ZONING REGULATIONS

OF THE

TOWN OF DARIEN, CONNECTICUT

Adopted on May 25, 1999

Zoning Regulations for the Town of Darien were first adopted by the Town Planning and Zoning Commission effective December 10, 1925. The Regulations were **last revised March 27, 2018**. A list of amendments is included, with effective dates shown, at the rear of this booklet, in Appendix C.

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ZONING REGULATIONS
OF THE
TOWN OF DARIEN, CONNECTICUT

PREAMBLE

Pursuant to the power and authority invested in it by law, the Planning and Zoning Commission of the Town of Darien hereby adopts the following Regulations.

I. ARTICLE I - PURPOSES

SECTION 100. PURPOSES

There is hereby established a comprehensive zoning plan for the Town of Darien, Connecticut (hereinafter referred to as the "Town"), which plan is set forth in the text, maps, and schedules, which constitute these Regulations. Said plan is adopted for the purposes set forth in Chapter 124, Section 8 of the Connecticut General Statutes, to:

a. Guide the future growth and development of the Town in accordance with the Town Plan of Development which is designed to promote the most beneficial and convenient relationships among the residential, commercial, and public areas within the Town, considering the appropriateness of various uses in each area, and the suitability of each area for such uses, as indicated by existing conditions and trends in development.

b. Provide adequate light, air and privacy; secure safety from fire, flood and other danger; and prevent overcrowding of the land and undue concentration of population.

c. Protect the character and the historic, social and economic stability of all parts of the Town, and ensure that all development shall be orderly and beneficial.

d. Protect and conserve the value of land throughout the Town and the value of buildings appropriate to the various zones established by these Regulations.

e. Bring about the gradual conformity of the uses of land and buildings throughout the Town to the comprehensive zoning plan set forth in these Regulations, and minimize conflicts among the uses of the land and buildings.

f. Promote the most beneficial relation between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and the provision of safe and convenient traffic access appropriate to the various uses of land and buildings throughout the Town.

g. Aid in providing a guide for public policy and action in the efficient provision of public facilities and services, and for private enterprise in building development, investment, and other economic activity relating to uses of land and buildings throughout the Town.

h. Limit development to an amount commensurate with the availability and capacity of public facilities and services, thereby facilitating adequate provision for transportation, water, sewerage, schools, parks, and other public requirements.

i. Conserve and protect all of the natural resources of the Town, including land, soil, air, water, wetlands, marshes, ponds and lakes, streams and water courses, shorefront and coastal lands, rivers and tidal estuaries, trees and vegetation, forests, aquifers and water tables, wildlife, areas of scenic beauty, and areas of ecological importance - in recognition of the important interrelationships among these resources and a suitable environment for human habitation, their direct influence on the Town's suitability for residential use, and their importance to the health, safety and general welfare of Darien and its larger environs.

j. Assure that proper provision be made for sedimentation control, and the control of erosion caused by wind or water.

k. Improve the appearance of all parts of the community by requiring or encouraging as appropriate, reasonable and necessary steps as part of the application of these Regulations.

II. ARTICLE II - DEFINITIONS

SECTION 200. GENERAL CONSTRUCTION OF LANGUAGE

For the purposes of these Regulations, certain words and terms used herein are defined as follows:

201. These Regulations consist of Articles, Sections, Subsections and other information. When reference is made to an Article, it shall incorporate everything (Sections, Subsections and other information) contained in the Regulations from the beginning of said Article to the beginning of the next Article. When reference is made to a Section, it shall include everything (Subsections and other information) contained in the Regulations from the beginning of said Section to the beginning of the Section immediately following. When reference is made to a specific Subsection, it shall include all requirements, conditions, terms and other information from the beginning of the Subsection to the beginning of the next Section or Subsection.

202. All words used in the present tense include the future tense; all words in the plural number include the singular number; and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Unless otherwise specified, all distances and areas shall be measured horizontally. Reference to the General Statutes applies to the General Statutes of the State of Connecticut as they may be amended from time to time. Words not specifically defined herein shall be used as defined in the latest edition of Webster's New Collegiate Dictionary.

SECTION 210. DEFINITIONS

Accessory Use: See Use, Accessory.

Alcoholic Liquor: As defined in the General Statutes.

Alter: To change or rearrange the use, function, intended use, structural parts or the existing facilities of a building, structure or use of land.

Ancient Burial Grounds: Any tract of land which has been used or has been in existence as a burial ground for more than one hundred years.

Apartment: A portion of a building which is a dwelling unit.

ARB: The Architectural Review Board of the Town of Darien.

Area of Special Flood Hazard: The land in the floodplain within Darien subject to a one percent or greater chance of flooding in any given year. The area may be designated as a Zone A, AE, and/or VE, on the Flood Insurance Rate Map (FIRM). These areas are also referred to as flood zones or flood areas.
[Amended 5/30/2010]

Assisted Living Facility (ALF): A managed residential community consisting of private residential units and providing assistance with activities of daily life such as meal service,

laundry service, housekeeping, social and recreational activities, transportation and personal services in a group setting to persons primarily fifty-five (55) years and older who require help or aid with activities of daily living. An ALF may provide nursing-type services, but is not a nursing home or convalescent facility as defined by State of Connecticut Regulations.
[Amended 4/17/2016]

Attic: That part of a building directly under the roof with a head room of less than 5 1/2 feet for 3/4 of the area. The attic generally would not have a full floor, windows and/or permanent staircase. Attics as defined herein shall not be included in floor area ratio calculations but shall be included in height calculations.

Automotive Service: Any use where automobiles, trucks, motorcycles, or any motorized vehicles requiring licensing by the State are sold or serviced, including Motor Vehicle Repair, Motor Vehicle Service, and Motor Vehicle Service Stations as defined herein.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.
[Added 5/30/2010]

Basement: A cellar or floor area of a building which is located partly or wholly below the average level of the finished grade at the exterior walls of the building. To determine if a basement is a story, see the definition of story. For floodplain management purposes, a basement is any area of the building having its floor subgrade below ground level on all sides.
[Amended 5/30/2010]

Bedroom: A room which is designated and primarily used for sleeping. For the purpose of any multi-family provisions herein, libraries, dens, studios, studies, lofts and other similar spaces shall be deemed to be bedrooms.

Boarder: See Roomer.

Breakaway Walls: Any type of wall, whether solid or lattice and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material, which is not part of the structural support of the building and which is so designed as to break away under abnormally high tides or wave action, without damage to the structural integrity of the building on which it is used or any buildings to which it might be carried by flood waters.

Buffer, Buffer Area or Buffer Strip: A strip of land along a property line or zone boundary which shall be free of any building or use other than natural woody growth, landscaping, fencing or screening to provide visual and noise separation and which may be within or part of the minimum setback requirement.

Building: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or chattels.

Building, Accessory: A subordinate building, the use of which is customarily incidental to that of a main building on the same lot. Any building used or designed to be used as a dwelling shall not be considered an accessory building.

Building Coverage: The combined percentage of the land covered by the roof area or outside dimensions of all structures on the lot including eaves and other similar projections. Building Coverage shall include**:** dwellings; garages; storage/accessory buildings; commercial buildings; porches; decks; covered courtyards and walkways; pools; tennis and other recreational courts; and other structures that are located on or above the ground. Patios, steps, stoops and similar structures, any portion of which is more than 4 (four) feet above any of the adjacent ground level, shall be included in the calculation of Building Coverage. (See Subsection 223 for illustration).

The following shall not count towards Building Coverage:

- The first six inches (6") of building eave, and up to a total of twenty (20) square feet for overhangs for stairs, stair landings, and stoops.
- Driveways, uncovered walks, patios, terraces and other at grade surfaces that do not require a Building Permit**.**
- Provided they each are less than nine (9) square feet each; and provided the total of such features does not exceed a maximum total of twenty (20) square feet – above ground mechanical HVAC, pool equipment, generator equipment, fuel tanks, and covers over basement access stairs or window wells.
- For pervious tennis courts and other pervious recreational courts located on lots in a commercial zone or on a residential lot with a Special Permit use thereon, only the largest such court shall count in Building Coverage.

[Amended 12/29/2013; 2/28/2016]

Building Height: The vertical distance measured from the average elevation of the finished grade adjacent to the exterior walls of the building to the mean level between the highest eave and the highest point of the roof. If the roof is flat (a pitch of 2:12 or less), the height is measured to the level of the highest point of the roof's surface. The elevation of the finished grade shall not be measured more than one foot higher than the existing grade prior to any proposed development. (See Subsection 225 for illustration.)

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Catering Business: A place whose primary business (over 75% of business by value of items sold) is the sale of food and drink prepared in bulk in one location for service in individual portions at another property, or which involves preparation and service of food on premises not under the ownership or control of the operator of such service. The preparation and delivery of box lunches from a licensed restaurant is not considered a catering function. A residential kitchen within a residence cannot be licensed for a catering business. A catering business may have up to two tables and up to eight seats for patrons to eat and/or sample food.

[Amended7/23/2006]

Child Care: The provision of a program of supplementary care of children on a regularly recurring but part-time basis in a place other than the child's own home.

[Added 12/24/2017]

Child Care, Center: A facility which offers or provides child care to twelve (12) or more children outside of their home on a regular basis.
[Added 12/24/2017]

Child Care Home, Family: Child care provided in a private family home for not more than six (6) children, including the provider's own children not in school full-time, where the children are cared for not less than three (3) or more than twelve (12) hours during a twenty-four hour period and where care is given on a regularly recurring basis except that care may be provided in excess of twelve (12) hours but not more than seventy-two (72) consecutive hours to accommodate a need for extended care or intermittent short-term overnight care. During the regular school year, a maximum of three (3) additional children who are in school full-time, including the provider's own children, shall be permitted, except that if the provider has more than three (3) children who are in school full-time, all of the provider's children shall be permitted.
[Added 12/24/2017]

Child Care Home, Group: Child care provided for more than six (6) but not more than twelve (12) children on a part-time, but regularly recurring, basis and where the principal provider of the services resides on the premises or that meets the definition of a family child care home except that it operates in a facility other than a private family home.
[Added 12/24/2017]

Church: A building where persons regularly assemble for religious worship, and which building is maintained and controlled by a religious body organized to sustain public worship.

Club or Lodge: An association of persons for the promotion of some non-profit common objective, either social, fraternal, religious, educational, political, recreational, or charitable.

Club, Membership: An organization catering exclusively to members and their guests on premises and buildings for recreational, athletic, or social purposes, which are not conducted primarily for gain, providing that there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

Coastal High Hazard Area: An area of special flood hazard extending from off-shore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources, including, but not limited to hurricane wave wash or tidal wave. These areas are designated on the Flood Insurance Rate Map (FIRM) as Zone VE.
[Amended 5/30/2010]

Commercial Sales and Service: A business or use where products or services are sold or dispensed at retail, wholesale or any other medium or mechanism of trade. For purposes of these regulations, the addition of the terms "internal" or "external" further qualifies this term. This also includes Financial Service uses. Other used defined in this Section 210 shall not be considered part of this definition.
[Amended 6/29/2008; 12/29/2013]

Commission: The Planning and Zoning Commission of the Town of Darien.

Conservation Restriction: A method of protection and permanent preservation of fragile, vulnerable and valuable areas. These may include, but are not necessarily limited to: natural features such as rock outcroppings, trees, floodplains, wetlands and coastal areas, open space or air connections to such open space, natural habitats, buffer zones, an area to reduce the effects from and noise pollution, scenic areas, historic sites including old stone walls, archeological sites and artifacts, riding and walking trails, and others. The Conservation Restriction would be held by the Environmental Protection Commission, or some independent environmental group.

County Soil and Water Conservation District: The Fairfield County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

Courtyard: An open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

Curb Cut: The opening along the curb line at which point vehicles may enter or leave the roadway.

Deck: A porch-like structure or portion of a structure which is usually constructed of wood with structural supports and having a height of more than eight inches.

Deposit: For the purpose of these Regulations with respect to the movement of earth material, shall include, but shall not be limited to, fill, grade, dump, place, discharge or emit.

Developed Site Area: In non-residential zones, any part of the land area covered by impervious surface or any land area other than natural area or that which is landscaped. Building coverage plus the area covered by driveways, sidewalks, walkways, parking areas, terraces, patios, outside storage areas, loading and unloading areas, etc. shall be considered Developed Site Area. Where a commercial parcel also includes land in a residential zone, only the land area in the non-residential zone shall be considered in calculating Developed Site Area.

Development: For the purpose of these Regulations and with respect to the movement of earth materials, development shall mean any man-made change to improved or unimproved real estate, including but not limited to, the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities. ***[Amended 5/30/2010]***

Disturbed Area: For the purpose of these Regulations with respect to the movement of earth material, shall mean an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Drainage: The controlled removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion, reduce suspended solids and maximize groundwater recharge during and after construction or development.

Dwelling: A building designed or used exclusively as living quarters for one or more families; the term shall not be deemed to include hotel or motel.

Dwelling, One-Family: A detached building containing one dwelling unit only.

Dwelling Unit: A building, or portion thereof, providing a kitchen and related housekeeping facilities for one family.

Dwelling Unit, Moderate-Income: A dwelling unit for occupancy by only moderate income families as defined in Section 513.2.

Dwelling Unit, Senior Citizen or Elderly: A dwelling unit for occupancy by at least one person who is 62 years of age or older.

Earth: Includes, in addition to earth as commonly understood, soil, loam, sand, gravel, rock, stone, clay or any other material of which the ground is composed.

Elderly: Persons 62 years of age or older.

EPC: The Environmental Protection Commission of the Town of Darien.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Excavation: The digging out, extraction, regrading, or removal of earth, whether exposed or covered by water, so as to alter its natural contour, or its contour existing at the effective date of Section 850.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, December 28, 1980, of the floodplain management ordinance adopted by the community.
[Added 5/30/2010]

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
[Added 5/30/2010]

External Use: A permitted use, the nature of which generally requires external activities including storage of materials for display, inventory or sale; overnight parking of trucks and

other commercial vehicles; or activities outside the confines of a principal building which are a normal part of the operation of the use.

Facade: The exterior wall of a building exposed to public view.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond.

Farming: Farming shall include the use of a lot, either as a principal use or an accessory use, for the purpose of producing agricultural, horticultural, floricultural, vegetable, and fruit products of the soil, and may include the raising of horses and other domestic farm animals. Riding academies, livery stables, dog kennels, the breeding, raising or habitation of fur-bearing animals, commercial poultry farms, stands for the sale of product or the commercial processing of the products of the farm, shall not be included.

Federal Emergency Management Agency (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).
[Added 5/30/2010]

Fence: A barrier of any material or combination of materials erected to enclose, separate, screen or buffer areas of land.

Financial Service: A business or use regulated by the State or Federal Government as a 'bank' and any business which makes loans, mortgages, accepts deposits, gives financial advice, or buys and sells securities on behalf of its customers or clients.
[Amended 6/29/2008]

Flood or Flooding: A general temporary condition of partial or complete inundation of normally dry land areas.

Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
[Amended 5/30/2010]

Flood Insurance Study (FIS): The official report of a community in which the Federal Emergency Management Agency has conducted an examination, evaluation and determination of flood hazards and has provided flood profiles and water surface elevation of the base flood.
[Added 5/30/2010]

Floodplain or Flood-prone Area: Any land susceptible to being partially or completely inundated by water from any source.

Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate the possibility of flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.

Flood-related Erosion: The collapse or subsidence of land along the shore of a body of water as a result of erosion or undermining caused by waves or currents of water.

Floodway: The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area, Gross: Unless otherwise noted in any other section of these Regulations, the gross floor area of a building shall comprise the aggregate horizontal area at floor level of all stories of a building, measured from the exterior faces of all outside walls, except that garages, basement and attic areas, not designed for occupancy, shall not be included in the calculation.

Floor Area Ratio: The ratio of the gross floor area of a building(s) to the lot area on which the building(s) is located.

Food Service, Accessory: A designated portion of a principal building which dispenses food service to employees and guests of the building in which the use is located, i.e., a cafeteria or lunchroom.

Food Service, Convenience: A retail sales facility that has incidental sales of beverages, sandwiches and other prepared foods to be consumed primarily off-premises and may have a seating capacity of not more than eight persons or ten percent of the customer accessible floor area, whichever is greater. Standing room at eating counters shall represent one seating space for every two lineal feet of counter. For the purposes of this definition, customer accessible floor area is the area of the building physically and routinely accessed by customers, including display areas, seating areas, and bathrooms.

Frontage: The extent of a building or of land along a front lot line.

Functionally Dependent Use or Facility: A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.
[Added 5/30/2010]

Funeral Home: The establishment of a funeral director or undertaker, which may or may not include facilities for the conduct of funeral services.

Garage, Commercial: Any lot, building or part thereof, used for the storage, service or repair of motors, engines, vehicles or boats for remuneration, including any rental, lease, or sale of any motors, engines, vehicles or boats.

Grade, Finished: The final elevation of a particular point above or below a given reference datum.

Grading: Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, resulting in a change of contour or elevation.

Habitable Floor: Any floor that is used, or may be used for living purposes, including working, sleeping, eating, cooking, recreation or a combination thereof.

Historic Structure: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.
[Added 5/30/2010]

Home Occupation: Any permitted business which is conducted entirely within a dwelling in a residential zone and is clearly incidental and secondary to the use of the building for residence purposes. Such use does not change the residential character of the dwelling or the surrounding area.

Hotel or Motel: A building, or portion thereof, containing rooms occupied primarily by transients who are lodged with or without meals, and in which there are certain public rooms and halls for the use of all guests, and in which are provided such services as are incidental to the use thereof as a temporary residence.

Independent Living Facility (ILF): A managed residential community consisting of private residential units and providing meal service, laundry service, housekeeping, social and recreational activities, transportation and personal services in a group setting to persons primarily fifty-five (55) years and older. An ILF is not a nursing home or convalescent facility as defined by State of Connecticut Regulations. See also Subsection 667 and the definition of a Private Residential Unit.

Internal Use: A permitted use whose function or activity takes place within the confines of a building so that the only external activity related to the use is customer or employee access, parking and loading, and permitted signs.

Kennel: The housing or keeping of more than three dogs for show, boarding, temporary care, or sale.

Kitchen: A room, place or space within a structure equipped for the preparation and/or cooking of food.

Land Filling: The placement of any material over the surface of the natural ground which has the effect of altering its natural contour, or its contour existing at the effective date of Section 850 (excepting permitted placement of buildings and structures).

Licensed Therapists: Professionals who are licensed by the Connecticut Department of Public Health as physical or occupational therapists, or speech and language pathologists.

[Added 10/29/2017]

Living Accommodation: For the purposes of Section 405e, a building which, if approved by the Planning and Zoning Commission, includes only one shared kitchen for use by all residents who reside in that building.

Loading Space: The required off-street area for the loading or unloading of goods. (See Subsection 227 for illustration.)

Lot: A parcel or plot of land, not divided by streets or property boundaries, which may be occupied by a building or buildings and accessory buildings, together with such open spaces as may be required under the provisions of these Regulations, and having its principal frontage on a street.

Lot Area: The total horizontal area included within lot lines but excluding the area of an accessway to a rear lot, or any portion of the lot having less than 50 percent of the required lot width.

Lot, Corner: A lot of which at least two adjacent sides abut for their full length on streets. For the purposes of these Regulations, such lot shall have an interior angle of less than 135 degrees at the intersection of the two street lot lines or of the two street lot lines extended in the case of a curved corner. (See Subsection 222 for illustration.)

Lot Depth: The mean horizontal distance between a front lot line and the opposite most nearly parallel lot line measured in the general direction of the side lot lines or a line parallel thereto. (See Subsection 231 for illustration.)

Lot, Interior: A lot other than a corner lot located on a street. (See Subsection 222 for illustration.)

Lot Line, Front: A boundary which separates a lot from the street.

Lot Lines: The property lines bounding a lot. In the definition of Lot Lines, a change of direction of less than 60 degrees shall not terminate a lot line. (See Subsection 222 for illustration.)

Lot Line, Rear: A boundary line other than a front or side lot line which separates two lots. In the case of a corner lot, the rear lot line shall be the lot line opposite the shorter of the lot's two street lines.

Lot Line, Side: Boundary line which separates two lots and one end of which intersects a front lot line. A change of direction of 60 degrees or more from the original bearing at the street line shall change a side lot line to a rear lot line. In situations where a side lot line starts at the street as a turning radius or in situations where there is a total deflection of greater than 60 degrees for a total length of 30 feet or less of the side line, then the boundary shall remain a side lot.
[Amended 2/28/2016]

Lot, Rear: A lot having access to the street via a strip of land that is part of the rear lot and where the buildable area is located generally to the rear of other lots having frontage on the same street. (See Subsection 222 for illustration and See Subsection 339.)

Lot, Through: A lot other than a corner lot having frontage on two streets or two frontages on the same street.

Lot Width: The mean horizontal distance between the side lot lines, measured at right angles to its depth. (See Subsection 232 for illustration.)

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor.
[Added 5/30/2010]

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, recreational vehicles and other similar vehicles placed on a site for greater than 180 consecutive days.
[Added 5/30/2010]

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
[Added 5/30/2010]

Market Value: The market value of the structure shall be determined by the property's most recent tax assessment, minus land value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.
[Added 5/30/2010]

Mean High Water Line: The line formed by the intersection of the land and the plane of the most recent mean high water tidal datum, as established by the National Oceanic and Atmospheric Administration from time to time. The elevation of the mean high water line shall be expressed in terms of the National Geodetic Vertical Datum of 1929.

Mean Sea Level: The average height of the sea for all stages of the tide. National Geodetic Vertical Data 1929, 19-year averages for Darien ending 1929 shall be the datum designated as zero in determining elevations**.** For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
[Amended 5/30/2010]

Memory Care Facility (MCF): A managed residential community consisting of private residential units and providing assistance with activities of daily life such as meal services, laundry service, housekeeping, social activities, transportation and personal services in a group setting to persons with Alzheimer's disease and other forms of

permanent memory impairment. A MCF is not a nursing home or convalescent facility as defined by State of Connecticut Regulations.
[Added 6/26/2011]

Mixed-Use Development: For the purpose of the DBR Zone, a use of land, buildings or structures with a combination of office, recreational facilities and/or multi-family dwellings.

Motor Vehicle Repair: The repair of vehicles, as permitted by a Repairer's License as defined in Chapter 246 of the General Statutes, on any lot or in any building or part thereof.

Motor Vehicle Service: The servicing of vehicles as permitted by a Limited Repairer's License as defined in Chapter 246 of the General Statutes, on any lot or in any building or part thereof

Motor Vehicle Service Station: Includes full service or combined full service/self-service gas stations, auto repair shops and garages and similar uses but does not include body repair or painting.

New Construction: As per Section 820, a completely new structure for which the start of construction has commenced on or after December 28, 1980, the effective date of the Flood Damage Prevention portion of these Regulations, and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, December 28, 1980, of the floodplain management regulation adopted by the community**.**
[Added 5/30/2010]

Non-Conforming Building: A building that conforms to these Regulations as to its use, but does not conform with respect to size, area, height, setback, or other detail, for the zone in which it is situated, which non-conformity was lawful at the time these Regulations or amendments thereto became effective.

Non-Conforming Lot: A lot legally existing on the effective date of these Regulations or any applicable amendment thereto but which fails by reason of such adoption, revision, or amendment to conform to the present Regulations for any prescribed lot requirement.

