/04/2015]

Solar photovoltaic (PV) systems, including architectural elements, are allowed as an accessory use in all zoning districts, except on structures listed on the National Register of Historic Places and contributing structures within the Main Street Historic Overlay Zone, in accordance with the following restrictions.

The system shall provide power only for the principal and/or accessory use/structure of the lot on which the system is located and shall not be used for the generation of power for the sale of energy to other users, except that when the property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not needed for on-site use may be used by the utility company upon approval of the property owner.

a. Location.

All solar PV systems shall be located on the same lot as the use/structure they are intended to serve.

(1) Roof-mounted solar PV systems.

A roof-mounted solar PV system may be mounted on the roof of an approved principal or accessory building but shall not extend beyond the exterior perimeter of the building on which the system is mounted except for exterior piping for solar hot water systems.

(2) Free-standing solar PV systems.

(a) No proposed free-standing solar PV system may be located in the front yard or between the front lot line and the front of the principal building(s) on the lot.

(b) Notwithstanding the side or rear yard setback for accessory uses and structures for the zoning district within which a free-standing solar PV system is proposed, the side or rear yard setback shall be a minimum of fifteen (15) feet for the system and all related architectural elements and equipment.

(c) All power transmission lines from a free-standing solar PV system to any building or other structure shall be located underground.

(d) Solar PV systems may not be used to display signs except for manufacturer's and equipment information and warnings.

(e) If a free-standing solar PV system is removed, any earth disturbance as a result of the removal of the system shall be graded.

(f) All free-standing solar PV systems shall be screened from view from adjacent residential uses on abutting lots by a screen, landscaped or natural barrier as specified in Section 8.D. unless existing conditions (e.g. topography, trees) provide an existing screen. [Eff. 8/27/2015]

b. Height.

Roof-mounted solar PV systems and all related architectural elements may extend up to ten (10) feet above the top of the roof of the structure to which they are attached. Free-standing solar PV systems and all related architectural elements shall not exceed a height of fifteen (15) feet in any residential zone or the maximum height permitted for accessory uses in any other zone, measured as the vertical distance from the mean ground level at the system foundation/base to the highest point of the system when oriented at maximum tilt.

c. Building coverage.

The surface area of a free-standing solar PV system, regardless of the mounted angle, shall be calculated as part of the overall building coverage and shall not exceed the maximum percent of building coverage of the lot specified for the use in the applicable zoning district in which said system is to be located.

d. Installation.

A physical barrier (e.g. wire screening) must be installed so that circuits are not readily accessible to the public. All installations shall be by a licensed electrical contractor or others authorized by the State of Connecticut to install solar PV systems. Installation must comply with all applicable City, State of Connecticut, and federal codes and regulations. Any upgrades, modifications or changes that materially alter the construction, size or placement of an existing solar PV system shall comply with this section.

e. Approvals.

All proposed solar PV systems shall require site plan approval (except for one, two and three family dwellings) as specified in §10.D., approved zoning and building permits, and all other required City, State of Connecticut or federal approvals.

3.H. LOT REQUIREMENTS.

All lots created after the effective date of these Regulations shall be no less than the minimum lot size and width requirements specified in the district regulations, unless otherwise specified herein or permitted as a nonconforming lot.

3.H.1. Requirements for Each Use.

Lots which meet the minimum area requirements specified herein may be used for any use or structure, or in combination with other allowed uses or structures, provided all the lot width, yard setback, parking, and other requirements specified herein are met, except that when a minimum lot area is specified for a particular permitted, special exception or special permit use or for a dwelling unit, no portion of such minimum lot area specifically required for such use or dwelling unit may be used by any other use or structure for the purpose of calculating or otherwise complying with the minimum lot area required for such other use or structure. Lots deemed non-conforming shall be limited to one allowed use subject to Section 9.B.

3.H.2. Building Coverage.

The total ground floor area of all principal and accessory buildings shall not exceed the maximum percent of building coverage of the lot specified for the use in the district regulations.

3.H.3. Lot Frontage and Width.

a. Lot Frontage.

No building shall be built on any proposed lot unless said lot has lot frontage (i.e. front/street lot line) on a public street, except that lots with lot frontage (i.e. front/street lot line) on a private street may be built upon if said lot was recorded prior to the enactment of these Regulations. No building shall be built on any proposed lot unless said lot has lot frontage (i.e. front/street lot line) of at least fifty (50) feet in length, except as otherwise provided for herein.

(1) Flag Lots. Flag lots may be permitted within the RA-20, RA-40, and RA-80 zoning districts upon approval of the Planning Commission and provided access ways serving such flag lots meet all requirements of the Subdivision Regulations governing access ways and other lot width requirements of these Regulations. In the case of a first division, flag lots in the RA-20, RA-40 and RA-80 Zoning Districts do not require approval of the Planning Commission if all lot width and access way requirements of the City are met. [Eff. 11/26/2011]

b. Lot Width.

All proposed lots shall meet the minimum lot width requirement specified for the use, said minimum lot width to be measured between the side lot lines at the front yard setback required for the use by these Regulations. In addition, on any proposed lot (1) no portion of any interior lot shall be less than fifty feet (50') in width between side lot lines measured from the front/street lot line to the rear yard setback, (2) no portion of any corner lot shall be less than fifty feet (50') in width measured from the front/street lot lines to opposite side lot lines, and (3) no portion of any through lot shall be less than fifty feet (50') in width measured between side lot lines from the front/street lot line to the opposite front/street lot line, except for flag lot access ways as specified herein. Notwithstanding the above, yard setback requirements, lot width requirements and minimum square side dimensions shall apply to all proposed lots. For lots recorded prior to the enactment of these Regulations, yard setback, lot width, or minimum square side dimension requirements which fail to meet minimum requirements as specified in these Regulations may not be reduced further.

3.H.4. Lakes and Ponds.

No portion of any lake or pond shall be included when computing the area of a lot for the purpose of calculating required lot areas or densities.

3.H.5. Public Utility Easements.

No portion of any public utility easement serving off-site uses shall be included when computing the area of a lot for the purpose of calculating required lot areas or densities.

3.I. YARD REQUIREMENTS.

No building or structure shall be placed in the front, side, or rear yard areas specified for each use in the district regulations, except as otherwise permitted below. [Rev. 11/26/2011]

3.I.1. Open Space.

a. General.

Except as specifically provided herein, no part of any yard or other open space required about any building may be included as part of a yard or other open space required for any other building.

b. Projections.

Nothing in these Regulations shall prohibit the projection of not more than (1) one foot into a required yard setback or open space by pilasters, columns, belt courses, sills, cornices, or other similar architectural features. Planting or landscaping of such open spaces is permitted except as limited in Section 3.I.3. A flagpole or an uncovered deck, terrace, landing, patio, or balcony may extend off a residential building within the RA-8, RA-20, RA-40, RA-80, RMF or RH-3 zones for up to ten (10) feet into the required rear yard and within the RA-40 and RA-80 zones for up to ten (10) feet into the required side yard. [Rev. 11/26/2011]

3.I.2. Usable Open Space and Recreation for Dwellings.

Usable open space and recreation shall be provided in zoning districts as required (e.g. 500 sq. ft. per dwelling unit) for all dwelling units for the use of their residents and guests, except on individual lots containing or proposed to contain, where permitted, less than four dwelling units on the lot.

a. Required usable open space and recreation may be provided on a lot by one or more of the following methods, provided the total amount of usable open space provided on the lot equals or exceeds the total required for all dwelling units on the site.

- (1) Private patios, terraces, and/or vegetative ground cover (which may include trees, shrubs and natural ground cover) open to the sky (except under building eaves of less than one foot) for the exclusive use by the residents and guests of a dwelling unit with direct ground floor access abutting the space, with a minimum area of 500 square feet for the dwelling unit for which it is intended to serve and with a width of not less than twenty (20) feet in its least dimension. Said patios, terraces, and/or vegetative ground cover may extend into the side or rear yard setback areas but not into front yard areas.
- (2) Recreational facilities solely for the common use of residents on the lot and their guests, with such facilities limited to swimming pools, tennis courts, community rooms and similar facilities, but not including exclusions to 'park, playground or recreational facilities' as defined in §2.B, including all uses operated for profit. Areas where said recreational facilities are sited, including adjacent landscaped grounds incidental to the site, shall be no less than 1,500 square feet in area with a width of not less than twenty-five (25) feet in its least dimension and may not extend into yard setback areas.

- (3) Open space for the common use of all residents on the lot and their guests, to be used for passive recreation, playing fields, play lots, hiking trails, and/or picnic areas, provided such space is open to the sky (except under building eaves of less than one foot) and, except for hiking trails, has a grade not exceeding five (5) percent. Each such area shall be no less than 1,500 square feet in area with a width of not less than twenty-five (25) feet in its least dimension and, as approved by the reviewing City agency, sited in areas accessible and conveniently located to serve the dwelling units for which they are intended to provide usable open space. When combined with usable open space and recreation provided under (1) and (2) above, any remaining usable open space required to meet the total usable open space requirement of the lot shall not be less than 500 square feet in area with a width of not less than twenty (20) feet in its least dimension. All said open space may extend into the rear yard setback areas but not into required front or side yard areas.
- b. Required usable open space shall not be located between the front lot line and all principal and accessory buildings on the lot adjacent to the street.
- c. Required yard areas shall not be used for usable open space or recreation or included in the computation of usable open space, except as permitted herein. All site plans submitted for approval shall clearly show all areas designated as proposed usable open space and recreation and the area of each.
- d. 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.

3.I.3. Corner Lot Visibility.

On that portion of a corner lot between the street line intersection and a line connecting the front yard lines extended to the street lines, no planting, fence, wall, or other obstruction to visibility shall be maintained above the level of a plane two (2) feet above the curb level of the intersecting streets.

3.J. MAXIMUM HEIGHT REQUIREMENTS.

No structure shall exceed the maximum height limitations specified for the use or structure in these Regulations, except that the following exemptions and further stipulations shall apply.

3.J.1. Exemptions and Stipulations.

- a. There shall be no height limit for the following structures: church steeples and belfries, water tanks, and public utility generating, storage, towers and transmission structures, beacons and antennas.
- b. Chimneys and flues, HVAC mechanical equipment, skylights, clock towers, cupolas, architectural domes, rooftop solar panels, and elevator shafts and stairwells may extend up to ten (10) feet above the top of the roof of the structure to which they are attached.
- c. Parapet walls or cornices may extend up to three (3) feet above the top of the roof of a structure.

Notwithstanding the above provisions and exemptions, all wireless telecommunication facilities shall comply with Section 3.E.6. of these Regulations, and all structures shall comply with restrictions specified for Airport Protection Zones in Section 7.B. of these Regulations.

SECTION 4. RESIDENTIAL DISTRICTS

A. Single Family Residential Districts: RA-8, RA-20, RA-40, RA-80.	4-1
B. Multi-Family Residential Districts: RMF-10, RMF-6, RMF-4.	4-12
C. Three Family Residential District: R-3.	4-23
D. High-Rise Residential District: RH-3.	4-27
E. Waterfront Residential-Recreational District: RR-10.	4-32
F. Residential-Office District: R-O.	4-34
G. Additional Residential Regulations.	4-38
H. Planned Neighborhood Development: PND	4-46

4.A. SINGLE FAMILY RESIDENTIAL DISTRICTS: RA-8, RA-20, RA-40, RA-80.

4.A.1. Purpose and Intent.

It is the purpose and intent of these districts to promote the following:

- a. to provide for low density housing in appropriate locations, and to permit limited public and quasi-public uses appropriate for residential neighborhoods;
- b. to protect residential areas from changes and intrusions, which may cause deterioration;
- c. to promote environmental protection and to meet minimum standards of health and safety by protecting against hazards and nuisances;
- d. to provide for adequate daylight, ventilation, quiet, privacy, and recreational opportunity; and,
- e. to prevent congestion and the overcrowding of land caused by excessive densities.

4.A.2. Uses.

Land and structures may be used only for the following.

- a. Permitted Uses.
 - (1) Church or other place of worship. See Section 4.A.4.a.
 - (2) Nursery, kindergarten, elementary, or secondary school. See Section 4.A.4.b.
 - (3) One family dwelling. See Section 4.A.4.c.
 - (4) Park, playground, or recreation facility. See Section 4.A.4.d.
- b. Special Exception Uses.
 - (1) Cemetery. See Section 4.A.5.a.
 - (2) Children's Bereavement Counseling & Education Center. See Section 4.A.5.b
 - (3) Cluster development. See Section 4.A.6.
 - (4) College or university; post-secondary business or technical school. See Section 4.A.5.c.
 - (5) Country club with golf course; golf course. See Section 4.A.5.d.
 - (6) Day care center, child. See Section 4.A.5.e.
 - (7) Farming. See Section 4.A.5.f.

- (8) Firehouse. See Section 4.A.5.g.
- (9) Historic properties and structures. See Section 4.A.5.h.
- (10) Museum. See Section 4.A.5.i.
- (11) Telephone exchange, water treatment facility, sewage or water pumping station, water storage facility.
See Section 4.A.5.j.

c. Accessory Uses. See Section 3.G.

4.A.3. General Use Regulations.

Unless otherwise specified or modified in Sections 4.A.4., 4.A.5. or 4.A.6. below, the following regulations shall apply to all uses specified in Section 4.A.2.

<u>DISTRICT</u>	<u>RA-8</u>	<u>RA-20</u>	<u>RA-40</u>	<u>RA-80</u>
Minimum lot area, sq ft				
One family dwelling	8,000	20,000	40,000	80,000
All other uses	20,000	20,000	40,000	80,000
Minimum lot width, ft.				
One family dwelling	50	50	50	50
All other uses	125	125	125	150
Minimum front yard, ft.	20	30	40	50
Minimum side yard, ft.				
One family dwelling	8 ea.	15 ea.	25 ea.	40 ea.
All other uses	20 ea.	20 ea.	25 ea.	40 ea.
Minimum rear yard, ft.	35	35	35	40
Maximum height of building, ft.	35*	35*	35*	35*
*maximum of three stories				
Maximum building coverage	30%	20%	15%	15%
Minimum square side dimensions, ft.	65	100	125	150
Detached accessory use				
Minimum side yard, ft.	6	6	15	30
Minimum rear yard, ft.	6	6	20	30

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

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

a. Church or Other Place of Worship.

- (1) Vehicular access onto the site shall be provided solely from a collector or arterial street.
- (2) The lot shall be screened from view from adjacent properties on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.
- (3) The minimum lot area shall be one acre in RA-8, RA-20, and RA-40, and two acres in RA-80.
- (4) The minimum building setback shall be as follows:
 - (a) front yard setback 50 feet
 - (b) side yard setback 50 feet
 - (c) rear yard setback 75 feet
- (5) No parking shall be permitted in the front yard or between the principal building and a public street.
- (6) Any site located within the existing water supply watershed of any water authority or company shall be served by municipal sewer and water facilities.
- (7) A rectory and/or parish hall is permitted as an accessory use.

b. Nursery, Kindergarten, Elementary, or Secondary School.

- (1) The minimum lot area shall be two (2) acres.
- (2) The minimum building setbacks shall be as follows:
 - (a) front yard setback 50 feet
 - (b) side yard setback 50 feet
 - (c) rear yard setback 75 feet
- (3) The site shall be served by municipal sewer and water.
- (4) Vehicular access to the site shall be provided solely from a collector or an arterial street.
- (5) No parking shall be permitted in the front yard setback. All parking and loading areas shall be screened from view from adjacent residential uses by a screen or landscaped or natural buffer, as specified in Section 8.D.
- (6) The site shall be screened from view from adjacent residential uses on the side and rear by a screen or landscaped or natural buffer as specified in Section 8.D.
- (7) The facility shall be accredited by the State of Connecticut.

c. One Family Dwelling.

- (1) Only one principal dwelling per lot shall be permitted, except as part of a cluster development as provided for in Section 4.A.6.

d. Park, playground or recreation facility.

- (1) The minimum lot area shall be 8,000 square feet; the minimum lot width shall be 50 feet.

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

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

a. Cemetery.

- (1) Vehicular access onto the site shall be provided solely from a collector or arterial street.
- (2) The minimum lot area shall be two (2) acres.
- (3) The lot shall be screened from view from adjacent properties to the side and rear by a screen or landscaped buffer as defined in Section 8.D.

b. Children's Bereavement Counseling & Education Center.

- (1) The use may be allowed in the RA-8, RA-20 and RA-40 zoning districts.
- (2) The minimum lot area shall be two (2) acres.
- (3) The minimum building setbacks shall be as follows:
 - (a) front yard setback 50 feet
 - (b) side yard setback 50 feet
 - (c) rear yard setback 75 feet

c. College or University; Post-secondary Business or Technical School.

- (1) Vehicular access onto the site shall be provided solely from an arterial street.
- (2) The site shall be served by municipal sewer and water facilities.
- (3) The minimum lot area shall be ten (10) acres.
- (4) The use shall be permitted in the RA-8, RA-20, and RA-40 districts only.
- (5) The minimum building setbacks shall be as follows:

- (a) front yard setback 50 feet
- (b) side yard setback 50 feet
- (c) rear yard setback 75 feet
- (6) The facility shall be accredited by the State of Connecticut.

d. Country Club with Golf Course; Golf Course.

- (1) Vehicular access onto the site shall be provided solely from a collector or an arterial street.
- (2) The minimum lot area shall be one hundred (100) acres.
- (3) The minimum building setbacks shall be as follows:
 - (a) front yard setback 75 feet
 - (b) side yard setback 100 feet
 - (c) rear yard setback 100 feet
- (4) Golfing tees and greens for the same hole may not be separated by a public street.
- (5) Country clubs with golf courses, and golf courses, are allowed only in the RA-8, RA-20 and RA-40 zoning districts.

e. Day Care Center, Child.

- (1) Vehicular access onto the site shall be provided solely from a collector or arterial street.
- (2) The site shall be served by municipal sewer and water facilities.
- (3) The lot shall be screened from view from adjacent properties on the side and rear by a screen or landscaped buffer as specified in Section 8.D.
- (4) The facility shall be licensed in accordance with the State of Connecticut requirements.
- (5) All outdoor play yards shall be enclosed by a fence.
- (6) A driveway shall be provided which allows for the safe delivery of children to the facility by motor vehicle.
- (7) No parking shall be permitted between the principal building and a public street.
- (8) The building shall be designed in a residential style.
- (9) The minimum lot area for a child day care center shall be one acre in RA-8, RA-20, RA-40 districts, and two acres in the RA-80 district.
- (10) The minimum building setbacks for a child day care center shall be as follows:
 - (a) front yard setback 50 feet
 - (b) side yard setback 50 feet
 - (c) rear yard setback 75 feet

f. Farming.

- (1) Farming shall be permitted only in the RA-80 Zoning District and shall be limited to dairy, truck, and nursery gardening, and the keeping of livestock for commercial purposes. Slaughter houses, kennels, commercial stables and similar uses are excluded.
- (2) The minimum lot area shall be five (5) acres.
- (3) All poultry, including pigeons, shall be kept within a building or fenced enclosure. A maximum of two hundred and fifty (250) birds may be kept on any lot.
- (4) Any structure used for the purpose of keeping livestock, poultry, or any greenhouse in excess of one thousand five hundred (1,500) square feet shall be located at a minimum of one hundred (100) feet from any lot line.
- (5) The keeping of horses or other equines as livestock on a farm shall meet all provisions of this section. The keeping of a horse(s) or other equine(s) as household pets shall be permitted only in the RA-80 Zoning District in accordance with §4.G.6.b.
- (6) The raising of fur-bearing animals, other than rabbits, and the keeping of swine for commercial purposes shall not be permitted.

- (7) No manure or dust producing fertilizers shall be stored in the open within one hundred (100) feet of any property line.
- (8) The retail sale of products related to dairy, truck and nursery gardening, and similar farming related materials or products is allowed as an accessory use to a farm, as herein defined, provided that
 - (a) the sale of such products occurred on the farm prior to the enactment of this subsection 4.A.5.f.(8) of the Regulations, and
 - (b) the products sold are limited *primarily* to (i) farm products grown or raised on the premises, (ii) vegetables, fruit, trees, shrubs, flowers and seeds, and (iii) fertilizer, potting soil, mulch, wood chips, lime, and hay, and (iv) *incidentally* to other customary farm market and nursery gardening products, including planting pots, bird houses and feeders, jellies and jams, syrup and honey, baked goods, farm produce not necessarily grown or raised on the premise, landscaping materials and gardening supplies, and garden hand tools and edging materials allowed to be sold under this subsection specifically exclude the sale or rental of mechanical and electrical equipment, power tools and hardware, and the sale of building supplies, fencing, bricks, gravel and all other construction materials.
 - (i) Notwithstanding subsection (a) above, if an existing farm engaged in the retail sale of products, as herein defined, is expanded with the addition of an abutting parcel(s) to create one such lot, the retail sale of products as an accessory use is permitted on the expanded farm, provided such retail sales are in accordance with all provisions of this Regulations.
- (9) Products intended for retail sale, as permitted in subsection (8) above, and farm machinery used for the operation of the farm, may be temporarily stored, *but not sold or picked up by customers*, on a lot zoned RA-40 or RA-80 which lies adjacent to but separated from the lot containing the farm and/or retail sales operation by a public right-of-way, provided the lot is under the same ownership as the owner of the existing farm and/or retail sales operation and is no less than 40,000 square feet in area. All new structures primarily used for housing said products and farm machinery shall meet the general use regulations specified for the zoning district in which they are located; all existing nonconforming structures may be used to house said products and farm machinery. No outdoor storage of said products and machinery may be closer than:
 - (a) 40 feet from a front lot line, 15 feet from a side lot line and 5 feet from a rear lot line; and,
 - (b) 50 feet from the boundary of a lot containing a dwelling(s) in existence on the date of this amendment.

g. Firehouse.

- (1) Vehicular access onto the site shall be provided solely from a collector or arterial street.
- (2) The minimum lot area shall be one acre in RA-8, RA-20, and RA-40 districts, and two acres in the RA-80 district.
- (3) The minimum building setbacks shall be as follows:
 - (a) front yard setback 50 feet
 - (b) side yard setback 50 feet
 - (c) rear yard setback 75 feet

h. Historic Properties and Structures.

- (1) Adapted use of historic properties and structures shall comply with all regulations specified in Section 3.E.5.
- (2) The minimum lot area for adapted uses of historic properties and structures, including all other uses and structures on the lot, shall be increased to one acre in RA-8 and RA-20, five acres in RA-40, and ten acres in RA-80.
- (3) For lots with an adapted use(s) of historic structures, the total maximum building coverage of all buildings on the lot, including all historic buildings, new or proposed buildings, and additions thereto, shall not exceed 30% of the lot area, or 12,000 sq. ft. ground floor area, whichever is less.

i. Museum.

- (1) The property or structure to be used must be listed on the National Register of Historic Places. All operations of the museum shall be located within the structure listed on the National Register of Historical Places.
- (2) Museums located within historic structures shall maintain and preserve the historic character of the structure.
- (3) Vehicular access to the site shall be provided solely from a collector or an arterial street.
- (4) 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.
- (5) The facility shall not be operated for profit.
- (6) A dwelling unit provided for a caretaker is permitted within the principal structure as an accessory use.
- (7) The minimum lot area shall be one acre.

j. Telephone Exchange, Water Treatment Facility, Sewage or Water Pumping Station, Water Storage Facility.

- (1) The facility shall be screened from view on all sides by a screen or landscaped buffer as specified 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; all gates shall be secured at all times from entry by unauthorized personnel.

4.A.6. Cluster Development.

In order to promote environmental protection and to preserve and make available open space for recreation and conservation, the Planning Commission may, by grant of a special exception as herein provided, permit cluster development in the RA-20, RA-40 and RA-80 districts for the purpose of preserving substantial areas as common open space.

a. Uses.

Uses permitted in cluster developments shall be limited to (1) one family dwellings, (2) park, playground, or recreational facilities, and (3) accessory uses related to the above. Unless otherwise specified below, these uses shall meet all requirements of these Regulations.

b. Ownership.

Any parcel of land to be developed under the provisions of this Section must be designed and held in single, cooperative, or condominium ownership provided, however, that one family dwellings may be on individual lots.

c. Lot Size.

The minimum size of a parcel to be considered for a cluster development shall be five (5) acres in a RA-20 zone, ten (10) acres in a RA-40 zone, and twenty (20) acres in a RA-80 zone.

d. Density.

The maximum number of dwelling units permitted on the parcel shall not exceed eighty-five percent (85%) of the gross area of the parcel less all lakes and ponds and public utility easements, divided by the minimum lot area specified for the district in Section 4.A.3.

e. Area and Bulk.

The following use regulations shall apply for all one family dwellings on individual lots.

<u>DISTRICT</u>	<u>RA-20</u>	<u>RA-40</u>	<u>RA-80</u>
Minimum lot area, sq ft.	10,000	20,000	40,000
Minimum lot width, ft.	50	50	50
Minimum front yard, ft.	30	40	50
Minimum side yard, ft.	8 ea.	15 ea.	25 ea.
Minimum rear yard, ft.	35	35	35
Maximum height of building, ft.	35*	35*	35*
*maximum of three stories			
Maximum building coverage	30%	20%	15%
Minimum square side dimensions, ft.	65	100	125
Detached accessory use:			
Minimum side yard, ft.	6	6	15
Minimum rear yard, ft.	6	6	20

f. Two or More Dwellings Per Parcel.

Where two or more one family dwellings are proposed to be built on a single parcel, the front, side, and rear yards specified above for dwellings and accessory uses are required as though each structure were on an individual lot.

g. Open Space.

No more than one-half of the gross area of the parcel, less all lakes and ponds, may be used as individual lots for one family dwellings. All land not allocated to such lots or to approved streets and parking areas shall be permanently reserved as open space. Such land must (1) be suitable for use by the residents of the development for leisure and recreational purposes or possess a unique natural feature worthy of preservation, including environmentally sensitive areas, as defined herein, (2) be available to all residents of the development, and (3) be owned or maintained by either the developer, a condominium association, or a cooperative homeowners association. The method of ownership and maintenance must be specified at the time of application. In cases where a homeowners association is proposed, the association shall be established before certificates of occupancy are issued. Membership must be mandatory for each individual lot owner, and it shall be recorded on the map and in the Danbury Land Records that each lot owner possesses an undivided interest in the designated open space and is jointly and separately responsible for the payment of taxes on the maintenance of the designated open space. 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 of Danbury.

h. Sewer Service.

All uses within cluster developments located within municipal water supply watersheds must be served by municipal sewer facilities. For cluster developments located outside municipal water supply watersheds, the development must be serviced by a public sewer system or a community-type sewage disposal system that meets all local and state regulations, provided, however, that one family dwellings on individual lots may be serviced by individual septic systems if found by the City to be suitable for subsurface sewage disposal.

i. Water Service.

All uses within cluster developments must be served by a municipal water supply system or by a private community-type water supply system that meets all local and state regulations, provided, however, that one family dwellings on individual lots may be served by individual on-site wells if found to be suitable by the City.

j. Administrative Review.

All applications for a cluster developments shall include concurrent submission, review, and action by the Planning Commission on (1) a petition for a special exception as provided for under Section 10.C., (2) an application for site plan approval as provided for under Section 10.D., and (3) all subdivision plans, if applicable, for one family dwellings on individual lots as provided for in the Subdivision Regulations of the City of Danbury.

4.A.7. Deer Hill Avenue RA-8 Overlay Zone.

a. Purpose and Intent.

In addition to provisions specified in §4.A.1. of these Regulations, it is the purpose and intent of the Deer Hill Avenue RA-8 Overlay Zone to recognize the unique qualities and historic character of the Deer Hill Avenue residential neighborhood by providing supplemental regulations to the RA-8 zoning district which will promote development compatible with the character of the neighborhood, protect historic factors, promote traffic safety and protect property values.

b. Scope.

- (1) The area of the Deer Hill Avenue RA-8 Overlay Zone shall encompass all lots zoned RA-8 which have frontage on Deer Hill Avenue from Wooster Street to Southern Boulevard, as more particularly shown on a certain map entitled "Deer Hill Avenue RA-8 Overlay Zone," which map is made a part of these Regulations (See page 4-9) and which shall constitute an amendment to the Official Zoning Map of the City of Danbury.
- (2) All provisions of these Zoning Regulations shall apply to the Deer Hill Avenue RA-8 Overlay Zone, except as provided for in this §4.A.7. Notwithstanding §3.C.2., wherever there is a conflict between the regulations of this §4.A.7. and other provisions of these Regulations, the provisions of §4.A.7. shall control.

c. Uses.

Notwithstanding §4.A.2., land and structures may be used only for the following in the Deer Hill Avenue RA-8 Overlay Zone.

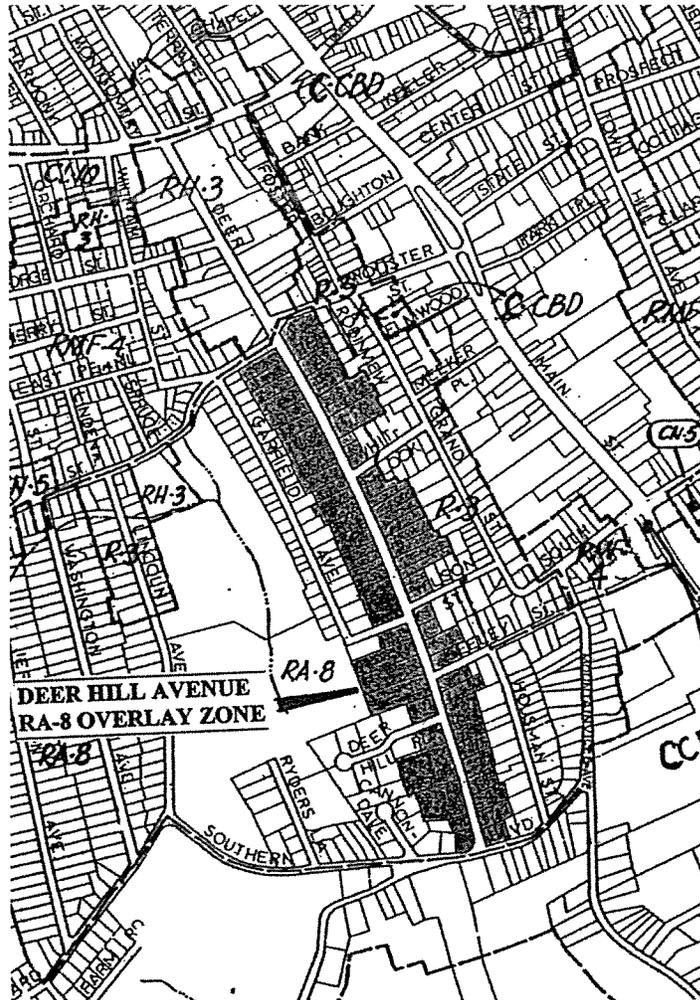
(1) Permitted Uses.

- (a) One family dwelling.
 - (i) Only one principal dwelling per lot may be permitted.

(2) Special Exception Uses.

- (a) Church or other place of worship.
 - (i) The lot shall be screened from view from adjacent properties on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.
 - (ii) The minimum lot area shall be one acre.
 - (iii) The minimum building setback shall be as follows: front yard, 50 feet; side yard, 50 feet; rear yard, 75 feet.

- (iv) No parking shall be permitted in the front yard or between the principal building and a public street.
 - (v) The site shall be served by municipal sewer and water facilities.
 - (vi) A rectory and/or parish hall is permitted as an accessory use.
- (b) Park, playground, or recreational facility.
- (3) Accessory Uses. See Section 3.G.
No accessory structure shall be placed between the principal building and a public street.



DEER HILL AVENUE RA-8 OVERLAY ZONE

d. General Use Regulations.

Notwithstanding §4.A.3, and unless otherwise specified in §4.A.7.c., the following regulations shall apply to all uses specified above in the Deer Hill Avenue RA-8 Overlay Zone.

Minimum lot area, sq. ft.	
One family dwelling	8,000
All other uses	20,000
Minimum lot width, ft	
One family dwelling	100
All other uses	125
Minimum front yard, ft.	50
For new construction, new buildings 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, provided that in no case shall the front yard be less than fifty feet.	
Minimum side yard, ft	
One family dwelling	8 ea.
All other uses	20 ea.
Minimum rear yard, ft	35
Maximum height of buildings, ft.	35, maximum of three stories
Maximum building coverage	30%
Minimum square side dimensions, ft.	65
Detached accessory use	
Minimum side yard, ft.	6
Minimum rear yard, ft.	6

4.A.8. Pleasant Street RA-8 Overlay Zone.

a. Purpose and Intent.

In addition to provisions specified in §4.A.1. of these Regulations, it is the purpose and intent of the Pleasant Street RA-8 Overlay Zone to recognize the unique qualities and historic character of the Pleasant Street residential neighborhood by providing supplemental regulations to the RA-8 Zoning District which will promote development compatible with the character of the neighborhood, protect historic factors, promote traffic safety and protect property values.

b. Scope.

- (1) The area of the Pleasant Street RA-8 Overlay Zone shall encompass all lots zoned RA-8 which have lot frontage on Pleasant Street from Park Avenue to West Wooster Street, as more particularly shown on a certain map entitled "Pleasant Street RA-8 Overlay Zone" (see below), which map is made a part of these Regulations and which shall constitute an amendment to the Official Zoning Map of the City of Danbury.
- (2) All provisions of these Zoning Regulations shall apply to the Pleasant Street RA-8 Overlay Zone, except as provided for in this §4.A.8. Notwithstanding §3.C.2., wherever there is a conflict between the regulations of this §4.A.8. and other provisions of these Regulations, except §9.B.1., the provisions of §4.A.8. shall control.

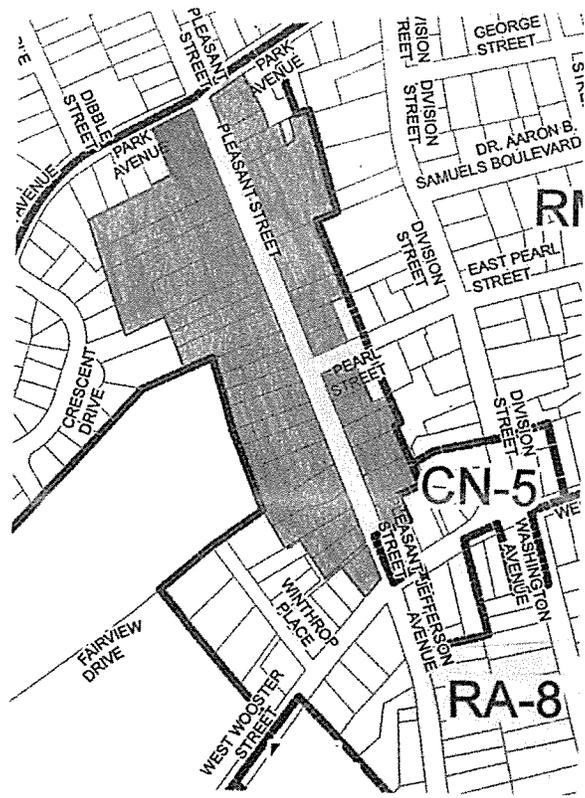
c. Uses.

Notwithstanding §4.A.2., land and structures may be used only for the following in the Pleasant Street RA-8 Overlay Zone.

(1) Permitted Uses.

(a) One family dwelling.

- (i) Only one principal dwelling per lot may be permitted.



PLEASANT STREET RA-8 OVERLAY ZONE

- (2) Special Exception Uses.
 - (a) Church or other place of worship.
 - (i) The lot shall be screened from view from adjacent properties on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.
 - (ii) The minimum lot area shall be one acre.
 - (iii) The minimum building setback shall be as follows: front yard, 50 feet; side yard, 50 feet; rear yard, 75 feet.
 - (iv) No parking shall be permitted in the front yard or between the principal building and a public street.
 - (v) The site shall be served by municipal sewer and water facilities.
 - (vi) A rectory and/or parish hall is permitted as an accessory use.
 - (b) Park, playground, or recreational facility.
- (3) Accessory Uses. See Section 3.G.
 No accessory structure shall be placed between the principal building and a public street.

d. General Use Regulations.

Notwithstanding §4.A.3, and unless otherwise specified in §4.A.8.c., the following regulations shall apply to all uses specified above in the Pleasant Street RA-8 Overlay Zone.

Minimum lot area, sq. ft.	
One family dwelling	8,000
All other uses	20,000
Minimum lot width and minimum front lot line width, ft.	
One family dwelling	100*
All other uses	125*
	*On corner lots with two or more front lot lines, the minimum total of all front lot line widths shall be 200'
Minimum front yard, ft.	20*
	*For new construction, new buildings 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, provided that in no case shall the front yard be less than twenty feet.
Minimum side yard, ft	
One family dwelling	8 ea.
All other uses	20 ea.
Minimum rear yard, ft	35
Maximum height of buildings, ft.	35, maximum of three stories
Maximum building coverage	30%
Minimum square side dimensions, ft.	65
Detached accessory use	
Minimum side yard, ft.	6
Minimum rear yard, ft.	6

4.B. MULTI-FAMILY RESIDENTIAL DISTRICTS: RMF-10, RMF-6, RMF-4.

4.B.1. Purpose and Intent.

a. General.

It is the general purpose and intent of the Multi-Family Residential Districts to promote the following:

- (1) to protect residential areas from changes and intrusions which may cause deterioration by allowing only limited public and quasi-public uses appropriate to residential neighborhoods;
- (2) to promote compatible site design and environmental protection and to meet minimum standards of health and safety by protecting against hazards and nuisances;
- (3) to provide for adequate daylight, ventilation, quiet, privacy, and recreational opportunity;
- (4) to prevent congestion and the overcrowding of land caused by excessive densities; and,
- (5) to promote diversity of housing types and character and to encourage the development of affordable housing in the City.

b. RMF-10.

In addition to Sec. 4.B.1.a., it is the specific purpose and intent of the RMF-10 zoning district to permit low density housing for a range of dwelling types in areas with environmental constraints or to provide, where appropriate, a transition zone between single family neighborhoods and more intense forms of development.

c. RMF-6.

In addition to Sec. 4.B.1.a., it is the specific purpose and intent of the RMF-6 zoning district to permit medium density housing in areas which reflect existing patterns of development in stable neighborhoods or in developing areas of the City appropriate for permitted densities.

d. RMF-4.

In addition to Sec. 4.B.1.a., it is the specific purpose and intent of the RMF-4 zoning district to permit medium to high density housing which reflects existing patterns of development in stable neighborhoods, allows for redevelopment in appropriate locations to meet the changing needs of the population, or provides such housing in developing areas of the City appropriate for permitted densities.

4.B.2. Uses.

Land and structures may be used only for the following.

a. Permitted Uses.

- (1) Apartment house. See Section 4.B.4.a.
- (2) Cemetery. See Section 4.B.4.b.
- (3) Church or other place of worship. See Section 4.B.4.c.
- (4) Congregate housing. See Section 4.B.4.d.
- (5) Continuing care facility. See Section 4.B.4.e.
- (6) Day care center, adult or child. See Section 4.B.4.f.
- (7) Firehouse. See Section 4.B.4.g.
- (8) Garden apartment. See Section 4.B.4.a.
- (9) Housing Redevelopment Option in RMF-4 zones only. See Section 4.G.7.
- (10) Nursery, kindergarten, elementary, or secondary school. See Section 4.B.4.h.
- (11) Nursing home. See Section 4.B.4.i.
- (12) One family dwelling. See Section 4.B.4.j.
- (13) Park, playground, or recreation facility. See Section 4.B.4.k.
- (14) Police station. See Section 4.B.4.l.
- (15) Row house. See Section 4.B.4.a.
- (16) Three family dwelling. See Section 4.B.4.m.
- (17) Two family dwelling. See Section 4.B.4.m.

b. Special Exception Uses.

- (1) Cluster development in RMF-10 zones only. See Section 4.B.6.
- (2) Grocery store or laundromat in RMF-4 zones only. See Section 4.B.5.a.
- (3) Housing incentive option in RMF-6 and RMF-4 zones only. See Section 4.B.7.
- (4) Mobile manufactured home parks in RMF-4 zones only. See Section 4.B.8.
- (5) Rooming house or boarding house in RMF-4 zones only. See Section 4.B.5.b.
- (6) Telephone exchange, sewage or water pumping station, water storage facilities. See Section 4.B.5.c.

c. Accessory Uses. See Sections 3.G.

4.B.3. General Use Regulations.

a. General.

Unless otherwise specified or modified in Sections 4.B.4.-4.B.8. below, the following regulations shall apply to all uses specified in Section 4.B.2.

<u>DISTRICT</u>	<u>RMF-10</u>	<u>RMF-6</u>	<u>RMF-4</u>
Minimum lot area, square feet			
One family dwelling	10,000	6,000	5,000

Two family dwelling, three family dwelling, garden apartment, row house, apartment house, per dwelling unit	10,000	6,000	4,000
All others	20,000	20,000	20,000
For mixed-use developments containing, on one lot, different land uses, the minimum lot area shall be the sum of the minimum lot areas for each use as required above			
Minimum lot width, feet			
One family dwelling	50	50	50
Two family dwelling	75	75	75
Three family dwelling	100	100	100
Garden apt., row house, apartment house, all others	125	125	125
Minimum front yard, feet			
20	20	20	
Minimum side yard, feet			
Principal buildings			
One family dwelling	8	8	8
Two family dwelling, three family dwelling	15	15	15
Garden apt., row house	20	20	20
Apartment house	30	30	30
All others	20	20	20
Detached accessory buildings			
6	6	6	
Minimum rear yard, feet			
Principal buildings			
25	25	25	
Detached accessory buildings			
6	6	6	
Maximum height, feet			
Apartment house			
45*	45*	45*	
*maximum of four stories			
All others			
35**	35**	35**	
**maximum of three stories			
Maximum building coverage of lot area			
30%	30%	30%	
Minimum usable open space, sq. ft. per d.u.			
500	500	500	

b. Sewer and Water.

All uses shall be served by municipal sewer and water except: one family dwellings provided all required permits for on-site septic and water service are granted.

c. Nuisances.

No permitted or special exception use may emit noise, smoke, glare, odor, or vibration, which will create a nuisance having a detrimental effect on adjacent properties.

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

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

a. Apartment House, Garden Apartment, Row House.

(1) All applicable provisions of §4.G.3. shall be met.

b. Cemetery.

(1) All provisions of §4.G.4. shall be met.

c. Church or Other Place of Worship.

