SECTION 7. OVERLAY ZONES

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7.A. FLOODPLAIN ZONES.

7.A.1. Purpose.

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

7.A.2. Scope.

The City of Danbury adopts the following regulations for the areas of special flood hazard identified by FEMA in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, the FIS and the accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010, and subsequent amendments to said Study and Maps as may be approved by FEMA. The areas of special flood hazard include any area as shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for the City of Danbury. BFE's provided on the FIRM are approximate and must be verified with the BFE's published in the FIS for a specific location. The FIRM and FIS are on file in the Department of Planning and Zoning.

7.A.3. Definitions.

The following definitions apply only to words or phrases used in Section 7.A., Floodplain Zones. Unless specifically defined below or in Section 2, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application.

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

b. **Basement.** Any area of the building having its floor subgrade below ground level on all sides.

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

d. **Base flood elevation (BFE)**. The elevation of the crest of the base flood (100-year flood). The height in relation to mean sea level (North American Vertical Datum (NAVD) of 1988) expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

e. **Cost**. As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials; heating, air conditioning and other equipment, utility meters, and fixtures; labor; built in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include the cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

f. **Development**. Any man-made change to improved or unimproved land, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures and parking areas; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition or extraction of materials; and, the installation, repair or removal of public or private sewage disposal systems or water supply facilities located within the area of special flood hazard.

g. **Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 2, 1977, the effective date of the floodplain management regulations adopted by the City of Danbury.

h. **Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

i. **Federal Emergency Management Agency (FEMA)**. The federal agency that administers the National Flood Insurance Program (NFIP).

j. **Finished living space.** As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

k. **Flood or flooding**. A general or temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

l. **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot.

m. **Functionally Dependent Use or Facility.** A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

n. **Historic structure.** Any structure that is: (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) certified or preliminarily

determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or, (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (a) by an approved state program as determined by the Secretary of the Interior or (b) directly by the Secretary of the Interior in states without approved programs.

o. **Market value.** The value of the structure shall be determined by the appraised value of the structure, using the cost approach to value method, prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

p. **Mean sea level**. For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

q. **Mobile manufactured home.** A one family dwelling, or structure, transportable in one (1) or more sections and built on a permanent chassis designed for transportation, after fabrication, on streets and highways on its own wheels or on a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on a permanent foundation, connection to utilities and the like. This definition shall also include mobile homes and trailers used for residential purposes, but excludes recreational vehicles and trailers used as field offices for construction projects. All mobile manufactured homes, mobile homes, and trailers used as residences, built on or after June 15, 1976, shall have been constructed in accordance with federal manufactured home construction and safety standards and shall be no less than thirty-five (35) feet in length and no less than eight (8) feet in width.

r. **New construction**. Structures for which the “start of construction” commenced on or after May 2, 1977, the effective date of the City of Danbury floodplain management regulations, including any subsequent improvements to such structures.

s. **New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 2, 1977, the effective date of the floodplain management regulation adopted by the City of Danbury.

t. **Recreational Vehicle.** A vehicle which is: (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

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

v. **Structure**. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including a walled and roofed building which is principally above ground; a manufactured home; a gas or liquid storage tank; or, other man-made facilities or infrastructure.

w. **Substantial damage**. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

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

y. **Water surface elevation**. The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods or various magnitudes and frequencies in the floodplains of coastal or riverine areas.

z. **Violation**. The failure to comply with Section 7.A., Floodplain Zones, and maintain all required permits and certificates as related to the floodplain management regulations herein.

7.A.4. Application.

The requirements of this Section shall apply to all areas (zones A and AE) within the boundaries shown on the FIRM. Notwithstanding the provisions of other sections of the Zoning Regulations or other ordinances, regulations or codes, the requirements of this Section 7.A. shall take precedence.

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

b. For purposes of floodplain management, the degree of flood protection required by this Section is considered the minimum required pursuant to 44 C.F.R. Section 60.3. Larger floods can and will occur on occasion and flood heights may be increased by man-made or natural causes. Nothing herein shall imply nor guarantee land outside the Area of Special Flood Hazard will be free from flooding and flood damage. Applicants shall hold harmless the City of Danbury, its officers, employees and agents from any flood damage resulting from reliance on information provided by state, federal or other sources or administrative actions issued by the City pursuant to the provisions of this Section.

7.A.5. Floodplain Permit Requirements

a. Site Plan.

