

# City of Danbury Zoning Regulations

## and Composite Zoning Map

Regulations:

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CITY OF DANBURY

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.

### SECTION 1. GENERAL PROVISIONS

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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.

## SECTION 2. DEFINITIONS

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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.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, at least twenty (20) feet in width, providing space for a driveway to proceed to a street from a flag lot, the area of such lot to be computed exclusive of the area of such access way.

**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, massage parlor, nude modeling studio, or combination thereof, as defined herein.

**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, where such income is less than or equal to the area median income for the City, as determined by the U.S. Department of Housing and Urban Development.

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~~**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 or in which not less than twenty percent of the dwelling units 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 for persons and families whose income is less than or equal to eighty percent of the area median income, for at least twenty years after the initial occupation of the development.

**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.** The land in the floodplain within a community subject to a one percent or greater chance of flooding any given year.

**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 138a or Section 1437F of Title 42 of the United States Code.

**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.

**Base flood; 100-year flood.** The flood having a one percent chance of being equaled to or exceeded in any given year.

**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.

**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.

**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 on the premises but which does not necessarily serve hot meals or have a kitchen or dining room.

**Café permit.** A permit granted by the CT Department of Liquor Control to cafes for the retail sale of alcoholic liquor for consumption on the premises.

**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.

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**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.

**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.

**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.

**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.

**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.

**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 single 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.

**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 and/or education center.** A use of buildings or structures for musical or theatrical performances, dancing, educational programs, lectures, readings of literature, or similar uses, with or without fixed seating, excluding adult business uses.

**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.

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**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.

**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 Boundary and Floodway Map.** An official map of a community on which the Federal Emergency Management Agency has delineated the boundaries of the floodway.

**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 open porches or outside balconies, and any floor space intended or designed for the parking of motor vehicles or for heating and ventilating equipment.

**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.

**Freestanding 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.

**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.

**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 retail store, also known as a supermarket, food store, or delicatessen, where at least seventy-five percent of the retail sales area is engaged in the sale of a wide variety of canned and dry goods with or without fresh fruits and vegetables, meats, seafood, and poultry, except that no specialty store primarily engaged in the retail sale of only seafood, fruit and vegetables, candy, nuts, and confectioneries, dairy products, bakery products, or eggs and/or poultry shall be included in the definition of "grocery store." For the purpose of Section 10.D.8., grocery stores with five thousand (5,000) square feet or less shall be considered convenience markets.

**Grocery store beer permit.** A permit granted by the Connecticut Department of Liquor Control to any grocery store as defined herein allowing the retail sale of beer in standard containers not to be consumed on the premises.

**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.

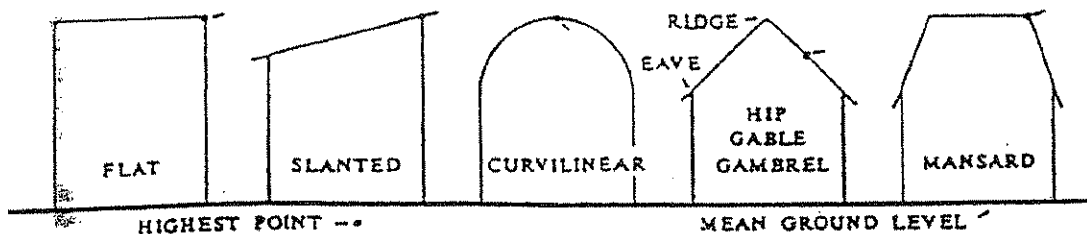


ILLUSTRATION OF HEIGHT MEASUREMENT TERMS

**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.

**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.

**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.

**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 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.

**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.

**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 with access provided to the bulk of the lot by means of an access way. The panhandle serves as an access way to the lot located behind other lots with normally required lot frontage.