- (1) All provisions of §4.G.4. shall be met.
- (2) A rectory and/or parish hall is permitted as an accessory use.

d. 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) vehicular access to the site shall be provided solely from a collector or an arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street;
- (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 State of Connecticut governing congregate housing; and,
- (5) all provisions of §4.G.4. shall be met.

e. 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) vehicular access to the site shall be provided solely from a collector or an arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street;
 - (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 State of Connecticut 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 4.B.4.i.
- (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.
- (4) All provisions of §4.G.4. shall be met.

f. Day Care Center, Adult or Child.

- (1) The site shall be screened from view from adjacent residential uses on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.
- (2) All outdoor play areas for child day care centers shall be enclosed by a fence.

- (3) A driveway shall be provided for child day care centers which allows for the safe delivery of children to the facility by motor vehicle.
 - (4) Day care centers shall be licensed as required by the State of Connecticut.
 - (5) Vehicular access to the site shall be provided solely from a collector or an arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street.
 - (6) All provisions of §4.G.4. shall be met.
- g. Firehouse.
- (1) All provisions of §4.G.4. shall be met.
- h. Nursery, Kindergarten, Elementary, or Secondary Schools.
- (1) The minimum lot area shall be one acre.
 - (2) The minimum side yard setback shall be 25 feet; the minimum rear yard setback shall be 50 feet.
 - (3) Vehicular access to the site shall be provided from a collector or an arterial street.
 - (4) The site shall be screened from view from adjacent properties on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.
 - (5) The facility shall be accredited by the State of Connecticut.
 - (6) All provisions of §4.G.4. shall be met.
- i. 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 provisions of §4.G.4. shall be met.
- j. One Family Dwelling.
- (1) Only one principal dwelling per lot shall be permitted, except as part of a cluster development as provided for herein.
- k. Park, Playground or Recreational Facility.
- (1) All provisions of §4.G.4. shall be met.
- l. Police Station.
- (1) All provisions of §4.G.4. shall be met.
- m. Two and Three Family Dwellings.
- (1) Two or more two family and/or three family dwellings are permitted per lot provided all provisions of these Regulations are met.
 - (2) All applicable provisions of §4.G.3. shall be met.

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

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

a. Grocery Store; Laundromat.

Grocery stores and laundromats are allowed in the RMF-4 zoning district subject to the following restrictions.

- (1) Only one grocery store or laundromat may be located on a lot. The total building gross square footage devoted to a grocery store or laundromat shall not exceed 3,000 square feet per lot. Notwithstanding §3.H., a maximum of four dwelling units with a minimum of 500 square feet per unit may be located within the grocery store or laundromat building, provided:
 - (a) the total minimum lot area for all uses is 20,000 square feet;
 - (b) parking spaces are provided for the grocery store or laundromat, as required herein, and for each dwelling unit as specified for apartment house dwelling units;
 - (c) total building coverage does not exceed 30%; and,
 - (d) the minimum lot width is 125 feet.
- (2) Lots containing said uses shall be limited to corner lots with frontage on at least one arterial street or collector street, as specified in the *Danbury Plan of Conservation and Development*, with access in accordance with §8.B.1. Vehicular access to the site shall be provided solely from the collector or arterial street.
- (3) The sale of gasoline, oil or other motor vehicle supplies and the repair of motor vehicles are prohibited.
- (4) All business activity shall be conducted only within buildings on the site. Outdoor storage of machinery, materials or supplies is prohibited.
- (5) All drive-in or drive-through facilities, either as a principal or accessory use, by which food, beverages, products or services are dispensed to patrons within motor vehicles are prohibited.
- (6) The sale of alcoholic beverages is prohibited.
- (7) Hours of operation shall not be between 9:00 pm. and 7:00 am.
- (8) All uses shall comply with the design standards specified in §4.G.4. and all other provisions of these Regulations.

b. Rooming House; Boarding House.

- (1) Rooming houses and boarding houses are permitted only in the RMF-4 zone.
- (2) For new construction, on-site parking and accessory buildings shall not be located between the street and the principal buildings.
- (3) All provisions of §4.G.4. shall be met.

c. Telephone Exchange, Sewage or Water Pumping Station, Water Storage Facility.

- (1) There shall be no outside service yard or outside storage.
- (2) 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.
- (3) All provisions of §4.G.4. shall be met.

4.B.6. Cluster Development: RMF-10.

The Planning Commission may permit cluster developments in the RMF-10 zoning district by grant of a special exception, as herein provided, for the purpose of protecting environmentally sensitive areas, preserving open space for recreation and conservation, and for promoting more efficient development.

a. Uses.

Uses permitted in cluster developments shall be limited to (1) one family dwellings, two family dwellings, three family dwellings, garden apartments and row houses, and (2) accessory uses to the above, which may include, in addition to uses customarily incidental to the principal uses, park, playground, or recreational

facilities for use by the residents of the cluster development. Unless otherwise modified below, these uses shall meet all other requirements of the RMF-10 zoning district.

b. Ownership.

- (1) Any cluster development proposed to be developed under the provisions of this Section shall be held in single ownership, cooperative ownership, or condominium ownership. One family dwellings located within the cluster development may be subdivided for sale onto individual lots, as specified below, or held in condominium ownership.
- (2) All private roads and common open space, as herein provided, shall be owned and maintained by a homeowners association, said association to be established prior to issuance of Certificates of Compliance. Membership in the association shall be mandatory for each individual lot and dwelling unit owner, and it shall be stated on the site plan and recorded on each deed in the Office of Town Clerk that each lot and dwelling unit owner possesses an undivided interest in all private roads and common open space and is jointly and separately responsible for their maintenance and for the payment of all required taxes.

c. Area and Bulk.

- (1) Density: the maximum number of dwelling units permitted within the cluster development shall be determined by dividing the gross area of the development, less all lakes, ponds, roads, and public utility easements, by 10,000 square feet for each dwelling unit, including all one family dwellings on individual lots, proposed within the cluster development.
- (2) Minimum lot area: 10 acres.
- (3) Minimum lot width: 125 feet.
- (4) No dwelling unit or other building, or part thereof, shall be located closer than fifty (50) feet of any perimeter lot line of the cluster development.
- (5) No dwelling unit or other building, or part thereof, shall be located closer than twenty (20) feet from a street, street right-of-way, or street lot line, as the case may be.
- (6) The maximum height of buildings shall be thirty-five (35) feet, maximum of three stories.
- (7) For one family dwellings on individual subdivided lots:

Minimum lot area	6,000 sq. ft.
Minimum lot width	50 ft
Minimum front yard	20 ft
Minimum side yard	8 ft, principal building 6 ft, accessory building
Minimum rear yard	25 ft, principal building 6 ft, accessory building
Maximum building coverage	30%

- (8) For one family dwellings not on individual lots, and for all two and three family dwellings, each principal building and all accessory uses shall be surrounded by a lot area as though the dwelling(s) were on a separate lot of 6,000 square feet per dwelling unit with lot width and front, side, and rear yards as specified in Section 4.B.6.c.(7) above. All such areas shall be indicated on the site plan required for the special exception application.
- (9) All two and three family dwellings shall comply with Section 4.B.4.m. of these Regulations and all garden apartments, and row houses shall comply with Section 4.B.4.a. of these Regulations, except where inconsistent with this Section 4.B.6.
- (10) All applicable provisions of §4.G.3. shall be met.

d. Sewer and Water.

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

e. Public Water Supply Watershed.

No cluster development, or part thereof, shall be located within a public water supply watershed.

f. Private Roads.

All private roads within and providing access to the cluster development shall either be (1) designed and constructed in accordance with the standards of the City of Danbury for municipal roads, unless such standards are otherwise duly waived, or (2) if not so constructed, then shall be (a) permanently deed restricted as private roads, and (b) shall be indicated on the site plan as private roads not to be deeded to the City of Danbury. If the roads are to be constructed in accordance with the standards for municipal roads, then upon completion of any private road(s), the City shall receive as-built plans of the private road(s) and a sealed certification from a registered professional engineer licensed by the State of Connecticut attesting that he/she has inspected the private road(s) and determined that it meets all design and construction standards of the City for municipal roads.

g. Open Space.

- (1) No less than forty (40) percent of the gross area of the cluster development, less all lakes, ponds, roads, and individual lots with one family dwellings, shall be reserved for common open space, with such open space designated on the site plan required for the special exception application.
- (2) Common open space shall include environmentally sensitive land, including but not limited to wetlands, floodways, slopes of twenty-five (25) percent or greater, significant forest areas, and areas of unique wildlife habitat. Usable open space, as specified in Section 3.I., 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, except one family dwellings on individual lots. The method of ownership and maintenance of all common open space shall be specified on the site plan at the time of application for a special exception for cluster development.

h. Application.

All applications for cluster development shall include concurrent submission, review, and action by the Planning Commission of:

- (1) a petition for a special exception as provided for under Section 10.C.;
- (2) application for site plan approval as provided for under Section 10.D.; and,
- (3) all subdivision plans, if applicable, for one family dwellings on individual lots as required in the Subdivision Regulations of the City of Danbury.

4.B.7. Housing Incentive Option: RMF-6 and RMF-4.

Landowners may develop their properties in accordance with the provisions specified in the Zoning Regulations or may, at their option; choose to apply to develop the following residential uses as a special exception in accordance with the terms and conditions of this Section. The housing incentive option applies only to the RMF-6 and RMF-4 zones.

a. Purpose and Concept.

This option is intended to increase the supply of desirable and affordable housing in the City. Under this option, increased density is permitted for selected residential uses provided that additional design criteria are met and that affordable housing constitutes a portion of all units so constructed.

b. Scope.

This option shall apply to (1) the construction of two family and three family dwellings, garden apartments and row houses, and (2) the conversion and/or expansion of non-residential buildings into two family and three family dwellings, garden apartments and row houses.

c. Density Bonus.

For landowners applying for a special exception under this option, the minimum lot areas per dwelling unit required in the Zoning Regulations for the permitted multi-family uses may be reduced for (1) two family and three family dwellings, (2) garden apartments, and (3) row houses as follows, provided, however, that all other provisions of this Section are met:

- (1) in the RMF-6 zone, from one unit per 6,000 square feet to one unit per 4,000 square feet; and,
- (2) in the RMF-4 zone, from one unit per 4,000 square feet to one unit per 3,000 square feet.

The maximum number of dwelling units shall be calculated by dividing the total buildable land area of the parcel by the maximum density bonus square footage per dwelling unit as specified above. For the purposes of this section, "buildable land area" shall include all lands of the parcel less roads and streets (not including driveways and parking areas), and other lands exempted in §3.H.4. Lakes and Ponds and §3.H.5. Public Utility Easements. In calculating the maximum number of dwelling units permitted with the bonus, all resulting numbers with fractions shall be reduced to the lowest integer (e.g. 7.3 equals 7; 8.9 equals 8).

The maximum number of dwelling units permitted under this option, however, shall be reduced to the extent necessary to accommodate required off-street parking, setbacks, separation of buildings, and other provisions specified herein.

For each dwelling unit constructed in excess of the number of units permitted by applicable density limits specified in Section 4.B.3.a., the developer/applicant shall construct at least one unit of affordable housing, as specified below and defined herein, said units to be of comparable size and workmanship as all other units in the development, provided, however, that under no circumstances shall the overall maximum density bonus be exceeded by the total number of permitted and bonus units.

d. Conditions for Approval.

All applications for a special exception under this option shall, in exchange for the density bonus specified above, meet the following conditions for approval in addition to all other applicable provisions of the Zoning Regulations.

(1) Affordable Housing.

To be eligible for the density bonus, all provisions of Title 8, Chapter 124, Section 8-2g. of the General Statutes of Connecticut, as amended, shall be met. All documents and evidence attesting to compliance with said Section 8-2g. shall be submitted as part of the application for a special exception, including a proposed contract between the developer applying for the special exception and the City, said contract to be in accordance with all provisions of Section 8-2g. and this Section and otherwise found to be acceptable and approved by the City. [Rev. 7/8/2013]

(2) Site Planning Criteria.

All uses shall meet the requirements pertaining to the uses eligible under this Option as specified in §4.B.3-4., and all other applicable provisions of these Regulations except as modified in this Section 4.B.7. All applicable provisions of §4.G.3. shall be met.

(3) Environmental Controls.

No buildings or off-street parking shall take place on slopes, which, in their pre-application state, exceed twenty-five (25) percent. Existing slopes which exceed twenty-five (25) percent shall not be graded or

terraced or otherwise altered to accommodate construction activity under this option except for roads, drainage, utilities, erosion controls, or similar improvements provided such are approved by the City.

(4) Administration.

The housing incentive option shall be approved or denied as a special exception by the Planning Commission. The application for a special exception shall be reviewed for compliance with the regulations specified above as well as with other applicable requirements of the Zoning Regulations. Where a conflict exists between the requirement of this Section and those of other provisions of the Zoning Regulations, the requirements of this Section shall control.

All applications for a special exception under this option shall be accompanied by an Affordable Housing Application, as specified in Section 10.E., except that (1) the income for eligible persons and families shall not exceed eighty percent (80%) of the area median income of the City as determined by HUD and (2) the period for which the affordable housing units shall be offered for sale or rent to persons and families having incomes which do not exceed eighty percent (80%) of the area median income of the City shall be no less than forty years. [Rev. 5/2/2015]

Affordable housing units shall be constructed concurrent with other dwelling units included within the application for a special exception. Consequently, Zoning Permits and Certificates of Compliance shall be issued for affordable and other dwelling units on a one-for-one basis to ensure that all affordable housing units are completed under the terms of this Section.

4.B.8. Mobile Manufactured Home Parks.

a. Purpose.

It is the general purpose and intent of this Section to:

- (1) expand residential opportunities by allowing a variety of housing types;
- (2) encourage the creation and maintenance of mobile manufactured home parks in appropriate locations; and,
- (3) promote environmental protection and to meet minimum standards of health and safety by protecting against hazards and nuisances.

b. Location.

Mobile manufactured home parks shall be allowed as a special exception use only in the RMF-4 district.

c. Application.

All provisions of this Section shall apply to new mobile manufactured home parks or to the enlargement or expansion of existing mobile manufactured home parks. A mobile manufactured home park, or portion thereof, existing prior to the effective date of this Section, October 5, 1992, shall not be deemed nonconforming by reason of failure to meet the minimum requirements of this Section and the district in which the park is located.

d. Administrative Review.

Applications for mobile manufactured home parks shall be accompanied by a site plan drawn in accordance with Section 10.D. of these Regulations. All proposed mobile manufactured home spaces shall be shown on the site plan, meeting all the requirements of Section 4.B.8.f.-g. as if said spaces were on separate lots.

e. Criteria.

All mobile manufactured homes shall meet the following criteria:

- (1) be occupied for residential purposes only;
- (2) be subject to all the provisions of these Regulations which apply to residential structures; and
- (3) have the wheel hubs, axles and tongue removed and shall be placed on a permanent foundation system in accordance with the requirements of all building codes of the City of Danbury.

f. Area and Bulk Requirements.

- (1) Mobile manufactured home parks.

Minimum Lot Area	10 acres
Minimum Lot Width	125 feet

Mobile manufactured homes and other buildings shall not be allowed within fifty feet (50') of the lot line of the mobile manufactured home park except as permitted in Section 4.B.8.h. for replacement mobile manufactured homes.

- (2) Mobile manufactured home spaces.

Minimum area per mobile manufactured home space	4,000 sq.ft.
Minimum width per space	50 feet
Front yard setback	20 feet
Side yard setback	
Mobile manufactured home	8 feet
Detached Accessory Use	6 feet
Rear yard setback	
Mobile manufactured home	25 feet
Detached Accessory Use	6 feet
Max. mobile manufactured home and building height	30 feet
Max. mobile manufactured home and building coverage	30%

g. Additional Site Development Regulations.

- (1) Each mobile manufactured home space shall be clearly defined on the ground by permanent monuments.
- (2) Any mobile manufactured home park, space, or mobile manufactured home that extends into a floodplain shall be subject to the provisions of Section 7.A.
- (3) Placement of other facilities. All accessory buildings, excluding accessory buildings on individual mobile manufactured home spaces, and other facilities shall be located at least sixty feet (60') from any mobile manufactured home.
- (4) Interior roadways. All mobile manufactured home spaces shall abut an interior roadway with a right-of-way of no less than thirty feet (30') and a paved travelway of at least twenty feet (20') in width. Interior roadways shall be paved with asphaltic concrete to a depth of three inches (3"), to be installed in two courses, over an eight-inch (8") gravel base. Gravel shoulders shall be provided within the roadway's right-of-way and shall be five feet (5') wide each. Suitable measures shall be taken to ensure proper drainage. Curbs shall not be required.

- (5) Parking. A minimum of two parking spaces shall be provided for each mobile manufactured home space. Additional buildings within a mobile manufactured home park shall be subject to the parking requirements of Section 8.C. of these Regulations.
- (6) Utilities. All utilities serving individual mobile manufactured homes, except for fuel oil and bottled gas, shall be located underground on the respective mobile manufactured home site.
- (7) Sewer and water. All mobile manufactured home parks shall be served by municipal sewer and water.
- (8) Landscaping. A view restrictive landscaped buffer, as defined in Section 8.D. of these Regulations, shall be provided within the fifty foot (50') perimeter setback as specified in Section 4.B.8.f. above.
- (9) Lakes and ponds; public utility easements. Lands which may not be included when computing the area of a lot for the purpose of calculating required lot areas or the number of permitted mobile manufactured homes shall include lakes and ponds and public utility easements as specified in §3.H.4. and §3.H.5., respectively.
- (10) Nuisances. No use may emit noise, smoke, glare, odor, or vibration which will create a nuisance having a detrimental effect on adjacent properties.

h. Replacement Mobile Manufactured Homes.

All replacement mobile manufactured homes and accessory uses, including carports, porches, decks, and storage sheds, within existing mobile manufactured home parks shall meet the setback requirements given in Section 4.B.8.f.(2) except if the mobile manufactured home park licensee can demonstrate to the Zoning Enforcement Officer that the mobile manufactured home being replaced was located within the required setbacks as of October 5, 1992, or if the mobile manufactured home space was vacant on October 5, 1992, on the last previous date a mobile manufactured home occupied the space. A replacement mobile manufactured home may encroach within a setback only the minimum distance necessary to accommodate the home.

i. Signs.

All signs located within mobile manufactured home parks shall be subject to the requirements of Section 8.E.2. of these Regulations.

4.C. THREE FAMILY RESIDENTIAL DISTRICT: R-3.

4.C.1. Purpose and Intent.

The purpose of the Three Family Residential zoning district is to provide an area of single and medium density multi-family development in suitable locations that are in character with existing urban neighborhoods, to promote compatible site design that meets the needs of residents, to provide for customary neighborhood uses, and to prevent the overcrowding of land, congestion in the streets, and the undue concentration of population.

4.C.2. Uses.

Land and structures may be used only for the following. Notwithstanding this Section 4.C., see Section 7.E. for restrictions on uses located in the Main Street Historic Overlay Zone and Section 7.F. for restrictions on uses located within the Downtown Revitalization Zone. [Rev. 7/29/2014]

a. Permitted Uses.

- (1) Church or other place of worship. See Section 4.C.4.a.
- (2) Firehouse. See Section 4.C.4.b.
- (3) Nursery, kindergarten, elementary, or secondary school. See Section 4.C.4.c.
- (4) One family dwelling, except within the DRZ. See Sections 4.C.4.d. and 7.F.3.c. [Rev. 7/29/2014]
- (5) Park, playground, or recreation facility. See Section 4.C.4.e.

- (6) Police station. See Section 4.C.4.f.
- (7) Three family dwelling. See Sections 4.C.4.g. and 7.F.3.a. [Rev. 7/29/2014]
- (8) Two family dwelling. See Sections 4.C.4.g. and 7.F.3.a. [Rev. 7/29/2014]

b. Special Exception Uses.

- (1) Cemetery. See Section 4.C.5.a.
- (2) Congregate housing. See Sections 4.C.5.b. and 7.F.3.b. [Rev. 7/29/2014]
- (3) Continuing care facility. See Sections 4.C.5.c. and 7.F.3.b. [Rev. 7/29/2014]
- (4) Day care center, adult or child. See Section 4.C.5.d.
- (5) Nursing home. See Sections 4.C.5.e. and 7.F.3.b. [Rev. 7/29/2014]
- (6) Telephone exchange, sewage or water pumping station, except within the DRZ. Water storage facility. See Sections 4.C.5.f. and 7.F.3.c. [Rev. 7/29/2014]

c. Accessory Uses. See Section 3.G.

4.C.3. General Use Regulations.

Unless otherwise specified or modified in Sections 4.C.4. and 4.C.5. below, the following regulations shall apply to all uses specified in Section 4.C.2.

Minimum lot area, sq. ft., except as specified below for dwelling units.	20,000
Minimum lot area per dwelling unit, sq. ft.:	
One family dwelling	5,000
Two-family dwelling	3,750
Three-family dwelling	3,750
Minimum lot width, ft.	
One family	50
Two family	75
Three family	100
All others	125
Minimum front yard, ft.	20
Minimum side yard, ft.	
One family	8
Two family; three family	15
All others	20
Detached accessory use, ft.	6
Minimum rear yard, ft.	25
Detached accessory use, ft.	6
Maximum height, ft.	35*
*max. of three stories	
Max. building coverage of lot area	30%
Min. usable open space, sq. ft. per d.u.	500

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

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

a. Church or Other Place of Worship.

- (1) All provisions of §4.G.4. shall be met.

(2) A rectory and/or parish hall is permitted as an accessory use.

b. Firehouse.

(1) All provisions of §4.G.4. shall be met.

c. Nursery, Kindergarten, Elementary, or Secondary School.

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

(2) The minimum side yard shall be 25 feet; the minimum rear yard shall be 50 feet.

(3) Vehicular access to the site shall be provided solely from a collector or an arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street.

(4) The site shall be screened from view from adjacent property on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.

(5) The facility shall be accredited by the State of Connecticut.

(6) All provisions of §4.G.4. shall be met.

d. One Family Dwelling.

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

e. Park, Playground, or Recreation Facility.

(1) All provisions of §4.G.4. shall be met.

f. Police Station.

(1) All provisions of §4.G.4. shall be met.

g. Two Family and Three Family Dwellings.

(1) Only one two family or one three family dwelling is permitted per lot.

(2) All provisions of §4.G.3. shall be met.

4.C.5. Specific Use Regulations: Special Exception Uses.

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

a. Cemetery.

(1) All provisions of §4.G.4. shall be met.

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 of the regulations specified below:

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

(2) the minimum lot area per use shall be no less than one acre with a minimum lot area per dwelling unit of two thousand (2,000) sq. ft.

- (3) 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 State of Connecticut governing congregate housing; and,
- (4) all provisions of §4.G.4. shall be met.

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 use shall be no less than one acre with a minimum lot area per dwelling unit of two thousand (2,000) sq. ft.
 - (c) such facility shall be under the control or sponsorship of the affiliated nursing home;
 - (d) pedestrian access from the congregate housing to the nursing home shall be provided;
 - (e) 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 State of Connecticut governing congregate housing; and,
 - (f) 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 4.C.5.e.
- (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.
- (4) All provisions of §4.G.4. shall be met.

d. Day Care Center, Adult or Child.

- (1) The site shall be screened from view from adjacent residential uses on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.
- (2) All outdoor play areas for child day care centers shall be enclosed by a fence.
- (3) A driveway shall be provided for child day care centers which allows for the safe delivery of children to the facility by motor vehicle.
- (4) Day care centers shall be licensed as required by the State of Connecticut.
- (5) Vehicular access to the site shall be provided solely from a collector or arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street.
- (6) All provisions of §4.G.4. shall be met.

e. 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 for the Connecticut Commission on Hospitals and Health Care, prior to issuance of a Zoning Permit by the City.
- (3) All provisions of §4.G.4. shall be met.

f. Telephone Exchange, Sewage or Water Pumping Station, Water Storage Facility.

- (1) There shall be no outside service yard or outside storage.
- (2) 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.
- (3) All provisions of §4.G.4. shall be met.

4.D. HIGH-RISE RESIDENTIAL DISTRICT: RH-3.

4.D.1. Purpose and Intent.

The purpose of the High-Rise Residential Zoning District is to provide for: a compatible mix of high density residential, limited commercial, institutional and neighborhood uses in the urban core of the City; compatible site design; minimum standards of health and safety; adequate daylight, ventilation, quiet, privacy and recreational opportunity; prevention of congestion and the overcrowding of land; and, promotion of a diversity of housing types.

4.D.2. Uses.

Land and structures may be used only for the following. Notwithstanding this Section 4.D., see Section 7.E. for restrictions on uses located in the Main Street Historic Overlay Zone and Section 7.F. for restrictions on uses located with the Downtown Revitalization Zone. [Rev. 7/29/2014]

a. Permitted Uses.

- (1) Apartment house. See Sections 4.D.4.a. and 7.F.3.b. [Rev. 7/29/2014]
- (2) Church or other place of worship. See Section 4.D.4.b.
- (3) College or university. See Section 4.D.4.c.
- (4) Firehouse. See Section 4.D.4.d.
- (5) Garden apartment. See Sections 4.D.4.a. and 7.F.3.b. [Rev. 7/29/2014]
- (6) Hospital. See Section 4.D.4.e.
- (7) Housing Redevelopment Option. See Section 4.G.7.
- (8) Nursery, kindergarten, elementary, or secondary school. See Section 4.D.4.f.
- (9) One family dwelling, except within the DRZ. See Sections 4.D.4.g. and 7.F.3.c. [Rev. 7/29/2014]
- (10) Park, playground, or recreation facility. See Section 4.D.4.h.
- (11) Parking area or parking garage. See Sections 4.D.4.i. and 7.F.4. [Rev. 7/29/2014]
- (12) Police station. See Section 4.D.4.j.
- (13) Row house. See Sections 4.D.4.a. and 7.F.3.b. [Rev. 7/29/2014]
- (14) Three family dwelling. See Sections 4.D.4.k. and 7.F.3.a. [Rev. 7/29/2014]
- (15) Two family dwelling. See Sections 4.D.4.k. and 7.F.3.a. [Rev. 7/29/2014]

b. Special Exception Uses.

- (1) Business or professional office. See Section 4.D.5.a.
- (2) Congregate housing. See Sections 4.D.5.b. and 7.F.3.b. [Rev. 7/29/2014]
- (3) Continuing care facility. See Sections 4.D.5.c. and 7.F.3.b. [Rev. 7/29/2014]
- (4) Day care center, adult or child. See Section 4.D.5.d.
- (5) Grocery store; laundromat. See Section 4.D.5.e. [Rev. 06/04/2015]
- (6) Medical office. See Section 4.D.5.f. [Rev. 06/04/2015]
- (7) Nursing home. See Sections 4.D.5.g. and 7.F.3.b. [Rev. 7/29/2014] [Rev. 06/04/2015]
- (8) Shelter for the homeless. See Sections 4.D.5.h. and 7.F.3.b. [Rev. 7/29/2014] [Rev. 06/04/2015]
- (9) Telephone exchange, sewage or water pumping station, except within the DRZ. Water storage facility. See Sections 4.D.5.i. and 7.F.3.c. [Rev. 7/29/2014] [Rev. 06/04/2015]

- c. Accessory Uses. See Section 3.G.

4.D.3. General Use Regulations.

- a. Unless otherwise specified or modified in Sections 4.D.4 or 4.D.5 below, the following regulations shall apply to all uses specified in Section 4.D.2.

Minimum lot area per dwelling unit, sq. ft.:	
One family dwelling	5,000
Two family dwelling	4,000
Three family dwelling	4,000
Garden apartment	3,000
Garden apartment efficiency unit	2,500
Row house	3,000
Apartment house	2,000
Apartment house efficiency unit	1,500
Minimum lot area, all other uses, sq. ft.	20,000
Minimum lot width, ft.	
One family dwelling	50
Two family dwelling	75
Three family dwelling	100
Garden apt, row house, apartment house, all others	125
Minimum front yard, ft.	20
Minimum side yard, ft.	
One family dwelling	8
Two and three family dwelling	15
Garden and row house	20
Apartment house	30
All others	20
Detached accessory use, ft.	6
Minimum rear yard, ft.	
Principal buildings	
Apartment house	45
All others	25
Detached accessory use, ft.	6
Maximum height, ft.	
Apartment house	75*
*maximum of seven stories	
All others	35*
*maximum of three stories	
Max. building coverage of lot area	30%
Minimum usable open space, sq. ft. per d.u.	500

- b. Notwithstanding §4.D.3.a. above, all regulations pertaining to minimum lot area, minimum lot width, minimum setbacks, maximum height, and maximum building coverage for uses located within the DRZ, as specified in §7.F., shall be the same as the regulations specified in C-CBD §5.F.3. [Eff. 6/2/2011]
- c. See §7.F. for restrictions related to first floor residential development in the DRZ. [Eff. 6/2/2011]

4.D.4. Specific Use Regulations: Permitted Uses.

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

- a. Apartment House, Garden Apartment, Row House.
 - (1) Efficiency units shall not exceed twenty-five (25) percent of the total number of units in the apartment house or garden apartment.
 - (2) All applicable provisions of §4.G.3. shall be met.
- b. Church of Other Place of Worship.
 - (1) All provisions of §4.G.4. shall be met.
 - (2) A rectory and/or parish hall is permitted as an accessory use.
- c. College or University.
 - (1) All provisions of §4.G.4. shall be met.
- d. Firehouse.
 - (1) All provisions of §4.G.4. shall be met.
- e. Hospital.
 - (1) Hospital buildings shall have a maximum height of no greater than the highest hospital building on the site in existence on the effective date of this amendment. [Eff. 11/11/2005]
 - (2) All provisions of §4.G.4. shall be met.
- f. Nursery, Kindergarten, Elementary, or Secondary School.
 - (1) The minimum lot area shall be one acre.
 - (2) The minimum side yard setback shall be 25 feet; the minimum rear yard setback shall be 50 feet.
 - (3) The site shall be screened from view from adjacent property on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.
 - (4) The facility shall be accredited by the State of Connecticut.
 - (5) All provisions of §4.G.4. shall be met.
- g. One Family Dwelling.
 - (1) Only one principal dwelling per lot shall be permitted.
- h. Park, Playground, or Recreation Facility.
 - (1) All provisions of §4.G.4. shall be met.
- i. Parking Area; Parking Garage.
 - (1) All provisions of §4.G.4. shall be met.
- j. Police Station.
 - (1) All provisions of §4.G.4. shall be met.
- k. Two Family and Three Family Dwellings. [Rev. 7/29/2014]
 - (1) All applicable provisions of §4.G.3. shall be met.

4.D.5. Specific Use Regulations: Special Exception Uses.

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

a. Business or Professional Office.

- (1) Vehicular access to the site shall be provided solely from a collector or arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street.
- (2) All provisions of §4.G.4. shall be met.

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) vehicular access to the site shall be provided solely from a collector or an arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street.
- (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 State of Connecticut governing congregate housing.
- (5) all provisions of §4.G.4. shall be met.

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) vehicular access to the site shall be provided solely from a collector or an arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street;
 - (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 State of Connecticut 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 4.D.5.h.
- (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.
- (4) All provisions of §4.G.4. shall be met.

- d. Day Care Center, Adult or Child.
 - (1) The site shall be screened from view from adjacent residential uses on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.
 - (2) All outdoor play areas for child day care centers shall be enclosed by a fence.
 - (3) A driveway shall be provided for child day care centers which allows for the safe delivery of children to the facility by motor vehicle.
 - (4) Day care centers shall be licensed as required by the State of Connecticut.
 - (5) Vehicular access to the site shall be provided solely from a collector or arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street.
 - (6) All provisions of §4.G.4. shall be met.

- e. Grocery Store or Laundromat. [Rev. 06/04/2015]
 - (1) Only one grocery store or laundromat may be located on a lot. The total building gross square footage devoted to a grocery store or laundromat shall not exceed 3,000 square feet per lot. Notwithstanding §3.H., a maximum of four dwelling units with a minimum of 500 square feet per unit may be located within the grocery store or laundromat building provided (1) the total minimum lot area for all uses is 20,000 square feet, (2) parking spaces are provided for the grocery store or laundromat, as required herein, and for each dwelling unit as specified for apartment house dwelling units, (3) total building coverage does not exceed 30%, and (4) the minimum lot width is 125 feet.
 - (2) Lots containing said uses shall be limited to corner lots with frontage on at least one arterial street or collector street, as specified in the Danbury *Plan of Conservation and Development*, with access in accordance with §8.B.1. Vehicular access to the site shall be provided solely from the collector or arterial street.
 - (3) The sale of gasoline, oil or other motor vehicle supplies and the repair of motor vehicles are prohibited.
 - (4) All business activity shall be conducted only within buildings on the site. Outdoor storage of machinery, materials or supplies is prohibited.
 - (5) All drive-in or drive-through facilities, either as a principal or accessory use, by which food, beverages, products or services are dispensed to patrons within motor vehicles are prohibited.
 - (6) The sale of alcoholic beverages is prohibited.
 - (7) Hours of operation shall not be between 9:00 pm. and 7:00 am.
 - (8) All uses shall comply with the design standards specified in §4.G.4. and all other provisions of these Regulations.

- f. Medical Office. [Rev. 06/04/2015]
 - (1) All provisions of §4.G.4. shall be met.

- g. Nursing Home. [Rev. 06/04/2015]
 - (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) Vehicular access to the site shall be provided solely from a collector or an arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street.
 - (4) All provisions of §4.G.4. shall be met.

- h. Shelter for the Homeless. [Rev. 7/29/2014] [Rev.06/04/2015]
 - (1) The shelter must be sponsored by a non-profit organization. [Rev. 7/29/2014]
 - (2) Each shelter shall not exceed twenty beds per lot. [Rev. 7/29/2014]

- (3) All provisions of §4.G.4. shall be met. [Rev. 7/29/2014]
- i. Telephone Exchange, Sewage or Water Pumping Station, and Water Storage Facility. [Rev. 7/29/2014] [Rev. 06/04/2015]
 - (1) There shall be no outside service yard or outside storage.
 - (2) 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.
 - (3) All provisions of §4.G.4. shall be met.

4.E. WATERFRONT RESIDENTIAL-RECREATIONAL DISTRICT: RR-10.

4.E.1. Purpose and Intent.

The purpose of this District is to provide residential, recreational, and commercial uses that will take advantage of the area's unique location at the southern end of Lake Candlewood. Recognizing that Lake Candlewood is the most important recreational asset of the City and offers unique water views, increased control over land development in this area is needed in order to ensure the future viability of the area. The intent of this District is to enhance those uses now on the Lake that have capitalized on the waterfront by encouraging other uses that are compatible with waterfront areas.

4.E.2. Uses.

Land and structures may be used only for the following.

- a. Permitted Uses.
 - (1) Garden apartment and row house. See Section 4.E.6.
 - (2) One family dwelling. See Section 4.E.4.a.
 - (3) Park, playground, or recreation facility. See Section 4.E.6.
- b. Special Exception Uses.
 - (1) Assembly hall. See Section 4.E.6.
 - (2) Dance hall. See Section 4.E.6.
 - (3) Recreational facilities, including facilities operated commercially for profit, such as but not limited to tennis courts, bowling alleys, skating rinks, and other similar facilities. See Section 4.E.6.
 - (4) Restaurant or café, excluding fast food restaurant, without the sale of alcoholic liquor. See Section 4.E.6. See also Section 4.E.2.c. below.
 - (5) Retail stores and shops, excluding package stores. See Section 4.E.6.
 - (6) Telephone exchange, sewer and water pumping station, water storage facility. See Section 4.E.5.a. and Section 4.E.6.
 - (7) Yacht club, marina, establishments for the sale and rental of boats, and the sale of bait or marine supplies, including fuel and lubricants. See Section 4.E.5.b. and Section 4.E.6.
 - (8) Mixed development consisting of garden apartments and row houses with retail stores and shops. See Section 4.E.5.c. and Section 4.E.6.
- c. Special Permit Use.
 - (1) Package store in accordance with Section 3.F.2. and Section 4.E.6.

- (2) Restaurant or café, excluding fast food restaurant, as a special exception use approved by the Planning Commission, with the sale of alcoholic liquor in accordance with Section 3.F.2. and Section 4.E.6.
- (3) Tavern in accordance with Section 3.F.2. and Section 4.E.6.

d. Accessory Uses. See Section 3.G.

4.E.3. General Use Regulations.

Unless otherwise specified or modified below, the following regulations shall apply to all uses specified in 4.E.2.

Minimum lot area, sq. ft.	
One family dwelling	10,000
Garden apartment, row house	4,000
All other uses	20,000
Minimum lot width, ft.	
One family dwelling	50
All others	125
Minimum front yard, ft.	40
Minimum side yard, ft.	
One family dwelling	8
Garden apartment, row house	20
All others	20
Detached accessory buildings	6
Minimum rear yard, ft.	25
Detached accessory buildings	6
Maximum height, ft.	35*
*maximum of three stories	
Maximum building coverage of lot area	30%
Minimum usable open space,	
Sq. ft. per d.u.	500
Retail store F.A.R.	.35

4.E.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.

4.E.5. Specific Use Regulations: Special Exception Uses.

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

- a. Telephone exchange, sewer and water pumping station, water storage facility.
 - (1) There shall be no outside service yard or outside storage.
 - (2) 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.

- b. Yacht club, marina, establishments for the sale and rental of boats, and the sale of bait or marine supplies, including fuel and lubricants.
 - (1) Marinas and piers and any uses, which may be constructed on piers, may extend up to three hundred (300) feet into land under water in the RA-80 district.

- c. Mixed development consisting of garden apartments and row houses with retail stores and shops.

The following formulae shall be used to determine the potential maximum lot development of mixed uses:

- (1) To determine the maximum allowable retail floor area when the number of residential dwelling units is known:

Lot size minus area of lot required for residential units equals available lot area for retail sales uses, then multiply by floor area ratio (F.A.R.) to obtain allowable retail sales gross floor area. Example:

Lot Area	No. of Units	Sq. Ft. Per Unit	Area for Retail Sales	F.A.R.	Retail Sales Floor Area
43,560	(-8	x 4,000)	= 11,560	x .35	= 4,046

- (2) When gross floor area of retail sales is known and number of residential units is unknown.

Lot size minus area of lot required for retail sales area equals available lot area for residential use, then divide by lot area required for each unit to obtain allowable number of residential units. Example:

Lot Area	Retail Sales Floor Area ÷ F.A.R.	Area for Residential Use ÷ Sq. Ft. Per Unit	= No. of Units
43,560 –	4,046 .35	= 32,000 4,000	= 8

4.E.6. Site Design Requirements.

- a. All garden apartments and row houses shall comply with the applicable site design requirements specified in §4.G.3.
- b. All other uses except one family dwellings shall comply with §4.G.4.

4.F. RESIDENTIAL-OFFICE DISTRICT: R-O.

4.F.1. Purpose and Intent.

It is the purpose and intent of this district to promote the following:

- a. to provide a transition from residential neighborhoods to areas with a greater intensity of development.
- b. To permit an harmonious mixture of housing, offices, and community facilities; and,
- c. To meet minimum standards of health and safety by protecting against hazards and nuisances.

4.F.2. Uses.

Land and structures may be used only for the following:

a. Permitted uses.

- (1) Adult day care center. See Section 4.F.4.a.
- (2) Cemetery
- (3) Church and other place of worship. See Section 4.F.4.b.
- (4) Day care center. See Section 4.F.4.c.
- (5) Firehouse.
- (6) Forest or wildlife reservation.
- (7) Library.
- (8) Nursery, kindergarten, elementary, or secondary school. See Section 4.F.4.d.
- (9) One family dwelling. See Section 4.F.4.e.
- (10) Park, playground, or recreation facility.
- (11) Two family dwelling. See Section 4.F.4.f.

b. Special exception uses. See Section 4.F.5.

- (1) Art gallery.
- (2) Banking or financial institutions.
- (3) Business office.
- (4) Medical office
- (5) Museum.
- (6) Optician and optical goods.
- (7) Professional offices for accountants, architects, artists, clergy, engineers, financial consultants, lawyers, real estate or insurance agents, teachers, or other similar professions.
- (8) Studios for instruction in music or the performing arts; photographic studios.
- (9) Any existing use listed below which is located on a lot rezoned to R-O shall be deemed to be a conforming use in the R-O district subsequent to such rezoning. Any such existing use, or any use which is located on a lot which was zoned IL-40 prior to the rezoning of said lot to R-O, henceforth may be changed to any of the other special exception uses specified below, or be changed to any other use so allowed in the R-O district, provided all such changes be in accordance with other applicable provisions of these Regulations.

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; machine manufacturing; manufacture and assembling of artist's materials, clocks and watches, musical instruments, sporting goods, toys or office materials; manufacture of electrical equipment; manufacture of optical goods, business machines, precision instruments, surgical and dental instruments and equipment; manufacturing, compounding, processing, packaging, or treatment of candy, cosmetics, drugs, pharmaceuticals, or toiletries; research or testing laboratories; computer programming.

c. Accessory uses. See Section 3.G.

4.F.3. Use Regulations: General.

Unless otherwise specified or modified below, the following regulations shall apply to all uses specified in Section 4.F.2.

Minimum lot area, sq. ft.
One family

8,000, except 20,000 if any portion of the lot abuts an RA-

Two family, per d.u.	40 or RA-80 zoning district. 4,000, except 10,000 if any portion of the lot abuts an RA-40 or RA-80 zoning district.
All others	20,000 unless otherwise specified below.
Minimum lot width, ft.	
One family dwelling	50
Two family dwelling	75
All others	125
Minimum front yard, ft.	30
Minimum side yard, ft.	10, except 25 where the yard abuts a single family district.
Minimum rear yard, ft.	35, except 50 where the yard abuts a single family district.
Max. height of buildings	30'
Max. building coverage	30%
Detached accessory uses	
Min. side yard, ft	6, except 25 where the yard abuts a single family district.
Min. rear yard, ft.	6, except 25 where the yard abuts a single family district.

4.F.4. 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 a motor vehicle.
- b. Church and other place of worship.
 - (1) A rectory and/or parish hall is permitted as an accessory use.
- c. Day care center.
 - (1) the facility shall be licensed in accordance with the State of Connecticut requirements.
 - (2) All outdoor play areas shall be enclosed by a fence.
 - (3) A driveway shall be provided which allows for the safe delivery of children to the facility by a motor vehicle.
- d. Nursery, kindergarten, elementary, and secondary schools.
 - (1) The minimum lot area shall be two acres.
 - (2) For yards which abut a residential zoning district, the minimum side yard setback shall be 50 feet and the minimum rear yard setback shall be 75 feet.
 - (3) The facility shall be accredited by the State of Connecticut.
- e. One family dwelling.
 - (1) Only one principal dwelling per lot shall be permitted.
- f. Two family dwelling.
 - (1) Only one two family dwelling per lot shall be permitted.

