

# **HOUSING MORATORIUM AMENDMENTS APPROVED by the Zoning Commission on October 25, 2005 - Effective November 11, 2005**

## **2.B. DEFINITIONS**

**Dwelling unit.** A single housing unit containing a single room or group of rooms designed for occupancy as separate living quarters by one family. Separate living quarters are those in which occupants have direct access to the unit from outside of the building or through a common hall and which contain separate bedrooms (other than efficiency units) and provisions for living, dining, kitchen and bathroom facilities for the exclusive use of the occupants.

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

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

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

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

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

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### **3.E.7. Accessory Apartments in One Family Dwellings.**

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

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

### **3.H.3. Lot Frontage.**

No building shall be built on any proposed lot unless said lot has frontage on a public street, except that lots with frontage 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 meets the minimum lot width requirement specified for the use, except within the RA-20, RA-40, and RA-80 zoning districts where a flag lot may be served by an access way, provided such access way (1) has a minimum width of twenty (20) feet and a paved driveway of not less than twelve (12) feet in width, (2) has a grade not greater than twelve (12) percent, and (3) is duly recorded as part of the flag lot for which it provides access. Flag lots served by an access way in the RA-20 zone shall be a minimum of forty thousand (40,000) square feet in area. Each lot owner depending on an access way for access to a street must own said access way in fee simple.

### **3.I.2. Usable Open Space for Dwellings.**

Required usable open space for dwellings shall be intended, designed, and constructed for the outdoor use and enjoyment of the residents, and shall consist of vegetative ground cover (which may include trees and shrubs), and/or patios and terraces at ground level. Required usable open space shall not apply to one, two or three family dwellings.

- a. All usable open space shall be open to the sky (except under building roof projections of less than twelve inches) and at less than five (5) percent grade. No portion of usable open space shall contain retaining walls of any height.
- b. At least half of the total required usable open space for all apartment house, garden apartment, and row house dwelling units on a lot shall be contiguous. Usable open space shall not be less than twenty (20) feet in its least dimension.
- c. 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.
- d. Required front and side yard areas shall not be included in the computation of usable open space.
- e. 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.

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### **4.A. SINGLE FAMILY RESIDENTIAL DISTRICTS: RA-8, RA-20, RA-40, RA-80.**

#### **4.A.1. Purpose and Intent.**

It is the purpose and intent of these districts to promote the following:

- a. to provide for low density housing in appropriate locations, and to permit limited public and quasi-public uses appropriate for residential neighborhoods;
- b. to protect residential areas from changes and intrusions, which may cause deterioration;
- c. to promote environmental protection and to meet minimum standards of health and safety by protecting against hazards and nuisances;
- d. to provide for adequate daylight, ventilation, quiet, privacy, and recreational opportunity; and,
- e. to prevent congestion and the overcrowding of land caused by excessive densities.

#### **4.A.2. Uses.**

Land and structures may be used only for the following.

- a. Permitted Uses.
  - (1) Church or other place of worship. See Section 4.A.4.a.
  - (2) Nursery, kindergarten, elementary, or secondary school. See Section 4.A.4.b.
  - (3) One family dwelling. See Section 4.A.4.c.
  - (4) Park, playground, or recreation facility. See Section 4.A.4.d.

b. Special Exception Uses.

- (1) Cemetery. See Section 4.A.5.a.
- (2) Children’s Bereavement Counseling & Education Center. See Section 4.A.5.b
- (3) Cluster development. See Section 4.A.6.
- (4) College or university; post-secondary business or technical school. See Section 4.A.5.c.
- (5) Country club with golf course; golf course. See Section 4.A.5.d.
- (6) Day care center, child. See Section 4.A.5.e.
- (7) Farming. See Section 4.A.5.f.
- (8) Firehouse. See Section 4.A.5.g.
- (9) Historic properties and structures. See Section 4.A.5.h.
- (10) Museum. See Section 4.A.5.i.
- (11) Telephone exchange, water treatment facility, sewage or water pumping station, water storage facility. See Section 4.A.5.j.

c. Accessory Uses. See Section 3.G.

4.A.3. General Use Regulations.

Unless otherwise specified or modified in Sections 4.A.4., 4.A.5. or 4.A.6. below, the following regulations shall apply to all uses specified in Section 4.A.2.

<u>DISTRICT</u>	<u>RA-8</u>	<u>RA-20</u>	<u>RA-40</u>	<u>RA-80</u>
Minimum lot area, sq ft				
One family dwelling	8,000	20,000	40,000	80,000
All other uses	20,000	20,000	40,000	80,000
Minimum lot width, ft.				
One family dwelling	50	50	50	50
All other uses	125	125	125	150
Minimum front yard, ft.	20	30	40	50
Minimum side yard, ft.				
One family dwelling	8 ea.	15 ea.	25 ea.	40 ea.
All other uses	20 ea.	20 ea.	25 ea.	40 ea.
Minimum rear yard, ft.	35	35	35	40
Maximum height of building, ft.	35*	35*	35*	35*
*maximum of three stories				
Maximum building coverage	30%	20%	15%	15%
Minimum square side dimensions, ft.	65	100	125	150
Detached accessory use				
Minimum side yard, ft.	6	6	15	30
Minimum rear yard, ft.	6	6	20	30

4.A.4. Specific Use Regulations: Permitted Uses.

The following use regulations shall apply to the permitted uses specified below.

a. Church or Other Place of Worship.

- (1) Vehicular access onto the site shall be provided solely from a collector or arterial street.
- (2) The lot shall be screened from view from adjacent properties on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.

- (3) The minimum lot area shall be one acre in RA-8, RA-20, and RA-40, and two acres in RA-80.
- (4) The minimum building setback shall be as follows:
  - (a) front yard setback 50 feet
  - (b) side yard setback 50 feet
  - (c) rear yard setback 75 feet
- (5) No parking shall be permitted in the front yard or between the principal building and a public street.
- (6) Any site located within the existing water supply watershed of any water authority or company shall be served by municipal sewer and water facilities.
- (7) A rectory and/or parish hall is permitted as an accessory use.

b. Nursery, Kindergarten, Elementary, or Secondary School.

- (1) The minimum lot area shall be two (2) acres.
- (2) The minimum building setbacks shall be as follows:
  - (a) front yard setback 50 feet
  - (b) side yard setback 50 feet
  - (c) rear yard setback 75 feet
- (3) The site shall be served by municipal sewer and water.
- (4) Vehicular access to the site shall be provided solely from a collector or an arterial street.
- (5) No parking shall be permitted in the front yard setback. All parking and loading areas shall be screened from view from adjacent residential uses by a screen or landscaped or natural buffer, as specified in Section 8.D.
- (6) The site shall be screened from view from adjacent residential uses on the side and rear by a screen or landscaped or natural buffer as specified in Section 8.D.
- (7) The facility shall be accredited by the State of Connecticut.

c. One Family Dwelling.

- (1) Only one principal dwelling per lot shall be permitted, except as part of a cluster development as provided for in Section 4.A.6.

d. Park, playground or recreation facility.

- (1) The minimum lot area shall be 8,000 square feet; the minimum lot width shall be 50 feet.

4.A.5. Specific Use Regulations: Special Exception Uses.

The following use regulations shall apply to the special exception uses specified below.

a. Cemetery.

- (1) Vehicular access onto the site shall be provided solely from a collector or arterial street.
- (2) The minimum lot area shall be two (2) acres.
- (3) The lot shall be screened from view from adjacent properties to the side and rear by a screen or landscaped buffer as defined in Section 8.D.

b. Children's Bereavement Counseling & Education Center.

- (1) The use may be allowed in the RA-8, RA-20 and RA-40 zoning districts.
- (2) The minimum lot area shall be two (2) acres.
- (3) The minimum building setbacks shall be as follows:
  - (a) front yard setback 50 feet
  - (b) side yard setback 50 feet
  - (c) rear yard setback 75 feet

- c. College or University; Post-secondary Business or Technical School.
  - (1) Vehicular access onto the site shall be provided solely from an arterial street.
  - (2) The site shall be served by municipal sewer and water facilities.
  - (3) The minimum lot area shall be ten (10) acres.
  - (4) The use shall be permitted in the RA-8, RA-20, and RA-40 districts only.
  - (5) The minimum building setbacks shall be as follows:
    - (a) front yard setback 50 feet
    - (b) side yard setback 50 feet
    - (c) rear yard setback 75 feet
  - (6) The facility shall be accredited by the State of Connecticut.
  
- d. Country Club with Golf Course; Golf Course.
  - (1) Vehicular access onto the site shall be provided solely from a collector or an arterial street.
  - (2) The minimum lot area shall be one hundred (100) acres.
  - (3) The minimum building setbacks shall be as follows:
    - (a) front yard setback 75 feet
    - (b) side yard setback 100 feet
    - (c) rear yard setback 100 feet
  - (4) Golfing tees and greens for the same hole may not be separated by a public street.
  - (5) Country clubs with golf courses, and golf courses, are allowed only in the RA-8, RA-20 and RA-40 zoning districts.
  
- e. Day Care Center, Child.
  - (1) Vehicular access onto the site shall be provided solely from a collector or arterial street.
  - (2) The site shall be served by municipal sewer and water facilities.
  - (3) The lot shall be screened from view from adjacent properties on the side and rear by a screen or landscaped buffer as specified in Section 8.D.
  - (4) The facility shall be licensed in accordance with the State of Connecticut requirements.
  - (5) All outdoor play yards shall be enclosed by a fence.
  - (6) A driveway shall be provided which allows for the safe delivery of children to the facility by motor vehicle.
  - (7) No parking shall be permitted between the principal building and a public street.
  - (8) The building shall be designed in a residential style.
  - (9) The minimum lot area for a child day care center shall be one acre in RA-8, RA-20, RA-40 districts, and two acres in the RA-80 district.
  - (10) The minimum building setbacks for a child day care center shall be as follows:
    - (a) front yard setback 50 feet
    - (b) side yard setback 50 feet
    - (c) rear yard setback 75 feet
  
- f. Farming.
  - (1) Farming shall be permitted only in the RA-80 Zoning District and shall be limited to dairy, truck, and nursery gardening, and the keeping of livestock for commercial purposes. Slaughter houses, kennels, commercial stables and similar uses are excluded.
  - (2) The minimum lot area shall be five (5) acres.
  - (3) All poultry, including pigeons, shall be kept within a building or fenced enclosure. A maximum of two hundred and fifty (250) birds may be kept on any lot.
  - (4) Any structure used for the purpose of keeping livestock, poultry, or any greenhouse in excess of one thousand five hundred (1,500) square feet shall be located at a minimum of one hundred (100) feet from any lot line.