**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.

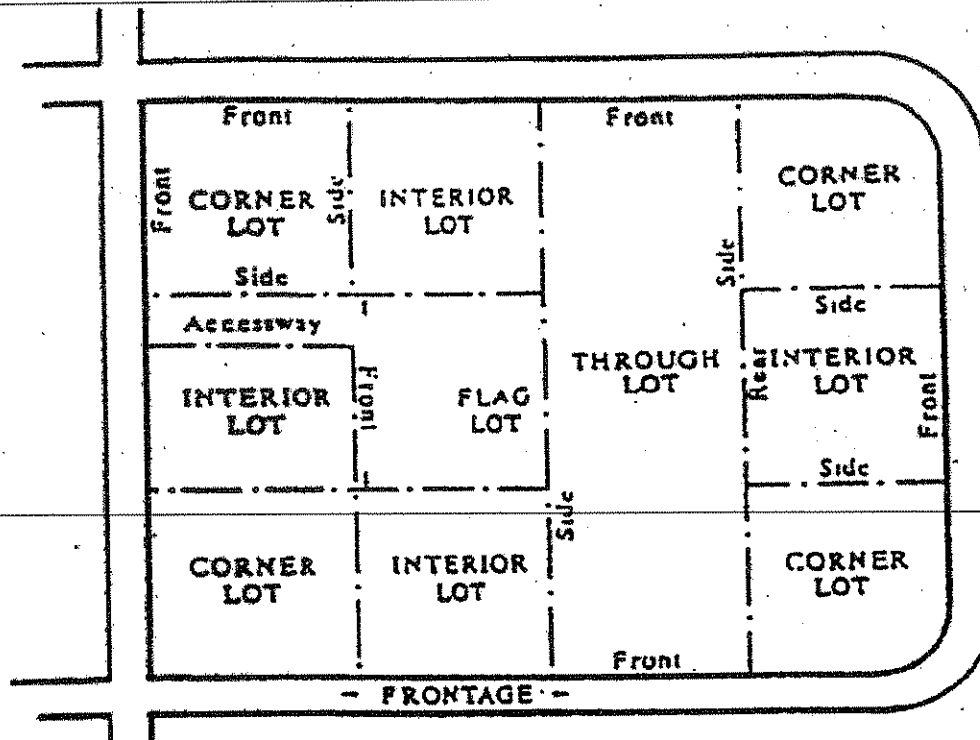


ILLUSTRATION OF LOT TERMS

**Massage parlor.** Any establishment, club, or business which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, baths, or similar treatment, except as provided in health centers, hospitals, nursing homes, medical clinics or offices, therapeutic massage centers, or barbershops or beauty parlors which offer massage to the scalp, the face, the neck, or shoulders only.

**Mean sea level.** See Section 7.A.

**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.

**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.

**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.

**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 Liquor Control to package stores for the retail sale of alcoholic liquor not to be consumed on the premises.

**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, and similar activities, but excluding commercial amusements, 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.

**Parking area.** An open area used for temporary off-street parking of motor vehicles.

**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.

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

**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.

**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 a separate dining room and full kitchen facilities where hot meals are regularly served to customers 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.

**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 Liquor Control to restaurants, including fast food restaurants, for the retail sale of alcoholic liquor, beer, or wine and beer for consumption on the premises.

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

**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.

**Septage.** Sludge or any effluent produced from sewage disposal systems.

**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 the 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.

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~~**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.

**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.

**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.

**Substantial improvement.** See Section 7.A.

**Tank.** A receptacle used for the storage of materials.

**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.

**Tavern permit.** A permit granted by the CT Department of Liquor Control to taverns for the retail sale of beer and of cider not exceeding six percent of alcohol by volume and wine to be consumed on the premises.

