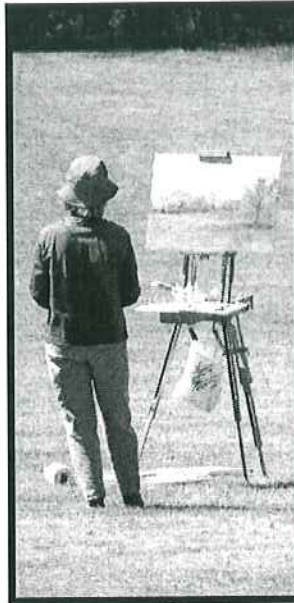
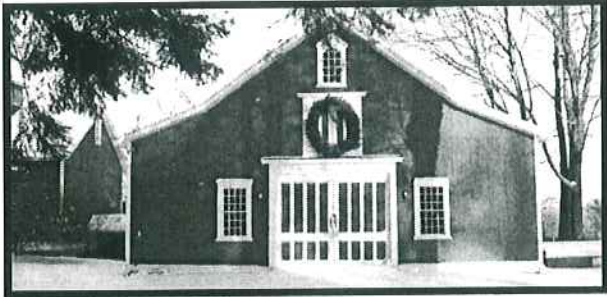


# NEW CANAAN



# ZONING REGULATIONS

Effective: June 16, 2007

June 16, 2007

## PREAMBLE

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*These Zoning Regulations are intended to guide land use activities in New Canaan in ways that will maintain and enhance community character and protect the public health, safety, and welfare.*

*The Planning and Zoning Commission, in recognition of the need to balance numerous factors when establishing or revising Zoning Regulations, has given careful consideration to the following:*

- 1. Protecting natural resources;*
- 2. Protecting existing properties and neighborhoods;*
- 3. Allowing for new development that will be in keeping with overall community standards and meet community needs;*
- 4. Establishing a positive approach to community development that will encourage appropriate development;*
- 5. Promoting good civic design and arrangements;*
- 6. Ensuring the reasonableness and legality of regulatory provisions; and*
- 7. Furthering implementation of the New Canaan Plan of Conservation and Development.*

*It is the general purpose and intent of these Regulations to foster the use and development of land in an orderly manner by both private and public interests with special consideration given to the appearance of the community as a result of such development.*

*It is recognized that the appearance of property has a direct bearing on the economic value of such property and also the economic value of adjacent and surrounding property. The appearance of a single property affects not only surrounding property, but the cumulative effect is to enhance or diminish the beauty of the entire Town, and consequently the values of property within the Town.*

*It is further recognized that the appearance of property not only has economic effects but also affects the general welfare, health, and safety of Town citizens. An aesthetically pleasing environment is a clean, healthy, and safe environment.*

*These Regulations provide standards and procedures by which development of property within the Town may be reviewed and modified in order to enhance the aesthetic beauty of the Town, and consequently, the economic value of property and general welfare of the citizens.*

*These Regulations are intended to be a dynamic document, not a static document. It is anticipated that these Regulations will be regularly reviewed and updated, as necessary, to anticipate and reflect the ever changing needs of the community and to guide land use activities in New Canaan in ways that will continue to maintain and enhance community character and protect the public health, safety, and welfare.*

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**APPENDICES**



## **ARTICLE 1 - INTRODUCTION**

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### **SECTION 1.1. AUTHORITY**

These Regulations are adopted under the authority of Chapter 124 of the General Statutes of the State of Connecticut, as amended.

### **SECTION 1.2. PURPOSES**

These Regulations are adopted for the purposes of:

1. Guiding the future growth and development of the Town in accordance with the Plan of Conservation and Development.
2. Providing adequate light, air and privacy; securing safety from fire and other danger; and preventing overcrowding of the land and undue concentration of population.
3. Protecting the character and the historic, social and economic stability of all parts of the Town and ensuring that development is orderly and beneficial.
4. Protecting and conserving the value of land and buildings appropriate to the various zones established by these Regulations and throughout the Town.
5. Bringing about the gradual conformity of the uses of land and buildings to the Comprehensive Zoning Plan set forth in these Regulations and minimizing conflicts among the uses of the land and buildings.
6. Promoting the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard for the avoidance of congestion in the streets and the provision of safe and convenient vehicular and pedestrian circulation appropriate to the various uses of land and buildings throughout the Town.
7. Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services and for private enterprise in building development, investment, and other economic activity relating to uses of land and buildings throughout the Town.
8. Controlling development to an amount commensurate with the capacity of the land and the availability and capacity of public facilities and services, thereby facilitating adequate provision for vehicular and pedestrian circulation, water, sewerage, schools, parks and other public requirements.
9. Conserving and protecting the natural resources of the Town, especially groundwater and drinking water, in recognition of their importance to the health, safety and general welfare of New Canaan and its larger environs.
10. Assuring that proper provision is made for sedimentation control and the control of erosion caused by wind or water for any project for which a permit is required or sought from the Town.
11. Encouraging the development of housing opportunities, including opportunities for multi-family dwellings, consistent with soil types, terrain and infrastructure capacity, which will promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and encouraging the development of housing which will meet identified housing needs.

## Section 1.3

**SECTION 1.3. JURISDICTION**

These Regulations apply to all areas within the Town of New Canaan and to the use to which any area and any and all buildings or structures may be devoted.

**SECTION 1.4. ZONING DISTRICTS****A. Districts and Boundaries**

1. To accomplish the purpose of these Regulations, the Town of New Canaan shall be and is divided into different classes of districts or zones as enumerated in these Regulations.
2. The boundaries of zoning districts shall be as shown on the official Zoning Map, as may be amended, which is on file in the office of the Planning and Zoning Commission.

**B. Boundary Interpretation**

If not clearly delineated on the Zoning Map, zone district boundaries shall be construed in the following sequence:

1. Following the center line of a street, railroad, right-of-way, or easement.
2. Following lot lines, such being lines of record at the time of adoption of these Regulations or relevant amendments hereto.
3. Where zone boundaries are set back from street lines, they shall be considered running generally parallel thereto, at distances indicated as follows:

<b>Zone</b>	<b>Distance (feet)</b>
Four Acre Residence Zone	500
Two Acre Residence Zone	400
One Acre Residence Zone	300
One-Half Acre Residence Zone	200
One-Third Acre Residence Zone	150
A Residence Zone	100
B Residence Zone	100
Retail A Zone	150
Retail B Zone	150
Business A Zone	150
Business B Zone	150
Business C Zone	150

4. Following the lines of a particular physical feature including brooks, streams, floodplains, or steep slopes.
5. In case of uncertainty regarding zone boundaries on the Zoning Map, the zone boundary shall be determined by the Commission.

## **SECTION 1.5. INTERPRETATION OF REGULATIONS**

### **A. Permitted Uses and Activities**

1. Any principal use of land, buildings or structures not expressly permitted by these Regulations in the various zoning districts is prohibited.
2. Any activity not expressly permitted in the Regulations is prohibited.
3. For a principal use permitted by these Regulations, accessory uses which are customarily incidental and are actually subordinate thereto are permitted.
4. In the event of uncertainty as to whether a use or activity is permitted, the Commission shall be responsible for interpreting these Regulations.

### **B. Minimum Requirements**

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare, unless the context clearly indicates that such provision is intended to be a maximum limitation.

### **C. In The Event of Conflict**

Where any conflict arises between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that imposes the highest standard or establishes the greatest restriction upon the use of land, buildings or structures shall control.

**SECTION 1.6. CONFORMITY REQUIRED****A. Conformity Required**

Except as may be provided in Subsection 1.6.B:

1. No building, structure or land shall be used or occupied except in conformity with these Regulations for the zone in which the land, building, or structure is located.
2. No building or other structure or part thereof shall be erected, moved, replaced, reconstructed, extended, enlarged, or altered except in conformity with these Regulations for the zone in which the building, structure, or land is located.
3. No land shall be sold or divided in a manner which results in a use of all or a part thereof ceasing to conform to these Regulations.
4. No land shall be sold or divided in a manner which results in a dimensional or any other standard that does not conform to the requirements of these Regulations.
5. No lot shall be diminished in area except in conformity with the provisions of these Regulations.
6. No yard, setback, or other minimum requirement shall be reduced except in conformity with the provisions of these Regulations.
7. No height, building coverage, or other maximum requirement shall be increased except in conformity with the provisions of these Regulations.

**B. Exceptions**

1. The following types of activities shall not, to the extent provided below, be required to:
  - a. make any changes in the plans, construction, or designated use of any such building or structure authorized, or
  - b. conform with any change in the Regulations or the boundaries of zoning districts taking effect during the indicated period of exception.
2. **Certificate of Occupancy Applied For** - An application for a Certificate of Occupancy for a building, structure, use, or activity was filed with the Building Official prior to the effective date of any regulation change or zoning district change.

**Period of Exception** From the date the application for the Certificate of Occupancy was submitted until the Certificate of Occupancy is issued or the application is denied for non-compliance with the Zoning Regulations in effect on the date the Certificate of Occupancy was applied for

**What Excepted** The improvements authorized by the original Building Permit and included in the application for the Certificate of Occupancy

**Applicable Standard** The Zoning Regulations in effect on the date the Certificate of Occupancy was applied for

3. **Under Construction** - A building or structure has a valid Building Permit issued by the Building Official prior to the effective date of any regulation change or zoning district change.

**Period of Exception** From the date the Building Permit was applied for and subsequently issued until the Certificate of Occupancy is issued or the Building Permit lapses

**What Excepted** The improvements authorized by the valid Building Permit

**Applicable Standard** The Zoning Regulations in effect on the date the valid Building Permit was applied for

4. **Building Permit Applied For** - An application for a Building Permit was filed with the Building Official prior to the effective date of any regulation change or zoning district change.

**Period of Exception** From the date the Building Permit was applied for until the Certificate of Occupancy is issued, the Building Permit lapses, or the permit application is denied for non-compliance with the Zoning Regulations in effect on the date the Building Permit was applied for

**What Excepted** The improvements shown on the application for the Building Permit

**Applicable Standard** The Zoning Regulations in effect on the date the Building Permit was applied for

5. **Zoning Application Approved by the Commission or Board of Appeals** - A building, structure, use, or activity was approved by the Commission or Board prior to the effective date of any regulation change or zoning district change.

**Period of Exception** From the date the zoning application was submitted to, and subsequently approved by, the Commission or Board until the Certificate of Occupancy is issued, the approval is otherwise implemented, or the time period for completion of improvements, if applicable, as provided in CGS 8-3 has elapsed

**What Excepted** The improvements shown on the plan(s) submitted to the Commission or Board and subsequently approved

**Applicable Standard** The Zoning Regulations in effect on the date the application was submitted to the Commission or Board

## Section 1.7

6. **Subdivision Application Approved by the Commission** - A subdivision or resubdivision plan was approved by the Commission prior to the effective date of any regulation change or zoning district change and the subdivision plan was filed or recorded with the Town Clerk.

**Period of Exception** For each lot in the subdivision that was vacant, from the date the subdivision application was submitted to, and subsequently approved by, the Commission until the date a Building Permit is issued with respect to that lot and a foundation has been completed in accordance with such Building Permit

**What Excepted** The improvements authorized by the Building Permit

**Applicable Standard** The Zoning Regulations in effect on the date the subdivision application was submitted to the Commission and subsequently approved

7. **Application Filed with the Commission or Board** - An application was filed with the Commission or the Board prior to the effective date of any regulation change or zoning district change and subsequently approved.

**Period of Exception** From the date the application was submitted to the Commission or Board until the Certificate of Occupancy is issued, the Building Permit lapses, the time period for completion of improvements, if applicable, as provided in CGS 8-3 has elapsed, or the application is denied for non-compliance with the Zoning Regulations in effect on the date the application was submitted

**What Excepted** The improvements shown on the application submitted to the Commission or Board

**Applicable Standard** The Zoning Regulations in effect on the date the application was submitted to the Commission or Board

## SECTION 1.7. ADMINISTRATIVE PROVISIONS

### A. Severability

Should any provision of these Regulations be declared unconstitutional or beyond the powers granted to the Commission by law, such action shall not affect the validity of any other provision or part hereof.

### B. When Effective

These Regulations and any amendments hereto shall be effective from and after the effective date established by the Commission.



## ARTICLE 2 - DEFINITIONS

---

### SECTION 2.1. USE OF TERMS

#### A. Definitions to be Applied

In the interpretation and enforcement of these Regulations, the words and phrases set forth in these Regulations shall be construed as defined in this Article, unless otherwise clearly qualified by their context.

#### B. Specific Terms

In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:

1. The word "shall" is mandatory and not discretionary.
2. The word "may" is permissive.
3. When not inconsistent with the context:
  - a. Words in the present tense include the future and vice-versa.
  - b. Words in the singular include the plural and vice-versa.
  - c. Words in the masculine include the feminine and neuter and vice-versa.
4. The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used."
5. The words "zone", "zoning district", and "district" have the same meaning.
6. The word "person" also includes a partnership, association, trust, corporation or other legal entity.
7. "Filed" shall mean "submitted" and vice-versa.

#### C. Terms Not Defined

In the interpretation and enforcement of these Regulations, words not defined in this Article shall be interpreted by the Commission after consulting one or more of the following:

1. The State Building Code, as amended.
2. The Connecticut General Statutes, as amended.
3. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended.
4. Black's Law Dictionary.
5. A comprehensive general dictionary.

Section 2.2

**SECTION 2.2. DEFINED TERMS**

**ACCESSORY** – Subordinate and customarily incidental to a principal building, structure, or use on the same property.

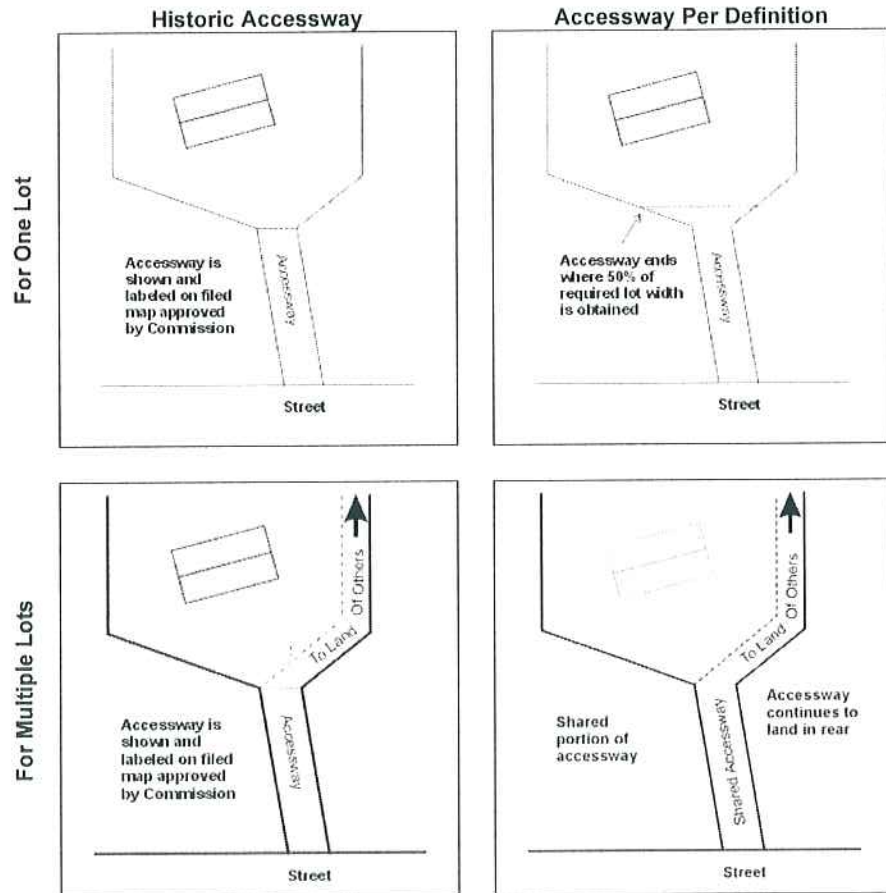
**ACCESSORY DWELLING UNIT** – See “*Dwelling Unit, Accessory*”.

**ACCESSORY BUILDING** -- See “*Building, Accessory*”.

**ACCESSWAY** – Land containing a driveway intended to provide access to a rear lot or to land(s) of others.

For lots established prior to June 18, 2005, the extent of an accessway shall be that area labeled as an accessway and shown on a map which has been approved by the Commission and is on file in the land records provided that the Commission may require legal documentation establishing the accessway and its location.

In all other situations, the extent of an accessway shall be that area beginning at the public street providing access and ending at the point where fifty percent (50%) of the required lot width is obtained, or that area as approved by the Commission.



**AFFORDABLE HOUSING** - A single-family dwelling, a unit in a multi-family building or complex, an accessory dwelling unit, or a residential unit in a mixed-use building or complex for which, as defined in CGS 8-39a, persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to the area median income (*see definition*).

**AFFORDABLE HOUSING DEVELOPMENT** - a housing development which:

1. contains or will contain one or more units of affordable housing, or
2. is or will be a set-aside development (*see definition*), or
3. is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, or
4. is, or will be, occupied by persons receiving rental assistance under chapter 319uu or Section 1437f of Title 42 of the United States Code.

**ALTER** -- To change or rearrange the use, function, intended use, structural parts or the existing facilities of a building, structure or use of land.

**ANTENNA** - any device that transmits or receives electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other electromagnetic communication signals.

**ANTENNA HEIGHT** - *See "Height, Antenna"*.

**ANTENNA MOUNT** - The structure or surface upon which telecommunications antennas are mounted, including building roof mounts, building side mounts, ground mounted tower and structure mounted.

**ANTENNA TOWER** - Any structure, including a tower or building, and any support appurtenant thereto that is designed and constructed primarily for the purpose of supporting one or more antennas.

**ARTICLE** – A separate part of these Zoning Regulations. *See "Chapter" and "Section"*.

**ATTIC** -- The space between the roof rafters and the ceiling beams or floor joists below. *See definition of "Story"*.

**AVERAGE GRADE** -- *See "Grade, Average"*.

Section 2.2

**BASEMENT** -- That part of a building that is partly below and partly above ground and having one-half (1/2) or more of its total height above average grade. See "Story", "Cellar", and "Grade, Average."

**Basement / Cellar**

**Basement**

Floor Level

Floor Level

Average Grade

> 50 %  
of TH    TH

This is a basement since 50% or more of the Total Height (TH) is above average grade

**Cellar**

Floor Level

Floor Level

Average Grade

< 50 %  
of TH    TH

This is a cellar since less than 50% of the Total Height (TH) is above average grade

**Example**

Assume for this example that the elevation of the lower floor of a building is 100.0 feet and that the elevation of the upper floor is 110.0 feet. Also assume that the elevation of average grade (see definition) is 103.8.

Upper Floor Elevation = 110.0

Lower Floor Elevation = 100.0

Retaining Wall

Elevation at One Half of Total Height = Lower Floor Elevation + (50% of Total Height)

= 100.0 + (50% of 10.0 feet)

= 100.0 + 5.0 = 105.0 feet

Elevation of Average Grade = 103.8 feet

This is a basement since the elevation of One Half of the Total Height (105.0 feet) is above the elevation of Average Grade (103.8 feet)

**BED & BREAKFAST** -- An owner-occupied residence that provides overnight accommodations in six (6) or fewer rooms and a morning meal to transients for compensation and where stays are limited to thirty (30) days or less.

**BEDROOM** -- A room which is designated and primarily used for sleeping and including, in the case of any multi-family development, libraries, dens, studios, studies, lofts and other similar spaces.

**BOARD** -- The Zoning Board of Appeals.

**BREEZEWAY** -- A roofed passageway, which is open-sided or screened, connecting a building or structure to another building or structure.

**BUFFER, BUFFER AREA or BUFFER STRIP** -- A strip of land along a property line or zone boundary which is free of any building or use other than natural woody growth, landscaping, fencing or screening and which provides visual and noise separation.

**BUILDABLE LAND** -- Land area of a lot or parcel, exclusive of any area classified as wetlands, watercourses, 100-year floodplain, or containing pre-development slopes greater than twenty-five (25) percent as defined by a ten (10) foot change of grade in a horizontal distance of less than forty (40) feet.

**BUILDING** -- Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, goods, or personal possessions.

**BUILDING, ACCESSORY** -- A building, the use of which is subordinate and customarily incidental to that of the principal building on the same lot. A building shall be considered an accessory building unless it shares a common wall or a common roof with the principal building (a breezeway roof shall not be considered a common roof).

**BUILDING, PRINCIPAL** -- A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUILDING CODE** -- Regulations that govern building design, construction, and maintenance and require Building Permits, electrical permits, mechanical permits, plumbing permits, Certificates of Occupancy, and other approvals to do work pertaining to building construction, improvement, and occupancy in New Canaan .