- (5) The keeping of horses or other equines as livestock on a farm shall meet all provisions of this section. The keeping of a horse(s) or other equine(s) as household pets shall be permitted only in the RA-80 Zoning District in accordance with §4.G.6.b.
- (6) The raising of fur-bearing animals, other than rabbits, and the keeping of swine for commercial purposes shall not be permitted.
- (7) No manure or dust producing fertilizers shall be stored in the open within one hundred (100) feet of any property line.
- (8) The retail sale of products related to dairy, truck and nursery gardening, and similar farming related materials or products is allowed as an accessory use to a farm, as herein defined, provided that (a) the sale of such products occurred on the farm prior to the enactment of this subsection 4.A.5.f.(8) of the Regulations, and (b) the products sold are limited *primarily* to (i) farm products grown or raised on the premises, (ii) vegetables, fruit, trees, shrubs, flowers and seeds, and (iii) fertilizer, potting soil, mulch, wood chips, lime, and hay, and (iv) *incidentally* to other customary farm market and nursery gardening products, including planting pots, bird houses and feeders, jellies and jams, syrup and honey, baked goods, farm produce not necessarily grown or raised on the premise, landscaping materials and gardening supplies, and garden hand tools and edging materials allowed to be sold under this subsection specifically exclude the sale or rental of mechanical and electrical equipment, power tools and hardware, and the sale of building supplies, fencing, bricks, gravel and all other construction materials.

Notwithstanding subsection (a) above, if an existing farm engaged in the retail sale of products, as herein defined, is expanded with the addition of an abutting parcel(s) to create one such lot, the retail sale of products as an accessory use is permitted on the expanded farm, provided such retail sales are in accordance with all provisions of this Regulations.

g. Firehouse.

- (1) Vehicular access onto the site shall be provided solely from a collector or arterial street.
- (2) The minimum lot area shall be one acre in RA-8, RA-20, and RA-40 districts, and two acres in the RA-80 district.
- (3) The minimum building setbacks shall be as follows:
  - (a) front yard setback 50 feet
  - (b) side yard setback 50 feet
  - (c) rear yard setback 75 feet

h. Historic Properties and Structures.

- (1) Adapted use of historic properties and structures shall comply with all regulations specified in Section 3.E.5.
- (2) The minimum lot area for adapted uses of historic properties and structures, including all other uses and structures on the lot, shall be increased to one acre in RA-8 and RA-20, five acres in RA-40, and ten acres in RA-80.
- (3) For lots with an adapted use(s) of historic structures, the total maximum building coverage of all buildings on the lot, including all historic buildings, new or proposed buildings, and additions thereto, shall not exceed 30% of the lot area, or 12,000 sq. ft. ground floor area, whichever is less.

i. Museum.

- (1) The property or structure to be used must be listed on the National Register of Historic Places. All operations of the museum shall be located within the structure listed on the National Register of Historical Places.
- (2) Museums located within historic structures shall maintain and preserve the historic character of the structure.
- (3) Vehicular access to the site shall be provided solely from a collector or an arterial street.

- (4) All parking and loading areas shall be screened from view from adjacent property on the side and rear lot lines by an approved screen or landscaped buffer as specified in Section 8.D.
  - (5) The facility shall not be operated for profit.
  - (6) A dwelling unit provided for a caretaker is permitted within the principal structure as an accessory use.
  - (7) The minimum lot area shall be one acre.
- j. Telephone Exchange, Water Treatment Facility, Sewage or Water Pumping Station, Water Storage Facility.
- (1) The facility shall be screened from view on all sides by a screen or landscaped buffer as specified in Section 8.D.
  - (2) There shall be no outside service yard or outside storage.
  - (3) The facility shall be completely enclosed by a fence at least six (6) feet in height; all gates shall be secured at all times from entry by unauthorized personnel.

4.A.6. Cluster Development.

In order to promote environmental protection and to preserve and make available open space for recreation and conservation, the Planning Commission may, by grant of a special exception as herein provided, permit cluster development in the RA-20, RA-40 and RA-80 districts for the purpose of preserving substantial areas as common open space.

a. Uses.

Uses permitted in cluster developments shall be limited to (a) one family dwellings, (b) park, playground, or recreational facilities, and (c) accessory uses related to the above. Unless otherwise specified below, these uses shall meet all requirements of these Regulations.

b. Ownership.

Any parcel of land to be developed under the provisions of this Section must be designed and held in single, cooperative, or condominium ownership provided, however, that one family dwellings may be on individual lots.

c. Lot Size.

The minimum size of a parcel to be considered for a cluster development shall be five (5) acres in a RA-20 zone, ten (10) acres in a RA-40 zone, and twenty (20) acres in a RA-80 zone.

d. Density.

The maximum number of dwelling units permitted on the parcel shall not exceed eighty-five percent (85%) of the gross area of the parcel less all lakes and ponds and public utility easements, divided by the minimum lot area specified for the district in Section 4.A.3.

e. Area and Bulk.

The following use regulations shall apply for all one family dwellings on individual lots.

<b><u>DISTRICT</u></b>	<b><u>RA-20</u></b>	<b><u>RA-40</u></b>	<b><u>RA-80</u></b>
Minimum lot area, sq ft.	10,000	20,000	40,000
Minimum lot width, ft.	50	50	50
Minimum front yard, ft.	30	40	50

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Minimum side yard, ft.	8 ea.	15 ea.	25 ea.
Minimum rear yard, ft.	35	35	35
Maximum height of building, ft.	35*	35*	35*
*maximum of three stories			
Maximum building coverage	30%	20%	15%
Minimum square side dimensions, ft.	65	100	125
Detached accessory use:			
Minimum side yard, ft.	6	6	15
Minimum rear yard, ft.	6	6	20

f. Two or More Dwellings Per Parcel.

Where two or more one family dwellings are proposed to be built on a single parcel, the front, side, and rear yards specified above for dwellings and accessory uses are required as though each structure were on an individual lot.

g. Open Space.

No more than one-half of the gross area of the parcel, less all lakes and ponds, may be used as individual lots for one family dwellings. All land not allocated to such lots or to approved streets and parking areas shall be permanently reserved as open space. Such land must (1) be suitable for use by the residents of the development for leisure and recreational purposes or possess a unique natural feature worthy of preservation, including environmentally sensitive areas, as defined herein, (2) be available to all residents of the development, and (3) be owned or maintained by either the developer, a condominium association, or a cooperative homeowners association. The method of ownership and maintenance must be specified at the time of application. In cases where a homeowners association is proposed, the association shall be established before certificates of occupancy are issued. Membership must be mandatory for each individual lot owner, and it shall be recorded on the map and in the Danbury Land Records that each lot owner possesses an undivided interest in the designated open space and is jointly and separately responsible for the payment of taxes on the maintenance of the designated open space. Where the proposed open space exceeds five (5) acres and is suitable for community use, the land may be offered for dedication to the City of Danbury and deeded to the City by warranty deed if acceptable to the City of Danbury.

h. Sewer Service.

All uses within cluster developments located within municipal water supply watersheds must be served by municipal sewer facilities. For cluster developments located outside municipal water supply watersheds, the development must be serviced by a public sewer system or a community-type sewage disposal system that meets all local and state regulations, provided, however, that one family dwellings on individual lots may be serviced by individual septic systems if found by the City to be suitable for subsurface sewage disposal.

i. Water Service.

All uses within cluster developments must be served by a municipal water supply system or by a private community-type water supply system that meets all local and state regulations, provided, however, that one family dwellings on individual lots may be served by individual on-site wells if found to be suitable by the City.

j. Administrative Review.

All applications for a cluster developments shall include concurrent submission, review, and action by the Planning Commission on (1) a petition for a special exception as provided for under Section 10.C., (2) an application for site plan approval as provided for under Section 10.D., and (3) all subdivision plans, if applicable, for one family dwellings on individual lots as provided for in the Subdivision Regulations of the City of Danbury.

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**4.B MULTI-FAMILY RESIDENTIAL DISTRICTS: RMF-10, RMF-6, RMF-4.**

**4.B.1. Purpose and Intent.**

a. General.

It is the general purpose and intent of the Multi-Family Residential Districts to promote the following:

- (1) to protect residential areas from changes and intrusions which may cause deterioration by allowing only limited public and quasi-public uses appropriate to residential neighborhoods;
- (2) to promote compatible site design and environmental protection and to meet minimum standards of health and safety by protecting against hazards and nuisances;
- (3) to provide for adequate daylight, ventilation, quiet, privacy, and recreational opportunity;
- (4) to prevent congestion and the overcrowding of land caused by excessive densities; and,
- (5) to promote diversity of housing types and character and to encourage the development of affordable housing in the City.

b. RMF-10.

In addition to Sec. 4.B.1.a., it is the specific purpose and intent of the RMF-10 zoning district to permit low density housing for a range of dwelling types in areas with environmental constraints or to provide, where appropriate, a transition zone between single family neighborhoods and more intense forms of development.

c. RMF-6.

In addition to Sec. 4.B.1.a., it is the specific purpose and intent of the RMF-6 zoning district to permit medium density housing in areas which reflect existing patterns of development in stable neighborhoods or in developing areas of the City appropriate for permitted densities.

d. RMF-4.

In addition to Sec. 4.B.1.a., it is the specific purpose and intent of the RMF-4 zoning district to permit medium to high density housing which reflects existing patterns of development in stable neighborhoods, allows for redevelopment in appropriate locations to meet the changing needs of the population, or provides such housing in developing areas of the City appropriate for permitted densities.

**4.B.2. Uses.**

Land and structures may be used only for the following.

a. Permitted Uses.

- (1) Apartment house. See Section 4.B.4.a.
- (2) Cemetery. See Section 4.B.4.b.

- (3) Church or other place of worship. See Section 4.B.4.c.
- (4) Congregate housing. See Section 4.B.4.d.
- (5) Continuing care facility. See Section 4.B.4.e.
- (6) Day care center, adult or child. See Section 4.B.4.f.
- (7) Firehouse. See Section 4.B.4.g.
- (8) Garden apartment. See Section 4.B.4.a.
- (9) Nursery, kindergarten, elementary, or secondary school. See Section 4.B.4.h.
- (10) Nursing home. See Section 4.B.4.i.
- (11) One family dwelling. See Section 4.B.4.j.
- (12) Park, playground, or recreation facility. See Section 4.B.4.k.
- (13) Police station. See Section 4.B.4.l.
- (14) Row house. See Section 4.B.4.a.
- (15) Three family dwelling. See Section 4.B.4.m.
- (16) Two family dwelling. See Section 4.B.4.m.

b. Special Exception Uses.

- (1) Cluster development in RMF-10 zones only. See Section 4.B.6.
- (2) Grocery store or laundromat in RMF-4 zones only. See Section 4.B.5.a.
- (3) Housing incentive option in RMF-6 and RMF-4 zones only. See Section 4.B.7.
- (4) Mobile manufactured home parks in RMF-4 zones only. See Section 4.B.8.
- (5) Rooming house or boarding house in RMF-4 zones only. See Section 4.B.5.b.
- (6) Telephone exchange, sewage or water pumping station, water storage facilities. See Section 4.B.5.c.

c. Accessory Uses. See Sections 3.G.