Non-Conforming Use: A use of land or of a building that does not conform to these Regulations as to the use in the zone in which it is situated, which non-conformity was lawful at the time these Regulations or amendments thereto became effective.

Offices, Administrative and Executive: An office facility which is designed to serve a headquarters or central administration type function and is not designed or oriented to provide goods and services directly to the local public. Parking facilities shall be used on a non-transient basis. In order to minimize the impact on traffic and parking by such facilities on neighboring residential areas, the Commission shall have the right to impose a limit of one employee per 250 square feet.

Offices, Business and Professional: An office structure which supplies office space for businesses and professional persons who primarily provide goods or services directly to the local population. Such facility is generally subdivided into multiple units and typical tenants include doctors, lawyers, real estate agents, architects, engineers, licensed therapists, and similar office uses. Requirements for pedestrian access and parking reflect the largely transient nature of the business activities.
[Amended 10/29/2017]

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

Patio: See Terrace.

Person: Any individual, person, firm, partnership, association, corporation, organization or legal entity of any kind including municipal corporations, government agencies or subdivisions thereof.

Personal Service Business: An internal business or use which provides a form of service such as a barber, dry cleaners, business service, or craftsman but not including the sale of products except where incidental to the principal service-oriented use.

Porch: A portion of a structure which is generally not enclosed by full walls and which may or may not have a roof.

Premises: Any real property, either land or buildings or both, located in the Town.

Principle Use: See Use, Principle.

Private Residential Unit: Any room or group of rooms devoted to the exclusive use or occupancy of one or more residents of an Independent Living Facility (ILF), Assisted Living Facility (ALF), Memory Care Facility (MCF), or combination thereof. Since common kitchen and dining facilities are provided for all residents within the ALF and/or ILF, a private residential unit shall not be considered a dwelling unit even though it may have a small kitchenette facility for occasional use by the resident(s). Because these are not dwelling units, an ALF or ILF may not be converted to or sold as a common ownership interest type dwelling.
[Amended 6/26/2011]

Private School: Any school or course of instruction which meets the State of Connecticut requirements for primary or secondary education and which is not operated by the Town.

Protected Town Landmark: Any building, structure, group of structures or natural feature, together with the site of land on which standing, as designated under these Regulations by the Planning and Zoning Commission. In order to define a Protected Town Landmark, the Commission shall determine on the basis of factual data, or expert opinion, that the landmark possesses a degree of historic significance, architectural uniqueness, or cultural value which would represent a severe cultural loss to the community if destroyed or altered,

and that the preservation of the landmark warrants special regulations for its protection and proper use as per section 1051.

Public School: Any school operated by the Town.

Public and Semi-Public Uses: Uses such as churches, libraries, post offices, and facilities of the Town, the State, or the U.S. Government.

Rear Building Line: The line of maximum permissible rearward extent of a building on a lot, measured from the front lot line.

Recreational Vehicle: For purposes of the Flood Damage Prevention Regulations, a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
[Added 5/30/2010]

Recreation Facility, Indoor: A commercial establishment which provides indoor recreation facilities such as tennis clubs, skating rinks, bowling alleys, health clubs, racquetball clubs and other similar uses.

Regulated Activity: Any alteration of a regulated area or any construction upon such an area unless specifically exempted by another section of these Regulations.

Regulatory Floodway within the Established Encroachment Line: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation.

Remove: Shall include, but not be limited to, drain, excavate, mine, dig, suck, bulldoze, dragline or blast as per Section 820.

Restaurant: A business or use whose principal function is the preparation and serving of food for consumption on the premises within the confines of the building and normally served at tables, booths or similar sit-down accommodations but not including a night club or facility whose principal function is entertainment. This shall specifically exclude drive-through operations.

Retail Liquor Permit: Any permit issued by the State Liquor Control Commission under the General Statutes, permitting the sale of alcoholic liquor in containers for consumption off premises and forbidding consumption on premises.

Retail Sales: See Commercial Sales and Service.

Roomer or Boarder: An individual other than a member of the family occupying a dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

Sand Dunes: Naturally occurring accumulations of sand in ridges or mounds landward of the beach.
[Added 5/30/2010]

Scenic View: A view or vista identified in the Town Plan of Development which, because of its natural beauty, is in the best interest of the welfare of the entire community to preserve.

Sediment: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion as per Section 870.

Self-storage facility: A facility consisting of individual, indoor self-storage units for the storage of business, personal or household goods as well as the indoor and/or outdoor storage of boats, cars, trailers, recreational vehicles and small trucks, rented or leased on an individual basis and related services. This use shall be for those who are to have access to such units for storing and removing personal property only, and not for residential purposes. Such a use does not allow for the rental of trailers or vehicles, or the outdoor storage of construction equipment. All outdoor vehicle storage shall be for licensed, registered vehicles.
[Added 4/17/2016]

Setback: The minimum required distance from any street line or lot line to the closest point of any building, structure or use, measured in a straight line from, and most nearly perpendicular to, such street line or lot line from such point.

Sign: Any sign, illustration, lettering, device, insignia or display of any kind, however made, displayed, painted, supported or attached, used for the purpose of advertisement, identification, publicity or notice of any kind, in view of the general public. The term "sign" shall mean identification signs which are limited to announcing the name of the company or companies housed in the building or the name or kind of business conducted on the premises where the sign is located, or the prospective sale or rental of said premises or business conducted therein, erected or maintained by or at the direction of the owner of the business. The term "sign" shall also include any flag, pennant, banner, or other device of any kind, whether with or without letters, figures or other symbol thereon, intended to advertise or attract attention to any business or commercial establishment in any zone but shall not include flags of any governmental unit or branch, or of any non-profit charitable or religious organization. (See Subsection 230 for illustrations.)

Site Development: See Developed Site Area.

Soil: Any unconsolidated mineral or organic material of any origin.

Soil Erosion and Sediment Control Plan: A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative. (See Subsection 229 for illustration.)

Solid Waste: Garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities.

Start of Construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation or streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
[Added 5/30/2010]

State: The State of Connecticut.

Stoop: Any raised entrance platform with steps leading up to it.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if its ceiling is more than five feet above the elevation from which the height of the building is measured, or if floor area in excess of 50 percent of the floor area directly above it used for any purpose other than accessory storage, vehicular parking, or housing of mechanical equipment (such as facilities for heating, plumbing, electrical, water, waste disposal and the like) attached to and required to serve the building. An attic shall be counted as a story if the finished and habitable portions of the attic are greater than 50% of the square footage of the floor immediately below the attic. (See Subsection 225 for illustration.)

Street: A public or private thoroughfare which affords the principal means of access to abutting property. The term "street" shall mean and include only: (1) a street that was laid out on a map filed in the Town Clerk's office prior to October 6, 1924; (2) a street accepted as a Town Street; or (3) a street whose layout has been approved by the Commission and which has been constructed in accordance with the approval.

Street Line: The dividing line between the street and a lot.

Structure: Anything constructed, installed, placed or erected on a site, the use of which requires location on the ground or attachment to something having location on the ground. As used in these Regulations, structures shall be deemed to include, but not be limited to, buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicap ramps, signs, permanent awnings, a gas or liquid storage tank that is principally above ground, ground mounted antennas, ground mounted solar panels and satellite dishes and fences or walls more than six feet in height, other than retaining walls.

Structural Alteration: Any change in the supporting members of a building such as bearing walls, columns, beams or girders or other work requiring a Building Permit under the State Building Code.

Substantial Damage: For the purposes of Section 820, substantial damage is damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure (exclusive of land value) before the damage occurred. "Substantial Damage" also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
[Amended 6/30/2013]

Substantial Improvement: For the purpose of Section 820, any repair, reconstruction or improvement of a structure, taking place over the previous three year period (as calculated from the issuance the cost of the Certificate of Occupancy), the cumulative cost of which equals or exceeds 50 percent of the market value of the structure itself, exclusive of land value either:

a. Before the "start of construction" of the improvement or repair is started; or
b. If the structure has been damaged and is being restored, before the damage occurred.

This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed for the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are the minimum necessary to assure safe living conditions and have been previously identified by the local code enforcement officer or any alteration of a historic structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as a historic structure.
[Amended 5/30/2010; 6/30/2013]

Swimming Pool: Any structure capable of containing water and intended for swimming, bathing or recreational use, provided the same has a potential water depth of at least 18 inches or at least 100 square feet of water surface area, or both.

Tennis and Other Game Courts: A specially prepared level playing surface for tennis, basketball, paddle ball, platform tennis, racquetball or similar games. Tennis and other game courts shall be deemed structures.

Terrace or Patio: An improved or graded area located on the ground with no structural supports other than subsurface base material and retaining walls. A terrace or patio located at grade or ground level shall not be deemed a structure. (See Subsection 361.)

Town: The Town of Darien, Connecticut.

Trailer: A structure mounted on wheels, capable of being towed or hauled by another vehicle and used for short-term human occupancy, carrying or storing materials, goods or objects, or as a temporary office.

Use: The specific purpose for which a building, structure or land is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Use, Accessory: A use which is customarily incidental and subordinate to the principal use of a lot or a building and located on the same lot therewith.

Use, Commercial: Activity carried out for monetary gain.

Use, Principal: The primary or predominant use of any lot or building.

Variance: A grant of relief by the Town of Darien Zoning Board of Appeals from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.
[Added 5/30/2010]

Vehicle, Commercial: Any motor vehicle with commercial license plates or with lettering, markings, racks or other apparent accessories indicating it is intended for use other than personal and/or recreational transportation.

Vehicle, Motor: Any motor vehicle as defined by the General Statutes, as amended.

Vehicle, Recreational: Any vehicle designed or intended primarily for use in recreational activities, including boats, boat trailers, campers, camp trailers, horse trailers, horse vans, house trailers, motor homes, snowmobiles, and utility trailers. For purposes of Section 820, Flood Damage Prevention Regulations, "Recreational Vehicle" means a vehicle which is (i) built on a single chassis, (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer shall be considered manufactured homes for the purpose of this ordinance.

Violation: For purposes of Section 820, the failure of a structure or other development to be fully compliant with the Darien's floodplain management regulations.
[Added 5/30/2010]

Walkway: An improved pedestrian sidewalk, path, trail or accessway at least three feet in width.

Waterbody: Any pond, lake or body of standing water either natural or artificial; excluding swimming pools.

Watercourse: Any river, stream, brook, waterway, lake, pond, bay, estuary, marsh, swamp, bog or other body of water, fresh or salt, natural or man-made, permanent or intermittent,

which lies wholly or partially within the Town of Darien and is shown schematically on the map (as it may be amended from time to time) which supplements these Regulations entitled "Town of Darien, Conn., Regulated Wetlands and Watercourses". In event of reasonable doubt as to any particular body of water's classification as "Watercourse", however, the actual character of the body, as competently verified and accepted by the EPC, shall determine whether the body in question is a watercourse.

Water Surface Elevation: The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. As of January 2010, the Flood Insurance Rate Maps in use in Darien relate expected flood levels to NGVD '29 as sea level.
[Added 5/30/2010]

Wetland: Any land area, including submerged land, which consists of any of the soil types generally designated as poorly drained, very poorly drained, alluvial or floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture. Such lands are schematically shown on the map (as it may be amended from time to time) which supplements these Regulations entitled "Town of Darien, Conn., Regulated Wetlands and Watercourses". In the event of reasonable doubt as to any particular body of water's or area of land's classification as "Wetland", however, the actual character of the soil, as competently verified and accepted by the EPC, shall determine whether the area in question is a wetland.

Yard: An open space on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground skyward, except for certain features specified in Sections 350 and 360. In measuring a yard, it shall be the shortest distance from any portion of the building to the nearest lot line, exclusive of certain features specified in Sections 350 and 360 as not to be considered in measuring yard dimensions or as being permitted to extend into a yard.

Yard, Front: A yard extending across the full width of a lot and lying between the front lot line (or a line parallel thereto) of the lot and the nearest portion of the building. (See Subsection 222 for illustration.)

Yard, Rear: A yard extending across the full width of a lot and lying between the rear lot line(s) and the nearest portion of the building. (See Subsection 222 for illustration.)

Yard, Side: A yard between a side lot line of a lot and the nearest point of the building and extending from the front yard to the rear yard. (See Subsection 222 for illustration.)

ZBA: The Zoning Board of Appeals of the Town of Darien.

ZEO: The Zoning Enforcement Officer of the Town of Darien.

Zone, Residential: Any zone with the prefix "R" and the DMR Zone, including:

R-2	One-Family Residential Zone
R-1	One-Family Residential Zone

R-1/2	One-Family Residential Zone
R-1/3	One-Family Residential Zone
R-l/5	One-Family Residential Zone
R-NBD	Noroton Bay District Residential Zone
DCR	Designed Community Residential Zone
DMR	Designed Multi-Family Residential Zone
3.7AH	3.7 Acre Hollow Tree Ridge Road Small Acreage Zone for Affordable Housing
MU	Municipal Use Zone

[Amended 11/11/2007]

Zone, Non-residential: Any zone other than a Residential Zone, including:

PR	Parking/Residential
DBR	Designed Business and Residential Zone
DOR-5 & DOR-1	Designed Office and Research Zones
NB	Neighborhood Business Zone
OB	Office Business Zone
DB-l & DB-2	Designed Business Zones
DC	Designed Commercial Zone
CBD	Central Business District Zone
SB-E	Service Business East Zone
SB	Service Business Zone

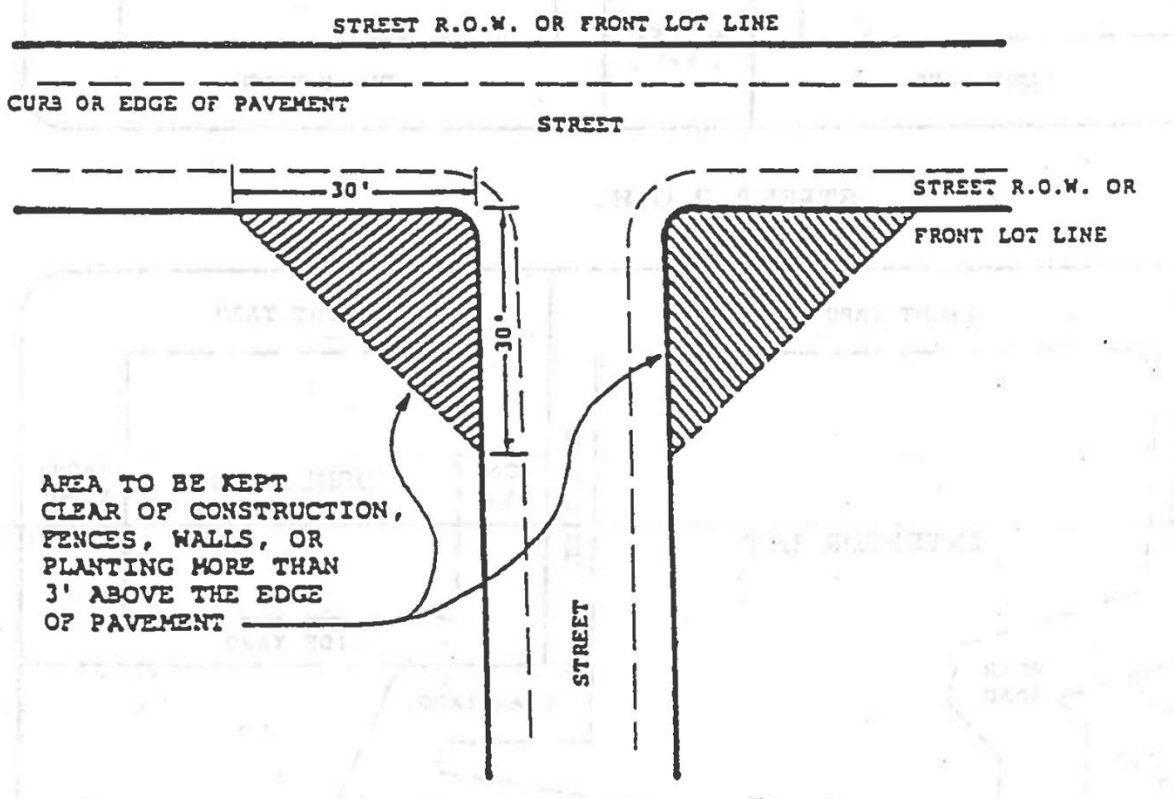
SECTION 220. ILLUSTRATIONS AND GRAPHICS

The following illustrations and graphics are intended to assist the user of the Regulations to understand the intent and interpretation of the definitions, terms, requirements, and other aspects of these Regulations. They do not supersede the written content of these Regulations. The illustrations and graphics are as follows:

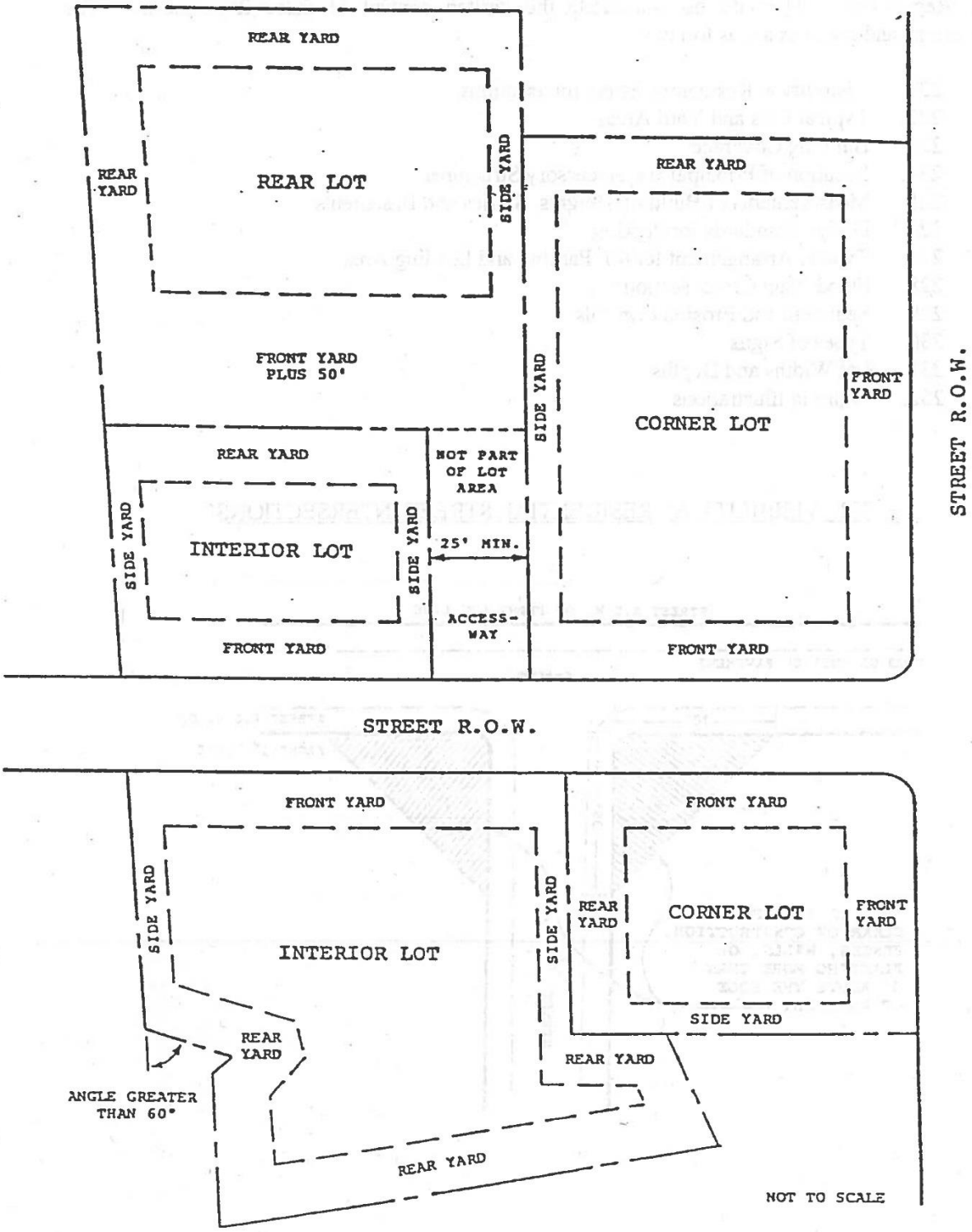
221. Visibility at Residential Street Intersections
222. Typical Lots and Yard Areas
223. Building Coverage
224. Location of Principal and Accessory Structures
225. Measurements of Building Heights, Stories and Basements
226. Design Standards for Parking
227. Typical Arrangement for 90° Parking and Loading Area
228. Flood Plain Cross-Section
229. Sediment and Erosion Controls
230. Types of Signs
231. Lot Widths and Depths
232. Lighting Illustrations
233. Height Zones in Corbin Subarea

[Amended 7/24/2011]

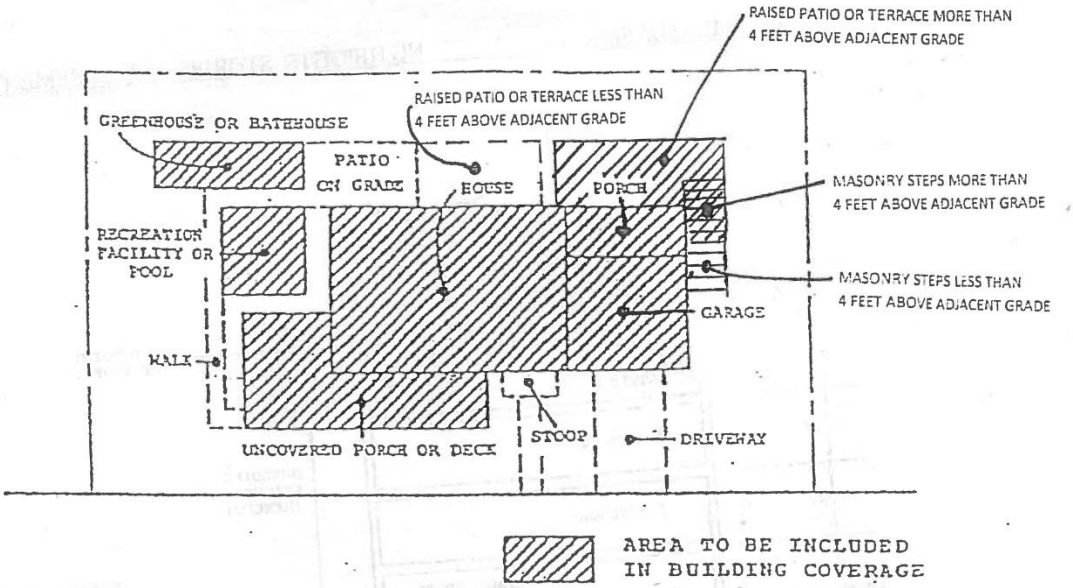
221. Visibility at Residential Street Intersections