Section 2.2

**BUILDING COVERAGE** – As provided below, the horizontal area covered by the indicated buildings and other structures on the lot:

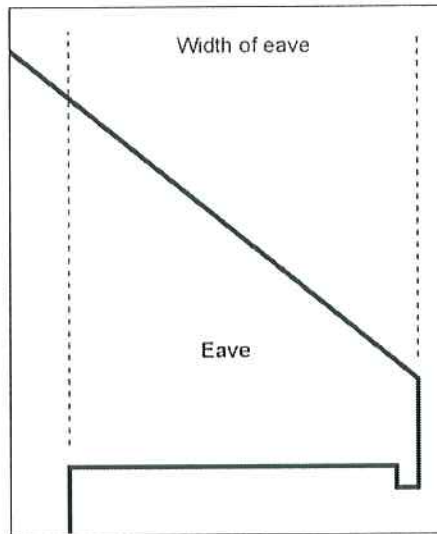
**Building coverage includes:**

**Building coverage excludes:**

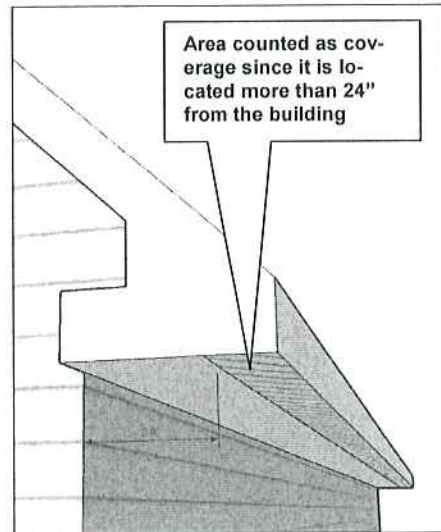
- The ground area of all buildings on the lot (buildings, garages, outbuildings, etc.) generally as measured by the exterior walls or columns
  - That portion of a roof overhang, gutter, or leader located more than 24 inches from the building
  - That portion of a bow or bay window projecting more than 24 inches
  - That portion of a chimney projecting more than 24 inches
- 
- The ground area of all structures on the lot, generally as measured by the exterior walls or columns, except those specifically excluded in this definition

- Exterior stairs
  - Basement hatchway doors
- 
- That portion of a roof overhang, gutter, or leader located no more than 24 inches from the building
  - That portion of bow or bay window projecting no more than 24 inches
  - That portion of a chimney projecting no more than 24 inches

**Measurement of Eave**



**Measurement of Eave**



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<b>Building coverage includes:</b>	<b>Building coverage excludes:</b>
<ul style="list-style-type: none"> <li>• Covered walkways and breezeways generally as measured by the exterior walls or columns</li> <li>• Covered patio</li> <li>• Porte cochere</li> </ul>	<ul style="list-style-type: none"> <li>• Driveways</li> <li>• Uncovered walkways</li> <li>• Trellis, pergola, or other similar structure with no roof</li> </ul>
<ul style="list-style-type: none"> <li>• That portion of a deck, generally as measured by the area of the floor or decking, that:                             <ul style="list-style-type: none"> <li>• has the deck surface elevated more than 36 inches above finished grade, or</li> <li>• is not attached to a building, or</li> <li>• is attached to a building and extends more than 10 feet from the building, or</li> <li>• exceeds 40 percent of the perimeter of the building measured at the points of attachment</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Patios, terraces</li> <li>• On-grade decks</li> <li>• That portion of a deck that:                             <ul style="list-style-type: none"> <li>• has the deck surface elevated no more than 36 inches above finished grade, and</li> <li>• is attached to, and extends no more than 10 feet from, the building, and</li> <li>• does not exceed 40 percent of the perimeter of the building measured at the points of attachment</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• A closed porch</li> </ul>	
<ul style="list-style-type: none"> <li>• That portion of an open porch attached to a building generally as measured by the area of the floor or decking, that:                             <ul style="list-style-type: none"> <li>• has the porch surface elevated more than 36 inches above finished grade, or</li> <li>• extends more than 10 feet from the building, or</li> <li>• exceeds 40 percent of the perimeter of the building measured at the points of attachment</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• That portion of an open porch attached to a building that:                             <ul style="list-style-type: none"> <li>• has the porch surface elevated no more than 36 inches above finished grade, and</li> <li>• extends no more than 10 feet from the building, and</li> <li>• does not exceed 40 percent of the perimeter of the building measured at the points of attachment</li> </ul> </li> </ul>

*Continued on next page*

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<b>Building coverage includes:</b>	<b>Building coverage excludes:</b>
<ul style="list-style-type: none"> <li>Any above ground pool more than 400 square feet in area</li> </ul>	<ul style="list-style-type: none"> <li>In-ground pools</li> <li>Above ground pools no more than 400 square feet in area</li> </ul>
<ul style="list-style-type: none"> <li>Paddle tennis courts</li> </ul>	<ul style="list-style-type: none"> <li>Tennis courts, sports courts, or other on-grade recreation surfaces</li> </ul>
<ul style="list-style-type: none"> <li>Minor detached accessory structure if:               <ul style="list-style-type: none"> <li>the second or greater on a lot, or</li> <li>on a permanent foundation, or</li> <li>greater than 200 square feet in area.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>One minor detached accessory structure (less than 200 SF in area) not situated on a permanent foundation.</li> <li>Small accessory or ornamental features such as a bird bath, trellis, well casing, etc.</li> </ul>
<ul style="list-style-type: none"> <li>Any dish antenna mounted off the ground on a base or riser on the ground</li> </ul>	<ul style="list-style-type: none"> <li>Any dish antenna mounted on a building or structure</li> </ul>
<ul style="list-style-type: none"> <li>That portion of an emergency generator or HVAC equipment located more than ten (10) feet from the principal structure</li> </ul>	<ul style="list-style-type: none"> <li>That portion of an emergency generator or HVAC equipment located within ten (10) feet of the principal structure</li> </ul>
	<ul style="list-style-type: none"> <li>Transformers or signal boxes on private property</li> </ul>
	<ul style="list-style-type: none"> <li>Signs</li> <li>Fences</li> <li>Freestanding walls</li> <li>Retaining walls</li> </ul>

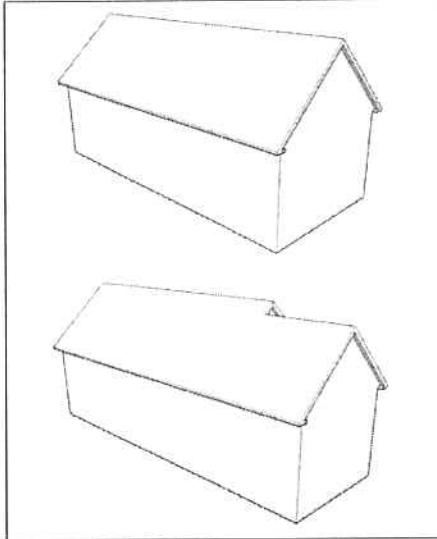
**BUILDING HEIGHT** - See "*Height, Building*".

**BUILDING LINE** -- A line, established by the Commission or other competent municipal authority, in back of the street line defining an area between said lines upon which buildings or structures are regulated or prohibited.

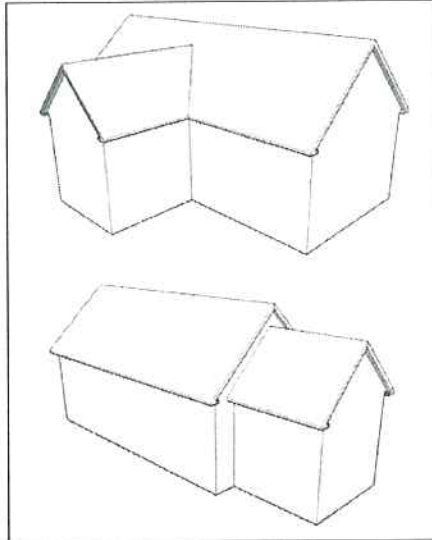


**BUILDING WING (or Distinct Portion)** -- A portion of a building (defined by the footprint or outline), which does not share a roof plane with another portion of the same building and where the roof ridge is offset from another roof ridge by three (3) feet or more.

**Buildings Without A Building Wing or Distinct Portion**



**Buildings With A Building Wing or Distinct Portion**



**CELLAR** -- That part of a building that is partly below and partly above ground and having more than one-half (1/2) of its height below average grade. See "Story", "Basement", and "Grade, Average."

**CERTIFICATION** -- With regard to a soil erosion and sediment control plan, a signed, written approval by the Commission or its designated agent that a soil erosion and sediment control plan complies with applicable requirements of these Regulations.

**CGS** -- The Connecticut General Statutes, as amended.

**CHAPTER** -- The entire Zoning Regulations. See "Article".

**CHURCH** -- See "Religious Institution".

**CLUB** -- A voluntary or corporate association whose objects, purposes and pursuits are social, fraternal, religious, political, educational, recreational or charitable, operating without profit or division of any revenues to its members, except as reasonable compensation for special services actually rendered, and devoting all net revenues received to supporting its purposes and objects or to eleemosynary uses.

**COMMERCIAL VEHICLE** -- See "Vehicle, Commercial".

**COMMISSION** -- The New Canaan Planning and Zoning Commission.

Section 2.2

**COMPREHENSIVE ZONING PLAN** -- These Regulations and the accompanying map(s) and schedules which address the use of all areas in the Town of New Canaan.

**CONSERVATION RESTRICTION** -- An encumbrance on real property filed on the land records of the Town for the protection and permanent preservation of fragile, vulnerable or valuable areas such as natural features, open space, natural habitats, buffer zones, scenic areas, historic sites, riding and walking trails, and land devoted to other similar purposes.

**CONVALESCENT HOME** -- A facility that provides nursing services and custodial care for compensation on a 24-hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age require such services.

**CORNER LOT** -- See "*Lot, Corner*".

**COVERAGE, BUILDING** -- See "*Building Coverage*".

**CURB CUT** -- The opening along the curb line at which point vehicles may enter or leave the roadway.

**CURB LEVEL** -- The permanently established grade of the sidewalk along the front of a lot based on a height of six (6) inches above the average street level at the gutter line in front of a lot, or along both fronts in the case of a corner lot.

**DATE OF APPROVAL** -- The date an application is approved:

- by affirmative action of the Commission or Board under any provision of these Regulations or,
- by conclusion of any appeal which results in a judgment approving or affirming approval of the application, or
- by reason of failure of the Commission to act within the statutory time-frame in the case of a Site Plan application.

**DAY CARE** -- The care of people on a regularly recurring but part-time basis in a place other than the person's own dwelling unit.

**DAY CARE CENTER** -- A facility which offers or provides a program of supplementary day care to more than twelve (12) related or unrelated people.

**DAY CARE HOME, FAMILY** -- Day care provided in a private family home for not more than six (6) people and where the principal provider of the services resides on the premises.

**DAY CARE HOME, GROUP** -- Day care provided in a private family home for more than six (6) but not more than twelve (12) people on a part-time, but regularly recurring, basis and where the principal provider of the services resides on the premises.

**DECK** -- A roof-less structure or portion of a structure which is usually constructed of wood with structural supports which hold the walking surface off the ground.

- DEPOSIT** -- With respect to the movement of earth material, the placement of earth material on land which includes, but shall not be limited to, fill, grade, dump, place, discharge, or emit.
- DEVELOPMENT** -- Any construction or grading activities to improved or unimproved real estate.
- DISTURBED AREA** -- An area where the ground cover is destroyed, removed, or changed, leaving the land subject to potential accelerated erosion.
- DORMER** -- A projection from a sloping roof, usually containing a window or a ventilating louver, which is clearly subordinate in area and volume to the sloping roof.
- DRAINAGE** -- The controlled or uncontrolled removal or discharge of surface or ground water from land by drains, grading or other means which may include runoff controls to minimize erosion, reduce suspended solids and maximize groundwater recharge during and after construction or development.
- DRIVEWAY** -- An area primarily on private property used by vehicles to access or exit a property.
- DWELLING** -- A structure maintained for human habitation erected on a closed solid foundation, equipped with at least one customary form of heating apparatus and constructed with ceilings and walls finished in some acceptable manner to give proper insulation and to be capable of maintaining a healthful interior room temperature of sixty-eight degrees Fahrenheit (68° F.) and healthful ventilation when the outside temperature is zero.
- DWELLING, MULTI-FAMILY** -- A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other and doing their cooking upon the premises, or by four (4) or more unrelated individuals living independently.
- DWELLING, SINGLE-FAMILY** -- A building arranged, intended or designed to be occupied by one family.
- DWELLING, TWO-FAMILY** -- A building arranged, intended or designed to be occupied by two (2) families living independently of each other and doing their cooking upon the premises.
- DWELLING UNIT** -- A building or part thereof, providing a kitchen and related housekeeping facilities for one family.
- DWELLING UNIT, ACCESSORY** -- A secondary dwelling unit on a single-family residential property which is clearly accessory to the single-family dwelling and is a complete independent living facility with provisions within the unit for cooking, eating, sanitation, and sleeping.
- EARTH** -- Includes, in addition to earth as commonly understood, soil, loam, sand, gravel, rock, stone, clay or any other material of which the ground is composed.
- EAVE** -- The portion of a roof overhanging the wall of a building.

Section 2.2

**EFFECTIVE DATE** - In the case of a zone change application or a regulation amendment application, the date specified by the Commission and published in the legal notice of the decision.

**ELEEMOSYNARY** -- Organized and operated for the purpose of providing a public service or activity without profit.

**EMERGENCY SERVICES COMMUNICATIONS** - Communications service and equipment needed for local police, fire, or ambulance services.

**ENCROACHMENT** -- Any obstruction or illegal or unauthorized intrusion in a delineated area (such as property line encroachment or setback encroachment).

**EROSION** -- The process of wearing away and removal of the earth's surface by natural agents including weather, running water, waves, currents, ice, wind or gravity.

**EXCAVATION** -- The digging out, extraction, regrading or removal of earth, whether exposed or covered by water, so as to alter its pre-existing contour or its natural contour.

**FAA** - The Federal Aviation Administration.

**FACADE** -- The face of any exterior wall of a building exposed to public view.

**FAMILY** -- Any number of individuals related by blood, legal adoption, or marriage and up to two additional unrelated individuals living and cooking together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding or rooming house or hotel.

**FAMILY DAY CARE HOME**— See "*Day Care Home, Family*".

**FARMING** -- The use of any tract of land, either as a principal use or an accessory use, for the raising of agricultural products, forest products, nursery products (such as plants, shrubs or trees), livestock or poultry, including the raising of horses and other domestic farm animals.

**FARMING, COMMERCIAL** -- Farming activities and structures used for commercial purposes including:

- the sale of farming products (including cut flowers) when produced on the premises,
- the sale of nursery or other products (including containerized plants) or for a collateral business (such as landscaping services), or
- the provision of services to others, including riding academies or livery stables.

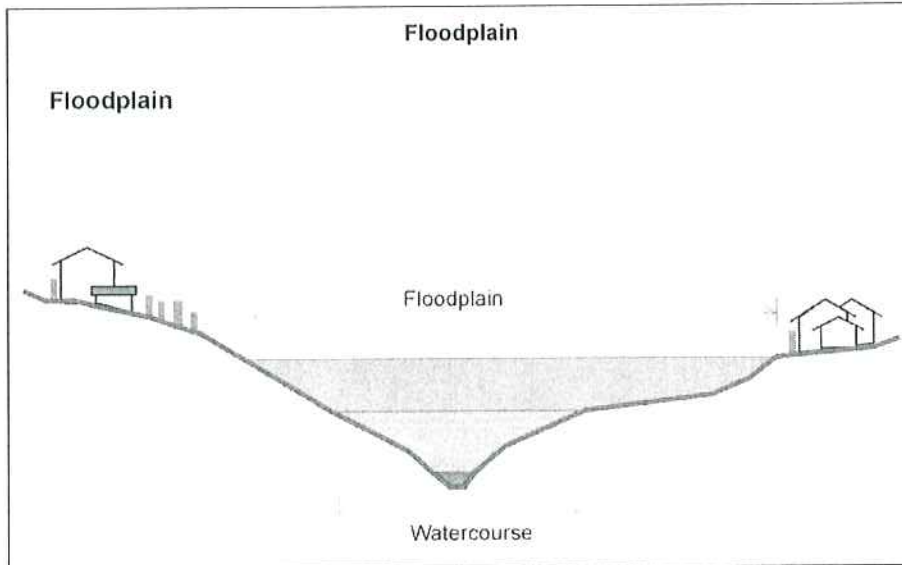
**FARMING, NON-COMMERCIAL** -- Farming activities and structures (such as greenhouses) for personal and non-commercial use.

**FCC** - The Federal Communications Commission.

**FENCE** -- A barrier of any material or combination of materials, other than trees or other living plant material, erected to enclose, separate, screen or buffer areas of land.

**FLOOD** -- A general and temporary condition of partial or complete inundation of normally dry land from the overflow of water or the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOODPLAIN OVERLAY ZONE** -- Any area designated by the Federal Emergency Management Agency in the Flood Insurance Study, as amended, as having a one percent (1%) chance of a theoretical flood event being equaled or exceeded in any given year (a "one-hundred-year-flood").



**FLOOR AREA, GROSS** -- The total of all floor area measured from the outside surface of the exterior walls of all stories of a building, exclusive of parking garage areas.

**FLOOR AREA RATIO** -- The ratio of the gross floor area of a building to the area of the lot.

**FRONTAGE** -- The extent of land along a front lot line. See "Lot Width".

**FRONT YARD** -- See "Yard, Front".

**FUR-BEARING ANIMAL** -- An animal customarily bred and raised for the use of its pelt for clothing or decoration of clothing, such as mink, fox or rabbit.

**GARAGE, COMMERCIAL** -- Any lot, building or part thereof, used for the storage, service or repair of motors, engines or more than one vehicle or boat for remuneration, including any rental, lease or sale of any motors, engines, vehicles or boats.

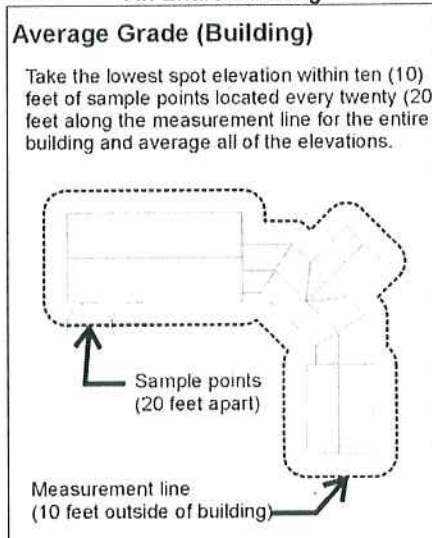
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**GRADE, AVERAGE --**

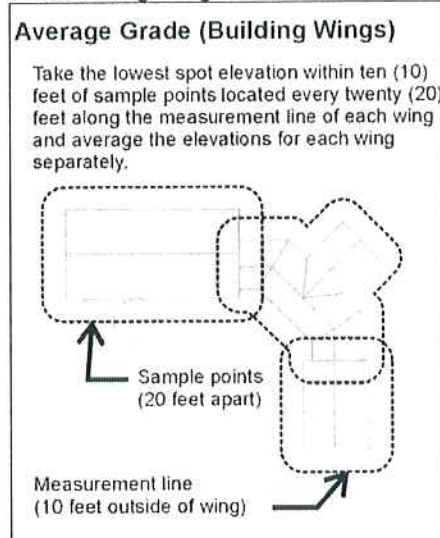
**(Residential Zones and Special Zones) --** For Article 3 - Residence Zones and Article 5 - Special Zones, the average grade for a building or other structure or building wing or distinct portion is a horizontal plane, the elevation of which shall be determined by averaging the lowest exterior ground elevations on the same property within ten (10) feet of designated sample points, such sample points being located twenty (20) feet apart along a line located ten (10) feet outside of the building or other structure or building wing or distinct portion. For any building or other structure or building wing or distinct portion with less than four (4) measurement points, the Zoning Inspector shall determine the average grade.

**(Business Zones) --** For other zoning districts, the average grade for a building or other structure shall be an elevation determined by averaging the finished grades at the four (4) outermost corners of the building or other structure.

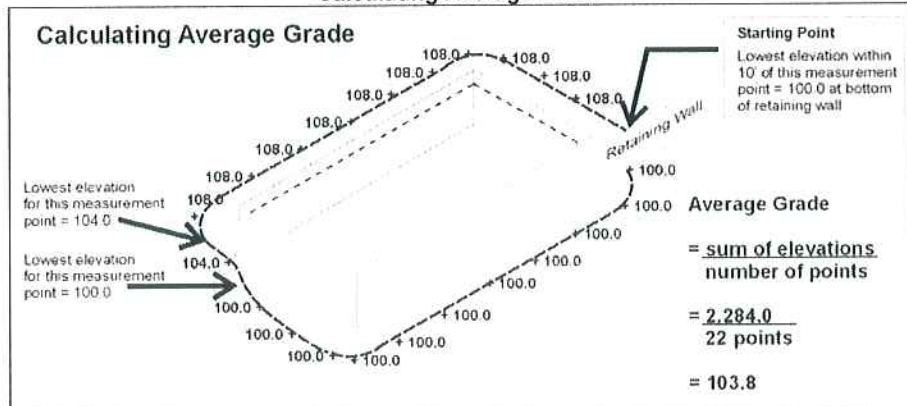
**Average Grade For An Entire Building**



**Average Grade For A Building Wing or Distinct Portion**



**Calculating Average Grade**



**GRADE, FINISHED** -- The elevation of a particular point above or below a given reference datum (such as mean sea level) measured after completion of construction, grading, landscaping, and similar improvements.

**GRADE, PRE-EXISTING** -- The elevation of a particular point above or below a given reference datum (such as mean sea level) measured prior to construction, grading, landscaping, or similar improvements intended to manipulate the overall contour of the land.

**GRADING** -- Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof which results in a change of contour or elevation, either permanent or temporary.

**GROSS FLOOR AREA** -- See *"Floor Area, Gross"*.

**GROUP DAY CARE HOME** -- See *"Day Care Home, Group"*.

**GROUP HOME** -- A community residence as defined in CGS 17a-220 which is licensed under the provisions of CGS 17a-227, or a child-care residential facility and which is licensed under CGS 17a-145 to 17a-151, inclusive.

**GUEST HOUSE** -- An accessory building used solely by the owner or occupant of the premises for the temporary accommodation of guests or family members and for which use no rental or other charge is made or received; or an accessory building used solely as accommodations for an employee of the owner or occupant of the premises.

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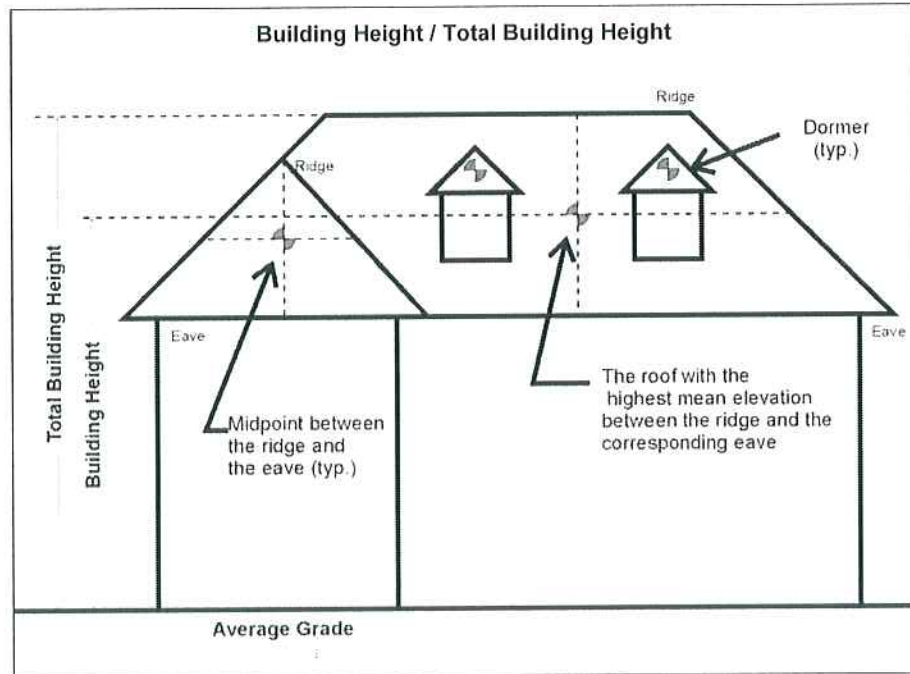
**HEIGHT, ANTENNA** - The distance measured from the ground elevation at the base of an antenna or any appurtenances thereto to the highest point of the antenna or any appurtenances thereto.

**HEIGHT, BUILDING** -- The vertical distance from the average grade for a building or other structure, or for a building wing or distinct portion of a building or other structure, to the highest of the following elevations on the building or other structure:

- the elevation of the highest point of the highest dome, flat, shed, or mansard roof, including the top of any parapet;
- for roofs which are gable, hip, or A-frame roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave,
- for roofs which are gambrel roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave or the elevation of the highest pitch-break, whichever is greater, and
- for roofs which are salt box roofs, the mean elevation of the side of the salt box roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave.

