SECTION 3. DISTRICT REGULATIONS

A.	**Establishment of Districts.**	**3-1**
B.	**Official Zoning Map.**	**3-2**
C.	**Use Regulations: General.**	**3-3**
D.	**Use Regulations: Permitted Uses**	**3-4**
E.	**Use Regulations: Special Exception Uses.**	**3-4**
F.	**Use Regulations: Special Permit Uses.**	**3-11**
G.	**Use Regulations: Accessory Uses.**	**3-15**
H.	**Lot Requirements.**	**3-20**
I.	**Yard Requirements.**	**3-21**
J.	**Maximum Height Requirements.**	**3-23**

3.A. ESTABLISHMENT OF DISTRICTS.

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

3.A.1. Residential Districts.

a. Single Family Residential Districts

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

b. Multi-Family Residential Districts

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

c. Mixed Residential Districts

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

3.A.2. Commercial Districts.

a. Highway Commercial Districts

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

b. Other Commercial Districts

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

3.A.3. Industrial Districts.

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

3.B. OFFICIAL ZONING MAP.

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

3.B.1. Measurement.

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

3.B.2. Property Lines.

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

3.B.3. Streets as Boundaries.

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

3.B.4. Submerged Land.

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

3.C. USE REGULATIONS: GENERAL.

3.C.1. General Application.

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

3.C.2. Overlay Zones.

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

3.C.3. Entertainment Activities.

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

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

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

a. Medical marijuana dispensary facility.

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

b. Medical marijuana production facility.

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

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

3.D. USE REGULATIONS: PERMITTED USES.

3.D.1. General Application.

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

3.D.2. Group Homes.

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

3.E. USE REGULATIONS: SPECIAL EXCEPTION USES.

3.E.1. General Application.

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

3.E.2. High Traffic Generators.

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

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

Reserved for future use.

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

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

a. All outdoor storage, sale, rental or repair of construction equipment and vehicles or building materials shall be completely screened from adjacent properties and roadways by a view restrictive fence or wall not less than five (5) feet nor more than eight (8) feet in height above ground level.

b. No outdoor storage, sale, rental or repair of construction equipment and vehicles or building materials shall be located between the front lot line and the front of the principal building on the lot.

c. In addition to the provisions in subsections (a) and (b) above, the indoor storage of landscape materials is allowed in a greenhouse structure in the CA-80 Zoning District.

3.E.5. Historic Properties and Structures.

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

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

a. The rehabilitation of historic structures, all exterior alterations and additions to historic structures, and all new structures on the historic property or on the same lot as an historic structure, shall comply with the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as amended."

b. All on-site parking shall be buffered from adjacent property, as provided for herein.

c. No portion of any historic property or structure may be used as an adult business, as defined herein.

d. Approvals.

(1) Adapted uses proposed for historic properties and structures shall be special exception uses subject to all review and approval requirements for such uses as specified in Section 10 of these Regulations. A special exception shall be required for exterior alterations and additions to historic properties and structures used as or proposed for an adapted use, and for all new structures proposed to be located on the same lot as an adapted use. A special exception shall be required for such alterations and additions even if such properties and structures have previously been granted a special exception for the adapted use.
(2) The application for a special exception for an adapted use(s), or for all exterior alterations and additions to historic properties and structures used or proposed to be used for adapted uses, or for structures proposed to be located on the same lot as an adapted use, shall include a Restoration Plan for review and approval by the Planning Commission.
(3) The Restoration Plan shall consist of (a) a detailed description of all exterior changes, modifications or additions to historic properties and structures, and (b) architectural renderings of façade elevations for each side of historic structures, and additions thereto, and for each side of proposed structures, including all materials and colors to be used. Facade elevations for historic structure(s) shall show all proposed exterior alterations and changes, included all repairs, replacements, removals, restorations, replications, and all restoration methods and materials to be employed, and shall identify all exterior verandas, towers, porches, roofs, walls, windows, doors, stairways, and other features to be retained, restores, removed or replaced.

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

a. Purpose and Intent.

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

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

b. General Regulations.

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

c. Location Preference Guidelines.

The general order of preference for the location of any telecommunications facility shall range from "1" as the most preferred to "6," the least preferred:
(1) Totally enclosed within existing structures;
(2) On existing structures such as nonresidential buildings located in industrial or commercial zoning districts; water tower/tanks; utility poles; billboards and bridges;
(3) On existing or approved towers;
(4) On new towers located on property occupied by one or more existing towers;
(5) On new towers located in an industrial or commercial zoning district; and,
(6) On new towers located in residential zoning districts.

d. General Standards.