**4.B.3. General Use Regulations.**

a. General.

Unless otherwise specified or modified in Sections 4.B.4.-4.B.8. below, the following regulations shall apply to all uses specified in Section 4.B.2.

DISTRICT	RMF-10	RMF-6	RMF-4
Minimum lot area, square feet			
One family dwelling	10,000	6,000	5,000
Two family dwelling, three family dwelling, garden apartment, row house, apartment house, per dwelling unit	10,000	6,000	4,000
All others	20,000	20,000	20,000
For mixed-use developments containing, on one lot, different land uses, the minimum lot area shall be the sum of the minimum lot areas for each use as required above.			
Minimum lot width, feet			
One family dwelling	50	50	50
Two family dwelling	75	75	75
Three family dwelling	100	100	100
Garden apt., row house, apartment house, all others	125	125	125
Minimum front yard, feet	20	20	20
Minimum side yard, feet			
Principal buildings			
One family dwelling	8	8	8
Two family dwelling, three family dwelling	15	15	15
Garden apt., row house	20	20	20

Apartment house	30	30	30
All others	20	20	20
Detached accessory buildings	6	6	6
Minimum rear yard, feet			
Principal buildings	25	25	25
Detached accessory buildings	6	6	6
Maximum height, feet			
Apartment house	45*	45*	45*
	*maximum of four stories.		
All others	35**	35**	35**
	**maximum of three stories.		
Maximum building coverage of lot area	30%	30%	30%
Minimum usable open space, sq. ft. per d.u.	500	500	500

b. Sewer and Water.

All uses shall be served by municipal sewer and water except: one family dwellings provided all required permits for on-site septic and water service are granted.

c. Nuisances.

No permitted or special exception use may emit noise, smoke, glare, odor, or vibration, which will create a nuisance having a detrimental effect on adjacent properties.

**4.B.4. Specific Use Regulations: Permitted Uses.**

The following use regulations shall apply to the permitted uses specified below.

a. Apartment House, Garden Apartment, Row House.

(1) All applicable provisions of §4.G.3. shall be met.

b. Cemetery.

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

c. Church or Other Place of Worship.

- (1) All provisions of §4.G.4. shall be met.
- (2) A rectory and/or parish hall is permitted as an accessory use.

d. Congregate Housing.

Congregate housing unaffiliated with a continuing care facility either on or off the lot shall meet all other regulations contained herein for the specific housing type or types (e.g. garden apartment, row house) so constructed as congregate housing, except as modified by the regulations specified below:

- (1) no more than two persons may occupy a dwelling unit;
- (2) the minimum lot area per dwelling unit shall be one thousand (1,000) square feet;
- (3) vehicular access to the site shall be provided solely from a collector or an arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street;
- (4) in addition to common dining facilities, the development may also include recreational facilities, activity centers, and other facilities for use by the residents of the congregate housing

- development as specified by the regulations of the State of Connecticut governing congregate housing; and,
- (5) all provisions of §4.G.4. shall be met.

e. Continuing Care Facility.

A continuing care facility shall consist of congregate housing and a nursing home, and may also include independent living units.

- (1) Congregate housing shall meet all other regulations contained herein for the specific housing type or types (e.g. garden apartment, row house) so constructed as congregate housing, except as modified by the regulations specified below:
  - (a) no more than two persons may occupy a dwelling unit;
  - (b) the minimum lot area per dwelling unit shall be one thousand (1,000) square feet;
  - (c) such facility shall be under the control or sponsorship of the affiliated nursing home;
  - (d) vehicular access to the site shall be provided solely from a collector or an arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street;
  - (e) pedestrian access from the congregate housing to the nursing home shall be provided;
  - (f) in addition to common dining facilities, the development may also include recreational facilities, activity centers, and other facilities for use by the residents of the congregate housing development as specified by the regulations of the State of Connecticut governing congregate housing; and,
  - (g) all of the facilities generally available to residents of the nursing home shall also be available to residents of the congregate housing facility.
- (2) The nursing home shall meet all requirements specified in Section 4.B.4.i.
- (3) The facility may include independent living units, provided:
  - (a) the housing units shall be subject to all provisions regulating the specific housing type or types (e.g. garden apartment, row house), including area and bulk requirements; and,
  - (b) all of the facilities and services generally available to residents of the congregate housing and nursing home shall also be available to all independent living unit residents.
- (4) All provisions of §4.G.4. shall be met.

f. Day Care Center, Adult or Child.

- (1) The site shall be screened from view from adjacent residential uses on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.
- (2) All outdoor play areas for child day care centers shall be enclosed by a fence.
- (3) A driveway shall be provided for child day care centers which allows for the safe delivery of children to the facility by motor vehicle.
- (4) Day care centers shall be licensed as required by the State of Connecticut.
- (5) Vehicular access to the site shall be provided solely from a collector or an arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street.
- (6) All provisions of §4.G.4. shall be met.

g. Firehouse.

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

h. Nursery, Kindergarten, Elementary, or Secondary Schools.

- (1) The minimum lot area shall be one acre.
- (2) The minimum side yard setback shall be 25 feet; the minimum rear yard setback shall be 50 feet.
- (3) Vehicular access to the site shall be provided from a collector or an arterial street.
- (4) The site shall be screened from view from adjacent properties on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.

- (5) The facility shall be accredited by the State of Connecticut.
- (6) All provisions of §4.G.4. shall be met.
- i. Nursing Home.
  - (1) The minimum lot area shall be one acre.
  - (2) All nursing homes shall be fully licensed by the State of Connecticut and have received a Certificate of Need, as required from the Connecticut Commission on Hospitals and Health Care, prior to issuance of a Zoning Permit by the City.
  - (3) All provisions of §4.G.4. shall be met.
- j. One Family Dwelling.
  - (1) Only one principal dwelling per lot shall be permitted, except as part of a cluster development as provided for herein.
- k. Park, Playground or Recreational Facility.
  - (1) All provisions of §4.G.4. shall be met.
- l. Police Station.
  - (1) All provisions of §4.G.4. shall be met.
- m. Two and Three Family Dwellings.
  - (1) Two or more two family and/or three family dwellings are permitted per lot provided all provisions of these Regulations are met.
  - (2) All applicable provisions of §4.G.3. shall be met.

**4.B.5. Specific Use Regulations: Special Exception Uses.**

The following use regulations shall apply to the special exception uses specified below.

- a. Grocery Store; Laundromat.

Grocery stores and laundromats are allowed in the RMF-4 zoning district subject to the following restrictions.

  - (1) Only one grocery store or laundromat may be located on a lot. The total building gross square footage devoted to a grocery store or laundromat shall not exceed 3,000 square feet per lot. Notwithstanding §3.H., a maximum of four dwelling units with a minimum of 500 square feet per unit may be located within the grocery store or laundromat building provided (1) the total minimum lot area for all uses is 20,000 square feet, (2) parking spaces are provided for the grocery store or laundromat, as required herein, and for each dwelling unit as specified for apartment house dwelling units, (3) total building coverage does not exceed 30%, and (4) the minimum lot width is 125 feet.
  - (2) Lots containing said uses shall be limited to corner lots with frontage on at least one arterial street or collector street, as specified in the Danbury *Plan of Conservation and Development*, with access in accordance with §8.B.1. Vehicular access to the site shall be provided solely from the collector or arterial street.
  - (3) The sale of gasoline, oil or other motor vehicle supplies and the repair of motor vehicles are prohibited.
  - (4) All business activity shall be conducted only within buildings on the site. Outdoor storage of machinery, materials or supplies is prohibited.

- (5) All drive-in or drive-through facilities, either as a principal or accessory use, by which food, beverages, products or services are dispensed to patrons within motor vehicles are prohibited.
  - (6) The sale of alcoholic beverages is prohibited.
  - (7) Hours of operation shall not be between 9:00 pm. and 7:00 am.
  - (8) All uses shall comply with the design standards specified in §4.G.4. and all other provisions of these Regulations.
- b. Rooming House; Boarding House.
- (1) Rooming houses and boarding houses are permitted only in the RMF-4 zone.
  - (2) For new construction, on-site parking and accessory buildings shall not be located between the street and the principal buildings.
  - (3) All provisions of §4.G.4. shall be met.
- c. Telephone Exchange, Sewage or Water Pumping Station, Water Storage Facility.
- (1) There shall be no outside service yard or outside storage.
  - (2) The facility shall be completely enclosed by a fence at least six (6) feet in height; all gates shall be secured at all times from entry by unauthorized personnel.
  - (3) All provisions of §4.G.4. shall be met.

**4.B.6. Cluster Development: RMF-10.**

The Planning Commission may permit cluster developments in the RMF-10 zoning district by grant of a special exception, as herein provided, for the purpose of protecting environmentally sensitive areas, preserving open space for recreation and conservation, and for promoting more efficient development.

a. Uses.

Uses permitted in cluster developments shall be limited to (1) one family dwellings, two family dwellings, three family dwellings, garden apartments and row houses, and (2) accessory uses to the above, which may include, in addition to uses customarily incidental to the principal uses, park, playground, or recreational facilities for use by the residents of the cluster development. Unless otherwise modified below, these uses shall meet all other requirements of the RMF-10 zoning district.

b. Ownership.

- (1) Any cluster development proposed to be developed under the provisions of this Section shall be held in single ownership, cooperative ownership, or condominium ownership. One family dwellings located within the cluster development may be subdivided for sale onto individual lots, as specified below, or held in condominium ownership.
- (2) All private roads and common open space, as herein provided, shall be owned and maintained by a homeowners association, said association to be established prior to issuance of Certificates of Compliance. Membership in the association shall be mandatory for each individual lot and dwelling unit owner, and it shall be stated on the site plan and recorded on each deed in the Office of Town Clerk that each lot and dwelling unit owner possesses an undivided interest in all private roads and common open space and is jointly and separately responsible for their maintenance and for the payment of all required taxes.

c. Area and Bulk.

- (1) Density: the maximum number of dwelling units permitted within the cluster development shall be determined by dividing the gross area of the development, less all lakes, ponds, roads,

and public utility easements, by 10,000 square feet for each dwelling unit, including all one family dwellings on individual lots, proposed within the cluster development.