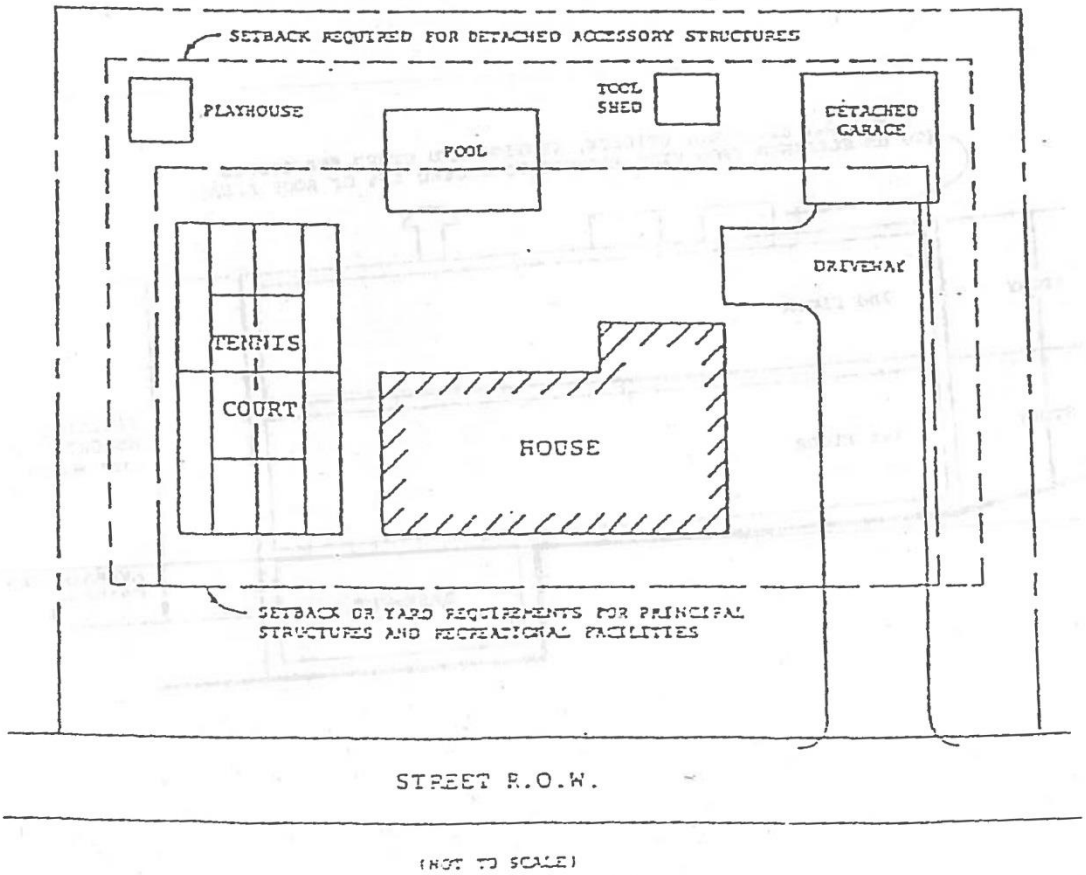
222. <u>Typical Lots and Yard Areas</u>



223. Building Coverage

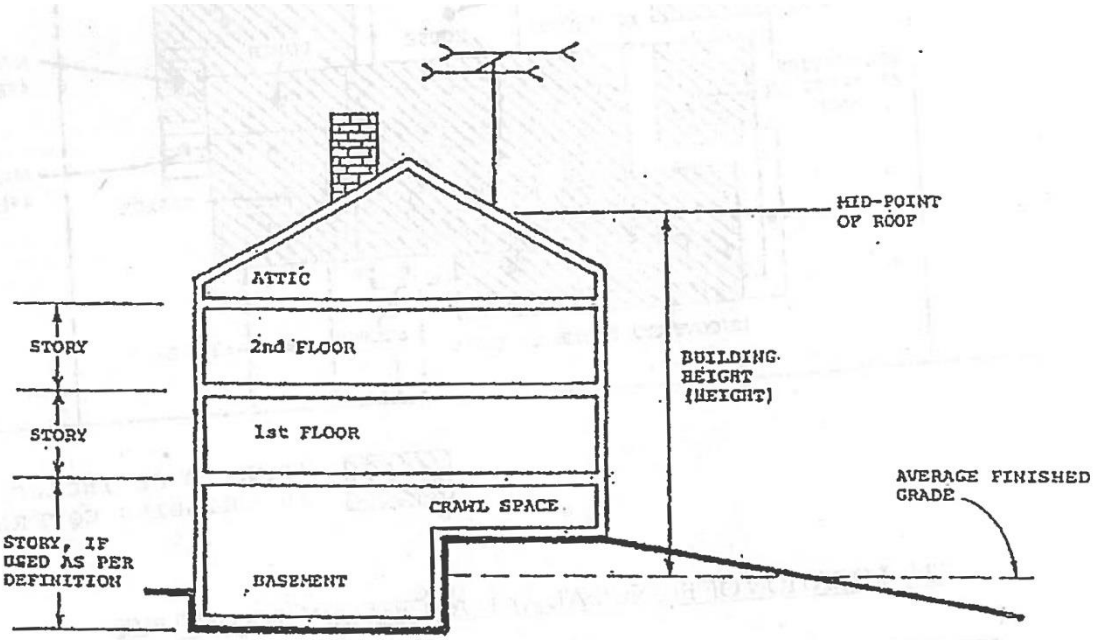


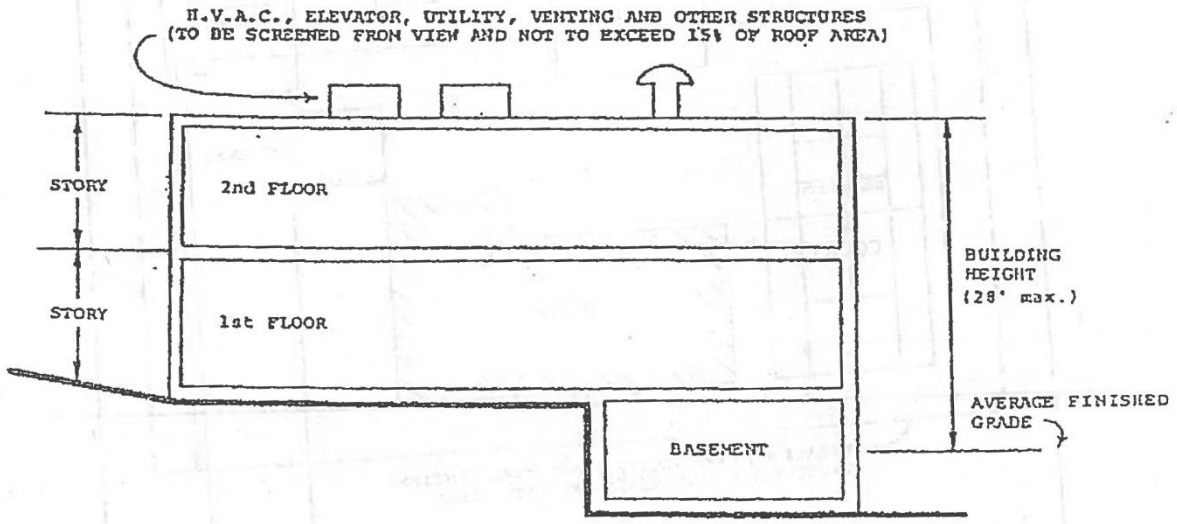
224. Location of Principal and Accessory Structures



[Amended 2/28/2016]

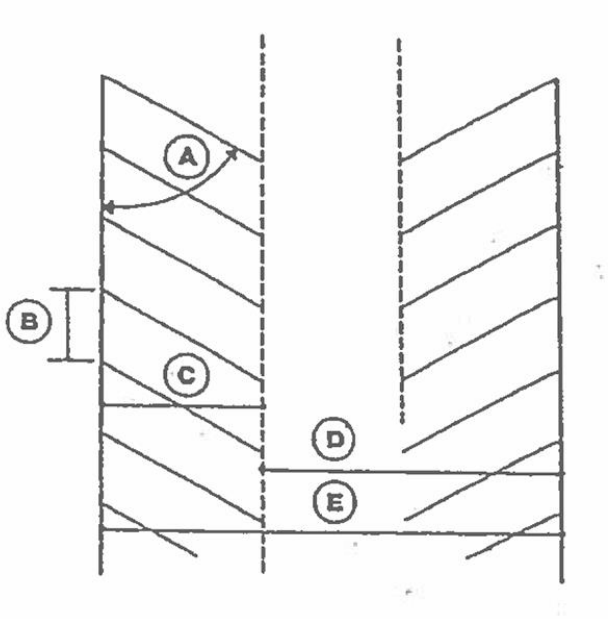
225. <u>Measurements of Building Heights, Stories and Basements</u>





226. Design Standards for Parking

Minimum Dimensions



The following minimum design standards table shall apply:

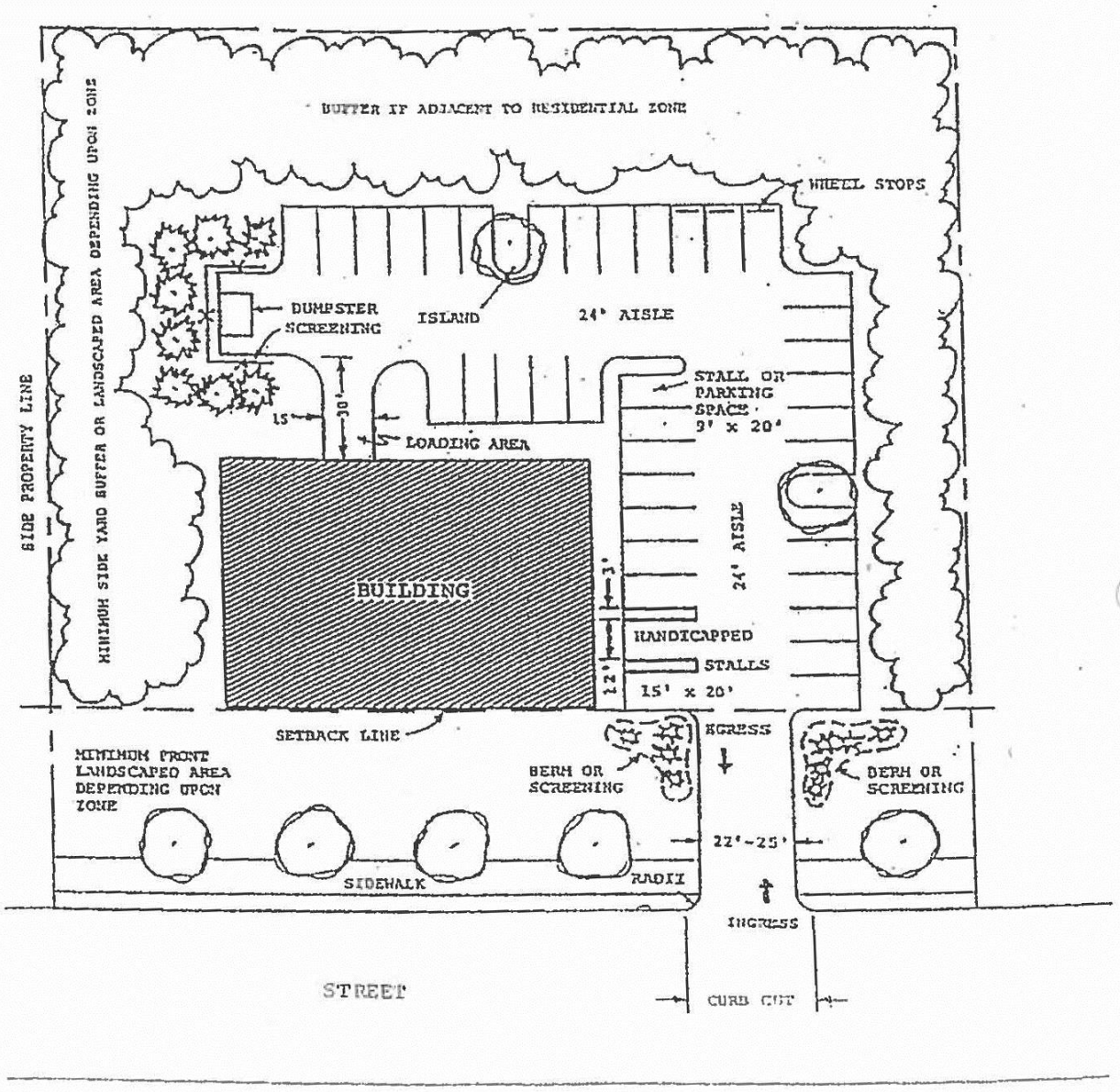
A.	Parking Angle	0°	45°	60°	90°
B.	Curb length per car	21’	12’9”	10’5”	9’
C.	Stall Depth	8’	17’8”	19’0”	18’0”
D.	Lot width for 1 row + driveway	19’	30’4”	33’6”	42’0”
E.	Lot width for 2 rows + driveway	26’	48’0”	52’6”	60’0”

Notes:

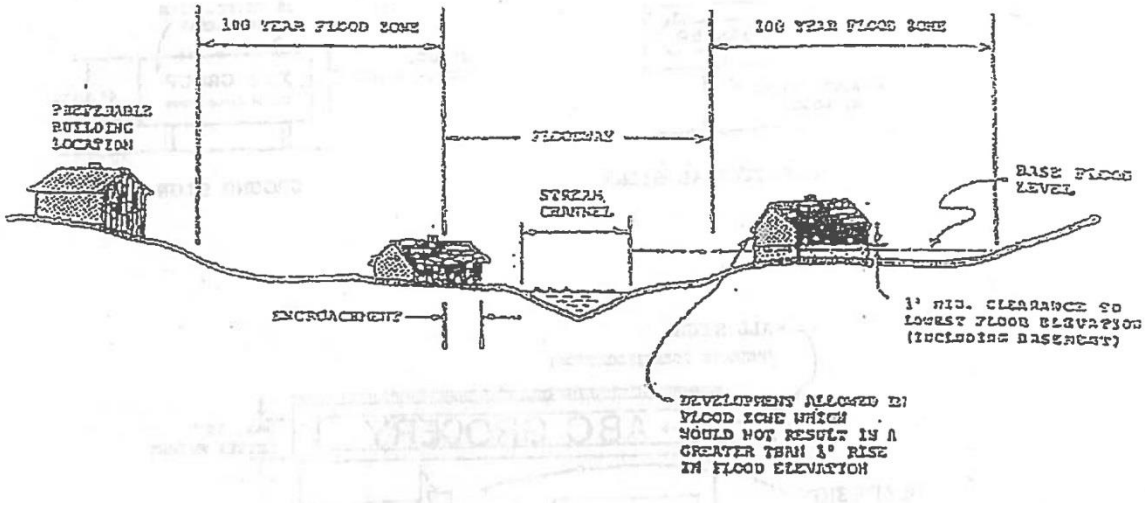
a. 90 degree parking is encouraged. Extra width on end stalls is desirable. Additional driveway width is necessary for main or through circulation aisles.
b. Eaves located higher than 16 feet above the surface of a parking lot shall not be included in the calculation of dimensions C, D, or E.

[Amended 7/24/2011]
[Sec 226a added 4/9/2017; Deleted 10/8/2017]

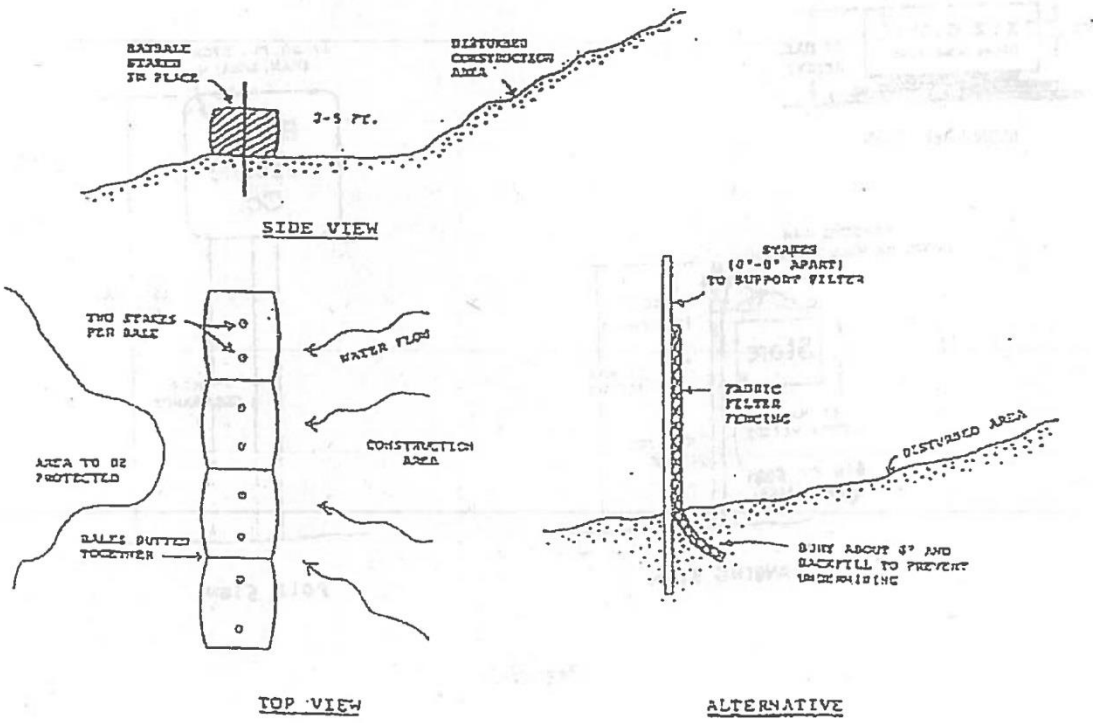
227. <u>Typical Arrangement for 90 Degree Parking and Loading Areas</u>