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

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

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

(5) A security fence shall be required around the antenna tower and other equipment.

(6) Landscaping shall be required around the security fence(s), which shall consist of no less than two rows of sight-obscuring evergreen trees planted not less than ten (10) feet on center. The rows of evergreen trees shall be staggered to ensure adequate screening. The evergreen plantings shall be a minimum height of six (6) feet at planting and shall be maintained by the owner of the property to ensure its effectiveness.

(7) All accessory buildings or structures associated with wireless telecommunication facilities shall comply with the following:

(a) Each building or structure shall contain not more than 360 square feet of gross floor area or be more than 12 feet in height.

(b) Each building or structure shall comply with the yard setback requirements for principal buildings and structures for the zoning district in which it is located.

(c) If located on the roof of a building, the structure shall not extend more than 12 feet above the highest point of the roof and be designed to blend with the color and design of the building to the greatest extent possible.

(d) All ground level buildings, boxes, cabinets or other structures shall be surrounded by a security fence and be landscaped according to the landscaping requirements of Section 3.E.6.d.(6) of these Regulations.

(e) Accessory buildings shall be designed to be in harmony with the surrounding neighborhood properties and with due consideration for the impact that the tower will have on these properties, i.e., buildings in residential districts must have characteristics such as rooflines, siding, fenestration, etc. that are compatible with residential structures in the immediate area. The Planning Commission may impose conditions that foster a compatible design of the antenna tower with the site and the surrounding environment.

(8) Towers which protrude above the tree coverage on any property that is located within a view corridor of any vista that is identified by the Planning Commission pursuant to the Plan of Conservation and Development, and any amendments thereto, are prohibited.

(9) Illumination shall not be permitted on the tower unless required by the Federal Communications Commission, the Federal Aviation Agency or the Connecticut Siting Council. If illumination is so permitted, it shall be placed so as to minimize the effect on surrounding properties.

(10) No signs or advertising shall be permitted on any tower or antenna or accessory building, except that no- trespassing, warning and ownership signs are permitted at a height not to exceed six (6) feet above ground level.

(11) A tower must be able to accommodate a minimum of three users unless the applicant demonstrates that it is technically infeasible. These users shall include, but are not limited to, other wireless communication companies, and local police, fire and ambulance companies. The Planning Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.

(12) A tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.

(13) All proposed facilities shall comply with Section 7.B., Airport Protection Zones, of these Regulations.

e. Application Procedures.

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

(1) A description of the proposed tower, antenna(s) and associated equipment, including height, design features, access roads, utilities, landscaping, and any additional information necessary to describe the facility.

(2) A site plan as required in Section 10.D. of these Regulations, including the following additional information.

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

f. Abandonment.

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

g. Considerations for Decision.

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

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

h. Denial of Application.

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

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

3.E.8. Drive-Through Use.

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

a. traffic lanes providing access to and from drive-through windows and order boards shall not obstruct on-site vehicular traffic flow to and from required parking and loading spaces or other driveways providing ingress and egress into and within the site;

b. no portion of said travel lanes shall extend into front yards, perimeter planting strips or residential district buffer strips as required herein;

c. drive-through lanes to windows and order boards shall be of sufficient length, as determined by the Planning Commission, to provide adequate vehicular stacking on-site without extending into the adjacent street right-of-way, but in no case shall be less than one hundred feet in length approaching order boards, if present, or drive-through windows; and,

d. all said drive-through lanes shall be a minimum of twelve (12) feet in width and clearly designated by painted lines or curbing and shall include directional signs and arrows to avoid traffic confusion.

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

a. No zoning permit shall be issued for the erection or enlargement of a service garage with a capacity to serve more than five (5) motor vehicles at one time, or for automobile service stations, either as a primary or secondary activity, or for the conversion of any premises for such purposes, if any part of the lot is situated within a distance of five hundred (500) feet from the following uses, as measured along the public streets on which they exist: a nursery, kindergarten, elementary or secondary school, a hospital, church or other place of worship, theater, library, or museum.

b. No zoning permit shall be issued for a service garage or automobile service station unless all pumps and other service equipment are located at least fifteen (15) feet from any side or front lot line.

c. No existing garage with a capacity for more than five (5) motor vehicles, or group of garages with a capacity for more than five (5) motor vehicles, or an automobile service station shall be deemed to become a nonconforming use through the subsequent erection of such a school, hospital, place of worship, theater, library, museum, or playground as defined above within the aforesaid prescribed area.

d. A certificate of approval is required from (1) the Zoning Commission for any use dealing in or repairing motor vehicles under provisions of Section 14-54 of the CGS, or (2) the Zoning Board of Appeals for a use involved in the sale of gasoline or any other product under provision of Section 14-319 of the CGS, as specified further in Sections 10.A.1 and 11.C of these Regulations.