**HEIGHT, TOTAL BUILDING** -- The vertical distance from the average grade for a building or other structure, or for a building wing or distinct portion of a building or other structure, to the highest of the following elevations on a building or other structure:

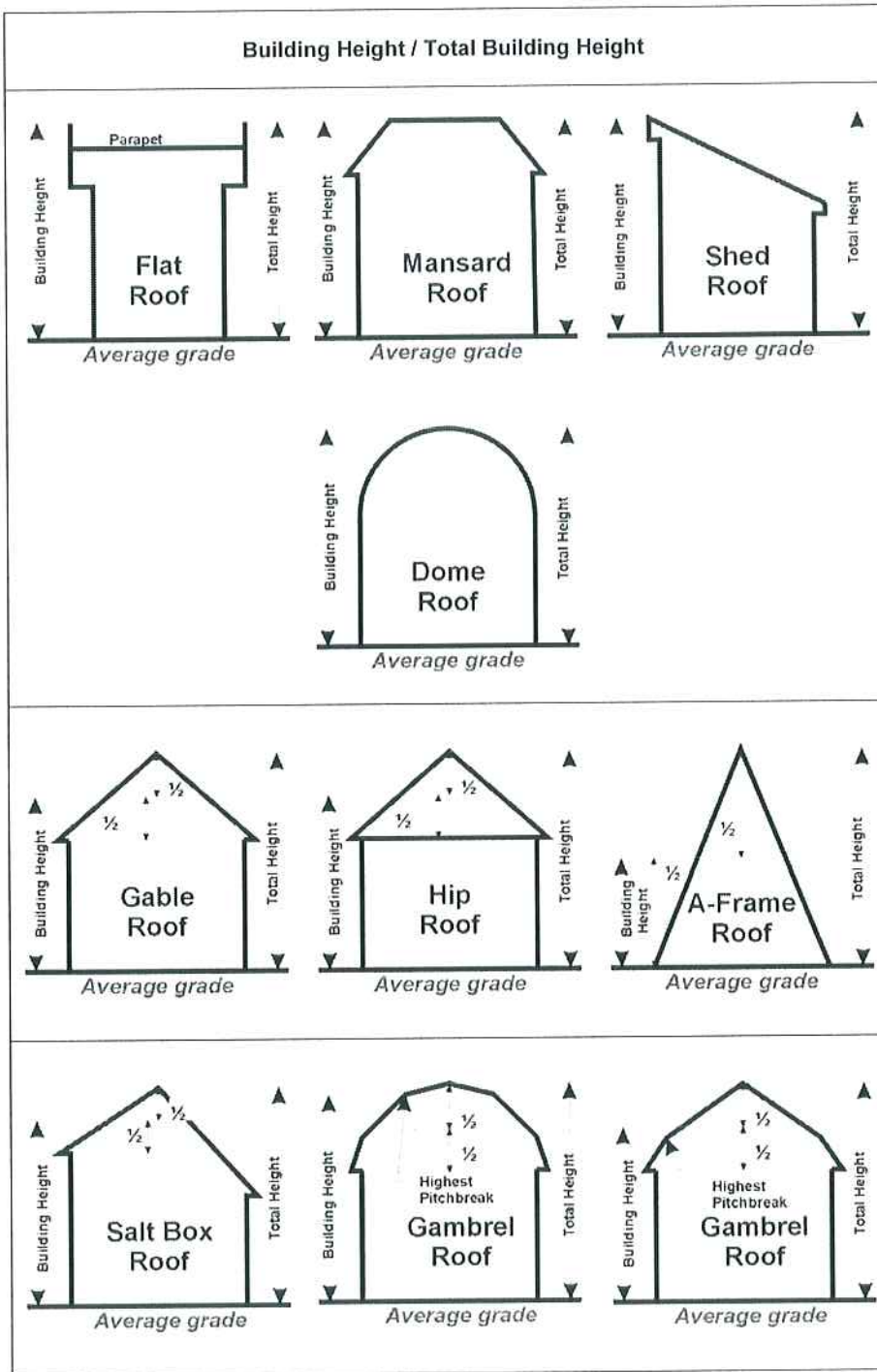
- the elevation of the highest point of the highest dome, flat, or mansard roof, including the top of any parapet; or
- the highest point of the highest ridge, including any dormer, of all gable, hip, gambrel, shed, A-frame, and salt box roofs.



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**HISTORIC STRUCTURE** -- Any structure which, in the opinion of the Commission, has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Town, state or nation.

**HOME-BASED BUSINESS** -- The use of a portion of a dwelling for business purposes by the resident occupants (specifically excluding barbershops; beauty parlors; manufacturing; commercial woodworking; animal hospitals; dance studios; mortuaries; restaurants; metal working; automobile, boat or other vehicle repair or painting; and other uses as may be determined by the Commission) in the following general hierarchy of intensity:

**HOME OFFICE** -- The use of a dwelling for occasional business use (as part of employment typically occurring elsewhere) or a home-based business involving minimal visits to the premises by non-residents.

**HOME OCCUPATION, MINOR** -- The use of a dwelling for a home-based business, which may include one (1) non-resident employee, involving no more than five (5) patron, client, or associate visits per week.

**HOME OCCUPATION, MAJOR** -- The use of a dwelling for a home-based business involving two (2) or more non-resident employees or six or more patron, client, or associate visits per week.

**HOTEL** -- Any building or other structure kept, used, maintained, advertised or held out to the public to be a place where:

- more than six (6) rooms are used or offered for pay to transient or other guests for sleeping accommodations, and
- there is one (1) or more dining rooms where meals are served to such guests, and
- such sleeping accommodations and dining rooms are provided in the same building or buildings in connection therewith, and
- there is adequate kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for its guests.

**HOUSING AFFORDABILITY PLAN** - a written narrative which complies with the requirements of CGS 8-30g, the Regulations of Connecticut State Agencies, and the Housing Affordability Plan Requirements adopted by the Commission.

**INSPECTION** -- The periodic on-site review of property for the purpose of determining compliance with these Regulations, as authorized by these Regulations and the Connecticut General Statutes.

**INSPECTOR** -- The Zoning Inspector.

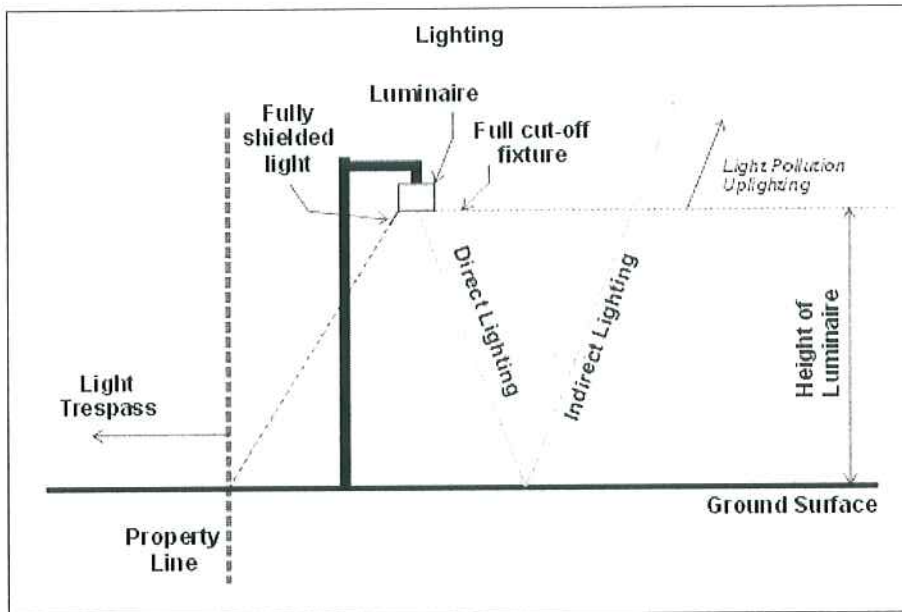
**KITCHEN** -- A room, place or space within a structure designed, equipped, or used for the preparation, cooking, and storage of food.

**LAND FILLING** -- The placement of any material over the surface of the natural ground, which has the effect of altering its natural contour.

**LEVEL OF SERVICE (LOS)** -- The ability of a road or intersection to move traffic safely and efficiently, measured by the ratio of traffic volume to its corresponding capacity and expressed in one of six letters as established by the Transportation Research Board of the National Academy of Sciences.

**LICENSED CARRIER** - A company authorized by the FCC to construct and operate a wireless communication facility.

**LIGHT, DIRECT** -- Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.



**LIGHT FIXTURE, FULL CUT-OFF TYPE** -- A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the luminaire.

**LIGHT, FULLY SHIELDED** -- Fully shielded luminaire light fixtures which can control the glare in any direction.

**LIGHT GLARE** -- Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see.

**LIGHT, INDIRECT** -- Direct light that has been reflected or has scattered off of surfaces other than those associated with the light fixture.

## Section 2.2

**LIGHT ISODIAGRAM** -- A graphical representation of illuminance used to show the level and/or evenness of a lighting design and to show how light fixtures will perform on a given site.

**LIGHT POLLUTION** -- Stray or reflected light that is emitted into the atmosphere above the 90-degree horizontal plane from the luminaire and which can or does cause unwanted sky glow or which can or is seen from an abutting property.

**LIGHT TRESPASS** -- Direct light from an artificial light source on one property that is intruding into an area where it is not wanted or does not belong.

**LIGHTING, OUTDOOR** -- The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

**LOADING SPACE** -- The required off-street area for the vehicular loading or unloading of goods.

**LOT** -- A parcel of land capable of being lawfully built upon in conformity with these Regulations and may contain one or more zone units. Also see "Parcel."

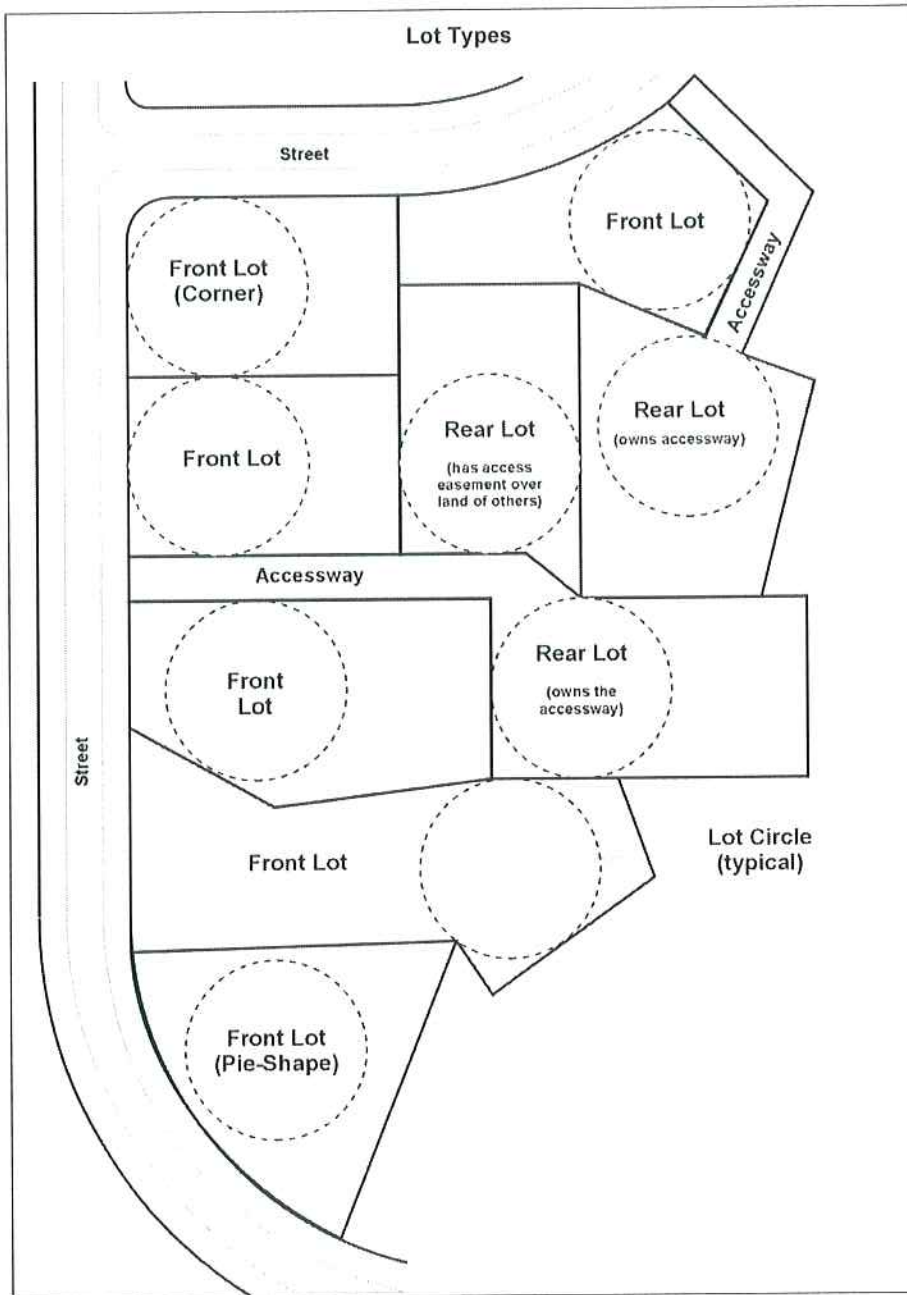
**LOT, CORNER** -- A front lot that abuts two (2) intersecting streets and, as a result, has two front yards.

**LOT, FRONT** -- A lot:

- fronting on a public street, and
- having direct driveway access to the street, and
- where the building site is generally located on or near the front yard setback as measured from the front lot line. See "*Lot, Rear*".

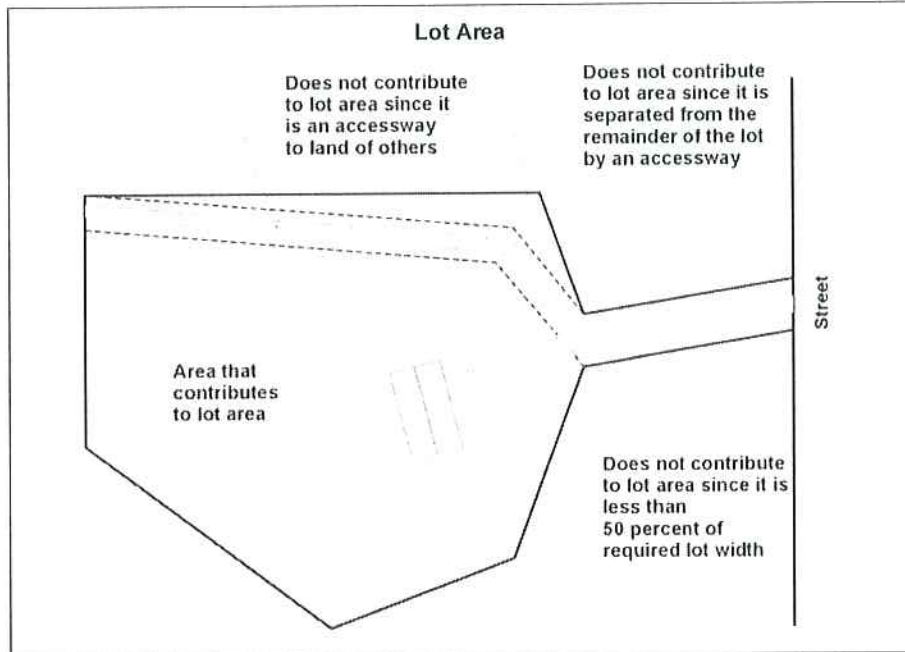
**LOT, REAR** -- A lot:

- not having the required lot width on a public street, and
- having access to the street via an accessway or a strip of land that may be part of the rear lot, and
- where the building site is located generally to the rear of other lots having frontage on the same street. See "*Lot, Front*".

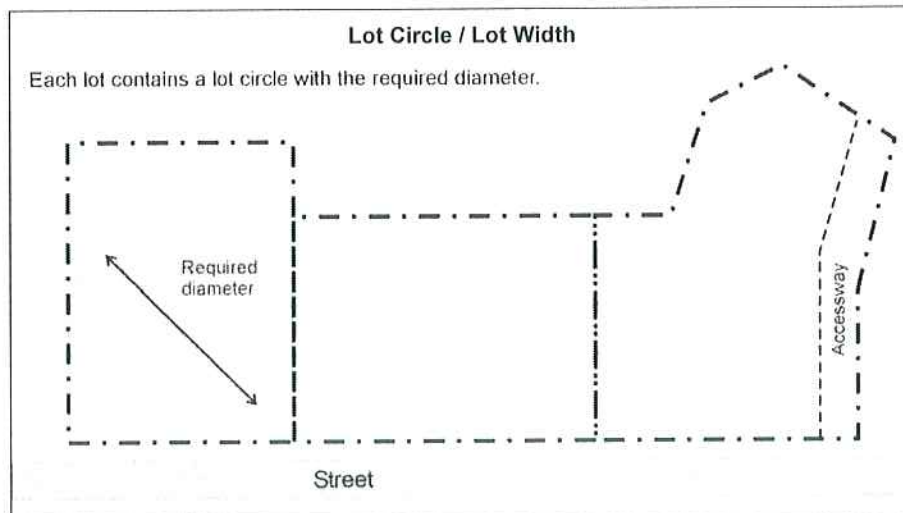


Section 2.2

- LOT AREA** -- The total horizontal area included within lot lines but excluding:
- the area of any accessway or vehicular easement or right-of-way for vehicular travel to the subject lot or any other lot,
  - any portion of the parcel separated from the remainder of the parcel by an area used for vehicular access to any other parcel, and
  - any portion of the lot having less than fifty percent (50%) of the required lot width.



**LOT CIRCLE** -- A circle of a diameter prescribed in Section 3.5.C, intended to control the shape of lots.



**LOT DEPTH** -- The mean horizontal distance between a front lot line and the opposite, most nearly parallel lot line measured in the general direction of the side lot lines or a line parallel thereto.

**LOT LINE** -- A boundary which separates a lot from another parcel or a street.

**LOT LINE, FRONT** -- A boundary which separates a lot from the street, or the boundary located adjacent to the accessway and most parallel to the street that provides access to the lot.

**LOT LINE, REAR** -- A boundary line which separates two (2) lots and is located most directly opposite the front lot line except that a corner lot, a through lot, or a pie-shape lot shall not be required to have a rear lot line.

**LOT LINE, SIDE** -- A boundary line which is not a front lot line or a rear lot line and which separates two (2) lots.

**LOT WIDTH** -- The "width" of a lot as measured generally parallel to the street front except that:

- it shall not include any portion of the parcel which is used for vehicular access to any other parcel, and
- it shall not include any portion of the parcel separated from the remainder of the parcel by an area used for vehicular access to any other parcel.

**LUMEN** -- A unit of luminous flux, determined from the initial lumen output ratings of a lamp, where one foot-candle is one lumen per square foot.

**LUMINAIRE** -- A complete lighting system, including a light source component (lamp or lamps that produce the actual light) and a fixture.

**LUMINAIRE, HEIGHT OF** -- The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

**MEDIAN INCOME** - after adjustments for family size, the lesser of the most recently reported state median income or the most recently reported area median income for the Stamford-Norwalk PMSA as determined by the United States Department of Housing and Urban Development.

**MODERN HOUSE** -- A structure built in the style of the Modern Movement, generally between 1947 and 1968, which is identified on a list of Modern houses maintained by the New Canaan Historical Society.

**MOTOR VEHICLE JUNKYARD** -- A parcel of land used for the storage or maintaining of two or more unregistered motor vehicles or two or more vehicles or equivalent parts thereof no longer in condition for legal use on the public roadways, other than the site of a duly-licensed "motor vehicle junkyard" or the site of a duly-licensed "general repairer" as provided for in Chapter 246 of the General Statutes.

**MULTI-FAMILY** -- See "*Dwelling Unit, Multi-Family*".

Section 2.2

**NONCONFORMING** -- The situation where a use, activity, building, structure, or lot does not conform to the requirements of these Regulations.

**NONCONFORMING BUILDING** -- A building that does not conform to these Regulations with respect to size, area, height, setback or other requirement for the zone in which it is situated.

**NONCONFORMING LOT** -- A lot which fails to conform to these Regulations with respect to area, width, or other requirement for the zone in which it is situated.

**NONCONFORMING USE** -- A use of land or of a building that does not conform to these Regulations for the zone in which it is situated.

**NONCONFORMITY, PRE-EXISTING** -- The situation where a nonconforming use, activity, building, structure, or lot existed or was lawful prior to the time these Regulations or amendments thereto which created the nonconformity became effective.

**OPEN SPACE** -- Land preserved in perpetuity for protection of natural resources, natural features, scenic resources, or community character.

**PARCEL** -- The land contained within one continuous property line. Also see "Lot".

**PARKING SPACE** -- The area required for the temporary storage of a motor vehicle, not including aisles and driveways giving access thereto, located in other than a public street or other public way and having a permanent means of access to a public street without requiring passage through another parking space.

**PATIO** -- See "Terrace".

**PERSONAL SERVICE ESTABLISHMENT** -- See "Service Establishment, Personal".

**PHILANTHROPIC** -- See "Eleemosynary".

**PITCHBREAK** -- The intersection of two slopes of a gambrel roof, other than the ridge.

**POOL HOUSE** -- An accessory structure, incidental to a swimming pool on the same premises, which:

- may contain changing areas, showers, toilets and entertainment facilities,
- shall not contain bedrooms, kitchens or other types of daily living areas and
- shall not be used as a guest house or for the accommodation of domestic staff.



**PORCH** -- A portion of a structure which has a roof and a floor and is not enclosed by full walls.

**PORCH, CLOSED** -- A porch with screened-in or glassed-in openings.

**PORCH, OPEN** -- A porch that is open to the air without screened-in or glassed-in openings.

**PORTE COCHERE** -- A covered area at an entrance to a building which will allow a vehicle to pass through while allowing occupants to alight under cover, protected from the weather.

**PREMISES** -- The real property, either land or buildings or both, which is being evaluated.

**PRIVATE EMERGENCY SHELTER** -- A structure designed and available for use for protection of the occupants.

**REAR YARD** -- See "*Yard, Rear*".

**RECREATION FACILITY, INDOOR** -- A commercial establishment which provides indoor recreation facilities, such as tennis clubs, skating rinks, bowling alleys, health clubs, racquetball clubs and other similar uses.

**RECREATIONAL VEHICLE** -- Any type of vehicle used primarily for recreational pleasure including but not limited to motor homes, travel trailers, campers, camping trailers, boats, snowmobiles, and associated trailers.

**RELIGIOUS HOUSE** -- A religion-related facility such as a parish house and, if used for dwelling purposes, housing persons associated with said religious facility and consisting of not more than four unrelated individuals or two family units.

**RELIGIOUS INSTITUTION** -- A place where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body which is organized to sustain public worship.

**REMOVE** -- Includes, but is not limited to, drain, excavate, mine, dig, suck, bulldoze, dragline or blast.

**REQUIRED YARD** -- See "*Yard Setback*".

**RESIDENCE** -- See "*Dwelling Unit*".

**RESTAURANT** -- A business or use whose principal function is the preparation and serving of food for consumption on the premises at tables, booths or similar sit-down accommodations.

**RETAIL BUSINESS** -- A business whose primary activity is the sale of merchandise kept and displayed on the premises to customers visiting the premises.

## Section 2.2

**SECTION** – A separate part of an Article within these Zoning Regulations. See “Article” and “Subsection”.

**SEDIMENT** -- Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

**SERVICE ESTABLISHMENT** -- An establishment whose primary activity is the provision of services or assistance, as opposed to products, to individuals, business, government, or other enterprises except that service establishments shall not be construed to include laundries, dry-cleaning establishments which clean or launder materials on the premises, rug or carpet cleaning commercial recreation, undertakers' establishments, any service operation which involves use of heavy equipment, or comparable uses.

**SERVICE ESTABLISHMENT, PERSONAL** -- A service establishment whose primary activity or activities is the provision of services relating to the repair, adjustment, alteration, cleaning or servicing of items owned by or being provided to a customer including hair care, clothing rental, photographic studios, garment repair, tailoring, shoe repair, or comparable use.