- (2) Minimum lot area: 10 acres.
- (3) Minimum lot width: 125 feet.
- (4) No dwelling unit or other building, or part thereof, shall be located closer than fifty (50) feet of any perimeter lot line of the cluster development.
- (5) No dwelling unit or other building, or part thereof, shall be located closer than twenty (20) feet from a street, street right-of-way, or street lot line, as the case may be.
- (6) The maximum height of buildings shall be thirty-five (35) feet, maximum of three stories.
- (7) For one family dwellings on individual subdivided lots:

Minimum lot area	6,000 sq. ft.
Minimum lot width	50 ft
Minimum front yard	20 ft
Minimum side yard	8 ft, principal building 6 ft, accessory building
Minimum rear yard	25 ft, principal building 6 ft, accessory building
Maximum building coverage	30%

- (8) For one family dwellings not on individual lots, and for all two and three family dwellings, each principal building and all accessory uses shall be surrounded by a lot area as though the dwelling(s) were on a separate lot of 6,000 square feet per dwelling unit with lot width and front, side, and rear yards as specified in Section 4.B.6.c.(7) above. All such areas shall be indicated on the site plan required for the special exception application.
- (9) All two and three family dwellings shall comply with Section 4.B.4.m. of these Regulations and all garden apartments, and row houses shall comply with Section 4.B.4.a. of these Regulations, except where inconsistent with this Section 4.B.6.
- (10) All applicable provisions of §4.G.3. shall be met.

d. Sewer and Water.

All uses in the cluster development shall be served by municipal sewer and water.

e. Public Water Supply Watershed.

No cluster development, or part thereof, shall be located within a public water supply watershed.

f. Private Roads.

All private roads within and providing access to the cluster development shall either be (1) designed and constructed in accordance with the standards of the City of Danbury for municipal roads, unless such standards are otherwise duly waived, or (2) if not so constructed, then shall be (a) permanently deed restricted as private roads, and (b) shall be indicated on the site plan as private roads not to be deeded to the City of Danbury. If the roads are to be constructed in accordance with the standards for municipal roads, then upon completion of any private road(s), the City shall receive as-built plans of the private road(s) and a sealed certification from a registered professional engineer licensed by the State of Connecticut attesting that he/she has inspected the private road(s) and determined that it meets all design and construction standards of the City for municipal roads.

g. Open Space.

- (1) No less than forty (40) percent of the gross area of the cluster development, less all lakes, ponds, roads, and individual lots with one family dwellings, shall be reserved for common open space, with such open space designated on the site plan required for the special exception application.
- (2) Common open space shall include environmentally sensitive land, including but not limited to wetlands, floodways, slopes of twenty-five (25) percent or greater, significant forest areas, and areas of unique wildlife habitat. Usable open space, as specified in Section 3.I., shall be included as part of the requirement for common open space and shall total not less than 500 square feet for each dwelling unit, except one family dwellings on individual lots. The method of ownership and maintenance of all common open space shall be specified on the site plan at the time of application for a special exception for cluster development.

h. Application.

All applications for cluster development shall include concurrent submission, review, and action by the Planning Commission of (1) a petition for a special exception as provided for under Section 10.C., (2) application for site plan approval as provided for under Section 10.D., and (3) all subdivision plans, if applicable, for one family dwellings on individual lots as required in the Subdivision Regulations of the City of Danbury.

**4.B.7. Housing Incentive Option: RMF-6 and RMF-4.**

Landowners may develop their properties in accordance with the provisions specified in the Zoning Regulations or may, at their option, choose to apply to develop the following residential uses as a special exception in accordance with the terms and conditions of this Section. The housing incentive option applies only to the RMF-6 and RMF-4 zones.

a. Purpose and Concept.

This option is intended to increase the supply of desirable and affordable housing in the City. Under this option, increased density is permitted for selected residential uses provided that additional design criteria are met and that affordable housing constitutes a portion of all units so constructed.

b. Scope.

This option shall apply to (1) the construction of two family and three family dwellings, garden apartments and row houses, and (2) the conversion and/or expansion of non-residential buildings into two family and three family dwellings, garden apartments and row houses.

c. Density Bonus.

For landowners applying for a special exception under this option, the minimum lot areas per dwelling unit required in the Zoning Regulations for the permitted multi-family uses may be reduced for (1) two family and three family dwellings, (2) garden apartments, and (3) row houses as follows, provided, however, that all other provisions of this Section are met:

- (1) in the RMF-6 zone, from one unit per 6,000 square feet to one unit per 4,000 square feet; and,
- (2) in the RMF-4 zone, from one unit per 4,000 square feet to one unit per 3,000 square feet.

The maximum number of dwelling units shall be calculated by dividing the total buildable land area of the parcel by the maximum density bonus square footage per dwelling unit as specified above. For the purposes of this section, "buildable land area" shall include all lands of the parcel less roads and streets (not including driveways and parking areas), and other lands exempted in §3.H.4. Lakes and Ponds and §3.H.5. Public Utility Easements. In calculating the maximum

number of dwelling units permitted with the bonus, all resulting numbers with fractions shall be reduced to the lowest integer (e.g. 7.3. equals 7; 8.9 equals 8).

The maximum number of dwelling units permitted under this option, however, shall be reduced to the extent necessary to accommodate required off-street parking, setbacks, separation of buildings, and other provisions specified herein.

For each dwelling unit constructed in excess of the number of units permitted by applicable density limits specified in Section 4.B.3.a., the developer/applicant shall construct at least one unit of affordable housing, as specified below and defined herein, said units to be of comparable size and workmanship as all other units in the development, provided, however, that under no circumstances shall the overall maximum density bonus be exceeded by the total number of permitted and bonus units.

d. Conditions for Approval.

All applications for a special exception under this option shall, in exchange for the density bonus specified above, meet the following conditions for approval in addition to all other applicable provisions of the Zoning Regulations.

(1) Affordable Housing.

To be eligible for the density bonus, all provisions of Title 8, Chapter 124, Section 8-2g. of the General Statutes of Connecticut, as amended, shall be met. All documents and evidence attesting to compliance with said Section 8-2g. shall be submitted as part of the application for a special exception, including a proposed contract between the developer applying for the special exception and the City, said contract to be in accordance with all provisions of Section 8-2g. and otherwise found to be acceptable and approved by the City.

(2) Site Planning Criteria.

All uses shall meet the requirements pertaining to the uses eligible under this Option as specified in §4.B.3-4., and all other applicable provisions of these Regulations except as modified in this Section 4.B.7. All applicable provisions of §4.G.3. shall be met.

(3) Environmental Controls.

No buildings or off-street parking shall take place on slopes, which, in their pre-application state, exceed twenty-five (25) percent. Existing slopes which exceed twenty-five (25) percent shall not be graded or terraced or otherwise altered to accommodate construction activity under this option except for roads, drainage, utilities, erosion controls, or similar improvements provided such are approved by the City.

(4) Administration.

The housing incentive option shall be approved or denied as a special exception by the Planning Commission. The application for a special exception shall be reviewed for compliance with the regulations specified above as well as with other applicable requirements of the Zoning Regulations. Where a conflict exists between the requirement of this Section and those of other provisions of the Zoning Regulations, the requirements of this Section shall control.

All applications for a special exception under this option shall be accompanied by an Affordable Housing Application, as specified in Section 10.E., except that (1) the income for eligible persons and families shall not exceed the area median income of the City and (2) the period for which the

affordable housing units shall be offered for sale or rent to persons and families having incomes which do not exceed the area median income of the City shall be no less than thirty years.

Affordable housing units shall be constructed concurrent with other dwelling units included within the application for a special exception. Consequently, Zoning Permits and Certificates of Compliance shall be issued for affordable and other dwelling units on a one-for-one basis to ensure that all affordable housing units are completed under the terms of this Section.

**4.B.8. Mobile Manufactured Home Parks.**

a. Purpose.

It is the general purpose and intent of this Section to:

- (1) expand residential opportunities by allowing a variety of housing types;
- (2) encourage the creation and maintenance of mobile manufactured home parks in appropriate locations; and,
- (3) promote environmental protection and to meet minimum standards of health and safety by protecting against hazards and nuisances.

b. Location.

Mobile manufactured home parks shall be allowed as a special exception use only in the RMF-4 district.

c. Application.

All provisions of this Section shall apply to new mobile manufactured home parks or to the enlargement or expansion of existing mobile manufactured home parks. A mobile manufactured home park, or portion thereof, existing prior to the effective date of this Section, October 5, 1992, shall not be deemed nonconforming by reason of failure to meet the minimum requirements of this Section and the district in which the park is located.

d. Administrative Review.

Applications for mobile manufactured home parks shall be accompanied by a site plan drawn in accordance with Section 10.D. of these Regulations. All proposed mobile manufactured home spaces shall be shown on the site plan, meeting all the requirements of Section 4.B.8.f.-g. as if said spaces were on separate lots.

e. Criteria.

All mobile manufactured homes shall meet the following criteria:

- (1) be occupied for residential purposes only;
- (2) be subject to all the provisions of these Regulations which apply to residential structures; and
- (3) have the wheel hubs, axles and tongue removed and shall be placed on a permanent foundation system in accordance with the requirements of all building codes of the City of Danbury.

f. Area and Bulk Requirements.

- (1) Mobile manufactured home parks.

Minimum Lot Area	10 acres
Minimum Lot Width	125 feet

Mobile manufactured homes and other buildings shall not be allowed within fifty feet (50') of the lot line of the mobile manufactured home park except as permitted in Section 4.B.8.h. for replacement mobile manufactured homes.

(2) Mobile manufactured home spaces.

Minimum area per mobile manufactured home space	4,000 sq. ft.
Minimum width per space	50 feet
Front yard setback	20 feet
Side yard setback	
Mobile manufactured home	8 feet
Detached Accessory Use	6 feet
Rear yard setback	
Mobile manufactured home	25 feet
Detached Accessory Use	6 feet
Max. mobile manufactured home and building height	30 feet
Max. mobile manufactured home and building coverage	30%

g. Additional Site Development Regulations.

- (1) Each mobile manufactured home space shall be clearly defined on the ground by permanent monuments.
- (2) Any mobile manufactured home park, space, or mobile manufactured home that extends into a floodplain shall be subject to the provisions of Section 7.A.
- (3) Placement of other facilities. All accessory buildings, excluding accessory buildings on individual mobile manufactured home spaces, and other facilities shall be located at least sixty feet (60') from any mobile manufactured home.
- (4) Interior roadways. All mobile manufactured home spaces shall abut an interior roadway with a right-of-way of no less than thirty feet (30') and a paved travelway of at least twenty feet (20') in width. Interior roadways shall be paved with asphaltic concrete to a depth of three inches (3"), to be installed in two courses, over an eight-inch (8") gravel base. Gravel shoulders shall be provided within the roadway's right-of-way and shall be five feet (5') wide each. Suitable measures shall be taken to ensure proper drainage. Curbs shall not be required.
- (5) Parking. A minimum of two parking spaces shall be provided for each mobile manufactured home space. Additional buildings within a mobile manufactured home park shall be subject to the parking requirements of Section 8.C. of these Regulations.
- (6) Utilities. All utilities serving individual mobile manufactured homes, except for fuel oil and bottled gas, shall be located underground on the respective mobile manufactured home site.
- (7) Sewer and water. All mobile manufactured home parks shall be served by municipal sewer and water.
- (8) Landscaping. A view restrictive landscaped buffer, as defined in Section 8.D. of these Regulations, shall be provided within the fifty foot (50') perimeter setback as specified in Section 4.B.8.f. above.
- (9) Lakes and ponds; public utility easements. Lands which may not be included when computing the area of a lot for the purpose of calculating required lot areas or the number of permitted mobile manufactured homes shall include lakes and ponds and public utility easements as specified in §3.H.4. and §3.H.5., respectively.
- (10) Nuisances. No use may emit noise, smoke, glare, odor, or vibration, which will create a nuisance having a detrimental effect on adjacent properties.

h. Replacement Mobile Manufactured Homes.