3.F. USE REGULATIONS: SPECIAL PERMIT USES.

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

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

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

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

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

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

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

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

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

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

c. Grocery Stores.

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

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

d. Package Stores.

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

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

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

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

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

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

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

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

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

e. Restaurants.

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

f. Downtown Revitalization Zone (DRZ).

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

3.F.3. Excavation.

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

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

a. The crematory shall be located on the same lot or parcel on which a funeral home is being operated and shall only be allowed in zoning districts where specified as requiring a special permit.

b. The use of the facility, including any loading and unloading areas, shall be conducted entirely on and within the property lines of the subject lot or parcel.

c. No zoning permit shall be issued until the proposed location of the crematory has been approved by the Zoning Commission as required by and in accordance with Section 19a-320 of the Connecticut General Statutes.

d. No portion of the lot containing the crematory shall be closer than 500 feet of a residential structure or land used for residential purposes not owned by the owner of the crematory, nor closer than 500 feet from any boundary of a residential zoning district.

3.G. USE REGULATIONS: ACCESSORY USES.

3.G.1. Location.

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

3.G.2. Residential Use.

No accessory building shall be used as a residence.

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

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

a. shall not be located in the required minimum front yard, except that a bus shelter may be located within the front yard setback provided it does not exceed the maximum size necessary for its purpose, that a paved surface to the curb is provided to facilitate pedestrian access to buses, minimizes potential pedestrian-traffic conflicts, does not impede sight distances as required herein, and is approved by the Department of Planning and Zoning for permitted uses and Planning Commission for special exception uses;

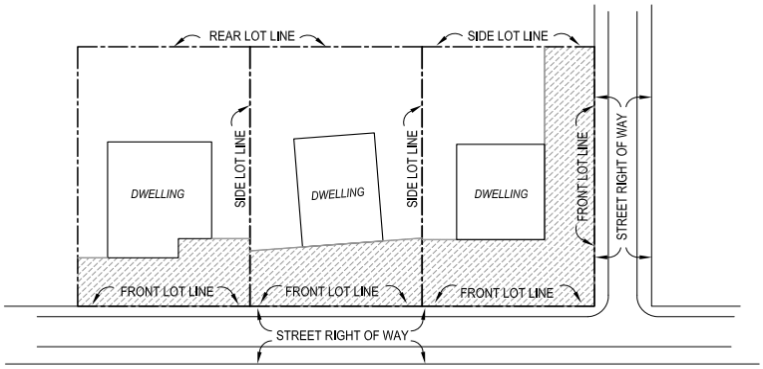
b. shall not exceed fifteen (15) feet in height; and

c. when combined with other accessory buildings on the lot, shall not have a total ground floor area, which exceeds fifty percent (50%) of the total ground floor area of all principal buildings on said lot. By agreement of the owners of two (2) adjoining lots duly recorded in the City land records, accessory buildings with the same limitations of height and area may be constructed on a common lot line when built of the same exterior materials and a masonry party wall, provided free access to both rear yards for emergency vehicles is maintained.

d. For one family dwellings, no swimming pool or building may be located between the dwelling and the front lot line, except for detached garages accessory to the dwelling, provided said garages are not located within the front yard setback.

e. Athletic fields and courts may be accessory to residential dwellings in all residential districts, except the Deer Hill Avenue and Pleasant Street RA-8 Overlay Zones, provided the following restrictions are met. [Eff. 02/17/2016]

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



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

3.G.4. Home Occupations.

a. One home occupation is permitted per dwelling unit.

b. All home occupations, as defined herein, shall:

(1) be clearly secondary to the use of the dwelling for dwelling purposes;
(2) not change the external residential character of the dwelling in any visible manner;
(3) not create objectionable noise, odor, vibrations, waste, or unsightly conditions noticeable off the premises;
(4) not create interference with radio and television reception in the vicinity, nor create a health or safety hazard;
(5) only use equipment which is customarily incidental to residential occupancy;
(6) be engaged in only by the immediate members of the family residing on the premises;
(7) except for the display of fruits and vegetables grown on the premises, not be visible from the street;
(8) limit retail sales to only articles made, raised, or grown on the premises; and,
(9) not exceed twenty-five per cent (25%) of the dwelling floor area above the basement.

c. Permitted home occupations shall include dressmaking, millinery, preparation of food products, watch repair, television and radio repair, beauty parlor, barber shop, accountant, architect, artist, dentist, designer, engineer, lawyer, musician, physician, surgeon, teacher, real estate and insurance agent, or similar occupation or person qualified through professional training to perform services of a professional nature.

d. A zoning permit shall be required for each home occupation.