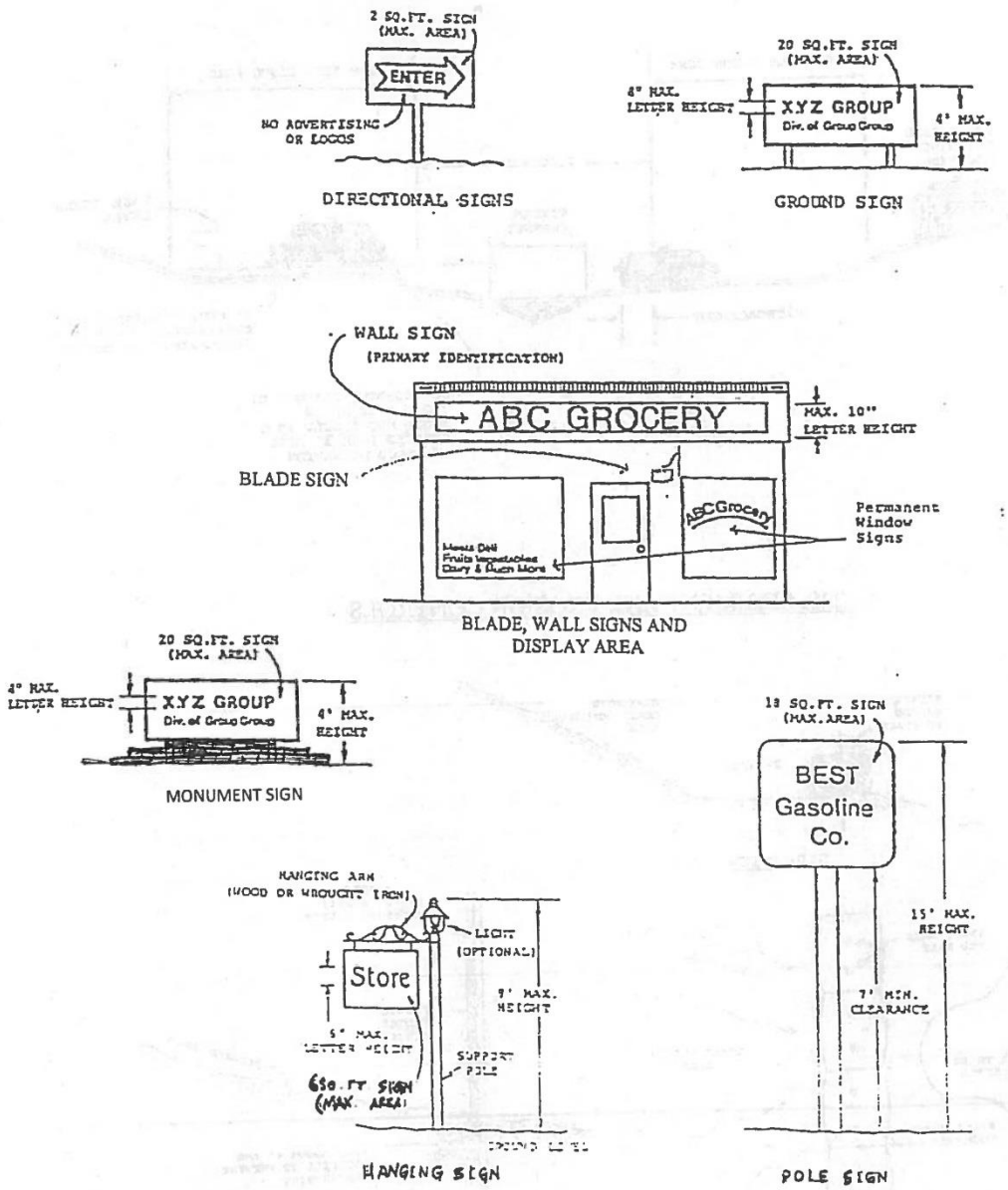
228. Flood Plain Cross Section



229. Sediment and Erosion Controls

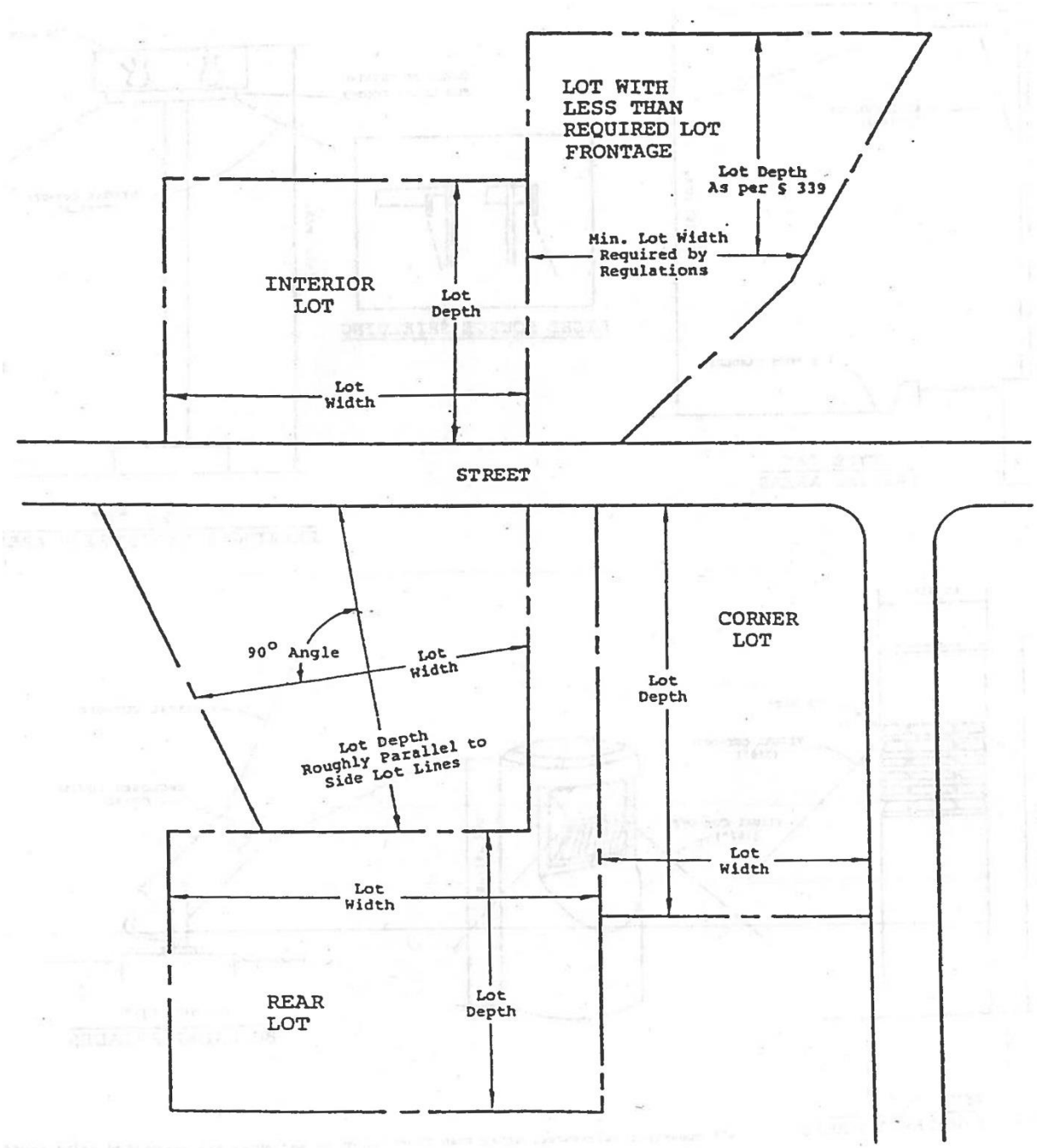


230. <u>Types of Signs</u>

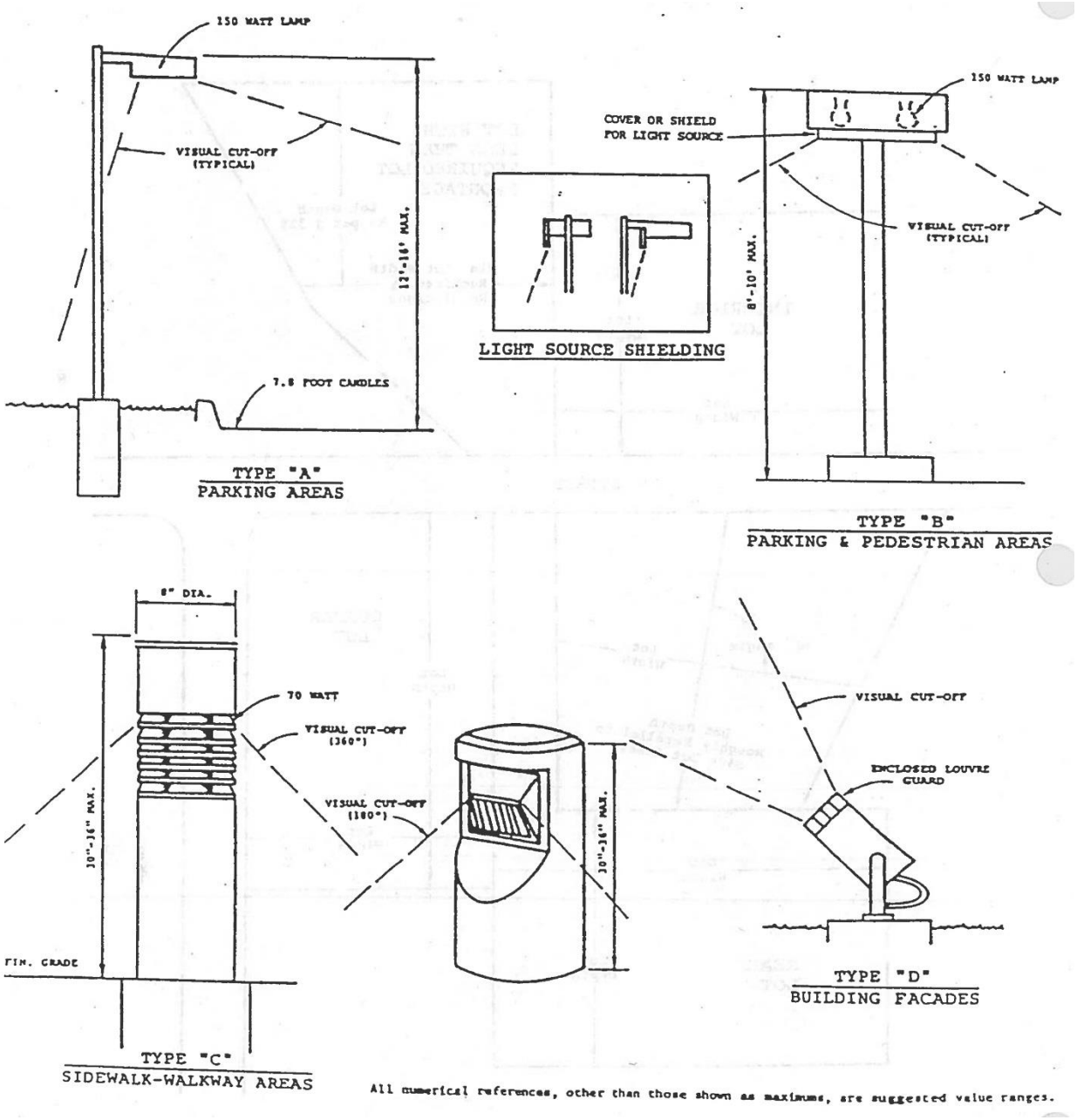


[Amended 4/19/2009; 2/28/2016]

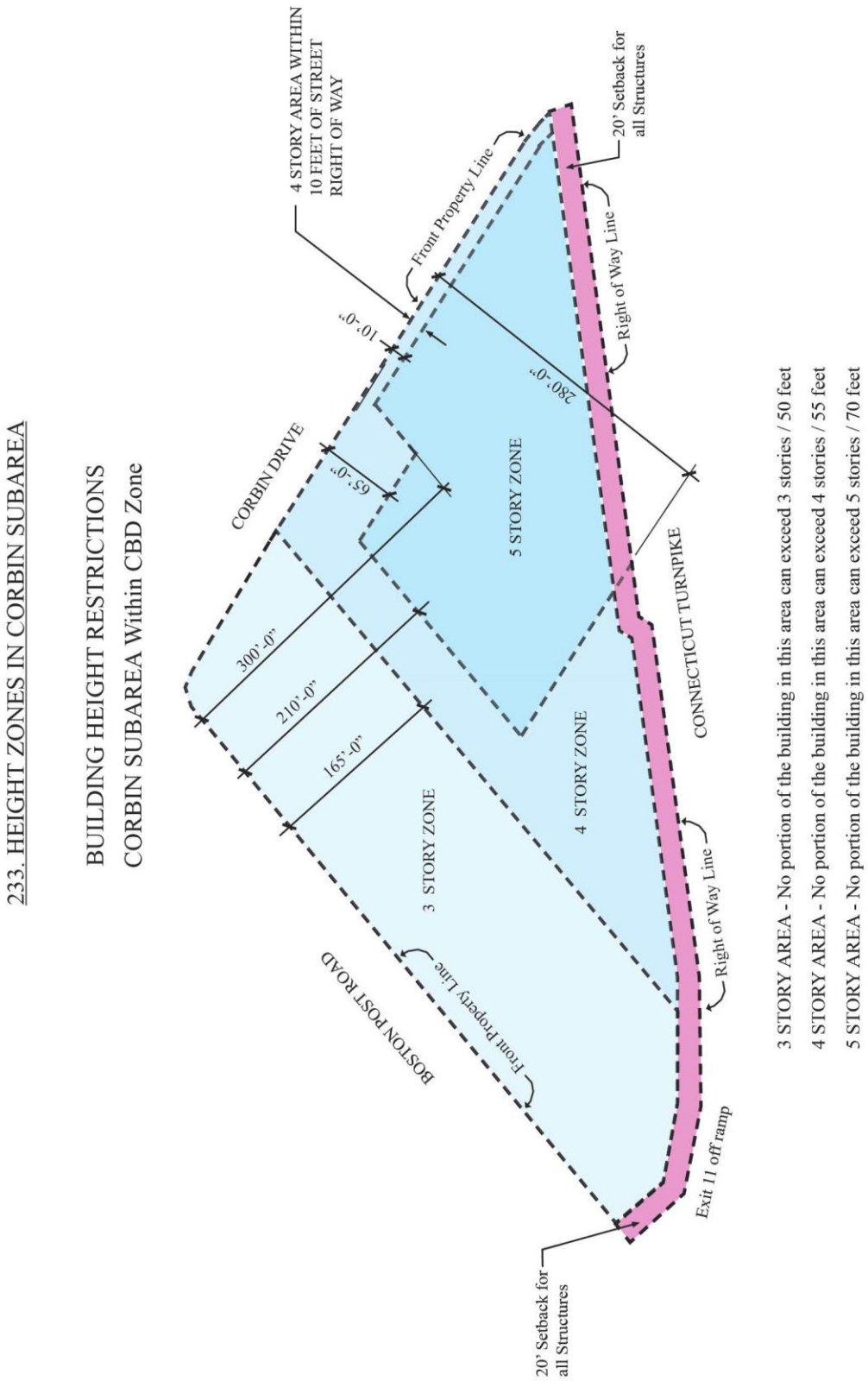
231. <u>Lot Widths and Depths</u>



232. <u>Lighting Illustrations</u>



233. Height Zones in Corbin Subarea



[Added 4/9/2017]

Schedule of Amendments to Article II

Section 210 [Amended]

(Area of Special Flood Hazard) Amended 5/30/2010
(Assisted Living Facility) Amended 4/17/2016
(Base Flood Elevation (BFE)) Added 5/30/2010
(Basement) Amended 5/30/2010
(Building Coverage) Amended 12/29/2013; 2/28/2016
(Catering Business) Amended 7/23/2006
(Coastal High Hazard Area) Amended 5/30/2010
(Commercial Sales and Service) Amended 6/29/2008; 12/29/2013
(Development) Amended 5/30/2010
(Existing Manufactured Home Park or Subdivision) Added 5/30/2010
(Expansion to an Existing Manufactured Home Park or Subdivision) Added 5/30/2010
(Federal Emergency Management Agency (FEMA)) Added 5/30/2010
(Financial Services) Amended 6/29/2008
(Flood Insurance Rate Map (FIRM)) Amended 5/30/2010
(Flood Insurance Study (FIS)) Added 5/30/2010
(Functionally Dependent Use or Facility) Added 5/30/2010
(Historic Structure) Added 5/30/2010
(Licensed Therapists) Added 10/29/2017
(Lot Line, Side) Amended 2/28/2016
(Lowest Floor) Added 5/30/2010
(Manufactured Home) Added 5/30/2010
(Manufactured Home Park or Subdivision) Added 5/30/2010
(Market Value) Added 5/30/2010
(Mean Sea Level) Amended 5/30/2010
(Memory Care Facility) Added 6/26/2011
(New Manufactured Home Park or Subdivision) Added 5/30/2010
(Offices, Business & Professional) Amended 10/29/2017
(Private Residential Unit) Amended 6/26/2011
(Recreational Vehicle) Added 5/30/2010
(Sand Dunes) Added 5/30/2010
(Self-Storage Facility) Added 4/17/2016
(Start of Construction) Added 5/30/2010
(Substantial Damage) Amended 6/30/2013
(Substantial Improvement) Amended 5/30/2010; 6/30/2013
(Variance) Added 5/30/2010
(Violation) Added 5/30/2010
(Water Surface Elevation) Added 5/30/2010
(Zone, Residential) Amended 11/11/2007

Section 220 [Amended 7/24/2011]
Section 224 [Amended 2/28/2016]
Section 226 [Amended 7/24/2011]
Section 226a [Added 4/9/2017; Deleted 10/8/2017]
Section 230 [Amended 4/19/2009; 2/28/2016]
Section 233 [Added 4/9/2017]

For additional information on amendments refer to Appendix ‘C’ of the Regulations.

III. ARTICLE III - GENERAL REGULATIONS

SECTION 300. APPLICATION OF REGULATIONS

301. Minimum Requirements

In interpreting and applying these Regulations, the requirements contained herein are declared to be and shall be interpreted and applied to meet the minimum requirements for the protection of the public health, morals, safety, comfort, convenience and general welfare. In considering issues arising under these Regulations, the applicable ordinance, statute, law, rule or regulation which imposes the most restrictive obligation upon the use of and/or construction of buildings and structures and upon the use of land shall be applied to the extent consistent with law.

302. Provisions Controlling

These Regulations shall not be deemed to interfere with, or abrogate, or annul, or otherwise affect any easements, covenants, or other agreement between parties, provided, however, that where these Regulations impose greater restrictions than are imposed by said easements, covenants or agreements, the provisions of these Regulations shall prevail.

303. Regulations Affect Every Building and Use

Except as otherwise provided herein, no building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land, water area or building be used, designed, or arranged to be used for any purpose except in conformity with these Regulations for the zone in which such building, water area or land is located.

SECTION 310. GENERAL ZONE REGULATIONS

311. Zone Classifications

The Town of Darien is hereby divided into the following classes of zones:

R-2	One Family Residential Zone - 2 acre
R-1	One Family Residential Zone - 1 acre
R-1/2	One Family Residential Zone - 1/2 acre
R-1/3	One Family Residential Zone - 1/3 acre
R-1/5	One Family Residential Zone - 1/5 acre
R-NBD	Noroton Bay District Residential Zone
DMR	Designed Multi-Family Residential Zone
PR	Parking - Residential Zone
3.7AH	3.7 Acre Hollow Tree Ridge Road Small Acreage Zone for Affordable Housing
DBR	Designed Business and Residential Zone
DCR	Designed Community Residential Zone
MU	Municipal Use Zone (Floating Zone)
NHR	Noroton Heights Redevelopment Zone (Overlay Zone).
DOR-5	Designed Office and Research Zone - 5 acre site
DOR-1	Designed Office and Research Zone - 1 acre site
NB	Neighborhood Business Zone
OB	Office Business Zone
DB-1	Designed Business One Zone
DB-2	Designed Business Two Zone
DC	Designed Commercial Zone
CBD	Central Business District Zone
SB-E	Service Business East Zone
SB	Service Business Zone

[Amended 7/23/2006; 7/29/2007; 11/11/2007; 10/24/2010]

312. Zoning Map

Said zones are bounded and defined as shown on the map entitled "Town of Darien, Conn. Zoning Map" which, with all explanatory matter thereon, is on file in the office of the Commission and is hereby declared to be part of these Regulations.

313. Order of Restrictiveness

Where zones are referred to as "more restrictive" or "less restrictive", the designation shall refer to the order in which the zones are named above, the first being the most restrictive. In the case of the single family residential zones, although the uses allowed in all such zones are the same, it is clear that the R-2 zone is the most restrictive zone due to required greater lot size, and yard requirements.

In zones other than single family residential, the uses permitted vary greatly, as do the lot area, setback, coverage and other restrictions and requirements. Some aspects of one zone may be more restrictive than another zone, but the other zone might be more restrictive due to some other factors. To avoid future debate about which zone is more or less restrictive, the order of restrictiveness is specified in Section 311.
[Amended 7/29/2007]

314. Location of Boundaries

Where uncertainty exists as to the locations of any boundaries shown on the zoning map, the following rules shall apply:

a. Zone boundary lines are intended to follow Town boundaries, street lines, rights-of-way, watercourses or lot lines, or be parallel or perpendicular thereto, unless such zone boundary lines are fixed by dimensions, as shown on said zoning map.

b. Where zone boundaries are indicated as parallel to street lines, they shall be assumed to be 100 feet distant therefrom, unless otherwise indicated.

c. Where two or more zoning designations are shown within a block 200 feet or less in width, the boundary of the more restricted zone shall be deemed to be 100 feet back from its street line.

d. In subdivided property, or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on said map, shall be determined by the use of the map scale shown thereon.

e. The zone classification of any water area within the Town inshore from the mean low tide line on the effective date of this Section shall be deemed to be the same as the classification of the adjoining land area, and the zone classification of any area extending outward from the shore beyond the said mean low tide line shall be R-l.

f. If the zone classification of any part of the Town is in question, it shall be deemed to be in the most restrictive adjoining zone.

315. Lots in More than One Zone

Where a lot in one ownership of record is divided by one or more zone boundary lines, regulations for the less restricted portion or portions of such lot shall not extend into the more restricted portion or portions.

SECTION 320. GENERAL USE REGULATIONS

321. Improvements Required as Condition of Use of Lot

321.1 Safe Access Required for Zoning Permit

No Zoning Permit shall be issued for any residence or other structure until safe and completely adequate all-weather access to the site has been provided for the use of fire and other emergency vehicles, and for essential service vehicles, from the nearest public street or street intended as the means of access to the property.

For the purpose of this section, such safe and completely adequate all-weather access shall mean and include only: (1) a completed paved roadway; or (2) a roadway under construction which has been completed at least with respect to proper subgrade and proper subbase in accordance with a plan approved by the Commission, which construction has been properly installed and graded with all debris removed, has all required underground utilities installed, and extends at least to the point of entrance to the lot.

321.2 Conservation Restrictions

The use of conservation restrictions may be required by the Commission to protect and permanently preserve natural or unique features which enhance the character and environment of the area, or that are necessary for the control of sedimentation and erosion. Such restrictions shall take the form of negative easements and shall be finalized prior to any commencement of construction.

321.3 Completion of Improvements Required for Certificate of Zoning Compliance

No Certificate of Zoning Compliance shall be issued for any residence or other structure intended for human occupancy or other use located on a lot which requires the construction of a new roadway or utilities to serve it, as shown by any subdivision or site plan approved by the Commission until the Zoning Enforcement Officer (ZEO) has determined that all utilities, drainage and street improvements required to be installed to serve the lot have been satisfactorily installed in accordance with the said plan, except for the following:

a. Final surface treatment (wearing surface) of the roadway and sidewalks.

b. Standard street signs.

c. Curbs and guard rails (as required).

d. Topsoil, seeding, trees and other required planting.

e. Such other minor installations as will not interfere with proper access and drainage and are best deferred to final completion of all required construction

322. Accessory Uses

All accessory uses shall be located on the same lot with the principal uses to which they are accessory, except as provided in Section 906.1. Accessory uses and/or structures shall not be located, established or continued on a lot without the prior establishment of a permitted principal use; nor shall any new lot be created that has an accessory use or structure without a principal use.

323. Prohibited Uses

a. Any use not specifically permitted by these Regulations shall be prohibited.

b. Any use or activity that creates a nuisance, including, but not limited to, the emission of gases, fumes, odor, dust, noise, glare, vibration, smoke, danger of fire, explosion, radiation, or results in pollution of ground, air, or water, or other physical hazard shall be prohibited.

SECTION 330. GENERAL LOT AND DIMENSION REGULATIONS

331. Lot Required for Every Building

Every building hereafter erected shall be located on a lot as herein defined. There shall be not more than one main building and its accessory buildings on one lot, except for non-residential buildings and multi-family dwellings in zones where such uses are permitted.

332. Required Street Frontage

No permit shall be issued for any building unless the lot upon which such building is to be built shall have the frontage required by these Regulations on a street as defined herein.

333. Yards and Open Space Can Apply to Only One Building

No yard or other open space provided about any building for the purpose of complying with the provisions of these Regulations shall be included as any part of the yard or open space for any other building; no yard or any other open space on one lot shall be considered as a yard or open space for a building on any other lot. Should a lot hereafter be formed from a part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair conformity with any of the requirements of these Regulations with respect to the existing building and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with all the provisions of these Regulations. (See Subsection 222 for illustration.)

334. Lot Width and Depth Required

Within any zone, no part of any building or any structure housing a principal use shall be erected on any part of a lot which has a minimum width or depth of less than the distance specified for the zone in which located. Further, such lot shall be able to fully enclose a square having a dimension on each side equal to the lot width requirement for that zone.

On existing non-conforming lots where there is no portion of the lot with sufficient lot width and/or lot depth to fulfill these requirements, the following shall apply:

a. Construction of a new principal building on a vacant building lot shall be permitted only in accordance with Subsection 385; and

b. The lot width and/or lot depth requirement shall not apply to the construction of a replacement dwelling or to an addition to an existing structure provided the actual lot width and actual lot depth shall equal at least 75 percent of that which is required.

[Amended 2/28/2016]

335. Lot Area Not Counted Toward Requirements

For any lot created by subdivision or other means subsequent to October 7, 1957, no part of such lot less in width than one-half of the minimum lot width required for the zone in which it is located shall be counted as part of the required lot area.

336. Lots Wholly or Partially Under Water

No more than 25 percent of the minimum area requirement of a lot may be fulfilled by land which is under water or is subject to periodic flooding at mean high tide. Land which is under water that is open to use by persons other than the owner of the lot shall be excluded entirely from the computation of the minimum area of that lot.

337. Odd Shaped Lots

Where a question exists as to the proper application of any of the requirements of these Regulations to a particular lot or parcel because of the peculiar or irregular shape of the lot or parcel, the ZBA shall determine how such Regulations shall be applied.

338. Corner Lots

A building erected on a corner lot shall be required to have the two or more yards adjoining the streets equal in depth to the required front yards on such streets. As defined, the lot line opposite the shorter of the front lot lines shall be deemed a rear lot line and the remaining lot line shall be a side lot line. (See Subsection 222 for illustration.)

339. Lots Having Frontage Less than the Minimum Width Specified

Rear lots may only be created within the One Family Residential - 2 acre and One Family Residential - 1 acre Zoning Districts. The frontage requirement for a lot located in such a position that it is to the rear of some other lot fronting on the same street and occupied or to be occupied by a one-family dwelling may be reduced to twenty five (25) feet subject to compliance with the following specific standards which shall be determined by the Commission at a General Meeting:

a. No portion of the lot between the street line and the building site shall have a lesser width than the frontage.

b. The grade and alignment of such narrow part of the lot shall be adequate for a driveway that can permit safe and convenient access to the lot. All necessary environmental or other approvals shall be secured in advance to establish that the proposed access is functional.

c. The intersection of the proposed driveway with the street shall be safe in terms of minimum sight lines, gradient, and related factors. Maximum grades of the driveway shall not exceed ten (10) percent and the first thirty (30) feet from the edge of the street pavement shall not exceed two (2) percent grade.

d. No rear lot shall be positioned behind another rear lot.

For any such lot created subsequent to March 4, 1960, the frontage of which lot is less than the minimum width requirement for said lot as specified in these Regulations, the following additional requirements shall be complied with:

e. The front yard and minimum depth for said lot shall not be measured from the street line but from a line parallel to or concentric with the street line and the least distance

therefrom sufficient to make said lot width at that point equal to the minimum width specified for the zone in which said lot is situated, provided that, when the point at which said lot reaches the required minimum width is the same or a greater distance from the street line than the setback specified, no additional setback shall be required.

f. Where a dwelling or other structure is to be located on a lot in such a position that it is to the rear of some other lot fronting on the same street, the minimum distance of said dwelling or other structure on the rear lot from the nearest point of the front lot shall be 50 feet greater than the depth of the required front yard specified in these Regulations. (See Subsection 222 for illustration.)

g. All utility lines, including electric and telephone service, extending from the street line of such lot to the building site of the lot shall be installed underground. In approving the establishment of such lot, the Commission may specify the location of utility lines, the grade and alignment of the access driveway, storm drainage provisions, and may also require that any driveway extending from the street line to the building site on the lot be screened from the rear yards of abutting lots, where it finds the same to be necessary for public safety or for the protection of the surrounding residential area.