4.F.5. Use Regulations: Special Exception Uses.

All special exception used shall be subject to the following restrictions.

- a. All uses shall comply with the performance standards specified in Section 6.c.1. of these Regulations for smoke, noise, odor, and vibration except where inconsistent with the restrictions above. Where lot lines of the special exception use abut a residential zoning district, the performance standards shall be measured at the lot line.
- b. All business activity shall be conducted only within buildings on the site. Outdoor storage of machinery, materials or supplies is prohibited.
- c. All drive-in uses, either as a principal or accessory use, are prohibited.
- d. Buildings shall be limited to a maximum total of 20,000 sq. ft. of gross floor area per lot.
- e. Motor vehicle access shall be prohibited from a local street for all new uses, structures, or buildings on any lot with frontage on an arterial or collector street, as specified in the Subdivision Regulations of the City of Danbury, unless the Planning Commission determines, after consultation with the City Engineer, that access from said arterial or collector street(s) is infeasible because of excessive grades, watercourses, or other similar barriers to construction. As a condition of special exception approval by the Planning Commission, any existing driveway providing motor vehicle access from a local street shall be eliminated upon provision of access from an arterial or collector street to said lot.
- f. All 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.

4.F.6. Landscaped Buffer Yards.

Non-residential uses shall be screened from view from abutting residential zoning districts. Where a lot devoted to a non-residential use adjoins a residential zoning district, a view restrictive landscaped buffer yard shall, at the time of development, be planted on the lot along said zoning district boundary, except where the boundary is coterminous with an expressway, arterial, or collector street as specified in the Subdivision Regulations of the City of Danbury. The buffer yard shall be a minimum of twenty-five (25) feet in width planted in accordance with Section 8.D., parallel to and adjacent with the zoning district boundary, and completely covered with a vegetative ground cover. Plantings shall include a row of view restrictive evergreen trees planted the full length of the boundary in accordance with the following requirements.

- a. All evergreen trees shall be at least six (6) feet in height when planted.
- b. All plantings and vegetative ground cover shall be maintained. Any view restricting plant material, which dies, shall be replaced as soon as possible but no later than the next planting season.
- c. Buffer yards shall not be used for parking, loading, storage, or structures.

The requirements of this Section may be waived by the Planning Commission for special exceptions, or the Department of Planning and Zoning for all others, if it is determined by the Department that existing vegetation provides an effective year-round view restrictive screen of a minimum height and width as required above.

Notwithstanding the requirements above, all plantings shall comply with the height limitations specified in Section 7.B., Airport Protection Zones.

4.G. ADDITIONAL RESIDENTIAL REGULATIONS.

4.G.1. Parking in Front Yards.

In no case shall parking be allowed in the required front yard for any use in any residential district.

4.G.2. Signs.

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

4.G.3. Site Design Standards for Residential Uses.

The number of dwelling units approved for the site may be less than the maximum otherwise specified for the zoning district in which they are permitted when necessary to accommodate requirements for parking, usable open space, setbacks, and other provisions of these Regulations.

In zoning districts where two or more apartment houses, garden apartments, row houses and two family and/or three family dwellings are allowed to be constructed under single, condominium or cooperative ownership, whether simultaneously or at different times, the entire parcel of land occupied by such buildings and accessory uses shall be considered one lot and subject to all applicable requirements specified herein.

- a. Apartment houses, garden apartments, row houses, two family and three family dwellings in RMF-4, RMF-6, RMF-10, RH-3, R-3, RR-10 zoning districts.

The following design standards 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) Two or More Buildings Per Lot.
 - (a) Two family and three family: Where two or more two family or three family dwellings, or a combination of two family and three family dwellings, are proposed to be constructed on a single lot under single, condominium or cooperative ownership, the minimum distance between such buildings on the lot shall be twenty (20) feet, provided two or more said buildings are not prohibited on one lot in the zoning district.
 - (b) Apartment houses, garden apartments and row houses: Where two or more apartment houses, garden apartments and/or row houses are proposed to be constructed on a single lot, all provisions of §4.G.3.c. shall be met.
 - (c) Mixed use: Apartment house, garden apartment and/or row house developments may also contain, in zoning districts where such uses are allowed, two and/or three family dwellings on the same lot under single, condominium or cooperative ownership provided all provisions of these Regulations are met, and further provided that (a) the required minimum lot area shall be the total required for all dwelling units, (b) each building is setback a distance equal to or greater than the side or rear yard specified for the dwelling type, (c) the lot width shall be no less than 125 feet, and (d) the minimum distance between all two and/or three family dwellings on the lot and any other building on the lot shall be twenty (20) feet. The minimum distances between apartment houses, garden apartments and/or row houses shall remain as specified in §4.G.3.c.
- (2) 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.
- (3) 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.

- (4) 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. Apartment houses, garden apartments, row houses, two family and three family dwellings in RH-3 and R-3 zoning districts.

The following additional design standards shall also apply to apartment houses, garden apartments, row houses, two family and three family dwellings where such uses are referenced as allowed in the RH-3 or R-3 zoning districts.

- (1) Location of Parking. All new on-site parking and loading areas and accessory buildings shall not be located between the street and principal buildings adjacent to the street.
- (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.

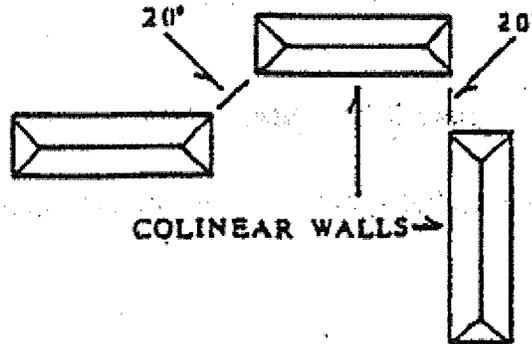
- c. Apartment houses, garden apartments, and row houses in RMF-4, RMF-6, RMF-10, RH-3, RR-10.

The following additional design standards shall also apply to apartment houses, garden apartments and row houses where such uses are referenced as allowed in the RMF-4, RMF-6, RMF-10, RH-3 or RR-10 zoning districts.

- (1) Two or More Buildings Per Lot. In zones where such use is allowed, two or more apartment houses, garden apartments and/or row houses may be located on one lot under single, condominium or cooperative ownership provided all provisions of these Regulations are met and further provided that:
 - (a) the required minimum lot area shall be the total required for all dwelling units;
 - (b) each building is setback a distance equal to or greater than the side or rear yard specified for the dwelling type; and,

- (c) the following minimum distance requirements between apartment house, garden apartment and row house buildings on the lot are met.
- (2) The minimum horizontal distance between (a) facing walls of two or more buildings on a lot or on two or more abutting lots under single ownership, or (b) facing walls of the same building, shall be as specified below. For the purpose of this Section, facing walls shall mean (a) two or more walls opposite to and parallel with one another, or (b) wall lines, or wall lines extended of opposite walls intersecting at angles of less than sixty (60) degrees.
- (a) For apartment houses where one or both facing walls contain a window or windows, such distance shall be no less than forty-five (45) feet; for garden apartments and row houses where one or both facing walls contain a window or windows, such distance shall be no less than thirty-five (35) feet.
- (b) Where neither of the facing walls of an apartment house, garden apartment or row house contains a window or windows, such distance shall be no less than twenty (20) feet.

The minimum horizontal distances of separation specified above shall be reduced to twenty (20) feet between the corners of two buildings where no exterior wall of one building lies such that it can be intersected by a line drawn perpendicular to any exterior wall of the other building, other than such a line that results from collinear exterior walls, as illustrated below.



SEPARATION OF BUILDINGS WITHOUT FACING WALLS

- (3) Maximum Length of Buildings. No apartment house, garden apartment or row house or other building shall exceed two hundred (200) feet in length.
- (4) Screening from RA Zoning Districts. All side and rear property lines abutting single family residential districts (RA) shall be screened from view from adjacent property by an approved screen or landscaped buffer of twenty-five (25) feet in width planted in accordance with Section 8.D. The buffer yard shall be completely covered with vegetative ground cover and shall include a row or rows, as necessary, of view restrictive evergreen trees planted at a minimum height of six (6) feet along the full length of the rear and side property lines, unless waived as provided for below. All plantings and vegetative ground cover shall be maintained and any required plant material which dies shall be replaced as soon as possible but no later than the next planting season. Upon determination by the Department of Planning and Zoning or, in the case of a special exception, the Planning Commission, these screening and/or buffer yard planting requirements may be waived to the extent that topography and/or existing vegetation provides a year round view restrictive screen as effective as the screening and buffer yard criteria required herein.

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 [Eff. 11/11/2005] 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 [Eff. 11/11/2005] 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.

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/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) 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 [Eff. 11/11/2005] 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 [Eff. 11/11/2005] 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.

4.G.7. Housing Redevelopment Option. [Eff. 10/2/2010]

a. General.

This Housing Redevelopment Option is intended to encourage the replacement of deteriorated apartment houses, garden apartments, row houses, or two and three family dwellings with new, attractive and safe housing which meets all current health and building code requirements of the City. Landowners may develop their properties in accordance with the provisions specified in the Zoning Regulations or may, at their option, choose to apply to redevelop existing deteriorated housing, as defined herein, in accordance with the terms and conditions of this Section. All new development of eligible housing units shall meet all applicable provisions of these Regulations except as otherwise specified herein.

b. Scope.

The Housing Redevelopment Option applies only to existing deteriorated apartments houses, garden apartments, row houses, and two and three family dwellings located in zoning districts where the Option is permitted, *excluding* (1) buildings which are less than fifty (50) years of age at the time of application for approval under this Option, and (2) buildings listed on the National Register of Historic Places or designated in the City of Danbury *Plan of Conservation and Development* as historic sites which should qualify for the National Register of Historic Places. Determination of whether applicable residential buildings meet the definition of deteriorated housing shall be made by the Planning Director or his/her designee. All new residential construction shall be designed in a manner which is compatible with the character of residences in the neighborhood. Application for redevelopment under this Option may not include application for development of the parcel(s) under provisions of §4.B.7. Housing Incentive Option. [Rev. 11/26/2011]

c. Density.

Under this Option, existing deteriorated housing types located on a single lot, or on a combination of abutting lots under the same ownership, may be demolished and replaced with new housing containing as many dwelling units that existed prior to demolition, regardless of current zoning density limitations. The resulting number of new replacement dwelling units may not exceed the number of existing deteriorated dwelling units on the lot, as determined above, at the time of application for approval under this Option, provided all other provisions of these Regulations are met. *See Example A.*

- (1) On lots with both deteriorated residential buildings and residential buildings which have not been determined to be deteriorated, this Option applies only to the deteriorated residential buildings. However, if the non-deteriorated residential building(s) is demolished, the number of replacement non-

deteriorated dwelling units shall not exceed current zoning density limitations applicable to the entire lot. *See Example B.*

- (2) Existing deteriorated housing types may be replaced by different housing types as permitted herein.
- (3) Two or more abutting lots under common ownership, one or more of which contain eligible deteriorated housing, may be redeveloped under provisions of this Section provided all lots are combined into one lot and the total number of dwelling units resulting after redevelopment does not exceed the total number of dwelling units permitted herein.

Example A: A lot contains one deteriorated apartment house with 20 dwelling units. Under current zoning density restrictions, the lot could only include sixteen units. If the deteriorated apartment house were demolished, the landowner would be eligible to replace it with a building housing up to 20 new dwelling units, provided all other restrictions specified herein are met.

Example B: A lot contains two apartment houses, only one of which is deteriorated. Under current zoning density maximums, the lot could only include 30 units. The deteriorated apartment house contains 20 dwelling units and the non-deteriorated apartment house also contains 20 dwelling units, total of 40 units. If the deteriorated apartment house is demolished, the landowner would be eligible to replace it with a building(s) containing up to 20 new dwelling units, provided all other restrictions specified herein pertaining to deteriorated housing are met. The other building containing 20 dwelling units could remain but, if demolished, could only be replaced with a building containing 10 units to keep from exceeding the current zoning density limitation of the entire lot.

- (4) The number of dwelling units approved for the site may be less than the maximum otherwise permitted above when determined by the Department of Planning and Zoning to be necessary to accommodate requirements for parking, setbacks, and other provisions of these Regulations.

d. Mixed Use.

On a lot which contains a mix of existing housing types specified above and non-residential uses, the existing non-residential use may continue or be reconstructed under redevelopment of the lot in accordance with the requirements of this Section, provided all other applicable provisions of these Regulations are met.

e. Nonconforming Lot Area and Width, Building Height and Coverage.

Existing nonconforming lot areas and widths shall not be reduced further if they are less than that required for the use in the zoning district so located; existing nonconforming building heights and building coverages shall not be increased further if they exceed the maximum height and coverage limits specified for the use in the zoning district so located.

f. Site Design Standards.

Notwithstanding §4.G.3. of these Regulations, the following design standards shall apply to the replacement of apartment houses, garden apartments, row houses, two family and/or three family dwellings located in zoning districts where this Option is permitted.

(1) Distance Between Buildings.

Where new residential buildings, as permitted herein, are to be constructed to replace existing deteriorated housing, the minimum distance between said building(s) and other new buildings or existing buildings on the lot not to be replaced shall be twenty (20) feet.

(2) Setbacks.

- (a) Front Yards. New residential buildings shall be setback a distance no greater than the approximate mean setback of other buildings located closest to the street on abutting side lots along the block, provided that in no case shall the building or buildings be located less than twenty (20') feet from the street lot line.
- (b) Side and Rear Yards. For new residential buildings, minimum side yard setbacks shall be fifteen (15) feet for two and three family dwellings and twenty (20) feet for all other permitted housing types. Minimum rear yard setbacks shall be twenty-five (25) feet, and minimum side and rear yard setbacks for accessory buildings shall be six (6) feet.
- (c) All new on-site parking lots and facilities, loading areas, and accessory buildings shall not be located between the street and principal buildings adjacent to the street.
- (3) Maximum Length of Buildings.
No new apartment house, garden apartment or row house or other building constructed under provisions of this Section shall exceed two hundred (200) feet in length.
- (4) Front Yard Landscaping.
All front yards shall be completely landscaped, to the extent feasible (excluding approved driveways and pedestrian access), in accordance with 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 practical but no later than the next planting season. All mature trees in healthy condition located on the lot outside of the limits of construction shall be retained whenever possible.
- (5) Street Wall.
To the extent feasible, one or more residential buildings shall be located adjacent and closest to the front lot lines in such a manner that creates a street wall extending across the entire front width of the lot (exclusive of approved side yards, open spaces between buildings, and driveways and pedestrian access) and parallel or nearly parallel to all front lot lines. The side of a residential building(s) facing the street that creates the street wall shall be the front of the building. All ground floor units with direct entrance in the front of said building (e.g. row houses, two or three family dwellings, and some apartment houses and garden apartments) shall have said entrances oriented to the street. Apartment houses and garden apartment buildings may have a common entrance(s) oriented to the street. On corner lots, apartment houses and garden apartment buildings need only have a common entrance oriented to one of the streets.
- (6) Required On-site Parking.
On-site parking shall be provided in an amount equal to or greater than the total required for all dwelling units on the lot after redevelopment in accordance with the provisions of §8.C., except that visitor parking spaces are not required where on-street parking is, or parking spaces in a public parking facility are, located within five hundred (500) feet walking distance to the nearest front lot boundary of the use being served. All parking and loading areas shall be screened from view from abutting property zoned Single Family Residential (RA) on the side and rear lot lines by an approved screen or landscaped buffer as specified in Section 8.D.
- (7) Sidewalks, Curbs and Driveways.
Existing sidewalks and curbs located along the front lot line adjacent to the street in a poor or deteriorated condition shall, at the determination of the Highway Department, be repaired or replaced and extended the full length of the front lot line. All new driveways shall be located and constructed in accordance with provisions of these Regulations. Where sidewalks and curbs are absent, such shall be installed in accordance with provisions relating to sidewalks and curbs in §4.G.3.a.(4) of these Regulations.

g. Utilities.

Lots and buildings to be redeveloped shall be served by municipal sewer and water.

h. Open Space.

Notwithstanding the requirements in §3.I.2. of these Regulations, required usable open space shall be deemed to include all open space left on the lot after all buildings, required off-street parking, and other required improvements have been sited, as approved.

i. Administration.

Application for approval of development proposed under the Housing Redevelopment Option shall be made to the Department of Planning and Zoning, or to the Planning Commission for special exceptions, in accordance with §10 of these Regulations and shall include a site plan as specified in §10.D. In addition to the requirements for a site plan as herein referenced, applications for development under the Housing Redevelopment Option shall also include detailed architectural renderings of all building façade elevations. All work in connection with an approved site plan shall be completed as required in Section 8-3 of the CGS. [Eff. 11/26/2011]

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: (a) provide housing and economic development opportunities appropriate to the location and scale of the site; (b) incorporate a compatible mix of traditional neighborhood uses; (c) include a variety of housing types, styles, and costs to promote housing choice and economic diversity; (d) protect environmentally sensitive areas, drinking water supplies and areas of natural beauty; (e) protect historic sites; (f) provide conveniently located public facilities and recreational areas; (g) locate residences within reasonable walking distance of neighborhood centers with shops and services designed to meet the daily needs of residents; (h) allow for cluster development that promotes energy efficient patterns of development and the preservation of common open space; (i) include streets designed to enhance pedestrian safety, lessen congestion, and curb speeding; and, (j) 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.

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.

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.

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. Non-residential uses may also include parking areas or parking facilities, as herein defined, to provide off-site parking for uses not zoned PND but which abut the outside perimeter boundary of the PND, provided land to be used for said parking abuts the use, does not exceed five (5) acres per use, does not reduce open space below that required for the PND, is no closer than one hundred (100) feet from land designated, in whole or in part, for residential use in the Master Plan, is screened from adjacent PND lands in accordance with §4.H.5.h.(2), and is designed in accordance with §8.C. of these Regulations.

- (iv) Notwithstanding §4.H.2.b.(1) above, all lands designated as “Municipal” in the initial Master Plan land use plan dated November 26, 2002 shall, upon conveyance to the City of Danbury and/or subsequent sale to a third party, remain part of the PND and its Master Plan and may be used at the discretion of the City for municipal uses (e.g. public parks and public facilities), multi-family residential uses as specified in §4.H.2.b.(3)(a) above, including mixed residential-commercial uses, and uses allowed in the CA-80 Zoning District. [Eff. 3/6/2012]
- (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.

- 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;
- (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.

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.; and,

(4) To the Planning Commission of the City of Danbury in accordance with §8-3a of the C.G.S.

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.

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.

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.

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.

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.

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.

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.

c. Building Spacing.

The development shall provide for reasonable light, ventilation, and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, 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.

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.

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.

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.

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.

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.

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.

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.

k. Municipal Sewer and Water.

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

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.

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

5.A.1. Purpose and Intent.

The purpose of this district is to provide an area for the provision of general commercial goods and services in appropriate locations along major roadways of the City.

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, banquet hall, dance hall, club, fraternal organization, fraternity, sorority.
- (5) Bakery, wholesale.
- (6) Banking or financial institution.
- (7) Barber shop, beauty parlor, tattoo parlor, or body-piercing studio. [Rev. 11/26/2011]
- (8) Business or professional office.
- (9) Church or other place of worship. See Section 5.A.4.b.
- (10) Cleaning, laundering, dyeing, or diaper service; laundromat. See Section 5.A.4.c.
- (11) College or university; post-secondary business or technical school.
- (12) Dairy, including the manufacture and distribution of milk, dairy products and other related food products.
- (13) Delivery service. See Section 5.A.4.d.
- (14) Dressmaker, locksmith, shoe repair, tailor, watch or jewelry repair.
- (15) Employment agency.
- (16) Firehouse.
- (17) Funeral home.
- (18) Glass installation.
- (19) Grocery store without the sale of alcoholic beverages. See also Section 5.A.2.c. below.
- (20) Health center, gymnasium, reducing salon, tanning salon or swim club. See Section 5.H.4.
- (21) Hotel or motel.
- (22) Ice Cream/Frozen Yogurt Store. [Eff. 12/22/2012]
- (23) Institution for instruction in a skill or vocation.
- (24) Library.

- (25) Monument sales establishment, with incidental processing to order, but excluding the shaping of stones and similar processes.
- (26) Museum.
- (27) Nursery, kindergarten, elementary, or secondary school. See Section 5.A.4.e.
- (28) Park, playground, or recreation facility.
- (29) Parking area; parking facility.
- (30) Photographic studio.
- (31) Plants for printing, engraving or other reproductive services.
- (32) Police station.
- (33) Post office, mailing agency, parcel delivery.
- (34) Radio or television repair.
- (35) Radio or television station, excluding transmitting towers.
- (36) Real estate or insurance agency.
- (37) Rental of furniture, appliances, or equipment.
- (38) Research or testing laboratory.
- (39) Restaurant, excluding fast food restaurant, or café, all without the sale of alcoholic beverages. See also Section 5.A.2.b. and 5.A.2.c. below.
- (40) Retail sale of granite, marble, tiles and similar stone material for building construction and renovation. See Section 5.A.4.f. [Eff. 10/1/2014]
- (41) Retail stores or shops, except package stores. See also Section 5.A.2.c. below.
- (42) Sale of building materials. See Section 3.E.4.
- (43) Sale, rental, and/or repair of automobiles, automobile trailers, trucks, house trailers, motorcycles, boats, and farm equipment.
- (44) Sale, rental and/or repair of construction equipment. See Section 3.E.4.
- (45) Sewer and water pumping station, telephone exchange.
- (46) Swimming pool, skating rink, bowling alley, indoor bathing practice, billiard parlor, miniature golf, tennis courts, racquetball facility, or indoor amusement enterprise.
- (47) Travel agency.
- (48) Uniform sales or rental.
- (49) Upholsterer, carpentry, woodworking or millwork manufacture, building or window cleaning.
- (50) Vending machine operations or repair.
- (51) Veterinary hospital or clinic, kennel, or pet grooming. [Rev. 10/19/2015]

b. Special Exception Uses.

- (1) Adult business uses. See Section 5.A.5.a.
- (2) Automobile service station; service garage. See Section 3.E.9.
- (3) Bus station.
- (4) Car wash. See Section 5.A.5.b.
- (5) Congregate housing. See Section 5.A.5.c.
- (6) Continuing care facility. See Section 5.A.5.d.
- (7) Contractor's offices, including general, building, electrical, HVAC, landscaping, and mechanical. See Section 3.E.4.
- (8) Convenience market.
- (9) Day care center.
- (10) Driving school.
- (11) Hospital.
- (12) Indoor theater.
- (13) Medical office.
- (14) Nursing home. See Section 5.A.5.e.
- (15) Restaurant, fast food.
- (16) Water storage facility.

(17) Wholesale distributor. See Section 6.C.3.

c. Special Permit Uses.

- (1) Grocery store with the sale of beer 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 beverages 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 [Eff. 06/04/2015]

d. Accessory Uses. See Section 3.G.

5.A.3. General Use Regulations.

Unless otherwise specified or modified below, the following regulations shall apply to all lots in the CG-20 Zoning District.

Minimum lot area, sq. ft.	20,000
Minimum lot width, ft.	100
Minimum front yard setback, ft.	25
Minimum side yard setback, ft.	20
Minimum rear yard setback, ft.	30
Maximum height, ft.	45
Maximum building coverage	30%

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. Church or other place of worship.
 - (1) A rectory and/or parish hall is permitted as an accessory use.
- c. Cleaning, Laundering, Dyeing, or Diaper Service; laundromat.
 - (1) The use shall be served by municipal water and sewer.
- d. Delivery Service.
 - (1) Vehicles shall be limited to one ton capacity.
- e. Nursery, kindergarten, elementary, or secondary school.
 - (1) The minimum lot area shall be two acres.
 - (2) The site shall be served by municipal sewer and water.
 - (3) The facility shall be accredited by the State of Connecticut.

- f. Retail sale of granite, marble, tiles and similar stone material for building construction and renovation. [Rev. 10/1/2014]
- (1) The use may include related cutting, milling, shaping and polishing stone materials, provided that all such processes and display of materials take place indoors and provided that:
 - (a) the use is on a separate lot; or
 - (b) when the use is in a building that is occupied by more than one user, the application for a zoning permit shall include either: (i) a written approval for such proposed use from the occupants of the building whose premises abut the subject premises or (ii) evidence that the applicant has sent written notice by certified mail, return receipt requested, to the occupants of the abutting premises identifying the proposed use and informing the abutting occupants that, if they object to the proposed use, they must file their written objection with the Department of Planning and Zoning within ten (10) days of the date they receive such notice. In the event that an objection is filed by an abutting occupant, a zoning permit shall not be issued.
 - (2) Section 3.E.4. shall apply to the outdoor storage of permitted building materials.

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.
- (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:
 - (a) signs shall not include written descriptions, logos, symbols, or other graphic or pictorial depictions of material relating to prohibited sexual acts;
 - (b) 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,
 - (c) 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:
 - (a) signs shall not include written descriptions, logos, symbols, or other graphic or pictorial depictions of material relating to prohibited sexual acts;
 - (b) 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,
 - (c) lettering on said signs shall not exceed eighteen (18) inches in height.

b. Car Wash.

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

c. 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.

d. 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.e.
- (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.

e. 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. ARTERIAL COMMERCIAL DISTRICT: CA-80.

5.B.1. Purpose and Intent.

The purpose of this district is to provide for general and heavy commercial uses in appropriate locations along major roadways of the City.

5.B.2. Uses.

Land and structures may be used only for the following.

a. Permitted Uses.

- (1) Adult day care center.
- (2) Ambulance service.
- (3) Assembly hall, banquet hall, dance hall, club, fraternal organization, fraternity, sorority.
- (4) Bakery, wholesale.
- (5) Banking or financial institution.
- (6) Barber shop, beauty parlor, tattoo parlor, or body-piercing studio. [Nov. 26, 2011]
- (7) Building or window cleaning.
- (8) Business or professional office.
- (9) Carpentry, woodworking, or millwork.
- (10) Church or other place of worship. See Section 5.B.4.a.
- (11) Cleaning, laundering, dyeing or diaper service; laundromat. See Section 5.B.4.b.
- (12) College or university; post-secondary business or technical school.
- (13) Delivery service. See Section 5.B.4.c.
- (14) Dependency Treatment Center.
- (15) Dressmaker, locksmith, shoe repair, tailor, watch or jewelry repair.
- (16) Employment agency.
- (17) Firehouse.
- (18) Funeral home.
- (19) Glass installation.
- (20) Grocery store without the sale of alcoholic beverages. See also Section 5.B.2.c.
- (21) Health center, gymnasium, reducing salon, tanning salon and swim club. See Section 5.H.4.
- (22) Hotel or motel.
- (23) Ice Cream/Frozen Yogurt Store. [Eff. 12/22/2011]
- (24) Institution for instruction in a skill or vocation.
- (25) Monument sales establishment, with incidental processing to order, but excluding the shaping of stones and similar processes.
- (26) Museum.
- (27) Nursery, kindergarten, elementary or secondary school. See Section 5.B.4.d.
- (28) Parking area; parking facility.
- (29) Photographic studio.
- (30) Plants for printing, engraving or other reproductive services.
- (31) Police station.
- (32) Post office, mailing agency, parcel delivery.
- (33) Radio or television repair.
- (34) Radio or television station, excluding transmitting towers.

- (35) Real estate or insurance agency.
- (36) Rental of furniture, appliances, or equipment.
- (37) Research or testing laboratories.
- (38) Retail sale of granite, marble, tiles and similar stone material for building construction and renovation.
- (39) Restaurant or café, excluding fast food restaurant, without the sale of alcoholic beverages. See also Section 5.B.2.c. below.
- (40) Retail stores or shops, except package stores. See also Section 5.B.2.c. below.
- (41) Sale, rental, and/or repair of automobiles, automobile trailers, trucks, house trailers, motorcycles, boats, farm equipment.
- (42) Sewer and water pumping station, telephone exchange.
- (43) Swimming pool, skating rink, bowling alley, indoor batting practice, billiard parlor, miniature golf, tennis court, racquetball facility, or indoor amusement enterprise.
- (44) Travel agency.
- (45) Uniform sales or rental.
- (46) Vending machine operator or repairer.
- (47) Veterinary hospital or clinic, kennel, or pet grooming. [Rev. 10/19/2015]

b. Special Exception Uses.

- (1) Automobile service station; service garage. See Section 3.E.9.
- (2) Bus or limousine terminal.
- (3) Bus Station.
- (4) Car Wash. See Section 5.B.5.a.
- (5) Congregate housing. See Section 5.B.5.b.
- (6) Continuing care facility. See Section 5.B.5.c.
- (7) Contractor's offices, including general, building, electrical, HVAC, landscaping, and mechanical. See Section 3.E.4.
- (8) Convenience Market.
- (9) Day care center.
- (10) Driving school.
- (11) Hospital.
- (12) Indoor shooting range. See Section 5.B.5.d. [Eff. 10/20/2011]
- (13) Indoor theater, stadium, auditorium. [Rev. 5/2/2015]
- (14) Medical office.
- (15) Nursing home. See Section 5.B.5.e.
- (16) Storage or sale of building materials or landscape materials. See Section 3.E.4.
- (17) Storage, sale, rental or repair of construction equipment. See Section 3.E.4.
- (18) Truck terminal, warehouse, moving and storage establishment; self-service storage. See Section 6.C.3.
- (19) Water storage facility.
- (20) Wholesale distributor. See Section 6.C.3.

c. Special Permit Uses.

- (1) Grocery store with the sale of beer 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 beverages 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 [Eff. 06/04/2015]

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 lots in the CA-80 Zoning District.

Minimum lot area, sq. ft.	80,000
Minimum lot frontage, ft.	200
Minimum lot width, ft.	200
Minimum front yard setback, ft.	25
Minimum side yard setback, ft.	20
Minimum rear yard setback, ft.	30
Maximum height, ft.	45
Maximum building coverage	30%

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

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

- a. Church or other place of worship.
 - (1) A rectory and/or parish hall is permitted as an accessory use.
- b. Cleaning, laundering, dyeing or diaper service; laundromat.
 - (1) The use shall be served by municipal sewer and water.
- c. Delivery Service.
 - (1) Vehicles shall be limited to one ton capacity.
- d. Nursery, kindergarten, elementary or secondary school.
 - (1) The minimum lot area shall be two acres.
 - (2) The site shall be served by municipal sewer and water.
 - (3) The facility shall be accredited by the State of Connecticut.
- e. Retail sale of granite, marble, tiles and similar stone material for building construction and renovation.
 - (1) The use may include related cutting, milling, shaping and polishing stone materials, provided that all such processes and display of materials take place indoors and provided that:
 - (a) the use is on a separate lot; or
 - (b) when the use is in a building that is occupied by more than one user, the application for a zoning permit shall include either: (i) a written approval for such proposed use from the occupants of the building whose premises abut the subject premises or (ii) evidence that the applicant has sent written notice by certified mail, return receipt requested, to the occupants of the abutting premises identifying the proposed use and informing the abutting occupants that, if they object to the proposed use, they must file their written objection with the Department of Planning and Zoning within ten (10) days of the date they receive such notice. In the event that an objection is filed by an abutting occupant, a zoning permit shall not be issued.
 - (2) Section 3.E.4. shall apply to the outdoor storage of permitted building materials.

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

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

a. Car Wash.

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

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.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.

d. Indoor Shooting Range.

- (a) The operation, design and construction of the facility shall meet the criteria and standards of the NRA Range Source Book, as revised, and all applicable local, federal and state requirements. The indoor shooting range shall be soundproof, shall provide for the health and safety of clients, and shall be constructed to prevent projectiles from the discharge of firearms from escaping the building.
- (b) The indoor shooting range shall be designed by an architect or engineer experienced in the design of such facilities and licensed in the state of Connecticut. All plans and applications for a zoning and building permit shall include a signed and sealed certification of compliance from said architect or engineer stating that the building plans comply with all local, state and federal criteria, standards and requirements for indoor shooting ranges as specified above.
- (c) Rifles shall be limited to .22 caliber or less.
- (d) No impulse noise caused by the discharge of firearms shall be heard at the property line of the indoor shooting range, and hours of operation of the indoor shooting range shall be limited from 10:00 a.m. to 8:00 p.m.

e. 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.C. LIMITED ROADSIDE COMMERCIAL INDUSTRIAL DISTRICT: LCI-40.

5.C.1. Purpose and Intent.

The purpose of this district is to provide for commercial uses appropriate to locations along major thoroughfares which will have limited impact on traffic generation and sensitive environmental areas.

5.C.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) Business or professional office.
- (4) Cemetery.
- (5) Church or other place of worship. See Section 5.C.4.a.
- (6) Cleaning, laundering, dyeing, or diaper service; laundromat. See Section 5.C.4.b.
- (7) Club.
- (8) Dressmaker, locksmith, shoe repair, tailor, watch or jewelry repair.
- (9) Firehouse.
- (10) Forest or wildlife reservation.
- (11) Institutions for instruction in a skill or vocation.
- (12) Nursery, kindergarten, elementary or secondary school. See Section 5.C.4.c.
- (13) Nursing home. See Section 5.C.4.d.
- (14) One family dwelling. See Section 5.C.4.e.
- (15) Park, playground, or recreational facility.
- (16) Photographic studio.
- (17) Research or testing laboratory.
- (18) Restaurant or café, excluding fast food restaurant, without the sale of alcoholic beverages. See Section 5.C.2.c. below.
- (19) Retail sale of antiques, books and magazines, notions and sundries, flowers, baked goods, garden supplies, gifts, toiletries, and stationary. See Section 5.C.4.f.
- (20) Sewer or water pumping station, telephone exchange.
- (21) Television or radio repair.
- (22) Three family dwelling. See Section 5.C.4.g.
- (23) Two family dwelling. See Section 5.C.4.h.

b. Special Exception Uses.

- (1) Water storage facility.

c. Special Permit Uses.

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

d. 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 lots in the LCI-40 Zoning District.

- a. Minimum lot area per dwelling unit, sq. ft. 40,000
Minimum lot area, sq. ft. for all other uses 40,000
Minimum lot width, feet 150
Minimum front yard setback, feet 25
Minimum side yard setback, feet 20
Minimum rear yard setback, feet 30
Maximum height, feet 35
Maximum building coverage 30%
- b. No restaurant or cafe 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.C.4. Specific Use Regulations: Permitted Uses.

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

- a. Church or other place of worship.
 - (1) A rectory and/or parish hall is permitted as an accessory use.
- b. Cleaning, laundering, dyeing, or diaper service; laundromat.
 - (1) The use shall be served by municipal sewer and water service.
- c. Nursery, kindergarten, elementary or secondary school.
 - (1) The minimum lot area shall be two acres.
 - (2) The site shall be served by municipal sewer and water.
 - (3) The facility shall be accredited by the State of Connecticut.
- d. 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.
- e. One family dwelling.
 - (1) Only one principal dwelling per lot shall be permitted.
- f. Retail sale of antiques, books and magazines, notions and sundries, flowers, baked goods, garden supplies, gifts, toiletries, and stationary.
 - (1) The maximum total gross floor area of all buildings per lot shall not exceed 20,000 square feet.

- g. Three family dwelling.
 - (1) Only one three family dwelling per lot shall be permitted.
- h. 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 for limited commercial development in areas where more intensive development would create traffic congestion and safety problems, cause land use conflicts with adjacent properties, or have a deleterious affect upon public health and safety.

5.D.2. Uses.

Land and structures may be used only for the following. Notwithstanding this Section 5.D., see Section 7.E. for restrictions on uses located in the Main Street Historic Overlay Zone and Section 7.F. for restrictions on uses located within the Downtown Revitalization Zone. [Eff. 7/29/2014]

a. Permitted Uses.

- (1) Banking or financial institutions.
- (2) Barber shop or beauty parlor.
- (3) Business or professional office.
- (4) Church or other place of worship. See Section 5.D.4.a.
- (5) Cleaning, laundering, dyeing or diaper service; laundromat. See Sections 5.D.4.b. and 7.F.3.a. [Rev. 7/29/2014]
- (6) Club.
- (7) Dressmaker, locksmith, shoe repair, tailor, watch or jewelry repair.
- (8) Employment agency.
- (9) Firehouse.
- (10) Grocery store without the sale of alcoholic beverages. See also Section 5.D.2.c.
- (11) Health center, gymnasium, reducing salon, or tanning salon or swim club. See Section 5.H.4.
- (12) Institution for instruction in a skill or vocation.
- (13) Medical office. See Section 5.D.4.c.
- (14) Nursery, kindergarten, elementary, or secondary school. See Section 5.D.4.d.
- (15) Parking area; parking facility. See Section 7.F.4. [Rev. 7/29/2014]
- (16) Photographic studio.
- (17) Radio or television station, excluding transmitting towers.
- (18) Real estate or insurance agency.
- (19) Restaurant, excluding fast food restaurant, or café without the sale of alcoholic beverages. See also Section 5.D.2.c. below.
- (20) Retail stores and shops, except package stores. See also Section 5.D.2.c. and 5.D.4.e. below.
- (21) Telephone exchange, sewage or water pumping station, except within the DRZ. See Section 7.F.3.c. [Rev. 7/29/2014]
- (22) Television or radio repair.
- (23) Travel agency.

b. Special Exception Uses.

- (1) Congregate housing. See Sections 5.D.5.a. and 7.F.3.b. [Rev. 7/29/2014]
- (2) Continuing care facility. See Sections 5.D.5.b. and 7.F.3.b. [Rev. 7/29/2014]
- (3) Nursing home. See Sections 5.D.5.c. and 7.F.3.b. [Rev. 7/29/2014]
- (4) Funeral home, except within the DRZ. See Section 7.F.3.c. [Rev. 7/29/2014]
- (5) Water storage facility.

c. Special Permit Use.

- (1) Grocery store with the sale of beer in accordance with Section 3.F.2.
- (2) Package store, except within the DRZ, in accordance with Sections 3.F.2. and 7.F.3.c. [Rev. 7/29/2014]
- (3) Restaurant or café, excluding fast food restaurant, with the sale of alcoholic beverages in accordance with Section 3.F.2
- (4) Tavern in accordance with Section 3.F.2.

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 lots in the CL-10 Zoning District.

- | | |
|---------------------------------|---|
| a. Minimum lot area, sq. ft. | 10,000 |
| Minimum lot width, ft. | 70 |
| Minimum front yard setback, ft. | 20 |
| Minimum side yard setback, ft. | 10, except 20' where the side yard abuts a residential zoning district. |
| Minimum rear yard setback, ft. | 25 |
| Maximum height, ft. | 35 |
| Maximum building coverage | 30% |
- b. No restaurant or cafe, including fast food restaurants, and no retail store or shop may be accessed by a drive-in or drive-through use by which food, beverages, or products are dispensed to patrons within motor vehicles.
- c. Notwithstanding §5.D.3.a. above, all regulations pertaining to minimum lot area, minimum lot width, minimum setbacks, maximum height, and maximum building coverage for uses located within the DRZ, as specified in §7.F., shall be the same as the regulations specified in C-CBD §5.F.3. [Eff. 6/2/2011]

5.D.4. Use Regulations: Permitted Uses.

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

- a. Church or other place of worship.
 - (1) A rectory and/or parish hall is permitted as an accessory use.
- b. Cleaning, laundering, dyeing or diaper service; laundromat.
 - (1) The use shall be served by municipal water and sewer.

- c. Medical office.
 - (1) The maximum gross floor area of any medical office shall not exceed 3,000 square feet per lot, except that medical offices in existence on March 6, 2009 which are located on lots of one acre or more may expand by up to 3,000 square feet in gross floor area, provided that all other zoning regulations are met for the resulting development.
- d. Nursery, Kindergarten, Elementary, or Secondary School.
 - (1) The minimum lot area shall be two acres.
 - (2) The site shall be served by municipal sewer and water.
 - (3) The facility shall be accredited by the State of Connecticut.
- e. Retail stores and shops.
 - (1) The maximum gross floor area per lot for all retail stores and shops shall not exceed 10,000 sq. ft.

5.D.5. 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.5.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 these districts is to provide a location for stores, shops, and services 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 congestion and conflicts with adjacent residential neighborhoods.

5.E.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) Business or professional office in CN-20 only.
- (4) Church or other place of worship. See Section 5.E.4.a.
- (5) Cleaning, laundering, dyeing, or diaper service; laundromat. See Section 5.E.4.b.
- (6) Convenience market.
- (7) Dressmaker, shoe repair, and tailor.
- (8) Firehouse.
- (9) Nursery, kindergarten, elementary, or secondary school. See Section 5.E.4.c.
- (10) One family dwelling. See also Section 5.E.4.d.
- (11) Park, playground or recreational facility.
- (12) Real estate or insurance agency.
- (13) Restaurant or café, excluding fast food restaurant, without the sale of alcoholic beverages. See also Section 5.E.2.b. below.
- (14) Retail stores and shops, except package stores. See also Section 5.E.2.b. below.
- (15) Sewer and water pumping station, telephone exchange.

- 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 beer and wine only in accordance with Section 3.F.2.
- c. 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 lots in the CN-5 and CN-20 Zoning Districts.

<u>DISTRICT</u>	<u>CN-5</u>	<u>CN-20</u>
Minimum lot area, sq. ft.	5,000	20,000
Minimum lot width, ft.	50	100
Minimum front yard setback, ft.	20	20
Minimum side yard setback, ft.	10*	10*
*except 20' where the side yard abuts a residential zoning district. See Section 5.E.3.b.		
Minimum rear yard setback, ft.	25	25
Maximum height, ft.	35	35
Maximum building coverage	30%	30%

- 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 yard setbacks 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.
- c. The maximum total 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, unless otherwise specified below.

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

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

- a. Church or other place of worship.
 - (1) A rectory and/or parish hall is permitted as an accessory use.
- b. Cleaning, laundering, dyeing or diaper service; laundromat.
 - (1) The use shall be served by municipal water and sewer.
- c. Nursery, Kindergarten, Elementary, or Secondary School.
 - (1) The minimum lot area shall be two acres.
 - (2) The site shall be served by municipal sewer and water.
 - (3) The facility shall be accredited by the State of Connecticut.

d. 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 downtown as the social and economic focus of the City; to promote a cohesive downtown 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. Notwithstanding this Section 5.F., see Section 7.E. for restrictions on uses located in the Main Street Historic Overlay Zone and Section 7.F. for restrictions on uses located within the Downtown Revitalization Zone. [Rev. 7/29/2014]

a. Permitted Uses.