Within the boundaries of the FIRM in areas designated as zones A and AE, a site plan conforming to the requirements of Section 10.D. is required, showing all of the data necessary to determine conformance with this Section 7.A. as applied to:

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

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

b. Additional Requirements.

(1) For each structure shown on a site plan, the lowest floor elevation, including the basement floor, shall be identified. Elevations shall be provided in relation to mean sea level.
(2) For each structure shown on a site plan requiring flood proofing in accordance with Section 7.A.7, the elevation to which said flood proofing is provided shall be identified.
(3) The Planning Commission may require such additional information as it deems necessary to determine compliance with this Section.
(4) Elevation Certificates issued by FEMA shall be filed with the Department of Planning and Zoning and the Building Department.
(5) New construction, substantial improvements and repair to structures that have sustained substantial damage shall not be constructed or located entirely or partially over water unless it is determined by the Planning Commission to be a functionally dependent use or facility.
(6) If any portion of a structure lies within the special flood hazard areas, the entire structure is considered to be in the special flood hazard area and must meet the construction requirements of the flood zone. For purposes of this requirement, the structure includes any attached additions, garages, decks, sunrooms, porches or similar appurtenance to the main structure.
(7) Where a structure, as defined in this Section, lies within two or more flood zones, the requirements of the most restrictive flood zone shall apply to the entire structure.
(8) All above-ground storage tanks must be elevated above the BFE on a concrete pad or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extend above the BFE, and have a screw fill cap that prevents infiltration of flood water.

c. Considerations for Approval.

In considering issuance of a floodplain permit, the Planning Commission shall find that the site plan incorporates provisions to ensure that:

(1) any filling in a floodplain zone shall be the logical extension of land presently lying at higher elevations;
(2) any filling does not in any way retard the flow of the stream or reduce the volume of storage which alleviates flooding elsewhere (the flow of the stream as stated above shall be that flow considered as 100-year flood flow);
(3) all required principal and fire exits shall have access to ground or structure leading to ground having continuous elevation above the 100-year flood flow level;
(4) in floodplains that are not tidally influenced as designated on the FIRM, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure are prohibited unless the applicant provides certification, prepared by a licensed engineer registered in the State of Connecticut, demonstrating that such encroachments will not result in any increase in the base flood elevation. Hydrologic and hydraulic analysis, prepared in accordance with accepted engineering practice, shall be submitted by the applicant in support of any proposed encroachment. Work within adjacent land subject to flooding, including work to provide compensatory storage, shall not result in any increase in flood stage or velocity;
(5) in floodplains that are not tidally influenced as designated on the FIRM, the water holding capacity of the floodplain is not reduced by any form of development unless such reduction:
    (a) is compensated for by deepening or widening of the floodplain;
    (b) is on site;
    (c) is within the same hydraulic reach and a volume not previously used for flood storage;
    (d) is hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation which would be displaced by the encroachment; and,

(e) has an unrestricted hydraulic connection to the same waterway or water body.

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

a. Criteria.

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

b. Standards.

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

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

7.A.7. Numbered A Zones with Base Flood Elevation (A and AE).

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

a. Site Plan.

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

(1) For new construction, for the placement of a mobile manufactured home in a new or expanded mobile manufactured home park, for the replacement of a mobile manufactured home in an existing mobile manufactured home park, for the placement of a mobile manufactured home outside a mobile manufactured home park or subdivision, for the placement of a mobile manufactured home on a site in an existing park in which a mobile manufactured home has incurred substantial damage as a result of a flood, and for the placement of prefabricated buildings or for substantial improvements (defined as 50 percent or more of market value) to residential structures, the lowest floor including the basement shall be elevated to or above the elevations of the 100-year flood.

(2) For new construction and placement of prefabricated buildings and other development or substantial improvements to nonresidential structures, the lowest floor including the basement shall be elevated to or above the elevation of the 100-year flood, or, together with attendant utility and sanitary facilities, must be floodproofed to a point one foot (1.0 foot) above the elevation of the 100-year flood.

(3) The floodproofing permitted in paragraph (2) above requires walls substantially impermeable to the passage of water with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional architect or engineer shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. Such certification with reference to the elevation (mean sea level datum) to which the building is floodproofed shall be permanently filed in the records of the City Building Department.

(4) New construction or substantial improvements of buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(a) provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(b) the bottom of all openings shall be no higher than one (1) foot above grade;

(c) openings may be equipped with screens, louvers, valves or other covering or devices provided they permit the automatic flow of floodwaters in both directions;

(d) electrical, plumbing, and other utilities are prohibited below the base flood elevation; and,

(e) use of the enclosed area shall be the minimum necessary to allow for parking of vehicles or limited storage of maintenance equipment used in connection with the premises or entry to the living area (via stairway or elevator).