All replacement mobile manufactured homes and accessory uses, including carports, porches, decks, and storage sheds, within existing mobile manufactured home parks shall meet the setback requirements given in Section 4.B.8.f.(2) except if the mobile manufactured home park licensee can demonstrate to the Zoning Enforcement Officer that the mobile manufactured home being replaced was located within the required setbacks as of October 5, 1992, or if the mobile manufactured home space was vacant on October 5, 1992, on the last previous date a mobile manufactured home occupied the space. A replacement mobile manufactured home may encroach within a setback only the minimum distance necessary to accommodate the home.

i. Signs.

All signs located within mobile manufactured home parks shall be subject to the requirements of Section 8.E.2. of these Regulations.

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**4.C. THREE FAMILY RESIDENTIAL DISTRICT: R-3.**

**4.C.1. Purpose and Intent.**

The purpose of the Three Family Residential zoning district is to provide an area of single and medium density multi-family development in suitable locations that are in character with existing urban neighborhoods, to promote compatible site design that meets the needs of residents, to provide for customary neighborhood uses, and to prevent the overcrowding of land, congestion in the streets, and the undue concentration of population.

**4.C.2. Uses.**

Land and structures may be used only for the following.

a. Permitted Uses.

- (1) Church or other place of worship. See Section 4.C.4.a.
- (2) Firehouse. See Section 4.C.4.b.
- (3) Nursery, kindergarten, elementary, or secondary school. See Section 4.C.4.c.
- (4) One family dwelling. See Section 4.C.4.d.
- (5) Park, playground, or recreation facility. See Section 4.C.4.e.
- (6) Police station. See Section 4.C.4.f.
- (7) Three family dwelling. See Section 4.C.4.g.
- (8) Two family dwelling. See Section 4.C.4.g.

b. Special Exception Uses.

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

c. Accessory Uses. See Section 3.G.

**4.C.3. General Use Regulations.**

Unless otherwise specified or modified in Sections 4.C.4. and 4.C.5. below, the following regulations shall apply to all uses specified in Section 4.C.2.

Minimum lot area, sq. ft., except as specified below for dwelling units.	20,000
Minimum lot area per dwelling unit, sq. ft.:	
One family dwelling	5,000
Two-family dwelling	3,750
Three-family dwelling	3,750
Minimum lot width, ft.	
One family	50
Two family	75
Three family	100
All others	125
Minimum front yard, ft.	20
Minimum side yard, ft.	
One family	8
Two family; three family	15
All others	20
Detached accessory use, ft.	6
Minimum rear yard, ft.	25
Detached accessory use, ft.	6
Maximum height, ft.	35*
	*max. of three stories
Max. building coverage of lot area	30%
Min. usable open space, sq. ft. per d.u.	500

**4.C.4. Specific Use Regulations: Permitted Uses.**

The following use regulations shall apply to the permitted uses specified below.

- a. Church or Other Place of Worship.
  - (1) All provisions of §4.G.4. shall be met.
  - (2) A rectory and/or parish hall is permitted as an accessory use.
- b. Firehouse.
  - (1) All provisions of §4.G.4. shall be met.
- c. Nursery, Kindergarten, Elementary, or Secondary School.
  - (1) The minimum lot area shall be one acre.
  - (2) The minimum side yard shall be 25 feet; the minimum rear yard shall be 50 feet.
  - (3) Vehicular access to the site shall be provided solely from a collector or an arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street.
  - (4) The site shall be screened from view from adjacent property on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.
  - (5) The facility shall be accredited by the State of Connecticut.
  - (6) All provisions of §4.G.4. shall be met.
- d. One Family Dwelling.

- (1) Only one principal dwelling per lot shall be permitted.
- e. Park, Playground, or Recreation Facility.
  - (1) All provisions of §4.G.4. shall be met.
- f. Police Station.
  - (1) All provisions of §4.G.4. shall be met.
- g. Two Family and Three Family Dwellings.
  - (1) Only one two family or one three family dwelling is permitted per lot.
  - (2) All provisions of §4.G.3. shall be met.

**4.C.5. Specific Use Regulations: Special Exception Uses.**

The following use regulations shall apply to the special exception uses specified below.

- a. Cemetery.
  - (1) All provisions of §4.G.4. shall be met.
- b. Congregate Housing.

Congregate housing unaffiliated with a continuing care facility either on or off the lot shall meet all other regulations contained herein for the specific housing type or types (e.g. garden apartment, row house) so constructed as congregate housing, except as modified of the regulations specified below:

  - (1) no more than two persons may occupy a dwelling unit;
  - (2) the minimum lot area per use shall be no less than one acre with a minimum lot area per dwelling unit of two thousand (2,000) sq. ft.
  - (3) in addition to common dining facilities, the development may also include recreational facilities, activity centers, and other facilities for use by the residents of the congregate housing development as specified by the regulations of the State of Connecticut governing congregate housing; and,
  - (4) all provisions of §4.G.4. shall be met.
- c. Continuing Care Facility.

A continuing care facility shall consist of congregate housing and a nursing home, and may also include independent living units.

  - (1) Congregate housing shall meet all other regulations contained herein for the specific housing type or types (e.g. garden apartment, row house) so constructed as congregate housing, except as modified by the regulations specified below:
    - (a) no more than two persons may occupy a dwelling unit;
    - (b) the minimum lot area per use shall be no less than one acre with a minimum lot area per dwelling unit of two thousand (2,000) sq. ft.
    - (c) such facility shall be under the control or sponsorship of the affiliated nursing home;
    - (d) pedestrian access from the congregate housing to the nursing home shall be provided;
    - (e) in addition to common dining facilities, the development may also include recreational facilities, activity centers, and other facilities for use by the residents of the congregate housing development as specified by the regulations of the State of Connecticut governing congregate housing; and,

- (f) all of the facilities generally available to residents of the nursing home shall also be available to residents of the congregate housing facility.
  - (2) The nursing home shall meet all requirements specified in Section 4.C.5.e.
  - (3) The facility may include independent living units, provided:
    - (a) the housing units shall be subject to all provisions regulating the specific housing type or types (e.g. garden apartment, row house), including area and bulk requirements; and,
    - (b) all of the facilities and services generally available to residents of the congregate housing and nursing home shall also be available to all independent living unit residents.
  - (4) All provisions of §4.G.4. shall be met.
- d. Day Care Center, Adult or Child.
- (1) The site shall be screened from view from adjacent residential uses on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.
  - (2) All outdoor play areas for child day care centers shall be enclosed by a fence.
  - (3) A driveway shall be provided for child day care centers which allows for the safe delivery of children to the facility by motor vehicle.
  - (4) Day care centers shall be licensed as required by the State of Connecticut.
  - (5) Vehicular access to the site shall be provided solely from a collector or arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street.
  - (6) All provisions of §4.G.4. shall be met.
- e. Nursing Home.
- (1) The minimum lot area shall be one acre.
  - (2) All nursing homes shall be fully licensed by the State of Connecticut and have received a Certificate of Need, as required for the Connecticut Commission on Hospitals and Health Care, prior to issuance of a Zoning Permit by the City.
  - (3) All provisions of §4.G.4. shall be met.
- f. Telephone Exchange, Sewage or Water Pumping Station, Water Storage Facility.
- (1) There shall be no outside service yard or outside storage.
  - (2) The facility shall be completely enclosed by a fence at least six (6) feet in height; all gates shall be secured at all times from entry by unauthorized personnel.
  - (3) All provisions of §4.G.4. shall be met.

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#### **4.D. HIGH-RISE RESIDENTIAL DISTRICT: RH-3.**

##### **4.D.1. Purpose and Intent.**

The purpose of the High-Rise Residential Zoning District is to provide for: a compatible mix of high density residential, limited commercial, institutional and neighborhood uses in the urban core of the City; compatible site design; minimum standards of health and safety; adequate daylight, ventilation, quiet, privacy and recreational opportunity; prevention of congestion and the overcrowding of land; and, promotion of a diversity of housing types.

##### **4.D.2. Uses.**

Land and structures may be used only for the following.

- a. Permitted Uses.
  - (1) Apartment house. See Section 4.D.4.a.

- (2) Church or other place of worship. See Section 4.D.4.b.
- (3) College or university. See Section 4.D.4.c.
- (4) Firehouse. See Section 4.D.4.d.
- (5) Garden apartment. See Section 4.D.4.a.
- (6) Hospital. See Section 4.D.4.e.
- (7) Nursery, kindergarten, elementary, or secondary school. See Section 4.D.4.f.
- (8) One family dwelling. See Section 4.D.4.g.
- (9) Park, playground, or recreation facility. See Section 4.D.4.h.
- (10) Parking area or parking garage. See Section 4.D.4.i.
- (11) Police station. See Section 4.D.4.j.
- (12) Row house. See Section 4.D.4.a.
- (13) Shelter for the homeless. See Section 4.D.4.k.
- (14) Three family dwelling. See Section 4.D.4.l.
- (15) Two family dwelling. See Section 4.D.4.l.

b. Special Exception Uses.

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

c. Accessory Uses. See Section 3.G.

**4.D.3. General Use Regulations.**

- a. Unless otherwise specified or modified in Sections 4.D.4 or 4.D.5 below, the following regulations shall apply to all uses specified in Section 4.D.2.

Minimum lot area per dwelling unit, sq. ft.:	
One family dwelling	5,000
Two family dwelling	4,000
Three family dwelling	4,000
Garden apartment	3,000
Garden apartment efficiency unit	2,500
Row house	3,000
Apartment house	2,000
Apartment house efficiency unit	1,500
Minimum lot area, all other uses, sq. ft.	20,000
Minimum lot width, ft.	
One family dwelling	50
Two family dwelling	75
Three family dwelling	100
Garden apt, row house, apartment house, all others	125
Minimum front yard, ft.	20
Minimum side yard, ft.	
One family dwelling	8
Two and three family dwelling	15
Garden and row house	20

Apartment house	30
All others	20
Detached accessory use, ft.	6
Minimum rear yard, ft.	
Principal buildings	
Apartment house	45
All others	25
Detached accessory use, ft.	6
Maximum height, ft.	
Apartment house	75*
	*maximum of seven stories
All others	35*
	*maximum of three stories
Max. building coverage of lot area	30%
Minimum usable open space, sq. ft. per d.u.	500

**4.D.4. Specific Use Regulations: Permitted Uses.**

The following use regulations shall apply to the permitted uses specified below.

