SECTION 2. DEFINITIONS

A. Language Interpretations. **2-1**
B. Definitions. **2-1**

2.A. LANGUAGE INTERPRETATIONS.

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

2.A.1. words used in the present tense include the future;

2.A.2. the singular includes the plural and the plural the singular;

2.A.3. the word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity;

2.A.4. the word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character;

2.A.5. the word "built" includes the words "erected, constructed, reconstructed, altered, enlarged, or moved";

2.A.6. the word "used" includes the meaning "intended, arranged, or designed to be used or occupied";

2.A.7. the "City" is the City of Danbury, Connecticut;

2.A.8. the word "original" means the conditions existing on the effective date of these Regulations;

2.A.9. the words "shall" and "must" are mandatory; the words "may" and "should" are permissive; and,

2.A.10. the word "Regulation" or "these Regulations" means the "City of Danbury Zoning Regulations," unless clearly referring to a different set of regulations.

2.A.11. the word “state” is the State of Connecticut unless clearly referring to a different state or country. [Eff. 5/2/2015]

2.B. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Family. A family shall be: (a) one or more persons living together as a single housekeeping unit, who are all related by blood, marriage or adoption, including foster children; or (b) a group consisting of not more than four (4) persons, living together as a single housekeeping unit, who are unrelated by blood, marriage or adoption; or a

combination of (a) and (b) above, provided that such persons shall live together as a single housekeeping unit and the number of unrelated individuals shall not exceed three (3).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hazardous materials. Any substance or combination of substances which, because of quantity, concentration, or physical, chemical, or infectious characteristics, pose a present or potential hazard to soil, groundwater, surface water, atmosphere, wildlife, vegetation, or human health if discharged, placed, or disposed into or onto any land or water within the municipal boundaries of the City. Hazardous materials include but are not limited to any of the following chemical substances: (1) any substance on the Comprehensive Environmental Response, Compensation, and Liability

Act of 1980 (CERCLA) Hazardous Substance list (40 CFR 355.20); (2) any substance on the Superfund Amendments and Reauthorization Act of 1986 (SARA) list of "Extremely Hazardous Substances" (40 CFR 355); (3) any "Hazardous Chemical" as defined by the Federal Occupational Safety and Health Administration (OSHA) pursuant to the Hazardous Communication Act (29 CFR 1910.1200); (4) any substance on the "Toxic Chemicals" list promulgated by SARA (40 CFR 372.45); (5) any substance on the Hazardous Substances list promulgated by DOT (40 CFR 172.101); and, (6) any substance as defined by Danbury's "Hazardous Substances Ordinance" (40 CFR 117.3).

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

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

ILLUSTRATION OF HEIGHT MEASUREMENT TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lot, interior. A lot abutting only one street.

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

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

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

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

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

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

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

ILLUSTRATION OF LOT TERMS

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

Mean sea level. See Section 7.A.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Start of construction. See Section 7.A.

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

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

Street. Any existing or duly approved right-of-way used or intended to be used for passage or travel by motor vehicles; road; highway.

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

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

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

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

Substantial improvement. See Section 7.A.

Tank. A receptacle used for the storage of materials.

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

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

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

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

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

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

Townhouse. A row house.

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

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

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

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

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

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

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

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

Water surface elevation. See Section 7.A.

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

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

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

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

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

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

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

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

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

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

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

ILLUSTRATION OF YARD TERMS