(5) Mobile manufactured homes shall be further secured by, but not limited to, over-the-top and frame ties to ground anchors.

(a) Over-the-top ties shall be provided at each of the four corners of the mobile manufactured home, with one additional tie per side at intermediate locations for homes less than fifty (50) feet long, and two (2) additional ties per side for homes more than fifty (50) feet long.

(b) Frame ties shall be provided at each corner of the mobile manufactured home, with four (4) additional ties per side at intermediate points plus one additional tie per side for homes more than fifty (50) feet long.

(c) Each component of the anchoring system shall be capable of holding a force of forty-eight hundred (4800) pounds.

(d) No additions to mobile manufactured homes shall be permitted.

(6) All required principal and fire exits to buildings shall lead to ground or other structures leading to ground having continuous elevation above and outside of the floodplain and usable by the public in case of emergency.

(7) Recreational vehicles placed on sites within areas of special flood hazard shall either be on the site for fewer than 180 consecutive days and ready for highway use, or meet all the standards of Section 7.A.6 and the elevation and anchoring requirement of Section 7.A.7. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

7.A.8. Floodways.

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

a. Encroachments, including fill, new construction, substantial improvements, and other developments, shall be prohibited unless certification (with supporting technical data) by a registered professional engineer licensed in the State of Connecticut is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with accepted engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge.

7.B. AIRPORT PROTECTION ZONES.

7.B.1. Establishment of Zones.

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

7.B.2. Airport Approach Zone Districts.

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

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

7.B.3. Airport Transition Districts.

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

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

7.B.4. Exemptions.

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

7.B.5. Previous Approvals.

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

7.B.6. Other Applicable Regulations.

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

7.C. PUBLIC WATER SUPPLY WATERSHED PROTECTION ZONES.

7.C.1. Purpose and Intent.

It is the purpose and intent of the overlay zones:

a. to facilitate the adequate provision of potable water;

b. to protect existing and potential public surface and ground drinking water supplies from sources of contamination which contribute to the degradation of water quality;

c. to promote public health and the general welfare of the community; and,

d. to promote environmental protection.

7.C.2. Classifications.

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

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

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

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

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

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

7.C.3. Use Regulations.

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

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

(1) The following uses are prohibited.
  (a) Manufacture, use, storage, or disposal of hazardous materials in any watershed area without an emergency response plan approved by the Health and Housing Department.
  (b) Sanitary landfill, septage lagoon, or sewage works. [Eff. 9/29/2011]
  (c) Junkyard, salvage yard.
  (d) Truck terminal or bus parking facility with ten (10) or more parking spaces.
  (e) Gasoline station, auto repair, auto body shop. See Section 7.C.3.a.(3) below.
  (f) Bulk storage of road salt for commercial or municipal purposes.
  (g) Any use which is not allowed in the respective zoning district.

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

(3) Notwithstanding Section (1)(e) above, existing gasoline stations, auto repair and auto body shops located within Class I Watershed Areas or Class II Lake Kenosia Watershed Areas may undertake environmental remediation or may be relocated to other parcels located within said Class I and Class II watershed areas for the purpose of rehabilitating the existing site of environmental contaminates or substandard fuel storage facilities, but not for other reasons for relocation, subject to the following conditions.
  (a) Environmental remediation of sites with existing uses specified above, whether or not such sites are to be abandoned, shall require site plan approval; relocation from one site to another, as specified above, shall require approval as a special exception for the proposed site for relocation by the Planning Commission. For purposes of remediation and/or relocation, the applicant shall submit a report along with the application for site plan and/or special exception approval containing evidence of contaminated subsurface conditions or substandard fuel storage facilities existing on the site, and a recommended remediation plan for the existing site. The report shall include a review and findings by the City's Director of Health or his/her designee that sufficient evidence exists to merit remediation of the site due to existing environmental contamination or substandard fuel storage facilities to prevent the release of fuel and/or hazardous materials and that the recommended remediation plan is adequate to remove said contaminates and/or substandard fuel storage facilities.
  (b) Remediation of all contaminated subsurface conditions at the existing location shall meet the standards of Connecticut's Remediation Standard Regulations and shall be certified as clean by a Licensed Environmental Professional for the use of the property. If there are no documented conditions of release, a Connecticut Voluntary Site Remediation Standards environmental investigation shall be conducted at the existing location to be abandoned or remediated by a Licensed Environmental Professional and certified as clean.
  (c) All existing underground fuel storage systems at the site shall be properly abandoned in accordance with the standards of the Connecticut Department of Environmental Protection.