**SET-ASIDE DEVELOPMENT** - a development approved by the Planning & Zoning Commission in accordance with a Housing Affordability Plan (*see definition*) approved by the Planning & Zoning Commission in which:

1. not less than fifteen per cent of the dwelling units are or will be encumbered by covenants or restrictions which require that, for at least forty years after the initial occupancy, such dwelling units shall be sold or rented at, or below, prices where households earning sixty per cent of the median income (*see definition*) will pay thirty per cent or less of their annual income for such housing, and
2. not less than fifteen per cent of the dwelling units are or will be encumbered by covenants or restrictions which require that, for at least forty years after the initial occupancy, such dwelling units shall be sold or rented at, or below, prices where households earning eighty per cent of the median income (*see definition*) will pay thirty per cent or less of their annual income for such housing.

**SETBACK** -- See “Yard Setback”.

**SIDE YARD** -- See “Yard, Side”.

**SIGN** -- A letter board or plane or the like, placed on, within, or before a building or other object or otherwise displayed to advertise a business or products, including lettering on buildings or windows, flags or banners and any device with or without lettering used for such purposes.

**SIGN, REAL ESTATE** -- A sign containing only the words "for sale" or "for lease," followed by "by broker" or "by owner," followed by a telephone number and no other identifying words, symbols, logos or characters.

**SIGN, SECURITY** -- A sign indicating that the parcel on which it is located contains an alarm system or is protected by a professional security service and stating only the foregoing and the name and telephone number of the provider of the system or service.

**SCHOOL** -- A nursery school, kindergarten school or a school having a comprehensive curriculum of study comparable to that of a public school.

**SOIL** -- Any unconsolidated mineral and organic material of any origin.

**SOIL EROSION AND SEDIMENT CONTROL PLAN** -- A scheme that minimizes soil erosion and sedimentation in compliance with these Regulations.

**STATE** -- The State of Connecticut.

**STOOP** -- A landing and/or steps to a door of a building without a roof of any kind.

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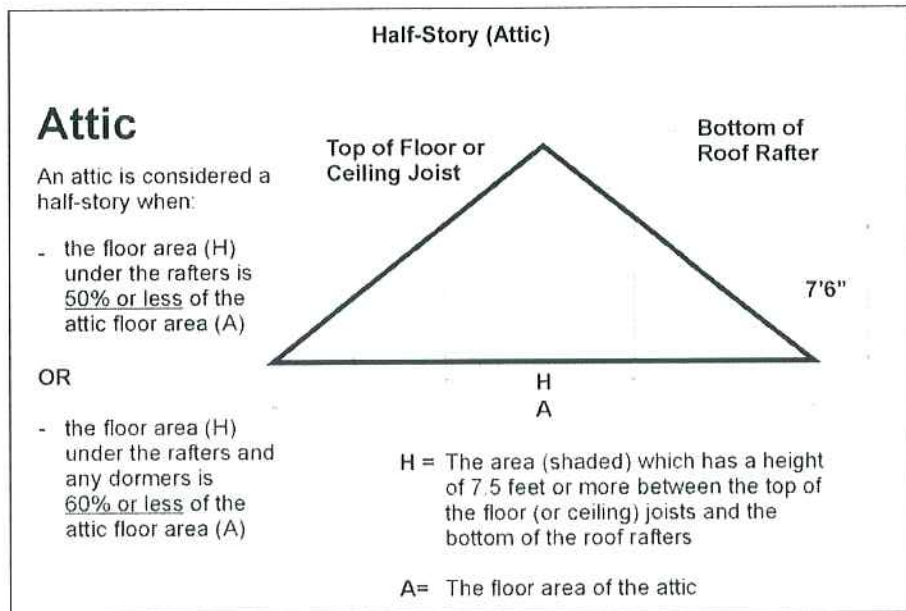
**STORY** -- A part of a building, a building wing or distinct portion, or other structure between any floor and the floor above or, in its absence, the ceiling or roof above; except that if a floor above a cellar, slab or crawlspace is elevated at the front wall of the building two-and-a-half (2.5) feet or more above the curb level (business zone per Article 4) or two-and-a-half (2.5) feet or more above the average level of the ground along the front wall of the building or building wing or distinct portion (any other zone district), then such cellar, slab or crawlspace shall be deemed to constitute one story. See "Attic", "Basement", and "Cellar".

**STORY, FULL** -- Any story within a building, a building wing or distinct portion, or other structure, including any basement, except that the following shall not be considered a full story:

- a half-story, or
- an attic provided that no area of the attic has a height of seven feet six inches (7'-6") or greater between the top of the floor joists and the bottom of the rafters, or
- a cellar provided that the finished first-floor elevation of the building is less than two-and-a-half (2.5) feet above the curb level (business zone per Article 4) or less than two-and-a-half (2.5) feet above the average level of the ground along the front wall of the building, a building wing or distinct portion (any other zone district).

**STORY, HALF** -- Any story within a building, a building wing or distinct portion, or other structure that is an attic in which the area with a height of seven feet six inches (7'-6") or greater between the top of the floor joists and the bottom of the rafters:

- of the main roof of that building wing, excluding any dormers, is fifty percent (50%) or less of the attic floor area under that roof, and
- of the same roof and any dormers is sixty percent (60%) or less of the attic floor area under that roof.



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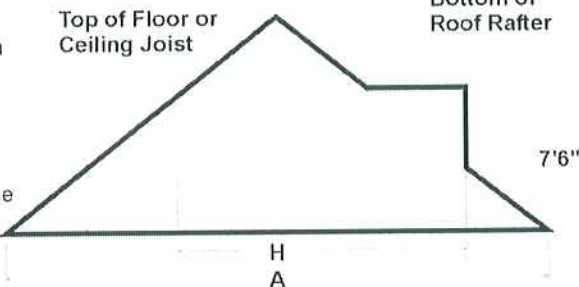
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**Full Story**

### Attic

An attic is considered a full story when:

- the floor area (H) under the rafters and the dormers is more than 60% of the attic floor area (A)



OR

- the floor area (H) under the rafters (without any dormers) is more than 50% of the attic floor area (A)

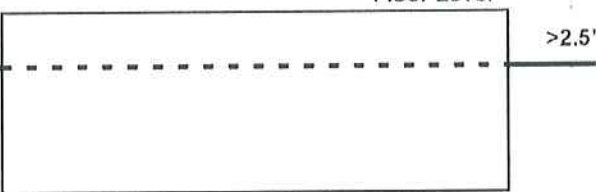
H = The area (shaded) which has a height of 7.5 feet or more between the top of the floor (or ceiling) joists and the bottom of the roof rafters

A = The floor area of the attic

### Cellar

A cellar is considered a full story when the first floor is more than 2.5' above:

- the curb level (business zone)

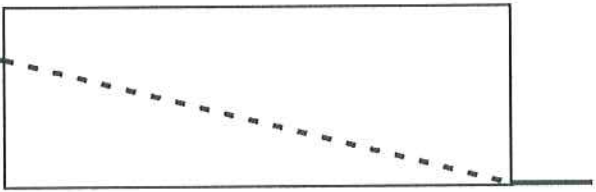


OR

- the average grade along the front wall (any other zone)

### Basement

A basement is always considered a full story



Section 2.2

**STREET** -- A public roadway or private roadway, laid out and maintained in accordance with the laws of the State of Connecticut and the ordinances of the Town of New Canaan, used or designed to be used for travel of vehicles and including the right-of-way and the traveled way.

**STREET LINE** -- The lot line between the street right-of-way and the abutting lot or parcel.

**STRUCTURE** -- Anything constructed or erected, the use of which requires location on, in or under the ground or attachment to something having location on, in or under the ground including, but not limited to, buildings, swimming pools, tennis and other game courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicap ramps, signs, a gas or liquid storage tank that is principally above ground, transformer or signal box that is above ground, ground-mounted antennas, ground-mounted solar panels and satellite dishes and fences or walls more than six (6) feet in height, including retaining walls and deer fences.

**SUBSECTION** -- A separate part of a Section within these Zoning Regulations. See "Section".

**SWIMMING POOL** -- Any structure capable of containing water and intended for swimming, bathing or recreational use, provided that the same has a potential water depth of at least twenty-four (24) inches at any point or at least one hundred (100) square feet of water surface area.

**TAG SALE** -- The public sale of personal household goods by the owner of the premises and specifically excluding the sale of any goods brought to the premises for the purpose of public sale (includes "garage sale," "barn sale," "yard sale" and other similar activities).

**TENNIS AND OTHER GAME COURTS** -- A specially prepared level playing surface for tennis, basketball, paddle ball, platform tennis, racquetball or similar games which may include a full or partial enclosure or fence protecting the playing area. Any such court is considered a structure in these Regulations.

**TERRACE** -- An improved or graded area located on the ground with no structural supports other than subsurface base material and retaining walls. A terrace or patio located at grade or ground level shall not be deemed a structure.

**TOTAL BUILDING HEIGHT** -- See "Height, Total Building".

**TOWN** -- The Town of New Canaan.

**TRAILER** -- A vehicle on wheels, designed to be towed or propelled on public roadways by another vehicle which is self-propelled, and which may or may not be equipped to afford sleeping and cooking accommodations for its passengers or to afford traveling accommodations or for the transportation of goods, wares or merchandise.

**UNIVERSITY or COLLEGE** -- An institution offering a program of higher learning leading to the award of an academic, professional or graduate degree and accredited and licensed as a college or university by the Commission for Higher Education of the State of Connecticut.

**UPLIGHTING** -- Any light source that distributes illumination above a 90-degree horizontal plane.

**USE** -- The specific purpose for which a building, structure or land is designed, arranged, intended or for which it is or may be occupied or maintained.

**USE, ACCESSORY** -- A use which is customarily incidental and subordinate to the principal use of a lot or a building and located on the same lot therewith.

**USE, COMMERCIAL** -- Activity carried out for monetary gain.

**USE, PERMITTED** -- A use allowed by these Regulations, but specifically excluding any nonconforming use.

**USE, PRINCIPAL** -- The primary or predominant use of any lot or building.

**VEHICLE** -- Any motor vehicle as defined by the General Statutes, as amended.

**VEHICLE, COMMERCIAL** -- Any motor vehicle with commercial license plates or with lettering, markings, racks or other apparent accessories indicating that it is intended for use other than personal and/or recreational transportation.

**VEHICLE, RECREATIONAL** -- Any vehicle designed or intended primarily for use in recreational activities, including boats, boat trailers, campers, camp trailers, horse trailers, horse vans, house trailers, motor homes, snowmobiles and utility trailers.

**WATERCOURSE** -- Any river, stream, brook, waterway, lake, pond, marsh, swamp, bog or any other body of water, natural or artificial, vernal or intermittent, public or private which lies wholly or partially within the Town.

**WETLAND** -- Any land area, including submerged land, which consists of any soil types generally designated as "poorly drained," "very poorly drained," "alluvial" and "floodplain" by the National Cooperative Soils Survey, of the Soil Conservation Service of the United States Department of Agriculture.

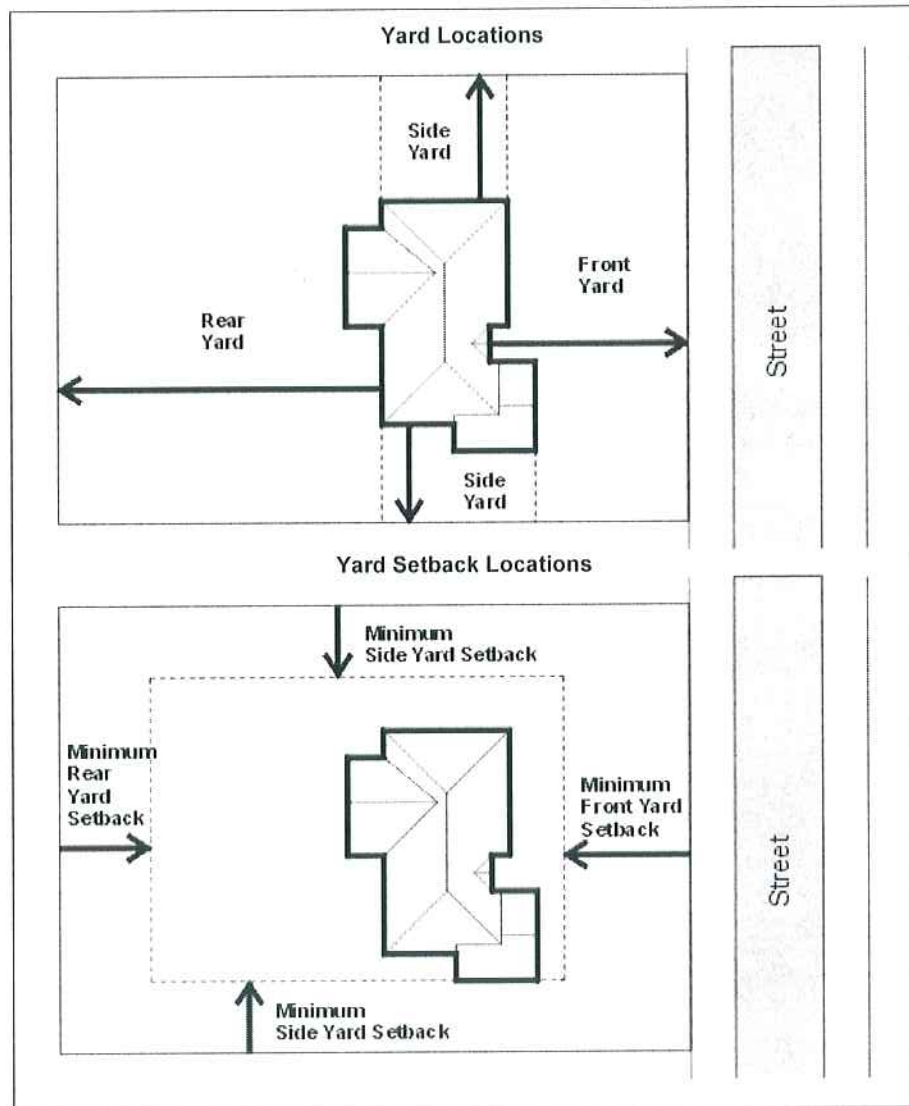
Section 2.2

**YARD** -- An area on the same lot with a building or group of buildings, which space lies between the building or group of buildings and the nearest lot line or line of any easement for any traveled way. See "Yard Setback".

**YARD, FRONT** -- A yard extending across the full width of the lot and situated between the principal building and the street line(s) of the lot or, in the case of a rear lot, between the principal building and the location of the accessway serving that lot.

**YARD, REAR** -- A yard extending across the full width of the lot and situated between the principal building and the rear line of the lot.

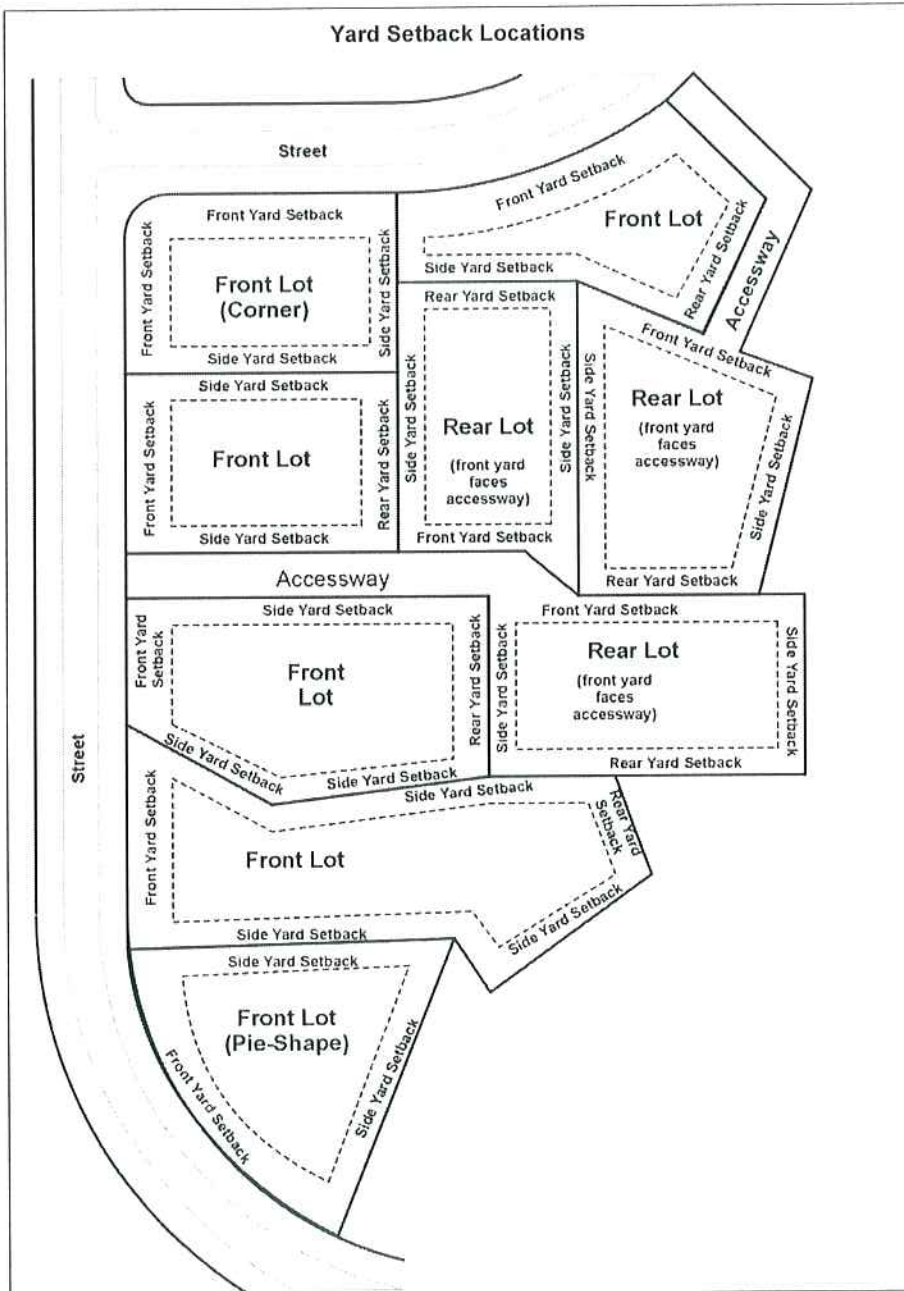
**YARD, SIDE** -- A yard extending from the front yard to the rear yard between the principal building and the side line of the lot.





**YARD, REQUIRED** -- See "Yard Setback".

**YARD SETBACK** -- The minimum required distance from any street line, lot line, or edge of an accessway (in the case of a parcel encumbered by an accessway) to a building, structure or use (for instance, see Section 3.5.E for yard setback requirements in residential zones). See "Yard".



Section 2.2

**ZONE UNIT** -- An area of land having the minimum width and area required by the schedule for a conforming use in any zone.

**ZONING INSPECTOR** -- As provided in CGS 8-12 as may be amended, the person or persons designated by the Commission to interpret and enforce the Regulations.

## ARTICLE 3 - RESIDENCE ZONES

### SECTION 3.1. PURPOSES

- A. The various residential districts are intended to provide suitable areas for residential use and development appropriate to the environmental characteristics of the land and the character of the neighborhood.
- B. The differentiation among the residential districts is intended to provide for variety in the size and density of residential neighborhoods and a diversity of housing opportunities after consideration of soil types, terrain, and infrastructure capacity.
- C. The residential districts may allow for certain non-residential uses when it can be demonstrated that they are compatible with nearby residential uses and preserve neighborhood character and property values.

**Single-family Residential Use**



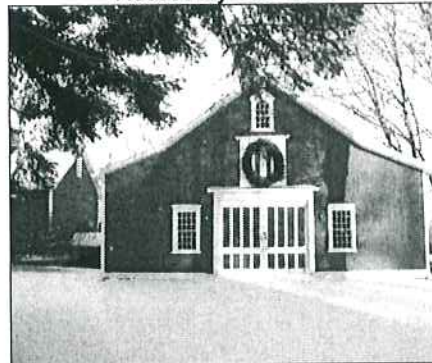
**Multi-Family Residential Use**



**Special Permit Use**



**Accessory Structure**



## SECTION 3.2. PERMITTED PRINCIPAL USES & STRUCTURES

### A. Permitted Without Permit

1. **Open Space** - Unimproved and undeveloped open space, a pedestrian or bicycle greenway trail, a wildlife sanctuary, flood protection, conservation area, or vacant land retained in a natural and undeveloped condition without structures of any kind.
2. **Agricultural Uses** - Non-commercial farming.

### B. Permitted by Zoning or Other Permit

1. **Residential** - Single-family dwelling.

### C. Permitted by Special Permit

#### Residential-Type Uses

1. **Two-Family Dwelling** - In the B Residence Zone:
  - a. One (1) two-family dwelling provided that:
    - i. the lot shall contain at least 12,000 square feet, and
    - ii. the lot width upon a public street shall be at least 100 feet, and
    - iii. the lot shall contain a lot circle in accordance with Subsection 3.5.C.1 except that the lot circle diameter shall be 100 feet, and
    - iv. the building shall have side yards of at least fifteen (15) feet, and
    - v. required parking spaces are provided behind the front lot line.
  - b. Two (2) detached dwelling units on common land provided that:
    - i. the lot shall contain at least 15,000 square feet, and
    - ii. the requirements of Section 3.2.C.1.a.ii through 3.2.C.1.a.v. shall be met, and
    - iii. the Commission shall determine the appropriate separation between the units.
2. **Elderly Housing Facility** - Multi-family dwelling(s) specifically designed for and occupied by persons over fifty-five (55) years of age when located in any vacated public school building within the sewer district and served by public water.
3. **Adult Housing Development** - Independent dwelling units specifically designed for and occupied by persons over fifty-five (55) years of age, whether constructed as attached or detached units, where:
  - a. the lot is located on and served by a collector or arterial road as identified in the Plan of Conservation and Development, and
  - b. the facility is served by public water and is located within the sewer district, and
  - c. the facility has no more than 1.5 times the number of units per acre of buildable land allowed in the zone, and
  - d. building coverage does not exceed that allowed by Subsection 3.5.D unless modified by the Commission as provided in Subsection 3.7.E, and
  - e. adequate parking will, in the opinion of the Commission, be provided for residents, and visitors.

4. **Congregate Housing** - Congregate housing units, assisted living units, and/or skilled nursing accommodations in a continuing care facility or life care facility for persons age fifty-five (55) and over provided that:
  - a. the lot is located on and served by a collector or arterial road as identified in the Plan of Conservation and Development, and
  - b. the facility is served by public water and is located within the sewer district, and
  - c. the facility has no more than twice the number of congregate units per acre of buildable land allowed in the zone and where an assisted living unit shall equate to 0.5 congregate units and skilled nursing accommodations shall equate to 0.25 congregate units, and
  - d. building coverage does not exceed that allowed by Subsection 3.5.D unless modified by the Commission as provided in Subsection 3.7.E, and
  - e. adequate provision has been made for dining areas, kitchen facilities, medical or clinical care rooms, physical therapy rooms, meeting or activity rooms, recreation rooms, administrative offices, and similar uses in support of the residents of the facility, and
  - f. adequate parking will, in the opinion of the Commission, be provided for residents, employees, and visitors.