SECTION 350. REGULATION OF BUILDING APPURTENANCES

351. Porches

Any porch, whether enclosed or unenclosed, shall be considered a part of the building in the determination of the size of yard or amount of lot coverage. (See Subsection 223 for illustration.) A roof over entrance doorways (which is no more than five feet wide, one story, open on the sides with a simple roofline) shall not extend more than three feet into any required yard.
[Amended 12/29/2013]

352. Projecting Architectural Features

The space in any required yard shall be open and unobstructed except for the ordinary projection of the windowsills, cornices, eaves, and other architectural features, provided, however, that such features shall not project more than twelve inches into any required yard.

353. Bay Windows

Bay windows, including their cornices and eaves, shall not project into any required yard more than two feet, provided, however, that the sum of the lengths of any such projections on any wall shall not exceed one-fourth the length of any said wall.

354. Stairs and Ramps

Entry stairs, fire escapes and access ramps for the handicapped (which are no more than seven feet wide and have a landing of no more than 4' x 4') shall not extend more than three feet into any required yard and shall not be closer than four feet at any point to any lot line.
[Amended 12/29/2013]

355. Windows and/or Door Security Fixtures

A moveable or immoveable gate, cover or other window and/or door security fixture on the exterior of any structure located within a non-residential zone shall, prior to its installation, require Special Permit and/or Business Site Plan approval from the Planning and Zoning Commission in accordance with Sections 1008 and/or 1029.

SECTION 360. REGULATION OF OTHER IMPROVEMENTS ON THE LOT

361. Terraces

A paved terrace shall not be considered in determination of yard size or building coverage, provided, however, that such terrace shall be unroofed and without walls, parapets, or other forms of enclosure. (See Subsection 223 for illustration). Such terrace, however, may have an open guard railing not over three feet high, and shall not project into any yard to a point closer than eight feet from any lot line.

362. Walls and Fences

The yard requirements of these Regulations shall not be deemed to prohibit any fence or wall, including any necessary retaining wall, provided that in any residence zone no fence or wall shall exceed four feet in height in any required front yard, and six feet in height in any required side and rear yard, measured above the finished grade, subject to limitation in Subsection 363 and pertinent requirements of Article VIII. A special privacy fence up to eight feet high may be erected on a portion of a residential property that is immediately adjacent to a commercial zone and/or a property with an ongoing non-residential or Special Permit use as permitted in Section 404 of the Darien Zoning Regulations. This fence may be on either the residential property or the property with the ongoing non-residential or Special Permit use.
[Amended 12/31/2000]

363. Visibility at Intersections

On a corner lot in any zone, except a business zone, no fence, wall, hedge or other structure, or planting, more than three feet in height, shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet distant from the point of intersection, measured along said street line. The height of three feet shall be measured above the road surface at the nearest edge of the road. (See Subsection 221 for illustration.)

364. Swimming Pools

A swimming pool shall observe all the regulations affecting accessory buildings, but in no case shall a swimming pool be located nearer than six feet to the side lot line or rear lot line. The setbacks for swimming pools shall be measured from the edge of any deck or platform structure adjacent to the pool or otherwise from the exterior lip of the pool to the nearest property line. Where a swimming pool shall be located nearer than 25 feet to the side or rear lot lines, there shall be installed and maintained a permanent solid fence or wall six feet in height and of such design, location and construction that effective screening shall be provided for the protection of adjacent property. No swimming pool shall be provided with an above-ground-level deck or terrace unless such deck or terrace observes the required yard spaces for a main building as provided by these Regulations. Non-deciduous shrubbery, where located adjacent to a swimming pool and of sufficient compactness, density and height to afford truly effective screening may, during the period of its effectiveness, be substituted for the required fence or wall if approved by the ZEO as adequate for the purpose of screening. Swimming pools in existence on the effective date of this amendment, and which do not meet the requirements given above, shall be considered

legally non-conforming within the meaning of Section 383, and, therefore, may be continued as provided by Subsection 384. All swimming pools shall comply with the State Building Code.

365. Underground Shelters

{intentionally deleted}
[Amended 12/31/2000]

366. Recreation Facilities

Tennis courts, paddle tennis courts and similarly developed recreation facilities shall be deemed to be accessory structures and shall comply with all yard, coverage and other applicable regulations. (See Subsections 223 and 224 for illustrations.)

SECTION 370. OTHER GENERAL REGULATIONS

371. Height of Buildings or Structures

The height limitations of these Regulations shall not apply to church spires, belfries, flagpoles, cupolas not used for human occupancy, chimneys, ventilators, solar panels, skylights, water tanks, mechanical equipment or similar features not intended for human occupancy. Necessary mechanical appurtenances usually carried above the roof level may exceed the height limitation provided they shall be adequately screened from view from nearby streets. All such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve, and the total area covered by such features shall not exceed 15% of the roof area or the area actually needed, whichever is less.
[Amended 2/28/2016]

372. Exception for Existing Alignment of Buildings

If on one side of a street within a given block and within 150 feet of any lot there is pronounced uniformity of alignment of the fronts of existing buildings and of the depths of front yards greater than the depths specified in the Schedule of Regulations, a front yard shall be required in connection with any new building which shall conform as nearly as practicable with those existing on the adjacent lots, except that no building shall be required to set back from the street a distance greater than 60 feet, provided the requirements of Subsections 334 and 339 are complied with. If on one side of a street within a given block and within 150 feet of any lot, there is a pronounced uniformity of alignment of the fronts of existing buildings and of the depths of front yards less than the depths specified in these Regulations, a front yard shall be permitted in conjunction with any new building which shall conform as nearly as practicable with those existing on the adjacent lots.

373. Display or Storage of Materials

In all zones, the display, exhibition or storage of merchandise, materials or articles for sale in the required front yard shall be prohibited and the storage of such materials behind the building line shall be covered or screened from the street.

SECTION 380. NON-CONFORMING USES AND BUILDINGS

381. Continuing Existing Uses

Except as otherwise provided in this section, the lawfully permitted use of land or buildings existing at the time of the adoption of these Regulations may be continued although such use does not conform to the standards specified by these Regulations for the zone in which such land or building is located. Said uses shall be deemed legally non-conforming uses.

382. Non-conforming Use of Land

Where no building is involved, the non-conforming use of land may be continued, provided, however, that no such non-conforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of these Regulations, nor shall any such non-conforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use at the time of the adoption of these Regulations, provided, further, that if such non-conforming use of land or any portion thereof, ceases for any reasons for any continuous period of more than 60 days, or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of these Regulations. No non-conforming use of land shall be changed to another non-conforming use.

383. Non-conforming Use of Buildings

a. A building or structure, the use of which does not conform to the use regulations for the zone in which it is situated, shall not be enlarged or extended unless such building or structure, including such enlargement or extension, shall be made to conform to all regulations, including use, for the zone in which it is situated.

b. Such non-conforming building shall not be structurally altered to an extent greater than 50 percent of its current fair market value unless such alterations are required by law; provided, however, that such maintenance and repair work as is required to keep a non-conforming building or structure in sound condition shall be permitted; and provided further, subject to compliance with parking and Flood Damage Prevention requirements, Building Code, Fire Safety Regulations, and with the approval of the Zoning Board of Appeals, that any such non-conforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of the adoption of these Regulations. The current fair market value shall be determined by the ZEO and the calculations used shall be made a part of the permanent file on any permit issued. No non-conforming use of land shall be enlarged.

c. A non-conforming use of a building may be changed only to a conforming use.

d. If any non-conforming use of a building or land shall be abandoned then any future use of such building or land shall be in conformity with the standards specified by these Regulations for the zone in which such building or land is located. Abandonment of a non-conforming use shall include changing to a conforming use or moving the building in or on which such use is conducted or maintained, for any distance whatever, for any reason. It shall be a presumption of abandonment of a

non-conforming use if said use shall cease for any reason for a continuous period of one year or more. A rebuttal of this presumption can be presented to the ZBA for a determination whether the nonconformity has been abandoned.

e. If any building in which any non-conforming use is conducted or maintained shall hereafter be removed, the subsequent use of the land on which such building was located and the subsequent use of any building thereon shall be in conformity with the standards specified by these Regulations for the zone in which such land or building is located.

384. Non-Conformity, Other Than Use

A building that is conforming in use, but does not conform to the height, setback, yard, land coverage or parking requirements of these Regulations shall not be considered to be non-conforming within the meaning of Subsection 383 (nonconforming use). Any and all additions to the building must comply with all current requirements of the zone in which the site is located. No permit shall be issued that shall result in the increase of any non-conformity in height, setback, yard space, land coverage or parking without an appropriate variance from the Zoning Board of Appeals. No intensification of use nor increase of the amount of building vertically, horizontally or otherwise, shall be based on the existing noncomplying or nonconforming aspects of the structure.
[Amended 2/28/2016]

384.1. Non-conforming Building To Be Deemed Legally Non-Conforming

In accordance with the provisions of the General Statutes, when a building is so situated on a lot that it violates these Regulations with respect to its relation to the boundaries of the lot, and such building has been so situated for three years without the institution of an action to enforce such regulations, such building shall be deemed a legally non-conforming building in relation to such boundaries. Although the building may become legally non-conforming with respect to its relationship to the boundaries of the lot, it shall not become legally non-conforming with respect to any other provisions of these Regulations. Use of land, structures or both, which were not legally established prior to these Regulations or in conformance with these Regulations, shall not become legally non-conforming by the passage of time.

384.2 Donation of Land for Parking Does Not Increase Non- Conformity

Where the full portion of a lot, lying to the rear of a Rear Building Line established in the CBD Zone by the Commission, is given to and accepted by the Town for permanent use as part of a public parking area, the balance of the lot and any buildings thereon shall not be considered non-conforming as a result of any reduction in lot area, lot dimensions, building setbacks or building coverage below the minimum requirements when such reduction is caused by the Town's acceptance of the land for parking purposes. (See Section 1057, Dedication of Public Parking Areas.)

385. Building on Non-conforming Lots

A permit may be issued for the erection of a building on any building lot, recorded in the Darien Land Records, that was made non-conforming with respect to area, frontage, lot depth and/or lot width requirements, by the adoption of, or any amendment to, these Regulations or the Zoning Map, provided the Zoning Enforcement Officer makes a written finding that:

a. The owner of any such lot did not own sufficient adjoining land at the time of the adoption of said Regulations (September 24, 1954) or said amendments to conform therewith, or more nearly therewith, and

b. All yard and open space requirements of the Regulations are met, and

c. Adequate provision is made for protecting the general health, safety, and welfare and providing adequate access, drainage facilities, and protection of the nearby properties, and

d. The lot has not been used in conjunction with adjacent property to the extent that its identity has merged with adjacent property in the same ownership. Uses or activities that may cause the identity of a lot to be merged with adjacent properties include, but are not limited to the following:

1. allowing two or more parcels to be assessed as one building lot, or

2. construction of a structure crossing the property line, or

3. location of an accessory structure (tool shed, pool, garage, etc.) on the

4. having utilities and/or services (electrical, telephone, sewer, water, septic system, etc.) on or crossing the lot without having an easement or documented distinction between the parcel being serviced and the lot in question, or

5. having a driveway, parking area, accessway or similar facility on or crossing the lot without having an easement or documented distinction between the parcel being serviced and the lot in question, or

6. planting and/or maintaining a garden, lawn, row of planted trees or shrubs, fence, or similar improvement(s) on or encompassing the lot or portion of the lot, or

7. other actions of the lot owner that indicate that they have treated the lot as a portion of the adjoining property.

When the owner of two or more adjacent non-conforming lots abandons the separate, non-conforming status of the lots by failing to comply with any of the above standards, the non-conforming lots shall be eliminated and the parcels shall, for purposes of these Regulations, be considered merged into one or more conforming lots or a single more nearly conforming lot. This shall apply even if one or more of the non-conforming lots has been developed. Once considered merged the lots may not be sold, conveyed, altered, or otherwise used as separate lots.

386. <u>Restoration of Damaged Buildings and Structures</u>

a. If any building or structure legally non-conforming in use or otherwise, shall be damaged by any means to an extent of more than 50 percent of the then fair market value thereof, no repairs or construction except such as are required for public health and safety shall be made unless such use and every portion of such building or structure shall be made to conform to all the standards of these Regulations for the zone in which it is located.

b. If the damage to such building or structure shall be less than 50 percent of the then fair market value, it may be restored and the non-conforming use or other legal non-conformity continued, provided that the total cost of such restoration shall not exceed 50 percent of the current fair market value of the building or structure at the time of the damage, and further provided that such restoration shall be started within a period of six months and shall be diligently prosecuted to completion.

c. No modification of location, buildings, structures, parking or other characteristics shall be made unless it results in closer approach to conformity with the present Regulations.

d. The restoration of the building or structure and related improvements, including that work authorized as per subsection e. below, must be in accordance with all appropriate current flood damage prevention, fire, building and safety codes.

e. For buildings or structures located within a non-residential zone, the current use of which is permitted within that zone, the following provisions shall apply.

Notwithstanding the provisions of subsection a., in the event of a casualty causing the destruction of all or damage to a part of a legally non-conforming building or structure, said existing building or structure may be restored in its pre-existing dimensions provided precise details of the size, shape, floor plan, specific type and location of use(s) and other aspects of the building or structure and related improvements shall be on file in the Darien Land Records or the permanent files of the Commission prior to the occurrence of such casualty. Appropriate documents for filing shall include:

1. the final development plans for the building and site approved by the Commission and signed by the Chairman; or

2. a set of complete plans prepared by a Registered Land Surveyor or Architect illustrating the details of the legally non-conforming building or structure as established prior to required Commission review and approval procedures. No such documents shall be filed until reviewed and approved by the Commission or its staff as being accurate representations of existing conditions and legally non-conforming status.

387. <u>Existing Special Uses Deemed Conforming</u>

Any use lawfully existing at the time of the adoption of these Regulations, or of any amendment thereto, in the zone in which use is classified herein as one requiring a Special

Permit shall, without further action, be deemed to be a conforming use in such zone. Any extension of, or addition to, such use shall meet all requirements of these Regulations.

Schedule of Amendments to Article III

Section 311 [Revised 7/23/2006; 7/29/2007; 11/11/2007; 10/24/2010]
Section 313 [Amended 7/29/2007]
Section 334 [Amended 2/28/2016]
Section 351 [Amended 12/29/2013]
Section 354 [Amended 12/29/2013]
Section 362 [Amended 12/31/2000]
Section 365 [Amended 12/31/2000]
Section 371 [Amended 2/28/2016]
Section 384 [Amended 2/28/2016]

For additional information on amendments refer to Appendix 'C' of the Regulations.

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IV. ARTICLE IV - RESIDENTIAL ZONE REGULATIONS

SECTION 400. R-2, R-1, R-1/2, R-1/3 and R-1/5 RESIDENTIAL ZONES

401. Background and Purposes

These zones are intended to provide for single-family dwellings and accessory uses thereto, to be located on individual lots of minimum specified area in such a way as to preserve the natural beauty and to maintain the health, safety and general welfare of the Town.

It is further the intent of these Regulations to preserve and enhance the well-established residential character of the Town by carefully controlling certain permitted non-residential principal and accessory uses within these zones.

402. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. A single, detached one-family dwelling on its own lot.

b. Public schools and public parks.

c. Private open space reservations, wildlife sanctuaries, flood protection and conservation areas, where the foregoing are retained in a natural and undeveloped condition without buildings of any kind.

403. Permitted Accessory Uses

The following accessory uses shall be permitted. Approval of a Zoning Permit in accordance with Subsection 1102 shall be required for uses indicated by an asterisk:

a. Home occupations subject to the following conditions:

1. No person, other than those residing in the dwelling, may be employed at, or conduct business on, the premises;

2. The accessory use shall not be noticeable from the exterior of the building or change the exterior appearance of the residential character of the building and shall not have any signs, outside storage, or parking of commercial vehicles;

3. The interior floor area devoted to a home occupation shall not exceed ten percent (10%) of the gross building area or five hundred (500) square feet, whichever is less, including any storage or other area supplementary to such home occupation;

4. The accessory use shall not create any electrical, radio, television or similar interference.

5. Except for individual students arriving for the purpose of receiving instruction in academic disciplines or the arts, the accessory use shall not involve patrons, clients or associates coming to the premises or the generation of additional deliveries, traffic or parking.

b. Keeping of not more than three non-transient roomers or boarders in any dwelling, providing no sign shall be displayed and no separate cooking facilities shall be maintained in connection with such accessory use.

c. Parking of passenger vehicles and parking of not more than one commercial vehicle not exceeding 3/4 ton capacity, when used in connection with a permitted use, and when stored in a garage.

d. Private garden house, tool house, greenhouse, playhouse, or similar private accessory use, not used for commercial purposes, when used in connection with a permitted use*.

e. Docks, landings and boathouses. Such structures shall not accommodate more than two wet slips or moorings and shall be exempt from rear yard setback requirements. No boat shall be occupied or used for living or sleeping quarters*.

f. Swimming pools subject to the requirements of Subsection 364*.

g. Farming, as defined in these Regulations, but not including any sale of products on the premises.

h. Off-street parking as per Section 900.

i. Signs pertaining to a permitted use on a lot, as per Section 920*.

j. Any other accessory building or use customarily incidental to a permitted use*.

k. Not more than three recreational vehicles, as defined in these Regulations, provided such shall be:

1. Parked or stored at all times in a fully enclosed structure, or if parked outdoors, located to the rear of the front line of any existing dwelling or other principal building on the same lot, and not within any required accessory building yard space;

2. Recreational vehicles which are stored outdoors shall be effectively screened from view;
[Amended 7/22/2001]

3. Not used for living, recreation or business purposes while parked or stored on a residential lot;

4. Directly owned or leased by the owner or tenant of the premises on which they are stored.

l. Tag sales, subject to provisions of the Town Code of Ordinances.

m. Child Care Home, Family
[Added 12/24/2017]

404. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

a. Private schools.

b. Child Care Home, Group.
[Amended 12/24/2017]

c. Churches and other places of worship intended primarily to serve religious needs of the local community. A columbarium located on church grounds and used solely to contain the remains of deceased persons who have been cremated shall be recognized as a normal church accessory use.

d. Social, cultural and recreational uses, serving a community need or convenience, and not including any activity carried on primarily for profit.

e. Municipal buildings and uses of the Town of Darien, and other governmental uses intended primarily to serve the needs of the local community.

f. Electric transformer stations, telephone exchanges for local service only and water, sewer or natural gas pumping stations or facilities provided the floor area shall not exceed 300 square feet and no yard or building shall be used for storage.

g. Railways, but not including switching, storage or yards, industrial sidings, repair or service facilities.

h. Convents and monasteries of religious orders. As an accessory use to such permitted facility, the Commission may permit the providing of overnight accommodations for not more than ten guests on the premises at any one time when such guests are attending for a religious purpose or retreat.

i. Protected Town Landmarks, in accordance with the provisions of Subsection 1041.

j. Single-Family Open Space Development in accordance with the provisions of Subsection 1052.
[Amended 4/12/2009]

405. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

a. The office of a physician, dentist, engineer, attorney, architect, accountant, artist, musician, tutor, consultant, financial or investment advisor or similar professional

person when conducted by the owner of the dwelling or a home occupation involving some patron, client or associate visits to the premises may be permitted by Special Permit as an accessory use in a dwelling subject to the following conditions:

1. Not more than one person who does not reside on the property shall be employed at or work on the premises.

2. The accessory use shall not be noticeable from the exterior of the building or change the exterior appearance of the residential character of the building, except for a permitted sign, and shall not have any outside storage, displays or parking of commercial vehicles or equipment. No parking shall be allowed in the front yard setback.

3. The accessory use shall permit occasional visits by clients, patrons and/or associates (generally not more than a total of six visits per day) to render or receive services. The delivery or sale of tangible products, other than documents is prohibited.

4. A home occupation shall be incidental to the use of a dwelling for residential purposes.

5. Said use shall be conducted within the main dwelling exclusively and shall not exceed an area of ten percent (10%) of the gross building area or five hundred (500) square feet whichever is less, including any storage or other area supplementary to such home occupation. Gross floor shall include the area of all heated and ventilated and thereby habitable rooms and areas within the dwelling unit including basements and habitable attic space.

6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in any required yard area.

7. No more than one home occupation shall be permitted within a single dwelling unit, or on a lot, or contiguous lots title to which is under common ownership.

8. The operation of any wholesale or retail business, unless it is conducted entirely by mail and does not involve the sale, shipment, storage or delivery of merchandise on the premises, is prohibited.

9. There shall be no separate or distinct entrance or exit way specifically provided for the home occupation in the dwelling or on the premise for the conduct of the home occupation thereon.

10. The accessory use shall not create any electrical, radio, television or similar interferences.

11. Any of the above professions or uses that are, or shall become, more intensive than permitted in the residential zone shall only be permitted in the appropriate

non-residential zone. The following uses are, by their inherent nature and intensity, not appropriate or permitted uses in residential zones: barber shops; beauty parlors; animal hospital; dance studios; real estate offices; mortuaries; restaurant; stables, kennels; metal working; automobile, boat or other vehicle servicing repair, auto body or painting; and other uses as may be determined by the ZEO.

b. Outdoor recreational uses and tennis courts. The lighting or illumination of recreational facilities is permitted provided that such lighting shall create no hazard or nuisance upon adjacent properties with reference to the following standards:

1. The source of such lights shall be concealed from surrounding residential properties;

2. All lighting shall be located and be of such design that no illumination shall be directed toward surrounding residential properties;

3. Except as provided by Subsection 405b(5), no permanent lighting facilities shall be mounted at a height greater than 20 feet above grade.

4. Lighting facilities that are both temporary and portable may be mounted up to 30 feet above grade provided such lighting facilities are:

   a) Granted by Special Permit to address the unique characteristics and circumstances of the site and its surroundings;
   b) Located on public (i.e. Town-owned) property; and
   c) Angled and/or shielded to best prevent direct glare to the surrounding residential properties in compliance with b(1) and b(2), above.

5. Lighting facilities that are permanent may be mounted up to 80 feet above grade provided such lighting fixtures are:

   a) Granted by Special Permit to address the unique characteristics and circumstances of the site and its surroundings;
   b) Located on Town of Darien and/or Board of Education property of greater than six (6) acres in size;
   c) Angled and/or shielded to prevent direct glare to the surrounding residential properties in compliance with b(1) and b(2), above;
   d) Used to accommodate town or school athletic or related activities, or town non-profit organization athletic activities.