**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 effected.

**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.

**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.

**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.

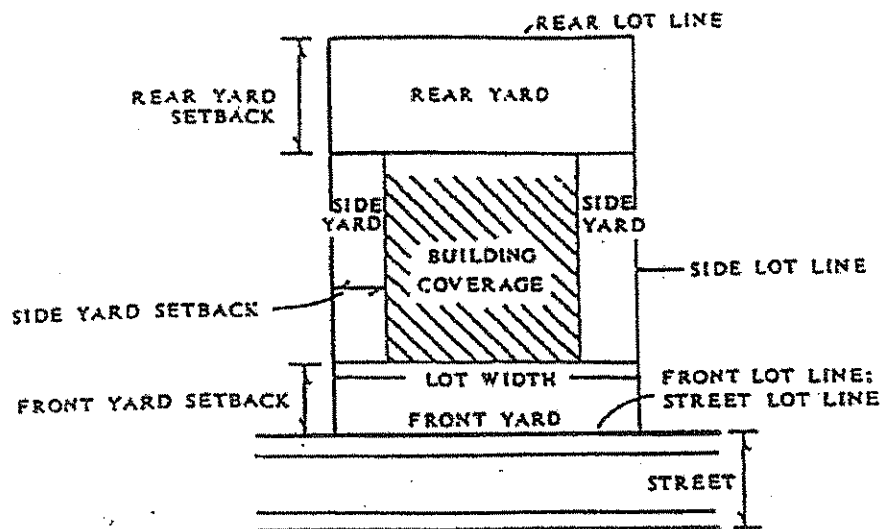


ILLUSTRATION OF YARD TERMS

## 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

#### 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

**3.A.3. Industrial Districts.**

- a. Light Industrial District:
- b. General Industrial District:

IL-40  
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.**

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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.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.).

- (1) 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.
- (2) 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.

#### **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.

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(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, restored, removed or replaced.

### **3.E.6. Wireless Telecommunication Facilities.**

- a. Purpose and Intent.

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.

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.

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.

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.

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(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. Accessory Apartments in One Family Dwellings.**

a. One efficiency or one-bedroom accessory apartment is permitted per one family dwelling located in zoning districts where one family dwellings are permitted uses, provided: (1) such is part of the principal dwelling; (2) the principal dwelling shall be owner-occupied; (3) no exterior alterations, other than entranceways and other alterations required by building codes, are made to the principal dwelling; (4) no exterior entrance or other alterations shall be made to the front of the original dwelling; (5) public sewer and water service is provided to all residences on the lot; (6) the total floor area of the accessory apartment does not exceed 500 sq. ft. or 25% of the total floor area of the principal dwelling, whichever is less; (7) no home occupation is conducted in either the principal dwelling or accessory apartment; and, (8) one additional off-street parking space is provided for the accessory apartment.

b. Upon approval as a Special Exception, a zoning permit shall be required for each accessory apartment.

**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 or plot in question is situated within a distance of five hundred (500) feet from the following uses, as measured along the public streets on which they exist.

- (1) A school for children under sixteen (16) years of age, giving regular instructions at least five (5) days a week for eight (8) or more months a year.

- (2) A hospital maintaining at least fifty (50) beds for patients.

- (3) A place of worship with seating capacity of three hundred (300) persons or more.

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- (4) A theater containing three hundred (300) seats or more.

- (5) A public library or museum.

- (6) A public playground, excluding small park areas within the boundaries of a highway.

- b. No zoning permit shall be issued for a service garage or automobile service station unless:

- (1) All pumps and other service equipment are located at least fifteen (15) feet from any side or front lot line;

- (2) The building is located on a lot with a lot area and width which meets the minimum requirements of the district in which said lot is located, or has a lot area of at least ten thousand (10,000) square feet and a lot width of at least one hundred ten (110) feet, whichever is greater; and,

- (3) the area of the lot shall be separated from any street line by curbed islands at least three (3) feet in width except for clearly defined driveways which shall be at least thirty (30) feet wide at the lot line with a ten (10) foot curb radius at the street 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. Nothing in this Section shall prevent a nonconforming garage or automobile service station as herein defined and presently in existence and in actual operation for business from being altered, improved or reconstructed so that it may continue to have the same operation that it has prior to the alteration, improvement or reconstruction.
- e. If the site of any premises having one or more of the uses described in paragraph 3.D.3.a. above is taken or threatened to be taken in the exercise of the power of eminent domain and as a result thereof, the owner shall have ceased doing business in said location under such permit, the owner may obtain such permit at a new location, Section 3.D.3.a. and Section 3.D.3.c. notwithstanding, provided such new location is permitted in the district where the property lies and is within five hundred (500) feet of any point of the perimeter of the area taken by the power of eminent domain, and provided an application for a permit be made to the appropriate agency of the State of

Connecticut or City of Danbury not more than one hundred twenty (120) days after the termination of the permit.

### **3.F. USE REGULATIONS: SPECIAL PERMIT USES.**

#### **3.F.1. General Application.**

In addition to complying with all applicable use requirements, 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. Grocery Stores, Restaurants and Cafes, Package Stores, Taverns and Other Uses Requiring a Permit from the CT Department of Liquor Control for the Retail Sale of Alcoholic Liquor.**

No building, premises, or portion thereof shall be used, erected, arranged, or intended or designed to be used for a grocery store, restaurant, café, package store, tavern or other use that includes the retail sale of alcoholic liquor requiring a permit from the Connecticut Department of Liquor Control unless the person seeking to use, erect, arrange, or intend or design to use such building, premises, or portion thereof for a grocery store, restaurant, café, package store, tavern or other said use shall first obtain a special permit from the Zoning Commission.