#### Lodging-Type Uses

5. **Rooming House** - Rooming house in the B Residence Zone when it is the sole permitted use on the parcel and provided that:
  - a. the property is occupied by the owner of the premises at all times as his principal residence, and
  - b. no more than four (4) rooms, all located in the principal building, are used for the rooming house, and
  - c. it complies with the provisions of § 32-6 of the Town Code relating to rooming houses, and
  - d. the lot shall contain at least 15,000 square feet, and
  - e. the lot width upon a public street shall be at least 125 feet, and
  - f. the lot shall contain a lot circle in accordance with Subsection 3.5.C.1 except that the lot circle diameter shall be 125 feet, and
  - g. the principal building shall have side yards of at least 15 feet, and
  - h. required parking spaces are provided behind the front lot line.
6. **Bed And Breakfast** - Bed and breakfast operation conducted by the owner resident(s) of the premises provided that:
  - a. all requirements of the Public Health Code, Building Code, and Fire Code as they apply to Bed and Breakfasts shall be met, and
  - b. the residential character of the building, the property, and the neighborhood is maintained, and
  - c. a maximum of six (6) guest rooms are provided, and
  - d. the maximum length of stay per guest is 30 days, and
  - e. additional off-street parking in the amount of one (1) space per guest room is provided and is adequately screened from the street and adjacent property.

## Section 3.2

Education-Type Uses

7. **Private Schools** - private schools, colleges and universities and uses and activities accessory thereto.
8. **Day Care Center / Nursery School** - Day care centers and nursery schools provided that:
  - a. adequate provision is made for parking / pick-up / drop-off areas, and
  - b. the facility is operated by a resident of the property.

Office-Type Uses

9. **Medical Office** - A medical office building in the B Residence Zone when located on a lot containing at least two (2) acres and when having the required frontage on and access from a through street which, in the sole opinion of the Commission, has adequate capacity for the anticipated usage.

Institutional-Type Uses

10. **Municipal Facility** - Municipal facility, public school, park, recreation facility, or other public use on land owned or leased by the Town of New Canaan.
11. **Governmental Facility** - Governmental buildings, facilities and uses.
12. **Nursing Home** - Nursing home or convalescent home in the B Residence Zone provided that:
  - a. the lot is located on and served by a collector or arterial road as identified in the Plan of Conservation and Development, and
  - b. the facility is served by public water and is located within the sewer district, and
  - c. the facility has no more than 20 beds per acre of buildable land, and
  - d. building coverage does not exceed 25 percent, and
  - e. adequate provision has been made for dining areas, kitchen facilities, medical or clinical care rooms, physical therapy rooms, meeting or activity rooms, recreation rooms, administrative offices, and similar uses in support of the residents of the facility, and
  - f. adequate parking will, in the opinion of the Commission, be provided for residents, employees, and visitors.
13. **Group Home** - A group home licensed under the applicable provisions of the Connecticut General Statutes.
14. **Religious Institution** - Religious institutions when located on and served by a collector or arterial road as identified in the Plan of Conservation and Development.
15. **Religious Residential Facility** - A housing facility, such as a convent or monastery, for persons affiliated with a religious institution.

16. **Clubs and Organizations** - Clubs and other organizations providing social, cultural and recreational uses serving a community need or convenience and not including any activity carried on primarily for profit.
17. **Philanthropic or Eleemosynary Institutions** - Institutions of philanthropic or eleemosynary organizations serving a significant community need.
18. **Hospital** – [this provision is intended to apply only to the facility currently known as Silver Hill] In the 2 Acre Residence Zone only, a hospital providing treatments of mental illness or chemical dependency with levels of care that may include inpatient treatment, residential treatment, and a range of outpatient programs provided that:
  - a. the hospital campus contains a minimum of 30 acres, and such requirement must be satisfied by contiguous parcels which may be divided by a public road; and
  - b. the facility was licensed by the State of Connecticut as a hospital for mentally ill persons at the site as of June 16, 2007, and
  - c. the use has continually existed on some portion of the entire parcel since 1940; and
  - d. adequate provision has been made on the hospital campus for dining areas, kitchen facilities, medical or clinical care rooms, meeting or activity rooms, recreation rooms, administrative office and similar uses in support of residents or patients of the facility; and
  - e. any new buildings, structures, or additions shall be designed to minimize an institutional appearance, promote a residential appearance, and shall include adequate buffers, screening, and landscaping pursuant to Section 6.1 of these Regulations.

#### Other Uses

19. **Public Utility Uses** - Telephone exchanges, electric substations, water towers or other public utility uses provided that, if there shall be a conflict between a demonstrated public necessity and the Special Permit criteria set forth in these Regulations, the Commission may establish whatever conditions it finds necessary to minimize that conflict.
20. **Railways** - Railways, but not including switching or storage yards, industrial sidings, repair or service facilities.
21. **Private Recreation** - use of the facilities and/or grounds of public or private schools, colleges, or universities for recreational or non-educational activities by other organizations.
22. **Agricultural Uses** - Commercial farming.

**SECTION 3.3. PERMITTED ACCESSORY USES****A. Permitted Without Permit**

1. **Customary Uses** - Accessory uses customarily and reasonably incidental to a permitted principal use.
2. **Outside Parking** - Outside parking of motor vehicles provided:
  - a. required parking spaces shall not be located within the front yard set-back, and
  - b. unregistered motor vehicles shall be screened from view from the street and adjacent properties, and
  - c. such parking shall be in accordance with any other provisions of these Regulations and other applicable laws and ordinances.
3. **Animals** - Keeping of animals by the resident(s) for their personal use in accordance with Chapter 6 of the Town Code.
4. **Home Office** - A home-based business where such business is located within the same dwelling used by such person as his or her primary residence and involves minimal visits to the premises provided that:
  - a. the area devoted to such accessory use shall not exceed twenty percent (20%) of the total square footage of the dwelling, exclusive of garage, attic and cellar, and
  - b. the home office does not have any non-resident employees, and
  - c. the accessory use shall:
    - i. not change the exterior residential appearance or character of the building or be noticeable from the exterior of the building, and
    - ii. not materially change the traffic characteristics of the neighborhood, and
    - iii. not have any outside storage or parking of commercial vehicles, and
    - iv. not involve the display of signs or products in, on, or about the premises except as permitted by these Regulations, and
    - v. not create any electrical, radio, television or similar interferences.
5. **Agricultural Uses** - Non-commercial farming.
6. **Maintenance Vehicles / Equipment** - Vehicles or equipment necessary for, used for, and accessory to farming operations on the premises or upkeep of the premises provided that:
  - a. outside backhoe storage is not permitted, and
  - b. such vehicles or equipment shall not be used elsewhere for any purpose, except snow plowing.
7. **Commercial Vehicle Storage** - When housed in an enclosed structure, maintenance or storage of not more than one (1) commercial vehicle of over one-thousand (1,000) pound capacity or one (1) self-propelled heavy-construction equipment unit provided that no vehicle for the transportation of refuse, garbage, or septic waste shall be maintained or stored in a residential zone.



**B. Permitted by Zoning or Other Permit**

1. **Attached Garage** - An attached garage accessory to a residence provided that it does not result in garage space for more than five (5) vehicles on the property, one (1) of which may be a commercial vehicle.
2. **Tag Sale** - The use of land and buildings for a tag sale provided that:
  - a. a tag sale shall not exceed two (2) consecutive days in any calendar year, and
  - b. no signs related in any way to a tag sale, other than the permit issued by the Town, shall be placed or displayed in any manner within the right-of-way of any public or private road, street, or other public place.
3. **Day Care** - Family day-care home.
4. **Minor Home Occupation** - A home-based business where such business is located within the same dwelling used by such person as his or her primary residence and involving no more than five (5) patron, client or associate visits to the premises per week provided that.
  - a. a home occupation permit is obtained, and
  - b. the area devoted to such accessory use shall not exceed twenty percent (20%) of the total square footage of the dwelling, exclusive of garage, attic and cellar, and
  - c. not more than one (1) nonresident person shall be employed on the premises, and
  - d. The accessory use shall:
    - i. not change the exterior residential appearance or character of the building or be noticeable from the exterior of the building, and
    - ii. not materially change the traffic characteristics of the neighborhood, and
    - iii. not have any outside storage or parking of commercial vehicles, and
    - iv. not involve the display of signs or products in, on, or about the premises except for a sign as permitted by these Regulations, and
    - v. not create any electrical, radio, television or similar interferences, and
  - e. no parking areas for residents, employees or the general public shall be located between any street line and a front yard setback.
5. **Recreational Vehicle Parking** - Parking for not more than two (2) recreational vehicles, as defined in these Regulations, provided that such vehicles shall, when on the premises:
  - a. be parked or stored at all times in a fully enclosed structure or, if parked outdoors shall:
    - i. not be located in the front yard of the existing dwelling or other principal building on the same lot,
    - ii. not be located within any required accessory building yard space, and
    - iii. be effectively screened from view of adjacent premises to the satisfaction of the Zoning Inspector.
  - b. not be used for living, recreation or business purposes while parked or stored on a residential lot.
  - c. be directly owned or leased by the owner or tenant of the premises on which they are stored.

## Section 3.3

6. **Accessory Dwelling Unit** - An accessory dwelling unit within or attached to the main dwelling unit provided that:
  - a. only one accessory dwelling unit shall be permitted for each lot and no accessory dwelling unit shall be approved as part of a two-family dwelling or any multi-family use
  - b. the lot shall conform to the minimum lot width and area requirement for the zone in which the property is located, and an accessory dwelling unit in the B Residence Zone shall only be located on a lot containing at least 9,000 square feet and shall maintain side yard setbacks of at least twelve (12) feet, and
  - c. the owner of the property shall occupy either the principal dwelling unit or the accessory dwelling unit, and
  - d. the accessory dwelling unit shall:
    - i. be accessible from the principal dwelling by an operable door along a common wall, and
    - ii. not exceed 1,000 square feet or 40% of the combined floor areas of the single-family dwelling and the accessory dwelling unit, whichever is less unless in the opinion of the Commission a greater amount of floor area is warranted by the specific circumstances of the particular building, and
  - e. both the accessory dwelling unit and the principal dwelling shall meet the requirements of the Building and Public Health Codes, and
  - f. upon establishment of the accessory dwelling unit, the building shall:
    - i. maintain the exterior appearance and style (roof line, roof pitch, building materials, window style and spacing, etc.) of the principal residence, and
    - ii. have any secondary entrance incorporated into the principal residence to reflect the architectural style of a single-family unit, and
  - g. parking and access from the public right-of-way shall serve both the principal and accessory units, and shall not be distinguishable as separate facilities, and
  - h. adequate off-street parking as required by these Regulations shall be provided for both uses and such parking shall not be located in the front yard.
7. **Temporary Use** - Temporary use of land and buildings for any musical, educational, charitable, religious, recreational, or fraternal purpose or entertainment, provided that such use is without financial profit except compensation to individuals for services devoted solely to the promotion of the objects and purposes for which such use is permitted, for a period not exceeding ten (10) days in any calendar year unless approved for a longer period of time by the Commission.

**C. Permitted by Special Permit**

1. **Large Attached Garage** - An attached garage accessory to a residence that results in garage space for:
  - a. more than five (5) vehicles on the property, or
  - b. more than one (1) commercial vehicle on the property.
2. **Day Care** - Group day-care home.
3. **Major Home Occupation** - A home-based business where such business use does not comply with the requirements of Subsection 3.3.B.4.
4. **Special Living Accommodations** - Living accommodations or a dwelling unit, in conjunction with an approved principal use allowed by Special Permit under Subsection 3.2.C., provided:
  - a. the application clearly demonstrates a reasonable safety, security or similar need to have an employee reside on the premises, and
  - b. such approval shall terminate upon change of ownership or cessation of the need for an employee or caretaker to reside on the premises.
5. **Agricultural Uses** - Commercial farming, which may, with approval of the Commission, include accessory facilities for the commercial processing and sale of farm products produced on the premises, but shall not include a roadside stand unless a separate Special Permit for the farm stand as an accessory structure is approved by the Commission.
6. **Accessory Dwelling Unit** - An accessory dwelling unit within or attached to the main dwelling unit that does not comply with the provisions of Subsection 3.3.B.6.
7. **Other Uses** - Other accessory uses not customarily or reasonably incidental, as determined by the Commission, to a permitted principal use.

## Section 3.4

**SECTION 3.4. PERMITTED ACCESSORY STRUCTURES****A. Permitted Without Permit**

1. **Minor Attached Accessory Structure** - Accessory structures customarily and reasonably incidental to a permitted principal use and attached to the principal structure such as solar panels, and similar structures.
2. **Minor Detached Accessory Structure** - One tool shed, play house, gazebo, or similar detached accessory structure that:
  - a. does not have a permanent foundation, and
  - b. has no plumbing or electrical service or heating equipment, and
  - c. does not exceed 200 square feet in area, and
  - d. is not located within a front yard unless it is located 150 feet or more from a front property line, and
  - e. complies with the yard requirements for an accessory building.

## B. Permitted by Zoning or Other Permit

1. **Detached Garage** - A detached garage accessory to a residence provided that:
  - a. it is not located within a front yard unless it is located 150 feet or more from a front property line, and
  - b. it does not exceed a gross floor area of 1,000 square feet, and
  - c. it does not result in garage space for more than five (5) vehicles on the property or, one (1) commercial vehicle on the property.
2. **Signs** - Sign(s) pertaining to a permitted principal use on a lot, as permitted by these Regulations.
3. **Minor Detached Accessory Structure** - A tool shed, play house, gazebo, or similar detached accessory structure:
  - a. in addition to the one permitted in Subsection 3.4.A.2, or
  - b. that does not comply with Subsection 3.4.A.2, and
  - c. that is not located within a front yard unless it is located 150 feet or more from a front property line, and
  - d. that does not exceed a gross floor area of 1,000 square feet.
4. **Non-Illuminated Outdoor Recreation Facility** - Outdoor recreation facility such as a tennis court, paddle tennis court, swimming pool, or similar facility with no above-ground artificial lighting provided that:
  - a. a Building Permit is also obtained, and
  - b. the facility is not located within a front yard unless it is located 150 feet or more from a front property line, and
  - c. the facility complies with all yard and other applicable Regulations,
  - d. any swimming pool deck, patio, mechanical equipment, filtration equipment, and storage tanks or containers shall be visually screened and shall not be located within the yard setback required for accessory buildings and shall be located more than 50 feet from any public or private roadway or easement, and
  - e. in the absence of a pool deck or patio, the yard setback for a swimming pool shall be measured to the back of the coping.
5. **Accessory Recreation Structure** - A pool house or similar structure not used as a dwelling unit that is customarily and reasonably incidental to a permitted principal use provided that:
  - a. a Building Permit is also obtained, and
  - b. the facility is not located within a front yard unless it is located 150 feet or more from a front property line, and
  - c. it does not exceed a gross floor area of 1,000 square feet, and
  - d. the facility complies with all yard and other applicable Regulations.

## Section 3.4

6. **Windmills** - Windmills and similar energy conservation systems provided that:
  - a. the lot shall have a minimum area of one acre (43,560 square feet) or as required by the applicable zone, whichever is greater, and
  - b. the windmill or similar structure shall be set back from all lot lines and from the principal building a distance at least equal to the total building height of the windmill structure, and
  - c. no windmill or similar structure shall:
    - i. exceed forty (40) feet in total building height, or
    - ii. be located within a front yard unless it is located 150 feet or more from a front property line, or
    - iii. be located in any required yard setback.
7. **Ground-Mounted Solar Panels** - Ground-mounted solar panels, provided that they shall:
  - a. not exceed fifteen (15) feet in height including all supporting structures, and
  - b. not be located within a front yard unless it is located 150 feet or more from a front property line, and
  - c. not be located within any required yard setback, and
  - d. be fully screened from any adjacent property line and the street line, and
  - e. be permanently anchored in compliance with the State Building Code.
8. **Private Emergency Shelter** - Private emergency shelter provided that it shall conform to applicable yard requirements and, if not constructed as an integral part of any dwelling or other conforming principal or accessory building or structure, it shall be covered with at least two (2) feet of soil and the finished ground level shall not be above natural ground level.

### C. Permitted by Special Permit

1. **Detached Garage** - A detached garage accessory to a residence which does not comply with Subsection 3.4.B.1 since it is proposed to:
  - a. contain space for more than five (5) vehicles on a property provided that any such garage space shall not be occupied by more than one (1) commercial vehicle, or
  - b. be located within a front yard, or
  - c. exceed a gross floor area of 1,000 square feet. Such detached garage shall comply with the yard setback for a principal structure in that zone.
2. **Illuminated Outdoor Recreation Facility** - Outdoor recreation facility, including tennis courts and pools, in compliance with the requirements of Subsection 3.4.B.4. and which are artificially illuminated, provided that such lighting shall not create a hazard or nuisance upon adjacent properties with reference to the following standards:
  - a. the source of such lights shall be concealed from surrounding residential properties.
  - b. all lighting shall be located and be of such design that no illumination shall be directed toward surrounding residential properties.
  - c. no lighting facilities shall be mounted at a height greater than twenty (20) feet above grade.
3. **Detached Accessory Residential Structure** - a detached guest house or a detached accessory dwelling unit provided that:
  - a. the property is located in a Residence Zone where the minimum area for a single-family dwelling is one (1) acre or more, and
  - b. the property shall have one (1) full zone unit, as required by these Regulations for the existing house on the premises except that, in the Four Acre Zone, such accessory structure may be permitted on a lot having less than one (1) full zone unit provided that such lot shall have at least two (2) acres of buildable land, and
  - c. both the existing house and the proposed accessory dwelling shall demonstrate compliance with the requirements of the Health Code, and
  - d. any detached accessory dwelling unit shall comply with the requirements of Subsection 3.3.B.6 except that access from the principal dwelling by an operable door along a common wall shall not be required.
  - e. the detached accessory residential structure complies with the yard setback for a principal structure in that zone.
4. **Agricultural Use** - Farm stand.
5. **Other Structures** - Other accessory buildings or structures not customarily and reasonably incidental, as determined by the Commission, to a permitted principal use.
6. **Accessory Structures In A Front Yard** - Accessory buildings or structures listed in Section 3.4.A or Section 3.4.B located within a front yard and located within 150 feet of the street.
7. **Accessory Buildings That Exceed a Gross Floor Area of 1,000 Square Feet** - Accessory Buildings listed in Section 3.4.B.3 or Section 3.4.B.5 that exceed a gross floor area of 1,000 square feet. Such accessory building shall comply with the yard setback for a principal structure in that zone and if proposed to be located in a front yard, must be at least 150 feet from the street.

Section 3.5

**SECTION 3.5. AREA AND DIMENSIONAL REQUIREMENTS**

**A. Minimum Lot Area**

**1. Basic Requirement**

Except as may be otherwise provided in these Regulations, every lot shall contain the required minimum lot area for the zone within which the lot is situated.

	Minimum Lot Area <sup>1</sup> (Square Feet)
Four Acre Residence Zone	174,240
Two Acre Residence Zone	87,120
One Acre Residence Zone	43,560
One-Half Acre Residence Zone	21,780
One-Third Acre Residence Zone	14,520
A Residence Zone	10,000
B Residence Zone	7,500

1. Unless otherwise provided in Subsection 1.6.B.6, if two (2) or more adjoining lots or parcels are or have ever been in single ownership at the time of, or subsequent to, the adoption of any change to these Regulations that made one (1) or more of them non-conforming as to minimum lot area and if one (1) or more of the lots or parcels do not or did not conform to these Regulations for minimum lot area, then such lot(s) and/or parcel(s) shall be considered to be an undivided lot or parcel for the purpose of these Regulations, and no portion of said lot or parcel shall be used or sold so as to diminish conformance with these Regulations.

**2. Potential Exceptions**

Potential exceptions to minimum lot area requirements in Residential zones may be found in Section 3.6 and/or Section 3.7.



**B. Maximum Density**

**1. Basic Limitation**

Except as may be otherwise provided in these Regulations, no parcel in existence as of June 18, 2005 shall be:

- a. Divided, subdivided, or re-subdivided in such a way as to exceed the following maximum number of lots per acre of buildable land and any calculation resulting in a fractional remainder shall be rounded down to the next whole number.
- b. Used in such a way as to exceed the following maximum number of families per zone unit.
- c. Used in such a way as to exceed the following maximum number of families per building.

	Lots / Acre of Buildable Land	Families / Zone Unit <sup>1</sup>	Families / Building <sup>2</sup>
Four Acre Residence Zone	Density Limita- tion Does Not Apply	1	1
Two Acre Residence Zone		1	1
One Acre Residence Zone		1	1
One-Half Acre Residence Zone	1.00	1	1
One-Third Acre Residence Zone	1.50	1	1
A Residence Zone	2.20	1	1
B Residence Zone	2.90	1	1

- 1. Two (2) families per zoning unit are permitted with approval of:
  - an attached accessory dwelling unit per Section 3.3.B.6, or
  - a detached accessory dwelling unit or guest house per Section 3.4.C.3, or
  - a two-family dwelling in the B Residence Zone per Section 3.2.C.1.
- 2. Two (2) families per building are permitted with approval by the Commission of:
  - an attached accessory dwelling unit per Section 3.3.B.6, or
  - a two-family dwelling in the B Residence Zone per Section 3.2.C.1.a.

**Illustrative Example (A Residence Zone)**

1. Gross area of parcel (acres)	1.92 acres
2. Minus areas classified as wetland, watercourse, 100-year floodplain, or containing slopes greater than 25 percent	(0.43 acres)
3. Equals the buildable land on the parcel (acres)	1.49 acres
4. Times the maximum number of lots per acre of buildable land for the A Residence zone	2.20 lots/acre
5. Equals maximum number of lots	3.278 lots
6. Rounded down to three (3) lots.	

**2. Potential Exceptions**

Potential exceptions to maximum density limitations in Residential zones may be found in Section 3.6 and/or Section 3.7.

Section 3.5

**C. Minimum Width and Shape**

**1. Basic Requirement**

- a. Except as may be otherwise provided in these Regulations, every front lot shall contain the required minimum width upon a public street for the zone within which the lot is situated.

	Minimum Width (Feet)
Four Acre Residence Zone	350
Two Acre Residence Zone	225
One Acre Residence Zone	150
One-Half Acre Residence Zone	125
One-Third Acre Residence Zone	100
A Residence Zone	100
B Residence Zone	75

- b. Every lot shall contain, totally within itself and without including any area of the lot that is part of an accessway, a lot circle with a diameter equal to the required minimum width for the zone within which the lot is situated.
- c. After June 18, 2005, at least fifty percent (50%) of the area of such lot circle shall be classified as contiguous non-wetland soils.
- d. Where it is proposed to divide, subdivide or re-subdivide land containing an existing house, the new lot that contains the existing house shall meet the minimum width required for the zone at the location of said existing structure, and the lot shall not be reduced below that minimum width at such point.
- e. No new rear lots shall be established in the A Residence Zone, the B Residence Zone, or the One-Third Acre Residence Zone.