[Amended 8/5/2012; 2/5/2017]

c. Windmills and similar energy conservation systems that utilize the power of the wind provided:

1. Each lot shall have a minimum area of 40,000 square feet or as required by the applicable zone, whichever is greater;

2. No windmill or similar structure shall exceed 50 feet in height;

3. No windmill or similar structure shall be located in any required yard;

4. The windmill or similar structure shall be set back from all lot lines and from the principal building a distance of at least equal to the height of the windmill or similar structure.

d. Ground-mounted solar panels and satellite receiving dishes or dish-type antennae provided they:

1. Shall not exceed 15 feet in height or diameter, including all supporting structures;

2. Shall not be located within any required front yard for a principal structure;

3. Shall be fully screened from any adjacent property line and the street line;

4. Shall be permanently anchored in compliance with the State Building Code; and

5. Technical literature shall be submitted to supplement any proposed application for the above.

e. Living accommodations and/or dwelling units in conjunction with a Special Permit use where the applicant clearly demonstrates a reasonable safety, security or similar need to have an employee or specified number of employees reside on the premises.

f. Child Care Centers.
[Added 12/24/2017]

406. Area and Bulk Requirements

The requirements listed for each zone as designated shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

	R-2	R-l	R-1/2	R-1/3	R-1/5
1. Minimum Lot Area (Square Feet) (See notes e, g)	87,120	43,560	21,780	14,520	8,712
2. Minimum Width (See notes a, b, e)	200	150	100	80	60
3. Minimum Frontage (See notes a, e, h, i)	75	50	50	50	50
4. Minimum Depth (See notes a, e)	200	150	100	100	100
5. Minimum Front Yard (See notes a, b, c, d)	50	40	40	30	25
6. Minimum Side Yard: Least One	35	25	15	10	8
7. Minimum Side Yard: Total of Two (See notes b, e)	70	50	30	25	20
8. Minimum Rear Yard (See note b)	50	40	25	25	25
9. Accessory Structures (See note f) 9A. Minimum Distance from Front Lot Line	50	40	40	30	25
9B. Minimum Distance from Side Lot Line	35	25	10	5	5
9C. Minimum Distance from Rear Lot Line	50	40	10	5	5
10. Maximum Height in Stories	2-1/2 (All Residential Zones)				
11. Maximum Height in Feet	30 (All Residential Zones)				
12. Maximum Building Coverage	20% (All Residential Zones)				

Notes:

a. See Subsections 334 and 339 for application of "minimum width".

b. See Subsection 333.

c. In instances where street lines are less than 50 feet apart, the front yard setback shall be measured from the center line of the street right-of-way, and 25 feet shall be added to the required front yard setback.

d. See Subsection 372 for additional requirements where setback of existing building is greater than minimum requirement.

e. See Subsection 385 where lots are of non-conforming dimensions.

f. Detached accessory structures within five feet of a principal structure, and/or over 15 feet tall at any point, and/or over one floor/story in height, shall observe the same setbacks as for main buildings. Such detached accessory structures that do not comply with the setbacks for principal use or structure shall be for parking and/or storage only and shall not contain any finished or habitable space for occupancy. ***[Amended 2/28/2016]***

g. See Subsection 335.

h. See Subsection 332.

i. See Subsection 339.

j. All new construction shall comply with minimum side yard setbacks without regard to existing development or structures on the site.
[Added 2/28/2016]

407. Special Controls

a. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.

b. In acting upon any application for residential development, the Commission shall consider the following regarding the acceptability of the proposed plan:

1. Passive solar and energy conservation techniques shall have been considered in the design of structures, structural orientation, street and lot layout, placement of vegetation, use of natural and man-made topographical features and protection of solar access within a development.

SECTION 410. NOROTON BAY DISTRICT RESIDENTIAL ZONE (R-NBD)

411. Background and Purposes

The Noroton Bay District Residential Zone (R-NBD) is a collection of approximately 77 lots, many of which were created in accordance with a 1926 Map that was filed in the Darien Land Records as Map #341. All of these properties are in the private association known as The Noroton Bay Homeowners Association. There are other properties that are within the immediate area of this district, which have a lot size of one acre or more, and therefore, are not included in this District. Streets and storm drainage systems in the neighborhood are privately owned and maintained. About twenty eight of the seventy seven lots were originally created with a size of approximately eight-thousand to eight-thousand four hundred square feet, or a little more than one-sixth of an acre. Houses are now constructed on a variety of lot sizes, including "single" lots consisting of about 8,000 to 8,400 square feet; "double" lots consisting of about 16,000 to 16,800 square feet; and other varying sizes ranging up to the one plus acres owned by the Noroton Yacht Club.

From the time that zoning was first established in Darien in 1925 until 1946, the portion of Noroton Bay generally outlined in this R-NBD zone was in the "B" Residence Zone, allowing nine families per acre. This area was treated separately and distinctly from the adjacent "A" or "AA" Residence Zones, which extended from Nearwater Lane/Brush Island Road northward, and southward to Pratt Island and Nash Island. In 1946, this distinct area of the Bay was rezoned to "AAA", allowing one family per acre, i.e., one-acre minimum lot size, thereby rezoning it to be the same as the adjacent areas to the north and south. In 1957, the "AAA" zone was changed to "R-1", which has been in effect until this rezoning.

During the ensuing years from 1957, many variance applications were received for proposed construction of additions to existing residences or replacement residences because virtually none of the lots in this neighborhood complied with the one-acre minimum lot size, lot width, or lot depth requirements of the R-1 Zone. None of the structures complied fully with all of the building setback and yard requirements. Enactment of Flood Damage Prevention Regulations has required many structures to be elevated as substantial renovations or new construction was proposed. The Flood Damage Prevention Regulations require that the lowest floor (including basement) be at least one foot above the expected flood level. The flood level is generally one to three feet above the existing ground level.

In late October 2012, a storm affected many houses in Noroton Bay, resulting in flood damage to many of the residential structures and the Noroton Yacht Club. In December 2012, FEMA noted that new Flood Insurance Rate Maps (FIRM) would take effect in mid-2013. This would result in most of Noroton Bay, which is now in the AE elevation 10 or AE elevation 11 zones to become AE elevation 14, thus requiring additional elevation of any first floor finished space. This modified FEMA mapping affects almost every house within this zoning district (some of the waterfront properties are currently in the VE-14 flood zone and will not be impacted by the proposed new FIRM). Basements are not permitted within the flood hazard zones. The Commission wants to encourage property owners to comply with all of the flood damage prevention requirements. Because of the unique nature of this zone, with relatively small lots and all structures within a flood zone, which flood zone elevation is generally four feet or more higher than

the adjacent streets, special provisions are included, exempting the first six inches of eave and up to twenty square feet of stair landing/stoop overhangs from Building Coverage, making it easier for property owners to elevate their house to meet applicable FEMA standards.

In the Noroton Bay District zone: the properties and circumstances of this neighborhood are extremely different from the other properties in the R-1 Zone both to the north and south of this District; the neighborhood has a unique character; lot sizes within this area of Noroton Bay vary dramatically, oftentimes with small lots adjacent to much larger lots; and all of the properties are within the flood hazard zone. The purposes of the R-NBD Zone are: to create more practical and logical regulations that will allow for the reasonable use of properties without the need for variances; and where possible, re-adaptation of the houses in the neighborhood, while still protecting this neighborhood's character and the other purposes outlined in Section 100 of the Darien Zoning Regulations.
[Amended 4/14/2013]

412. Permitted Principal Uses

Permitted principal uses in this zone shall be the same as allowed in all other R-2, R-1, R-1/2, R-1/3 and R-1/5 Zones, as noted in Section 402 of these Regulations.

413. Permitted Accessory Uses

Permitted accessory uses in this zone shall be the same as allowed in all other R-2, R-1, R-1/2, R-1/3 and R-1/5 Zones, as noted in Section 403 of these Regulations.

414. Principal Uses Requiring Special Permits

Principal uses requiring a Special Permit in accordance with Section 1000 shall be the same as allowed in all other R-2, R-1, R-1/2, R-1/3 and R-1/5 Zones, as noted in Section 404 of these Regulations.

415. Accessory Uses Requiring Special Permits

Accessory uses requiring a Special Permit in accordance with Section 1000 shall be the same as allowed in all other R-2, R-1, R-1/2, R-1/3 and R-1/5 Zones, as noted in Section 405 of these Regulations.

416. Area and Bulk Requirements

The requirements listed for the Noroton Bay District Residential Zone (R-NBD) shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.
[Amended 4/14/2013]

	Noroton Bay District
1. Minimum Lot Area (Square Feet) (See notes c, e)	25,000
2. Minimum Width (See notes a, b, c)	80
3. Minimum Frontage (See notes a, c, f, g)	50
4. Minimum Depth (See notes a, c)	100
5. Minimum Front Yard (See notes a, b) As measured from the front property line(s).	30
6. Minimum Side Yard: Least One	15
7. Minimum Side Yard: Total of Two (See notes b, c)	30
8. Minimum Rear Yard (See note b)	25
9. Accessory Structures (See note d and g) 9A. Minimum Distance from Front Lot Line	30
9B. Minimum Distance from Side Lot Line	15
9C. Minimum Distance from Rear Lot Line	25
10. Maximum Height in Stories	2 ½
11. Maximum Height in Feet	30
12. Maximum Building Coverage (as percentage of lot area)	20%

Notes:

a. See Sections 334 and 339 for application of "minimum width".
b. See Section 333.
c. See Section 385 where lots are of non-conforming dimensions.
d. Detached accessory structures within five feet of a principal structure or with any portion of the structure over eight (8) feet in height shall observe the same setbacks as for main buildings.
e. See Section 335.
f. See Section 332.
g. Special Provision for Utility Sheds.

No more than one utility shed shall be permitted on each property provided:

1. The maximum width of the shed shall be 8’ (eight feet) and the maximum length of the shed shall be 8’ (eight feet);

2. The highest part of the roof shall not be more than 8’ (eight feet) above the highest point of the adjacent ground;

3. The shed must comply with the front yard setback, and shall be not less than 2’ (two feet) from the side lot line and not less than 2’ (two feet) from the rear lot line, and on properties adjacent to coastal waters the shed shall comply with the 25’ (twenty-five foot) rear yard setback;

4. The shed must comply with the Flood Damage Prevention requirements;

5. The shed must comply with all Zoning and Building Permit requirements and will be counted as part of the maximum permitted building coverage.

417. Special Controls

a. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.

b. In acting upon any application for residential development, the Commission shall consider the following regarding the acceptability of the proposed plan:

c. Passive solar and energy conservation techniques shall have been considered in the design of structures, structural orientation, street and lot layout, placement of vegetation, use of natural and man-made topographical features and protection of solar access within a development.

d. All development projects shall incorporate drainage controls that eliminate the drainage impacts (i.e. not increase the peak rate of runoff) of the proposed development to adjacent properties and to the streets. These drainage controls shall be designed to accommodate the 2, 5, 10, 25 and 50 year storms.

SECTION 420. MUNICIPAL USE ZONE
[Added 3/12/2006]

421. Background and Purposes

The Municipal Use Zone is a floating zone which is intended to provide greater flexibility for municipal uses or for uses that are generally conducted by or provided by the Town of Darien to serve a public purpose. These uses frequently are a one of a kind use in the Town – such as the Town Hall, the Public Works garage, the firefighting training facility, the middle school, the high school, the Darien Library, the Senior Center, the Darien Police station, the EMS headquarters and garage, while others have more than one facility in the Town, but are dispersed in different areas of the community – such as the three Fire Stations, the public elementary schools, public housing, as well as buildings and facilities in the public parks and beaches. In a municipality that is more than ninety-percent developed, it is nearly impossible to find undeveloped parcels for municipal uses or uses serving a public purpose. The application of current regulations frequently limits or precludes the expansion of existing uses to meet future growth requirements. For example, in the residential zones, a 30 foot maximum building height applies to most municipal and public use buildings including the Darien Town Hall, the Darien Police Department, the Noroton and Noroton Heights the volunteer fire departments, the volunteer EMS service and all public schools. Those uses located in the commercial zones are subject to even more restrictive building height limitations of 25 feet or 28 feet. These requirements restrict necessary growth, encourage footprint sprawl, increase building costs and decrease available open space. The intent of this Municipal Use Zone is to permit flexibility in building height, parking and buffer requirements primarily to permit vertical expansion in lieu of expansion of building and structural footprints. Such flexibility shall be granted only where the Commission determines the appropriateness of a particular location for the zone, and only after Special Permit approval of the specific use and facility. Not all municipal existing or proposed uses or properties will be appropriate for the Municipal Use Zone, but the creation and placement of the MU zone provides for greater flexibility for the Town to provide essential services to the community while still protecting the high quality of development and character of the town and protecting the properties in proximity to municipal facilities.

422. Principal Uses Requiring Special Permit

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000, and then a Zoning Permit in accordance with Subsection 1102 and the standards set forth below:

a. Municipal buildings, structures and uses (including facilities of the Darien Board of Education).

b. Buildings, structures and uses that serve a public purpose, not including uses carried on primarily for profit, that would normally be constructed by and or operated by the municipality, but which are under the auspices of a quasi-municipal entity such as the Darien Library Inc., or Post 53 EMS service, or one of the three privately operated volunteer fire departments.

423. Permitted Accessory Uses

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000, and then a Zoning Permit in accordance with Subsection 1102 and the standards set forth below:

a. Signs in accordance with Section 920.

b. Any building or use customarily incidental to a permitted use and specifically approved by the Commission.

c. Reasonable and appropriate off-street parking and loading facilities in accordance with Section 900 as those requirements may be adjusted by the Commission in each instance based upon a review of the specific location, design and circumstances of the existing and/or proposed use.

d. Accessory food services, consisting of the sale of prepared food for consumption on the premises by visitors and employees.

424. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

Minimum Lot Area	none
Minimum Lot Frontage	50
Minimum Lot Width (at building location)	60
Minimum Lot Depth (at building location)	100
Minimum Front Yard	25
Minimum Side Yard (See note a)	25
Minimum Rear Yard (See note a.)	25
Maximum Height: (See note b) -in Stories - Building Height As defined by Section 210 -highest point of roof above average grade	 2 and one half stories 30 feet 35 feet
Maximum Building Coverage	20% of the lot area

Notes:

a. Minimum side and/or rear yard(s) may be reduced to not less than 8 (eight) feet where the abutting property is located in the same or less restrictive zone, and the Commission determines that the placement of the building and/or mechanical equipment such as air conditioning units relative to the property line will not be detrimental to the reasonable use and value of the adjacent property.

b. In addition, the Commission may authorize a basement or two floors below ground level to be completely finished, habitable space without those areas being counted as a 'story.' Maximum building height as defined by Section 210 may be increased to 40 feet and/or 3 stories above ground and/or 45 feet (from the average grade to the highest point of the roof) provided, either: 1) all of the setbacks for the entire building are increased to at least two times the minimum requirement; or 2) the

Commission finds that the unique use and design of the building combined with the location of the site and the development plan will result in a project that will be appropriate for the community and the site specific circumstances and will not be detrimental to the reasonable use and values of the adjacent properties.

[Amended 6/19/2016]

425. Special Controls

a. Necessary lighting of parking areas shall be permitted, but there shall be no unshaded/unshielded light sources and lights shall be so located that their beams are not directed into neighboring residential lots or onto an adjacent street. Due to the unique nature of the uses and the fact that many of the facilities will serve more than one function or use, and because it is not unusual for such facilities to be the location of special events, the number of onsite parking spaces shall be subject to a determination by the Commission regarding the adequacy of such parking for most activities and events to take place on the site.

b. Reasonable and appropriate parking setback requirements as specified in Section 906.6 shall be provided except as those requirements may be adjusted or eliminated by the Commission in each instance based upon a review of the specific location, design and circumstances of the proposed use.

c. Reasonable and appropriate landscaping, screening and buffering shall be provided in accordance with Section 940, as those requirements may be adjusted or eliminated by the Commission in each instance based upon a review of the specific location, design and circumstances of the proposed use.

d. All uses shall be subject to Special Permit approval in accordance with Subsection 1000. In general the 25 foot minimum buffer from all property lines to all Special Permit buildings, parking areas and other active use areas shall be maintained, but the Commission may authorize the reduction or elimination of the buffer size in certain specific circumstances where they determine that it would be impossible and/or inappropriate to establish and/or maintain such buffers and the Commission determines that the reduction of the buffer size will not have an unreasonable detrimental impact upon the adjacent property or properties.

e. The Municipal Use (MU) Zone shall be applied as an overlay zone that keeps the existing, underlying zone in place, and thus provides the property owner with an option to use and develop the site in accordance with the regulations of the existing zone or to utilize the flexibility of the MU zone. Any structures and/or facilities developed in accordance with the Municipal Use Zone are for the specific use as authorized and might not be easily adaptable for conversion to other uses once the municipal use has been discontinued.

SECTION 430. ACTIVE SENIOR RESIDENTIAL OVERLAY ZONE
[Added 10/26/2014]

431. Background and Purposes

Housing for active senior "empty nesters" is an important element of residential development within the Town. Such housing enables older residents to continue to reside in Town by living in specially designed single-family residences. The Active Senior Residential Overlay Zone allows the development of such dwellings, by permitting increased density on larger parcels in the R-1 Zone, while preserving the single-family residential character of the surrounding area. Increased density on larger lots, combined with strict limitations on building coverage and height, provides opportunities for active senior housing. Developments approved pursuant to this Section shall comply with the requirements of the federal Fair Housing Act (42 U.S.C. §§ 3600-3620) and similar state statutes (e.g., CGS 46a-64b, 46a-64c) that pertain to housing for persons sixty-two (62) years of age and older.

432. Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000 and the standards set forth below:

a. Housing for those age 62 and older shall be permitted by Special Permit only on properties that meet all of the following criteria contained in this Section 430, including Accessory uses allowed in the R-1 Zone.

433. Site Requirements—Basic Services

All development proposed under this Section shall give due consideration to proximity to services such as public utilities, available forms of public transportation within the community, shopping facilities, and access to major highways and commuter roads. An analysis of the availability of such services shall be submitted as part of any application to demonstrate that the requirements of this Subsection have been fulfilled. At a minimum, the site must be:

a. in the R-1 Residence Zone;

b. of at least three acres in size; and

c. served by public water and public sanitary sewer of sufficient capacity to serve the development.

434. Age Restriction

All dwellings allowed under this Section 430 shall be occupied only by persons age 62 years of age or older. Prior to the issuance of a Zoning Permit for commencement of construction, a restrictive covenant or declaration identifying the location and unit number and street address and current owner(s) (or occupants if a rental unit) of each dwelling unit and describing the age restriction must be recorded on the Darien Land Records. The deed restriction or declaration must be approved by the Planning and

Zoning staff and Town Counsel prior to being recorded on the Darien Land Records, and shall be binding upon all future use of the dwelling(s).

435. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum or maximum requirement in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	3 acres
2. Minimum Lot Width	200 feet
3. Minimum Street Frontage	200 feet
4. Minimum Lot Depth	200 feet
5. Minimum Front Yard	40 feet
6. Minimum Side Yard- each side	25 feet
7. Minimum Side Yard- total of two sides	50 feet
8. Minimum Rear Year	40 feet
9. Accessory Structures	
9A. Minimum Distance from Front Lot Line	40 feet
9B. Minimum Distance from Side Lot Line	25 feet
9C. Minimum Distance from Rear Lot Line	40 feet
10. Maximum Height in Stories (see Note 1)	2 ½ stories
11. Maximum Height in Feet	28 feet
12. Maximum Building Coverage	15%
13. Maximum Developed Site Area (see Note 2)	60%
14. Minimum Distance between Structures	20 feet
15. Maximum Finished Floor Area per Dwelling Unit (see Note 1 and Section 438c)	3,000 square feet
16. Maximum Number of Dwelling Units (round down to the nearest whole number. See Section 438e)	2 per acre

Notes:

a. The Regulations allow for the finishing of up to ½ of the basement. No attic space is allowed to be finished at all. Any finished space in the basement does not count towards the 3,000 square foot maximum in Item 15.

b. The definition of Developed Site Area set forth in Section 210 shall apply to developments created under this Section.

c. Each elderly below market-rate housing unit required to be constructed or acquired shall be at least 800 square feet in size, and the average size of all of the elderly below market rate housing units associated with the development shall be equal to or greater than 50% of the average size of the on-site market rate units within the development. Each elderly below market-rate housing unit shall be no less than 800 square feet in size, and have no less than the average of the number of bedrooms in the on-site market rate units, rounded down. See Section 438 regarding below market rate housing units.

[Amended 6/19/2016]

436. Special Controls

a. One common driveway shall serve all dwelling units and structures on the site, provided that the Commission may require an additional means of access for emergencies only.

b. No structures, swimming pools, or sports courts shall be located within the minimum yard areas. Terraces at grade may be located at least 25 feet from property boundaries, where the Commission finds that such terraces are adequately screened to avoid negative impacts to abutting streets and residential properties. Power transformers and similar public utility equipment serving only the development may be located within required yards, where the Commission finds that such equipment is adequately screened to avoid negative impacts to abutting streets and residential properties.
[Amended 7/12/2015]

c. All required yards shall consist of natural or landscaped screening from abutting properties and streets. The minimum 25 foot buffer requirements of Section 944 shall apply to this Special Permit use within the R-1 Zone.

d. Only single-family and two-family dwellings shall be permitted. No more than two dwelling units shall be located within the same building.

e. On-site parking shall be provided in accordance with Section 904a.

f. Finished, occupied space shall be located only on up to two and one-half (2-1/2) levels within a building (the first floor and second floor and a portion of the basement), but not in an attic. Any attic shall remain unfinished and shall be used only for mechanical equipment and/or for storage.

437. Conservation Area Requirement

Developments under this Section shall include an area of at least ten (10) percent of the total lot area as conservation area, subject to a conservation easement recorded on the Darien Land Records. The conservation easement area may include some or all of the required buffer area as well as other portions of the site as may be appropriate. The conservation easement document shall be approved by the Planning and Zoning staff and Darien Town Counsel, and recorded on the Land Records prior to the issuance of Zoning and Building Permits for construction of new structures on the development site.

438. Requirement for below-market rate units

a. A below market rate dwelling unit is one which is affordable to households with an income equal to or less than 80 percent of the State Median Income for the State of Connecticut. All below market rate units constructed (or acquired) and deed-restricted under this Section shall comply with the age restrictions in Section 433.

b. To calculate the minimum number of elderly below market rate units required to be constructed (or acquired) either on-site or off-site and deed-restricted, the following shall apply:
- Less than 5 market-rate elderly units: 0 elderly below market rate units
- 5-6 market-rate elderly units: 2 elderly below market rate units

- 7-9 market-rate elderly units: 3 elderly below market rate units
- 10-12 market-rate elderly units: 4 elderly below market rate units

One elderly below market rate unit shall be constructed (or acquired) and deed-restricted for each three elderly market rate units thereafter. (Round any fractional requirement for below market rate units up to the nearest whole number).

c. Each elderly below market-rate housing unit required to be constructed or acquired must comply with both of the following requirements: a) the average size of all the below market-rate units shall be at least 50% of the average size of the on-site market rate elderly units constructed; and b) each unit shall not be less than 800 square feet in size. Any on-site elderly below market rate housing unit shall have no less than the average of the number of bedrooms in the on-site market rate units, rounded down.

d. Section 580 (Inclusionary Zoning) provisions for incentives, density bonus, and for requiring below market rate dwelling units are not applicable to the use of the Active Senior Residential Overlay Zone, since this overlay zone has a separate below market rate requirement.

e. The total number of units on-site (market rate and below market-rate) shall not exceed a density of 2.0 per acre in the R-1 Zone. Any additional required below market-rate units beyond that density must be constructed or acquired off-site.

[Amended 6/19/2010]

439. Program Administration

The administration of the below market rate unit(s) shall comply fully with Sections 586 and 587 of the Darien Zoning Regulations.

440. Consistency with Other Regulations

To the extent not modified by this Section 430, all other zoning regulations governing development within the R-1 Residence Zone shall apply to developments under this Section 430.