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

The following general criteria shall apply to all grocery stores, restaurants, cafes, package stores, taverns or other uses applying for a special permit from the Zoning Commission for the retail sale of alcoholic liquor under regulations governing a grocery store, restaurant, café, package store, tavern or other uses requiring a permit for the retail sale of alcoholic liquor from the CT Department of Liquor Control. 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 church, school, convent, or charitable institution; and,
- (2) the location of such premises or building will not have a detrimental effect upon the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood.

The Zoning Commission in approving a special permit may impose such conditions as will insure compliance with this Section. Notwithstanding other provisions of these Regulations, the Zoning Commission shall require and may approve, deny, or approve with conditions an application for a special permit for any use requiring a permit from the CT Department of Liquor Control for the retail sale of alcoholic liquor, provided said use is otherwise allowed in the zoning district within which it is located.

##### **b. Grocery Store.**

In addition to the general criteria specified above, the following regulations pertain to grocery stores applying for a special permit for the sale of alcoholic beverages.

- (1) Any grocery store as defined in Section 2 shall be permitted to sell beer at retail as an accessory use under a grocery store beer permit issued by the CT Department of Liquor Control.



(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.

c. Restaurants.

No less than sixty percent of all patron floor space and seats shall be devoted to the consumption of food and beverages in a dining room separate from a patron bar. The monthly sale of alcoholic beverages shall not exceed forty percent of the total monthly sales of the restaurant for food and beverages served on the premise. All applications for a restaurant permit shall be accompanied by a floor plan of the restaurant showing all dining rooms and bar areas, including seating and tables.

d. Package Store.

In addition to the general criteria specified above, the following regulations pertain to package stores applying for a special permit for the sale of alcoholic liquor.

No building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for a package store if any part of such premises is situated as follows.

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(1) Within a radius of two thousand feet (2,000') from the main entrance of any building on any such street or intersecting street used for the purpose of a package store. In the case of a package store located within a shopping center or complex of stores, within a radius of two thousand feet (2,000') shall be measured from building to building, using the front or main entrance as the starting and finishing points, instead of measuring along the center line of a street.

(2) Within five hundred (500) feet of any part of any lot or plot used, or reserved to be used, for the purpose of a school, church, charitable institution, hospital, or library.

e. Discontinuance of Use.

When any of the existing uses listed in Section 3.F.2. have been discontinued for a period of thirty (30) days, such use shall not be resumed except in conformity with said provisions, provided, however, that this Section shall not prohibit or prevent any established business which is a conforming use from adding floor space by the addition or construction of adjoining premises, nor shall anything contained in this Section be construed to prohibit or prevent the transfer of any type of permit to another type of permit for the sale of alcoholic liquor upon the same premises.

f. Eminent Domain.

If the site of any premises having one or more of the uses listed in Section 3.F.2. is taken in the exercise of the power of eminent domain, and as a result thereof, the owner shall have ceased doing business in said location under such permit, the owner may obtain such permit at a new location, provided such new location is permitted in the zoning district where the property lies and is within five hundred (500) feet of any point of the perimeter of a development project area or is within five hundred (500) feet of any point of the perimeter of the area taken by the power of eminent domain, and provided an application for a permit be made to and approved by the CT Department of Liquor Control or other authority enabled by law to issue such permits not more than one hundred twenty (120) days after the termination of said use or business.

g. Downtown Special Services District.

After the effective date of this amendment (**April 28, 2003**), the following are **prohibited** in the Downtown Special Services District: (1) taverns, and (2) cafes that serve or sell alcoholic beverages liquor. Existing taverns and cafes with a current tavern or café permit may continue regardless of change in ownership.

### **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.**

- a. The crematory shall be located on the same lot or parcel on which a funeral home is being operated.
- 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.

## **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 and Uses In Residential Districts.**

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

- a. shall not be located in the front yard;
- 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.