- a. Apartment House, Garden Apartment, Row House.
  - (1) Efficiency units shall not exceed twenty-five (25) percent of the total number of units in the apartment house or garden apartment.
  - (2) All applicable provisions of §4.G.3. shall be met.
- b. Church of Other Place of Worship.
  - (1) All provisions of §4.G.4. shall be met.
  - (2) A rectory and/or parish hall is permitted as an accessory use.
- c. College or University.
  - (1) All provisions of §4.G.4. shall be met.
- d. Firehouse.
  - (1) All provisions of §4.G.4. shall be met.
- e. Hospital.
  - (1) Hospital buildings shall have a maximum height of no greater than the highest hospital building on the site in existence on the effective date of this amendment *[November 11, 2005]*.
  - (2) All provisions of §4.G.4. shall be met.
- f. Nursery, Kindergarten, Elementary, or Secondary School.
  - (1) The minimum lot area shall be one acre.
  - (2) The minimum side yard setback shall be 25 feet; the minimum rear yard setback shall be 50 feet.
  - (3) The site shall be screened from view from adjacent property on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.
  - (4) The facility shall be accredited by the State of Connecticut.
  - (5) All provisions of §4.G.4. shall be met.

- g. One Family Dwelling.
  - (1) Only one principal dwelling per lot shall be permitted.
- h. Park, Playground, or Recreation Facility.
  - (1) All provisions of §4.G.4. shall be met.
- i. Parking Area; Parking Garage.
  - (1) All provisions of §4.G.4. shall be met.
- j. Police Station.
  - (1) All provisions of §4.G.4. shall be met.
- k. Shelter for the Homeless.
  - (1) The shelter must be sponsored by a non-profit organization.
  - (2) Each shelter shall not exceed twenty beds per lot.
  - (3) All provisions of §4.G.4. shall be met.
- l. Two Family and Three Family Dwellings.
  - (1) All applicable provisions of §4.G.3. shall be met.

**4.D.5. Specific Use Regulations: Special Exception Uses.**

The following use regulations shall apply to the special exception uses specified below.

- a. Business or Professional Office.
  - (1) Vehicular access to the site shall be provided solely from a collector or arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street.
  - (2) All provisions of §4.G.4. shall be met.
- b. Congregate Housing.

Congregate housing unaffiliated with a continuing care facility either on or off the lot shall meet all other regulations contained herein for the specific housing type or types (e.g. garden apartment, row house) so constructed as congregate housing, except as modified by the regulations specified below:

  - (1) no more than two persons may occupy a dwelling unit;
  - (2) the minimum lot area per dwelling unit shall be one thousand (1,000) square feet;
  - (3) vehicular access to the site shall be provided solely from a collector or an arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street.
  - (4) in addition to common dining facilities, the development may also include recreational facilities, activity centers, and other facilities for use by the residents of the congregate housing development as specified by the regulations of the State of Connecticut governing congregate housing.
  - (5) all provisions of §4.G.4. shall be met.

c. Continuing Care Facility.

A continuing care facility shall consist of congregate housing and a nursing home, and may also include independent living units.

- (1) Congregate housing shall meet all other regulations contained herein for the specific housing type or types (e.g. garden apartment, row house) so constructed as congregate housing, except as modified by the regulations specified below:
  - (a) no more than two persons may occupy a dwelling unit;
  - (b) the minimum lot area per dwelling unit shall be one thousand (1,000) square feet;
  - (c) such facility shall be under the control or sponsorship of the affiliated nursing home;
  - (d) vehicular access to the site shall be provided solely from a collector or an arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street;
  - (e) pedestrian access from the congregate housing to the nursing home shall be provided;
  - (f) in addition to common dining facilities, the development may also include recreational facilities, activity centers, and other facilities for use by the residents of the congregate housing development as specified by the regulations of the State of Connecticut governing congregate housing; and ,
  - (g) all of the facilities generally available to residents of the nursing home shall also be available to residents of the congregate housing facility.
- (2) The nursing home shall meet all requirements specified in Section 4.D.5.h.
- (3) The facility may include independent living units, provided:
  - (a) the housing units shall be subject to all provisions regulating the specific housing type or types (e.g. garden apartment, row house), including area and bulk requirements; and,
  - (b) all of the facilities and services generally available to residents of the congregate housing and nursing home shall also be available to all independent living unit residents.
- (4) All provisions of §4.G.4. shall be met.

d. Day Care Center, Adult or Child.

- (1) The site shall be screened from view from adjacent residential uses on the side and rear by an approved screen or landscaped buffer as specified in Section 8.D.
- (2) All outdoor play areas for child day care centers shall be enclosed by a fence.
- (3) A driveway shall be provided for child day care centers which allows for the safe delivery of children to the facility by motor vehicle.
- (4) Day care centers shall be licensed as required by the State of Connecticut.
- (5) Vehicular access to the site shall be provided solely from a collector or arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street.
- (6) All provisions of §4.G.4. shall be met.

e. Funeral Home.

- (1) Vehicular access to the site shall be provided solely from a collector or arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street.
- (2) All provisions of §4.G.4. shall be met.

f. Grocery Store or Laundromat.

- (1) Only one grocery store or laundromat may be located on a lot. The total building gross square footage devoted to a grocery store or laundromat shall not exceed 3,000 square feet per lot. Notwithstanding §3.H., a maximum of four dwelling units with a minimum of 500 square feet per unit may be located within the grocery store or laundromat building provided (1) the total minimum lot area for all uses is 20,000 square feet, (2) parking spaces are provided for the grocery store or laundromat, as required herein, and for each dwelling unit as specified for

apartment house dwelling units, (3) total building coverage does not exceed 30%, and (4) the minimum lot width is 125 feet.

- (2) Lots containing said uses shall be limited to corner lots with frontage on at least one arterial street or collector street, as specified in the Danbury *Plan of Conservation and Development*, with access in accordance with §8.B.1. Vehicular access to the site shall be provided solely from the collector or arterial street.
- (3) The sale of gasoline, oil or other motor vehicle supplies and the repair of motor vehicles are prohibited.
- (4) All business activity shall be conducted only within buildings on the site. Outdoor storage of machinery, materials or supplies is prohibited.
- (5) All drive-in or drive-through facilities, either as a principal or accessory use, by which food, beverages, products or services are dispensed to patrons within motor vehicles are prohibited.
- (6) The sale of alcoholic beverages is prohibited.
- (7) Hours of operation shall not be between 9:00 pm. and 7:00 am.
- (8) All uses shall comply with the design standards specified in §4.G.4. and all other provisions of these Regulations.

g. Medical Office.

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

h. Nursing Home.

- (1) The minimum lot area shall be one acre.
- (2) All nursing homes shall be fully licensed by the State of Connecticut and have received a Certificate of Need, as required from the Connecticut Commission on Hospitals and Health Care, prior to issuance of a Zoning Permit by the City.
- (3) Vehicular access to the site shall be provided solely from a collector or an arterial street or through an abutting commercial or industrial zoning district to a collector or arterial street;
- (4) All provisions of §4.G.4. shall be met.

i. Telephone Exchange, Sewage or Water Pumping Station, and Water Storage Facility.

- (1) There shall be no outside service yard or outside storage.
- (2) The facility shall be completely enclosed by a fence at least six (6) feet in height; all gates shall be secured at all times from entry by unauthorized personnel.
- (3) All provisions of §4.G.4. shall be met.

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**4.E. WATERFRONT RESIDENTIAL-RECREATIONAL DISTRICT: RR-10**

**4.E.1. Purpose and Intent.**

The purpose of this District is to provide residential, recreational, and commercial uses that will take advantage of the area's unique location at the southern end of Lake Candlewood. Recognizing that Lake Candlewood is the most important recreational asset of the City and offers unique water views, increased control over land development in this area is needed in order to ensure the future viability of the area. The intent of this District is to enhance those uses now on the Lake that have capitalized on the waterfront by encouraging other uses that are compatible with waterfront areas.

**4.E.2. Uses.**

Land and structures may be used only for the following.

- a. Permitted Uses.
  - (1) Garden apartment and row house. See Section 4.E.6.
  - (2) One family dwelling. See Section 4.E.4.a.
  - (3) Park, playground, or recreation facility. See Section 4.E.6.
  
- b. Special Exception Uses.
  - (1) Assembly hall. See Section 4.E.6.
  - (2) Dance hall. See Section 4.E.6.
  - (3) Recreational facilities, including facilities operated commercially for profit, such as but not limited to tennis courts, bowling alleys, skating rinks, and other similar facilities. See Section 4.E.6.
  - (4) Restaurant or café, excluding fast food restaurant, without the sale of alcoholic liquor. See Section 4.E.6. See also Section 4.E.2.c. below.
  - (5) Retail stores and shops, excluding package stores. See Section 4.E.6.
  - (6) Telephone exchange, sewer and water pumping station, water storage facility. See Section 4.E.5.a. and Section 4.E.6.
  - (7) Yacht club, marina, establishments for the sale and rental of boats, and the sale of bait or marine supplies, including fuel and lubricants. See Section 4.E.5.b. and Section 4.E.6.
  - (8) Mixed development consisting of garden apartments and row houses with retail stores and shops. See Section 4.E.5.c. and Section 4.E.6.
  
- c. Special Permit Use.
  - (1) Package store in accordance with Section 3.F.2. and Section 4.E.6.
  - (2) Restaurant or café, excluding fast food restaurant, as a special exception use approved by the Planning Commission, with the sale of alcoholic liquor in accordance with Section 3.F.2. and Section 4.E.6.
  - (3) Tavern in accordance with Section 3.F.2. and Section 4.E.6.
  
- d. Accessory Uses. See Section 3.G.

**4.E.3. General Use Regulations.**

Unless otherwise specified or modified below, the following regulations shall apply to all uses specified in 4.E.2.

Minimum lot area, sq. ft.	
One family dwelling	10,000
Garden apartment, row house	4,000
All other uses	20,000
Minimum lot width, ft.	
One family dwelling	50
All others	125
Minimum front yard, ft.	40
Minimum side yard, ft.	
One family dwelling	8
Garden apartment, row house	20
All others	20
Detached accessory buildings	6
Minimum rear yard, ft.	25
Detached accessory buildings	6
Maximum height, ft.	35*

*maximum of three stories	
Maximum building coverage of lot area	30%
Minimum usable open space,	
Sq. ft. per d.u.	500
Retail store F.A.R.	.35

**4.E.4. Specific Use Regulations: Permitted Uses.**

The following use regulations shall apply to the permitted uses specified below.