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

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

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

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

3.G.7. Satellite Dish Antenna.

Satellite dish antennae are permitted in all districts and shall:

a. be considered as "structure" as defined in Section 2 of these Regulations;

b. conform to the height and setback requirements of the district in which the property lies;

c. if free-standing, be sufficiently screened to insure compatibility with adjacent land uses; and,

d. be of a type and design approved by the FCC and in conformance with all other local, State, and Federal laws, rules, and regulations.

3.G.8. Construction Trailers.

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

3.G.9. Massage Therapy.

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

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

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

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

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

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

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

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

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

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

a. Location.

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

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

(2) Free-standing solar PV systems.
(a) No proposed free-standing solar PV system may be located in the front yard or between the front lot line and the front of the principal building(s) on the lot.
(b) Notwithstanding the side or rear yard setback for accessory uses and structures for the zoning district within which a free-standing solar PV system is proposed, the side or rear yard setback shall be a minimum of fifteen (15) feet for the system and all related architectural elements and equipment.
(c) All power transmission lines from a free-standing solar PV system to any building or other structure shall be located underground.
(d) Solar PV systems may not be used to display signs except for manufacturer's and equipment information and warnings.
(e) If a free-standing solar PV system is removed, any earth disturbance as a result of the removal of the system shall be graded.
(f) All free-standing solar PV systems shall be screened from view from adjacent residential uses on abutting lots by a screen, landscaped or natural barrier as specified in Section 8.D. unless existing conditions (e.g. topography, trees) provide an existing screen. [Eff. 8/27/2015]

b. Height.

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

c. Building coverage.

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

d. Installation.

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

e. Approvals.

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

3.H. LOT REQUIREMENTS.

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

3.H.1. Requirements for Each Use.

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

3.H.2. Building Coverage.

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

3.H.3. Lot Frontage and Width.

a. Lot Frontage.

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

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

b. Lot Width.

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

3.H.4. Lakes and Ponds.

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

3.H.5. Public Utility Easements.

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

3.I. YARD REQUIREMENTS.

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

3.I.1. Open Space.

a. General.

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

b. Projections.

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

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

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

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

(1) Private patios, terraces, and/or vegetative ground cover (which may include trees, shrubs and natural ground cover) open to the sky (except under building eaves of less than one foot) for the exclusive use by the residents and guests of a dwelling unit with direct ground floor access abutting the space, with a minimum area of 500 square feet for the dwelling unit for which it is intended to serve and with a width of not less than twenty (20) feet in its least dimension. Said patios, terraces, and/or vegetative ground cover may extend into the side or rear yard setback areas but not into front yard areas.

(2) Recreational facilities solely for the common use of residents on the lot and their guests, with such facilities limited to swimming pools, tennis courts, community rooms and similar facilities, but not including exclusions to ‘park, playground or recreational facilities’ as defined in §2.B, including all uses operated for profit. Areas where said recreational facilities are sited, including adjacent landscaped grounds incidental to the site, shall be no less than 1,500 square feet in area with a width of not less than twenty-five (25) feet in its least dimension and may not extend into yard setback areas.

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

b. Required usable open space shall not be located between the front lot line and all principal and accessory buildings on the lot adjacent to the street.

c. Required yard areas shall not be used for usable open space or recreation or included in the computation of usable open space, except as permitted herein. All site plans submitted for approval shall clearly show all areas designated as proposed usable open space and recreation and the area of each.

d. All plant material shall be maintained and any approved plant material which dies shall be replaced as soon as possible but no later than the next planting season.

3.I.3. Corner Lot Visibility.

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

3.J. MAXIMUM HEIGHT REQUIREMENTS.

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

3.J.1. Exemptions and Stipulations.

a. There shall be no height limit for the following structures: church steeples and belfries, water tanks, and public utility generating, storage, towers and transmission structures, beacons and antennas.

b. Chimneys and flues, HVAC mechanical equipment, skylights, clock towers, cupolas, architectural domes, rooftop solar panels, and elevator shafts and stairwells may extend up to ten (10) feet above the top of the roof of the structure to which they are attached.

c. Parapet walls or cornices may extend up to three (3) feet above the top of the roof of a structure.

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