- (1) Apartment house, garden apartment, row house, townhouse. See Sections 5.F.4.a. and 7.F.3.b. [Eff. 6/2/2011, rev. 7/29/2014]
- (2) Art gallery. [Eff. 6/2/2011]
- (3) Banking or financial institutions.
- (4) Barber shop or beauty parlor.
- (5) Business incubators. [Eff. 6/2/2011]
- (6) Business or professional office.
- (7) Church or other place of worship. See Section 5.F.4.b.
- (8) Cleaning, laundering, dyeing or diaper service; laundromat. See Sections 5.F.4.c. and 7.F.3.a. [Rev. 7/29/2014]
- (9) Club.
- (10) Convenience market.
- (11) Dressmaker, locksmith, shoe repair, tailor, watch or jewelry repair.
- (12) Employment agency.
- (13) Entertainment and/or education center.
- (14) Firehouse.
- (15) Grocery store without the sale of alcoholic beverages. See Section 5.F.2.c. [Rev. 7/29/2014]
- (16) Health center, gymnasium, reducing salon, tanning salon or swim club. See Section 5.H.4.
- (17) Hotel. [Rev. 7/29/2014]
- (18) Ice Cream/Frozen Yogurt Store.
- (19) Indoor theater.
- (20) Institution for instruction in a skill or vocation.
- (21) Library.
- (22) Medical office, excluding medical offices or clinics whose primary function is the treatment of drug addiction or substance abuse.
- (23) Museum.
- (24) Nursery, kindergarten, elementary, or secondary school. See Section 5.F.4.d.
- (25) One family dwelling, except within the DRZ. See Sections 5.F.4.e. and 7.F.3.c. [Rev. 7/29/2014]
- (26) Optician and optical goods. [Eff. 6/2/2011]
- (27) Park, playground, or recreation facility, skating rink.

- (28) Parking area; parking facility. See Sections 7.E.3. and 7.F.4. [Rev. 7/29/2014]
- (29) Photographic studio.
- (30) Physical medicine facility.
- (31) Police station.
- (32) Post office, mailing agency, parcel delivery.
- (33) Radio or television station, excluding transmitting towers.
- (34) Real estate or insurance agency.
- (35) Restaurant, fast food restaurant, or café, without the sale of alcoholic beverages. See also Section 5.F.2.c. below. [Eff. 11/26/2011]
- (36) Retail stores and shops, except pawn shops and package stores. See also Section 5.F.2.c. below.
- (37) Studios for instruction in music or the performing arts. [Eff. 6/2/2011]
- (38) Telephone exchange, sewer and water pumping station, except within the DRZ. See Section 7.F.3.c. [Rev. 7/29/2014]
- (39) Television or radio repair.
- (40) Three family dwelling. See Section 7.F.3.a. [Rev. 7/29/2014]
- (41) Travel agency.
- (42) Two family dwelling. See Section 7.F.3.a. [Rev. 7/29/2014]

b. Special Exception Uses.

Special exception uses in C-CBD district include all uses which according to Section 8.C.4. of these Regulations require one hundred (100) or more parking spaces, plus the following.

- (1) Ambulance Service. See Section 7.F.3.a. [Rev. 7/29/2014]
- (2) Bus station. [Rev. 7/29/2014]
- (3) Congregate housing. See Sections 5.F.5.a. and 7.F.3.b. [Rev. 7/29/2014]
- (4) Continuing care facility. See Sections 5.F.5.b. and 7.F.3.b. [Rev. 7/29/2014]
- (5) College or university; post-secondary business or technical school.
- (6) Hospitals.
- (7) Nursing home. See Sections 5.F.5.c. and 7.F.3.b. [Rev. 7/29/2014]
- (8) Taxi or limousine service. See Section 7.F.3.a. [Rev. 7/29/2014]
- (9) Shelter for the homeless. See Sections 5.F.5.d. and 7.F.3.b. [Rev. 7/29/2014]

c. Special Permit Uses.

- (1) Grocery store with the sale of beer in accordance with Section 3.F.2.
- (2) Package store, except within the DRZ, in accordance with Sections 3.F.2. and 7.F.3.c. [Rev. 7/29/2014]
- (3) Restaurant or café, excluding fast food restaurant, with the sale of alcoholic beverages, in accordance with Section 3.F.2.
- (4) Tavern in accordance with Section 3.F.2.

d. Accessory Uses. See Sections 3.G. and 7.F.4. [Rev. 7/29/2014]

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 in the C-CBD Zoning District. See Section 7.E. for regulations pertaining to setbacks, height and other restrictions for development within the Main Street Historic District.

Minimum lot area, sq. ft.	None
Minimum lot width, ft.	None
Minimum front yard setback, ft.	None (See §7.E. for the Main Street Historic District)

Minimum side yard setback, ft.	None
Minimum rear yard setback, ft.	None
Maximum height, ft.	<p>Within the Main Street Historic District: 55 feet, maximum of five stories.</p> <p>Outside the Main Street Historic District: 105 feet, maximum of ten stories, on any lot or portion thereof, provided that any portion of a building over 55 feet in height shall be setback from the front lot line a distance of 18 feet for each additional 10 feet of height, or portion thereof, over 55 feet in height above grade at the right-of-way, and provided further that any building with a maximum height of greater than 75 feet shall have a minimum lot area of 2 acres, a minimum lot width of 200 feet, and be setback a minimum of 25 feet from any side or rear lot line.</p>
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 or use by which food, beverages, or products are dispensed to patrons within motor vehicles.
- d. See § 7.F. for restrictions related to first floor residential development in the DRZ. [Eff. 6/2/2011]

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

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

- a. Apartment house, garden apartment, row house and townhouse. [Rev. 6/2/2011]
 - (1) Each dwelling unit shall contain the following minimum square feet in floor area: (a) efficiency, 300 square feet; (b) one bedroom, 425 square feet; (c) two bedroom, 600 square feet; (d) three bedroom, 750 square feet; and (e) 100 square feet for each additional bedroom. [Rev. 6/2/2011]
- b. Church or other place of worship.
 - (1) A rectory and/or parish hall is permitted as an accessory use.
- c. Cleaning, laundering, dyeing or diaper service; laundromat.
 - (1) The use shall be served by municipal water and sewer.
- d. Nursery, Kindergarten, Elementary, or Secondary School.
 - (1) The minimum lot area shall be two acres.
 - (2) The site shall be served by municipal sewer and water.
 - (3) The facility shall be accredited by the State of Connecticut.

e. 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. 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 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.F.5.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.

d. 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.

b. 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 incubator.
- (3) Business offices for administration of the campus research park.
- (4) Business or professional office.
- (5) Campus center.

- (6) 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.
- (7) Conference center.
- (8) Day care center, child.
- (9) Garden apartments, row houses, apartment houses and dormitories for students, faculty, and employees of colleges and universities and businesses affiliated with the campus research park.
- (10) Library.
- (11) Live/work units.
- (12) Park, playground or recreation facility.
- (13) 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	
One, two and three family dwelling, garden apartments, row houses, live/work units	35, maximum of three stories
All others	45, maximum of four stories
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) 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 50 feet from any single-family residential zoning district boundary. All other areas in the perimeter yard within 50 feet of a single-family residential zoning district boundary shall be left in its natural state unless minimal grading and clearing is required for utilities, as approved by the Planning Commission. 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 boundary abutting college or university property where such boundaries are not also within the 100 foot perimeter yard specified above as applicable for all other uses zoned single-family residential.
- (3) Motor Vehicle Access. Access to the campus research park across abutting zoning districts shall comply with Section 8.B.2. of these Regulations. All motor vehicle access from a State or municipal road to a campus research park shall comply with all road construction requirements of the City of Danbury, including standards specified in the Subdivision Regulations for a secondary low-density road.
- (4) Residential uses. 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 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; and bicycle paths, running paths and hiking trails as approved by the Planning Commission. 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.

- (1) 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.
- (2) 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 as 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 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.

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.8. 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 unless exempted herein.

5.H.1. Landscape Requirements.

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 commercial zoning districts except CN-5 and C-CBD, 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 §3.E.8.). The parking of motor vehicles or equipment within the perimeter planting strip is prohibited. Front yard perimeter planting strips are not required for one, two or three family dwellings.

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 commercial zoning districts except CRP and C-CBD, 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 twenty (20) 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. Residential district buffers are not required for one, two or three family dwellings.

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.

5.H.2. 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 commercial zoning district. All parking areas in commercial zoning districts shall meet the requirements specified in Section 8.C.

5.H.3. Signs.

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

5.H.4. Health centers, gymnasiums, reducing salons, tanning salons, or swim clubs.

Health centers, gymnasiums, or reducing salons may provide massage therapy, as herein defined, as an accessory use operated in conjunction with athletic, physical fitness, or weight reduction programs, provided such services are administered solely by a massage therapist licensed to practice massage therapy by the State of Connecticut. A copy of a current Connecticut massage therapist license for each person administering massage therapy on the premises shall be included with the application for a Zoning Permit for the use; all additional persons administering massage therapy on the premises shall provide the Zoning Enforcement Officer with a copy of their current massage therapist licenses. Current licenses for all persons administering massage therapy shall be prominently displayed on the premises. A floor plan of the proposed facility showing all rooms, facilities and their intended uses shall accompany the application for a Zoning Permit. [Eff. 11/26/2011]

SECTION 6. INDUSTRIAL DISTRICTS

A. Light Industrial District: IL-40.	6-1
B. General Industrial District: IG-80.	6-4
C. Additional Industrial Regulations.	6-7

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 food, cosmetics, drugs, pharmaceuticals, or toiletries. [Rev. 5/12/2012]
- (17) Natural gas power generation facility. See Section 6.A.4.e. [Eff. 7/30/2014]
- (18) Parking area; parking facility.
- (19) Plants for printing, engraving, bookbinding, or other reproductive services.
- (20) Police station.
- (21) Post office, mailing agency, parcel delivery.

- (22) Processing, lettering, engraving, polishing, or sale of monumental stones to order, but excluding preliminary cutting and shaping.
- (23) Radio or television station, excluding transmitting towers.
- (24) Repair of automobiles, trailers, trucks, house trailers, boats, or farm equipment, including full body paint spraying and all body and fender work.
- (25) Research or testing laboratories.
- (26) 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) Indoor Field Sports Arena. See Section 6.A.5.e.
- (8) Medical office; physical medical facility.
- (9) Metal finishing, plating, grinding, polishing, cleaning, or rust proofing, stamping and extrusion of small products, excluding the storage or sale of scrap metals.
- (10) Storage and dry processing of waste paper, excluding incineration.
- (11) Storage or sale of building materials. See Section 3.E.4.
- (12) Storage, sale, rental and/or repair of construction equipment. See Section 3.E.4.
- (13) Transfer station if in existence prior to the effective date of this amendment [Eff. 10/15/2007].
- (14) Transformer substation, water storage facility.
- (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.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.
- e. Natural gas power generation facility. [Eff. 7/30/2014]
 - (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.
 - (4) The facility shall not exceed 125 megawatts.
 - (5) The generator (exclusive of the heat exhaust tower) shall be stored in a building which will not exceed 200 feet by 150 feet. The maximum height of the generator heat exhaust tower (HET) shall be 45 feet.
 - (6) The generation facility shall be a minimum of 100 feet from the boundary of any residential zoning district.

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.

- e. Indoor field sports arena.

- (1) The primary indoor facility(ies) providing for field sports may be air supported structure(s).

- (2) The minimum lot area shall be 10 acres.

- (3) The maximum height of an indoor field sports arena shall be 125 feet.

- (4) The maximum building coverage shall be 45%.

- (5) The site shall be served by municipal sewer and water.

- (6) The maximum number of spectator seats shall be 750.

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 food, cosmetics, drugs, pharmaceuticals or toiletries. [Rev. 5/12/2012]
- (13) Metal fabrication, sheet metal work.
- (14) Monument or stone cutting plant.
- (15) Natural gas power generation facility. See Section 6.B.4.c. [Eff. 7/30/2014]
- (16) Parking area; parking facility.
- (17) Plants for printing, engraving, bookbinding, and other reproductive services.
- (18) Police Station.
- (19) Post office, mailing agency, parcel delivery.
- (20) Repair, including full body paint spraying and all body and fender work of automobiles, trailers, trucks, house trailers, boats, farm equipment.
- (21) Research or testing laboratories.
- (22) Telephone exchange, sewer and water pumping station.
- (23) Textile spinning, weaving, manufacturing, dyeing, printing, or processing, excluding tanneries.
- (24) Wood waste processing. See Section 6.B.4.d.

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 works, transformer substation, water storage facility. See Sec.6.B.5.d. [Eff. 9/29/2011]
- (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.

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. Natural gas power generation facility. [Eff. 7/30/2014]
 - (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.
 - (4) The facility shall not exceed 125 megawatts.
 - (5) The generator (exclusive of the heat exhaust tower) shall be stored in a building which will not exceed 200 feet by 150 feet. The maximum height of the generator heat exhaust tower (HET) shall be 45 feet.
 - (6) The generation facility shall be a minimum of 100 feet from the boundary of any residential zoning district.
- d. 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.
- d. Sewage works shall be a minimum of 20 acres in size. [Eff. 9/29/2011]

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, performances 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.
- 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 an 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.

SECTION 7. OVERLAY ZONES

A. Floodplain Zones.	7-1
B. Airport Protection Zones.	7-8
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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 zone. 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 adopts the following regulations for the areas of special flood hazard identified by FEMA in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, the FIS and the accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010, and subsequent amendments to said Study and Maps as may be approved by FEMA. The areas of special flood hazard include any area as shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for the City of Danbury. BFE's provided on the FIRM are approximate and must be verified with the BFE's published in the FIS for a specific location. The FIRM and FIS are on file in the Department of Planning and Zoning.

7.A.3. Definitions.

The following definitions apply only to words or phrases used in Section 7.A., Floodplain Zones. 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. **Area of Special Flood Hazard.** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- b. **Basement.** Any area of the building having its floor subgrade below ground level on all sides.
- c. **Base flood; 100-year flood.** The flood having a one percent chance of being equaled to or exceeded in any given year.
- d. **Base flood elevation (BFE).** The elevation of the crest of the base flood (100-year flood). The height in relation to mean sea level (North American Vertical Datum (NAVD) of 1988) expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

- e. **Cost.** As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials; heating, air conditioning and other equipment, utility meters, and fixtures; labor; built in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include the cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.
- f. **Development.** Any man-made change to improved or unimproved land, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures and parking areas; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition or extraction of materials; and, the installation, repair or removal of public or private sewage disposal systems or water supply facilities located within the area of special flood hazard.
- g. **Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 2, 1977, the effective date of the floodplain management regulations adopted by the City of Danbury.
- h. **Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- i. **Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program (NFIP).
- j. **Finished living space.** As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.
- k. **Flood or flooding.** A general or temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.
- l. **Floodway.** 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 more than one (1.0) foot.
- m. **Functionally Dependent Use or Facility.** A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.
- n. **Historic structure.** Any structure that is: (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) certified or preliminarily

determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or, (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (a) by an approved state program as determined by the Secretary of the Interior or (b) directly by the Secretary of the Interior in states without approved programs.

- o. **Market value.** The value of the structure shall be determined by the appraised value of the structure, using the cost approach to value method, prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.
- p. **Mean sea level.** For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.
- q. **Mobile manufactured home.** A one family dwelling, or structure, transportable in one (1) or more sections and built on a permanent chassis designed for transportation, after fabrication, on streets and highways on its own wheels or on a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on a permanent foundation, connection to utilities and the like. This definition shall also include mobile homes and trailers used for residential purposes, but excludes recreational vehicles and trailers used as field offices for construction projects. All mobile manufactured homes, mobile homes, and trailers used as residences, built on or after June 15, 1976, shall have been constructed in accordance with federal manufactured home construction and safety standards and shall be no less than thirty-five (35) feet in length and no less than eight (8) feet in width.
- r. **New construction.** Structures for which the "start of construction" commenced on or after May 2, 1977, the effective date of the City of Danbury floodplain management regulations, including any subsequent improvements to such structures.
- s. **New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 2, 1977, the effective date of the floodplain management regulation adopted by the City of Danbury.
- t. **Recreational Vehicle.** A vehicle which is: (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- u. **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.

- v. **Structure.** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including a walled and roofed building which is principally above ground; a manufactured home; a gas or liquid storage tank; or, other man-made facilities or infrastructure.
- w. **Substantial damage.** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- x. **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.
- y. **Water surface elevation.** The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods or various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- z. **Violation.** The failure to comply with Section 7.A., Floodplain Zones, and maintain all required permits and certificates as related to the floodplain management regulations herein.

7.A.4. Application.

The requirements of this Section shall apply to all areas (zones A and AE) within the boundaries shown on the FIRM. 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.
- b. For purposes of floodplain management, the degree of flood protection required by this Section is considered the minimum required pursuant to 44 C.F.R. Section 60.3. Larger floods can and will occur on occasion and flood heights may be increased by man-made or natural causes. Nothing herein shall imply nor guarantee land outside the Area of Special Flood Hazard will be free from flooding and flood damage. Applicants shall hold harmless the City of Danbury, its officers, employees and agents from any flood damage resulting from reliance on information provided by state, federal or other sources or administrative actions issued by the City pursuant to the provisions of this Section.

7.A.5. Floodplain Permit Requirements

- a. Site Plan.

Within the boundaries of the FIRM in areas designated as zones A and AE, 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. Additional Requirements.

- (1) For each structure shown on a site plan, the lowest floor elevation, including the basement floor, shall be identified. Elevations shall be provided in relation to mean sea level.
- (2) For each structure shown on a site plan requiring flood proofing in accordance with Section 7.A.7, the elevation to which said flood proofing is provided shall be identified.
- (3) The Planning Commission may require such additional information as it deems necessary to determine compliance with this Section.
- (4) Elevation Certificates issued by FEMA shall be filed with the Department of Planning and Zoning and the Building Department.
- (5) New construction, substantial improvements and repair to structures that have sustained substantial damage shall not be constructed or located entirely or partially over water unless it is determined by the Planning Commission to be a functionally dependent use or facility.
- (6) If any portion of a structure lies within the special flood hazard areas, the entire structure is considered to be in the special flood hazard area and must meet the construction requirements of the flood zone. For purposes of this requirement, the structure includes any attached additions, garages, decks, sunrooms, porches or similar appurtenance to the main structure.
- (7) Where a structure, as defined in this Section, lies within two or more flood zones, the requirements of the most restrictive flood zone shall apply to the entire structure.
- (8) All above-ground storage tanks must be elevated above the BFE on a concrete pad or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extend above the BFE, and have a screw fill cap that prevents infiltration of flood water.

c. Considerations for Approval.

In considering issuance of a floodplain permit, the Planning Commission shall find that the site plan incorporates provisions to ensure that:

- (1) any filling in a floodplain zone shall be the logical extension of land presently lying at higher elevations;
- (2) any filling does 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);
- (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;
- (4) in floodplains that are not tidally influenced as designated on the FIRM, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure are prohibited unless the applicant provides certification, prepared by a licensed engineer registered in the State of Connecticut, demonstrating that such encroachments will not result in any increase in the base flood elevation. Hydrologic and hydraulic analysis, prepared in accordance with accepted engineering practice, shall be submitted by the applicant in support of any proposed encroachment. Work within adjacent land subject to flooding, including work to provide compensatory storage, shall not result in any increase in flood stage or velocity;
- (5) in floodplains that are not tidally influenced as designated on the FIRM, the water holding capacity of the floodplain is not reduced by any form of development unless such reduction:
 - (a) is compensated for by deepening or widening of the floodplain;
 - (b) is on site;
 - (c) is within the same hydraulic reach and a volume not previously used for flood storage;
 - (d) is hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation which would be displaced by the encroachment; and,

- (e) has an unrestricted hydraulic connection to the same waterway or water body.

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 Connecticut Department of Environmental Protection and FEMA.
- (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 zones A and AE.
- (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.

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 zones A and AE 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.

7.A.7. Numbered A Zones with Base Flood Elevation (A and 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 and 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, for the placement of a mobile manufactured home outside a mobile manufactured home park or subdivision, for the placement of a mobile manufactured home on a site in an existing park in which a mobile manufactured home has incurred substantial damage as a result of a flood, 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 (1.0 foot) 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:
 - (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) Recreational vehicles placed on sites within areas of special flood hazard shall either be on the site for fewer than 180 consecutive days and ready for highway use, or meet all the standards of Section 7.A.6 and the elevation and anchoring requirement of Section 7.A.7. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

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 licensed in the State of Connecticut is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with accepted engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge.

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.

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.

Variations 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.

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.
 - (b) Sanitary landfill, septage lagoon, or sewage works. [Eff. 9/29/2011]
 - (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.
- (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 contaminates 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 contaminates 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, 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.

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: (i) 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, (ii) a transportation hazard analysis. 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.

- (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.

7.D. AQUIFER PROTECTION ZONES.

All lots entirely or partially located within aquifer protection areas designated on the Official Zoning Map of the City of Danbury shall be subject to all provisions of the "Aquifer Protection Area Regulations of the City of Danbury."

7.E. MAIN STREET HISTORIC OVERLAY ZONE. [Eff. 6/2/2011]

7.E.1. Purpose.

The purpose and intent of the Main Street Historic Overlay Zone ("MSHOZ") is to promote development which is compatible with the historic character of the Main Street Historic District by providing supplemental regulations to the various zoning districts located within the MSHOV, as specified herein.

7.E.2. Scope.

The area of the MSHOZ shall encompass all lots, or portions thereof, as shown on a certain map entitled "Main Street Historic Overlay Zone" (see hatched area), which map is made part of these Zoning Regulations and which shall constitute an amendment to the Official Zoning Map of the City of Danbury. All provisions of these Regulations shall apply to the MSHOZ, except as provided for in this §7.E. Notwithstanding §3.C.2., wherever there is a conflict between these Regulations and regulations specific for land and uses within the MSHOZ, the regulations applicable to the MSHOZ shall control.

7.E.3. Location of Parking and Accessory Buildings.

All off-street parking areas and facilities, loading areas, and accessory buildings proposed on lots within the Main Street Overlay Zone shall comply with the regulations in Section 7.f.4 of these Regulations. **[July 29, 2014]**

7.E.4. Street Wall.

For new building construction, a principal building(s) of the development shall be located to create a street wall extending substantially across the front width of the lot, exclusive of approved spaces between buildings, driveways, pedestrian access and open space, and parallel or nearly parallel to the street, with said building or buildings oriented to the front lot line with entrances facing the street.



MAIN STREET HISTORIC OVERLAY ZONE

7.E.5. Setbacks.

For new construction, principal 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 on-site parking and other improvements required to be placed to the rear of buildings render said mean setback infeasible. In such exceptional cases, the building shall be located closest to the street line or front yard as feasible.

7.E.6. Signs.

Notwithstanding requirements of the sign regulations specified in §8.E. of these Regulations, internally illuminated signs are prohibited on any lot or building in the MSHOZ.

7.E.7. Site Plan Review.

In addition to the requirements for site plan review as specified in §10.D. of these Regulations and the requirements specified above, all applications for development located within the MSHOZ shall also include detailed architectural renderings of all proposed exterior façade elevations visible from public roadways. All changes to the exterior of existing historic buildings or sites contributing to historic and/or architectural themes listed within the Main Street Historic District on the National Register of Historic Places shall be consistent with the Connecticut Historical Commission - Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, as amended. Proposed changes to historic buildings shall include a certification of compliance with these standards by an architect licensed in the state of Connecticut.

7.F. DOWNTOWN REVITALIZATION OVERLAY ZONE. [Eff. 6/2/2011]

7.F.1. Purpose and Intent.

It is the purpose and intent of this overlay zone to promote the revitalization of downtown Danbury by providing supplemental regulations to portions of the R-3, RH-3, CL-10 and C-CBD zoning districts, and future amendments which may add portions of other zoning districts to the DRZ, located within the Downtown Revitalization Zone ("DRZ"). [Rev. 7/29/2014]

7.F.2. Scope.

The area of the DRZ shall encompass all lots, or portions thereof, as shown on a certain map entitled “Downtown Revitalization Overlay Zone” (see hatched area below), which map is made a part of these Zoning Regulations and which shall constitute an amendment to the Official Zoning Map of the City of Danbury. Provisions within these Regulations which refer to lots and uses within the DRZ shall apply to this Downtown Revitalization Overlay Zone. Notwithstanding §3.C.2., wherever there is a conflict between these Regulations and regulations specific for lots and uses within the DRZ, the regulations applicable to the DRZ shall control.



DOWNTOWN REVITALIZATION OVERLAY ZONE

7.F.3. Use Restrictions in the DRZ. [Rev. 7/29/2014]

Notwithstanding provisions of Sections 4.C., 4.D., 5.D., and 5.F., and others as amended, which may add portions of other zoning districts to the DRZ, the following restrictions apply to lots located within the DRZ.

- a. Uses not allowed on lots bordering on Main Street.

The following uses are not allowed on lots which, in whole or in part, border on Main Street within the DRZ.

- (1) Ambulance Service.
 - (2) Cleaning, laundering, dyeing or diaper service; laundromat.
 - (3) Three family dwelling.
 - (4) Two family dwelling.
 - (5) Taxi or limousine service.
- b. Residential uses not allowed on first floors on lots bordering on Ives Street, Main Street, National Place, Railroad Place, West Street, and White Street.

The following residential uses are not allowed on first floors on lots which, in whole or in part, border on Ives Street, Main Street, National Place, Railroad Place, West Street, and White Street in the DRZ, except for doorways providing access to upstairs residential units and clubs.

- (1) Apartment house, garden apartment, row house, townhouse.
- (2) Congregate housing.
- (3) Continuing care facility.
- (4) Nursing home.
- (5) Shelter for the homeless.

c. Uses Prohibited from the DRZ.

The following uses are prohibited on lots located, in whole or in part, within the DRZ.

- (1) Crematory.
- (2) Funeral home.
- (3) One family dwelling.
- (4) Package store.
- (5) Telephone exchange, sewer and water pumping station.

7.F.4. Off-street Parking and Accessory Buildings. [Eff. 7/29/2014]

a. Parking areas and Accessory Buildings.

Notwithstanding other provisions of these Regulations, no new off-street parking areas and loading areas or accessory buildings on lots bordering on Main Street shall be located between the street and the principal building(s) on a lot, except when rendered clearly infeasible because of the particular circumstances of the site which were not created by the applicant. In cases where there are no buildings on the lot or the principal buildings do not screen on-site parking and loading areas from view from the street, a brick or stone view-restrictive wall of no less than 30" in height or greater than 48" in height shall be built along the street frontage of the lot adjacent to said parking or loading areas, exclusive of openings for driveways and pedestrian access, as approved by the Department of Planning and Zoning for permitted uses or the Planning Commission for special exception uses.

b. Parking facilities.

Notwithstanding other provisions of these Regulations, no new off-street parking facilities, including parking decks and garages, shall be allowed on lots bordering on Main Street except for pedestrian and vehicular access, unless at least 25 feet of the front of the first floor of the structure bordering on Main Street is designed and used as an allowed use(s). Said allowed use(s) shall have direct pedestrian access onto Main Street.

c. Site Plan Requirements.

In addition to the site plan contents specified in Section 10.D.3. of these Regulations, all applications for a zoning permit which include parking areas, accessory buildings, and parking facilities as specified above on lots bordering on Main Street in the Downtown Revitalization Overlay Zone or the Main Street Historic Overlay Zone shall include (1) a first floor layout of parking facilities showing all uses as necessary to determine compliance with Section 7.F.4.b. above, (2) the location of all proposed accessory buildings, and (3) the design of proposed parking areas in sufficient detail to determine compliance with Section 7.F.4.a. above.

SECTION 8. SUPPLEMENTAL REGULATIONS

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8.A. EROSION AND SEDIMENTATION CONTROLS. [REV. 05/2007]

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 which may wash out fills, roads, and embankments, clog storm sewers, muddy streams, and deposit silt in lakes and reservoirs. It is the purpose of this Section to control grading operations to prevent soil erosion and sedimentation from occurring as a result of non-agricultural development by requiring proper provisions for storm 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. Grading Standards

- a. Lots shall be developed so that no resulting embankment exceeds a slope of one foot of vertical rise in two feet of horizontal distance. Guard fencing shall be required where determined by the City Engineer to be necessary for public safety.
- b. Lots shall be graded to provide positive drainage away from buildings in a manner approved by the City. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to avoid point discharges (i.e. pipes) or concentrations of storm drainage runoff water from each lot onto adjacent lots, as determined by the City Engineer. Surface drainage shall not be discharged onto a City street without City approval.
- c. There shall be no mining or quarrying operations in the City of Danbury except for the grading of a site preparatory to construction or other improvements in accordance with an approved Zoning Permit, and in accordance with the following conditions:
 - (1) where there is a necessity to remove earth materials from a construction site for which a site plan has been approved when required by these Regulations and for which a Zoning Permit has been issued, provided that no more material is removed than is indicated on the approved Zoning Permit or site plan;
 - (2) where there is necessary excavation in grading for a subdivision in accordance with a subdivision plan approved for the site by the Planning Commission; or,
 - (3) where there is necessary excavation in connection with the installation of roads, driveways, sewers, water lines, electric or gas service, sidewalks, walls or fences and similar improvements, provided such are indicated on an approved site plan or subdivision plan and Zoning Permit.
 - (4) The bottom edge of excavations or fill shall be a minimum of five (5) feet from the property line. Fill shall be located so that settlement, sliding, or erosion will not deposit fill on adjoining property.

- (5) At the conclusion of the grading activities on a lot, disturbed areas are to be regraded and covered with not less than six (6) inches of topsoil, seeded and properly mulched or improved in accordance with an approved landscape plan to ensure soil stability.
- (6) Every attempt shall be made to protect significant trees from damage.

8.A.3. Erosion and Sedimentation Control Permits.

a. Permit Requirement.

No person shall do any grading, stripping, excavating or filling or undertake any earth change unless a valid erosion and sedimentation control permit is received from the Health Director or his/her designee 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 erosion and sedimentation control permit. Plans, specifications, and timing schedules shall accompany each application for an erosion and sedimentation control 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.4. Plan Requirements.

The plans and specifications accompanying the erosion and sedimentation control permit application shall contain the following data, unless waived by the Health Director or his/her designee, prepared by a person authorized to prepare such plans and licensed and registered in the State of Connecticut.

- 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 of one (1) inch to forty (40) feet or larger (1"= \leq 40'), showing:
 - (1) name and address of the applicant; name and address of the person or firm preparing the plan;
 - (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 the erosion and sedimentation control plan; and,
 - (8) other information or data as may be required by the Health Director or his/her designee such as but not limited to a soil investigation report and a map based on an A-2 Survey 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.

8.A.5. Bond Requirement.

- a. The Health Director or his/her designee, as a condition of the issuance of an erosion and sedimentation control permit, may require a performance bond. Such bond shall be either a certified check, passbook 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 erosion and sedimentation control 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 as approved subsequent to the issuance of a cease and desist order by the Zoning Enforcement Officer or his/her designee, the Health Director or his/her designee may order such work as is necessary, including the sweeping of streets, to eliminate any danger to persons or property and to leave the site in a safe condition, and he/she 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.6. 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 fencing shall be installed at all culvert outlets and along the toe of all critical cut and fill slopes.
- c. Culvert discharge areas shall be protected with riprap channels; energy dissipators shall be provided as necessary.
- d. Catch basins shall be protected with hay bale filters, approved catch basin filter inserts, or by other methods following Best Management Practices approved by the CTDEP guidelines throughout the construction period and until all disturbed areas are thoroughly stabilized.
- e. Erosion and sediment control measures shall be installed prior to construction and shall be appropriately inspected and maintained after each significant storm event.
- 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 completion of an earth change or when 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.7. Review and Action.

- a. General.
The Health Director or his/her designee 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 the applicant.
- b. Denial of Permit.
Erosion and sedimentation control permits shall not be issued when in the opinion of the Health Director or his/her designee the work as proposed by the applicant would interfere with any existing drainage course or result in the deposit 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 Health Director or his/her designee 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 Health Director or his/her designee.

8.A.8. Exemptions from Permits.

No erosion and sedimentation control permit shall be required for the following:

- a. agricultural use of land;
- b. minor land disturbing activities such as home gardens, construction of or repair to existing utility facilities within paved portions of public rights-of-way, individual home landscaping, and 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 where no post-construction grades on the site exceed one foot of vertical rise in two (2) feet of horizontal distance; and
- d. alterations or additions to existing structures where the disturbed area will not exceed five thousand (5,000) square feet and where finished grades do not exceed one foot of vertical rise in two feet of horizontal distance.

Operations which are exempt from obtaining an erosion and sedimentation control permit shall not interfere with any existing storm drainage system or drainage course and shall not affect the deposit of sediment or debris anywhere off the site.

8.A.9. Enforcement.

The Health Director or his/her designee 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 Health Director or his/her designee 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 within twenty-four (24) hours after receipt of such notification, the Zoning Enforcement Officer or his/her designee shall issue a cease and desist order causing all work to terminate until such time as all violations of this Section have been corrected.

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.

- (a) Driveways shall, where feasible, be located directly across the street from an existing driveway. [Eff. 11/26/2011]
- (b) As part of the review and approval of such access the Department of Planning and Zoning 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. The number and location of driveways on a lot shall be limited to that which is necessary for safe ingress and egress from a street as determined by the Department of Planning and Zoning for site plans and the Planning Commission for special exceptions, respectively. [Rev. 11/26/2011]

(3) Joint Access.

On-site connections between adjacent lots shall be encouraged wherever feasible to limit the number of driveways. 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. [Rev. 11/26/2011]

b. Design.

(1) Street and Access Improvements.

- (a) Streets. 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) Driveways. Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
- (c) Bridges. Where a bridge is included as part of the access driveway system, such bridge shall be designed to ensure it provides adequate and safe access that will not jeopardize public health, safety or welfare. Construction of said bridge, including its components and support systems, requires both a Zoning Permit and Bridge Permit from the City of Danbury. The bridge, including its components and support systems, must be installed under the direction of a professional engineer licensed by the State of Connecticut and hired by the applicant after approval by the Department of Planning and Zoning or its designee, which such approval shall not be unreasonably withheld. Said professional engineer shall possess experience in bridge design and both structural and geotechnical engineering disciplines, as necessary. The City may choose to conduct inspections during the installation and construction process. Prior to issuance of a certificate of compliance by the Zoning Enforcement Officer, as specified in these Regulations, the applicant's professional engineer must provide a sealed certification that the bridge system was installed in accordance with the design approved with the site plan and is in good working condition. [Eff. 11/26/2011]

(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, with a maximum 8% grade for the first thirty (30) feet of driveway as measured from the street lot line. All driveways shall be paved with a hard surface material (e.g. bituminous concrete or concrete) for a minimum distance of twenty (20) feet from the edge of the road travel way, except that pavers are not permitted in the public street right-of-way. [Rev. 11/26/2011]

(4) Width.

Driveways serving one family dwellings shall not measure less than ten (10) feet in width. Driveways serving all other uses shall not measure less than twelve (12) feet in width for one-way travel or twenty-four (24) feet in width for two-way travel.

(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 Department of Planning and Zoning and the Connecticut Department of Transportation (CTDOT). [Rev.11/26/2011]

Where a lot contains frontage on any street other than a state highway, the Department of Planning and Zoning in the case of a permitted use, or the Planning Commission in the case of a special exception, may require the installation of sidewalks, curbs and associated improvements are referenced above. [Eff. 11/26/2011]

8.B.4. State Highway Approvals.

The Department of Planning and Zoning in the case of a permitted use, or the Planning Commission in the case of a special exception, shall review and approve or deny all site plans proposing access onto a state highway. Approval is requisite to submission of an application to CTDOT for any request for any required state permit. [Rev.11/26/2011]

8.B.5. Driveway and Curb Cut Control Plans.

The intent of this section is to provide safer and more efficient traffic operations along major roadways by reducing the size and number of areas where conflicting vehicular movements occur while allowing proper and adequate access to premises along the roadways. The purpose is to protect the public safety through management and reduction of vehicular congestion by providing guidelines for existing and future driveways and access points.

a. Designated Roadways.

The location and standards for driveway improvements within the City of Danbury for which this section applies are derived from the following publications, as updated.

- (1) Route 6: Mill Plain Road Traffic Study, HVCEO Bulletin 40, 1985 (see §5.B.6.).
- (2) Route 805: Traffic Flow Improvement Plan for Federal Road in Danbury and Brookfield, HVCEO Bulletin 80, 1994.
- (3) Route 37: Danbury-New Fairfield Route 37 Traffic and Access Management Study, HVCEO Bulletin 86, 1996.
- (4) Route 7 Transportation and Land Use Plan, Access Management Study – Danbury, prepared for SWRPA and HVCEO, 2011. [Eff. 11/26/2011]

b. Application.

In addition to other requirements described in these Regulations, all future driveways and curb cuts proposed or required in any “Application for Site Plan Approval” shall, where feasible, be designed and located in conformance with the recommendations contained within the publications cited above, excluding all changes required to driveways and curb cuts by the City of Danbury or CTDOT.

- c. If there is a conflict between the recommendations contained within the publications cited above and other provisions of this §8.B., the provisions of §8.B.1. through §8.B.4. shall control. Compliance with this section is not required when its imposition would result in total denial of access to any property.

8.C. OFF-STREET PARKING AND LOADING.

8.C.1. General Requirements.

a. Application.

Parking facilities or areas off the street right-of-way shall be provided to serve all uses, changes in use, or buildings erected, altered, or increased in floor area from that which existed on the date of adoption of these Regulations, except where such change of use, new building, alteration, or increase in floor area will require no increase in parking under Section 8.C.4. of these Regulations over what presently exists. All required parking shall be located on the same lot as the use for which it is intended to serve, except as specifically permitted below for shared parking. [Rev. 11/26/2011]

b. Shared Parking.

- (1) **General.** Parking facilities serving primarily a nighttime or weekend use may, upon finding and approval of the Department of Planning and Zoning, be counted proportionately as facilities for a primary daytime or weekday 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. [Rev. 11/26/2011]
- (2) **Reduced Parking in C-CBD Zoning District.** In the C-CBD zoning district, in addition to the provisions contained in this Section, the amount of required parking for retail and personal service uses, for business and professional offices, and for medical offices, as specified in Sections 8.C.4.c. may be reduced as follows for uses located within five hundred (500) feet walking distance by sidewalk or other paved walkway to a public parking facility or lot on which parking spaces are available under long term lease, provided the Department of Planning and Zoning determines that the reduced number of spaces will be adequate for the uses for which they are intended to serve: 1 space per 250 square feet of total usable floor area for retail, personal service uses as defined in §2.B., and medical offices; and, 1 space per 400 square feet of total usable floor area used for business and professional offices. [Rev. 11/26/2011]
- (3) **Off-site Parking.** Required off-street parking shall be on the same lot as the use they are intended to serve, except that in commercial, industrial, and RH-3 zoning districts where a parking area or parking facility is an allowed separate use, all or part of the required parking spaces may be provided on a separate lot under the same ownership or long term lease with a different landowner or under public ownership, the pedestrian entrance to which is within five hundred (500) feet walking distance by a sidewalk or other paved walkway to a pedestrian entrance to the use being served. If a long term lease between both the owner of the use and the landowner of the separate lot providing off-site parking is employed, the lease shall remain in effect for as long as necessary to provide the additional parking required for the use. In cases where the required parking spaces are not provided on a lot under public ownership, if the off-site parking area or facility ceases to provide all or part of the required parking spaces for the use for whatever reason, said use shall be in violation of these Regulations unless and until replacement parking is provided in accordance with all requirements of these Regulations, including walking distance requirements specified herein. [Rev. 11/26/2011]
- (4) **Special Events.** Notwithstanding other provisions in Section 8.C.1.b., in the case of special events not regularly held on a daily basis as part of an approved use in the C-CBD Zoning District which shall generate parking demand in excess of that provided for the approved use, the facility owner or operator shall provide the Zoning Enforcement Officer, or his/her designee, with a parking report for special events containing evidence that sufficient additional parking will be available for the event. [Rev. 11/26/2011]
 - (a) The parking report shall be submitted 15 days prior to the event, and shall include: (i) the name, address, telephone number and, if available, the fax or e-mail address of the owner or his/her agent of

the approved use proposed to host the event; (ii) the name, address and tax assessor's map parcel number of the approved use hosting the event; (iii) the date(s) of the event; (iv) the amount of required parking provided for the approved use; (v) the amount of additional parking required for the special event; (vi) the location of all required additional parking to be provided; and, (vii) documentation from the owner(s) of all sites on which the additional parking is to be located attesting to the availability of additional parking spaces for the event. The Director of Planning, or his/her designee, shall approve such parking report if it complies with the requirements of this subsection (4). The Director shall act on the report no later than five business days after the submission of the parking report. Failure to act within such five day period shall constitute approval of the parking report.

- (b) 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.
 - (c) 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.
 - (d) 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.
- (5) Parking in the DRZ Overlay Zone. Notwithstanding the requirements of these Zoning Regulations, the following regulations shall pertain to all uses on lots located within the Downtown Revitalization Zone, as specified in §7.F. of these Regulations. [Eff. 6/2/2011] [Rev. 11/26/2011]
- (a) Required off-street parking for apartment houses, garden apartments, row houses, townhouses and congregate housing, where allowed in the portions of zoning districts located within the DRZ, shall be 1½ spaces per two bedroom dwelling unit. There shall be no visitor parking space requirements in portions of the RH-3 Zoning District located within the DRZ, provided the required number of visitor parking spaces are otherwise available as public on- or off-street parking within 500 feet walking distance from the site. All other parking requirements for these uses as specified in §8.C.4. shall remain in effect.
 - (b) There shall be no requirement for on-site employee parking in the DRZ if permit parking is made available by the employer or property owner for employees in a public parking garage or lot, or by long-term lease from a private lot, regardless of distance from the use, provided such garages or lots are located within the DRZ and evidence of said permits or leases are submitted at the time of application for a Zoning Permit in form and manner satisfactory to the Zoning Enforcement Officer.
- c. Restrictions on Off-street Parking Locations. [Rev. 02/17/2016].
- (1) Parking of motor vehicles shall be limited to approved on-site parking spaces and areas except where otherwise permitted herein.