- a. One Family Dwelling.
  - (1) Only one principal dwelling per lot shall be permitted.

**4.E.5. Specific Use Regulations: Special Exception Uses.**

The following use regulations shall apply to the special exception uses specified below.

- a. Telephone exchange, sewer and water pumping station, water storage facility.
  - (1) There shall be no outside service yard or outside storage.
  - (2) The facility shall be completely enclosed by a fence at least six (6) feet in height; all gates shall be secured at all times from entry by unauthorized personnel.
- b. Yacht club, marina, establishments for the sale and rental of boats, and the sale of bait or marine supplies, including fuel and lubricants.
  - (1) Marinas and piers and any uses, which may be constructed on piers, may extend up to three hundred (300) feet into land under water in the RA-80 district.
- c. Mixed development consisting of garden apartments and row houses with retail stores and shops.

The following formulae shall be used to determine the potential maximum lot development of mixed uses:

- (1) To determine the maximum allowable retail floor area when the number of residential dwelling units is known:

Lot size minus area of lot required for residential units equals available lot area for retail sales uses, then multiply by floor area ratio (F.A.R.) to obtain allowable retail sales gross floor area. Example:

Lot Area	-	No. of Units	x	Sq. Ft. Per Unit	=	Area for Retail Sales	x	F.A.R	=	Retail Sales Floor Area
43,560	-	(8	x	4,000)	=	11,560	x	.35	=	4,046

- (2) When gross floor area of retail sales is known and number of residential units is unknown.

Lot size minus area of lot required for retail sales area equals available lot area for residential use, then divide by lot area required for each unit to obtain allowable number of residential units. Example:

Lot Area	-	Retail Sales Floor Area ÷ F.A.R.	=	Area for Residential Use ÷ Per Unit	=	No. of Units
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$$43,560 - \frac{4,046}{.35} = \frac{32,000}{4,000} = 8$$

**4.E.6. Site Design Requirements.**

- a. All garden apartments and row houses shall comply with the applicable site design requirements specified in §4.G.3.
- b. All other uses except one family dwellings shall comply with §4.G.4.

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**4.G. ADDITIONAL RESIDENTIAL REGULATIONS.**

**4.G.1. Parking in Front Yards.**

In no case shall parking be allowed in the required front yard for any use in any residential district.

**4.G.2. Signs.**

All signs shall comply with the sign regulations specified in Section 8.E.

**4.G.3. Site Design Standards for Residential Uses.**

The number of dwelling units approved for the site may be less than the maximum otherwise specified for the zoning district in which they are permitted when necessary to accommodate requirements for parking, usable open space, setbacks, and other provisions of these Regulations.

In zoning districts where two or more apartment houses, garden apartments, row houses and two family and/or three family dwellings are allowed to be constructed under single, condominium or cooperative ownership, whether simultaneously or at different times, the entire parcel of land occupied by such buildings and accessory uses shall be considered one lot and subject to all applicable requirements specified herein.

- a. Apartment houses, garden apartments, row houses, two family and three family dwellings in RMF-4, RMF-6, RMF-10, RH-3, R-3, RR-10 zoning districts.

The following design standards shall apply to apartment houses, garden apartments, row houses, two family and three family dwellings where such uses are referenced as allowed in the RMF-4, RMF-6, RMF-10, RH-3, R-3 or RR-10 zoning districts.

(1) Two or More Buildings Per Lot.

- (a) Two family and three family: Where two or more two family or three family dwellings, or a combination of two family and three family dwellings, are proposed to be constructed on a single lot under single, condominium or cooperative ownership, the minimum distance between such buildings on the lot shall be twenty (20) feet, provided two or more said buildings are not prohibited on one lot in the zoning district.
- (b) Apartment houses, garden apartments and row houses: Where two or more apartment houses, garden apartments and/or row houses are proposed to be constructed on a single lot, all provisions of §4.G.3.c. shall be met.
- (c) Mixed use: Apartment house, garden apartment and/or row house developments may also contain, in zoning districts where such uses are allowed, two and/or three family dwellings on the same lot under single, condominium or cooperative ownership provided

all provisions of these Regulations are met, and further provided that (a) the required minimum lot area shall be the total required for all dwelling units, (b) each building is setback a distance equal to or greater than the side or rear yard specified for the dwelling type, (c) the lot width shall be no less than 125 feet, and (d) the minimum distance between all two and/or three family dwellings on the lot and any other building on the lot shall be twenty (20) feet. The minimum distances between apartment houses, garden apartments and/or row houses shall remain as specified in §4.G.3.c.

- (2) Screening of Parking. All parking and loading areas shall be screened from view from adjacent property on the side and rear lot lines by an approved screen or landscaped buffer as specified in Section 8.D.
  - (3) Front Yard Landscaping. All front yards shall be completely landscaped (excluding approved driveways and pedestrian access) according to an approved landscape plan consisting of a combination of trees, shrubs and vegetative ground cover. All plant material shall be maintained and any approved plant material which dies shall be replaced as soon as possible but no later than the next planting season. All mature trees in healthy condition located on the lot beyond the construction limit line shall be retained whenever possible.
  - (4) Sidewalks and Curbs. Where absent, sidewalks and curbs shall be installed within the street right-of-way along the full front lot line adjacent to the street, with sidewalks to be five feet wide and sidewalks and curbs constructed to meet the standards of the City Highway Department. Existing sidewalks and curbs in a poor or deteriorating condition shall, at the determination of the Highway Department, be repaired or replaced. Provision shall also be made for grading and improvements of shoulders, sight distances and driveway aprons within the right-of-way of the street. Where the right-of-way is of insufficient width for sidewalks, said sidewalks shall be installed along the front lot line on the property in compliance with standards and conditions of the Highway Department and with a public access easement granted to the City. All sidewalks along a state highway shall meet the requirements of §8.B.3-4 of these Regulations. Street trees shall be planted for each forty (40) feet of street lot line frontage, except where sight distance requirements do not make this practical. Street trees shall not be less than two inches caliper and shall be deciduous of a variety commonly acceptable for landscaping use in this planting zone and suitable for location along a street.
- b. Apartment houses, garden apartments, row houses, two family and three family dwellings in RH-3 and R-3 zoning districts.

The following additional design standards shall also apply to apartment houses, garden apartments, row houses, two family and three family dwellings where such uses are referenced as allowed in the RH-3 or R-3 zoning districts.

- (1) Location of Parking. All new on-site parking and loading areas and accessory buildings shall not be located between the street and principal buildings adjacent to the street.
- (2) Street Wall. For new construction, a building or buildings of the development shall create a street wall extending substantially across the front width of the lot (exclusive of side yards, required spaces between buildings, and approved driveway and pedestrian access) and parallel or nearly parallel to the street, with said units of such building or buildings oriented to the street with front entrances facing the street. Notwithstanding §2.B. definition of corner lot, property lot lines for corner lots which lie to the rear of said buildings oriented to the street or which abut the rear lot line of adjoining lots shall be considered a rear lot line and subject to applicable rear yard requirements.
- (3) Setbacks. For new construction, buildings on a lot located closest to the street shall be setback a distance approximate to the mean setback of other buildings located closest to the

street on adjacent side lots along the block, except when required on-site parking, usable open space, or other improvements required to be placed to the rear of buildings render said mean setback infeasible. In such cases, the building shall be moved closer to the street to the degree necessary to accommodate the required improvements, provided that in no case shall the front yard be less than the minimum as required for said uses.

- c. Apartment houses, garden apartments, and row houses in RMF-4, RMF-6, RMF-10, RH-3, RR-10.

The following additional design standards shall also apply to apartment houses, garden apartments and row houses where such uses are referenced as allowed in the RMF-4, RMF-6, RMF-10, RH-3 or RR-10 zoning districts.

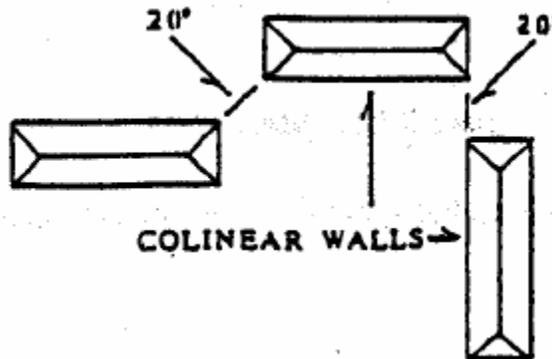
- (1) Two or More Buildings Per Lot. In zones where such use is allowed, two or more apartment houses, garden apartments and/or row houses may be located on one lot under single, condominium or cooperative ownership provided all provisions of these Regulations are met and further provided that (a) the required minimum lot area shall be the total required for all dwelling units, (b) each building is setback a distance equal to or greater than the side or rear yard specified for the dwelling type and (c) the following minimum distance requirements between apartment house, garden apartment and row house buildings on the lot are met.

The minimum horizontal distance between (a) facing walls of two or more buildings on a lot or on two or more abutting lots under single ownership, or (b) facing walls of the same building, shall be as specified below. For the purpose of this Section, facing walls shall mean (a) two or more walls opposite to and parallel with one another, or (b) wall lines, or wall lines extended of opposite walls intersecting at angles of less than sixty (60) degrees.

(a) For apartment houses where one or both facing walls contain a window or windows, such distance shall be no less than forty-five (45) feet; for garden apartments and row houses where one or both facing walls contain a window or windows, such distance shall be no less than thirty-five (35) feet.

(b) Where neither of the facing walls of an apartment house, garden apartment or row house contains a window or windows, such distance shall be no less than twenty (20) feet.

The minimum horizontal distances of separation specified above shall be reduced to twenty (20) feet between the corners of two buildings where no exterior wall of one building lies such that it can be intersected by a line drawn perpendicular to any exterior wall of the other building, other than such a line that results from collinear exterior walls, as illustrated below.



**SEPARATION OF BUILDINGS WITHOUT FACING WALLS**

- (2) **Maximum Length of Buildings.** No apartment house, garden apartment or row house or other building shall exceed two hundred (200) feet in length.
- (3) **Screening from RA Zoning Districts.** All side and rear property lines abutting single family residential districts (RA) shall be screened from view from adjacent property by an approved screen or landscaped buffer of twenty-five (25) feet in width planted in accordance with Section 8.D. The buffer yard shall be completely covered with vegetative ground cover and shall include a row or rows, as necessary, of view restrictive evergreen trees planted at a minimum height of six (6) feet along the full length of the rear and side property lines, unless waived as provided for below. All plantings and vegetative ground cover shall be maintained and any required plant material which dies shall be replaced as soon as possible but no later than the next planting season. Upon determination by the Department of Planning and Zoning or, in the case of a special exception, the Planning Commission, these screening and/or buffer yard planting requirements may be waived to the extent that topography and/or existing vegetation provides a year round view restrictive screen as effective as the screening and buffer yard criteria required herein.

d. **Existing Buildings and Uses.**

The following conditions shall apply to apartment houses, garden apartments, row houses, two family and three family dwellings where such uses are referenced as allowed in the RMF-4, RMF-6, RMF-10, RH-3, R-3 or RR-10 zoning districts.