**2. Potential Exceptions**

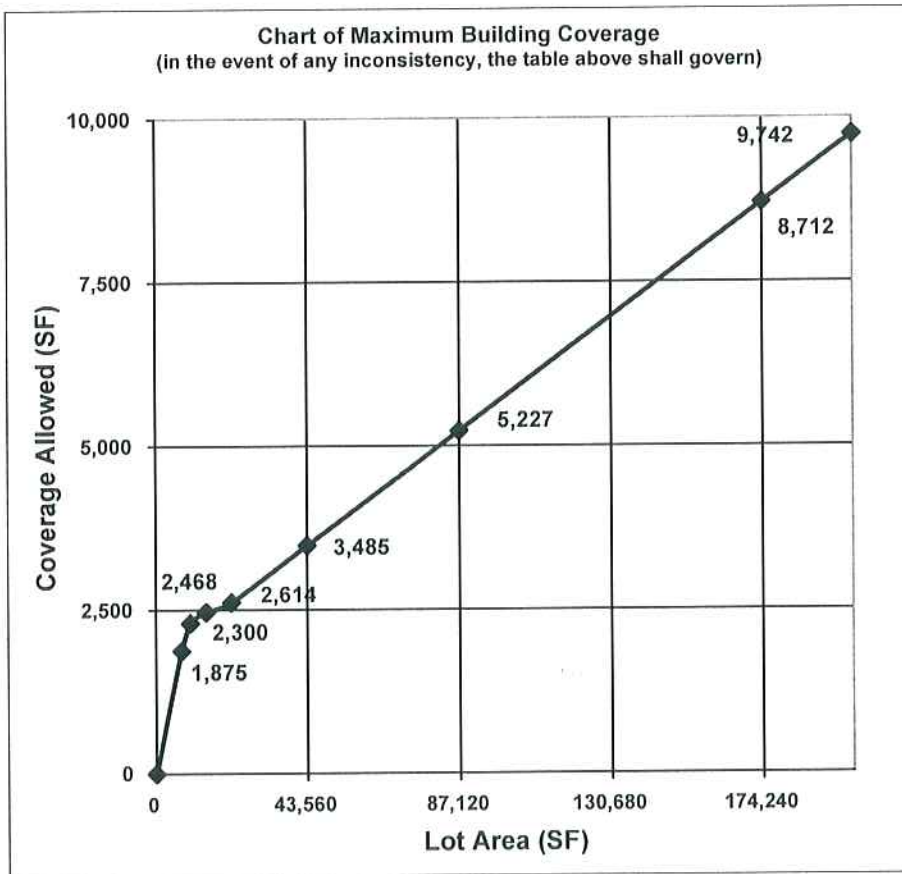
Potential exceptions to minimum width and shape requirements in Residential zones may be found in Section 3.6 and/or Section 3.7.

**D. Maximum Building Coverage**

**1. Building Coverage Limitation**

After June 18, 2005, unless otherwise provided in these Regulations, the building coverage in any Residence zone shall not exceed the following:

Lot Area	Allowed Building Coverage
Less than 7,500 SF	25% of the lot area
7,500 to 9,999 SF	1,875 SF plus 17% of the lot area in excess of 7,500 SF
10,000 to 14,519 SF	2,300 SF plus 3.7% of the lot area in excess of 10,000 SF
14,520 to 21,779 SF	2,468 SF plus 2.0% of the lot area in excess of 14,520 SF
21,780 to 43,559 SF	2,614 SF plus 4.0% of the lot area in excess of 21,780 SF
43,560 to 87,119 SF	3,485 SF plus 4.0% of the lot area in excess of 43,560 SF
87,120 to 174,239 SF	5,227 SF plus 4.0% of the lot area in excess of 87,120 SF
174,240 or more SF	8,712 SF plus 4.0% of the lot area in excess of 174,240 SF



**2. Potential Exceptions**

Potential exceptions to maximum building coverage limitations in Residential zones may be found in Section 3.6 and/or Section 3.7.

Section 3.5

**E. Minimum Yard Setbacks**

**1. General Requirements**

- a. Except as may be otherwise provided in these Regulations, every building and structure shall comply with the required minimum yard setbacks for the zone within which the lot is situated.
- b. A rear yard setback shall be required on every lot in a residential zone except a corner lot, a through lot, or a pie-shape lot.
- c. No building or accessory building shall be constructed within forty (40) feet of an interstate natural gas pipeline.

**2. Minimum Yard Setbacks For Principal Buildings**

	Front Lots			Rear Lots
	Front Yard Setback (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)	Front, Side, and Rear Yard Setbacks (feet)
Four Acre Residence Zone	50	50	50	50
Two Acre Residence Zone	45	35	50	40
One Acre Residence Zone	35	25	35	30
One-Half Acre Residence Zone	35	20	25	25
One-Third Acre Residence Zone	35	15	25	25
A Residence Zone	30	15	25 feet or 25% of lot depth, whichever is less	25 feet or 25% of lot depth, whichever is less
B Residence Zone	25	8		

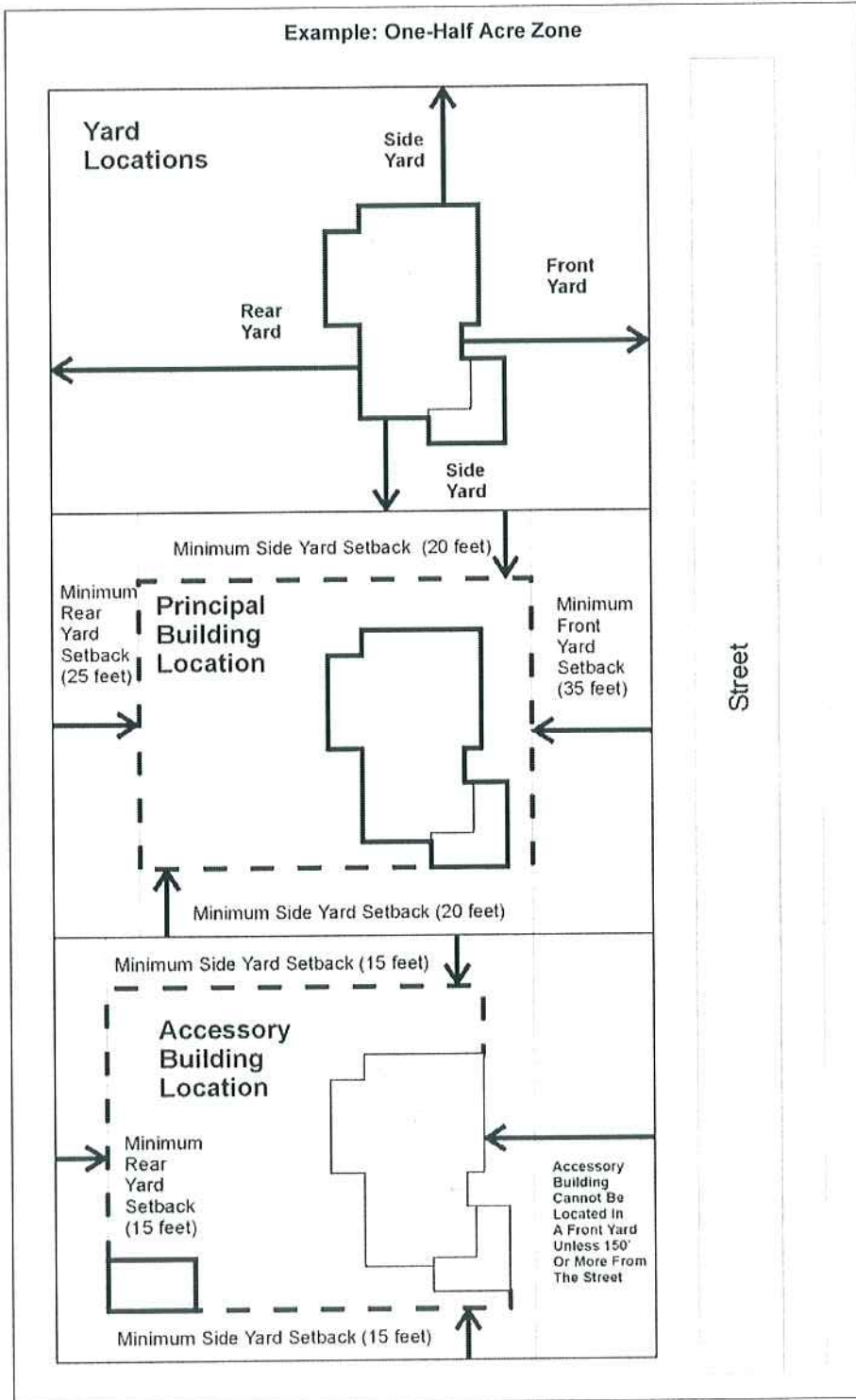
**3. Minimum Yard Setbacks For Accessory Buildings / Structures**

An accessory structure shall comply with the following yard setbacks and shall not be located in a front yard except as may be permitted by these Regulations.

	Front Lots			Rear Lots
	Front Yard Setback (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)	Front, Side, and Rear Yard Setbacks (feet)
Four Acre Residence Zone	50	50	50	50
Two Acre Residence Zone	45	35	35	35
One Acre Residence Zone	35	25	25	25
One-Half Acre Residence Zone	35	15	15	15
One-Third Acre Residence Zone	35	15	15	15
A Residence Zone	30	10	10	10
B Residence Zone	25	8	8	8

#### 4. Potential Exceptions

Potential exceptions to minimum yard requirements in Residential zones may be found in Section 3.6 and/or Section 3.7.



Section 3.5

**F. Height of Buildings and Walls**

**1. Maximum Height in Feet (Finished Grade)**

Except as may otherwise be provided in these Regulations, no principal building or accessory building and no building wing or distinct portion thereof shall exceed the following:

- a. building height above finished average grade, or
- b. total building height above finished average grade.

	Building Height (Feet)		Total Building Height (Feet)	
	Principal Building	Accessory Building	Principal Building	Accessory Building
Four Acre Residence Zone	40	20	45	30
Two Acre Residence Zone	35	15	40	25
One Acre Residence Zone	35	15	40	25
One-Half Acre Residence Zone	35	15	40	25
One-Third Acre Residence Zone	35	15	40	20
A Residence Zone	30	15	35	20
B Residence Zone	30	15	35	20

See Subsection 3.5.F.4 for additional building height limitations.

**2. Maximum Height in Feet (Pre-Existing Grade)**

Except as may otherwise be provided in these Regulations, no principal building or accessory building and no building wing or distinct portion thereof shall exceed the following:

- a. building height above pre-existing average grade, or
- b. total building height above pre-existing average grade.

	Building Height (Feet)		Total Building Height (Feet)	
	Principal Building	Accessory Building	Principal Building	Accessory Building
Four Acre Residence Zone	45	25	50	35
Two Acre Residence Zone	40	20	45	30
One Acre Residence Zone	40	20	45	30
One-Half Acre Residence Zone	40	20	45	30
One-Third Acre Residence Zone	40	20	45	25
A Residence Zone	35	20	40	25
B Residence Zone	35	20	40	25

See Subsection 3.5.F.4 for additional building height limitations.

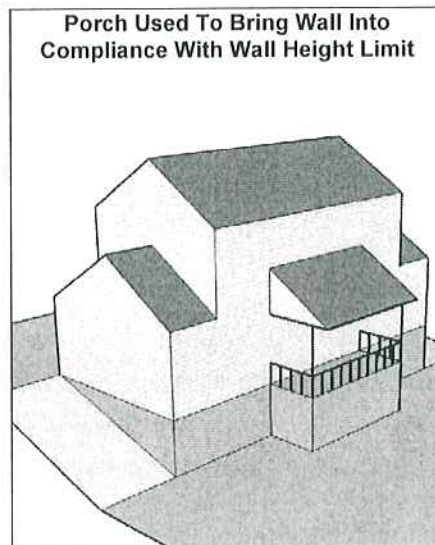
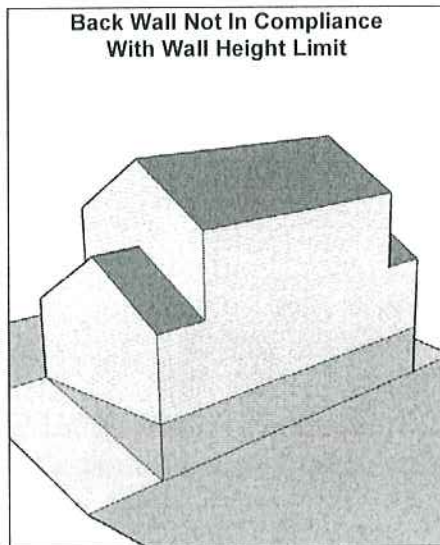
**3. Maximum Number of Stories**

Except as may be otherwise provided in these Regulations, no part of a principal building or accessory building and no building wing or distinct portion thereof shall exceed the following number of stories.

	Principal Building	Accessory Building
Four Acre Residence Zone	2 ½	1 ½
Two Acre Residence Zone	2 ½	1 ½
One Acre Residence Zone	2 ½	1 ½
One-Half Acre Residence Zone	2 ½	1 ½
One-Third Acre Residence Zone	2 ½	1 ½
A Residence Zone	2 ½	1 ½
B Residence Zone	2 ½	1 ½

**4. Maximum Wall Height In Feet**

After June 18, 2005, except as may be permitted by the Commission by Special Permit, no more than fifty percent (50%) of the horizontal dimension of an exterior wall of a principal building or accessory building shall exceed twenty-five (25) feet in vertical height from the lowest finished ground elevation at the bottom of the wall segment being evaluated to the eave or parapet without being broken by a roof or being offset from another generally parallel wall by at least eight (8) feet. This requirement shall not apply to the gable end of a gable, gambrel, or salt box roof.

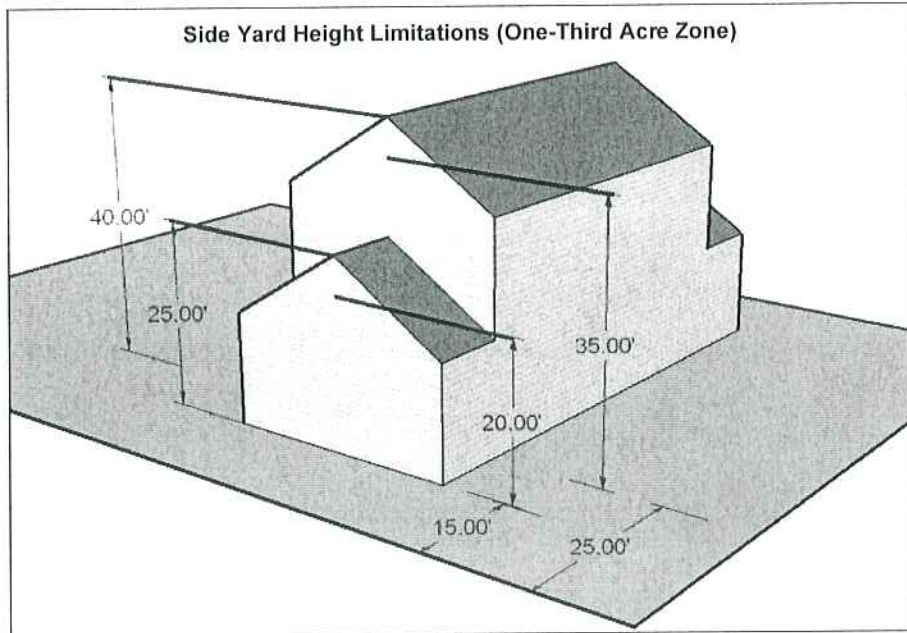


Section 3.5

**5. Maximum Side Yard Height**

- a. After June 18, 2005, except as may be permitted by the Commission by Special Permit, no part of a principal building or accessory building shall, within the side yard setbacks identified below, exceed the following:
  - i. maximum building height above finished average grade, or
  - ii. maximum total building height above finished average grade.
- b. For the purposes of side yard height limitations, building height and total building height shall be determined on the basis of:
  - i. the portion of the building within the reduced height setback distance specified below, and
  - ii. the finished average grade for that building wing or distinct portion of the building.

Zone	Setback Distance (feet)	Building Height (feet)	Total Building Height (feet)
One-Half Acre Residence Zone	20 to 30	20	25
One-Third Acre Residence Zone	15 to 25	20	25
A Residence Zone	15 to 25	20	25
B Residence Zone	8 to 16	20	25



**6. Potential Exceptions**

Potential exceptions to building height in Residential zones may be found in Section 3.6 and/or Section 3.7.

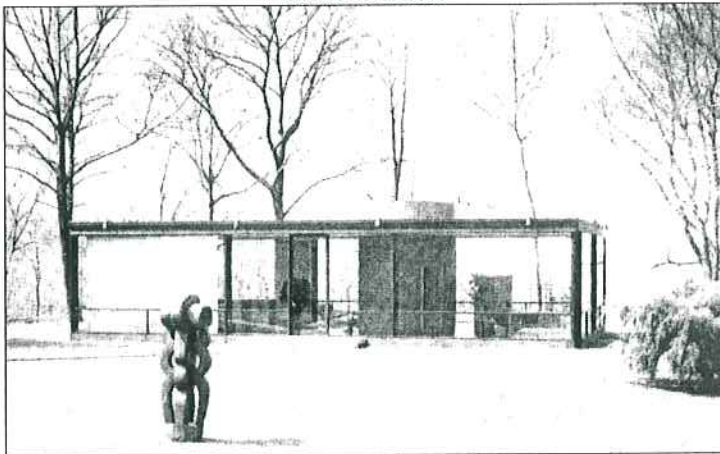


**SECTION 3.6. SPECIAL PROVISIONS FOR RESIDENCE ZONES**

**A. Preservation of Modern Houses**

1. In order to encourage the preservation and architectural integrity of Modern houses, the Commission may, by Special Permit, allow a minimum area or dimensional requirement (such as minimum yard setback) to be reduced or a maximum area or dimensional requirement (such as maximum building coverage) to be exceeded provided that:
  - a. the New Canaan Historical Society or other source acceptable to the Commission shall have recognized the principal structure on the property as a Modern house worthy of continued preservation, and
  - b. the Modern house shall be preserved, and
  - c. the New Canaan Historical Society or other source acceptable to the Commission shall have determined that any proposed improvement shall retain the architectural integrity of the Modern house, and
  - d. the extent of the requirement to be exceeded or reduced shall be clearly identified on the application presented to the Commission, and
  - e. any such exception shall only be the minimum amount and geographic extent required to authorize the improvements approved by the Commission.
2. Any Special Permit granted by the Commission shall only remain effective so long as the Modern house is preserved and maintained as the principal structure on the property.

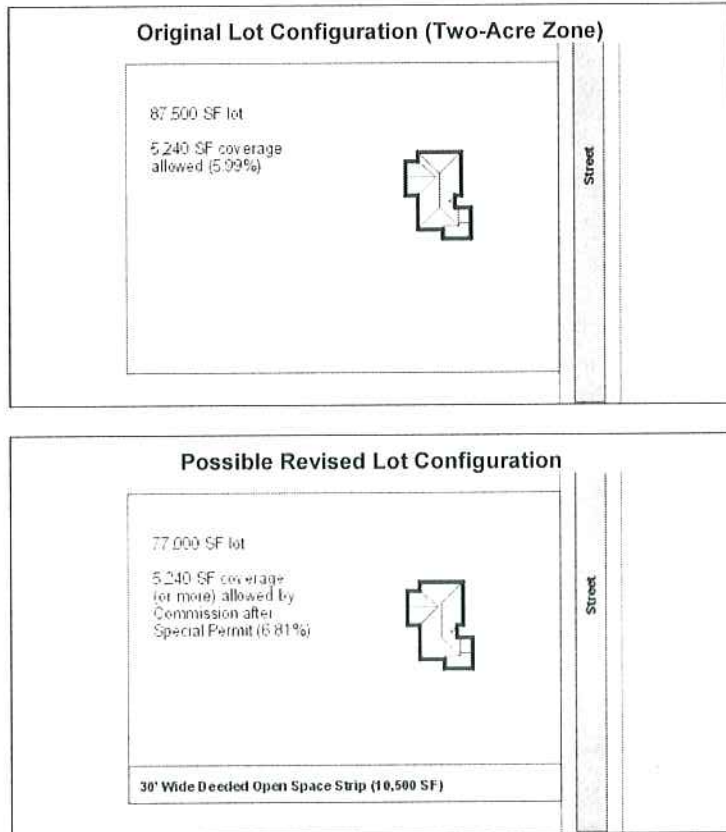
**Modern House**



**B. Flexibility for Open Space Provision**

In order to encourage the permanent preservation of open space and the establishment of greenways and trails in residential areas, the Commission may, by Special Permit, allow a minimum area or dimensional requirement (such as minimum lot area or minimum yard setback) to be reduced or a maximum area or dimensional requirement (such as maximum building coverage) to be exceeded on a developed residential lot when a portion of the lot will be dedicated for permanent preservation of open space and the establishment of greenways and trails in residential areas provided that:

- a. the proposed open space dedication is referred, at least 30 days prior to the public hearing, to the Environmental Commission, the Park and Recreation Commission, and other appropriate Town agencies for an advisory recommendation, and
- b. the portion of the developed lot to be so dedicated in perpetuity as open space is deeded to the Town of New Canaan, the New Canaan Land Trust, or similar organization acceptable to the Commission, and
- c. the proposed open space dedication is not encumbered by an access-way or other easement in favor of other parties, and
- d. any encumbrance placed on the land so dedicated shall not restrict possible future establishment of a greenway trail, and
- e. the applicant shall submit a copy of the proposed document of dedication with the application.



### C. Design Review

In residential zones, new construction or remodeling of the exterior of any non-residential building or a multi-family residential use of four (4) or more units shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

### D. Driveways In Residence Zones

1. After June 16, 2007, except as may be permitted by the Commission by Special Permit, no residential driveway shall be located within three (3) feet of a side or rear property line on any lot or within an accessway in any residential zone.
2. Any driveway constructed for vehicular access to another parcel shall be located within the required accessway.
3. In a residence zone, no accessway, driveway, right-of-way or walk shall be maintained or used for access to any other land which is:
  - a. being used for a use other than a dwelling or other use allowed by Section 3.2.A or 3.2.B; or
  - b. located in a zone in which, under applicable Regulations, there is permitted a residential use of greater density than is permitted in the zone in which the accessway, driveway, right-of-way or walk is located.
4. Any driveway shall comply with the provisions of Section 6.9 of these Regulations.

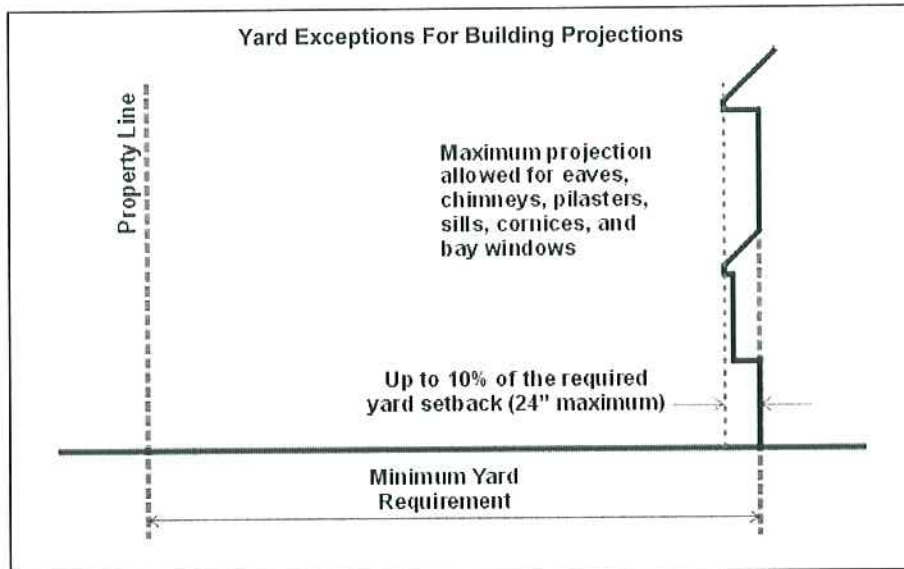
**SECTION 3.7. DIMENSIONAL EXCEPTIONS****A. Height Exceptions**

In residence zones, the basic building height limitations of these Regulations may be exceeded in the following situations, provided that such features shall only be erected to such heights as are necessary to accomplish the purpose they are intended to serve:

1. A spire or belfry on a religious institution, school, public library, or public museum provided that:
  - a. the total building height of the spire or belfry shall not exceed fifty (50) feet unless a Special Permit has been approved by the Commission, and
  - b. the total area covered by such features shall not exceed ten percent (10%) of the roof area unless a Special Permit has been approved by the Commission.
2. Cupolas or chimneys provided that:
  - a. the total building height of the cupola or chimney shall not be more than twenty percent (20%) higher than the total building height allowed unless a Special Permit has been approved by the Commission, and
  - b. the total area of such features which exceed the total building height limitation shall not exceed five percent (5%) of the roof area unless a Special Permit has been approved by the Commission.
3. Flagpoles less than fifty (50) feet in height unless a Special Permit has been approved by the Commission.
4. Water tanks where the Commission has granted a Special Permit for an increase in height.
5. Roof-top equipment for non-residential buildings (such as HVAC equipment, ventilators, skylights, bulkheads, or similar features) provided that:
  - a. adequate appropriate screening shall be provided, and
  - b. such equipment which exceeds the total building height limitation shall not have a horizontal area greater than five percent (5%) of the roof area of the building on which it is located unless a Special Permit has been approved by the Commission.
6. The Commission may, by Special Permit, allow a greater building height and/or an additional half-story for a single-family residential dwelling provided:
  - a. such dwelling shall exhibit a historically appropriate architectural style (such as Victorian),
  - b. the Commission can request and/or consider design guidance from the Historic District Commission, the Historical Society, or Village District consultant, or others, and
  - c. the total building height limitation for the zoning district shall not be exceeded, and
  - d. no area encumbered by a height restriction as provided in Subsection 3.7.E.1.a shall be eligible for such greater building height or additional half-story.