(2) Parking spaces in required front yards shall not be permitted. [Rev.11/26/2011]

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

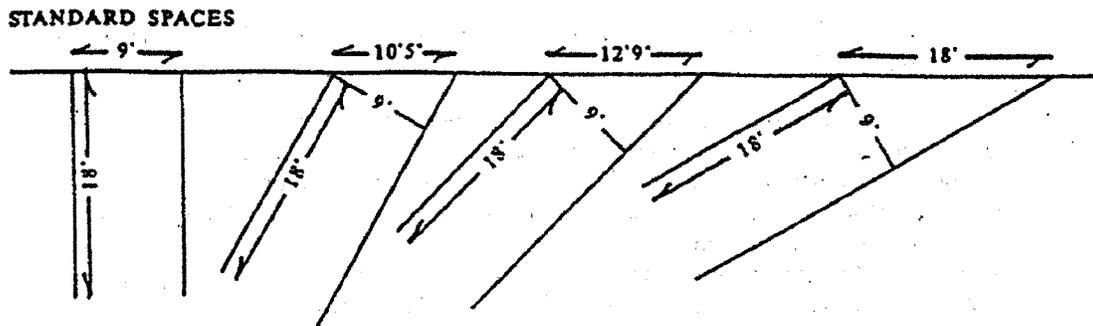


ILLUSTRATION OF REQUIRED STANDARD PARKING SPACE DIMENSIONS

(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

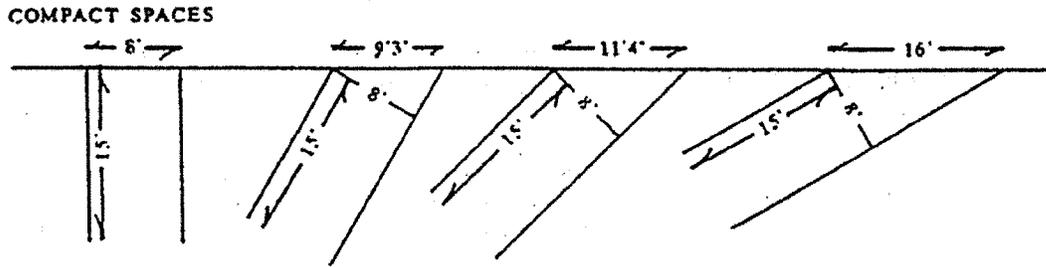


ILLUSTRATION OF REQUIRED COMPACT PARKING SPACE DIMENSIONS

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.

(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 lots with only one one-family dwelling, one two-family dwelling, or one three-family dwelling, all parking areas and garages 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, except as follows.

- (a) Where valet parking is provided when such parking area is in use, provided a management plan for such valet parking is submitted with the site plan and approved.
- (b) Where off-street surface parking is provided for lots with two or more one-family, two-family, or three family dwellings, or for row houses, all with garages within each dwelling unit for the exclusive use of the unit, provided:
 - (i) the access driveway into the garage is suitable to be used for parking, with a minimum width of nine (9) feet and a minimum length of eighteen (18) feet per parking space, provided such spaces do not intrude within the adjoining road right-of-way, roadway edge, parking area aisle, or sidewalk area, whichever is closest to said surface parking space(s);
 - (ii) the total distance from the rear end of the parking space to the adjoining roadway or parking aisle plus the width of said roadway or parking aisle is a minimum of twenty-four (24) unobstructed feet to allow sufficient space for backing out from the garage driveway; and,
 - (iii) said parking space driveway adjoins the roadway or parking area aisle with a minimum five foot radius curb return.
 - (iv) said off-street surface parking space(s) shall count toward meeting the required parking for the dwelling unit as specified herein.

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. [Rev. 11/26/2011]

The table of Required Off-Street Parking Spaces, as herein provided below, shall be considered as the minimum number of parking spaces required per use. Where more than one use occurs on the same lot or within the same building, the cumulative total of each use shall be the requirement, except as provided in Section 8.C.1.b. Shared Parking.

Parking requirements based on gross floor area shall be determined by applying the definition of gross floor area as found in Section 2.B. of these Regulations. Parking requirements based on usable floor area shall be determined either by (1) taking 85 percent of the gross floor area, as defined herein, or (2) by submission by the applicant of a floor plan with the application for site plan approval illustrating the calculated usable floor area of the building, as defined herein, said calculation to be found acceptable by the Department of Planning and Zoning for permitted uses and the Planning Commission for Special Exception uses. Prior to issuance of a Zoning Permit, the applicant's engineer or architect shall provide a sealed certification that the floor plan is the same as that which received site plan approval.

REQUIRED OFF-STREET PARKING SPACES

- a. Agricultural and Recreational Uses.
 - (1) Campgrounds, etc, with building, country clubs and the like. 1 per employee, plus 1 per 5 adult memberships or enrollments.
 - (2) Open recreational uses. As determined by the Planning Commission.
 - (3) Open roadside stand. 1 per linear feet of frontage used for sheltered display or for sales.
- b. Business Uses, Automotive.
 - (1) Automobile washing establishment. 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.

- (2) Automobile service station. 2 per service bay if station provides repairs, otherwise 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, indoor field sports arena, entertainment and/or education center, conference center, classrooms and laboratories. 1 per 4 seats. (Seat=18 linear inches of pew or bench), plus 1 per employee at the largest shift.
- (2) Amusements or places of assembly without fixed seats, such as dance hall, skating rink, indoor field sports arena, entertainment and/or education center, conference center, classrooms and laboratories. 1 per 50 square feet of audience area, plus 1 per employee at the largest shift, or 1 per 4 persons as calculated by the Department of Planning and Zoning based on maximum occupancy limits and such additional information provided by the applicant and approved to the satisfaction of the Fire Marshal.
- (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) Indoor shooting range. 1 space per shooting booth, plus one space per employee.
- (8) 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.
- (9) Restaurants, including fast food, take-out, cafes, clubs, tavern. 1 parking space for every 4 seats, plus 1 per employee at the largest shift, but not less than 3 parking spaces.
- (10) Retail, personal service uses, such as stores, supermarkets, shopping centers, barbershops, banks, veterinary hospital or clinic, kennel, pet grooming. [Rev. 10/19/2015] 1 per 150 sq.ft. of usable gross floor area.

(11) Business and professional offices, business incubators, excluding medical offices.	1 per 300 sq.ft. of usable gross floor area.
(11a) Medical offices.	1 per 125 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 home. [Rev. 06/04/2015]	1 per 4 persons based on the maximum occupancy as determined by the Fire Marshal, plus 1 per company vehicle maintained on the premises, plus 1 per employee based on the largest shift.
(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 included in 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.

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.

8.E. SIGN REGULATIONS.

8.E.1. Purpose and Intent.

It is recognized that signs perform important functions in identifying businesses and in general advertising. It is hereby found and declared, however, that minimum control of signs is necessary to promote public safety by lessening hazards to pedestrian and vehicular traffic, to preserve property values, to prevent unsightly and detrimental development which has a blighting influence upon residential, commercial and industrial uses, to prevent signs from reaching such excessive size that they obscure one another to the detriment of all concerned, and to secure certain fundamentals of design for the City. These regulations are intended to create a legal framework for a balanced system of signage that regulates the number, location, size, and height of signs while ensuring the fair and consistent enforcement of sign regulations and to provide for an effective means of communication consistent with constitutional guarantees without restricting or regulating the messages contained on signage in the City.

8.E.2. Sign Regulations in Residential Districts.

The following regulations shall apply to signs in all residential zoning districts.

- a. The total of all signs specific for each single-family dwelling unit shall not exceed six square feet in sign face area or six feet in total sign height.
- b. One sign is permitted at each vehicular entrance from a public street to developments on a lot containing four or more dwelling units, provided that each sign structure shall not exceed six (6) feet in height and provided that each sign face shall not exceed twenty-four (24) square feet in area.
- c. One sign is permitted within developments on a lot containing four or more dwelling units for (1) each accessory office or facility and (2) at each vehicular entrance within the lot to a clearly distinct and separate section of housing within a larger housing development, provided that each sign structure shall not exceed six (6) feet in height and provided that each sign face shall not exceed twenty-four (24) square feet in area.
- d. Window signs or signs on door windows are permitted, provided (1) they shall only be painted on or affixed to the interior face of windows or door windows and (2) they do not exceed fifteen (15) percent of each window or door window area through which such signs are affixed. Said signs shall not be used to compute allowances for other permitted total sign face areas specified in §8.E.2.
- e. Only indirectly illuminated signs shall be permitted, as regulated in Section 8.E.5.b.
- f. Flags, in the aggregate not exceeding forty (40) square feet in area per side per lot, may be displayed, provided that no flagpole may exceed twenty-five (25) feet in height and that any illumination of a flag shall be confined to the surface of the flag. Said flags shall not be used to compute allowances for other permitted total sign face areas specified in §8.E.2.
- g. All signs for non-residential uses allowed in residential districts shall not exceed a total of thirty-two (32) square feet in sign face area per building or exceed six feet in total height. One additional wall sign not exceeding thirty-two (32) square feet in sign face area or twenty (20) feet above ground level is permitted per non-residential building.

8.E.3. Sign Regulations in Commercial and Industrial Districts.

The following regulations shall apply to signs in all commercial and industrial districts except C-CBD.

a. Non-Residential Signs.

(1) Wall signs and signs on canopies and awnings.

- (a) The total sign face area of all wall signs and signs on canopies and awnings allowed on each exterior building wall, exclusive of signs exempted in Section 8.E.8., shall not exceed two square feet of sign face area for each foot of length of said exterior building wall on which the sign is affixed or length of that portion of said wall which is devoted to such business to which the sign(s) refer. Wall signs and signs on canopies and awnings shall be confined to that portion of the exterior building wall where the business to which the sign(s) refers is located.
- (b) Wall signs. No portion of any wall sign shall be located higher than thirty (30) feet above ground level.
- (c) Canopies and awnings. Canopies and awnings are considered part of the building to which they are attached and any sign face on such shall be considered a wall sign and subject to these regulations. Canopies and awnings shall not extend more than five feet (5') over a public right-of-way and such shall allow a clearance over the public right-of-way of no less than eight feet (8') above ground level.

(2) Hanging or projecting signs.

On each exterior building wall, the total sign face area of all sides of hanging or projecting signs shall not exceed twelve (12) square feet. The bottom of any such sign shall be located no less than eight (8) feet above grade and the top of same sign shall not extend above twenty (20) feet from ground level. Said sign(s) shall not project more than three (3) feet from the building wall and shall not project over or beyond the property line of the lot on which the building is located.

(3) Freestanding signs (excluding billboards regulated in §8.E.10.)

One freestanding sign with no more than one sign face per side shall be permitted for each three hundred (300) feet of street frontage, with a minimum of one freestanding sign permitted per lot. Sign faces shall not exceed seventy-five (75) square feet per side, except that two permitted signs may be combined on one sign post for each six hundred (600) feet of street frontage of the lot, provided the total area of all such sign faces on each sign structure does not exceed one hundred fifty (150) square feet per side. In no case shall signposts supporting freestanding sign(s) be closer than three hundred (300) feet from one another on the lot. No portion of any freestanding sign shall be higher than twenty (20) feet above ground level.

Notwithstanding the above, freestanding signs not exceeding six feet in total sign height may be placed closer than the spacing limitations specified, provided the total of all freestanding signs regardless of height do not exceed the size limitations specified above.

(4) Flags.

Flags are permitted provided that the total area of each side of all flags shall not exceed ninety-six (96) square feet per lot, and that any illumination of a flag shall be confined to the surface of the flag.

(5) Window or door signs.

Window signs or signs on door windows are permitted, provided (1) they shall only be painted on or affixed to the interior face of windows or door windows and (2) the total sign face area does not exceed fifteen (15) percent of each window or door window area through which such signs are painted on or affixed. Said signs shall not be used to compute allowances for total sign face areas specified herein.

(6) Portable signs are prohibited.

b. Residential signs.

Signs for dwelling units shall conform with and be regulated by Section 8.E.2.a-e. All such signs shall be included in computing the total area of signs permitted on the building or lot, except signs exempted in Section 8.E.8.

8.E.4. Sign Regulations in the Central Business District.

The following regulations shall apply to signs in the C-CBD Zoning District.

a. Non-Residential Signs.

(1) Wall signs and signs on canopies and awnings.

(a) The total sign face area of all wall signs and signs on canopies and awnings allowed on each exterior building wall, exclusive of signs exempted in Section 8.E.8., shall not exceed: (1) one and one-half (1½) square feet of sign face area for each foot of length of said exterior building wall on which the sign is affixed or length of that portion of said wall which is devoted to such business to which the sign(s) refer, or (2) one hundred fifty (150) square feet of total sign face area on each exterior building wall, whichever is less. Wall signs and signs on canopies and awnings shall be confined to that portion of the exterior building wall where the business to which the sign(s) refers is located.

(b) Canopies and awnings. Canopies and awnings are considered part of the building to which they are attached and any sign face on such shall be considered a wall sign and subject to these regulations. Canopies and awnings shall not extend more than five feet (5') over a public right-of-way and shall allow a clearance over the public right-of-way of no less than eight feet (8') above ground level.

(2) Hanging or projecting signs.

On each exterior building wall, the total sign face area of all sides of hanging and projecting signs shall not exceed twelve (12) square feet. The bottom of any such sign shall be located no less than eight (8) feet above grade and the top of same shall not extend above twenty (20) feet from ground level. Said sign(s) shall not project or extend more than three (3) feet from the building wall and shall not project over or beyond the property line of the lot on which the building is located, except that hanging or projecting signs may project up to eighteen inches (18") over public sidewalks.

(3) Freestanding signs (excluding billboards regulated in §8.E.10).

Only one freestanding sign with no more than one sign face per side shall be permitted for each three hundred (300) feet of street frontage, with a minimum of one freestanding sign permitted per lot. Such signs faces located within fifty (50) feet of a public right-of-way shall not exceed twelve (12) square feet per side; freestanding signs located greater than fifty (50) feet from a public right-of-way shall not exceed twenty-five (25) square feet of sign face per side.

- (a) Notwithstanding the above, freestanding signs not exceeding six feet in total sign height may be placed closer than the spacing limitations specified, provided the total of all freestanding signs regardless of height do not exceed the size limitations specified above.

(4) Flags.

Flags are permitted provided that the total area of each side of all flags shall not exceed ninety-six (96) square feet per lot, and that any illumination of a flag shall be confined to the surface of the flag.

(5) Window or door signs.

Window signs or signs on door windows are permitted, provided (1) they shall only be painted on or affixed to the interior face of windows or door windows and (2) the total sign face area does not exceed fifteen (15) percent of each window or door window area through which such signs are painted on or affixed. Said signs shall not be used to compute allowances for total sign areas specified herein.

(6) Portable signs.

Portable signs shall (a) have a maximum of two (2) sides per sign, (b) be limited to a maximum size of six (6) square feet per side, and (c) not be located within a public right-of-way. No more than one portable sign shall be located on each lot.

(7) General provisions.

- (a) No letter on any sign located within fifty (50) feet of a public right-of-way shall exceed eighteen (18) inches in height or width; no letter on any sign located greater than fifty (50) feet from a public right-of-way shall exceed twenty-four (24) inches in height or width.

- (b) No portion of any wall, freestanding, hanging or projecting sign shall be located higher than twenty (20) feet above ground level.

b. Residential signs.

Signs for dwelling units in the C-CBD zone shall conform with and be regulated by Section 8.E.2.a-e. All such signs shall be included in computing the total area of signs permitted on the building or lot, except signs exempted in Section 8.E.8.

8.E.5. General Provisions.

The following regulations apply to all signs in all zoning districts.

- a. No sign shall be placed within a required side or rear yard, or within ten (10) feet of a front lot line, except as otherwise specified in §8.E.10.
- b. Any illumination of signs shall be confined to the surface of the illuminated sign. Such sign shall be so located and arranged as to avoid glare or reflection onto any portion of any adjacent street or property, or into the path of oncoming vehicles. Light sources of indirectly illuminated signs shall be shielded by opaque material so that the lamps are not visible from off the property on which the signs are located. No flashing, animated, or rotating illumination shall be used for either directly or indirectly illuminated signs.

- c. The total area for a sign with more than one sign face shall be computed by adding together the area of all sign faces. Cut outs or other embellishments which extend beyond the perimeter, periphery or surface of the sign structure or sign face display area are prohibited.
- d. All signs shall be constructed and maintained in accordance with applicable building and electrical codes of the City. Except for window signs and signs on door windows conforming in all aspects with the requirements of this Section, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, fence, frame, or sign structure.
- e. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant or any type of street furniture, or otherwise create a hazard including a tripping hazard.
- f. Notwithstanding other provisions of these Regulations, any sign permitted in these Regulations may include any noncommercial message in addition to, or in lieu of, any other message. Signs containing only noncommercial messages shall be deemed to be on-premise signs subject to the regulations contained herein for on-premise signs in the zoning district where located or, if applicable, as a relocated billboard regulated in §8.E.10.
- g. Regulations governing signs on canopies shall also apply to signs on permitted marquees and shall be treated as if they are the same.
- h. The provisions of Section 8.E. shall be separable in accordance with Section 1.E. of these Regulations.

8.E.6. Prohibited Signs.

The following signs are prohibited in all zoning districts:

- a. roof signs; signs affixed to any wall of any building which project above the top of the roof of said wall;
- b. billboards and all other off-premises advertising signs, except as permitted to be relocated under Section 8.E.10;
- c. signs so arranged that they interfere with traffic safety by creating glare, by violating corner lot visibility as specified in Section 3.I.3., by blocking reasonable sight lines for streets or driveways, or by creating confusion with traffic control devices by reason of their color, location, shape, or other characteristic;
- d. signs which incorporate, in any manner, any flashing or moving illumination, including but not limited to flashing, beacon, strobe, rotating beacon, chasing or zip lights, string lights, searchlights, pennants, spinners, banners, streamers, and inflatable signs; signs which have visible moving parts or other apparent visible revolving movement achieved by electrical pulsations or by actions of normal wind currents; signs with any audio or video advertising devices;
- e. all signs located within or projecting over public lands and rights-of-way, except as permitted herein; and,
- f. portable signs except as permitted herein.

8.E.7. Signs Permitted Without a Permit.

The following signs, excluding billboards, are permitted in all zoning districts without a permit. All such signs shall comply with all applicable regulations of Section 8.E.

- a. Flags.
- b. Window and door signs.
- c. Any other sign that is not illuminated and has a sign face area of less than six (6) square feet and does not exceed six (6) feet in height.

8.E.8. Exempt Signs.

The following signs shall be exempt from these regulations and shall not be used to compute allowances for total sign areas as specified herein:

- a. any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance; and,
- b. signs located within or projecting over public lands and rights-of-way which are approved by the City or other appropriate governmental jurisdictions and which meet all conditions of such approval.

8.E.9. Existing Signs.

- a. If an existing nonconforming sign is removed, a new sign shall comply with all the regulations specified herein, except that the nonconforming sign may be replaced in the same location provided that the dimensions, height and illumination of the replacement sign structure and sign face is not increased and a new sign permit is approved by the Zoning Enforcement Officer. Replacement of a nonconforming sign shall require a new sign permit to be approved prior to demolition of the existing nonconforming sign.
- b. An existing sign structure which conforms to the standards of this Section may be repaired or repainted without a new Sign Permit, provided no other change is made to the sign.
- c. Any lot or building thereon which is nonconforming because the total area of signs exceeds the limits contained herein shall not be permitted to increase the area of signs by the addition of new signs or by the enlargement of existing signs, except for signs exempt in §8.E.8. or as otherwise provided in Section 8.E.10. for relocated billboards.
- d. All sign faces no longer related to a use on the same lot, except billboards as permitted herein, and all signs that create a hazard to public health and safety shall be immediately removed.

8.E.10. Relocation of Billboards.

- a. Purpose Statement.

This section is intended to provide for the relocation of existing billboards to acceptable areas of the City.

- b. General Provisions.

- (1) Existing billboards may be replaced by relocated billboards in other locations in the City in accordance with provisions of this Section provided no greater number of billboards shall be allowed in the City than the total number of existing billboards in existence on the effective date of this amendment.

- (2) A relocated billboard is permitted only in the CG-20, CA-80, LCI-40, IL-40 and IG-80 zoning districts, and on lots zoned CL-10 abutting I-84.
- (3) Existing billboards may only be relocated on lots abutting I-84 or U.S. Route 7.
- (4) No relocated billboard may be constructed on a lot that is nonconforming in lot area.
- (5) No portion of a relocated billboard may be located within a side or rear yard or within ten (10) feet of a front property line, except that a relocated billboard may be located within a front, side or rear yard which abuts a right-of-way line for I-84 or U.S. Route 7 along the corresponding front, side or rear yard lot line. Notwithstanding the above, no portion of a relocated billboard may be located within 100 feet of a residential zoning district boundary or in any other location on a lot, including parking areas that will violate other provisions of these Regulations.
- (6) No relocated billboard may be constructed beyond a distance of one hundred (100) feet from an I-84 or U.S. Route 7 right-of-way on lots within zoning districts which may host relocated billboards.
- (7) All relocated billboards shall be situated to face either I-84 or U.S. Route 7 on the abutting lot on which the relocated billboard is located.
- (8) All relocated billboards shall be freestanding and not affixed or painted on a wall.
- (9) It is unlawful to construct a relocated billboard other than pursuant to the terms of this Section 8.E. In the event of a conflict between this Section and any other provision in these Regulations, the provisions of this section shall control.

c. Maximum Size.

- (1) No relocated billboard sign face may exceed fifteen (15) feet in width or fifty (50) feet in length, with a maximum of one sign face per side and two per structure, as specified in the Billboard Relocation Permit approved by the Zoning Enforcement Officer. Existing billboards to be relocated which are single faced may be changed to V-type signs, and vice versa, provided the size limitations specified above are not exceeded.
- (2) The size of the relocation billboard sign face shall not exceed that of the existing billboard to be replaced provided the width and length maximums specified above are not exceeded, except that: two or more existing billboards may be combined on one relocated billboard structure provided (a) the total size of the relocated billboard sign face does not exceed the width and length maximums specified above, (b) that any residual sign face area resulting from such a combination that is in excess of the stated maximums are lost to further relocation, and (c) that a Billboard Relocation Notice is submitted for all such existing billboards to be so relocated and combined.

d. Height.

No portion of a relocated billboard structure facing I-84 shall exceed fifty (50) feet in height; no portion of a relocated billboard structure facing U.S. Route 7 shall exceed thirty-five (35) feet in height.

e. Spacing.

- (1) Small Billboards: relocated billboards with a total billboard sign face of three hundred 300 square feet or less in size per side of the billboard structure shall not be located closer than five hundred (500) linear feet from any other billboard facing I-84 or U.S. Route 7.

- (2) Large Billboards: relocated billboards with a total billboard sign face greater than three hundred (300) square feet in size per side of the billboard structure shall not be located closer than one thousand (1,000) linear feet from any other billboard facing I-84 or U.S. Route 7.
- (3) Distance from freestanding signs: no part of any relocated billboard structure shall be located closer than one hundred (100) feet from any part of a freestanding sign located on the same lot or adjacent lot.

f. Prohibited Billboards.

All relocated billboards shall comply with the prohibitions specified in §8.E.6.

g. Billboard Relocation Notice.

- (1) Notice Procedure: Any billboard owner who wishes to relocate his/her existing billboard shall file with the Department of Planning and Zoning a "Billboard Relocation Notice" which shall include the following information:

- (a) the existing billboard's address, zoning district, and the property's Tax Assessor lot number;
- (b) the landowner's name, address, and signature;
- (c) the billboard owner's name, address, and signature;
- (d) evidence acceptable to the Zoning Enforcement Officer that the billboard was in existence prior to the effective date of §8.E.10.;
- (e) date of the "Billboard Relocation Notice";
- (f) a photograph of the existing billboard intended to be relocated;
- (g) type of existing billboard (e.g. single face, double-face, multiple-face, V-type);
- (h) a drawing prepared, signed and sealed by an engineer, land surveyor or architect licensed in the State of Connecticut at a scale of 1"=10' or larger (i.e. 1"<10') of the existing billboard indicating the current height, width and length of the billboard structure and sign face(s) and the square footage of all sign face area(s); and,
- (i) a written waiver executed by the landowner under oath voluntarily discontinuing any right to reestablish a billboard on the lot upon removal of the existing billboard and approval of an application for a Billboard Relocation Permit.

- (2) Fee: The "Billboard Relocation Notice" fee shall be fifty dollars (\$50.00).
- (3) The Zoning Enforcement Officer shall maintain a copy of the "Billboard Relocation Notice," including the date it is received.
- (4) No "Billboard Relocation Notice" may be filed with the Department of Planning and Zoning for an existing billboard that was removed prior to the filing of said Notice.
- (5) No application for a "Billboard Relocation Permit" may be made until after a complete and accurate "Billboard Relocation Notice" has been filed with the Department of Planning and Zoning. If more than one existing billboard is to be combined on a relocated billboard, a separate Billboard Relocation Notice must be submitted for each such existing billboard. Construction of the new relocated billboard may not commence until after removal of the existing billboard. Demolition and construction of billboards must comply with all other permit requirements of the City, including all permits required from the Building Department.

h. Transfer of Relocation Notice.

- (1) In the event an existing billboard is sold or otherwise transferred by the billboard owner or firm (transferor) to another person or firm (transferee) prior to application for a "Billboard Relocation

Permit,” the “Billboard Relocation Notice” submitted for the billboard so sold or transferred shall apply to the transferee, provided the transferee shall file with the Department of Planning and Zoning an affidavit executed under oath affirming the transfer which shall include the following:

- (a) the existing billboard’s address and Tax Assessor’s lot number;
 - (b) the transferor’s name, mailing address, and signature;
 - (c) the transferee’s name, mailing address, and signature;
 - (d) the date the applicable “Billboard Relocation Notice” was received by the Department of Planning and Zoning;
 - (e) the date of the transfer; and
 - (f) a copy of the applicable and current “Billboard Relocation Notice.”
- (2) No person or firm for which ownership of a billboard has been sold or otherwise transferred may apply for a “Billboard Relocation Permit” until after a complete and accurate affidavit complying with this subsection has been filed with the Zoning Enforcement Officer.
- i. Billboard Relocation Permit.
- (1) Within one year of receipt of a “Billboard Relocation Notice” by the Department of Planning and Zoning, the billboard owner shall apply to the Zoning Enforcement Officer for a “Billboard Relocation Permit” for construction of a relocated billboard to replace the existing billboard(s) to be removed.
 - (a) The one-year time period may be extended for up to one additional year by the Zoning Enforcement Officer upon receipt of written evidence that the applicant has made reasonable and diligent efforts to secure another site but has been unable to do so for reasons beyond the control of the applicant.
 - (b) Failure to apply for a “Billboard Relocation Permit” within the time periods specified above from the date of receipt of a “Billboard Relocation Notice” by the Department of Planning and Zoning shall constitute a forfeiture of all rights to construct a relocated billboard on another site regardless of whether the existing billboard for which the “Billboard Relocation Notice” was received has been removed.
 - (c) The time periods shall be stayed during any appeal arising out of the Zoning Enforcement Officer’s denial of a “Billboard Relocation Permit” application.
 - (2) Only one relocated billboard structure may be constructed for each Billboard Relocation Permit issued.
 - (3) The application shall meet all the requirements for a zoning permit and sign permit as specified in section 10.B. of these Regulations and include the following:
 - (a) a copy of the “Billboard Relocation Notice” and affidavit of transfer, if applicable, submitted to the Department of Planning and Zoning for the existing billboard(s) to be relocated; if more than one existing billboard is to be combined on a relocated billboard, a separate Billboard Relocation Notice must be submitted for each such existing billboard.
 - (b) a completed “Permit Application Signs” plus the following:
 - (i) a vicinity map prepared, signed and sealed by an engineer, land surveyor or architect licensed by the State of Connecticut at a scale of 1”=100’ or larger (i.e. 1”<100”) showing the boundaries of the lot to contain the proposed relocated billboard and the boundaries of all lots abutting I-84 and U.S. Route 7 when all or a portion of said lots are within 1,000 feet of the lot containing the proposed relocated billboard. Said vicinity map shall include the location of all existing billboards and the proposed relocated billboard, all abutting street rights-of-way, and the distances between all billboards shown;

- (ii) on the drawing required in section 10.B.1.f. of these Regulations, the height, width and length of the billboard structure and sign face(s) and the square footage of all sign faces proposed for the relocated billboard, prepared, signed and sealed by an engineer, land surveyor or architect licensed by the State of Connecticut; and,
 - (iii) a site plan of the lot prepared, signed and sealed by an engineer, land surveyor or architect licensed by the State of Connecticut at a scale of 1"=20' or larger (i.e. 1"=<20') showing the location of the proposed relocated billboard and all lot lines, abutting street rights-of-way, existing freestanding signs and billboards, buildings, structures, parking and other improvements, yard setbacks, and zoning district boundaries and map symbols, and;
- (c) payment of all fees as required in §10.B.2. of these Regulations.
- (4) The Zoning Enforcement Officer shall reject any "Billboard Relocation Permit" application which fails to comply fully with this section upon notification of the billboard owner within thirty (30) days of receipt.
- (5) Any change to an approved site plan other than the location of the relocated billboard shall require approval of a revised site plan prepared in accordance with §10.D.4. of these Regulations prior to submission of a Billboard Relocation Permit.

SECTION 9. NONCONFORMITIES

A. Intent.	9-1
B. Nonconforming Lots of Record.	9-1
C. Nonconforming Uses and Structures.	9-1
D. New Construction.	9-2

9.A. INTENT.

It is the intent of these Regulations to recognize the right of nonconformities to continue, but to encourage that such lots, uses, and structures be brought into conformity with these Regulations as soon as constitutionally permissible. Any nonconforming use or building lawfully existing or in use at the time of the adoption of these Regulations, or any amendment which renders the use or building nonconforming may be continued. Any existing building devoted to a nonconforming use may only be reconstructed and structurally altered subject to the following regulations.

9.B. NONCONFORMING LOTS OF RECORD.

9.B.1. Use of Existing Lots.

- a. In all residential zoning districts, nothing shall prevent the construction of a one family dwelling on a vacant lot duly approved or filed in the Office of the Town Clerk of the City of Danbury which is nonconforming in lot area, frontage or width, provided all other requirements of these Regulations and other requirements of the City of Danbury are met.
- b. For all other zoning districts, nothing shall prevent the construction of an allowed use on a vacant lot duly approved or filed in the Office of the Town Clerk of the City of Danbury which is nonconforming in lot area, frontage or width, provided all other requirements of these Regulations and other requirements of the City of Danbury are met.

9.B.2. Expansion or Reduction of Nonconforming Lots.

Lots which fail to meet minimum width or area requirements may be expanded to include abutting lots under the same ownership. Lots which fail to meet minimum width or area requirements may not be reduced in width or area, respectively.

9.C. NONCONFORMING USES AND STRUCTURES.

Where a lawful use or structure exists which, on the effective date of these Regulations or subsequent amendment thereto, becomes nonconforming, such use or structure may be continued, including subsequent sales of the property, as long as it has not been abandoned and remains otherwise lawful, subject to the following provisions.

9.C.1. Changes in Nonconforming Uses.

- a. No nonconforming use may be changed into another nonconforming use.

- b. No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.

9.C.2. Extensions or Expansions of Nonconforming Uses or Structures.

- a. No nonconforming use shall be extended or expanded.
- b. No nonconforming structure may be extended or expanded in such a way that the nonconformity of the structure is increased.

9.C.3. Limitations on Enforcement Against Nonconforming Buildings.

When a building is so situated on a lot that it violates a regulation which prescribes the location of such a building in relation to the boundaries of the lot, and when such building has been so situated for three (3) years without the institution of an action to enforce such regulation, such building shall be deemed a nonconforming structure in relation to such boundaries.

9.D. NEW CONSTRUCTION.

Nothing in this Section shall require any change in the plans, construction or designated use of a building for which a building permit was issued prior to the effective date of these Regulations provided that said building permit has not expired when construction is commenced.

SECTION 10. ADMINISTRATION AND ENFORCEMENT

A. General Provisions.	10-1
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10.A. GENERAL PROVISIONS.

10.A.1. Zoning Commission and Planning Commission.

a. Zoning Commission.

The Zoning Commission shall have all the duties and responsibilities delegated to it by the General Statutes of Connecticut, including the adoption and amendment of all provisions of these Regulations and the review and approval of petitions for special permits.

(1) Dealing or Repair of Motor Vehicles.

- (a) The Zoning Commission is hereby designated as the agency for the City of Danbury charged with the authority to grant a certificate of approval for a use involved in dealing in or repairing motor vehicles pursuant to Section 14-54 of the CGS, as amended, as required for obtaining a license from the State of Connecticut Commissioner of the Department of Motor Vehicles.
- (b) In determining the suitability of a location for an automotive dealer or repairer, the Zoning Commission shall determine whether the use proposed is a use permitted in the zoning district in which the site is located. Application to the Zoning Commission for said approval shall be submitted prior to or simultaneously with the submission of an application to the Department of Planning and Zoning for approval of the site plan or Planning Commission for approval of the Special Exception, as appropriate, for the proposed use in accordance with Section 10 of these Regulations.
- (c) Notwithstanding the above, the granting of a certificate of approval by the Zoning Commission shall not in any way abrogate or annul any other regulatory and administrative provisions of these Regulations pertaining to an application for approval of said use.

(2) See also Section 3.F.2. relating to the retail sale of alcoholic beverages, if applicable.

b. Planning Commission.

The Planning Commission shall have all the duties and responsibilities delegated to it by the General Statutes of Connecticut, including the review and approval of petitions for special exceptions and applications for site plans for special exceptions.

10.A.2. Zoning Enforcement Officer.

The Zoning Enforcement Officer shall have the authority to enforce the provisions of these Regulations. The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any land or any building or structure on which work is in progress and to order in writing the discontinuance of any use of property or building, or structure or work

being done in violation of any provision of the Zoning Regulations. He shall inspect or cause to be inspected such premises after work is completed and shall not issue a certificate of compliance until such final inspection has been made.

10.A.3. General Application Procedures.

- a. In any one application, an applicant may only seek an amendment to the Zoning Regulations, a change in the Official Zoning Map, a Special Permit, or a Special Exception.
- b. Any City official or agency acting in an official capacity may submit an application to the Planning Commission or to the Zoning Commission, except that no filing fee shall be required.
- c. In the event of any conflict between the Zoning Regulations and an application form provided by the Office of Planning and Zoning, the Zoning Commission, or the Planning Commission, these Regulations shall control.

10.B. ZONING PERMITS.

10.B.1. Zoning Permit.

- a. An approved zoning permit shall be required from the Zoning Enforcement Officer or his/her designee before any of the following shall take place:
 - (1) a building or structure is erected, expanded, or reconstructed;
 - (2) a building or structure is relocated on the lot or moved to another lot;
 - (3) grading required to evaluate site conditions or for the preparation of the site for construction of an approved use, building or structure;
 - (4) the use of land, buildings, or structures is changed; or,
 - (5) new signs are erected.
- b. Application for a zoning permit shall be made in writing to the Zoning Enforcement Officer from the owner of record of the lot or his/her authorized agent upon such forms as shall be prescribed by the Zoning Enforcement Officer. Such applications shall include the following.
 - (1) A description of the intended use(s) of the land, building(s) or structure(s).
 - (2) A plot plan drawn to scale by a land surveyor registered in the State of Connecticut showing:
 - (a) total tract boundaries and dimensions of the property drawn in accordance with an applicable Class A-2 survey, including scale, north point and easements;
 - (b) location of existing and proposed building(s), structure(s), sidewalks, wetlands, drainage structures, driveways and parking, and construction limit lines;
 - (c) existing and proposed setback distances;
 - (d) proposed grades, including top and bottom elevation of proposed retaining walls, to ensure final grades do not exceed a slope of one foot of vertical rise in two feet of horizontal distance; and,
 - (e) proposed or existing well and on-site sewage disposal systems as provided by the Health and Housing Department records. Where a record is not available, an inspection shall be made by the Health and Housing Department in order to ensure that the proposed use will comply with state and local health codes.
 - (f) All other information and graphic details necessary to determine compliance with these Regulations shall be provided.
 - (3) Such plot plan shall be sufficient in scale for the Zoning Enforcement Officer to determine that all requirements of the Zoning Regulations have been met. The plot plan requirement is waived if a site plan is submitted in accordance with §10.D. of these Regulations.
 - (4) All other permits and required approvals from local and state agencies.

- c. The zoning permit shall be issued upon a finding by the Zoning Enforcement Officer that the proposed activity is in compliance with the Zoning Regulations. Upon receipt of a zoning permit, the applicant may apply for a building permit from the Building Inspector.
- d. Zoning permits issued as herein above set forth shall expire unless renewed by the Zoning Enforcement Officer, and become void if construction, use, work or other activity authorized by such permit is not:
 - (1) commenced within one (1) year of the date of permit issuance; or,
 - (2) completed within three (3) years of the date of permit issuance.
- e. All valid building permits issued before adoption of these Regulations, but not yet expired, shall not be bound by these Regulations.
- f. On-site Drainage.

On-site drainage improvements, whether connected or not connected to a City drainage system, shall be designed by and installed under the direction of a professional engineer licensed by the State of Connecticut. If rights to drain are required from property owners located downstream or down gradient of the site, such rights shall be obtained and evidence of such submitted to the Zoning Enforcement Officer prior to the issuance of a Zoning Permit. Prior to issuance of a certificate of compliance by the Zoning Enforcement Officer, the design engineer must provide a sealed written certification that the system, including the grading of the site, was installed in accordance with the design approved with the plan and is in good working condition. Certified record drawings of the installed drainage system must also be submitted by the design engineer for all drainage systems. Any connections to the existing City drainage system must be done under the supervision of and to the satisfaction of the Highway Department and the City Engineer or his/her designee.

- g. Sign Permits.

An application for a sign permit shall be accompanied by the following:

- (1) the name, address, and telephone number of the property owner, owner(s) of the sign, and the sign contractor or erector;
- (2) the location of the proposed sign by street address;
- (3) a drawing of the proposed sign at a scale of 1"=10' or larger (i.e. 1"<10') indicating all dimensions, colors, and materials, and depicting all letters, logos, symbols, and other graphic material contained thereon;
- (4) a drawing or site plan showing the location or placement of the proposed sign which shall include elevation drawings and details of all connections, guy lines, supports, and footings, if any, and the location and dimensions of all existing signs on the property; and,
- (5) payment of all applicable permit fees.

- h. Exemptions.

- (1) No zoning permit is required for temporary circuses, farmers markets, festivals and carnivals operating for a period of not more than 10 days in any 90 day period provided (a) said events located within residential zoning districts shall not have hours of operation earlier than 10:00 a.m. nor later than 11:00 p.m., (b) there is no construction of buildings or other permanent structures, (c) setback requirements are not infringed upon, (d) all other required permits of the City of Danbury are issued, and (e) such use will not endanger public health, safety, or welfare. Circuses are not permitted in residential zoning districts.
- (2) No zoning permit is required for temporary circuses, farmers markets, festivals and carnivals operating for a period of greater than 10 days but not more than 30 days in any 90 day period provided (a) such event shall not be located within any residential zoning district, (b) hours of operation shall not be earlier than 10:00 a.m. nor later than 11:00 p.m. for any event located closer than 500 feet of a

- residential zoning district, (c) there is no construction of buildings or other permanent structures, (d) setback requirements are not infringed upon, (e) all other required permits of the City of Danbury are issued, and (f) such use will not endanger public health, safety, or welfare.
- (3) One temporary sign is permitted for each event specified in subsection (1) and (2) above provided said sign meets all the requirements of Section 8.E.5. of these Regulations.

10.B.2. Schedule of Fees.

Fees shall be established by the Zoning Commission, as prescribed by law. Notwithstanding subsection a. through g. below, fees shall be reduced by fifty percent (50%) for property located within the Downtown Revitalization Zone, as specified in § 7.F. of these Regulations, for the following: zoning permits, special exceptions, special permits, all site plans and waivers, grading and floodplain permits, free splits and lot line revisions. Fee reductions do not apply to all related federal and state required fees. [Eff. 10/20/2011]

a. Zoning Permit. [Rev. 8/27/2015]

The fee for the issuance of a zoning permit shall be based on the estimated cost of construction as shown on the application form in accordance with the zoning permit fee schedule below.

ZONING PERMIT FEE SCHEDULE

<u>Cost of Construction</u>	<u>Fee</u>
0 - 2,500	\$ 35
2,501 - 5,000	75
5,001 - 25,000	150
25,001 - 50,000	250
50,001 - 100,000	300
100,001 - 250,000	350
250,001 - 500,000	400
500,001 - 1,000,000	450
1,000,001 +	450 plus \$75 for each \$100,000 or portion thereof over \$1,000,000.

Change in use with no construction costs: \$75.

Home occupation: \$75.

b. Special Exceptions, Special Permits, Rezoning of Land, and Amendments. [Rev. 8/27/2105]

The fee for requests for special exceptions, special permits, rezoning of land, and Regulation amendments shall be \$350.00 per application.

c. Site Plans.

The fee for submission of a site plan for review shall be \$250.00. The fee for submission of a revised site plan for review shall be \$200.00. A fee of \$50.00 shall accompany all requests for waivers of site plan requirements in whole or in part.

d. Signs.

For sign approvals submitted separately from a zoning permit for alterations, construction, or changes of use, the fee shall be \$2.50 for each square foot, or portion thereof, of sign area. The minimum charge shall be \$25.00.

e. Grading Permit Fee.

For issuance of a Grading Permit, the fee shall be five percent (5%) of the estimated Grading Permit Bond, as determined by the Environmental Inspector or his/her duly authorized agent.

f. DMV Location Approval Petitions.

The fee for submission of a petition for a location approval shall be \$150.00.

g. Floodplain Permit, Free Split, Lot Line Revision.

The fee for submission of a floodplain permit shall be \$150.00; the fee for submission of approval for a free split shall be \$100.00; the fee for submission of approval of a lot line revision shall be \$75.00.

10.C. SPECIAL EXCEPTIONS AND SPECIAL PERMITS.

10.C.1. Petitions.