### **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.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 combination of uses or structures, provided all the lot width, yard, parking, and other requirements specified herein are met, except that when a minimum lot area or size is specified for a particular use or for a dwelling unit, no portion of such minimum lot area or size specifically required for such use or dwelling unit may be used by any other use or structure for the purpose of meeting or complying with the minimum lot area required for such other use or structure. No new residential use or building shall be built or used on the same lot with another use or building used for residential, commercial or industrial purposes, and no new residential, commercial, or industrial use or building shall be built or used on a lot containing a residential use or building, unless each use or building has sufficient land area to meet all the requirements of these Regulations and does not conflict with other provisions of these Regulations limiting the number of uses or buildings per lot.

#### **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 are permitted within the RA-20, RA-40, and RA-80 zoning districts, provided access ways serving such flag lots meet all requirements of the Subdivision Regulations governing access ways. Flag lots served by an access way in the RA-20 zone shall be a minimum of forty thousand (40,000) square feet in area. Each lot owner depending on an access way for access to a street must own said access way in fee simple. All other lot width requirements of these Regulations shall be met.

##### **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, including decks, terraces, porches, or balconies, shall be placed in the front, side, or rear yard areas specified for each use in the district regulations unless otherwise specified herein.

#### **3.I.1. Open Space.**

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

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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 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 deck, terrace, porch or balcony extending off a residential building within the RA-8, RA-20, RA-40, RA-80, RMF or RH-3 zones may only encroach up to ten (10) feet into the required rear yard and within the RA-40 and RA-80 zones may only encroach up to ten (10) feet into the required side yard.

#### **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 height limitations specified for the use in the district regulations, except as allowed below.

### **3.J.1. Exemptions.**

The maximum height limitations in these Regulations, except those specified for the Airport Protection Zone, shall not apply to the following: belfries, towers, bulkheads, and penthouses designed for other than human habitation; flagpoles, chimneys, ventilators, skylights, water tanks, and flues; utility generating, storage, and transmission structures; public utility towers and antennas; bridges not over fifty (50) feet high provided they are accessory to the use permitted in the area of their construction; churches, schools, and libraries; and, parapet walls or cornices extending not more than three (3) feet above the height limit. Notwithstanding the above provisions and exemptions, all wireless telecommunication facilities shall comply with Section 3.E.6. of these Regulations.



## SECTION 4. RESIDENTIAL DISTRICTS

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<b>A. Single Family Residential Districts: RA-8, RA-20, RA-40, RA-80.</b>	<b>4-1</b>
<b>B. Multi-Family Residential Districts: RMF-10, RMF-6, RMF-4.</b>	<b>4-13</b>
<b>C. Three Family Residential District: R-3.</b>	<b>4-25</b>
<b>D. High-Rise Residential District: RH-3.</b>	<b>4-29</b>
<b>E. Waterfront Residential-Recreational District: RR-10.</b>	<b>4-35</b>
<b>F. Residential-Office District: R-O.</b>	<b>4-39</b>
<b>G. Additional Residential Regulations.</b>	<b>4-43</b>
<b>H. Planned Neighborhood Development: PND</b>	<b>4-49</b>

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### 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.

DISTRICT	<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.

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.

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 (a) one family dwellings, (b) park, playground, or recreational facilities, and (c) 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. *maximum of three stories	35*	35*	35*
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.