## B. Yard Exceptions

1. Typical residential building projections such as eaves, cornices, gutters, and belt courses may extend into any required yard setback not more than the lesser of:
  - a. 10 percent of the required yard setback, or
  - b. 24 inches maximum.
2. Typical residential building projections such as chimneys, pilasters, sills, leaders, and bay windows may, for a maximum horizontal extent of ten (10) feet for each occurrence, extend into any required yard setback not more than the lesser of:
  - a. 10 percent of the required yard setback, or
  - b. 24 inches maximum.



3. A basement hatchway may project into a required rear yard setback not more than six (6) feet.
4. A one-story open porch and any associated stairs may project into the required front yard setback not more than twenty (20) percent of the minimum front yard requirement.
5. Entry stairs, stoops, and fire escapes may extend into any required yard setback not more than five (5) feet.
6. To accomplish the intended purpose, access ramps for the handicapped may, with approval of the Zoning Inspector, extend into any required yard setback.
7. The front yard, side yard, and rear yard setback requirements for the Two-Acre Zone shall apply to any parcel of land in the Four-Acre Zone which:
  - a. was in different ownership than all abutting land on December 1, 1956, and had an area on that date of less than four (4) acres, or
  - b. was an approved lot or parcel of land having an area of less than four (4) acres in a subdivision approved by the Commission and the subdivision map was filed for record in the Office of the Town Clerk on or before December 15, 1956.

## Section 3.7

**C. Lot Width Exceptions**

1. These Regulations shall not prohibit the erection of a single-family dwelling on any parcel which is smaller in width than that required for a single-family house by these Regulations provided that, at all times subsequent to the adoption of the zoning regulation which resulted in such lot being non-conforming as to width, such lot was in a different ownership from that of all abutting land.
2. In One-Half-Acre, One-Acre, Two-Acre and Four-Acre Zones, the following exceptions to the lot width requirements may be utilized:
  - a. where a parcel of land has sufficient area for no more than two (2) zone units and one (1) of the zone units does not have the required width on a public street for the zone involved, Zoning Permits may be issued for both zone units, provided that:
    - i. the zone unit not having the required width on a public street has access thereto by means of an accessway serving such zone unit.
    - ii. such accessway shall not be less than twenty-five (25) feet in horizontal width.
3. In One-Half-Acre, One-Acre, Two-Acre and Four-Acre Zones, Zoning Permits may be issued for a zone unit having the required width upon a non-public roadway provided that such roadway shall:
  - a. have a width of at least fifty (50) feet, and
  - b. have a traveled way to Town standards of at least twenty (20) feet of asphalt, unless modified by the Commission through the granting of a Special Permit, and
  - c. have been laid out prior to the effective date of this Section in accordance with the requirements and/or specifications of the Town, the Commission, or the Connecticut General Statutes existing at the time such roadway was laid out.
4. One (1) Zoning Permit may be issued for any tract of land that does not comply with the lot width requirement provided it was in different ownership than all abutting land on December 15, 1956, and has continued to be in different ownership than all abutting land, , if such tract of land has access to a public street by means of a private accessway having a width of at least 16.5 feet.
5. For lots of record as of June 16, 2007, Zoning Permits may be issued for front lots having the required area and having an average width (minimum width plus maximum width divided by two) which is greater than or equal to the required minimum width but where the road frontage is less than the required minimum width, when such frontage is at least two-thirds (2/3) of the required lot width, and, if on a circle, the measurement may be on the arc of the circle.

**D. Lot Area Exceptions**

1. These Regulations shall not prohibit the erection of a single-family dwelling on any parcel which is smaller in lot area than that required for a single-family house by these Regulations provided that, at all times subsequent to the adoption of the zoning regulation which resulted in such lot being non-conforming as to lot area, such lot was in a different ownership from that of all abutting land.
2. Any parcel or lot of land located in the Four-Acre Zone, which is less than four (4) acres in area and which lot or parcel was an approved lot or parcel on a subdivision map approved by the Commission and which subdivision map was filed for record in the Office of the Town Clerk of the Town of New Canaan on or before December 15, 1956, shall be considered to conform to the area requirements of the Four-Acre Zone, but no resubdivision of any such lot or parcel having an area of less than four (4) acres located in such subdivision shall be allowed except in accordance with the requirements of the Four-Acre Zone.

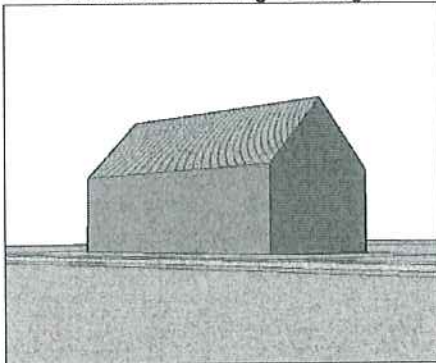
**E. Exceptions for Building Coverage**

1. The Commission may, by Special Permit, allow the maximum building coverage on a residential lot to be increased above the building coverage limitation specified in Subsection 3.5.D provided that:
  - a. a restriction shall be placed on the land records:
    - i. limiting the maximum building height on a portion of the lot that is or will be covered by a building to eighteen (18) feet and 1.5 stories, and
    - ii. encumbering with such limitation an area that is or will be covered by a building pursuant to the Special Permit which encumbered area is at least twice as large as the increased building coverage allowed by the Commission, and
  - b. no such building coverage exception shall allow the total building coverage to exceed one-hundred forty percent (140%) of the area allowed for building coverage by Subsection 3.5.D.

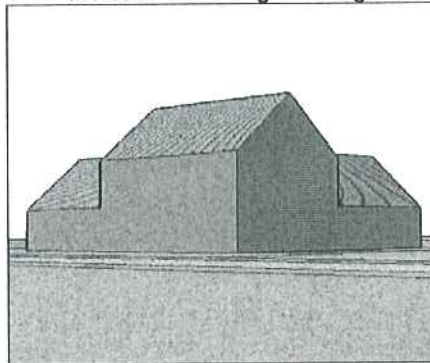
**Examples:**

Area Requested For Increased Building Coverage	Minimum Area To Be Restricted to Reduced Height
575 square feet	1,150 square feet
2,000 square feet	4,000 square feet

**House Built To Maximum Height and Maximum Building Coverage**



**House Built With Reduced Height and Increased Building Coverage**



Section 3.7

2. The Commission may, by Special Permit, increase the permitted building coverage in a residential zone for the following uses:
  - a. Municipal facility.
  - b. Governmental facility.
  - c. Hospital in the Two Acre Residence Zone if permitted under Subsection 3.2.C.18 of these Regulations.

**F. Maximum Density Exceptions**

1. The Commission may, by Special Permit, increase the maximum density (lots / acre of buildable land) permitted in a residential zone above the limitation established in Subsection 3.5.B by:
  - a. allowing a calculation resulting in a fractional remainder of three-quarters (0.75) or above to be rounded up to the next whole number, or
  - b. considering some other method proposed by the applicant that will, in the sole discretion of the Commission, help preserve open space or the feeling of "openness" in New Canaan.



## ARTICLE 4 - BUSINESS ZONES

### SECTION 4.1. GENERAL PURPOSES

1. The various business districts are intended to provide suitable areas for business development appropriate to overall community needs, the location and characteristics of the land, and the character of the neighborhood.
2. The differentiation among the business districts is intended to provide for variety in the size and intensity of business development appropriate to community needs.
3. The business districts may allow for certain non-business uses when it can be demonstrated that they shall be compatible with nearby uses and enhance neighborhood and community character.

Business Area



Business Area



Business Area



Business Area



## **SECTION 4.2. RETAIL A ZONE (VILLAGE DISTRICT)**

### **A. Purpose**

The Retail A Zone is intended to provide a compact and cohesive, pedestrian-oriented shopping district which is scaled to serve the needs of the community, designed to retain the attractive village character valued by so many residents and restricted in area to limit the major public investment required to provide municipal parking to serve such a district. It is also the purpose of this district to allow for residential use of upper floors, particularly in existing structures, so that such buildings, which may be historic or architecturally significant, can contribute to the smaller-unit housing resources, thereby providing for diversity in housing choices and opportunity.

### **B. Design Review Authorized**

The Retail A Zone is hereby designated as a Village District as authorized by CGS 8-2 and any new construction or remodeling of the exterior of a building shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

### **C. Uses Permitted with Site Plan Approval**

1. Retail businesses containing a gross first-floor area of not more than 7,500 square feet per store, but not to include automotive sales or services.
2. Restaurants, excluding any designed or intended in whole or in part for food service to, or consumption by, patrons in motor vehicles on the premises.
3. Outside dining on a deck, porch, terrace or patio as an accessory use to a restaurant or food-serving establishment when located on the same property.
4. Theaters or groups of adjacent theaters containing a total gross floor area of not more than 7,500 square feet.
5. Offices provided that:
  - a. offices shall not be permitted on the first floor of any building, and
  - b. not more than 10,000 square feet of total gross floor area of office use shall be in any one building, and
  - c. any floor used for office shall be located more than seven feet in vertical height above or below the curb level of the adjacent street.
6. Personal service establishments provided that storage or work areas shall not occupy more than 80 percent of the total gross floor area of such use.
7. Service establishments that are not personal service establishments, provided that such uses shall not be permitted on the first floor of any building and storage and work areas shall not occupy more than 80 percent of the total gross floor area for such use.
8. Residential dwelling units provided that:
  - a. no such unit shall be permitted on the first floor of any building, and
  - b. no such unit shall contain more than 750 square feet of gross floor area, and
  - c. any floor used for such a unit shall be located more than seven feet in vertical height above the curb level of the adjacent street, and
  - d. no such unit shall contain more than one bedroom.

9. Municipal facilities; public facilities; quasi-public charitable institutions; cultural facilities such as art galleries and museums; and public utilities; provided that each such use shall not contain more than 7,500 square feet of gross floor area.

**D. Uses Requiring Special Permit**

1. Outside dining, including entertainment, on private property as an accessory use to a restaurant or food-serving establishment when located on the same property.

**E. Sidewalk Cafés**

Outside dining on municipal sidewalks or walkways, as an accessory use to an adjacent restaurant or food-serving establishment, subject to the Sidewalk Café Permit Procedures approved by the Board of Selectman and the Commission.

### **SECTION 4.3. RETAIL B ZONE (VILLAGE DISTRICT)**

#### **A. Purpose**

The Retail B Zone is intended to provide areas adjacent to the pedestrian-oriented Retail A Zone where parking shall be provided on-site yet where buildings are located close to the sidewalk for pedestrian access. It is also the purpose of this district to allow for residential use of upper floors, particularly in existing structures, so that such buildings, which may be historic or architecturally significant, can contribute to the smaller-unit housing resources, thereby providing for diversity in housing choices and opportunity.

#### **B. Design Review Authorized**

The Retail B Zone is hereby designated as a Village District as authorized by CGS 8-2 and any new construction or remodeling of the exterior of a building shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

#### **C. Uses Permitted with Site Plan Approval**

1. Retail businesses.
2. Banks.
3. Restaurants as permitted in Retail A Zone.
4. Outside dining as permitted in Retail A Zone.
5. Theaters as permitted in Retail A Zone.
6. Offices as permitted in Retail A Zone.
7. Residential dwelling units as permitted in Retail A Zone.
8. Service establishments, including personal service establishments, provided that such operations which involve outdoor storage of equipment, supplies or products shall be located on a lot containing at least 80,000 square feet.
9. New car dealerships, including a motor vehicle repair garage and sale of used cars, provided that:
  - a. such repair garage and/or sale of used cars is clearly accessory and incidental to the principal use, and
  - b. such accessory operations are located on the same parcel as the principal use or, with approval of the Zoning Board of Appeals, on a parcel within 300 feet of the principal parcel.
10. Municipal facilities; public facilities; quasi-public charitable institutions; cultural facilities such as art galleries and museums; and public utilities.
11. A public or commercial surface parking lot but not a parking structure, whether attached or detached.

**D. Uses Requiring Special Permit**

1. Multi-family dwellings or a mixed-use development of multi-family dwellings and other permitted uses provided that:
  - a. no dwelling unit shall contain more than 750 gross square feet, and
  - b. no dwelling unit shall contain more than one bedroom, and
  - c. the total number of dwelling units on the lot shall not exceed one unit per 1,500 square feet of lot area, and
  - d. any portion of the lot area used in calculations to support business floor area shall not be used to calculate dwelling units, and
  - e. in addition to alterations to address compliance with the Special Permit criteria, the Commission may alter density and layout requirements based upon:
    - i. special or unusual lot area,
    - ii. shape or topography;
    - iii. the proximity of inappropriate uses; or
    - iv. the official designation of infrastructure improvements or reconfigurations which may negatively impact residential use.
2. Outside dining as permitted in Retail A Zone.
3. Outside dining on a deck, porch, terrace or patio as an accessory use to a restaurant when located on the same property.
4. Gas stations, including those which may have a Limited Repairer's License as defined in Chapter 246 of the Connecticut General Statutes, but shall not include motor vehicle repair garages.
5. Underground parking provided:
  - a. the underground parking shall be provided in lieu of required surface parking facilities and not in addition thereto,
  - b. the underground parking allows the area normally occupied by parking to remain undisturbed or to provide open space, landscaping, and similar amenities,
  - c. the underground parking shall be hidden from view from abutting properties,
  - d. the street level views of such underground parking access shall be minimized, and
  - e. any first floor level above such parking shall not exceed the curb level of the street by more than two (2) feet.

**E. Sidewalk Cafés**

Outside dining on municipal sidewalks or walkways, as an accessory use to an adjacent restaurant or food-serving establishment, subject to the Sidewalk Café Permit Procedures approved by the Board of Selectman and the Commission.

## **SECTION 4.4. BUSINESS A ZONE (VILLAGE DISTRICT)**

### **A. Purpose**

The Business A Zone is intended to provide areas for single-purpose shopping and services which require on-site parking facilities. Retail sales of large or bulky items which would be difficult to carry any distance, automotive services, drive-in banking and certain professional and personal services which often represent a special-purpose trip are appropriate uses in this area. Residential uses may also be permitted under certain conditions to provide a greater variety of use alternatives for large lots, to include uses which generate less traffic and contribute to the housing resources for smaller households, thereby providing for diversity in housing choices and opportunity.

### **B. Design Review Authorized**

The Business A Zone is hereby designated as a Village District as authorized by CGS 8-2 and any new construction or remodeling of the exterior of a building shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

### **C. Uses Permitted with Site Plan Approval**

1. Any non-office use permitted with Site Plan Approval in the Retail B Zone subject to the same conditions.
2. Banks
3. Offices provided that:
  - a. office usage shall not exceed 50 percent of the gross floor area of any building unless it is medical, dental or similar health-oriented facility and said building does not exceed a floor area ratio of 0.25,
  - b. offices shall not be permitted on the first floor of any building unless all of the office usage shall be devoted exclusively to medical, dental or similar health-oriented facilities,
  - c. not more than 10,000 square feet of total gross floor area of office use shall be in any one building, and
  - d. any floor used for office shall be located more than seven feet in vertical height above or below the curb level of the adjacent street.

### **D. Uses Requiring Special Permit**

1. Any non-office use permitted by Special Permit in the Retail B Zone subject to the same conditions.
2. Underground parking subject to the same requirements as for the Retail B zone except that public parking shall not be required to be hidden from public view or be a substitute for surface parking.

### **E. Sidewalk Cafés**

Outside dining on municipal sidewalks or walkways, as an accessory use to an adjacent restaurant or food-serving establishment, subject to the Sidewalk Café Permit Procedures approved by the Board of Selectman and the Commission.

## **SECTION 4.5. BUSINESS B ZONE (VILLAGE DISTRICT)**

### **A. Purpose**

The Business B Zone is intended to provide areas where retail and service businesses of a heavier or more extensive nature may be located, provided that such uses are designed and operated so as to avoid undue nuisance, hazard or a deleterious effect on adjacent property values. Residential uses may also be permitted under certain conditions to provide for alternative uses on large parcels thereby providing for diversity in housing choices and opportunity.

### **B. Design Review Authorized**

The Business B Zone is hereby designated as a Village District as authorized by CGS 8-2 and any new construction or remodeling of the exterior of a building shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

### **C. Uses Permitted with Site Plan Approval**

1. Retail sales of garden supplies, hardware, lumber or other products which may require extensive storage areas, but shall not include outdoor storage of used or scrap materials, unless properly screened from view of adjacent property owners and adjacent streets.
2. Restaurants as permitted in Retail A Zone.
3. Outside dining as permitted in Retail A Zone.
4. Offices, provided that:
  - a. no more than 4,000 gross square feet in any one building shall be utilized for such purpose, and
  - b. not more than 25 percent of the total floor area of any building shall be first-floor offices.
5. Service establishments and personal service establishments.
6. Laundries or dry cleaners.
7. Other specialty sales and services which would be in keeping with the service business nature and stated purpose of the zone, including restaurants, as permitted in Retail A Zone.
8. Contracting services, such as plumbing, heating, electrical supplies and installation services, but shall not include manufacturing, assembly, fabricating or processing plants.
9. Home fuel and other delivery services.
10. Publishers or printing services.
11. Automotive services which do not involve outdoor storage of used auto parts or inoperable motor vehicles.
12. New car sales provided there are no on-site repairs, outdoor storage of auto parts or inoperable motor vehicles.
13. Health clubs, spas and other indoor athletic facilities.
14. Appliance repair services.
15. Upholsterers or furniture repair services

## Section 4.6

16. Municipal facilities; public facilities; quasi-public charitable institutions; cultural facilities, such as art galleries, museums; and public utilities.
17. A public or commercial surface parking lot.
18. A religious institution.

**D. Uses Requiring Special Permit**

Any Special Permit use permitted in the Retail B Zone.

**E. Sidewalk Cafés**

Outside dining on municipal sidewalks or walkways, as an accessory use to an adjacent restaurant or food-serving establishment, subject to the Sidewalk Café Permit Procedures approved by the Board of Selectman and the Commission.

## **SECTION 4.6. BUSINESS C ZONE (VILLAGE DISTRICT)**

**A. Purpose**

The Business C Zone is intended to allow for large office buildings in locations which would not be inconsistent with the village character and where proper traffic management can be provided. This district also allows for residential uses, thereby providing for diversity in housing choices and opportunity.

**B. Design Review Authorized**

The Business C Zone is hereby designated as a Village District as authorized by CGS 8-2 and any new construction or remodeling of the exterior of a building shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

**C. Uses Permitted with Site Plan Approval**

1. Any use permitted with Site Plan Approval in the Retail B Zone, *excluding banks and outdoor dining*, subject to the same conditions.
2. Business or professional office buildings containing a gross floor area of not more than thirty-five thousand (35,000) square feet.
3. Parking in accordance with the provisions for the Business A zone.

**D. Uses Requiring Special Permit**

1. Any use permitted by Special Permit in the Retail B Zone, *excluding outdoor dining*, subject to the same conditions.
2. Commercial garage.
3. Veterinary clinic.
4. Parking provided underground or in a separate structure on the same site.



## SECTION 4.7. AREA AND DIMENSIONAL REQUIREMENTS

### A. Minimum Lot area

Zone(s)	Requirement
Retail A Zone	No minimum lot area requirement.
Retail B Zone Business A Zone Business B Zone Business C Zone	Five thousand (5,000) square feet

### B. Minimum Frontage

Zone(s)	Requirement
Retail A Zone Retail B Zone Business A Zone Business B Zone Business C Zone	Fifty (50) feet of frontage on a public street

### C. Minimum Front Yard Setback

Zone(s)	Requirement
Retail A Zone	<ul style="list-style-type: none"> <li>Building line only.</li> </ul>
Retail B Zone	<ul style="list-style-type: none"> <li>The minimum front yard shall be five (5) feet or equal to one hundred fifty percent (150%) of the minimum side yard, whichever is greater, but need not exceed ten (10) feet.</li> <li>Front yards may be reduced to the average distance from the street line for existing buildings on adjacent lots, except that any new construction shall comply with any established building line.</li> </ul>
Business A Zone	<ul style="list-style-type: none"> <li>The minimum front yard shall be five (5) feet or equal to one hundred fifty percent (150%) of the minimum side yard, whichever is greater.</li> </ul>
Business B Zone	<ul style="list-style-type: none"> <li>Same as for Business A Zone.</li> </ul>
Business C Zone	<ul style="list-style-type: none"> <li>A minimum of six (6) feet.</li> </ul>

### D. Building Lines

In any Retail A Zone, Retail B Zone, Business A Zone, Business B Zone, or Business C Zone, no building or other structure shall be erected on land between the building line, as previously or hereafter established, and the street line.

Section 4.7

**E. Minimum Side/Rear Yard Setbacks**

A rear yard extending along the rear lot line shall be required on every lot or portion thereof, except as may be modified in the Retail A Zone.