- a. Applications for the approval of a special exception or special permit shall be in the form of a petition and shall be submitted to (1) the Planning Commission for a special exception, or (2) the Zoning Commission for a special permit. Petitions for a special exception or special permit shall also include a site plan or waiver for the subject parcel(s), drawn in accordance with Section 10.D., showing the proposed use and layout of the site. Petitions for special permits for package stores shall also include the area plan specified in Section 3.F.2.d. [Rev. 8/27/2015]
- b. Prior to the submission of a formal petition, the applicant shall have the opportunity to meet informally with the Planning Commission at a public meeting.
- c. Notice to Property Owners. [Eff. 8/27/2015]

All applications for approval of special exceptions or special permits shall include the following information in order to enable the Planning Commission or the Zoning Commission, respectively, to provide proper notice to owners of land included within, adjacent to, or across the street from the boundaries of the lot(s) pertaining to the application.

- (1) The applicant or a designated agent shall examine the records of the Danbury Tax Assessor's Office within twenty-one (21) days of submission of an application and, based on said records, shall compile a list of the names and mailing addresses of all property owners of land included within, adjacent to, or across the street from the subject property. The applicant shall also submit plain business-sized envelopes addressed to all property owners on the above list.
- (2) For any property submitted to condominium ownership which is included within, adjacent to, or across the street from the boundaries of the subject property, all requirements of the applicant and the Planning or Zoning Commission specified herein shall apply to the condominium association, as filed in the records of the Town Clerk.
- (3) An affidavit shall be submitted with the application stating when and by whom the Tax Assessor's records were examined and stating that the list is complete as of the time of submission of the application.

- d. Petitions shall be placed on the Commission's next regularly scheduled meeting for formal acceptance. Upon acceptance, the clerk of the Zoning Commission or Planning Commission shall send all of the property owners named on the above list a notice of the nature of the petition together with the time, date, and place of the public hearing. [Rev. 8/27/2015]
- e. The Zoning Commission or Planning Commission shall not be required to hear any petition or petitions relating to the same or substantially the same request more than once in a twelve (12) month period. [Rev. 8/27/2015]

10.C.2. Public Hearing.

- a. No special exception or special permit shall be approved until after a public hearing is held by the Planning Commission, or Zoning Commission, respectively, at which hearing parties in interest and citizens shall have an opportunity to be heard. A public hearing shall be held by the Commission within sixty-five (65) days after receipt of a petition in proper form.
- b. Notice of the time and place of such public hearing shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the City of Danbury at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days before such hearing, and the last not less than two (2) days before such hearing.

10.C.3. Review Procedure.

- a. The Zoning Commission or Planning Commission, as applicable, shall approve, disapprove, or approve with conditions attached, the proposed special permit or special exception within sixty-five (65) days after the public hearing. The petitioner may consent to one or more extensions of the time period(s) provided for public hearings or for final action on the petition, or may withdraw such petition, as provided for in the General Statutes of Connecticut.
- b. Notice of the approval, disapproval, or approval with conditions of a special exception or special permit shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the City of Danbury prior to the effective date of said approval, disapproval, or approval with conditions.
- c. Approval of a petition for a special exception or special permit shall be applicable only to the use so specified in the petition. Any proposed change in use to a different special exception or special permit use shall require submission for approval of a new petition subject to all of the conditions specified herein. Any approved change in use for a parcel(s) shall render all previously approved special exception or special permit uses null and void for said parcel(s) upon such time as the use is changed.
- d. The approval of any special exception or special permit shall be void and shall be of no effect unless a certified copy of such special exception or special permit is recorded in the land records of the City of Danbury in accordance with Section 8-3d of the General Statutes of Connecticut. Said certified copy shall be recorded within sixty (60) days from the date of approval. [Rev. 07/08/2013]

10.C.4. Requirements for Approval.

No petition for a special exception or a special permit shall be granted unless such petition is in compliance with all provisions of these Regulations including, but not limited to, all requirements specified for the appropriate zoning district, all requirements for overlay zones and supplemental regulations, as applicable, and all additional requirements specific to the special exception or special permit.

a. Additional Requirements.

In addition to the requirements specified above, no special exception or special permit shall be approved unless the Planning Commission or Zoning Commission, respectively, shall have found that the proposed use:

- (1) will not emit noise, smoke, glare, odor, or vibration or other conditions which will create a nuisance having a detrimental effect on adjacent properties;
- (2) is designed in a manner which is compatible with the character of the neighborhood;
- (3) will not create conditions adversely affecting traffic safety or which will cause undue traffic congestion; and,
- (4) will not create conditions harmful to the natural environment or which will jeopardize public health and safety.

In the review of petitions for special exceptions or special permits, the Planning Commission and Zoning Commission, respectively, may impose such reasonable requirements as may be necessary to insure compliance with these conditions of approval.

b. Special Exception Site Plans. [Rev. 8/27/2015]

- (1) Approval of a petition for a special exception, or approval with conditions attached, shall include submission of a site plan at the time of the petition, modified as necessary to include all conditions lawfully required by the Planning Commission.
- (2) In the case of a special exception, where the use is to be served by either the public water supply system or the public sewage disposal system, a statement must be obtained from the appropriate city agency advising if sewer and/or water service will be made available for the project involved.
- (3) Site plan approval or a waiver thereof is required prior to submission of a petition for a special permit. [Rev. 8/27/2015]

10.D. SITE PLAN REVIEW.

A complete "Application for Site Plan Approval" (hereinafter "Application"), as specified herein, shall be submitted and approved prior to the issuance of a zoning permit for all permitted and special exception uses, and for all special permit uses which require site plan approval, except: (1) where only one one-family, two-family, or three-family dwelling is proposed to be constructed on a single lot, including the expansion of an existing dwelling into one two- or three-family dwelling on a single lot or (2) when a "Request for Site Plan Waiver" (hereinafter "waiver") is granted in accordance with provisions specified in §10.D.6. below. The Application shall be considered as part of the application for a zoning permit. Approval of such Application pertains only to these Regulations and does not abrogate, annul, or otherwise waive the necessity of complying with all other building codes or other pertinent ordinances, rules, and regulations of the City of Danbury, or state and federal regulations. [Rev. 8/27/2015]

10.D.1. Pre-Application Conference.

A pre-application conference with the Planning Director or his/her designee may be requested by the applicant or his/her agent for the purpose of ensuring that all required plans and documents, including all supplemental documents, have been prepared as required for an application for site plan review and approval. Applicants may also meet with other City departments to discuss required information relative to the preparation of a site plan or supplemental documents. Such pre-application conferences shall be for information purposes only, and shall not be construed to constitute a formal application for site plan approval or review of a site plan submitted for approval.

10.D.2. Application for Site Plan Approval.

An Application shall consist of a completed and signed Application form, including attached check lists, a completed site plan and all supplemental documents, as specified below, and payment of all required fees. The Application shall

be reviewed by the Department of Planning and Zoning for permitted and special permit uses and the Planning Commission for all special exception uses for compliance with these Regulations. The respective agency shall approve, approve with modifications, or deny said applications. [Rev. 8/27/2015]

- a. All site plans, supplemental documents and fees required herein shall be submitted along with the Application form to the Department of Planning and Zoning. No required fees or other required application forms, site plans or supplemental documents shall be accepted after receipt of an Application by the Department, and the failure to include any such required fees, forms, plans or documents may be grounds for denial of the Application as a whole. No change to the application may later be made by the applicant to said forms, plans, or documents submitted with the Application and initially received by the Department unless specifically authorized or required by the Department of Planning and Zoning, and any such change not so authorized or required may result in denial of the application submitted. Any subsequent Application submitted shall be subject to the appropriate review periods specified in the Connecticut General Statutes.
- b. Approval of an Application shall be granted if a decision is not rendered within the time period so specified in the Connecticut General Statutes unless an extension of said time period is granted. The approval of any application shall expire and be of no effect unless construction is completed within the applicable time periods and under the conditions specified in the Connecticut General Statutes.
- c. Applications for a zoning permit shall include all modifications required by the Department of Planning and Zoning, the Planning Commission, or the Zoning Commission for permitted uses, special exception uses, or special permits, respectively, for all Applications which were approved with modifications.
- d. Action to deny approval shall only be taken if the site plan and/or supplemental documents fail to comply with all requirements of these Regulations or if all required fees have not been remitted to the Department of Planning and Zoning.

10.D.3. Site Plan Contents.

- a. One original and nine copies of all site plans shall be submitted, prepared, signed and sealed by a land surveyor, professional engineer, architect, or landscape architect authorized to prepare such plans and licensed and registered in the State of Connecticut, at a scale of 1" equals 40' or larger (1" = <40') and drawn in accordance with an applicable Class A-2 Survey which complies with the 1976 code adopted by the CT Association of Land Surveyors, as amended. Site plans shall be drawn on standard sheet sizes of 24" x 36" unless otherwise authorized by the Department of Planning and Zoning prior to submission and shall contain the following written and graphic information. Items with a section reference (e.g. §8.D.) refer to the City of Danbury Zoning Regulations unless otherwise specified. Failure to comply with these submission regulations shall render the application incomplete and may result in unnecessary delays or denial.
 1. The name of the proposed development.
 2. The name and address of the owner of the property.
 3. The name, address, and seal of the individual or firm preparing the site plan.
 4. Date of "Application for Site Plan Approval."
 5. Graphic scale.
 6. North point or arrow.
 7. Vicinity map showing all lots, streets, and driveways within 500 feet from the exterior boundary of the lot.
 8. Proposed use of the property, including identification of adult business uses, if any.
 9. The total tract boundary with distances marked to at least the nearest hundredths of a foot.
 10. Identification of all adjacent property owners.
 11. Total size of each lot and/or area to be leased, to at least the nearest hundredths of a foot.
 12. All zoning district names and boundaries which divide or abut the property.
 13. Location of the front, side, and rear yard setbacks as required by the applicable zoning district for the use(s).

14. Existing topographic contours at two-foot intervals, depicted by dashed lines.
15. Proposed topographic contours at two foot intervals, depicted by solid lines.
16. Percentage slopes of all driveways, roads, and parking areas in sufficient detail to determine compliance with these Regulations.
17. Construction limit line, showing all areas to remain undisturbed.
18. Location and ground floor elevations and areas of all existing and proposed structures.
19. Detailed architectural renderings of facade elevations for all special exceptions and development in the Main Street Historic Overlay Zone as specified in §7.E.7. [Eff. 7/29/2014]
20. Location of proposed buffer yards and usable open space and area of all usable open spaces.
21. Rock outcroppings and wooded areas by tree line; all proposed changes to tree lines.
22. All watercourses, wetlands, bogs, swamps, marshes and boundaries of public water supply watersheds and environmentally sensitive zones, including data source.
23. All floodways and floodplain boundaries (see §7.A.).
24. Location and dimensions of all easement areas.
25. All existing and proposed street rights-of-way and paved surfaces, including those abutting the property.
26. Names of all existing and proposed public and/or private streets.
27. All existing and proposed points of motor vehicle access to the property and clear sight triangles for corner lots (§3.I.3.); sight lines for proposed driveways.
28. All existing and proposed parking and loading spaces and areas, including stalls, aisles, driveways, turning radii, landscaped areas and islands, and their dimensions as required (§ 8.C.). See also § 7.F.4. for off-street parking areas, accessory buildings, and parking facilities on lots bordering on Main Street in the Downtown Revitalization Overlay Zone or the Main Street Historic Overlay Zone. [Eff. 7/29/2014]
29. A statement of all surfacing and curbing material to be used for parking and loading areas.
30. Location, width and surface material of all existing and proposed sidewalks, driveways and street curbing.
31. Location of existing and proposed freestanding signs (see § 8.E.).
32. Location, height and materials of all retaining walls.
33. Location of proposed outdoor bulk trash containers or dumpsters; screening detail as required by § 3.G.
34. Location of all railroad tracks and rights-of-way abutting or dividing the property.
35. Location on the property of all airport approach and transitional district boundaries and flight path of the Danbury Municipal Airport.
36. Location of on-site sewage disposal systems and reserve areas and design computations certified by a professional engineer licensed and registered in the State of Connecticut.
37. Existing and proposed fire hydrants and sewer, water, gas, electric, and other utility lines and easements.
38. Location of all public and private water supply wells and public water supply reservoirs.

A block containing the following written information:

39. zoning district(s) in which the property lies;
40. total area of the property to at least the nearest hundredths of a square foot;
41. gross floor area of each building;
42. proposed floor area ratio (F.A.R.) when required by district regulations;
43. proposed percentages of building coverage and impervious surface coverage;
44. maximum height of all existing and proposed buildings and other structures in feet and stories;
45. number of parking spaces required and provided for each use, plus visitor spaces, and method of calculation as specified in §8.C.;
46. number of handicap parking spaces required and provided;
47. proposed overall density for each lot (number of dwelling units per acre), excluding single family lots;
48. total trip generation of existing and proposed use(s) on the lot(s) as specified in §10.D. of these Regulations; and,

49. minimum usable open space required and provided, in square feet.

10.D.4. Supplemental Documents. [Rev. 5/2007]

One original and nine copies of each of the following supplemental documents, as applicable, shall be submitted along with the site plan. Failure to comply with these submission requirements shall render the application incomplete and may result in unnecessary delays or denial.

- a. **A-2 Survey:** An A-2 Survey of the property which complies with the 1976 code adopted by the CT Association of Land Surveyors, as amended, shall be prepared, signed and sealed by a land surveyor authorized to prepare such plans and licensed and registered in the State of Connecticut. Include the name and address of the individual or firm preparing the Survey. Said Survey shall include data and dimensional information for the area and shall extend 150 feet in all directions along all adjacent public street right-of-way from intersecting property boundaries, inclusive of the opposite curb line. Such data and information shall be in sufficient detail to obtain roadway dimensions along the property frontage and beyond to determine if road improvements are necessary in conjunction with the proposed project.
- b. **Utility Plans:** The following utility plans and documents, including all construction details, notes and computations, shall be prepared, signed and sealed by a licensed professional engineer registered in the State of Connecticut, drawn in accordance with an A-2 Survey and in compliance with the design standards and criteria of the Engineering Department whenever the proposed development includes or is required to provide such improvements. Include the name and address of the individual or firm preparing the plan. Provide a copy of all calculations and related backup information that supports any assumptions or computations submitted for review.
 - (1) **Sanitary Sewer:** provisions for sanitary sewage disposal, including (a) location, size and type of existing and proposed on-site mains and laterals, pump stations and related sewage treatment facilities; (b) location, size and type of pipe of the nearest existing sanitary sewer to the proposed site and the existing or proposed connection to that sewer; and, (c) estimate of the volume of sewage expected to be generated by the proposal.
 - (2) **Water Supply:** (a) location and size of on-site public and private existing and proposed water mains and laterals, pump stations, storage tanks and related water supply facilities; (b) location, size and type of pipe of the nearest existing water supply to the proposed site and the existing or proposed connection to that supply; (c) needed fire flow analysis; (d) pressure in the existing City water system; and, (e) the licensed professional engineer's verification of the adequacy of available water supply.
 - (3) **Storm Drainage:** provisions for storm drainage, including (a) catch basins, retention ponds, detention ponds, drywells, energy dissipaters, manholes, culverts, and similar facilities; (b) proposed drainage rights; (c) pre-development and post-development stormwater runoff computations for a 25-year 24-hour design storm; (d) computations for sizing and design of all components of the proposed drainage system; and, (e) analysis of adequacy of existing downstream drainage systems.
- c. **Construction Details:** Construction details prepared by a licensed professional engineer registered in the State of Connecticut shall be provided of all proposed (1) roads; (2) bridges; (3) driveways and associated aprons; (4) sidewalks; (5) retaining walls; and, (6) curbing.
- d. **Landscape Plan:** A landscape plan shall be provided as specified for parking areas (§ 8.C.3.) and other landscaped areas, including perimeter planting strips, residential district buffer yards, and other screens and buffers as required in these Regulations. Such plans shall be prepared in accordance with an A-2 survey by a licensed landscape architect registered in the State of Connecticut and shall contain: location and Latin and common names of all plant species proposed; quantity of each plant species; planting schedule; and, the height and caliper of all trees and height of all shrubs at the time of planting and at maturity. The landscape plan shall show the anticipated crown of trees and spread of shrubs at maturity. Include the name, address, and seal of the individual or firm preparing the plan and, prior to receipt of a zoning certificate of compliance,

certification from said individual or firm that the landscape installation was completed in accordance with the approved site plan.

- e. **Traffic Study:** A copy of the Traffic Impact Analysis shall be provided as required by §10.D.11
- f. **State Highway Correspondence:** When CTDOT approval is required for construction of the proposed project, documentation indicating the submission of plans shall be included with the submitted Application. The Department of Planning and Zoning shall receive copies of all correspondence associated with such required CTDOT approval.
- g. **Airport Review:** Plans shall be submitted to the Federal Aviation Administration when required for FAA review. Provide a completed copy of FAA Form 7460-1 with the Application for all development for which review is required by FAA.
- h. **Health and Housing Department:** Indicate if the proposed project requires review by one of these divisions of the Health and Housing Department: (1) septic; (2) well; (3) stormwater (if one or more acres of impervious cover); and, (4) wetlands and watercourses.
- i. **Affordable Housing:** Include an Affordable Housing Application (§10.E.), if applicable.
- j. **Wetlands:** Provide evidence of submission to and/or approval by the Environmental Impact Commission in accordance with provisions of the City of Danbury Inland Wetlands and Watercourses Regulations.
- k. **Floodplains:** Include an application for a floodplain permit as required in §7.A.
- l. **Aquifers and Watersheds:** Indicate if the property is within or partially within an aquifer protection area or within or partially within the watershed of a water company and provide verification of notice to the CT Department of Public Health and the water company pursuant to §8-3i of the C.G.S., as amended.
- m. **Inter-Municipal Notice:** Indicate if the property is within five-hundred (500) feet of any municipal boundary requiring notice pursuant to §8-3h of the C.G.S.
- n. **Variances:** Provide copies of all variance certificate(s) granted by the Zoning Board of Appeals for the property and filed on the Danbury Land Records in the Office of Town Clerk.
- o. **Other:** List all other State approvals or permits, as applicable.

10.D.5. Exemption of Application Items.

Written or graphic items specified above for site plans or supplemental documents which do not pertain to the proposal and are not necessary to determine compliance with these Regulations may be exempt if so determined by the Department of Planning and Zoning.

10.D.6. Waiver of Site Plan Submissions.

The Department of Planning and Zoning may waive the required submission of an Application for proposed changes in use and/or temporary additions to a property upon receipt of a completed "Request for Site Plan Waiver" available from the Department of Planning and Zoning.

- a. A waiver shall only be granted for the following proposed changes in use and/or temporary additions to the property, provided all other requirements of these Regulations are met:

- (1) a change in the use of land, building or structures which does not include or require any other change, addition, deletion or other modification to improvements on the property, including building ground floor areas, parking spaces or areas, landscaping or other existing site improvements;
 - (2) the addition of a temporary use, tent or structure not to remain in place longer than three months, provided (a) the temporary use is allowed in the applicable zoning district, (b) the proposed location is not within required yard setback areas; (c) no handicap parking spaces are used for the location of such temporary use, tent or structure; (d) no roadways, driveways or parking aisles are infringed upon; (e) impervious surface coverage is not increased; (f) the temporary use, tent or structure will not endanger public health and safety; and, (g) no more than five required parking spaces or 10% of all required parking spaces, whichever is less, are temporarily used, provided the Department of Planning and Zoning determines that sufficient parking will remain for both the existing use(s) and the temporary use, tent or structure; or
 - (3) the use is listed as an exemption from the requirement for a Zoning Permit as specified in §10.B. of these Regulations.
- b. A completed Request, including payment of all fees, shall be submitted and signed by the property owner. The Request shall also include an attached copy of an existing and current site plan as approved by the City and on file with the Department of Planning and Zoning. However, if development of the property predated the requirement for a site plan and none is on file with the Department, a plot plan drawn in accordance with §10.B.1. of these Regulations shall be submitted in lieu of a site plan.
- (1) For a change in use, the Request shall also include a statement specifying all existing and proposed uses, their respective total floor areas, and the number of parking spaces provided to serve each use.
 - (2) For a temporary use, tent or structure, the plan shall identify the proposed use and show the location and dimensions of all proposed temporary uses, tents or structures.
- c. In considering whether to waive the site plan requirements of this section, the Department of Planning and Zoning may require such additional information as may be necessary to determine compliance with these Regulations. Approval of a Request does not relieve the applicant of the requirement to apply for a Zoning Permit in accordance with §10.B.1.

10.D.7. Revised Site Plans.

Proposed revisions to any previously approved site plan still in effect shall require the submission of a new site plan, which plan shall include all proposed revisions and all other previously approved graphic and written information. The Department of Planning and Zoning shall review and take action on all such proposals, as provided herein, except that the Planning Commission shall hold a public hearing and take action on all revised site plans for special exception uses when such revisions result in the following changes:

- a. an increase in the ground floor area of all structures on the property in an amount equal to or greater than 10% or 5000 square feet, whichever is less;
- b. an increase in the number of off-street parking spaces on the property in an amount equal to or greater than 10% or 20 parking spaces, whichever is less;
- c. any change affecting such additional requirements imposed by the Planning Commission in accordance with Section 10.C.4.a.;
- d. any increase in the density of dwelling units;
- e. any change to a cluster development;
- f. any change in required buffers from adjacent properties;
- g. any change requiring approval from the State of Connecticut; or

- h. any change which renders a permitted use a special exception, as, defined herein.

10.D.8. Municipal Sewer and Water.

In the case of a use for which a site plan is required, where the use is to be served by either the municipal water supply system or the municipal sewage disposal system, a statement must be obtained from the City Engineer or his/her designee advising if sufficient capacity exists in the respective system to accommodate the proposed use and whether sewer and/or water service can be made available for the project involved. The extension of municipal sewer and water service to a proposed use or lot requires approval by Common Council.

10.D.9. Stormwater Drainage.

All projects for which a site plan is required shall be designed so that there is no net increase in off-site stormwater runoff volume or peak flows from the twenty-five (25) year 24-hour design storm event. The applicant shall submit a stormwater management plan which adequately controls runoff to prevent flooding or pollution which may endanger public health or safety. The stormwater drainage system must be designed by and installed under the direction of a professional engineer licensed by the State of Connecticut. If rights to drain are required from property owners located downstream or down gradient of the site, such rights shall be obtained and evidence of such submitted to the Department prior to the issuance of a Zoning Permit. Prior to issuance of a certificate of compliance by the Zoning Enforcement Officer, the design engineer must provide a sealed written certification that the system, including the grading of the site, was inspected by said design engineer at the time of installation and found to have been installed in accordance with the design approved with the site plan and is in good working condition. Certified record drawings of the installed drainage system shall also be submitted by the design engineer for all drainage systems. [Rev. 5/2/2015]

10.D.10. Fire Protection.

All projects for which a site plan is required shall provide for adequate fire protection, including provisions for accessibility to and through the site and to structures thereon for fire and emergency vehicles. If the site is to be served by the municipal water system, a professional engineer, licensed and registered in the State of Connecticut, or a fire suppression technician shall submit written certification or verification that adequate fire flow pressure and quantity can be delivered to the site. If the site is not to be served by the municipal water system, alternate plans for fire suppression shall be submitted for review and approval. All site plans and related supplemental fire protection information shall be referred to the Fire Chief or his/her designee for review and approval.

10.D.11. Traffic Generation and Impact Analysis.

- a. Ingress and Egress.

- (1) All proposed uses for which a site plan is required shall provide for ingress and egress to the site which does not adversely impact the normal flow of traffic or normal safe conditions of the roadways. Site plans shall be referred to the Superintendent of Highways, Traffic Engineer and the Traffic Authority for review and recommendations.
- (2) The Planning Commission may require such reasonable improvements as may be necessary to accommodate traffic increases caused by the proposed development to maintain existing levels of service and to improve traffic safety. A Traffic Impact Analysis, as specified below, may be required from the applicant to determine the extent of necessary improvements.

- b. Traffic Impact Analysis.

All proposed uses which will generate over five hundred (500) vehicle trips per day, either individually or in combination with other uses on a lot, shall be required to submit a Traffic Impact Analysis, prepared by a traffic engineer deemed qualified to undertake such analysis by the Department of Planning and Zoning, for review as part of a required site plan.

(1) Contents.

The Traffic Impact Analysis shall include the following information: the present roadway conditions, existing roadway capacity, traffic accidents for the previous three years, existing and projected traffic volumes (including ADT, peak A.M. and peak P.M. volumes) upon completion of the proposed use, existing and projected volume capacity ratios, existing and projected levels of service, and existing and proposed sight lines and stopping sight distances, based on verifiable data and reasonable generation factors for the site and immediately affected road networks and intersections; and, proposed methods, if any, of mitigating the impact of the proposal on traffic congestion and safety.

(2) Trip Multiplier Table.

The following table shall be used to calculate the projected average daily trips generated by a proposed use for the purpose of determining if the use is defined as a Special Exception pursuant to §3.E.2. of these Regulations. For the purpose of preparing the Traffic Impact Analysis, the applicant shall use the latest trip generation data published by the Institute of Transportation Engineers. The analysis shall contain an evaluation of both the average projected trip generation and the worst case trip generation scenario. Additional data submitted by the applicant may be substituted if, in the opinion of the Planning Department, such data provides a more realistic estimate of probable trip generation for the proposal.

TRIP MULTIPLIER TABLE

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.	5 per 1,000 square feet of gross floor area.
Banking institution.	169 per 1,000 square feet of gross floor area.
Business or professional office.	12 per 1,000 square feet of gross floor area.
Convenience Market.	577 per 1,000 square feet of gross floor area.
Financial institution.	122 per 1,000 square feet of gross floor area.
Garden apartments, apartment houses, row houses, and townhouses.	6 per dwelling unit.
Grocery store.	125 per 1,000 square feet of gross floor area.
Hospital.	12 per bed.
Hotel, motel.	10 per bed.
Indoor theater.	2 per seat.

Machine manufacturing.	5 per 1,000 square feet of gross floor area.
Manufacture and assembling of toys, sporting goods, musical instruments, clocks and watches, other office and artist's materials.	5 per 1,000 square feet of gross floor area.
Manufacturing, compounding, processing, packaging or treatment of candy, cosmetics, drugs, pharmaceuticals, or toiletries.	5 per 1,000 square feet of gross floor area.
Manufacture of:	
Bricks, tile, terra cotta and cement products.	5 per 1,000 square feet of gross floor area.
Electrical equipment.	5 per 1,000 square feet of gross floor area.
Felt for hats, and manufacture of hats.	5 per 1,000 square feet of gross floor area.
Glass, including installation.	5 per 1,000 square feet of gross floor area.
Insecticides, fungicides, disinfectants, detergents, and similar industrial and household chemicals and chemical products and inorganic fertilizers.	5 per 1,000 square feet of gross floor area.
Optical goods, business machines, precision instruments, surgical and dental instruments and equipment.	5 per 1,000 square feet of gross floor area.
Pottery or ceramic products.	5 per 1,000 square feet of gross floor area.
Silverware and similar products.	5 per 1,000 square feet of gross floor area.
Transportation equipment.	5 per 1,000 square feet of gross floor area.
Medical office.	75 per 1,000 square feet of gross floor area.
Metal fabrication, sheet metal work.	5 per 1,000 square feet of gross floor area.
Metal finishing, plating, grinding, polishing, cleaning and rust proofing, stamping and intrusion of small products.	5 per 1,000 square feet of gross floor area.
Monument or stone cutting plants.	5 per 1,000 square feet of gross floor area.
Nursing home.	3 per bed.
Personal services.	31 per 1,000 square feet of gross floor area.
Plants for printing, engraving, bookbinding, and other reproductive services.	5 per 1,000 square feet of gross floor area.

Processing of fur and wool.	5 per 1,000 square feet of gross floor area.
Public services.	30 per 1,000 square feet of gross floor area.
Research or testing laboratories.	12 per 1,000 square feet of gross floor area.
Restaurant as an accessory use to a hotel or motel.	56 per 1,000 square feet of gross floor area.
Restaurant, fast food.	553 per 1,000 square feet of gross floor area.
Restaurant, excluding fast food.	56 per 1,000 square feet of gross floor area.
Retail package store.	65 per 1,000 square feet of gross floor area.
Smelting and refining of precious metals.	5 per 1,000 square feet of gross floor area.
Retail stores or shops.	65 per 1,000 square feet of gross floor area.
Storage and sale of building materials.	5 per 1,000 square feet of gross floor area.
Textile spinning, weaving, manufacturing, dyeing, printing and processing.	5 per 1,000 square feet of gross floor area.
Tool and die making, including incidental casting.	5 per 1,000 square feet of gross floor area.
Upholsterer, carpentry, woodworking and millwork.	5 per 1,000 square feet of gross floor area.
Warehouse or moving and storage establishment.	5 per 1,000 square feet of gross floor area.
Wholesale bakery.	5 per 1,000 square feet of gross floor area.
Wholesale or distribution.	5 per 1,000 square feet of gross floor area.

10.E. AFFORDABLE HOUSING APPLICATION.

10.E.1. General.

An Affordable Housing Application shall be submitted for all proposals for development which include, in whole or in part, the following:

- a. a development consisting of assisted housing, or
- b. a set-aside development as defined in Chapter 126a, Section 8-30g of the General Statutes of Connecticut; or
- c. a housing development proposed pursuant to Section 4.B.7 of these Regulations. (REV. 07/08/2013)

10.E.2. Filing of Application.

The Affordable Housing Application shall be filed as part of an application for a zoning permit, site plan approval, special exception, or rezoning, as the case may be, with the City agency, board, or commission with jurisdiction for

approval or denial of such application. All such documents shall require approval by said City agency, board, or commission to insure compliance with this Section.

10.E.3. Contents. [Rev. 07/08/2013]

The Affordable Housing Application shall be on a form prescribed by the Department of Planning and Zoning and shall contain an affordability plan with the following specific development details.

- a. For affordable housing proposed pursuant to Section 4.B.7 of these Regulations, the affordability plan shall be comprised of a contract that meets the requirements of Section 8-2g(a) of the General Statutes of Connecticut as amended, which such contract shall be for a period of 40 years from the date of completion of such affordable housing units, and
- b. For affordable housing proposed pursuant to Section 8-30g of the General Statutes of Connecticut, the affordability plan shall meet the requirements of Section 8-30g(b)(1) and, if the affordable housing application seeks a change of zone, said plan shall also include submission of a conceptual site plan describing the proposed development's total number of residential units and their arrangement on the property and the proposed development's roads and traffic circulation, sewage disposal and water supply.

All required contracts and deed restrictions or covenants submitted under subsection (a) or (b) hereof shall be reviewed and approved by the Office of Corporation Counsel as to form and content prior to action by the approved City agency, board or commission.

10.E.4. Appeals.

All Affordable Housing Applications which are denied may be appealed in accordance with the applicable provisions of the General Statutes of Connecticut. (REV. 07/08/2013)

10.F. CERTIFICATE OF COMPLIANCE.

Upon determination by the Zoning Enforcement Officer that a completed use, building, or structure which has received a Zoning Permit conforms, in all respects, to the Zoning Regulations, a certificate of compliance shall be issued. No building shall be occupied or used as a new use, extension, alteration or change of use until the Zoning Enforcement Officer has issued a certificate of compliance.

10.F.1. Survey.

At any time during construction, the Zoning Enforcement Officer may require the applicant to submit a survey, prepared by a registered land surveyor, certifying the location of any existing or proposed construction detail or improvements to the land. The Zoning Enforcement Officer may request any additional information needed to determine compliance with these Regulations.

10.F.2. Applicant to Proceed.

Upon receipt of a certificate of compliance, the applicant may apply for a certificate of occupancy from the Building Inspector. A temporary certificate of occupancy may be issued, if just cause can be shown, for a period not to exceed six (6) months, prior to issuance of a certificate of compliance, upon the mutual consent of the Building Inspector and the Zoning Enforcement Officer and upon submission of a performance bond acceptable to the City guaranteeing completion of required improvements.

10.G. VIOLATIONS AND PENALTIES.

Penalties for violation of these Regulations shall be in accordance with Title 8, Chapter 124, Section 8-12. of the General Statutes of Connecticut, as amended.

10.H. APPEALS.

Any appeal from a decision or action of the Zoning Enforcement Officer, Zoning Commission, Planning Commission, or of any officer or agency of the City of Danbury in matters pertaining to these Regulations shall be made in accordance with Title 8, Chapter 124, Sections 8-8. through 8-10. of The General Statutes of Connecticut, as amended.

10.I. AMENDMENTS.

The regulations and zoning district boundaries set forth in these Regulations and the Official Zoning Map may, from time to time, be amended through action of the Zoning Commission in the manner provided for in Section 8-3 of the General Statutes of Connecticut, as amended, and in these Regulations.

10.I.1. Zoning Regulations.

Any person may apply to the Zoning Commission to amend the Zoning Regulations by the addition, deletion, or modification of any section of the Regulations. Application shall be made to the Zoning Commission by submitting the required information, as described below, to the Planning and Zoning Department. A complete application shall include the following items.

- a. Fifteen (15) copies of an application form, available from the Planning and Zoning Department, listing the following information: (1) the name, address, and telephone number of the applicant; (2) the name, address, and telephone number of the applicant's agent, if applicable; (3) the section(s) of the Regulations to be amended; (4) the reason for the requested amendment; (5) the date; and (6) the applicant's or designated agent's signature;
- b. Fifteen (15) copies of the proposed amended section(s) of the Zoning Regulations. Language to be added to the Regulations shall be underlined and language to be deleted shall be placed in brackets to provide contrast with those sections of the Regulations that are not affected by the proposed amendment.

10.I.2. Zoning Map.

Any person may apply to amend the zoning district boundaries as shown on the Official Zoning Map. Application shall be made to the Zoning Commission by submitting the required information, as described below, to the Planning and Zoning Department. A complete application shall include the following items.

- a. Fifteen (15) copies of an application form, available from the Planning and Zoning Department, including the following information: (1) the name, address, and telephone number of the applicant; (2) the name, address, and telephone number of the applicant's agent, if applicable; (3) the address of the subject property; (4) the present zoning district of the property; (5) the proposed zoning district for the property; (6) the Tax Assessor's Lot number of the property; (7) the acreage of the property; (8) all municipalities within five hundred (500) feet of the property; (9) the reason the zoning change should be granted; (10) the date; and (11) the applicant's or designated agent's signature.
- b. Fifteen (15) copies of a zone change map, which shall be an A-2 survey and at a scale of 1"= 40' for parcels of fifty acres or less and 1"= 100' for parcels over fifty acres, and shall include the following information:
 - (1) the location and dimensions of the subject property;
 - (2) the acreage of the subject property;

- (3) the topography of the subject property at five (5) foot contour intervals;
 - (4) the ownership of each parcel within, abutting, or across the street from the subject property;
 - (5) all existing zoning district boundaries and symbols in the immediate vicinity of the subject property; and
 - (6) the location of the proposed zone boundaries in relation to the subject property.
- c. Fifteen (15) copies of the legal description of the subject property.
 - d. Notice to property owners in accordance with Section 10.I.4.

The Zoning Commission may vary the requirements of Section 10.I.2. for an applicant in cases of unusual hardship or for good cause shown, provided sufficient information is included to enable the Zoning Commission to render a decision.

10.I.3. Zone Change Criteria.

In their review of a petition for a zoning change, the Planning Commission shall include in its report to the Zoning Commission a statement of findings on the consistency of the proposed zoning change with the Plan of Development and the reasons for its findings. The Zoning Commission, in its evaluation of petitions for zone changes, shall give due consideration to the City's Plan of Development as required by Section 8-2. of the General Statutes of Connecticut, as amended. The Planning and Zoning Department, in its report to the Zoning Commission on the proposed zoning change, shall consider the applicable general and specific land use location criteria referred to in Sections 10.I.3.a. and 10.I.3.b. below.

a. General Criteria.

The location, extent, and configuration of the various zoning districts within the City of Danbury are intended to further the objectives of zoning as set forth in Section 8-2. of the General Statutes of Connecticut, which objectives include but are not limited to protecting the public health and general welfare, providing convenience, protecting property values, limiting congestion in the streets, and providing safety from fire, panic, flood, and other dangers. Zones should be located with reasonable consideration given to (1) the suitability of the site for the particular uses allowed in the proposed zone, (2) the compatibility of uses allowed within the proposed zone with the surrounding area, (3) the present and future needs of the City for additional lands to be zoned as proposed, and (4) the impact which may be caused by reducing the amount of land in the City zoned for certain uses as a result of the change to a new zoning district. Zoning district changes should be determined with a view toward encouraging the most appropriate use of land throughout the City.

b. Specific Criteria.

(1) Multi-Family and Mixed Residential Districts.

- (a) The compatibility of the density permitted in the proposed zone with surrounding residential densities should be considered along with the capability of the zone to act, where appropriate, as a transition between zones of different densities or intensities of development.
- (b) Sites should be conveniently accessible to collector or arterial streets and highways and transit routes, with consideration given to the impact of such development on traffic safety and congestion on abutting and nearby roads and the feasibility of undertaking improvements as may be necessary to limit such impacts to acceptable levels.
- (c) Sites should be limited to those which are or will be served by public sewer and water service and where adequate capacity will be available for the uses allowed in the proposed zone.
- (d) Development of slopes in excess of 25 percent should be avoided.
- (e) Sites which contain a preponderance of wetlands and sites which lie within public water supply watersheds should be avoided.

- (2) Neighborhood and Light Commercial Districts.
 - (a) Zones should be small in area, offering limited convenience shopping and services intended primarily to serve the surrounding residential area. Sites should be chosen which can be developed in a manner compatible with adjacent residential development.
 - (b) Sites should be adjacent to collector or arterial streets and highways, with consideration given to the impact of such development on traffic safety and congestion on abutting and nearby roads and the feasibility of undertaking improvements as may be necessary to limit such impacts to acceptable levels.
 - (c) Sites should be limited to those which are or will be served by public sewer and water service and where adequate capacity will be available for the uses allowed in the proposed zone.
 - (d) Development of slopes in excess of 15 percent should be avoided.
 - (e) Sites which contain a preponderance of wetlands and sites which lie within public water supply watersheds should be avoided.
- (3) Highway Commercial Districts.
 - (a) Consideration should be given to the ability to buffer commercial development from adjacent residential areas and to avoid the necessity of routing vehicular traffic to the site through neighborhoods.
 - (b) Sites should be adjacent to collector or arterial streets and highways, with consideration given to the impact of such development on traffic safety and congestion on abutting and nearby roads and the feasibility of undertaking improvements as may be necessary to limit such impacts to acceptable levels.
 - (c) Sites should be limited to those which are or will be served by public sewer and water service and where adequate capacity will be available for the uses allowed in the proposed zone.
 - (d) Development of slopes in excess of 15 percent should be avoided.
 - (e) Sites which contain a preponderance of wetlands and sites which lie within public water supply watersheds should be avoided.
- (4) Central Business District.
 - (a) The CBD should remain compact to facilitate pedestrian access and to encourage the clustering of retail and commercial activity to reinforce their mutual support.
 - (b) Convenient access to adequate parking and transit service should be available.
- (5) Industrial Districts.
 - (a) Consideration should be given to the ability to buffer industrial development from adjacent residential areas and to avoid the necessity of routing vehicular access to the site through neighborhoods.
 - (b) Sites should be conveniently accessible to arterial streets and highways and transit routes, with consideration given to the impact of such development on traffic safety and congestion on abutting and nearby roads and the feasibility of undertaking improvements as may be necessary to limit such impacts to acceptable levels.
 - (c) Sites should be limited to those which are or will be served by public sewer and water service and where adequate capacity will be available for the uses allowed in the proposed zone.
 - (d) Development of slopes in excess of 15 percent should be avoided.
 - (e) Sites which contain a preponderance of wetlands and sites which lie within public water supply watersheds should be avoided.
 - (f) Consideration should be given to the impact, if any, on adjacent property from smoke, noise, odor, and vibration which may reasonably be expected to emanate from a proposed industrial use.

10.I.4. Notice.

a. Notice of Public Hearings.

Notice of public hearings to be held by the Zoning Commission in regard to any application to amend the regulations or zoning district boundaries shall comply with provisions specified in Section 8-3 of the General Statutes of Connecticut, as amended.

b. Notice to Property Owners.

All applications for amendments to the Official Zoning Map shall include the following information in order to enable the Zoning Commission to provide proper notice to owners of land included within, adjacent to, or across the street from the boundaries of the proposed zone.

- (1) The applicant or a designated agent shall examine the records of the Danbury Tax Assessor's Office within twenty-one (21) days of submission of an application and, based on said records, shall compile a list of the names and mailing addresses of all owners of land included within, adjacent to, or across the street from the boundaries of the proposed zone. The applicant shall also submit plain business-sized envelopes addressed to all property owners on the above list.
- (2) For any property submitted to condominium ownership which is included within, adjacent to, or across the street from the boundaries of the proposed zone, all requirements of the applicant and Zoning Commission specified herein shall apply to the condominium association, as filed in the records of the Town Clerk.
- (3) The Zoning Commission shall send to each person on the above list a notice of the time, date, and place of the public hearing on the subject application.
- (4) An affidavit shall be submitted with the application stating when and by whom the Tax Assessor's records were examined and stating that the list is complete as of the time of submission of the application.
- (5) Notice of changes to the Zoning Regulations or Official Zoning Map proposed by the Zoning Commission shall be given in accordance with Section 8-3 of the General Statutes of Connecticut, as amended, and are exempt from other requirements of this Section.

10.I.5. Filing of Amendments.

Amendments to zoning district boundary lines made in accordance with these Regulations and with the General Statutes of Connecticut shall be filed in the Office of Town Clerk and the Department of Planning and Zoning.

10.J. RESERVED. [Eff. 12/1/2014]

SECTION 11. ZONING BOARD OF APPEALS

A. Administration.	11-1
B. Variances.	11-1
C. Sale of Gasoline.	11-2

11.A. ADMINISTRATION.

The Zoning Board of Appeals shall have all the powers and duties delegated to it by the General Statutes of Connecticut, including appeals from the enforcement of these Regulations and the review and approval of requests for variances.

11.B. VARIANCES.

11.B.1. Conditions.

No variance shall be granted by the Zoning Board of Appeals unless the Board can reasonably find that, owing to conditions especially affecting the parcel but not generally affecting the district in which it is situated, a literal enforcement of the Regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured, and provided further that the following conditions are met:

- a. the hardship is the result of the particular circumstances of the site and was not created by the applicant or a predecessor in title;
- b. the hardship differs in kind from hardships imposed by these Regulations on other properties in the district;
- c. financial loss resulting from these Regulations does not constitute the cause for the application for a variance;
- d. the variance is the minimum variance necessary in order to allow reasonable use of the property;
- e. the variance is in harmony with the general purpose and intent of the zoning district and other provisions of these Regulations; and,
- f. the variance will not adversely affect public health, safety, and welfare.