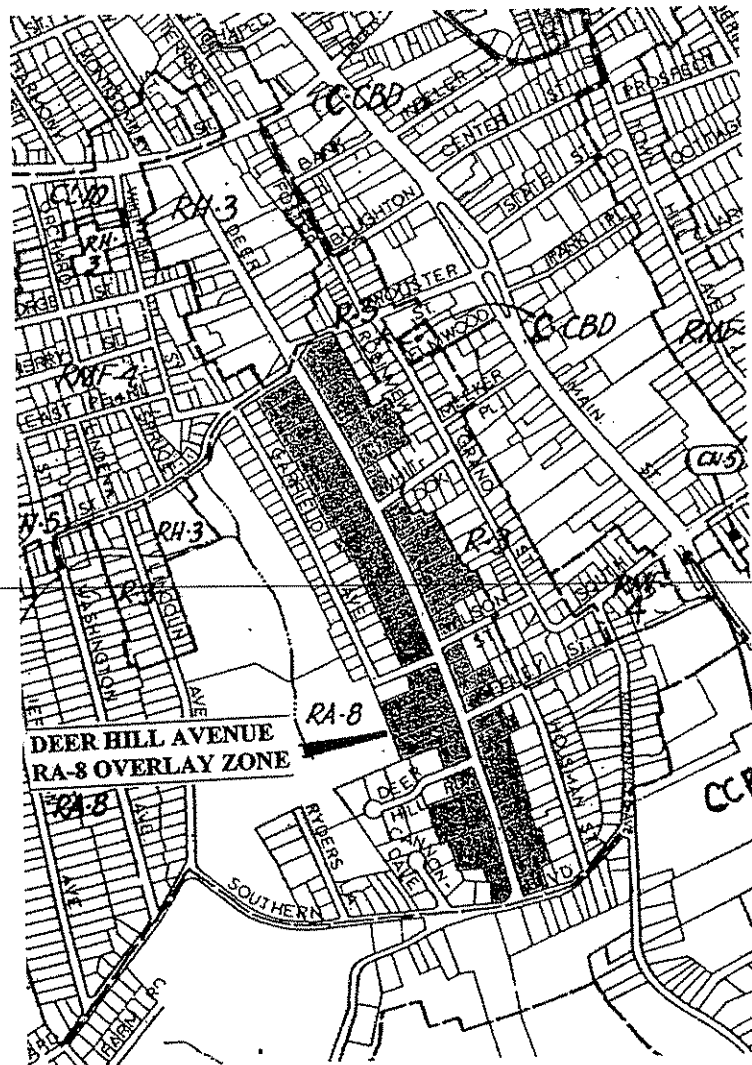
b. Scope.

(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 4-8) 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.

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.

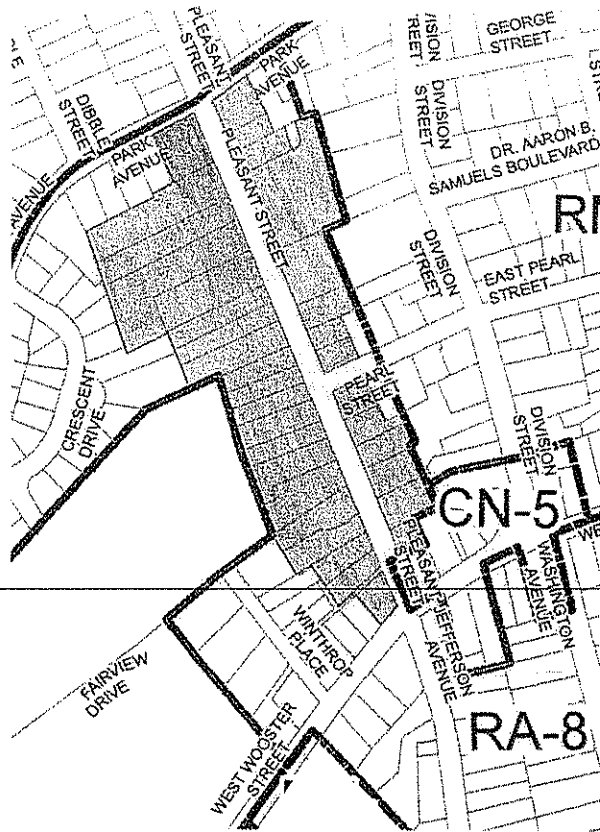
a. Purpose and Intent.

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.





### PLEASANT STREET RA-8 OVERLAY ZONE

(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.

(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) Nursery, kindergarten, elementary, or secondary school. See Section 4.B.4.h.
- (10) Nursing home. See Section 4.B.4.i.
- (11) One family dwelling. See Section 4.B.4.j.
- (12) Park, playground, or recreation facility. See Section 4.B.4.k.
- (13) Police station. See Section 4.B.4.l.
- (14) Row house. See Section 4.B.4.a.

- (15) Three family dwelling. See Section 4.B.4.m.
- (16) 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.

DISTRICT	RMF-10	RMF-6	RMF-4
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
All others	20	20	20
Minimum front yard, feet			
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 (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.

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.

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.

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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 otherwise found to be acceptable and approved by the City.

(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 the area median income of the City 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 the area median income of the City shall be no less than thirty years.

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.

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. See Section 4.C.4.d.
- (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 Section 4.C.4.g.
- (8) Two family dwelling. See Section 4.C.4.g.

b. Special Exception Uses.