(d) The existing use may only be relocated to a zoning district that otherwise allows such use as a permitted or special exception use and shall be developed in accordance with the regulations governing said zoning district, including all other requirements of §7.C. of these Regulations except as modified by this §7.C.3.a.(3). No use, as specified above, shall be relocated to or within an environmentally sensitive area. The underground fuel storage systems at the relocated or remediated site shall meet all tank system standards specified in Section 9-82 of the Danbury Code of Ordinances, as amended. All proposed auto repair and auto body shops shall meet the hazardous materials storage and operational standards of the Connecticut Department of Environmental Protection and the Environmental Health Division of the City Department of Health and Housing.

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

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

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

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

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

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

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

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

(b) a watershed analysis that identifies: (i) the locations where new development could occur between the existing sewer line and the site where the sewer is proposed to be extended, including the maximum level of land use development that could occur under existing zoning regulations and the potential impact of said uses upon water supplies (including appropriate mitigation measures); and, (ii) a transportation hazard analysis. The transportation hazard analysis shall identify locations of transport of fuel or hazardous materials on roads served by the new sewer extension.

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

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

(1) No development, except for single family dwellings on individual lots or accessways or driveways serving less than three (3) dwellings or home landscaping or maintenance activities, shall drain stormwater onto land within a Class I or Class II Environmentally Sensitive Area without an acceptable

means of pretreatment of such runoff. Acceptable pretreatment measures will be evaluated by the Director of Health or his or her designee in terms of their compliance with current best management practices as published by Federal and/or State agencies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.D. AQUIFER PROTECTION ZONES.

All lots entirely or partially located within aquifer protection areas designated on the Official Zoning Map of the City of Danbury shall be subject to all provisions of the "Aquifer Protection Area Regulations of the City of Danbury."

7.E. MAIN STREET HISTORIC OVERLAY ZONE. [Eff. 6/2/2011]

7.E.1. Purpose.

The purpose and intent of the Main Street Historic Overlay Zone ("MSHOZ") is to promote development which is compatible with the historic character of the Main Street Historic District by providing supplemental regulations to the various zoning districts located within the MSHOV, as specified herein.

7.E.2. Scope.

The area of the MSHOZ shall encompass all lots, or portions thereof, as shown on a certain map entitled "Main Street Historic Overlay Zone" (see hatched area), which map is made part of these Zoning Regulations and which shall constitute an amendment to the Official Zoning Map of the City of Danbury. All provisions of these Regulations shall apply to the MSHOZ, except as provided for in this §7.E. Notwithstanding §3.C.2., wherever there is a conflict between these Regulations and regulations specific for land and uses within the MSHOZ, the regulations applicable to the MSHOZ shall control.

7.E.3. Location of Parking and Accessory Buildings.

All off-street parking areas and facilities, loading areas, and accessory buildings proposed on lots within the Main Street Overlay Zone shall comply with the regulations in Section 7.f.4 of these Regulations. **[July 29, 2014]**

7.E.4. Street Wall.

For new building construction, a principal building(s) of the development shall be located to create a street wall extending substantially across the front width of the lot, exclusive of approved spaces between buildings, driveways, pedestrian access and open space, and parallel or nearly parallel to the street, with said building or buildings oriented to the front lot line with entrances facing the street.

MAIN STREET HISTORIC OVERLAY ZONE

7.E.5. Setbacks.

For new construction, principal buildings on a lot located closest to the street shall be setback a distance approximate to the mean setback of other buildings located closest to the street on adjacent side lots along the block, except when on-site parking and other improvements required to be placed to the rear of buildings render said mean setback infeasible. In such exceptional cases, the building shall be located closest to the street line or front yard as feasible.

7.E.6. Signs.

Notwithstanding requirements of the sign regulations specified in §8.E. of these Regulations, internally illuminated signs are prohibited on any lot or building in the MSHOZ.

7.E.7. Site Plan Review.

In addition to the requirements for site plan review as specified in §10.D. of these Regulations and the requirements specified above, all applications for development located within the MSHOZ shall also include detailed architectural renderings of all proposed exterior façade elevations visible from public roadways. All changes to the exterior of existing historic buildings or sites contributing to historic and/or architectural themes listed within the Main Street Historic District on the National Register of Historic Places shall be consistent with the Connecticut Historical Commission - Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, as amended. Proposed changes to historic buildings shall include a certification of compliance with these standards by an architect licensed in the state of Connecticut.