11.B.2. Additional Provisions for Use Variances.

- a. No use variance shall be granted by the Zoning Board of Appeals for any parcel located within a RA-8, RA-20, RA-40, or RA-80 zone.
- b. No commercial or industrial use may be permitted by variance in a RMF-10, RMF-6, RMF-4, or R-3 zone except for properties with facilities previously used for commercial or industrial purposes, provided that such variance meets the conditions specified above.
- c. A variance shall not be granted to change a special exception use to a permitted use. [Rev. 11/26/2011]
- d. The Zoning Board of Appeals shall not grant a variance to allow a use not permitted presently under any zone in these Regulations.

11.B.3. Additional Provision for Variances.

No variance shall be granted by the Zoning Board of Appeals for any provision of Section 7.C. et seq. for lots located within the Public Water Supply Watershed Protection Zones.

11.B.4. Administration of Variances.

- a. Referral to Commissions.

Upon receipt of an application for a use variance, the Zoning Board of Appeals shall at the same time refer such application to the Planning Commission and the Zoning Commission for review and report. Said Commissions shall have thirty (30) days upon receipt of the application to respond to the Board. The Board shall not close its public hearing until such reports have been received or until the thirty (30) day period has elapsed, whichever comes first.

- b. Record of Decision.

Following the approval or denial of a variance, the Zoning Board of Appeals shall state upon its record the reason for its decision. If a variance is approved, the Board shall describe specifically the exceptional difficulty or unusual hardship on which its decision is based and why the variance is in accordance with each of the conditions specified above.

- c. Fees.

A fee of \$200.00 shall accompany each variance application per lot.

- d. Additional Insurance.

Applicants are advised that if a variance is granted from Section 7.A., Floodplain Zones, the cost of flood insurance, as determined by others, may increase commensurate with the increased risk resulting from having the lowest floor elevation below the base flood elevation.

11.C. SALE OF GASOLINE.

The Zoning Board of Appeals is hereby designated as the agency for the City of Danbury charged with the authority to grant a certificate of approval for a use involved in the sale of gasoline or any other product under the provisions of Section 14-321 of the CGS, as amended, as required for obtaining a license from the State of Connecticut Commissioner of the Department of Consumer Protection.

In determining the suitability of a location for a business involved in the sale of gasoline or any other product under the provisions of Section 14-321 of the CGS, as amended, the Zoning Board of Appeals shall determine whether the use proposed is a use permitted in the zoning district in which the site is located. Application to the Zoning Board of Appeals for said approval shall be submitted prior to or simultaneously with the submission of an application to the Department of Planning and Zoning for approval of the site plan or Planning Commission for approval of the Special Exception, as appropriate, for the proposed use in accordance with Section 10 of these Regulations.

Notwithstanding the above, the granting of a certificate of approval by the Zoning Board of Appeals shall not in any way abrogate or annul other regulatory and administrative provisions of these Regulations pertaining to said uses.

SECTION 12. ENACTMENT

A. Repealer.	12-1
B. Effective Date.	12-1

12.A. REPEALER.

The previous provisions of the City of Danbury Zoning Regulations and various other regulations are repealed as previously set forth.

12.B. EFFECTIVE DATE.

The effective date of these Regulations shall be 12 o'clock noon Eastern Standard Time, December 1, 1994, provided that those provisions of these Regulations which were in existence prior to said effective date or which are added to these Regulations by amendment after said effective date shall be effective on the dates referred to in these Regulations or, if not so referred to in these Regulations, on the dates set by the Zoning Commission.

ADOPTED by the Zoning Commission of the City of Danbury, October 25, 1994, effective December 1, 1994, as amended.

**ZONING MAP
OF THE
CITY OF DANBURY**

Official Zoning Map of the City of Danbury



1 inch = 1,000 feet
 0 2,000 4,000 Feet
 Revised: DECEMBER, 2015

New
Fairfield

Brookfield

Bethel

Redding

Southeast,
NY

North
Stam,
NY

THIS IS TO CERTIFY THAT THIS IS THE ORIGINAL ZONING MAP, AS AMENDED, OF THE CITY OF DANBURY, CONNECTICUT, AND THAT THE ZONING DISTRICTS AND BOUNDARIES SHOWN ON THIS MAP ARE THE RESULT OF THE ZONING MAP AS AMENDED, ORIGINALLY ADOPTED AUGUST 1, 1971 BY THE COMMON COUNCIL OF THE CITY OF DANBURY, CONNECTICUT, AND AS AMENDED BY THE COMMON COUNCIL OF THE CITY OF DANBURY, CONNECTICUT, THIS 28th DAY OF NOVEMBER, 2015.

[Signature]
 Chair, Zoning Commission

[Signature]
 City Clerk

Lot No.	Former District	New District	Effective Date	City Clerk's Office
10001	RA-40	RA-40	11/15/15	[Signature]
10002	RA-40	RA-40	11/15/15	[Signature]
10003	RA-40	RA-40	11/15/15	[Signature]
10004	RA-40	RA-40	11/15/15	[Signature]
10005	RA-40	RA-40	11/15/15	[Signature]
10006	RA-40	RA-40	11/15/15	[Signature]
10007	RA-40	RA-40	11/15/15	[Signature]
10008	RA-40	RA-40	11/15/15	[Signature]
10009	RA-40	RA-40	11/15/15	[Signature]
10010	RA-40	RA-40	11/15/15	[Signature]
10011	RA-40	RA-40	11/15/15	[Signature]
10012	RA-40	RA-40	11/15/15	[Signature]
10013	RA-40	RA-40	11/15/15	[Signature]
10014	RA-40	RA-40	11/15/15	[Signature]
10015	RA-40	RA-40	11/15/15	[Signature]
10016	RA-40	RA-40	11/15/15	[Signature]
10017	RA-40	RA-40	11/15/15	[Signature]
10018	RA-40	RA-40	11/15/15	[Signature]
10019	RA-40	RA-40	11/15/15	[Signature]
10020	RA-40	RA-40	11/15/15	[Signature]
10021	RA-40	RA-40	11/15/15	[Signature]
10022	RA-40	RA-40	11/15/15	[Signature]
10023	RA-40	RA-40	11/15/15	[Signature]
10024	RA-40	RA-40	11/15/15	[Signature]
10025	RA-40	RA-40	11/15/15	[Signature]
10026	RA-40	RA-40	11/15/15	[Signature]
10027	RA-40	RA-40	11/15/15	[Signature]
10028	RA-40	RA-40	11/15/15	[Signature]
10029	RA-40	RA-40	11/15/15	[Signature]
10030	RA-40	RA-40	11/15/15	[Signature]
10031	RA-40	RA-40	11/15/15	[Signature]
10032	RA-40	RA-40	11/15/15	[Signature]
10033	RA-40	RA-40	11/15/15	[Signature]
10034	RA-40	RA-40	11/15/15	[Signature]
10035	RA-40	RA-40	11/15/15	[Signature]
10036	RA-40	RA-40	11/15/15	[Signature]
10037	RA-40	RA-40	11/15/15	[Signature]
10038	RA-40	RA-40	11/15/15	[Signature]
10039	RA-40	RA-40	11/15/15	[Signature]
10040	RA-40	RA-40	11/15/15	[Signature]
10041	RA-40	RA-40	11/15/15	[Signature]
10042	RA-40	RA-40	11/15/15	[Signature]
10043	RA-40	RA-40	11/15/15	[Signature]
10044	RA-40	RA-40	11/15/15	[Signature]
10045	RA-40	RA-40	11/15/15	[Signature]
10046	RA-40	RA-40	11/15/15	[Signature]
10047	RA-40	RA-40	11/15/15	[Signature]
10048	RA-40	RA-40	11/15/15	[Signature]
10049	RA-40	RA-40	11/15/15	[Signature]
10050	RA-40	RA-40	11/15/15	[Signature]

- ZONING DISTRICT**
- SINGLE-FAMILY RESIDENTIAL
 - BEER-BREWERY AND RESTAURANT ZONE
 - MAIN STREET HISTORIC OVERLAY ZONE
 - DOWNTOWN REDEVELOPMENT OVERLAY ZONE
 - MULTI-FAMILY RESIDENTIAL
 - HOUSING OVERLAY ZONE
 - HIGH-DENSITY RESIDENTIAL
 - WATERFRONT RESIDENTIAL-RECREATIONAL
 - RESIDENTIAL-OFFICE
 - PLANNED NEIGHBORHOOD DEVELOPMENT
 - GENERAL COMMERCIAL
 - ARTISANAL COMMERCIAL
 - NEIGHBORHOOD COMMERCIAL INDUSTRIAL
 - LIGHT COMMERCIAL
 - CAMPUS-BASED ARCHITECTURAL
 - CENTRAL BUSINESS DISTRICT
 - LIGHT INDUSTRIAL
 - GENERAL INDUSTRIAL
 - AGRICULTURE PROTECTION AREA BOUNDARY
- MAP SYMBOLS**
- RA-40, RA-20, RA-10, RA-5
 - RMF-10, RMF-5
 - L-40, L-20, L-10
 - CO-20, CO-10
 - CL-10
 - HO-10
 - HO-5
 - HO-3
 - HO-2
 - HO-1
 - HO-0
 - HO-100
 - HO-200
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CITY OF DANBURY
PLAN of CONSERVATION & DEVELOPMENT
2002, AS AMENDED 2013

Mark D. Boughton
MAYOR

CITY OF DANBURY
PLANNING COMMISSION

Arnold E. Finaldi, Jr., Chairman
Kenneth H. Keller, Vice-Chairman
Fil Cerminara
Helen M. Hoffstaetter
Joel B. Urice
Michael S. Ferguson (Alt.)
Robert Chiochio (Alt.)

DEPARTMENT OF PLANNING AND ZONING

Dennis I. Elpern, Planning Director
Sharon B. Calitro, Deputy Planning Director
Jennifer L. Emminger, Associate Planner
Timothy J. Rosati, Assistant Zoning Enforcement Officer
JoAnne V. Read, Planning Assistant
Patricia M. Lee, Secretary

This Plan of Conservation and Development represents a major departure from past efforts to plan for the future of the City, for although plans were previously adopted in 1958 and later updated in 1967 and 1980, they never played the vital role expected of them. All too often, planning in Danbury has been more of a practice that reacts to change than a process that anticipates and guides it.

The failure of these plans is not unique to Danbury. Historically, other cities and towns throughout the United States have also adopted plans that later proved to be both unrealistic and inflexible. Typically, they ignored the administrative, fiscal, political, and legal constraints that, in the end, undercut their chances of success. Priorities were rarely set among recommended actions and the specific steps necessary to reach their objectives were never fully explored, as though the plans could implement themselves. While they may have pointed their cities and towns in a general direction, the road maps were missing.

This Plan is designed to overcome these deficiencies by integrating it into a broader Comprehensive Planning Program, a program that emphasizes strategies as well as goals, process as well as product. The Program is divided into five major sections: (1) a review of past trends and forecasts for future changes in population, employment, and development patterns of the City, (2) findings of a community attitude survey conducted to assess public opinion on a wide range of planning issues, (3) background studies on eleven planning components, (4) the Plan itself, and (5) an Action Plan to implement it over time.

The Plan of Conservation and Development is the planning component of the Program. It is designed to set direction, establish development policies, and specify intended actions by City government. The Plan is adopted and amended by the Planning Commission pursuant to §8-23 of the Connecticut General Statutes, and is presented in resolution format and divided into eleven plans for each Program component. Each plan contains goals, policies and recommendations designed to address issues previously identified in the Program.

It is intended that the recommendations of the Plan will be implemented through a variety of programs, projects, and regulations, including but not limited to: (1) the capital improvement program and annual budget, (2) the enactment and enforcement of zoning, subdivision, and other regulations and codes, (3) the preparation and implementation of public improvement projects, and (4) the redevelopment of districts and neighborhoods.

In addition to the goals, policies and recommendations, several maps are included and adopted as part of the Plan of Conservation and Development to illustrate Plan policies.

This approach is needed now more than ever before. Over the past 20 years, the population of Danbury has increased by 23 percent, the number of housing units has climbed by 20 percent, and jobs have grown by 22 percent. The decline of manufacturing and the emergence of Danbury as a corporate office and retail center have changed the complexion of the City and its physical form. The mix of racial and ethnic groups has become richer and the sound of forty-five different languages can now be heard within City schools and on City streets.

Though all of these changes are indicative of a vibrant community, they bring with them an increasing number of growth related issues: traffic congestion, escalating housing costs, ever-expanding service demands, and a continuing loss of open space. Clearly, a new plan is needed to address these immediate concerns as well as to set a direction for the future. But changes in administrative processes are also required to avoid the failings of the past. Plan implementation will need to receive as much attention as plan preparation.

The Plan of Conservation and Development has enough flexibility to address changing priorities while still retaining an underlying foundation of purpose and direction. Nevertheless, adoption of the Plan alone will not guarantee its ultimate success. While city planning can provide a vision of the future, an assessment of needs and available resources, and recommendations for future action, its ultimate success will depend upon a community-wide commitment without which no single plan, no matter how well designed, can fully succeed. In the final analysis, successful city planning requires the confidence to act rather than simply react to change, and summons all of us to express, in our deeds as well as our words, the will and the determination to shape the future of our City. ☆

This Plan, originally adopted by the Planning Commission in 2002, was amended June 12, 2013, effective June 17, 2013 to remain current with City policies and actions and to reflect applicable state and regional planning policies.



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT
MARCH 1, 2002, AS AMENDED JUNE 12, 2013

RESOLVED by the Planning Commission of the City of Danbury:

WHEREAS, the Charter of the City of Danbury and the General Statutes of Connecticut authorize the Planning Commission to prepare a Plan of Conservation and Development for the City; and

WHEREAS, the Planning Commission has determined that such a Plan is necessary to promote the coordinated development of the City and the general welfare and prosperity of its people; and

WHEREAS, the Department of Planning and Zoning, on behalf of the Planning Commission, has conducted studies and prepared a Plan of Conservation and Development as part of its Comprehensive Planning Program; and

WHEREAS, the Planning Commission has received the recommendations of the Department of Planning and Zoning for study and revision; and

WHEREAS, the Planning Commission has referred the proposed Plan of Conservation and Development to the City of Danbury City Council and HVCEO for review and comment pursuant to the General Statutes of Connecticut; and

WHEREAS, the Planning Commission has held a public hearing on the Plan of Conservation and Development pursuant to the General Statutes of Connecticut and has complied with all other laws governing adoption of a Plan of Conservation and Development,

NOW, THEREFORE BE IT RESOLVED, by the Planning Commission of the City of Danbury, Connecticut, that the Planning Commission does hereby adopt the following "Plan of Conservation and Development" for the City of Danbury, as amended, including all related information contained herein.

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PART 1
GENERAL PROVISIONS

SECTION 1: NATURE AND PURPOSE.

1.1 Definition and Nature of the Plan.

The Plan of Conservation and Development constitutes the planning component of the Comprehensive Planning Program. It is composed of goals, policies and recommendations designed to promote the coordinated development of the City and the general welfare and prosperity of its people, and includes strategies and recommendations for its implementation.

1.2 Purpose of the Plan.

The purpose of the Plan is to:

- guide and coordinate municipal decision making on public matters affecting the future development of the City;
- inject long-range considerations into the determination of short-term actions and the expenditure of public funds;
- balance conflicting needs and desires for public action through a comprehensive planning process;
- provide a mechanism by which community development decisions may reflect accepted principles and practices of city planning; and
- promote the general public interest through the democratic determination and implementation of community development objectives.

1.3 Relationship to the Comprehensive Planning Program.

The Plan of Conservation and Development is based, in whole or in part, upon the findings and recommendations of the Comprehensive Planning Program and subsequent actions of the City. Reference in the Plan to various findings, concepts, principles, standards, and other material found within the Planning Studies chapter of the Program is intended to provide further guidance to the Planning Commission, Zoning Commission and other City agencies in the formation of specific plans, programs, policies, and regulations of the City and in the adoption, administration and enforcement of land use regulations, as permitted by law.

SECTION 2: CONTENT.

2.1 Goals, Policies and Recommendations.

The Plan of Conservation and Development includes goals, policies and recommendations for each of the several plan components contained herein. For the purposes of this Plan, goals are defined as general statements of desired future conditions relating to major elements of the Plan; policies are sub-elements of goals that define an approach to be followed in the attainment of a goal; and, recommendations include conduct to be followed or operational actions to be undertaken as part of an overall strategy to implement policies. It is the intent of this Plan of Conservation and Development that each recommendation for operational action will be implemented over time through the Action Plan of the Comprehensive Planning Program, as periodically amended.

2.2 Plan of Conservation and Development Maps.

The Plan of Conservation and Development includes several maps that illustrate by colors, symbols, and graphic patterns the conservation and development policies and recommendations of the Plan relating to (1) land development, (2) the Urban Core District, (3) the West Side District, (4) environmental protection, and (5) public improvements and acquisitions. The maps may be amended at anytime by the Planning Commission to reflect changes in public policy, pursuant to provisions of the Connecticut General Statutes. Where there is a conflict between the maps and the goals, policies and recommendations of the Plan, the map designations shall control.

2.2.1 Land Use Designations.

Land use designations on the maps include the following predominant land uses. The uses listed below are not intended to be inclusive of every use to be considered for each designation, but rather are presented to indicate major land uses that may be supplemented by other complementary uses. It is intended that these land use designations will be implemented by appropriate zoning districts. These designations do not include floating zones (e.g. PUDs).

Rural: Single family homes at a typical density of one unit per 2+ acres; schools, churches, parks and open space for passive recreation (e.g. hiking, picnicking), farming, forest or wildlife reservations, and similar rural uses.

Single Family: Single family homes at typical densities ranging from 5 units per acre up to one unit per 2 acres, at locations appropriate for their density; customary neighborhood uses, and parks and recreational facilities (e.g. ballfields and courts, play lots, swimming, picnicking, golf courses, and other similar uses, but excluding all recreational uses operated for profit) in appropriate locations.

Multi-family Development and 1&2 Family Neighborhoods: (1) Multi-family developments with typical densities ranging from 4 to 17 units per acre, depending on housing type, at locations appropriate for their use and density, or (2) existing 1 and 2 family neighborhoods with densities up to 8 units per acre; and, assisted living facilities and nursing homes, day care centers, parks and recreational facilities, and other customary neighborhood uses in appropriate locations.

Mixed Residential & Limited Commercial: (1) Single or multi-family development with densities up to 17 units per acre, depending on housing type, at locations near the downtown and hospital, (2) planned neighborhood development, or (3) transitional areas with residential uses and commercial uses with limited traffic generation (specifically excluding, among others, fast food restaurants, convenience stores and drive-in facilities); and, customary neighborhood uses.

Central Business District: A wide range of retail sales and services, medical facilities, offices, entertainment, residences, and community facilities, but specifically excluding adult business uses.

Limited Commercial: Retail sales and services with limited traffic generation (specifically excluding, among others, big box retail, fast food restaurants, convenience stores and drive-in facilities), offices, schools, and churches.

General Commercial: A wide range of retail sales and services, offices, medical facilities, entertainment, community facilities, wholesale distribution, assisted living and nursing homes.

Mixed Light Industry & Office and Transportation: Airport and related facilities, offices, conference centers, light manufacturing, research and development, printing and engraving, wholesale distribution and warehouses, expressways, railroad freight yards, and bus terminals.

Heavy Industry: General manufacturing and assembly, offices, wholesale distribution and warehouses, storage of construction materials, extractive industries, motor vehicle repair, wrecking, and junk yards, truck terminals, and public utilities.

Major Institutions: Public schools, Western Connecticut State University, Danbury Hospital, and the Federal Correctional Institution.

Public Parks and Recreational Facilities: Municipal and state parks and recreational facilities.

Public Open Space: Major land areas left largely undeveloped, including Water Department lands and reservoirs, and lands used for passive recreation (excluding ball fields and courts, golf courses, and similar uses).

Lakes and Rivers: Lakes and the Still River.

Wetlands: Major wetlands.

2.2.2 All maps are compiled from multiple data sources with different scales and projections. They do not meet National Map Accuracy Standards and should only be used for general planning purposes.

SECTION 3: USE OF THE PLAN OF CONSERVATION AND DEVELOPMENT.

3.1 Implementation.

It is the intent of the Planning Commission that the Plan of Conservation and Development will be implemented through a variety of plans, programs, projects, and regulations so recommended herein and included within the Action Plan of the Comprehensive Planning Program, including but not limited to: (1) the capital improvement program and annual budget, (2) the enactment and enforcement of zoning, subdivision, and other regulations and codes, (3) the development and implementation of plans for public improvements, and (4) the redevelopment of districts or neighborhoods.

3.2 Zoning Regulations.

3.2.1 Proposed zoning regulations or boundaries or changes thereof to the Zoning Regulations shall be referred to the Planning Commission for a report as specified in §8-3a of the C.G.S. The report shall contain the findings of the Planning Commission on the consistency of the proposed regulation or boundaries or changes with the Plan of Conservation and Development and any other recommendations the Commission deems relevant, and shall include the reasons for the Commission's vote thereon.

3.2.2 In adopting Zoning Regulations or amendments thereto, the Zoning Commission shall consider the Plan of Conservation and Development, as specified in §8-2 of the C.G.S.

3.3 Subdivision of Land.

In its review of proposed subdivisions of land, the Planning Commission shall determine that proposed streets are in harmony with existing or proposed principal thoroughfares shown in the Plan of Conservation and Development, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs, as specified in §8-25 of the C.G.S.

3.4 Municipal Improvements.

In its review of municipal improvements as provided for in §8-24 of the C.G.S., the Planning Commission may include in its report to City Council a statement as to whether or not the proposed improvements are in accordance with the Plan of Conservation and Development.

3..5 Open Space.

In preparing the Plan of Conservation and Development, or amendment thereto, the Planning Commission may designate areas that it recommends for preservation as open space land. Upon approval of such designation by the City Council, land so designated in the adopted Plan may be classified as open space land for purposes of property taxation in accordance with §12-107e of the C.G.S.

SECTION 4: ACTION PLAN.

4.1 Preparation.

To implement the Plan of Conservation and Development, the Planning Commission shall annually prepare and recommend to the Mayor an Action Plan, which Plan shall consist of a Capital Improvement Program and annual Capital Budget which shall include all capital plans, programs, and projects which, in the judgment of the Commission, should be undertaken in the ensuing fiscal year and for the five fiscal years thereafter, the department or agency of the City responsible for each action, the year(s) in which such actions are to be undertaken, and any estimated capital expenditures associated with each action. As part of the Action Plan, regulatory responsibilities of the Department of Planning and Zoning shall be included in their annual budget proposal to City Council.

4.2 Revisions.

The Action Plan shall be updated each year to maintain an annual and five-year projected schedule of recommended plans, programs, projects, and regulations. The updated Action Plan, including the CIP, Capital Budget, and departmental budget, shall be submitted each year to the City Council for consideration as required by law.

PART 2
GOALS, POLICIES & RECOMMENDATIONS

PREFACE

By the end of the twentieth century, the people of Danbury had every reason to be optimistic about the City's future. Jobs were plentiful, stores were filled with shoppers, crime was low, the housing market was booming, and health, education, and recreational opportunities were widely available. Few could find reason to worry about the future when the present was so promising.

But, the future is not a promise and there are no guarantees that the past will be prologue. Complacency, indifference, and uncertainty can all cause the City to lose its will and lose its way. Numerous cities throughout history have seen their moment in the sun eclipsed.

And, one need not look far to find reasons for concern. The following are very real possibilities for the future, though they can be avoided by taking appropriate action now.

- All roads leading into the City will become more than congested and, as national chains replace local businesses, the City will come to look less and less distinct and more and more like every other place, and no particular place at all.
- As vacant land becomes scarcer, forests will be felled, hillsides leveled, and wildlife habitat lost. Any connection with the natural world will require long trips to distant places.
- The downtown will be largely discarded as a remnant of the past while the older neighborhoods around it become ghettos replete with all the social pathologies of urban poverty. Historic structures, links to the City's past, will be demolished or altered beyond recognition.
- Economic expansion will falter as sites reserved for future industrial and corporate development are lost to the demands of short-term gain.
- And, the response by City government to these challenges will too often be tentative, incremental, and uncoordinated as policies, regulations and management act as though each were separate concerns unrelated to one another.

To avoid these scenarios and to secure the promise of the City for future generations requires a vision of the future and a plan to make it a reality. That vision can be expressed in the following way.

VISION STATEMENT
PLAN OF CONSERVATION AND DEVELOPMENT

1. The City will balance growth and development with the protection and enhancement of the quality of life of the community.
2. The downtown will be the primary focus of City life, with a diversity of activities and thriving businesses, high quality housing, exceptional urban design, the preservation of historic buildings, varied entertainment, and a vibrant street life.
3. The West Side will be the focus of future development in the City, hosting new growth industries and creatively designed neighborhoods.
4. The business climate throughout the City will continue to improve, creating jobs, expanding the tax base, and fostering sustainable economic development.
5. The natural environment will be protected for the use and enjoyment of present and future generations and a varied park and open space system will provide for the active and passive recreational needs of people of all ages.
6. Residential neighborhoods will be secure places of nurture, and decent housing will be available for all residents.
7. Important historic and archaeological resources will be preserved and enhanced.
8. Public facilities, schools and utilities will provide excellent service to the community and will continue to be improved to meet the growing and changing needs of the people.
9. A balanced, safe and efficient transportation system will become a reality, one that serves, rather than determines, planned development patterns of the City.
10. And finally, the City will remain the leader of the Housatonic Valley Region and take its rightful place among the vital urban centers of Connecticut and the Tri-State Metropolitan Region.

While none of this will be easy, all of it can be done. Surely, the past should give us confidence in our abilities to meet the challenges of the future. The City could have remained a charred casualty of war after being burned by the British; it could have refused to diversify its economic base; and, it could have given up on its downtown. It could have allowed all of these things to happen, but it didn't.

This Plan of Conservation and Development is designed to meet the problems of the present and to chart a course for the future. With the vision of its people and the wealth of its resources, Danbury can ensure that it not only will endure, but will prevail in the years ahead.

SECTION 1: LAND DEVELOPMENT PLAN.

The City of Danbury has undergone extensive development during the past fifty years, changing from a rural community surrounding a compact urban core into a city exhibiting all the major features of contemporary urban growth patterns. During this time, the land area devoted to residential uses more than tripled in size, commercial land more than doubled, and industrial land quadrupled. The future development potential of the City will depend on careful planning for the use of ever-limited land resources.

Principles and standards have been developed to guide land use decisions. These relate to location, health and design, and also include performance standards to control nuisances. Development principles have been defined to reduce land use conflicts, mitigate the impact of development on the environment, and to help ensure that road and utility systems are capable of serving new growth.

Land use regulations need to be periodically reviewed and amended to remain current with evolving development patterns and City needs. New methods should be explored to improve efficiencies in the permit process.

GOAL: DEVELOPMENT PATTERNS THAT ACCOMMODATE GROWTH WITHOUT DIMINISHING THE QUALITY OF LIFE OF THE CITY.

An urban growth management system needs to be maintained that accommodates growth while protecting the environment and residential neighborhoods. Improvements in land development planning requires considered revisions in land use regulations to address changing development practices, streamlining of the permit process, and coordination of land use decisions with plans for improving transportation networks and utility systems.

POLICIES AND RECOMMENDATIONS.

A. Growth Management.

Manage growth and development by following the Plan of Conservation and Development and the future development patterns presented in the Comprehensive Planning Program, as follows.

1. Concentrate future commercial, industrial, and medium to high-density residential development in the Urban Core and Urban Development Areas.
2. Limit development in Suburban Areas to predominantly low-density residential neighborhoods.
3. To protect environmentally sensitive areas, restrict development in Conservation Areas to primarily very low and rural density single family homes and traditional neighborhood and rural uses.
4. Enhance neighborhood centers for the use and enjoyment of the surrounding area.

B. Planning and Zoning Coordination.

Ensure that the land use regulations of the City are in accordance with the Plan of Conservation and Development.

1. Amend the land use regulations of the City to be consistent with the Plan of Conservation and Development, including all maps contained herein.
2. Support amendments to the C.G.S. to require zoning regulations be in accordance with the Plan of Conservation and Development.

C. General Zoning Amendments.

Ensure that the Zoning Regulations meet existing and future needs of the City.

1. Eliminate uses that conflict with or are unrelated to the purpose and intent of the zoning district in which they are allowed.
2. Convert special exception uses to permitted uses when the appropriateness of such uses is not dependent upon site specific considerations.
3. Rezone isolated lots and small remnants of land to be consistent with surrounding zoning districts where such will not create spot zoning.
4. Update the Trip Multiplier Table, as necessary.
5. Update off-street parking and loading space requirements, as necessary, and revise parking lot requirements to ensure safe, attractive, and efficient design.
6. Retain or enact environmental regulations and programs to protect environmentally sensitive areas, including public water supply watersheds, wetlands, floodplains, aquifers, steep hillsides, and extensive woodlands.
7. Encourage improvement in the design of new structures, additions, renovations, and landscaping, and recognize exceptional examples in design.
8. Clarify and strengthen landscaping requirements.
9. Provide buffer yards, as appropriate, to limit land use conflicts; avoid rezonings which will, by their very nature, create such conflicts.

D. Residential Neighborhoods.

Ensure the proper development and protection of residential neighborhoods.

1. Apply accepted location criteria and the zone change criteria in the Zoning Regulations when reviewing applications for rezonings of land for residential purposes.
2. Require site plans and subdivisions for residential dwellings to meet accepted health and design considerations, as permitted by law.
3. Restrict development in Conservation Areas to primarily very low and rural density single family homes and traditional neighborhood and rural uses.
4. Amend the Zoning Regulations where necessary to protect residential neighborhoods and improve housing design.
5. Where applicable, rezone stable single family neighborhoods to appropriate single family zoning districts.
6. Restrict allowed uses in RA zoning districts to neighborhood residential uses and, where necessary, existing uses of limited number and extent.
7. Continue permitting a planned unit development zoning district as a floating zone in Urban Development Areas that allows neo-traditional development in suitable areas.

E. Commercial Development.

Improve planning and zoning for commercial development.

1. Apply accepted location criteria and the zone change criteria in the Zoning Regulations when reviewing applications for rezonings of land for commercial purposes.
2. Continue enforcing provisions of the Zoning Regulations to improve the design of commercial development.
3. Refrain from increasing the amount of land zoned for retail development at the expense of other needed land uses located in areas appropriate for their development.
4. Encourage new development in the downtown to follow development standards that promote contextual design and compatible development.
5. Ensure that new shopping centers or expansions to existing shopping centers meet improved planning development standards.

6. Ensure that highway commercial development is designed to prevent the proliferation of driveways and to provide safe, attractive, and efficient parking lot layouts.
7. Maintain regulations to better control the unnecessary proliferation and poor design of signs.
8. Only allow uses in the CL-10 Zoning District that are relatively low traffic generators and, where advisable, rezone CL-10 areas to commercial zoning districts more appropriate to their existing uses.
9. Restrict CN-5 and CN-20 Zoning Districts to designated neighborhood centers and review existing CN-5 and CN-20 zones to determine if more appropriate zoning districts apply.

F. Industrial and Corporate Office Development.

Promote orderly and needed industrial and corporate office development.

1. Maintain the supply of land zoned for light industrial and corporate office use, as specified herein and indicated on the *Plan of Conservation and Development Land Development Plan Map*.
2. Apply accepted location criteria and the zone change criteria in the Zoning Regulations when reviewing applications for rezonings of land for industrial and corporate office purposes.
3. Ensure that new office buildings and office parks meet improved planning development standards, as permitted by law.
4. Ensure that proposed industrial districts and parks meet improved planning development standards, as permitted by law.
5. Maintain and enforce performance standards to control nuisances emanating from industries.

G. Subdivision Regulations.

Improve subdivision standards and procedures and eliminate unnecessary costs.

1. Continue to review the Subdivision Regulations to promote clarity and ease of use.
2. Review and update standards governing parcels, lot layout, street design, public improvements and utilities, environmental protection, and the dedication of land, as necessary.
3. Continue to review the need for expensive requirements for improvements that exceed reasonable standards necessary for the desirable and adequate development of land.

H. Permit Process.

Improve the land development permit process.

1. Continue to explore means of expediting land use reviews and the use of computer technology to facilitate the review and issuance of permits.
2. Continue improvements in management and staff training.
3. Establish quality standards and performance measurements; evaluate personnel and operating procedures to determine necessary changes to the system.

I. Transportation and Utilities.

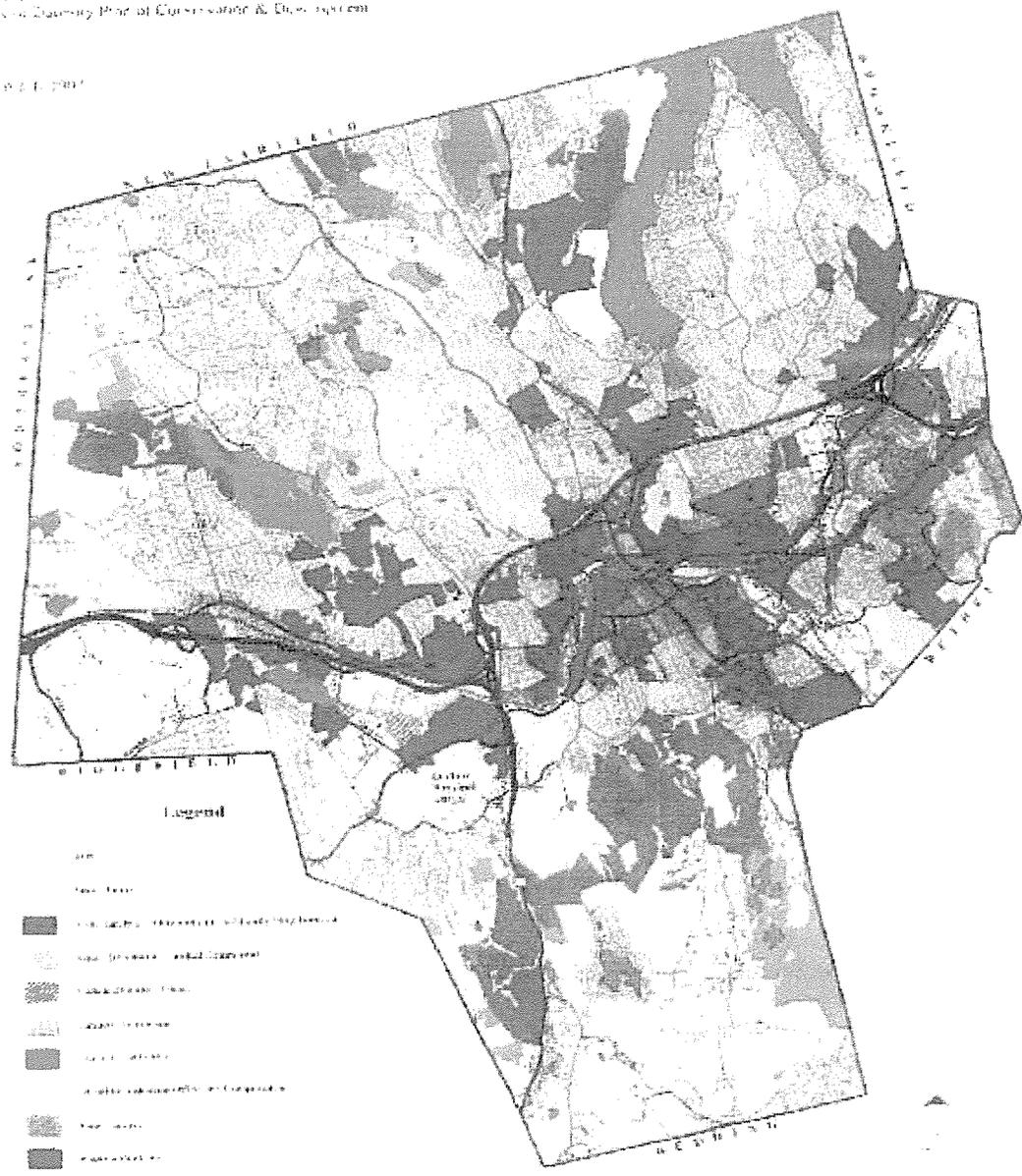
Ensure that proposed land development is capable of being adequately supported by transportation and utility systems.

1. Coordinate land use and transportation decisions to ensure that roads and highways will be capable of accommodating existing and new development without significant declines in traffic safety or efficiency LOS because of traffic generated by new development.
2. Undertake road and highway improvements as proposed in the PCD "Transportation Plan."
3. Extend or upgrade public sewer and water systems within service areas as necessary to support planned development.
4. Undertake utility improvements as proposed in the PCD "Public Facilities and Utilities Plan."

City of Danbury Plan of Conservation & Development Land Development Plan Map

The City of Danbury Plan of Conservation & Development was adopted by the City Council on 10/11/2007. The City of Danbury Plan of Conservation & Development

March 2007



Legend

- Water
- Water Table
- High Density Residential (with underlying business)
- Medium Density Residential (with underlying business)
- Low Density Residential
- Office/Professional/Community
- Industrial/Manufacturing/Corporate
- Public Use
- Major Arterial
- Minor Arterial
- Collector
- Local
- Other
- Unzoned



Planning

SECTION 2: URBAN CORE DISTRICT PLAN.

The Urban Core of Danbury consists of the central business district and surrounding neighborhoods that comprise much of the historic City prior to its consolidation in 1965 with the Town of Danbury. The Core is a diverse area consisting of a mix of different racial and ethnic groups, residential neighborhoods, a dense downtown and adjoining strip commercial development, and neighborhood centers. The downtown has been the focus of major revitalization efforts over the past decades and today serves as the financial, government, and transportation center of the Region. The Urban Core includes the Downtown Revitalization Zone as specified in the report *Downtown Danbury: Issues and Recommendations 2010* prepared by the Main Street Renaissance Task Force.

Continued efforts are needed to promote economic development, maintain and to improve transportation, infrastructure, parking, public facilities, and open space. Urban design principles and standards have been developed for the downtown to maintain coherent and harmonious development.

Areas have been targeted for the removal of blighted houses and the stabilization of residential neighborhoods. Future attention is necessary to continue improvements to the Main Street corridor and other neighborhoods in the Urban Core.

GOAL: AN URBAN CORE THAT SERVES AS THE PRIMARY FOCUS OF CITY LIFE.

The City should strive to improve and strengthen the Urban Core by increasing the economic vitality of the downtown and neighborhood centers, improving its housing stock, stabilizing neighborhoods, and making the downtown a more attractive place to live and work. Public improvements should support these objectives through the implementation of an overall program designed to improve roads, parks, sidewalks, public facilities, and downtown parking.

POLICIES AND RECOMMENDATIONS.

A. Revitalization of the Urban Core.

Increase the vitality of the Urban Core by managing growth and development and implementing the public improvements indicated herein.

1. Encourage retail development in the downtown center.
2. Maintain efforts to improve neighborhood centers at Wooster Village and "Portuguese Square."
3. Support the restoration of the Palace Theater as a center for the performing arts.
4. Identify brownfield sites and assist in evaluating and remediating soil and/or groundwater contamination on such sites.
5. Continue the prohibition of adult businesses in the C-CBD zoning district.
6. Encourage high density housing in the Main Street corridor; require setbacks sufficient for adequate light and air as required by the building code.
7. Implement the *Downtown Danbury* plan.
8. Prepare a plan for the Main Street South Revitalization Area.
9. Promote safe neighborhood programs where needed.
10. Implement design standards that promote crime prevention in buildings and on sites.

B. Housing.

Improve housing in the Urban Core through efforts designed to stabilize neighborhoods.

1. Provide CDBG funding to assist in the rehabilitation of major systems or features, including the window and door replacement pilot program.
2. Acquire abandoned residential properties, as feasible, for subsequent resale and rehabilitation.
3. Study zoning patterns of residential neighborhoods in the Urban Core and take appropriate actions for neighborhood preservation.
4. Continue to assist in the development and implementation of neighborhood plans for the Elm/Beaver, Rowan Street, and Blind Brook neighborhoods.

C. Design.

Improve the visual quality of the Urban Core.

1. Promote the use of architectural and urban design guidelines for the downtown.
2. Increase the enforcement of sign regulations to better control the type, number, and placement of commercial signs.
3. Encourage commercial property owners to undertake needed facade renovations.
4. Enhance landscaping at Kennedy Park.
5. Implement provisions of §18-25 of the Code of Ordinances, as necessary, to ensure that a deferral of increases in tax assessments for eligible improvements in the downtown may be granted only when such proposed improvements comply with established urban design guidelines.
6. Consider measures designed to promote historic preservation in the Main Street Historic District.

D. Public Improvements.

Improve and expand public improvements as necessary to serve the downtown.

1. Enhance the landscaping of the Delay Street parking lot.
2. Implement needed road and streetscape improvements.
3. Implement needed sidewalk improvements.
4. Undertake drainage improvements to prevent periodic flooding by Blind Brook and the East Ditch.
5. Undertake a comprehensive long-range parking study for the downtown.

E. Transportation.

1. Improve roadway and streetscape of Main Street from Boughton Street to the South Street intersections.
2. Improve roadway and streetscape of the West Street and Lake Avenue corridors.
3. Improve roadway and streetscape of the Triangle Street and Coal Pit Hill intersection.
4. Implement sidewalk improvements for general and Walk-to-School activities, where necessary.

**City of Danbury
Plan of Conservation & Development
Urban Core District Plan Map**



Land Use

- | | | |
|---|--------------------------------------|--|
| Residential | Commercial District | Public Parks and Recreational Facilities |
| Stable Farms | General Commercial | Public Open Space |
| Medium-Density Residential and Office/Professional Neighborhood | General Commercial | Cultural Areas |
| Street Mainstem / Transit Corridor | Mixed-Use Residential and Employment | Wetlands |
| | Major Transit | |
| | Major Industrial | |

- Urban Core District Boundary
- Reutilization Areas
- Street Widening
- Intersection Improvements
- Bridge Improvements

Public Improvements & Acquisitions

1. Blind Brook Park
2. Police Theatre
3. Danbury Public Library
4. Public Parking Garage



This is the Plan of Conservation and Development map referred to in Part 2, Section 2 of the City of Danbury Plan of Conservation & Development.