- (1) Cemetery. See Section 4.C.5.a.
- (2) Congregate housing. See Section 4.C.5.b.
- (3) Continuing care facility. See Section 4.C.5.c.
- (4) Day care center, adult or child. See Section 4.C.5.d.
- (5) Nursing home. See Section 4.C.5.e.
- (6) Telephone exchange, sewage or water pumping station, water storage facility. See Section 4.C.5.f.

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.

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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.

c. 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.
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#### 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.

###### a. Permitted Uses.

- (1) Apartment house. See Section 4.D.4.a.
- (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 Section 4.D.4.a.
- (6) Hospital. See Section 4.D.4.e.
- (7) Nursery, kindergarten, elementary, or secondary school. See Section 4.D.4.f.
- (8) One family dwelling. See Section 4.D.4.g.
- (9) Park, playground, or recreation facility. See Section 4.D.4.h.
- (10) Parking area or parking garage. See Section 4.D.4.i.
- (11) Police station. See Section 4.D.4.j.
- (12) Row house. See Section 4.D.4.a.
- (13) Shelter for the homeless. See Section 4.D.4.k.
- (14) Three family dwelling. See Section 4.D.4.l.
- (15) Two family dwelling. See Section 4.D.4.l.

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

- (1) Business or professional office. See Section 4.D.5.a.
- (2) Congregate housing. See Section 4.D.5.b.
- (3) Continuing care facility. See Section 4.D.5.c.
- (4) Day care center, adult or child. See Section 4.D.5.d.
- (5) Funeral home. See Section 4.D.5.e.
- (6) Grocery store; laundromat. See Section 4.D.5.f.
- (7) Medical office. See Section 4.D.5.g.
- (8) Nursing home. See Section 4.D.5.h.
- (9) Telephone exchange, sewage or water pumping station, water storage facility. See Section 4.D.5.i.

###### 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
<hr/>	
Minimum rear yard, ft.	
Principal buildings or 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

#### 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 [November 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. Shelter for the Homeless.

- (1) The shelter must be sponsored by a non-profit organization.
- (2) Each shelter shall not exceed twenty beds per lot.
- (3) All provisions of §4.G.4. shall be met.

l. Two Family and Three Family Dwellings.

- (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. Funeral Home.

- (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.

f. Grocery Store or Laundromat.

- (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.

g. Medical Office.

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

h. 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) 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.

i. Telephone Exchange, Sewage or Water Pumping Station, and 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.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:

<b>Lot Area</b>	<b>Retail Sales Floor Area ÷ F.A.R.</b>	<b>Area for Residential Use ÷ Sq. Ft. Per Unit</b>	<b>= No. of Units</b>
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) Medial 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-40 or RA-80 zoning district.
Two family, per d.u.	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.

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#### **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.
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- 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)

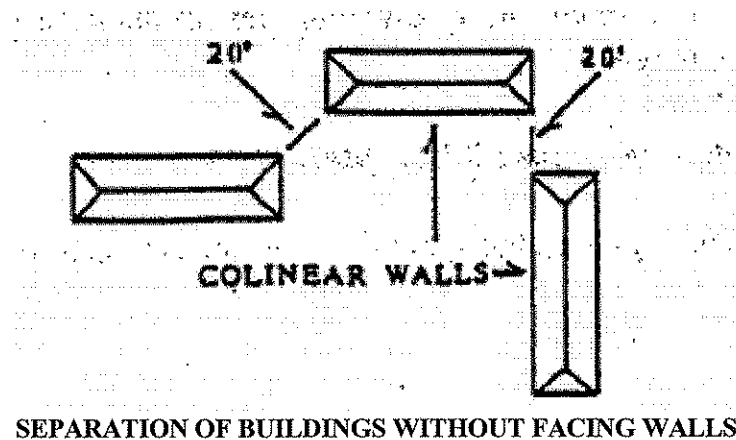
the required minimum lot area shall be the total required for all dwelling units, (b) each building is setback a distance equal to or greater than the side or rear yard specified for the dwelling type and (c) the following minimum distance requirements between apartment house, garden apartment and row house buildings on the lot are met.

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.



- (2) Maximum Length of Buildings. No apartment house, garden apartment or row house or other building shall exceed two hundred (200) feet in length.
- (3) 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.