Zone(s)	Requirement
Retail A Zone	<ul style="list-style-type: none"> <li>• Six feet minimum each, except that the Commission may:                             <ul style="list-style-type: none"> <li>• reduce the yard setback to zero (0) feet where a common wall will be established or maintained by both property owners, or</li> <li>• increase the yard setback to twelve (12) feet where a common wall will not be established or maintained and a structure on the adjacent lot was established with a zero (0) foot setback.</li> </ul> </li> <li>• In any event, a clear minimum of twelve (12) feet shall be provided or be available on at least two sides of any building.</li> <li>• For nonrectangular buildings, a clear minimum of twelve (12) feet shall be provided or be available on at least forty (40) percent of the perimeter of any building.</li> <li>• Said twelve (12) feet of clear area shall have adequate vehicular access and may be a grass area, provided that it has a base suitable to support fire vehicles.</li> </ul>
Retail B Zone	<ul style="list-style-type: none"> <li>• The minimum side yard and rear yards for any lot shall be three (3) feet each, plus an additional one (1) foot for every 5,000 square feet of lot area in excess of 5,000 square feet, up to a maximum 32 feet each for side and rear yards, for parcels of 150,000 square feet and over.</li> </ul>
Business A Zone	<ul style="list-style-type: none"> <li>• The minimum side yard and rear yards for any lot shall be six feet each and at least one side yard shall be three feet wide plus an additional one foot for every 5,000 square feet of lot area in excess of 5,000 square feet, up to a maximum 32 feet.</li> </ul>
Business B Zone	<ul style="list-style-type: none"> <li>• Same as for Business A Zone.</li> </ul>
Business C Zone	<ul style="list-style-type: none"> <li>• A minimum of six (6) feet each.</li> <li>• On at least two sides of each principal building, there shall be a minimum twelve (12) foot clear area, both of which shall have vehicular access adequate for fire vehicles.</li> <li>• For nonrectangular buildings, a clear minimum of twelve (12) feet shall be provided or be available on at least forty (40) percent of the perimeter of any building.</li> </ul>

**F. Minimum Distance between Buildings on the Same Lot**

<b>Zone(s)</b>	<b>Requirement</b>
Retail A Zone Retail B Zone Business A Zone Business B Zone Business C Zone	<ul style="list-style-type: none"> <li>Each principal building or accessory building shall be at least twelve (12) feet distant from any other building on the same lot, as measured in a straight line between the nearest points of any two buildings.</li> </ul>

**G. Maximum Building Height**

<b>Zone(s)</b>	<b>Requirement</b>
Retail A Zone Retail B Zone Business A Zone Business B Zone Business C Zone	<ul style="list-style-type: none"> <li>The maximum building height shall be thirty (30) feet or two-and-one-half stories, whichever is less.</li> </ul>

**H. Maximum Building Wall Length**

<b>Zone(s)</b>	<b>Requirement</b>
Retail A Zone Retail B Zone	<ul style="list-style-type: none"> <li>No limitation.</li> </ul>
Business A Zone Business B Zone Business C Zone	<ul style="list-style-type: none"> <li>Unless modified by the Commission, no length of continuous building wall shall exceed eighty (80) feet unless there shall be a wall offset of at least ten (10) feet for a distance of at least twenty (20) feet.</li> </ul>

**I. Size of Second Floor**

<b>Zone(s)</b>	<b>Requirement</b>
Retail A Zone Retail B Zone Business A Zone Business B Zone Business C Zone	<ul style="list-style-type: none"> <li>The gross floor area of the second floor of any building shall not exceed by more than fifteen (15) percent the gross floor area of the first floor of said building.</li> </ul>

Section 4.7

**J. Maximum Floor Area Ratio**

<b>Zone(s)</b>	<b>Limitation</b>	<b>Limitation With Underground Parking (may require Special Permit)</b>
Retail A Zone	No maximum	No maximum
Retail B Zone	0.40	0.46
Business A Zone	0.40	0.46
Business A Zone - for medical, dental or similar health-oriented facilities occupying more than 50% of a building	0.25	0.2875
Business A Zone - for building floor areas relating to residential uses as part of an Affordable Housing Development	No maximum	No maximum
Business B Zone	0.60	0.69
Business C Zone	0.90	1.035

## **SECTION 4.8. SPECIAL PROVISIONS FOR BUSINESS ZONES**

### **A. Height Exceptions for Structures**

The height limitations of these Regulations shall not apply in business zones to:

1. a parapet wall or cornice extending above the height limit not more than three (3) feet,
2. flagpoles less than fifty (50) feet in height above finished grade,
3. schools, public libraries, municipal buildings, and museums which may be built to a height not to exceed three (3) stories, or
4. public utility facilities which may be built to a height not to exceed fifty (50) feet.

### **B. Height Exceptions for Roof-Top Appurtenances**

In retail zones and business zones, the building height limitations of these Regulations may be exceeded in the following situations provided that such features shall only be erected only to such heights as are necessary to accomplish the purpose they are intended to serve:

1. Roof-top solar panels provided that:
  - a. horizontal solar panels shall be mounted no more than nine (9) inches above roof level, and
  - b. sloping solar panels shall not project more than ten (10) feet in vertical height above the actual roof level of the building and shall be located so that no part of any such panel shall project above a forty-five-degree slope up from the edge of the roof, and
  - c. such panels shall be screened on all sides by a solid appearing wall constructed of materials that shall be harmonious in color and texture with the adjacent facade of the building, except that the Commission may modify these requirements upon proper showing that such screening would materially interfere with the reception of sunlight on solar panels and adversely affect the efficiency of the system.
2. Roof-top appurtenances, including but not limited to HVAC equipment, stairwell housings, elevator shafts, air-conditioning units, cooling towers, heat pumps, or similar mechanical equipment provided that:
  - a. no such appurtenance shall be located within ten (10) feet of the edge of the roof of the building, and
  - b. such appurtenances shall not project more than ten (10) feet in vertical height above the actual roof level of the building, and
  - c. all such appurtenances shall be screened on all sides by a solid appearing wall constructed of materials that shall be harmonious in color and texture with the adjacent facade of the building, and
  - d. such equipment shall not have a horizontal area greater than twenty percent (20%) of the roof area of the building on which it is located without approval of a Special Permit by the Commission.

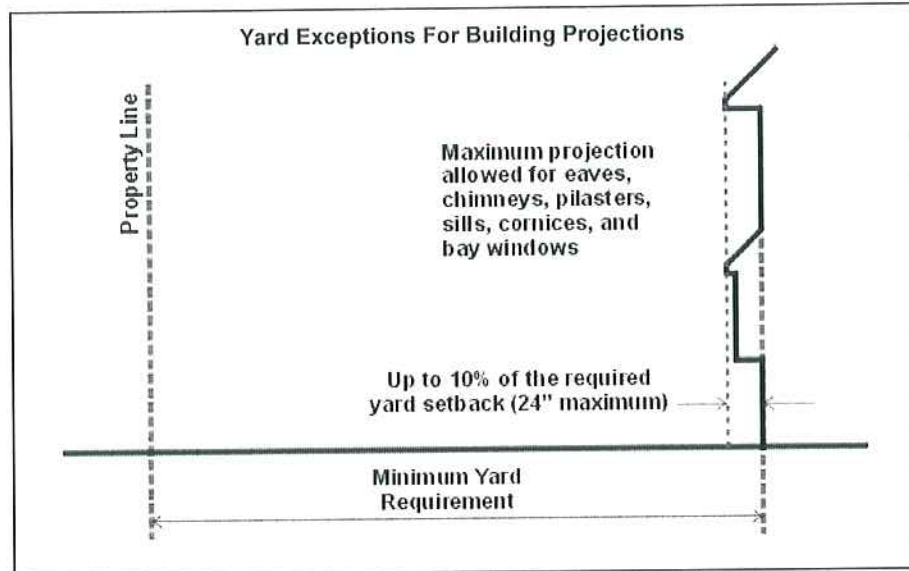
### **C. Driveways and Accessways**

Any driveway constructed for vehicular access to another parcel shall be located within the required accessway.

Section 4.8

**D. Yard Exceptions**

1. Provided that such projections do not extend over a building line, typical building projections such as eaves, cornices, gutters, and belt courses may extend into any required yard setback not more than the lesser of:
  - a. 10 percent of the required yard setback, or
  - b. 24 inches maximum.
2. Provided that such projections do not extend over a building line, typical building projections such as chimneys, pilasters, sills, leaders, and bay windows may, for a maximum horizontal extent of ten (10) feet for each occurrence, extend into any required yard setback not more than the lesser of:
  - a. 10 percent of the required yard setback, or
  - b. 24 inches maximum.



## ARTICLE 5 - SPECIAL ZONES

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### SECTION 5.1. WAVENY ZONE

#### A. Purposes

The Waveny Zone is intended to provide for the diverse range of activities and functions that occur on the Town-owned Waveny property while providing for the establishment of flexible guidelines that will protect neighborhood and community interests.

#### B. Uses Permitted by Right

A single-family dwelling existing as of the effective date of this Section.

#### C. Uses Permitted in Accordance with Guidelines

1. Recreational uses in and on land and facilities under the jurisdiction of the Town of New Canaan, including buildings, structures and playing fields with or without customary spectator amenities.
2. Educational uses in and on land and facilities under the jurisdiction of the Town of New Canaan, whether for profit or otherwise, subject to the approval of the owner of the land and or/facilities.
3. Temporary uses as specified in Subsection 3.3.B.7, where it is reasonably expected and affirmed by the sponsor that the net profits are to be devoted to the charitable purposes of the sponsoring organization.
4. Community activities, whether for profit or otherwise, including shows, entertainments, concerts, displays, and rehearsals (but not to include flea markets), where such events are approved by the owner or lessee of the land or facilities, or the agency charged with its management.
5. Not-for-profit community health facilities.

#### D. Use Guidelines

1. The Park & Recreation Commission shall be the sole authority to prepare written guidelines for the uses permitted for buildings and land under its jurisdiction under Subsection 5.1.C.1 through 5.1.C.4.
2. The Board of Education shall be the sole authority to prepare written guidelines for the uses permitted for buildings and land under its jurisdictions under Subsection 5.1.C.1 through 5.1.C.4.
3. The Waveny Care Center shall be the sole authority to prepare written guidelines for the uses permitted for buildings and land under its jurisdiction under Subsection 5.1.C.5.
4. These written guidelines shall be subject to the review and approval of the Commission.
5. Each cited agency shall provide to the Commission on an annual basis, a list of activities approved thereunder
6. Any driveway constructed for vehicular access to another parcel shall be located within the required accessway.

Section 5.1

**E. Uses Permitted by Special Permit**

1. New permanent buildings and facilities for recreational, educational, municipal, or other uses.
2. Water towers or other public utility uses provided that, if there shall be a conflict between a demonstrated public necessity and the Special Permit criteria set forth in these Regulations, the Commission may establish whatever conditions it finds necessary to minimize that conflict.
3. The Commission may, by Special Permit, modify the height limitations in the Waveny Zone for a municipal facility or a public utility use as follows:
  - a. a parapet wall or cornice may extend above the height limit not more than three (3) feet
  - b. flagpoles may project up to fifty (50) feet in height above finished grade.
  - c. schools, public libraries, municipal buildings, and museums may be built to a height not to exceed three (3) stories.
  - d. public utility facilities may be built to a height not to exceed fifty (50) feet.

**F. Dimensional Standards**

	<b>Requirement</b>
Maximum Building Height <sup>1</sup>	Thirty (30) Feet Two and One Half (2 1/2) Stories
Maximum Building Coverage	Five (5%) Percent
Minimum Front Yard	Fifty (50) Feet
Minimum Side Yard	Fifty (50) Feet
Minimum Rear Yard	Fifty (50) Feet

1. Exceptions to the building height limitations in the Waveny Zone may be applied in accordance with the criteria established in Subsection 3.7.A.

**G. Special Setback Standards**

Within fifty (50) feet of the boundary line of a parcel of land or a lease line for land which is used and occupied by a community health care facility:

1. No stadiums, bleachers or other structures shall be erected.
2. No public address system or exterior lighting shall be installed.
3. The following may be permitted subject to the issuance of a Zoning Permit:
  - a. fences constructed of material which does not substantially obstruct light, air or ventilation.
  - b. low-level, low-intensity lighting.
  - c. bleachers which are neither affixed to the ground nor exceed three levels of seats.
  - d. baseball backstops and similar appurtenances oriented to direct principal sports activities away from said boundary line.
  - e. sports scoreboards designed to be visible principally to spectators not in said setback area.



**H. Temporary Signage Limitations**

1. Temporary signs shall be permitted only on the sign wall at the corner of South Avenue and Farm Road, subject to the guidelines established for signs at that location.
2. On the day or days of the use or activity, a temporary sign may be erected at the South Avenue entrance, the Lapham Road entrance or the Farm Road entrance to the Waveny property, most appropriate to the actual location of the activity or use and such signs shall be removed within 24 hours of completion of the use or activity.

**I. Lighting Limitations**

1. Lighting facilities within the Waveny Zone shall be mounted at a height of 20 feet above grade or less except that, on land under the jurisdiction of the Board of Education, the Commission may, by Special Permit, allow lighting facilities to be mounted up to a height of 70 feet above grade after the Commission has determined that said lighting shall not have a substantially adverse impact on adjoining uses or properties.
2. Any application to erect lighting facilities in excess of 20 feet above grade, as provided above, shall be prepared by a professional engineer licensed in the State of Connecticut and specializing in lighting design and shall include complete technical details including the height and location of proposed lighting, a plan showing proposed foot-candle levels, methods of shielding adjoining properties from the source of illumination, together with all steps that have been or shall be taken to minimize the impact on adjoining properties and the neighborhood.

**SECTION 5.2. PARK, RECREATION & OPEN SPACE ZONE**

**A. Purposes**

The Park, Recreation and Open Space zone is intended to provide for the diverse range of activities and functions that occur on Town-owned properties while providing for the establishment of flexible guidelines that shall protect neighborhood and community interests.

**B. Uses Permitted by Right**

1. A single-family dwelling existing as of June 18, 2005 and accessory buildings or structures incidental and subordinate to the principal use.
2. Parks, playgrounds, recreation areas, greenways, and open space.
3. Temporary uses as specified in Subsection 3.3.B.7, where it is reasonably expected and affirmed by the sponsor that the net profits are to be devoted to the charitable purposes of the sponsoring organization.

**C. Uses Permitted by Special Permit**

1. Golf courses and uses and activities accessory thereto.
2. Buildings or structures accessory to a park, playground, recreation area, or open space provided that
  - a. such building or structure shall have residential design, scale, architecture, and exterior materials compatible with the residential or recreational character of the area, and
  - b. such accessory building or structure is set back and buffered from adjacent residentially used properties.
3. Community activities, whether for profit or otherwise, including shows, entertainments, concerts, displays, and rehearsals (but not to include flea markets).

**D. Dimensional Standards**

	<b>Requirement</b>
Maximum Building Height <sup>1</sup>	Thirty (30) Feet Two and One Half (2 1/2) Stories
Maximum Building Coverage	Five (5%) Percent
Minimum Front Yard	Fifty (50) Feet
Minimum Side And Rear Yard	Fifty (50) Feet

1. Exceptions to the building height limitations in the Park, Recreation & Open Space Zone may be applied for in accordance with the criteria established in Subsection 3.7.A.

**SECTION 5.3. MULTI-FAMILY ZONE****A. Purposes**

The Multi-family Zone is intended to allow for a diversity of housing types in New Canaan while retaining community character.

**B. Permitted by Zoning or Other Permit**

1. Single-family dwelling.
2. For a single-family dwelling:
  - a. accessory uses subject to the same conditions and limitations provided in Section 3.3, and
  - b. accessory structures subject to the same conditions and limitations provided in Section 3.4.
3. For a multi-family dwelling, a home office, keeping of animals and other customary uses subject to the same conditions and limitations provided in Subsection 3.3.A.

**C. Permitted by Special Permit**

The following uses may be permitted by the Commission by Special Permit provided that the construction, alteration or use shall comply with the requirements of this Section:

1. Individual dwelling units in detached buildings or multiple dwelling units in one or more buildings at a density of up to 4.0 units per acre of buildable land.
2. Individual dwelling units in detached buildings or multiple dwelling units in one building by a not-for-profit organization at a density of up to 6.0 units per acre of buildable land.
3. Common recreational facilities such as swimming pools or tennis courts and other uses accessory to a permitted use.

Section 5.3

**D. Dimensional Standards**

**1. Lot-Related Standards**

Minimum zone unit area	30,000 square feet
Minimum zone unit width	100 feet
Minimum front yard setbacks	25 feet
Minimum side and rear yard setbacks for a principal building	25 feet
Minimum side and rear yard setbacks for an accessory building	15 feet
Maximum building coverage	30%
Minimum landscaped area	50%

**2. Building-Related Standards**

Maximum principal building height	2 ½ stories 30 feet
Maximum total principal building height	40 feet
Maximum accessory building height	20 feet 1 ½ story
Minimum gross floor area per unit	750 square feet excluding basements, attic space and garage space

**E. Specific Lot-Related Standards**

1. Landscaped front, side and rear yard buffer areas shall be provided adjacent to each property line of the subject parcel except that if adjacent properties have been developed with a similar use, the Commission may, by Special Permit, modify the buffer area requirement.
2. Side and rear yard buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order and present a reasonably opaque, natural barrier to a height of at least ten (10) feet.
3. Parking areas, including garages, shall:
  - a. comply with Section 6.2 hereof,
  - b. not be located in any required yard setback,
  - c. be suitably screened from adjoining residential uses, and
  - d. to the extent feasible, be designed so that vehicle headlights do not shine directly into the window of any dwelling unit on or off the premises.
4. Driveways and entrance and exit drives shall:
  - a. have a minimum width of twenty (20) feet for two-way travel and fifteen (15) feet for one-way travel,
  - b. not be permitted within any side or rear yard setback,
  - c. be surfaced with asphalt or another suitable non-erodible surface, and
  - d. be laid out so as to prevent traffic hazards and nuisances.
5. Exterior lighting shall:
  - a. be provided and maintained by the owner at all access points to streets, parking areas, building entrances and elsewhere where required for the safety of vehicular or pedestrian traffic, and
  - b. not be directed into any abutting properties.
6. Sidewalks shall:
  - a. have a minimum width of five (5) feet,
  - b. be concrete, brick, or other surface acceptable to the Commission, and
  - c. be provided between dwelling units and parking areas, streets and driveways.
7. Any outdoor recreation facilities shall comply with the criteria specified in Subsection 3.4.B.4 or Subsection 3.4.C.2.

**F. Specific Building-Related Standards**

1. No residential building shall contain more than four (4) dwelling units.
2. Every principal and accessory building shall be at least twenty (20) feet distant from any other building on the lot.
3. No length of continuous building wall or continuous building roof shall exceed (sixty) 60 feet unless there is an offset of at least ten (10) feet for a distance of at least twenty (20) feet.
4. In accordance with Subsection 3.6.C, new construction or remodeling of the exterior of any building in a Multi-family Zone shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.
5. All dwelling units and other uses shall be connected to and served by public water and shall be located within the sewer district.

## Section 5.4

**SECTION 5.4. APARTMENT ZONE****A. Purposes**

The Apartment Zone is intended to allow for a diversity of housing types in New Canaan while retaining community character.

**B. Permitted By Zoning or Other Permit**

1. Single-family dwelling in accordance with the use, area, and dimensional requirements of the B-Residence zone.
2. For a single-family dwelling:
  - a. accessory uses subject to the same conditions and limitations provided in Section 3.3, and
  - b. accessory structures subject to the same conditions and limitations provided in Section 3.4.
3. For a multi-family dwelling, a home office, keeping of animals and other customary uses subject to the same conditions and limitations provided in Sub-section 3.3.A.

**C. Permitted By Special Permit**

The following uses may be permitted by the Commission by Special Permit provided that the construction, alteration or use shall comply with the requirements of this Section:

1. Multi-family dwelling(s).
2. Common recreational facilities such as swimming pools or tennis courts and other uses accessory to a permitted use.

**D. Dimensional Standards****1. Lot-Related Standards**

Minimum zone unit area	15,000 square feet
Minimum zone unit width	100 feet
Minimum front yard setbacks	25 feet
Minimum side and rear yard setbacks for a principal building	25 feet
Minimum side and rear yard setbacks for an accessory building	15 feet
Maximum density	One (1) unit per 5,000 square feet of lot area
Maximum building coverage	25%
Minimum landscaped area	50%

**2. Building-Related Standards**

Maximum principal building height	2 ½ stories 30 feet
Maximum total principal building height	40 feet
Maximum accessory building height	20 feet 1 ½ story
Minimum gross floor area per unit	750 square feet excluding basements, attic space and garage space

**E. Specific Lot-Related Standards**

1. Landscaped front, side and rear yard buffer areas of at least fifteen (15) feet in width shall be provided adjacent to each property line of the subject parcel.
2. Side and rear yard buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order and present a reasonably opaque, natural barrier to a height of at least ten (10) feet.
3. Recreational areas shall be provided with:
  - a. A minimum of 200 square feet per dwelling unit.
  - b. No dimension less than twenty (20) feet.
  - c. Not more than one-quarter of any such area to have a grade greater than five percent.
  - d. No boundary line to be less than ten (10) feet from any building or less than five (5) feet from any interior lot line.

## Section 5.4

**F. Specific Building-Related Standards**

1. Each dwelling unit shall have access to a service entrance opening into a rear or side yard.
2. No length of continuous building wall or continuous building roof shall exceed sixty (60) feet unless there shall be an offset of at least ten (10) feet for a distance of at least twenty (20) feet.
3. Any open courtyard surrounded by a building or buildings shall be at least twice as wide as the highest wall of the courtyard and shall, in area, be at least twice the square of the smallest dimension.
4. For an open courtyard between buildings, buildings separated at nearest points by at least the average of their combined heights may overlap for a distance not to exceed ten (10) feet.

**G. Specific Parking-Related Standards**

1. Parking areas shall:
  - a. comply with Section 6.2 hereof,
  - b. be located at least 10 feet from any dwelling unit within the development unless it is an attached garage or underground parking, and
  - c. be suitably screened from adjoining residential uses.
2. Enclosed garage spaces, if provided, shall be considered as satisfying the minimum off-street parking requirement for the development provided there shall be at least 0.25 visitor spaces per dwelling unit.
3. No portion of any parking area shall be more than 300 feet from the entrance of any building served thereby.
4. To the extent feasible, parking areas and access drives shall be designed so that vehicle headlights do not shine directly into the window of any unit.



**H. Other Standards**

1. In accordance with Subsection 3.6.E, new construction or remodeling of the exterior of any multi-family residential building containing four (4) or more units shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.
2. All dwelling units and other uses shall be connected to and served by public water and shall be located within the sewer district.
3. Driveways and entrance and exit drives shall:
  - a. have a minimum width of twenty (20) feet for two-way travel and fifteen (15) feet for one-way travel,
  - b. not extend within ten (10) feet of any building used wholly or in part for dwelling purposes unless it is an attached garage or underground parking,
  - c. be surfaced with asphalt or another suitable non-erodible surface, and
  - d. be laid out so as to prevent traffic hazards and nuisances.
4. Exterior lighting shall:
  - a. be provided and maintained by the owner at all access points to streets, parking areas, building entrances and elsewhere where required for the safety of vehicular or pedestrian traffic, and
  - b. not be directed into any abutting properties
5. Sidewalks shall:
  - a. have a minimum width of five feet (5'),
  - b. be concrete, brick, or other surface acceptable to the Commission, and
  - c. be provided between dwelling units and parking areas, streets and driveways.
6. Any outdoor recreation facilities shall comply with the criteria specified in Subsection 3.4.B.4 or Subsection 3.4.C.2.

## Section 5.5

**SECTION 5.5. FLOODPLAIN OVERLAY ZONE****A. Purpose**

The Floodplain Overlay Zone is intended to provide reasonable notice regarding property that may be subject to the effects of flooding.

**B. Standards**

Principal and accessory buildings, structures, uses, and activities allowed in the underlying zone are permitted in the Floodplain Overlay Zone provided that they comply with the requirements of the Town Code relating to floodplains and any requirements of the Environmental Commission, acting as the administrator of the floodplain standards.

**SECTION 5.6. AQUIFER PROTECTION OVERLAY ZONE****A. Purpose**

The purpose of the Aquifer Protection Zone is to preserve the quality and quantity of the groundwater supply by regulating land uses which may cause contamination of designated aquifers and aquifer recharge areas.

**B. Standards**

Principal and accessory buildings, structures, uses, and activities allowed in the underlying zone are permitted in the Aquifer Protection Overlay Zone provided that they comply with the requirements of the Town Code relating to aquifer protection and any requirements of the Environmental Commission, acting as the administrator of the aquifer protection standards.