Source: Danbury P&D

SECTION 3: WEST SIDE DISTRICT PLAN.

The potential of the West Side District to experience future development has been demonstrated by the rate in which new development has been attracted to the area in recent years. Sizable tracts of undeveloped lands are available. Nevertheless, development potential is not uniform throughout the District and residential neighborhoods, environmental constraints, and the airport protection zone place limits on growth.

The 'Reserve' planned neighborhood district is key to the District meeting its full development potential, though other vacant lands can be found along Kenosia Avenue and Mill Plain Road. Transportation and utility improvements will be needed. But, attention to protecting the environmental and acquiring open space are equally important to ensure balanced growth.

GOAL: DEVELOPMENT OF THE WEST SIDE DISTRICT AS THE MAJOR GROWTH CENTER IN THE CITY.

The City should actively promote the West Side District as the major center for future economic development. Targeted land development should include future corporate offices, research and development firms, light industry, and housing. Road and utility improvements are necessary to encourage new growth and development. However, future growth needs to be managed and measures taken to protect existing residential neighborhoods and the environment.

POLICIES AND RECOMMENDATIONS.

A. Land Development.

Promote land development patterns that will encourage future development of the West Side District.

1. Control the unnecessary proliferation and poor design of signs.
2. Implement the land use recommendations of the 1995 Master Plan for the Danbury Municipal Airport relating to land acquisition, control of adjacent land uses, and updating the Airport Protection District regulations.
3. To prevent through traffic, retain the unimproved portion of Briar Ridge Road from the entrance to the Ridgebury Hills subdivision to the vicinity of Rolf's Drive.
4. Require adequate buffers or transitional zones between residential neighborhoods and commercial and industrial development.

B. Environment and Open Space.

Protect the environment and expand the amount of public open space.

1. Construct stormwater management structures to provide water quality enhancement of runoff discharged into Lake Kenosia, particularly from the Mill Plain Road sub-watershed.
2. Continue enforcement of the Public Water Supply Watershed regulations.
3. Develop the "West Side Natural Area" lands for passive recreation and source protection of Lake Kenosia.

C. Transportation.

Improve traffic safety and reduce congestion on District roads and streets.

1. Support recommendations to improve the capacity and safety of the I-84 corridor where beneficial to the City and the Region.
2. Ensure that highway commercial development is designed to prevent the proliferation of driveways and to provide safe, attractive, and efficient parking lot layouts.

3. Improve traffic conditions on Mill Plain Road by (1) supporting plans to widen the road to four lanes from Mill Ridge Road to Driftway Road, with turning lanes where warranted, (2) enforcing the Curb Cut Control Plan, and (3) adding sidewalks.
4. Widen the western section of Mill Plain Road between Prindle Lane and Old Ridgebury Road intersections.

D. Utilities.

Undertake utility improvements necessary to support future development in the District.

1. Continue construction of the "West Side Sewer Interceptor."
2. Extend sanitary sewer service to the Jensen Trailer Park.

**City of Danbury
Plan of Conservation & Development
West Side District Plan Map**



Land Use

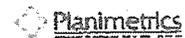
- | | | |
|---|--|--|
| Rural | Central Business District | Public Parks and Recreational Facilities |
| Single Family | Limited Commercial | Public Open Space |
| Multi-family Development and I&O Family Neighborhoods | General Commercial | Lakes and Rivers |
| Mixed Residential - Limited Commercial | Mixed Lt. Industrial/Office and Transportation | Wetlands |
| | Heavy Industry | |
| | Major Institutions | |

Proposed Public Improvements & Acquisitions

- | | | |
|-----------------------------|--|--------------------------|
| West Side District Boundary | Class II Public Water Supply Water Use | Intersection Improvement |
| Land Acquisition Embayment | Bridge Improvement | Street Widening |
| | West Side Sewer Interceptor | |



0 1000 2000 Feet



This is the Plan of Conservation and Development map referred to in Part I, Section 2 of the City of Danbury Plan of Conservation & Development.

Source: Danbury P&D

SECTION 4: ECONOMIC DEVELOPMENT PLAN.

The City of Danbury enjoys a growing and diverse economy. During the past twenty years, jobs increased by twenty-two percent overall, with substantial growth occurring in wholesale and retail trades and in professional and health services.

Continued economic development is essential for the creation of jobs to meet the needs of a growing population and for the continued expansion of the tax base. While the past witnessed growth with little government assistance, today's more competitive environment will require a more cooperative effort by City government and the private sector to ensure that growth continues in the future.

These efforts include the creation of programs and incentives designed to promote economic development, continued revitalization of the downtown and older City neighborhoods, and the provision of transportation and utility improvements.

GOAL: A BUSINESS CLIMATE THAT CREATES JOBS, EXPANDS THE TAX BASE, AND FOSTERS SUSTAINABLE ECONOMIC DEVELOPMENT.

An economic development program is coordinated through the Office of Economic Development for the purpose of creating well paying jobs, expanding the tax base, and fostering sustainable economic development through the preparation and implementation of public plans, programs, and projects that are compatible with the social fabric and natural environment of the City. The program is designed to supplement, but not duplicate, the efforts of related business organizations.

POLICIES AND RECOMMENDATIONS.

A. Economic Development Projects.

Assist businesses and industries in undertaking development projects.

1. Participate and lend support in the implementation of recommendations of the regional economic development plan of the Western Connecticut Economic Development Alliance that promote City goals and policies.
2. Support applications from businesses and developers to state and federal agencies for financial assistance necessary to advance the economic development policies of the City.
3. Retain the Deferral of Assessment Increases program, as amended.

B. Downtown Development.

Encourage additional development downtown.

1. Actively promote the private redevelopment of parcels within the Downtown Revitalization Zone in accordance with the *Downtown Danbury Plan* and on other parcels that will help revitalize the downtown.
2. Promote recreational and cultural activities in the downtown.
3. Continue public improvements for roads, sidewalks, parks, and utilities, and expand public parking as needed.

C. Permit Process.

Improve the land development permit process.

1. Continue improvements in management and staff training.

2. Establish quality standards and performance measurements; evaluate personnel and operating procedures to determine necessary changes to the system.

D. Zoning Regulations.

Ensure that zoning regulations support economic development in ways consistent with other policies and recommendations of the Plan.

1. Maintain an adequate supply of lands zoned for light industrial and corporate office use, as specified herein.
2. Expand the amount of land zoned for commercial uses only where consistent with the location criteria of the Plan, provided such does not reduce the amount of land zoned for multi-family or industrial and corporate office development in areas suitable for such development.
3. Continue a planned unit development zoning district as a floating zone in Urban Development Areas that allows neo-traditional development in suitable areas.

E. Housing and Neighborhoods.

Encourage the revitalization of neighborhoods and the provision of affordable housing in suitable locations.

1. In appropriate locations, expand the amount of vacant land zoned for small lot single family development and multi-family development.
2. Review design specifications of improvements to ensure that excessive standards are not being required.
3. Pursue efforts to revitalize neighborhoods, as necessary, in the Urban Core, including housing rehabilitation programs, quality affordable housing, elderly housing, and public improvements.

F. Transportation.

Improve highway and public transportation services.

1. Support improvements to the I-84 corridor that are beneficial to the City and the Region.
2. Improve traffic conditions on Mill Plain Road by (1) supporting plans to widen the road to four lanes from Mill Ridge Road to Driftway Road, with turning lanes where warranted, (2) enforcing the Curb Cut Control Plan, and (3) adding sidewalks.
3. Support commuter rail service to New York and expansions in service to meet growing demand; extend service to New Milford.
4. If financially feasible, expand HART transit service to meet growing journey-to-work needs.

G. Utilities.

Extend needed utilities to sites available for future development.

1. Continue construction of the "West Side Sewer Interceptor."
2. Extend sewer and water service to areas of the City identified for future urban development.
3. Encourage use of the utility reimbursement ordinance.

SECTION 5: ENVIRONMENTAL PROTECTION PLAN.

The natural environment provides the setting for all life and the substance upon which our culture depends. The constraints of land, water, and wildlife on human activity constitute a fundamental challenge in guiding growth and development in ways harmonious with nature. Although we are an integral part of the ecology of the City, we possess the ability to alter or destroy it, a power that confers upon us the responsibility of preserving natural systems and protecting living things.

The historic growth of the City depleted much of its most easily developed land, forcing developers, to a greater extent than ever before, to consider lands containing a host of environmental constraints, including wetlands, steep hillsides, and major woodlands. Conversely, as development increasingly altered the landscape, public demand for greater protection of natural resources grew.

While existing policies, programs, and regulatory controls are primarily targeted at protecting or enhancing Danbury's various land and water resources and combating pollution and hazardous materials, greater protection needs to be afforded woodlands, wildlife habitat, and steep hillsides. The preservation of environmentally sensitive lands and continued public education remain integral components of any comprehensive effort to protect the environment.

GOAL: A NATURAL ENVIRONMENT THAT IS CONSERVED AND PROTECTED FOR THE USE AND ENJOYMENT OF PRESENT AND FUTURE GENERATIONS.

Environmental programs and regulations should be designed and implemented to protect natural resources, improve public health and safety, and prevent degradation of scenic areas and wildlife habitat. But, efforts to protect the environment need not demand a curtailment of future growth and development in the City. Careful management of natural resources and policies that direct development away from environmentally sensitive areas are needed to balance the demands of both economic growth and environmental protection.

POLICIES AND RECOMMENDATIONS.

A. Watersheds and Aquifers.

Protect public water supply watersheds and aquifers from practices that pollute and degrade water resources.

1. Maintain existing regulations governing public water supply resources and aquifers in the Zoning Regulations.
2. Maintain the zoning of vacant land and residential properties in the East Lake and Padanaram watersheds to low density residential districts.
3. Identify strategic land locations within watersheds that should be kept undeveloped and retrofitted for stormwater quality improvement to protect receiving bodies of water.
4. Study the function, water quality, and wildlife habitat of all watersheds to provide a more comprehensive review of the impact of specific development proposals on the watershed.
5. Require an analysis to be submitted with subdivision applications estimating the impact of the proposed development on water quality and quantity and the probability of erosion and other conditions of instability, including proposed means of mitigating such impacts.
6. Purchase public water supply watershed lands or conservation easements where necessary and feasible to protect adjacent public water reservoirs.
7. Implement measures based on DEEP recommendations to protect aquifers.

B. Wetlands, Lakes and Watercourses.

Maintain and improve the natural ability of wetlands, lakes and watercourses to protect water supplies, provide plant and wildlife habitat, control flooding and drought, and provide recreational opportunity.

1. Map all wetlands and rank them according to ecological importance, with development constraints specified for each ranking.
2. Where feasible, site open space reservations in residential subdivisions where they will provide the greatest protection to water resources.
3. Determine an appropriate performance standard for the percentage of land for each new development that should be devoted to stormwater renovation and consider adoption into the appropriate land use regulation.
4. Require stabilization and revegetation after grading and enact other regulations governing steep slopes to prevent increases of silt and chemicals into surface water reservoirs.
5. Implement recommendations of the *Lake Kenosia Management Plan*.
6. Expand the Blind Brook flood control and drainage study to other flood prone areas of the City.
7. Maintain watershed regulatory strategies to protect water quality in Lake Candlewood.
8. Maintain the Still River Greenway.
9. Maintain the Lake Kenosia buffer gardens and install created wetlands.

C. Land and Soil Resources.

Protect land and soil resources from abuse.

1. Review the zoning of land on steep slopes to determine if development should be limited to protect hillsides.
2. Require an overlay zoning district to protect hillsides and ridgelines.
3. Continue to require an erosion and sedimentation control permit for single family lots that are not part of an approved subdivision plan where such lots are located on steep slopes or ridgelines.
4. Limit extractive industries to the IG-80 zoning district.

D. Woodlands and Wildlife.

Promote the protection of major woodland and wildlife habitat areas.

1. Continue controls on clearcutting within regulated areas of the Inland Wetlands and Watercourses Regulations.
2. Encourage the state to enable municipalities to adopt regulations to protect major woodlands from unnecessary and indiscriminate clearcutting.
3. Require submission of a tree cutting plan as part of a site plan, indicating trees to be removed on hillsides and measures proposed to control erosion, as permitted by law.
4. Investigate methods of encouraging the preservation of wildlife habitat.

E. Pollution and Hazardous Materials.

Maintain existing efforts to control pollution and hazardous materials and develop additional means to mitigate their impact on the environment and public health.

1. Pursue federal and state funding to identify, investigate, and determine clean-up costs of brownfield sites in the City.
2. Develop a public education and outreach program to inform homeowners of maintenance and preventative measures necessary to preserve the integrity of wells and septic systems; provide additional workshops on the design and permit requirements of new systems.
3. Expand restrictions on the use and storage of hazardous substances and chemicals as recommended in the *Danbury Watershed Protection Plan*.

4. Maintain the City's Local Emergency Planning Committee for hazardous materials planning and preparedness planning.
5. Continue hosting household hazardous waste collection events.

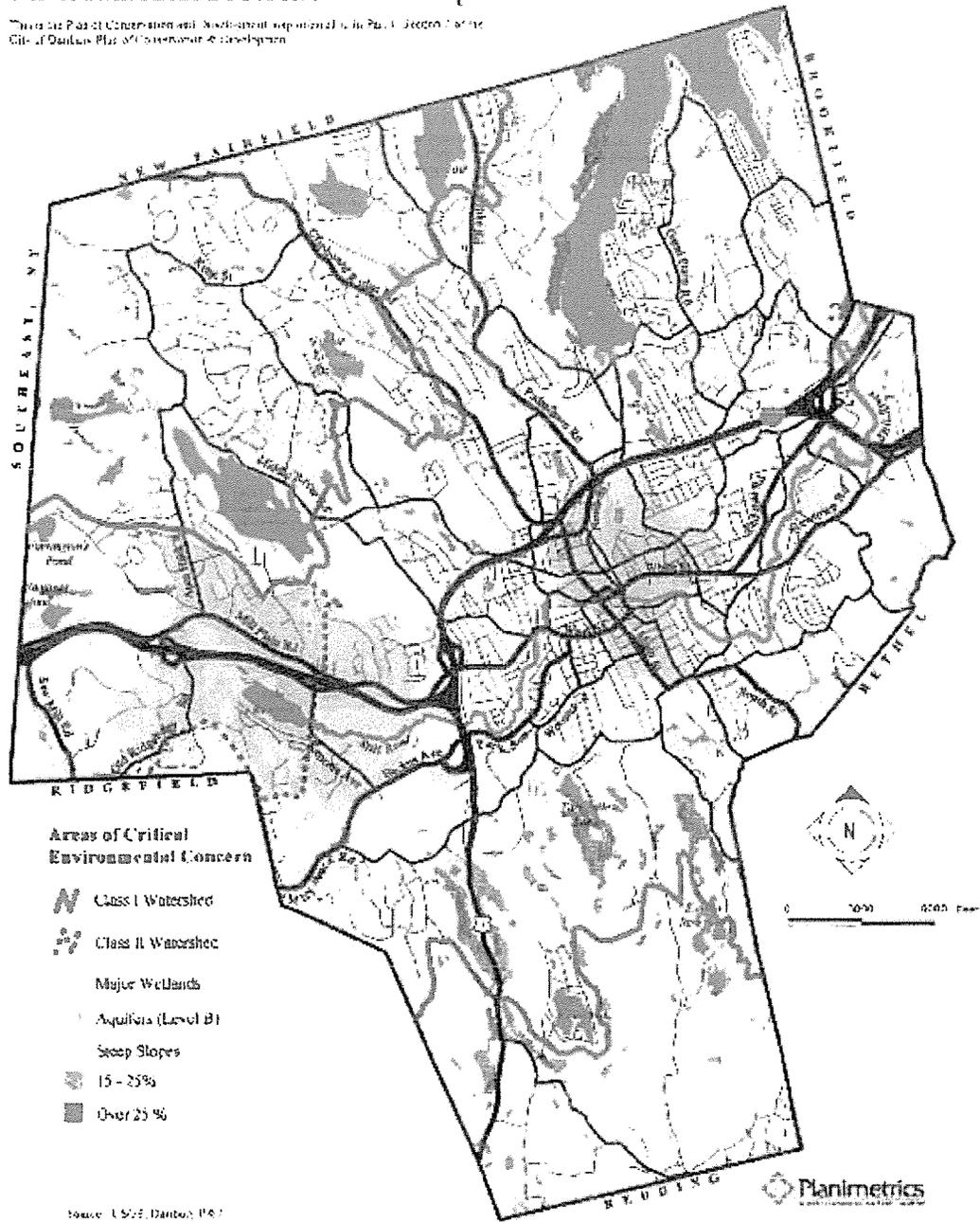
F. Land Acquisition.

Purchase lands of significant environmental value for the preservation of open space, recreation and public education.

1. Maintain the survey by the Conservation Commission of open space parcels of significant environmental value.
2. Complete the proposed acquisition of land and development of the Outdoor Environmental Education Laboratory.

**City of Danbury
Plan of Conservation & Development
Environmental Protection Plan Map**

This is the Plan of Conservation and Development required by the State of Connecticut for the City of Danbury. Plan of Conservation & Development.



Source: USGS, Danbury, PA 7

SECTION 6: HOUSING PLAN.

The housing market in Danbury expanded rapidly from 1998 until the recession began a decade later. Presently, new construction has lagged below historic levels, especially for single family homes.

While most of the housing needs of the City are met solely by the private sector, problems relating to the housing of selected age and income groups remain. A variety of public and non-profit programs have been established to expand housing opportunities. Major objectives of City government include the protection of existing neighborhoods from deterioration, the encouragement of innovative housing developments, an expansion in the supply of affordable housing, and provision for the housing needs of the elderly, disabled, or homeless.

GOAL: ADEQUATE AND DESIRABLE HOUSING FOR ALL RESIDENTS OF THE CITY.

Adequate and desirable housing is essential not only for the health and welfare of the public but also for the continued economic well-being of the community. A variety of housing types at affordable cost should be available to meet the evolving needs of different socio-economic groups, though it is recognized that Danbury alone cannot and should not be expected to meet all the varied housing needs of the Region. Unless the housing challenge is met, the community will find it increasingly difficult to provide for the vital housing needs of present and future generations. To meet this goal requires a continuing and expanded effort by both government and the housing industry.

POLICIES AND RECOMMENDATIONS.

A. Housing and Neighborhoods.

Improve substandard housing and protect stable neighborhoods from changes that invite deterioration.

1. Eliminate uses allowed in residential zones that do not contribute to neighborhood development.
2. Continue funding City housing rehabilitation activities.
3. Continue efforts by the Danbury Housing Authority to improve the design and functioning of its housing projects.
4. Maintain code enforcement.
5. Maintain standards to ensure adequate light and air and the control of nuisances.

B. Design and Cost Efficiency.

Promote creative design and cost-effective housing developments.

1. Continue permitting a planned unit development zoning district as a floating zone in Urban Development Areas that allows neo-traditional development in suitable areas.
2. Through HVCEO, promote a regional strategy for all towns to provide for housing choice based on regional demand.
3. Streamline the permit process for review of housing proposals.

C. Affordable Housing.

Undertake actions to expand the supply of affordable housing.

1. Expand the amount of vacant land zoned for small lot single family and multi-family development, where appropriate.
2. Change apartments from special exceptions to permitted uses in multi-family zoning districts where otherwise allowed.

3. Eliminate expensive requirements for improvements that exceed reasonable standards necessary for the desirable and adequate development of land.
4. Provide surplus public lands in appropriate locations to the Housing Authority and other non-profit organizations for the development of affordable scattered site housing.
5. Encourage the state to improve the Affordable Housing Land Use Appeals provisions of the C.G.S.
6. Continue density bonuses in selected multi-family zoning districts for affordable housing.

D. Special Housing Needs.

Support actions to help meet the special housing needs of the elderly, disabled, and homeless.

1. Continue implementation of the Consolidated Plan.
2. Implement general objectives to remove barriers and impediments to fair housing choice.
3. Through the Danbury Housing Partnership, continue coordinating and accessing local community programs and support services to assist the homeless population and those at risk of becoming homeless.
4. Encourage affordable housing development with rentals through the assistance of the Danbury Housing Partnership and its four acting committees.

5. SECTION 7: HISTORIC PRESERVATION PLAN.

The protection and preservation of buildings and sites of historic and archaeological merit can help stimulate private investment, strengthen the tax base, add to the visual appeal of the City, maintain community identity, and foster interest in local history and culture.

The Danbury Preservation Trust has catalogued over a thousand sites of historic interest and has identified buildings and areas that could be added to the City's inventory of historic sites and districts included on the National Register of Historic Places. The Connecticut State Museum of Natural History has also catalogued ten sites of archaeological interest in the City, ranging from prehistoric Native American camps to 19th century industrial sites.

The City should continue and expand its support for the preservation of these and other private properties of historic and archaeological merit. Additional opportunities for direct public involvement in preservation activities relate to land use regulations, tax policy, and funding mechanisms.

GOAL: THE PRESERVATION AND ENHANCEMENT OF HISTORIC AND ARCHAEOLOGICAL RESOURCES OF MERIT.

Historic and archaeological resources are valuable community assets that should be preserved and enhanced for the benefit of present and future generations. It is recognized that these structures, sites, and districts promote artistic appreciation, enrich urban design, and contribute to a greater understanding of Danbury's culture and history. By saving and restoring these resources, preservation efforts can also help revitalize older areas of the City.

POLICIES AND RECOMMENDATIONS.

A. Public Recognition.

Increase public recognition and appreciation of historic properties.

1. Complete the *Comprehensive Historical and Architectural Resources Survey* by assisting in securing funding for this purpose.
2. Nominate sites of high merit for inclusion on the National Register of Historic Places.

B. Restoration and Protection.

Protect and restore historic and archaeological sites.

1. Initiate archaeological site review.
2. Continue and promote the City's deferral of assessment increases program for the rehabilitation of historically significant properties.
3. Investigate the creation of a revolving fund or other incentives to assist property owners in making facade improvements that meet design standards for historic structures.
4. Review land use regulations and take corrective action to ensure that such regulations are compatible with preservation objectives.
5. Expand the duties of the Historic Properties Commission to promote activities which will further historic preservation.
6. Promote restoration of the murals at the Danbury Music Center.

C. Main Street Historic District.

Protect and improve the appearance and character of the Main Street Historic District.

1. Complete the preparation of facade design sketches to assist property owners in the restoration and renovation of historic structures within the District.
2. Implement needed streetscape improvements in the Urban Core.
3. Enforce sign regulations for the Central Business District and continue support for the Architectural Advisory Committee.
4. Enforce regulations pertaining to the Main Street Historic District.

SECTION 8: PARKS & OPEN SPACE PLAN.

At one time, land preserved for active and passive recreation was provided primarily by and for the wealthy. Others were unable to participate in recreational pursuits because of long work hours. However, the gradual reduction in work hours and a concomitant increase in leisure time led to growing public demands for greater recreational opportunities. Danbury has been no exception to this trend. Today, the City boasts over 1,200 acres of public parks and open spaces, supplemented by other lands owned by state and private organizations.

The Parks and Recreation Plan was prepared for the City in 2003 and an aggressive program of public improvements is underway at existing parks and recreational facilities. Other efforts have included the purchase of additional lands for recreational and environmental purposes. Major efforts are needed for Tarrywile Park to reach its full potential.

GOAL: A PARK AND OPEN SPACE SYSTEM THAT PROVIDES FOR THE ACTIVE AND PASSIVE RECREATIONAL NEEDS OF THE COMMUNITY.

The City ought to expand its park and recreational programs to meet the growing and changing needs of the public. In addition to improvements to existing parks, this includes the creation of new parks on existing City land and the expansion of the system through land acquisition, including the expansion of Tarrywile Park.

POLICIES AND RECOMMENDATIONS.

A. Expansion and Improvements of Parks.

Improve existing City parks and open space.

1. Prepare development plans for the "Dryska" property.
2. Prepare a capital budget for improvements to existing parks.
3. Develop plans for the improvement of Kennedy Park.
4. Complete recommended improvements as specified in the 2008 open space bond.

B. Planning for Future Needs.

Satisfy future space needs for parks and open space.

1. Develop the "West Side Natural Area" lands for passive recreational use.
2. Implement the Still River Greenway project.
3. Consider acquisition of land along Padanaram Brook.

C. Tarrywile Park.

Expand and improve Tarrywile Park.

1. Implement planned improvements to the park in accordance with the approved Tarrywile Park Master Plan.
2. Investigate potential uses of Hearthstone Castle and funding strategies for restoration.
3. Continue maintaining the "Ives Trail" Greenway.

SECTION 9: PUBLIC FACILITIES & UTILITIES PLAN.

For a city its size, Danbury has an extensive physical plant consisting of City Hall, the Danbury Public Library and Technology Center, police headquarters, fire headquarters and four firehouses, the Senior Center, two parking garages and four lots, various sewer and water facilities, six public works buildings, a homeless shelter, eighteen schools, a golf course, parks and other open spaces, an airport, over 230 miles of local roads, and various other municipal facilities. A significant part of annual City expenditures is directed toward the maintenance and improvement needs of these facilities to meet continued demand and new and broader services.

GOAL: PUBLIC FACILITY AND UTILITY SERVICES ADEQUATE TO MEET THE FUTURE NEEDS OF THE COMMUNITY.

As the City grows and evolves, continuing expectations and demands for public services require that City government not only maintain existing levels of service adequate to meet current needs, but that it must also be prepared to modify and expand public facilities and utilities where necessary to meet the evolving service needs of the public. Such modifications and expansions must be done in a timely and financially prudent manner.

POLICIES AND RECOMMENDATIONS.

A. Municipal Buildings and Facilities.

Improve municipal buildings and facilities as necessary to meet the public service needs of the community.

1. Expand the Fire Training Center into a regional facility.

B. Danbury Public Schools.

Provide the necessary school facilities to meet the growing and changing educational needs of the Danbury Public Schools.

1. Undertake building improvements at all schools as needed.

C. Public Utilities.

Provide public improvements to City sewer and water facilities as necessary to ensure continued high quality service.

1. Continue construction of the West Side Sewer Interceptor.
2. Replace the undersized Westville Avenue sewer.
3. Replace and upgrade the Mill Plain Road pump station.
4. Upgrade the sewer treatment plant to meet evolving needs.
5. Replace water mains as needs dictate.
6. Loop distribution grid lines to improve water flow and quality.
7. Construct storage tanks at Bear Mountain.
8. Upgrade water pumps as needed.
9. Replace water lines and interconnections throughout the low service area, as needed.
10. Replace water lines and interconnections throughout the high service area, as needed.
11. Improve major transmission lines, including the closing of loops and upgrading and enlarging of the system.
12. Expand the capacity of the West Lake and Margerie reservoirs.
13. Develop contingency plans to tap additional water sources at Ball Pond Brook and Lake Candlewood.

14. Upgrade Danbury sewage treatment facility as required to meet phosphorous limits.

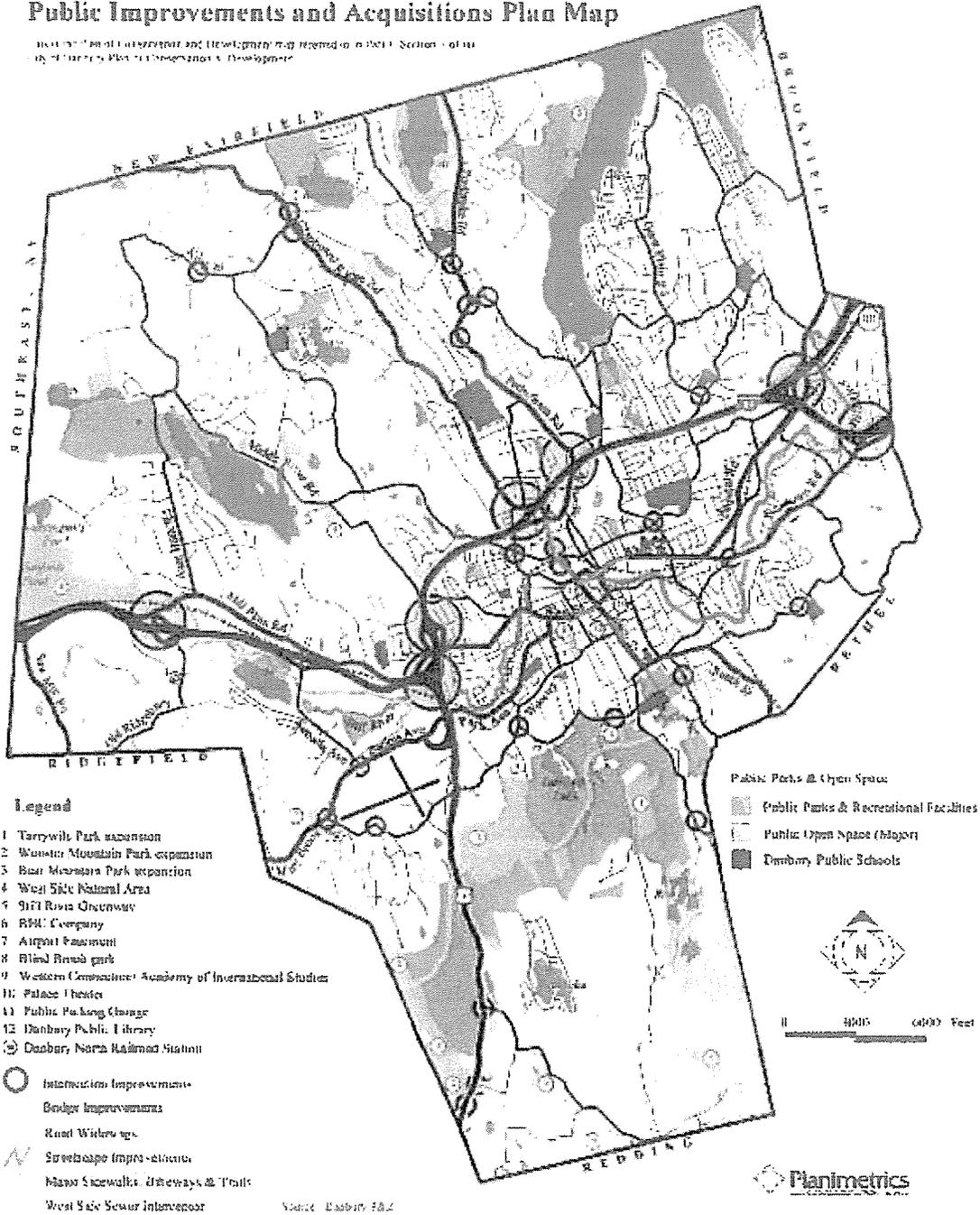
D. Acquisitions.

Acquire the land and sites as necessary to meet the future needs of the community.

1. Propose that the state expand Wooster Mountain State Park.

City of Danbury Plan of Conservation & Development Public Improvements and Acquisitions Plan Map

Map 101 of the Plan of Conservation and Development map required by Section 1 of the City of Danbury Plan of Conservation & Development



SECTION 10. TRANSPORTATION PLAN.

The transportation system in Danbury is dominated by two major regional highways, Interstate 84 and U.S. Route 7, and a number of major arterial roads that play both regional and local roles, including Federal Road, Newtown Road, Main/South Street, Mill Plain Road, Padanaram/Pembroke Road, and Clapboard Ridge Road.

The highway network is complemented by public transit service, including the Danbury Branch Line of Metro-North and the Housatonic Area Regional Transit (HART) bus system. However, the transportation system is far from a balanced one. The concentration of vehicular travel on major roads during peak hours of the day is largely responsible for traffic congestion and safety concerns. Efforts must continue to be made to improve vehicular travel.

GOAL: A SAFE AND EFFICIENT TRANSPORTATION SYSTEM THAT PROVIDES CHOICE IN TRAVEL FROM PLACE TO PLACE.

Transportation systems should provide for safe and uncongested travel throughout the City and access to neighboring communities. This requires not only improvements to existing traffic corridors but also efforts to meet future needs. Policies must address means of preventing new problems from occurring and to improve the visual appeal of traffic corridors. But, a balanced transportation system also requires support for public transportation and other modes of travel, including air travel, bicycling, and walking.

POLICIES AND RECOMMENDATIONS.

A. Traffic Safety and Congestion.

Reduce congestion and improve safety on City highways and roads.

1. Support recommendations to improve the capacity and safety of I-84 where beneficial to the City and the Region.
2. Improve the geometry of Backus Avenue and its intersection with Miry Brook Road.
3. Add turning lanes and geometric improvements where needed on Clapboard Ridge Road from Golden Hill Road to Danbury High School; realign and make intersection improvements at East Lake Road, King Street and Padanaram Road.
4. Widen Federal Road where necessary to maintain a consistent four-lane cross section from Brookfield to Starr Road.
5. Expand Main Street to four lanes from Wooster/Center Streets to South Street.
6. Implement plans to widen Mill Plain Road from two to four lanes from Mill Ridge Road to Driftway Road.
7. Widen Newtown Road to four lanes from Plumtrees Road to Old Shelter Rock Road; add turning lanes and make other geometric improvements at Old Newtown Road, Old Shelter Rock Road and Triangle Street.
8. Widen North Street and Padanaram Road to four lanes to Jeanette Street; add turning lanes and other intersection improvements at Barnum Road, Stacy Road, and the Padanaram/Pembroke Road intersection.
9. Add minor capacity improvements to West Street from Main Street to Beaver Street.
10. Add turning lanes and make geometric improvements to White Street where feasible from Federal Road to the downtown to facilitate left turns.
11. Undertake safety and capacity improvements for Pahquioque Avenue, Tamarack Road, and East Hayestown Road.
12. Complete implementation of the *City of Danbury Transportation Plan*
13. Implement other planned intersection and geometric improvements.
14. Undertake planned bridge repairs.
15. Continue existing City policies regarding private roads.

16. Improve traffic operations on Newtown Road between (1) Old Newtown Road and Plumtrees Road, (2) Eagle Road and Xpect Discount Store, and (3) Old Shelter Rock Road and Old Newtown Road.
17. Improve traffic operations on Route 37 North Street and Padanaram Road between Second Avenue and the northern driveway serving the North Street Shopping Center,
18. Improve traffic operations on Padanaram Road between Stacey Road and Barnum Road.
19. Improve traffic operations on the I-84 Exit 5 ramp to Downs Street.
20. Enhance and expand traffic signal coordination operations, where necessary.

B. Land Use and Transportation.

Coordinate land development and transportation demands to prevent future traffic problems.

1. Refrain from rezoning land along transportation corridors that will reduce the level of service to D or less.
2. Update the Trip Multiplier Table, as necessary.
3. Institute traffic calming devices to control traffic where such improvements can be safely instituted.
4. Amend the Zoning Regulations to implement the Curb Cut Control Plans for Route 7, Padanaram and Federal Roads.

C. Aesthetics.

Improve the aesthetic quality of transportation corridors.

1. Undertake streetscape improvements for Main Street from Wooster/Center Streets to South Street.
2. Undertake streetscape improvements on West Street from Main Street to Deer Hill Avenue.
3. Add streetscape improvements on White Street from Main Street to the railroad crossing.
4. Amend the Zoning Regulations to strengthen site plan review governing overall site design, parking lots, and landscaping on commercial highways.
5. Consider additional roads to be designated as scenic roads.

D. Public Transportation and Other Travel Modes.

Improve public transportation and other modes of travel.

1. Extend the Danbury Branch Line to New Milford and construct an additional railroad station off White Turkey Road Extension.
2. Support proposed improvements to HART bus service.
3. Avoid permitting future land development that invites land use conflicts adjacent to the Airport.
4. Conduct feasibility studies on the following proposed bikeways: (1) the "Two Lakes Bikeway" from the East Lake Reservoir to the Margerie Lake Reservoir, (2) Danbury to Bethel, and (3) Danbury to Brewster.
5. Undertake proposed sidewalk improvements in the Urban Core.
6. Construct a sidewalk along Newtown Road from Triangle Street to Eagle Road and the vicinity of the Berkshire Shopping Center.
7. Maintain the "Ives Trail" Greenway.

SECTION 11: STATE & REGIONAL PLAN.

While much can be done locally to improve the City, much of its future will also be shaped by state, regional, and metropolitan forces that will ultimately determine the degree to which Danbury succeeds in managing growth, containing sprawl, improving transportation, creating jobs, and extending its quality of life to all people.

Regional planning efforts must be strengthened to protect the environment, expand housing choice in neighboring towns, and improve transportation. In addition, the state must coordinate its planning efforts to ensure that issues of critical statewide concern are addressed in a cooperative fashion among state, regional, and municipal public entities. Legislative mandates for planning and zoning must be updated to promote smart growth throughout the state if it hopes to meet the challenges of the future.

Perhaps most important, the City must take a more active role in securing a vision for the Tri-State Metropolitan Region that maintains its position in the new global order by promoting social equity, protecting the environment, and encouraging sustainable economic growth.

GOAL: STATE AND REGIONAL COOPERATION THAT ADDRESSES EMERGING CHALLENGES FACING THE CITY AND THE TRI-STATE METROPOLITAN REGION.

There is a need to promote greater consistency among plans serving different levels of government, including the HVCEO and State plans of conservation and development, as amended. Areas of critical state and metropolitan concern, including transportation, environmental protection, housing, and economic development, require a coordinated approach to be effective. A process that coordinates planning at all levels of government is needed, not from the top down, but in a mutually beneficial fashion.

POLICIES AND RECOMMENDATIONS.

A. The Housatonic Valley Region.

Strengthen regional planning efforts within the Housatonic Valley Region.

1. Promote efforts to consider the recommendations of the Special Advisory Committee of the Lake Candlewood Authority regarding protection of water resources in the Lake Candlewood drainage basin.
2. Continue to cooperate with DEEP on measures to protect aquifers.
3. Promote a regional strategy for all towns to provide for housing choice based on regional demand.
4. Support improvements to I-84 as high priorities to transportation services in the Region.
5. Support efforts to upgrade Route 25 to the Greater Bridgeport area.
6. Support efforts to extend rail service to New Milford and expand service to Norwalk.
7. Support the extension of fixed HART route service to Ridgefield, Newtown and New Fairfield and continue efforts to expand journey-to-work service.

B. Promote Consistency Between State and Local Planning Efforts.

Improve state planning enabling legislation and consistency between state and municipal planning.

1. Reconcile differences between the City's Plan of Conservation and Development and the Location Guide Map of the *Conservation and Development Policies Plan for Connecticut*, as amended.
2. Promote through area legislators amendments to the Connecticut General Statutes that strengthen planning and zoning.

C. Planning in the Tri-State Metropolitan Region.

Improve and strengthen the Tri-State Metropolitan Region to meet emerging demands of the global economy.

1. Advocate improvements to create an “inland corridor” from New York to Boston by widening I-684 and I-84 to at least six lanes within urban centers.
2. Advocate safety and capacity improvements to the I-684 and I-84 intersection.
3. Support efforts to develop a high-speed rail system to connect the Tri-State Metropolitan Region with other major centers of the nation.
4. Support the expansion of air service at Stewart Airport.
5. Promote the development of a regional telecommuting center.
6. Advocate greater coordination of planning efforts at the state, regional, and metropolitan level, including the creation of an interstate transportation commission for the Tri-State Metropolitan Area.

PART 3
ENACTMENT

SECTION 1: ADOPTION AND AMENDMENT.

1.1 Powers of the Planning Commission.

The Planning Commission shall have the power to prepare, adopt and amend the Plan of Conservation and Development, in whole or in part, in accordance with §8-23 of the General Statutes of Connecticut.

1.2 Notice of Public Hearing.

Prior to adopting the Plan or any part thereof or amendment thereto, the Planning Commission shall file in the office of the Town Clerk of the City of Danbury a copy of such Plan or part thereof or amendment thereto and shall hold at least one public hearing thereon, notice of the time and place of which shall be published in a newspaper having general circulation in the City at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days prior to the date of each hearing, which notice shall make reference to the filing of such records in said office of the Town Clerk.

1.3 Plan Referrals.

1.3.1 City Council; HVCEO.

At least sixty-five days prior to the public hearing held by the Planning Commission for adoption of the Plan or amendment thereto, a copy of such Plan or part thereof or amendment thereto shall be submitted by the Planning Commission to City Council and the Housatonic Valley Council of Elected Officials for review and comment, pursuant to the General Statutes of Connecticut.

1.3.2 Department of Planning and Zoning.

Prior to the adoption or amendment of the Plan or any part thereof, the Commission may refer said Plan or amendment to the Department of Planning and Zoning for review and recommendation. The Department may include in its report to the Planning Commission a statement of findings on the extent to which the proposed Plan or amendment thereto (1) reflects changing conditions, needs, and public aspirations, (2) is in harmony with other components of the Comprehensive Planning Program, and (3) is or is not consistent with the *Conservation and Development Policies Plan for Connecticut*, as amended.

1.3.3 Office of Mayor and Zoning Commission.

The Planning Commission may submit a copy of such Plan or part thereof or amendment thereto to the Office of the Mayor and the Zoning Commission for review and comment prior to said public hearing held by the Commission.

1.3.4 The validity of the Plan of Conservation and Development, or amendments thereto, shall not be affected by the failure to comply with the requirements of 1.3.2 and 1.3.3 as long as the adoption of the Plan or any amendment thereto complies with the requirements of §8-23 of the C.G.S. as it may be amended from time to time.

1.4 Requirement to File.

Upon adoption by the Planning Commission, the Plan or part thereof or amendment thereto shall be filed in said office of the Town Clerk and shall become effective at a time established by the Commission, provided notice thereof shall be published in a newspaper having general circulation in the City prior to such effective date.

1.5 Plan Review.

At least once every ten years, or otherwise as specified by the C.G.S., the Planning Commission shall prepare or amend and shall adopt a Plan of Conservation and Development and, following adoption, shall regularly review and maintain such Plan, pursuant to the General Statutes of Connecticut.

SECTION 2: SEVERABILITY.

Should any section or provision of this Plan of Conservation and Development be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Plan as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 3: REPEALER; EFFECTIVE DATE.

All previously received or approved plans of development for the City are hereby repealed or amended, as the case may be, upon the effective date of this Plan of Conservation and Development, as amended.

PASSED and APPROVED by the City of Danbury Planning Commission February 6, 2002, effective March 1, 2002.

AMENDED by the City of Danbury Planning Commission June 12, 2013, effective June 17, 2013.

CITY OF DANBURY PLANNING COMMISSION



Arnold E. Finaldi, Jr./Chairman

Attest: 
Dennis I. Elpern, Planning Director