- (1) Existing buildings proposed to be converted to dwelling units or expanded in the number of dwelling units in existence on the effective date of these amendments **[November 11, 2005]** shall meet all requirements specified in §4.G.3.a., §4.G.3.b. and §4.G.3.c. to the extent feasible given the constraints posed by the location of existing buildings proposed to remain on the lot. Existing parking spaces in existence on the effective date of these amendments **[November 11, 2005]** proposed to be increased by 25 percent in number shall meet all requirements specified herein pertaining to location and screening of parking, sidewalks and curbs, and front yard landscaping to the extent feasible given the constraints posed by the location of existing buildings and improvements proposed to remain on the lot.
- (2) The Department of Planning and Zoning and, in the case of special exceptions, the Planning Commission, reserves the right to require compliance with any or all requirements in §4.G.3. when they determine that such compliance is feasible on the lot.

**4.G.4. Site Design Standards for Non-Residential and Other Uses.**

a. **Non-residential and other uses in RMF-10, RMF-6, RMF-4, R-3, RH-3 and RR-10 Zoning Districts.**

The following design standards shall apply to non-residential uses, congregate housing, continuing care facilities, nursing homes and rooming/boarder houses where such uses are referenced as allowed in the RMF-10, RMF-6, RMF-4, R-3, RH-3 or RR-10 zoning districts.

- (1) **Screening of Parking.** All parking and loading areas shall be screened from view from adjacent property on the side and rear lot lines by an approved screen or landscaped buffer as specified in Section 8.D.
- (2) **Front Yard Landscaping.** All front yards shall be completely landscaped (excluding approved driveways and pedestrian access) according to an approved landscape plan consisting of a combination of trees, shrubs and vegetative ground cover. All plant material shall be maintained and any approved plant material which dies shall be replaced as soon as possible

but no later than the next planting season. All mature trees in healthy condition located on the lot beyond the construction limit line shall be retained whenever possible.

- (3) Sidewalks and Curbs. Where absent, sidewalks and curbs shall be installed within the street right-of-way along the full front lot line adjacent to the street, with sidewalks to be five feet wide and sidewalks and curbs constructed to meet the standards of the City Highway Department. Existing sidewalks and curbs in a poor or deteriorating condition shall, at the determination of the Highway Department, be repaired or replaced. Provision shall also be made for grading and improvements of shoulders, sight distances and driveway aprons within the right-of-way of the street. Where the right-of-way is of insufficient width for sidewalks, said sidewalks shall be installed along the front lot line on the property in compliance with standards and conditions of the Highway Department and with a public access easement granted to the City. All sidewalks along a state highway shall meet the requirements of §8.B.3-4 of these Regulations. Street trees shall be planted for each forty (40) feet of street lot line frontage, except where sight distance requirements do not make this practical. Street trees shall not be less than two inches caliper and shall be deciduous of a variety commonly acceptable for landscaping use in this planting zone and suitable for location along a street.

b. Non-residential and other uses in the R-3 and RH-3 zoning districts.

The following additional design standards shall also apply to non-residential uses, congregate housing, continuing care facilities, nursing homes and rooming/boarding houses where such uses are referenced as allowed in the R-3 or RH-3 zoning districts.

- (1) Location of Parking. All new on-site parking and accessory buildings shall not be located between the street and the principal buildings.
- (2) Street Wall. For new construction, a building or buildings of the development shall create a street wall extending substantially across the front width of the lot (exclusive of side yards, required spaces between buildings, and approved driveway and pedestrian access) and parallel or nearly parallel to the street, with said units of such building or buildings oriented to the street with front entrances facing the street. Notwithstanding §2.B. definition of corner lot, property lot lines for corner lots which lie to the rear of said buildings oriented to the street or which abut the rear lot line of adjoining lots shall be considered a rear lot line and subject to applicable rear yard requirements.
- (3) Setbacks. For new construction, buildings on a lot located closest to the street shall be setback a distance approximate to the mean setback of other buildings located closest to the street on adjacent side lots along the block, except when required on-site parking, usable open space, or other improvements required to be placed to the rear of buildings render said mean setback infeasible. In such cases, the building shall be moved closer to the street to the degree necessary to accommodate the required improvements, provided that in no case shall the front yard be less than the minimum as required for said uses.

c. Existing Buildings and Uses.

The following conditions shall apply to non-residential uses, congregate housing, continuing care facilities, nursing homes and rooming/boarding houses where such uses are referenced as allowed in the RMF-10, RMF-6, RMF-4, R-3, RH-3 or RR-10 zoning districts.

- (1) Existing Buildings. Existing buildings proposed to be expanded by 25 percent or more in total floor area in existence on the effective date of these amendments [November 11, 2005] shall meet all requirements specified in §4.G.4.a. and §4.G.4.b. to the extent feasible given the constraints posed by the location of existing buildings proposed to remain on the lot. Existing parking spaces in existence on the effective date of these amendments [November 11, 2005]

proposed to be increased by 25 percent in number shall meet all requirements specified herein pertaining to location and screening of parking, sidewalks and curbs, and front yard landscaping to the extent feasible given the constraints posed by the location of existing buildings and improvements proposed to remain on the lot.

- (2) The Department of Planning and Zoning and, in the case of special exceptions, the Planning Commission, reserves the right to require compliance with any or all requirements in §4.G.4. when they determine that such compliance is feasible on the lot.

#### **4.G.5. Site Plan: Two or More Dwellings on a Lot.**

A site plan shall be submitted in accordance with §10.D. of these Regulations whenever more than one single family, two family, and/or three family dwelling is proposed to be constructed on a single lot or whenever an existing building is proposed to be expanded in a manner which would result in more than one of said uses to be located on a lot, provided such construction or expansion is specifically permitted by these Regulations.

#### **4.G.6. Use Regulations: Accessory Uses.**

- a. Livestock and Poultry.

The keeping of livestock and poultry shall not be permitted except in a farm in zoning districts where farming is specifically allowed as a use.

- b. Horses as Household Pets.

The keeping of a horse(s) or other equine(s) as household pets shall be permitted only in the RA-80 Zoning District provided: (1) no manure is stored on the lot; (2) all animals are secured within a fenced enclosure of not less than 20,000 square feet, said enclosure located not closer than fifty (50) feet from any street or within one hundred (100) feet from any other property line; and, (3) all other public health requirements are met.

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### **9.B. NONCONFORMING LOTS OF RECORD.**

#### **9.B.1. Use of Existing Lots.**

In residential zoning districts, nothing herein shall prevent the construction of a one family dwelling upon any lot shown upon a map of property and approved by the Planning Commission or any lot shown upon a map of property or described in any instrument of conveyance and filed in the Office of the Town Clerk of Danbury at the time of adoption of these Regulations or subsequent amendments thereto which does not conform, for any or all allowed uses, in required lot area, width or other requirements thereof, or access requirement contained in Section 3.H.3.

For all other zoning districts, nothing herein shall prevent the construction of a building upon any lot shown upon a map of property and approved by the Planning Commission or any lot shown upon a map of property or described in any instrument of conveyance and filed in the office of the Town Clerk of Danbury at the time of adoption of these Regulations or subsequent amendments thereto which does not conform in whole or in part to the lot area or other requirements of size thereof, or access requirement contained in Section 3.H.3.

Said development on nonconforming lots, as specified above, shall meet the following requirements:

- a. said use and said construction otherwise meets with the approval of the Department of Health and Housing of the City of Danbury;
  - b. said use complies with the public health code of the State of Connecticut; and
  - c. a variance must be obtained for any lot which does not comply with the required side yard, front yard or rear yard requirement of these Regulations.
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## **10.B. ZONING PERMITS.**

### **10.B.1. Zoning Permit.**

- a. An approved zoning permit shall be required from the Zoning Enforcement Officer or his designee before any of the following take place:
  - (1) a building or structure is erected, expanded, or reconstructed;
  - (2) a building or structure is relocated on the lot or moved to another lot;
  - (3) the use of land, buildings, or structures is changed; or,
  - (4) new signs are erected.
- b. Application for a zoning permit shall be made in writing to the Zoning Enforcement Officer from the owner of record of the lot or his/her authorized agent upon such forms as shall be prescribed by the Zoning Enforcement Officer. Such applications shall include the following.
  - (1) A description of the intended use(s) of the land, building(s) or structure(s).
  - (2) A plot plan drawn to scale by a land surveyor registered in the State of Connecticut showing:
    - (a) total tract boundaries and dimensions of the property drawn in accordance with an applicable Class A-2 survey, including scale, north point and easements;
    - (b) location of existing and proposed building(s), structure(s), sidewalks, driveways and parking;
    - (c) existing and proposed setback distances;
    - (d) proposed or existing well and on-site sewage disposal systems as provided by the Health Department records. Where a record is not available, an inspection shall be made by the Health Department in order to insure that the proposed use will comply with state and local health codes; and,
    - (e) all other information and graphic details necessary to determine compliance with these Regulations.

Such plot plan shall be sufficient in scale for the Zoning Enforcement Officer to determine that all requirements of the Zoning Regulations have been met. The plot plan requirement is waived if a site plan is submitted in accordance with §10.D. of these Regulations.
- (3) All other permits and required approvals from local and state agencies.
- c. The zoning permit shall be issued upon a finding by the Zoning Enforcement Officer that the proposed activity is in compliance with the Zoning Regulations. Upon receipt of a zoning permit, the applicant may apply for a building permit from the Building Inspector.

**10.D. SITE PLAN REVIEW.**

A site plan, as specified herein, shall be submitted and approved prior to the issuance of a zoning permit for all permitted and special exception uses, except in the case where only one single family, two family, or three family dwelling is proposed to be constructed on a single lot, including the expansion of an existing dwelling into a single two or three family dwelling on a single lot. All such site plans shall be considered as part of the application for a zoning permit. Site plan approval pertains only to these Regulations and does not abrogate, annul, or otherwise waive the necessity of complying with all other building codes or other pertinent ordinances, rules, and regulations of the City of Danbury.

**10.D.3. Site Plan Contents.**

b. The site plan shall be drawn by a land surveyor, professional engineer, architect, or landscape architect, licensed and registered in the State of Connecticut, to a scale of 1" equals 40' or larger (1" = < 40') and contain the following written and graphic information.

29. location of proposed outdoor bulk trash containers or dumpsters, screened as required by Section 3.G.7.;

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[Note: no other changes are proposed for Section 10.D. and 10.D.3.b.]