7.F. DOWNTOWN REVITALIZATION OVERLAY ZONE. [Eff. 6/2/2011]

7.F.1. Purpose and Intent.

It is the purpose and intent of this overlay zone to promote the revitalization of downtown Danbury by providing supplemental regulations to portions of the R-3, RH-3, CL-10 and C-CBD zoning districts, and future amendments which may add portions of other zoning districts to the DRZ, located within the Downtown Revitalization Zone ("DRZ"). [Rev. 7/29/2014]

7.F.2. Scope.

The area of the DRZ shall encompass all lots, or portions thereof, as shown on a certain map entitled "Downtown Revitalization Overlay Zone" (see hatched area below), which map is made a part of these Zoning Regulations and which shall constitute an amendment to the Official Zoning Map of the City of Danbury. Provisions within these Regulations which refer to lots and uses within the DRZ shall apply to this Downtown Revitalization Overlay Zone. Notwithstanding §3.C.2., wherever there is a conflict between these Regulations and regulations specific for lots and uses within the DRZ, the regulations applicable to the DRZ shall control.

DOWNTOWN REVITALIZATION OVERLAY ZONE

7.F.3. Use Restrictions in the DRZ. [Rev. 7/29/2014]

Notwithstanding provisions of Sections 4.C., 4.D., 5.D., and 5.F., and others as amended, which may add portions of other zoning districts to the DRZ, the following restrictions apply to lots located within the DRZ.

a. Uses not allowed on lots bordering on Main Street.

   The following uses are not allowed on lots which, in whole or in part, border on Main Street within the DRZ.

   (1) Ambulance Service.
   (2) Cleaning, laundering, dyeing or diaper service; laundromat.
   (3) Three family dwelling.
   (4) Two family dwelling.
   (5) Taxi or limousine service.

b. Residential uses not allowed on first floors on lots bordering on Ives Street, Main Street, National Place, Railroad Place, West Street, and White Street.

The following residential uses are not allowed on first floors on lots which, in whole or in part, border on Ives Street, Main Street, National Place, Railroad Place, West Street, and White Street in the DRZ, except for doorways providing access to upstairs residential units and clubs.

(1) Apartment house, garden apartment, row house, townhouse.
(2) Congregate housing.
(3) Continuing care facility.
(4) Nursing home.
(5) Shelter for the homeless.

c. Uses Prohibited from the DRZ.

The following uses are prohibited on lots located, in whole or in part, within the DRZ.

(1) Crematory.
(2) Funeral home.
(3) One family dwelling.
(4) Package store.
(5) Telephone exchange, sewer and water pumping station.

7.F.4. Off-street Parking and Accessory Buildings. [Eff. 7/29/2014]

a. Parking areas and Accessory Buildings.

Notwithstanding other provisions of these Regulations, no new off-street parking areas and loading areas or accessory buildings on lots bordering on Main Street shall be located between the street and the principal building(s) on a lot, except when rendered clearly infeasible because of the particular circumstances of the site which were not created by the applicant. In cases where there are no buildings on the lot or the principal buildings do not screen on-site parking and loading areas from view from the street, a brick or stone view-restrictive wall of no less than 30" in height or greater than 48" in height shall be built along the street frontage of the lot adjacent to said parking or loading areas, exclusive of openings for driveways and pedestrian access, as approved by the Department of Planning and Zoning for permitted uses or the Planning Commission for special exception uses.

b. Parking facilities.

Notwithstanding other provisions of these Regulations, no new off-street parking facilities, including parking decks and garages, shall be allowed on lots bordering on Main Street except for pedestrian and vehicular access, unless at least 25 feet of the front of the first floor of the structure bordering on Main Street is designed and used as an allowed use(s). Said allowed use(s) shall have direct pedestrian access onto Main Street.

c. Site Plan Requirements.

In addition to the site plan contents specified in Section 10.D.3. of these Regulations, all applications for a zoning permit which include parking areas, accessory buildings, and parking facilities as specified above on lots bordering on Main Street in the Downtown Revitalization Overlay Zone or the Main Street Historic Overlay Zone shall include (1) a first floor layout of parking facilities showing all uses as necessary to determine compliance with Section 7.F.4.b. above, (2) the location of all proposed accessory buildings, and (3) the design of proposed parking areas in sufficient detail to determine compliance with Section 7.F.4.a. above.