Schedule of Amendments to Article IV

Section 403k2 [Amended 7/22/2001]
Section 403m [Added 12/24/2017]
Section 404b [Amended 12/24/2017]
Section 404j [Amended 4/12/2009]
Section 405b [Amended 8/5/2012; 2/5/2017]
Section 405f [Added 12/24/2017]
Section 406f [Amended 2/28/2016]
Section 406j [Added 2/28/2016]
Section 411 [Amended 4/14/2013]
Section 416 [Amended 4/14/2013]
Section 416h [Deleted 12/29/2013]
Section 420 [Amended 3/12/2006]
Section 424 [Amended 6/19/2016]
Section 430 [Added 10/26/2014]
Section 435 [Amended 6/19/2016]
Section 436b [Amended 7/12/2015]
Section 438 [Amended 6/19/2010]

For additional information on amendments refer to Appendix ‘C’ of the Regulations.

V. ARTICLE V - DESIGNED BUSINESS AND RESIDENTIAL AND PARKING ZONES

SECTION 500. DESIGNED BUSINESS AND RESIDENTIAL ZONE (DBR)

501. Background and Purposes

This district is an overlay zone which, in addition to permitted uses and controls of the underlying zone, also permits additional uses subject to special provisions and is composed of the Designed Business One (DB-l) and Designed Business Two (DB-2) Zones together with associated residentially-zoned areas as shown on the Town Zoning Map. The district is a transitional zone between the Central Business District and the lower density residential districts on the periphery of that center and provides for the construction of residential dwellings as an alternative form of development to that which is still permitted in the DB-l and DB-2 Zones. The public interest is to provide a desirable alternative to presently permitted commercial uses within the DB-l and DB-2 portions of this zone, to provide a broader choice of housing types in Darien, and to preserve the residential character of Darien. This zone permits the establishment of multi-family housing units that will serve the housing needs of persons who desire this form of housing with its associated conveniences and advantages, and will also meet certain social needs and requirements within the community. In particular, the DBR district is intended to provide a diverse range of housing alternatives with senior and moderate income housing being specifically encouraged.

502. Site Required to be Served by Public Water and Public Sewerage Facilities

To qualify for development under these DBR regulations, a site shall be served by public water and public sewerage facilities of sufficient capacity for the proposed development.

503. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000 and the standards set forth below:

a. Multi-family dwellings.

b. Related accessory buildings, structures and uses.

504. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	2 acres (87,120 sq. ft.)		
2. Minimum Lot Frontage	150 (see Note a)		
3. Minimum Lot Width (Average)	250		
4. Minimum Lot Depth (Average)	200		
5. Average Floor Area of All Dwelling Units	1200 sq. ft. (See note e)		
6. Minimum Floor Area of Dwelling Units	600 sq. ft.		
7. Minimum Front Yard	30		
8. Minimum Side Yard	25		
9. Minimum Rear Yard	25 (See Note b)		
10. Maximum Height	2 ½ stories or 28 ft. (See Note c)		
11. Maximum Building Coverage	20% (See Note d)		
12. Maximum Floor Area Ratio (Subsection 515)	0.30 (0.12 offices + 0.18 multi-family)		
13. Maximum Building Size	8000 sq. ft.		
14. Maximum Dwelling Units/Building	10		
15. Maximum Density	Standard	Senior Housing Incentive	Moderate Income Incentive
Dwelling Units/Gross Acre	8	12	+ 40% over standard
Bedrooms/Gross Acre	16	18	+ 40% over standard

Notes:

a. Frontage shall be on either Boston Post Road, Old Kings Highway North or Leroy Avenue.

b. If located within 100 feet of any residential zone, a 50 foot minimum rear yard shall be required.

c. Occupancy shall be limited to two stories, and half of the basement (based upon one-half the total square footage of the first floor) may be occupied and finished as well.

d. May be increased to 25% to permit senior housing or moderate income housing incentives. Total coverage of the site including accessory buildings, parking and other paved areas, terraces and pedestrian sidewalks shall not exceed 50% of the site area.

e. The average floor area of all dwelling units may be increased from 1200 square feet to as much as an average of 1800 square feet provided the density and/or maximum number of dwelling units is reduced by 30%, so that the size, number and bulk of the buildings and related development is not increased due to the larger size of the units.

[Amended 12/31/2000; 6/30/2002]

505. Density

505.1 Modification

Significant wetlands and areas of steep slopes of 15 percent or greater grade may be identified by the Commission and excluded from the gross land area computation. The Commission may increase the maximum density and modify the coverage requirements hereunder pursuant to Subsections 506.1 and 506.2.

505.2 Bedrooms

At least 30 percent of the total number of units shall be limited to one bedroom.

505.3 Maximum Total

The total number of dwelling units, including maximum unit density and bonus units, shall not exceed 60 dwelling units on any DBR site. The total number of bedrooms, including maximum bedroom density and bonus bedrooms, shall not exceed two times the maximum total number of permitted dwelling units on any DBR site.

506. Density Incentive

506.1 Senior Housing Incentive

If the applicant agrees to limit occupancy of all dwelling units to families of which at least one person is age 62 or over, then the Commission may permit the applicant to develop a maximum density of 12 units and 18 bedrooms per gross acre. Title to the Senior Housing Incentive Units shall be restricted so that in the event of any resale by the owner or any successor, the property shall remain restricted to occupancy by at least one person age 62 or over.

506.2 Moderate Income Housing Incentive

Permitted density may be increased by not more than 40 percent if at least 40 percent of the additional density units are established as moderate income dwelling units. This incentive is an alternative to and not in addition to the Senior Housing Incentive above. The Commission may limit this increase in density where the Commission determines that such may be necessary or appropriate because of the specific characteristics of the individual site. The Commission may waive the recreational requirement of Subsection 509.b where the Commission finds that such waiver will encourage moderate income housing units. Additional criteria for moderate income housing incentives are set forth in Subsection 513.

507. Buffer

Any internal road, parking area or accessory structure for multiple or community use within 100 feet of any residential single-family zone shall be screened from view during all seasons of the year. No swimming pool, tennis court, paddle tennis court or other open recreational facility shall be located within 100 feet of any residential single-family zone and shall be screened in accordance with the requirements of Section 940.

508. Building Separation

A building wall with windows shall be at least 20 feet from any opposing wall that does not have windows and at least 50 feet from any opposing wall that does have windows.

509. Accessory Building, Structure and Uses

a. Terrace areas adjacent to and with direct access from the unit shall have no dimension less than 10 feet with a minimum area of 150 square feet.

b. Outdoor recreational uses, such as in-ground swimming pools, tennis courts and platform tennis courts, shall be required on DBR sites with more than 20 dwelling units. This requirement may be waived by the Commission.

c. Business or professional home occupations shall not be permitted in dwelling units in this zone.

d. A temporary sales or rental office may be permitted for use only in the sale or rental of units on site until initial sale or rental of the units shall be completed.

e. Manager's office and/or community recreation center may be permitted as appropriate.

f. Facilities for use by the occupants as common rooms or laundry, including but not limited to entertainment or common dining rooms with supportive food preparation areas and areas for periodic medical examination, limited treatment and therapy.

g. Garages detached from a principal dwelling shall not exceed one story in height and shall be fully enclosed. Garage buildings shall be used solely for the storage of passenger vehicles of residents.

h. Signage shall be limited to sign requirements applicable to all Residential Zones.

i. Outdoor laundry drying areas shall be prohibited.

j. Refuse containers shall be located in a building or screened by solid fences of at least six feet in height and fully enclosed.

k. Other buildings, structures and uses not listed above, customarily accessory to a permitted principal use, provided that:

1. Each such accessory building or structure shall not exceed 300 square feet of gross floor area;

2. Each such accessory building or structure shall not exceed one story and shall not exceed 15 feet in height;

3. No such accessory building or structure shall be occupied or used as habitable living space;

4. No accessory building or structure shall include any activity conducted for gain or profit;

5. The total floor area of all accessory uses and buildings shall not exceed five percent of the gross floor area of the residential development.

510. Usable Open Space

a. Except as provided in Subsections 514 and 515, at least 600 square feet of usable open space shall be provided on the site for each dwelling unit. All designated open space areas shall be able to contain a circle with not less than a 20 foot diameter. The land so set aside shall be properly monumented, graded, screened and landscaped and may include recreation facilities suited to the needs of the residents. Recreation areas shall be designed to prevent the emission of objectionable noise and light onto abutting properties. At least 75 percent of the recreation area shall have a grade less than five percent and the area shall be shown on the plan as well as the nature and type of recreation and facilities to be provided.

b. The requirement of 600 square feet usable common open space per unit may be reduced by an amount equal to the total of the terrace areas provided under Subsection 509 divided by the total number of dwelling units on the site, and said area can be included in the calculation of the 600 square feet of open space per unit required hereby.

c. The Commission may require that a conservation easement be conveyed for this required open space.

511. Architectural Design

The architectural design, scale and mass of buildings and other structures, including among other elements the exterior building materials, roof lines, and building elevations, shall be residential in character in accordance with the standards listed below so as to harmonize and be compatible with the neighborhood, to protect property values, and to preserve and improve the appearance and beauty of the community. The architectural design shall be reviewed by the Architectural Review Board and a report received prior to a public hearing.

a. Pitched roofed buildings shall be encouraged.

b. Roof-top mechanical equipment other than solar energy panels shall be concealed from all sides.

c. No building shall extend in a continuous plane for more than 75 feet without an offset or stagger of at least five feet in depth.

d. Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

e. The design of the development and the placement of buildings, driveways, walkways, parking facilities and other improvements shall be such that existing trees, water courses, rock outcrops and similar natural features are preserved to the greatest possible extent.

512. Parking, Drives and Garages

a. Number of Off-Street Spaces – 2 1/2 spaces per dwelling unit including at least one single-car enclosed garage and one additional parking space excluding garage aprons provided for each dwelling unit. A minimum of one-half space per unit shall be designated as visitor parking.

b. Parking spaces and driveways shall not be located in any required buffer or yard areas.

c. Outside parking spaces shall be at least 10 feet from any dwelling unit within the development and adequately screened from adjoining residential uses.

d. No portion of any such parking area shall be more than 200 feet from the entrance of any unit served thereby.

e. Not more than 10 continuous spaces shall be built along an access driveway or parking lot without being separated by a landscaped area of at least six feet in width.

f. Driveways shall generally have a width of 24 feet. Primary access shall only be to Boston Post Road, Old Kings Highway North, or Leroy Avenue. On corner lots, secondary access may be permitted on side streets.

g. Pedestrian walkways, a minimum of three feet in width, shall be provided between buildings and between buildings and public highways in a system so as to discourage the use of driveways for pedestrian use. A sidewalk along a public street shall be constructed or reconstructed by applicant.

513. Moderate Income Housing Incentive

513.1 Criteria for Moderate Income Dwelling Units

a. Moderate income units shall be available for sale, resale or continuing rental only to moderate income families as defined in Subsection 513.2. Such units shall be physically integrated and dispersed into the design of the development. Moderate Income Units shall be distributed among one, two or three bedroom units in the same proportion as all other units on the site unless a different proportion is approved by the Commission as being better related to current or projected housing needs.

b. Maximum Rent and Sales Price - the maximum monthly rent for a moderate income dwelling unit excluding utilities (gas, oil and electricity) and common charges shall not exceed two percent of the median annual Town-paid wages of all full time employees and teachers during the preceding calendar year. The maximum sales price for a moderate income dwelling unit shall not exceed 3 1/2 times the median annual Town-paid wages of all full time Town employees, including Board of Education employees, during the preceding calendar year. There shall be no extra charge for minimum required facilities such as, but not limited to, parking and recreational facilities other than common charges applicable to all dwelling units.

c. Resale Restrictions - in the case of moderate income dwelling units, the title to said property shall be restricted so that in the event of any resale by the owner or any successor, the resale price shall not exceed the then maximum sales price of said unit as determined in accordance with Subsection 513.1 (b) above, plus the cost of any fixed improvements made by the owners.

d. The Commission may require additional assurances, including deed restrictions, to ensure the continuing eligibility of tenants and continuing restrictions on use to eligible moderate income families.

e. Leasing and Subleasing - moderate income units may be occupied only by the owner and his or her immediate family, qualified according to these Regulations, except that any unit not owner-occupied may be rented only if the tenant qualifies according to these Regulations.

513.2. Definition of Moderate Income Families

Families whose aggregate income, including the total of all current annual income of all family members from any source whatsoever at the time of application (including a reasonable amount attributable to ownership of any residence which will be vacated, but excluding the earnings of working minors attending school full-time), averaged for the preceding two years, shall not exceed the following multiple of median annual Town-paid wages of full-time employees of the Town, including Board of Education employees, during the preceding calendar year.

Family Size	Multiple
1 person family	0.9
2 person family	1.3
3 person family	1.4
4 person family	1.5
5 person family	1.6

514. Darien Housing Authority or Town of Darien Special Permit Regulations

514.1 Background and Purposes

The rights, duties, privileges and obligations of these Special Permit Regulations shall be limited to the Darien Housing Authority and/or an entity officially designated by the Town of Darien only, in order to provide "Housing for Elderly Persons" under Section 8-112A, et seq. of the General Statutes and/or Moderate Income Housing.

514.2 Permitted Uses

The applicability of this Special Permit Section is also limited to land now or in the future owned by the Town or the Darien Housing Authority within the DBR Zone. All of the regulations of the DBR Zone shall apply to applications by the Darien Housing Authority or the Town of Darien except the Commission may, provided it

shall make all findings under Section 1000, in its discretion, grant a Special Permit modifying the following:

a. Setback requirements by not more than 25 percent.

b. Height restriction for existing structures to be rehabilitated for senior citizen or moderate income housing.

c. Maximum coverage by not more than 25 percent.

d. Density by not more than 25 percent of the Density Incentive set forth in Section 506.

e. Reduction of open space requirements by not more than 50 percent.

f. Parking by reducing minimum number of spaces to not less than one space per unit for limited income elderly housing or two spaces per unit for moderate income housing.

g. Removing garage requirement.

h. Minimum floor area of dwelling units.

i. Requirements for building separation.

514.3 Special Permit

The basis for a Special Permit hereunder shall be in addition to those findings required to be made under Section 1000 and shall also be based upon:

a. The average floor area of residential units not exceeding 1000 square feet and at least 30 percent of all units being one bedroom units.

b. The housing permitted hereunder being limited to moderate or limited income housing as provided and determined by the Darien Housing Authority or an entity officially designated by the Town of Darien pursuant to and in accordance with applicable state laws and these Regulations.

515. Mixed Use Regulations

515.1 Background and Purposes

Properties within the DBR Zone may be developed with combinations of residential and non-residential uses with the expressed intent of encouraging the construction of multi-family housing. This form of development shall be referred to as "DBR Mixed Use Development" and shall be permitted only subject to the terms and conditions of these special regulations and after careful design review to ensure that a harmonious relationship is established among the mixed uses and between the mixed uses and the general environs of the site.

515.2 Permitted Uses

Non-residential uses which are deemed to be compatible with multi-family units and which may be incorporated within a DBR Mixed Use Development shall be limited to:

a. Business and professional offices.

b. Indoor recreation facilities.

c. Clubs or lodges.

d. Protected Town Landmarks.

515.3 General Standards and Requirements

a. In deciding whether to permit mixed use development, the Commission shall find that the proposed uses are:

1. Appropriate to the site and compatible with surrounding properties and development;

2. Designed to preserve any historically or architecturally significant structures and significant environmental features on the site;

3. Properly designed to enhance and emphasize the residential portion of the project;

4. Designed to minimize impacts upon any adjoining residential uses;

5. Designed to minimize traffic congestion;

6. Of an intensity and combination of uses appropriate to the site and district pursuant to the requisite findings under Section 1000 of these Regulations.

b. A DBR Mixed Use Development may include more than one lot and said lots are not required to be under common ownership. However, no structures shall encroach upon any lot line and all property owners shall participate in the application and be a direct party to any Special Permit which may be granted. Any future application to amend a Special Permit granted hereunder shall be consistent with the entire mixed use site. Any shared facilities, common usages or other such elements of the Special Permit shall be established in perpetuity through irrevocable easements or other appropriate procedures.

c. A DBR Mixed Use Development constituting a subdivision or re-subdivision as defined in the General Statutes, shall not be approved by the Commission unless such subdivision or re-subdivision shall also have been

approved. Such subdivision or re-subdivision approval process shall precede or be undertaken in conjunction with the DBR approval process.

515.4 Density

No business or professional office building or structure in any DBR Mixed Use Development, as defined herein, shall exceed a floor area ratio (FAR) of 0.12. Any DBR Mixed Use Development including both a professional or service commercial office building or structure and multi-family dwellings shall not exceed a total FAR of 0.30 (0.12 for office and 0.18 for multi-family). In a DBR Mixed Use Development, any incremental increase in floor area above the ordinary maximum allowable FAR for the non-residential uses shall be for multi-family uses only. Previously existing indoor recreation facilities, clubs or lodges, and protected Town Landmarks are not subject to a specific FAR limitation due to their uniqueness, but the Commission may limit the amount of non-residential or multi-family development on the site accordingly. Otherwise, all requirements of Subsection 505 shall be applicable.

All regulations hereunder pertaining to density and intensity of development are maximum levels of development and the Commission, in its discretion, may further limit development to reflect site specific conditions.

515.5 Special Exceptions

Where the Commission makes positive findings under these standards and regulations that a proposed DBR Mixed Use Development may be permitted, they may also consider the granting of certain special exceptions which may permit additional flexibility in the development of the site or result in an improved development of the district. Wherever special exceptions are permitted, they shall be set forth specifically on the plans and the Commission shall set forth such exceptions in the record on the applications. These may include:

a. Coverage - The maximum building and total site coverage for both commercial and residential uses may be increased by not more than 10 percent.

b. Open Space - The minimum open space requirement of 600 square feet of usable open space for each dwelling unit may be decreased by the Commission to no less than 400 square feet for each dwelling unit. Otherwise, all requirements of Subsection 510 shall be applicable.

c. Parking - The minimum parking space requirements for a non-residential use shall be complied with in full pursuant to Section 900. With regard to residential parking space requirements, the one-half space per unit to be designated for visitor parking may be provided on that portion of the site not reserved for multi-family uses if established by easement. Otherwise, all requirements of Section 900 shall be applicable to the residential development parking requirements.

d. Setbacks - All setback requirements shall be applicable to a DBR Mixed Use Development with regard to parcels adjoining the site, but the Commission may grant special exceptions concerning the setback requirements involving

mixed uses where it finds that to do so shall result in a better plan of development.

e. Buildings - In no event shall the maximum permitted size of a non-residential structure be increased beyond that permitted by the DB-l and/or DB-2 standards for the portion(s) of the property which is within these zoning districts. The specific locations of the structures or buildings may be established on any portion of the mixed use development site, subject to the applicable setback requirements. No single building shall contain both residential and non-residential uses.

515.6 Applicability

These regulations shall be deemed to be an exclusive alternative development form within the DBR Zone and may not incorporate any incentives provided under Subsections 506, 513 or 514.

515.7 Pre-application Procedures

a. Prior to developing any formal application, a sketch plan shall first be submitted to the Commission's office for an informal determination by the Director of Planning and Zoning that the proposal generally meets the intent and purposes of this Section.

b. Upon receiving a positive determination in writing from the Commission's office, a preliminary application shall be submitted for the Commission's consideration.

c. All reviews of preliminary plans by the Director and/or Commission shall be designed to aid the applicant in the preparation of an acceptable final plan and shall not be construed as binding on the Commission in its action on any formal application to be made under this Section.

d. Within 45 days of receipt of the preliminary application, the Commission shall refer the application to the Architectural Review Board and schedule an informal hearing on the proposal.

e. Subsequent to receiving any Commission approval of the preliminary application, the applicant shall prepare final plans and documents incorporating all requirements established by the Commission.

516. General Standards and Requirements

In addition to the specific standards and requirements provided herein, the Commission's approval of any application in the DBR district shall be subject to the Commission making all findings under Section 1000 and the following additional findings:

a. The residential development shall be consistent with the letter and intent of the Town Plan and shall maintain the Town's predominantly residential character.

b. The residential development shall not be detrimental to the health, safety, property values and character of the neighborhood and shall not adversely affect any adjoining single-family residential areas.

517. Application

As part of the Site Plan Approval process within the DBR Zone, the following additional requirements shall apply:

a. A colored rendering of the proposed structure(s) drawn from a perspective representing a view from street level and illustrating at least two facades of the building.

b. Elevation drawings for each side of the building.

c. Samples of the finishing materials to be used on the exterior.

d. Color photographs of existing development a minimum distance of 200 feet to any side of the subject site and a locus map showing all buildings within a distance of 200 feet of the subject site.

e. Presentation of an architectural style which shall enhance and contribute to the historic and architectural character of the site and the surrounding area.

f. Buildings designed to enhance and contribute to special design features of the area including historic and public buildings and the natural environment.

g. The applicant shall either obtain and submit with the application all necessary legal documents or rights such as easements, rights-of-way, articles of association, declarations, etc. or shall otherwise provide sufficient evidence to show, to the satisfaction of the Commission, that the acquisition of all such necessary legal documents or rights appears to have a reasonable probability of success.

h. The applicant shall establish the phasing of development to clearly specify the sequence of construction of buildings and areas to ensure that amenities, public facilities and utilities shall be installed according to a specific construction schedule and to ensure against excessive excavation and undue damage from erosion.

i. Such additional information and assurances as the Commission may deem necessary to make a reasonable decision on the application.

518. Limitation of Time

The Commission's approval shall become null and void unless construction of streets and other improvements shown on the site plan shall be at least 50 percent completed within one year of the effective date of the Commission's approval; site development completed within

two years from the date of approval; and entire project completed within three years from the date of approval.

519. Drives

Drives and accessways within any DBR site shall be privately owned and maintained. Construction standards shall comply with the prevailing requirements for Town roads.

SECTION 520. DESIGNED MULTI-FAMILY RESIDENTIAL ZONE (DMR)

521. Background and Purposes

This district permits multi-family uses subject to special provisions. The district provides for the construction of residential dwellings, the preservation of open space, and the general enhancement of residential development of larger properties conveniently located with respect to basic services within the community. The district is designed to be within walking distance of the Noroton Heights Shopping Center and the Noroton Heights train station in Darien. The zone is intended to provide a broader choice of housing types, to address needs for affordable housing, and to preserve the residential character of Darien. Multi-family housing within prescribed density limitations may only be constructed here, where it will be in close proximity to commercial services and mass transportation facilities, but, except for dwelling units of the Darien Housing Authority, it will not be adjacent to, and in no case, shall the new units adversely impact existing or potential single family residences. This zone is in close proximity to a commercial retail center and permits the establishment of multi-family housing units that will serve the housing needs of persons who desire this form of housing with its associated conveniences and advantages.
[Amended 3/29/2009]

522. Site Requirements

a. Utilities

To qualify for development under these DMR regulations, a site shall be served by public water supply and public sewerage facilities of sufficient capacity to serve the development. The applicant shall submit a statement from a licensed Professional Engineer or the utility companies certifying that such capacity exists.

b. Environmental Impacts

An environmental impact study shall be prepared as part of any application which shall clearly illustrate all effects upon environmental factors including but not limited to: flood prone areas; water bodies; aquifers; trees and vegetation; storm drainage systems; soils; wetlands; and other such elements. Such study shall describe proposed measures to mitigate environmental damage while still accomplishing the basic objectives of the proposed development.

c. Traffic Impacts

A current traffic impact study shall be prepared incorporating the findings required to be made by the Commission under Subsection 1005 (d) and (e) of these Regulations with regard to such traffic elements as road and drive widths, sight lines, circulation patterns, curb cuts, trip generation, and other typical traffic safety and convenience requirements including impacts upon the surrounding street system.

d. Basic Services

All development proposed under this Section shall be located adjacent to or in close proximity to required basic services such as public utilities, available forms of public

transportation within the community, shopping facilities, and convenient access to major highways and commuter roads. An analysis of the availability of such basic services shall be submitted as part of any application to demonstrate that the requirements of this Subsection have been fulfilled.

523. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. All uses permitted in the R-1/3 Zone as set forth in Article IV, Section 400 herein.

524. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000 and the standards set forth below:

a. Multi-family dwellings.
b. Affordable Housing Developments. Multi-Family residential developments which conform to Section 8-30g of the Connecticut General Statutes in effect the date the site plan application is made, and Sections 524.2 and 524.3 of these regulations.
c. Related accessory buildings, structures and uses.
d. Public and semi-public uses.

524.2. Criteria for Affordable Housing Units

a. Availability for sale, resale, and rental

Affordable Housing units shall be available for sale, resale and continuing rental only to those families who qualify for such units under Section 8-30g of the Connecticut General Statutes, as amended.

b. Construction Quality and Size

Affordable housing units shall be of a construction quality and size that is equivalent to market-rate units within the development and shall be dispersed throughout the development.

c. Pro-Rata Construction

If the development is to be built in phases, the Affordable Housing Units shall be built on a pro-rata basis as construction proceeds.

d. Bedroom Ratios

The ratio of one, two and three bedroom units among the affordable housing units shall be comparable to the ratio of one, two, three bedroom units among the market rate units.

e. Maximum Monthly Payment

The maximum monthly payment for an affordable housing unit shall not be greater than the amount that will preserve such unit as "affordable housing" as that term is defined in Section 8-30g of the Connecticut General Statutes, and shall include the following:

1. For rental housing, the maximum monthly housing payment shall include the cost of rent; common charges in the case of a rental in a common interest community; if the tenant is directly responsible heat and utility costs, including hot water and electricity, but excluding telephone and cable television.

2. For ownership housing, the maximum monthly housing payment shall include periodic mortgage payments (assuming a reasonable down payment and prevailing interest rates); taxes; insurance; common charges in the case of ownership of a unit in a common interest community; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.

f. Resale Restrictions

In the case of "for sale" affordable dwelling units and not rental dwelling units, the title to such units shall be restricted so that in the event of any resale by the owner or any successor, the resale price shall not exceed the then maximum sales price of said unit as determined in accordance with Section 524.3. The Commission may require additional assurances, including deed restrictions, to ensure the continuing restrictions and to ensure that the units remain affordable.

g. Leasing and Subleasing

Affordable units in separate ownership may be occupied only by the owners and their immediate families, qualified according to these Regulations, except that any such unit not owner-occupied may be rented only if the tenant qualifies according to these Regulations.

524.3. Definition of Affordable Income Restriction and Housing Payment

Any apartment/housing unit being rented/sold as an "affordable housing unit" as defined in Section 8-30g of the Connecticut General Statutes is available only to persons or families whose income is at or below 80% of the area median income for Darien, or the State median, whichever is less, as determined by the Connecticut Department of Economic and Community Development and the U.S. Department of Housing and Urban Development. Any development approved by the Darien Planning and Zoning Commission is based in part on the condition that a minimum of 25% of the units will be rented/sold as affordable housing units. Any owner is required by law to strictly enforce these restrictions. Income restrictions and rents shall be adjusted by the number of bedrooms.

525. Area and Bulk Requirements for Special Permit Uses (not including Affordable Housing Developments)

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	3 acres (130,680 sq. ft.)
2. Minimum Lot Frontage Any accessway must be a minimum of fifty (50) feet wide with paved, primary or main access drives twenty-six (26) feet wide and constructed to Town standards and secondary drives twenty-four (24) feet in width.	None
3. Minimum Lot Width (Average)	200
4. Minimum Lot Depth (Average)	200
5. Maximum Average Gross Floor Area of all Dwelling Units	1500 sq. ft. (see note a)
6. Minimum Floor Area of Dwelling Units	600 sq. ft.
7. Minimum Front Yard	50
8. Minimum Distance Between Any Structure and Interior Access Drives	30
9. Minimum Side Yard	25
10. Minimum Rear Yard	50
11. Minimum Distance between any proposed structure and the nearest location of an existing or potential single-family detached residential parcel	100
12. Maximum Height	2 ½ stories or 28 feet
13. Maximum Building Coverage	20%
14. Maximum Floor Area Ratio (FAR)	0.15
15. Maximum Average Building Size	8,000 sq. ft.

Notes:

a. The average floor area of all dwelling units may be increased from 1500 square feet to as much as an average of 2000 square feet provided the density and/or maximum number of dwelling units is reduced by 30%, so that the size, number and bulk of the buildings and related development is not increased due to the larger size of the units.

[Amended 12/31/2000]

525.1 Area and Bulk Requirements for Affordable Housing Developments

The following requirements should be deemed to be the minimum or maximum requirements for Affordable Housing Developments, as defined in Section 524:

1. Minimum Lot Area	3 acres (130,680 sq. ft.)
2. Minimum Lot Frontage Any accessway must be a minimum of fifty (50) feet wide with paved, primary or main access drives twenty-six (26) feet wide and constructed to Town standards and secondary drives twenty-four (24) feet in width.	None
3. Minimum Lot Width (Average)	200 ft.
4. Minimum Lot Depth (Average)	200 ft.
5. Maximum Average Gross Floor Area of all Dwelling Units	1500 sq. ft. (see note a)
6. Minimum Floor Area of Dwelling Units	600 sq. ft.
7. Minimum Front Yard	50 ft.
8. Minimum Side Yard	25 ft
9. Minimum Rear Yard	25 ft.
10. Minimum Distance Between Any Proposed Structure and the nearest location of an Existing or Potential Single-Family Detached Residential Parcel	50 ft.
11. Maximum Height	2 ½ stories 28 feet
12. Maximum Building Coverage	20%
13. Maximum Floor Area Ratio (FAR)	0.20
14. Minimum Front, Side and Rear Yard for Drives, Outside Parking Spaces, and Utility Structures	None.

Notes:

a. The average floor area of all dwelling units may be increased from 1500 square feet to as much as an average of 2000 square feet provided the density and/or maximum number of dwelling units is reduced by 30%, so that the size, number and bulk of the buildings and related development is not increased due to the larger size of the units.

526. Density

526.1 Maximum Density

a. Four (4) Dwelling Units/Net Acre

b. Up to six (6) Dwelling Units/Net Acre may be permitted as site conditions allow such density and provided that 20 percent of all units in excess of those permitted in Subsection 526.1a above are established as affordable housing units as defined within these Regulations. Such moderate income units shall be evenly distributed within the project in terms of both unit type and geographical location.

c. Up to six (6) Dwelling Units/Net Acre for Affordable Housing Developments.

526.2 Modification

Up to 10 percent of the total site area may be identified by the Commission as being environmentally unsuitable for development and excluded from the land area computations. Such lands being excluded shall be wetlands, land under water, land within a flood encroachment line, and/or areas with steep slopes of 15 percent or greater grade. Remaining land is net acreage to be used for the calculation of maximum densities. The Commission may increase the standard density coverage requirements hereunder pursuant to Subsection 526.1(b).

526.3 Bedrooms

a. At least 15 percent of the total number of units shall be limited to one bedroom. No unit shall contain more than three bedrooms.

527. Usable Open Space

a. At least 1000 square feet of usable open space shall be provided on the site for each dwelling unit. All designated open space areas, excepting individual unit terrace areas if any, shall be able to contain a circle with not less than a 100 foot diameter. The land so set aside shall be monumented, graded, and landscaped and shall include recreation facilities suited to the needs of the residents. Recreation areas shall be designed to prevent the emission of objectionable noise and light onto abutting properties. The area or areas shall be shown on the plan as well as the nature and type of recreation facilities to be provided.

b. The requirement of 1000 square feet of usable common open space per unit may be reduced by an amount equal to the total square footage of terrace areas provided under Subsection 509. Said area can be included in the calculation of the 1000 square feet of open space per unit required by Subsection 527 a.

528. Design Criteria

Required criteria on specific design elements under this Section are found in the following Subsections of Section 500 Designed Business and Residential Zone (DBR):

a. 507, Buffers
b. 508, Building Separation
c. 509, Accessory Buildings, Structures, and Uses
d. 511, Architectural Design
e. 512 (a-e) & g, Parking, Drives, and Garages
f. 513.1a & (d-g), 513.2, Moderate Income Housing Incentive
g. 516, General Standards and Requirements
h. 517, Application
i. 519, Drives

528.1 Design Criteria (for Affordable Housing Developments)

Required criteria on specific design elements under this Section are found in the following Subsections of Section 500 Designed Business and Residential Zone (DBR):

a. 507, Buffers
b. 509, Accessory Building Structures and Uses
c. 511, Architectural Design
d. 516, General Standards and Requirements
e. 517, Application
f. 519, Drives

All such Subsections are incorporated herein and made a part hereof.

528.2 Building Separation

Each principal building shall be at least twenty (20) feet from any other principal building on the lot, as measured in a straight line between the nearest points of any two such principal buildings.

528.3 Parking, Drives and Garages

The following requirements shall apply to Affordable Housing Developments, as defined in Section 524:

a. Number of Off-Street Spaces - 2 ½ spaces per dwelling unit, including at least one single-car enclosed garage and one additional parking space including garage aprons provided for each dwelling unit. A minimum of one-half space per unit shall be designated as visitor parking.

b. Outside parking spaces shall be at least 10 feet from any dwelling unit within the development and adequately screened from adjoining residential uses.

c. Not more than 12 continuous spaces shall be built along an access driveway or parking lot without being separated by a landscaped area of at least six feet in width.

d. The Commission may waive the improvement of up to twenty-five percent (25%) of the parking spaces required by this subsection where it is determined that a building or use does not presently need the required number of parking spaces, provided that (1) the applicant sufficiently demonstrates that the nature of the building or use and the factors which determine parking demand result in fewer parking spaces to meet actual parking needs than those required by these regulations, and (2) the site plan shows all required parking spaces, including those for which a waiver is requested. No structures or other improvements, except parking, driveways and underground utilities, may be constructed within the unimproved parking area, and said area shall be suitably landscaped.

529. Phasing of Construction

As part of the Commission's approval, a program specifying the phasing of development, together with a timetable for construction, shall be established. Required Zoning Permits shall be issued in strict accordance with the approved program.

530. Darien Housing Authority Special Permit Regulations
[Amended 3/29/2009]

531. Background and Purposes

The rights, duties, privileges and obligations of these Special Permit Regulations shall be limited to the Darien Housing Authority only, in order to provide low and moderate income housing.
[Amended 3/29/2009]

532. Permitted Uses

The applicability of this Special Permit section is also limited to land now or in the future owned or leased by the Darien Housing Authority within the DMR Zone. All of the regulations of the DMR Zone shall apply to applications by the Darien Housing Authority except the Commission may, provided it shall make all findings under Section 1000, in its discretion, grant a Special Permit modifying the following:

a. Setback requirements, by reducing front yard setback from fifty (50) feet to thirty (30) feet.
b. Density, by increasing from a maximum of six (6) to a maximum of twelve (12) dwelling units/net acre.
c. Parking, by reducing minimum number of spaces to not less than two (2) spaces per unit for developments which are entirely low and/or moderate income housing.
d. Removing garage requirement and modifying driveway requirements.
e. Maximum floor Area Ratio (FAR) by increasing to .28.

[Amended 3/29/2009]

533. Special Permit

The basis for a Special Permit hereunder shall be in addition to those findings required to be made under Section 1000 and shall also be based upon:

a. The housing permitted hereunder being limited to entirely low and/or moderate income housing as provided by the Darien Housing Authority pursuant to and in accordance with applicable State laws and these Regulations.

[Amended 3/29/2009]

SECTION 540. 3.7 ACRE HOLLOW TREE RIDGE ROAD SMALL ACREAGE ZONE FOR AFFORDABLE HOUSING

541. Background and Purposes

This Affordable Housing use is created in response to an application to amend the Zoning Regulations to permit development of affordable housing on a 3.7 acre tract on the west side of Hollow Tree Ridge Road. Affordable housing which fully satisfies the intent, requirements and purposes of Section 8-30g of the Connecticut General Statutes must be part of any housing proposal submitted for approval within this Zone. If the property is not developed for affordable housing in accordance with the requirements of the stated statutes, the district shall continue to be subject to all requirements of the Designed Multi-family Residential Zone as set forth in Section 520 of the Regulations. The district requirements recognize the location of the property which is separated from single-family residential neighborhoods by the railroad tracks to the north, the John Davis Lodge Turnpike (Interstate 95) to the south, Hollow Tree Ridge Road and the commuter parking lot to the east, and to the west, a large undeveloped tract of land which is in the DMR Zone. The isolated location of the site limits density of development to preserve the health and safety aspects of the community. The district is close to the Noroton Heights Shopping Center, the Stop and Shop shopping center, the Noroton Heights Train Station and not far from the Middlesex Middle School. Development in accordance with these Regulations will provide a broader choice of housing types to address the needs for affordable housing while still preserving the predominant single family residential character of Darien. Such multi-family affordable housing under Section 8-30g of the Connecticut General Statutes may only be constructed here, where it will be in close proximity to commercial services and mass transportation facilities, and will not be adjacent to or adversely impact existing or potential single-family residences. These multi-family housing units will serve the needs of persons who desire this form of housing with its associated conveniences and advantages, and it is acknowledged that on-site open space and other amenities must be provided due to the somewhat isolated nature of this property. On-site parking must be sufficient to serve the needs of residents, service persons, and visitors because no on-street parking is likely to become available in the area.

541b. Background and Purposes – Self Storage

This Self-Storage use is created in response to an application to amend the Zoning Regulations to permit the development of a self-storage facility on the 3.7 acre tract on the west side of Hollow Tree Ridge Road. If the property is not developed for affordable housing per the above or self-storage, the district shall continue to be subject to all requirements of the Designed Multi-Family Residential Zone as set forth in Section 520 of the Regulations. The district requirements recognize the location of the property which is separated from single-family residential neighborhoods by the railroad tracks to the north. the John Davis Lodge Turnpike (Interstate 95) to the south, Hollow Tree Ridge Road and the commuter parking lot to the east, and to the west a large multi-family residential development (Avalon). The lack of access to public sewage facilities limits development options for the 3.7 acre tract. The district is close to the Noroton Heights Shopping Center, the Stop and Shop shopping center, the Noroton Heights train station, the Avalon residences and not far from Middlesex Middle School. Development in accordance with these regulations will provide storage options to residential homeowners

in Darien. Such self storage facility may only be constructed here, where it will be in close proximity to other commercial uses and mass transportation facilities and will not adversely affect existing or potential single-family residences. This self-storage facility will serve the needs of residents who desire, or are in need of, additional storage for business, personal and household goods, as well as cars and boats, and parking must be provided because of the somewhat isolated nature of this property.
[Amended 4/17/2016]

542. Site Requirements – Affordable Housing

a. Utilities

The site is adjacent to existing water and public sewage facilities which appear to be of sufficient capacity to serve potential development of the property. Upgrading, improvement or extension of the facilities may be necessary due to the density. The costs associated with upgrading such facilities shall be borne by the applicant in connection with any proposed development activity. The applicant shall submit a statement from a licensed professional engineer and/or the utility companies certifying that the capacity of the utilities will suffice to accommodate the proposed development and/or will be upgraded to accommodate such development.

b. Environmental Impacts

An environmental impact study and analysis shall be prepared and submitted to the Commission as part of any application and must clearly illustrate all effects of proposed development upon environmental factors, including but not limited to, inland wetlands and watercourses, aquifers, trees and vegetation, storm drainage systems, potential soil erosion, and other such elements. Such studies shall prescribe proposed measures to mitigate environmental damage while still accomplishing the basic objectives of the proposed development. The applicant shall also be responsible for certifying to the Commission that the air and noise conditions existing due to surrounding uses have been taken into consideration in the design of the project and that such conditions will not adversely affect or impact the health, safety and comfort of the residents of the premises.

c. Vehicular Traffic

A current traffic impact study shall be prepared and submitted to the Commission so as to meet the requirements of Subsection 1005(d) and (e) of these Regulations with regard to the existing and proposed conditions and circumstances as well as reasonably anticipated traffic elements such as road and drive width, sight lines, current and projected volumes of vehicular and pedestrian traffic, a second means of vehicular access/egress to and from the property for emergency purposes, circulation patterns, curb cut locations, on site parking needs, service vehicle access and maneuvering, trip generation, traffic control devices, signals and signage, pedestrian walkways, sidewalks, handicapped access and convenience and safety requirements including impacts upon the surrounding street system. The costs associated with upgrading or installation of traffic management devices or designs in connection with the proposed development shall be borne by the applicant.

d. Basic Services and Utility Connections

All structures and dwelling units within the site must be serviced by public water and public sewerage. All utility connections, including electrical, telephone, telecommunications and other connections must be underground. No overhead services or wires shall be permitted.
[Amended 4/17/2016]

542b. Site Requirements – Self Storage

a. Utilities

The site is adjacent to an existing water facility which appears to be of sufficient capacity to serve potential development of the property. Upgrading, improvement or extension of the facility may be necessary. The installation of a private septic system will also be necessary. The costs associated with upgrading such facility shall be borne by the applicant in connection with any proposed development activity. The applicant shall submit a statement from a licensed professional engineer and/or the utility companies certifying that the capacity of the utilities will suffice to accommodate the proposed development and/or will be upgraded or installed to accommodate such development.

b. Environmental Impacts

An environmental impact study and analysis shall be prepared and submitted to the Commission as part of any application and must clearly illustrate all effects of proposed development upon environmental factors, including but not limited to, inland wetlands and watercourses, aquifers, trees and vegetation, storm drainage systems, potential soil erosion, and other such elements. Such studies shall prescribe proposed measures to mitigate environmental damage while still accomplishing the basic objectives of the proposed development. The applicant shall also be responsible for certifying to the Commission that the air and noise conditions existing due to surrounding uses have been taken into consideration in the design of the project and that such conditions will not adversely affect or impact the health, safety and comfort of the residents of the premises.

c. Vehicular Traffic

A current traffic impact study shall be prepared and submitted to the Commission with regard to the existing and proposed conditions and circumstances as well as reasonably anticipated traffic elements such as road and drive width, sight lines, current and projected volumes of vehicular and pedestrian traffic, a second means of vehicular access/egress to and from the property for emergency purposes, circulation patterns, curb cut locations, onsite parking needs, service vehicle access and maneuvering, trip generation, traffic control devices, signals and signage, pedestrian walkways, sidewalks, handicapped access and convenience and safety requirements including impacts upon the surrounding street system. The costs associated with upgrading or installation of traffic management devices or designs in connection with the proposed development shall be borne by the applicant.

d. Basic Services and Utility Connections

All structures and any dwelling units within the site must be serviced by public water and private septic system(s). All utility connections, including electrical, telephone, telecommunications and other connections must be underground. No overhead services or wires shall be permitted.
[Added 4/17/2016]

543. Principal Uses Permitted by Special Permit

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000 and the standards set forth below:

a. Multi-family dwellings and/or a series of separate dwellings provided any such residential uses are developed in accordance with Section 8-30g of the Connecticut General Statutes.

b. Related accessory buildings, structures and uses in conjunction with housing which is developed in accordance with Section 8-30g of the Connecticut General Statutes.

c. Public and semi-public uses.

d. A Self Storage Facility
[Added 4/17/2016]

e. Related accessory buildings, structures and uses in conjunction with a self storage facility including but not limited to offices, work force housing and public parking.
[Added 4/17/2016]

544. Area and Bulk Requirements for Special Permit Use

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	2.0 acres
2. Maximum Lot Area	5.0 acres
3. Minimum Lot Frontage	50' accessway required to a public street and a second accessway for emergency purposes.
4. Minimum Lot Width (Average)	100'
5. Minimum Lot Depth (Average)	100'
6. Maximum Average Gross Floor Area of all Dwelling Units	1875 sq. ft.
7. Minimum Floor Area of a Dwelling Unit	600 sq. ft.
8. Minimum Front Yard	25'
9. Minimum Distance Between Any Structure containing dwelling units and Interior Access Drive	15'
10. Minimum Side Yard	12.5'
11. Minimum Rear Yard	25'
12. Minimum Distance between any proposed structure and the nearest location of an existing or potential Single-family detached residential parcel which is in a different zone	50'
13. Maximum Height (See Note A)	3 stories or 35 feet
14. Maximum Building Coverage	25%
15. a. Maximum Floor Area Ratio (FAR) for affordable housing use. b. for Self-storage use (See Note A)	0.20 0.70
16. a. Maximum Average Building Size for affordable housing use. 17. b. for Self-storage use (See Note A)	10,000 sq. ft. 120,000 sq. ft.
17. a. Maximum Density for Affordable Housing	9 units per net acre (as defined in Section 545c)
18. Open Space	At least 500 sq. ft. per dwelling unit minus any private terrace areas and balcony areas for the units
19. Building Separation: Wall with windows to another wall with windows Wall with windows to wall without windows	 25' 10'

Notes:

a. Basement space that is utilized only for mechanical equipment of the building shall not count as floor area. If any portion of the basement area is used for self-storage, or restrooms, or workshop, or rentable space, or is accessible to the public, then the entire basement shall be counted as a story and as floor space.

[Amended 4/17/2016]

545. <u>Maximum Density and Design Criteria – Affordable Housing Only</u>

a. The potential density of 9 units per net acre is to accommodate affordable housing in accordance with Section 8-30g of the Connecticut General Statutes. Any proposed development of the site shall be accompanied with a detailed and specific plan

regarding the size, number, location, and other design features relating to all of the proposed dwelling units and specifically, the proposed affordable housing units. In addition, the applicant shall submit a detailed schedule regarding the timing or phasing of construction and occupancy of the affordable housing units and a detailed long-term management plan (including but not limited to draft documents such as deed restrictions, criteria for affordable housing ownership and occupancy, reporting and verification procedures, etc.) for continued compliance with the provisions of Section 8-30g. In no case shall the affordable housing units being created be delayed until the end of occupancy of the remaining units of the project. The first dwelling unit completed and occupied shall be an affordable housing unit and no more than three market-value housing units shall be completed or occupied for each affordable housing which is subsequently completed and occupied. In this way the completion and occupancy of affordable housing units, which is the goal and purpose of Section 8-30g, shall be accomplished in a timely manner.

b. The size and type of affordable housing units created in accordance with Section 8-30g of the Connecticut General Statutes shall be dispersed throughout the proposed development and shall be comparable in size, design and construction to the market-value housing units.

c. Net acres shall be the gross area of the site minus any portion of the site which is regulated wetlands, land under water, and/or land with a slope of more than 15%.

d. No dwelling unit shall contain more than three (3) bedrooms.

[Amended 4/17/2016]

546. Usable Open Space – Affordable Housing Only

a. At least 500 square feet of usable open space shall be provided on the site for each dwelling unit. Terraces or balconies of the units shall be deducted from the open space requirement and open space areas shall be of such grade, size, location and character to be of useful and beneficial recreational purposes to the residents. Recreation and open space areas shall be designed and maintained to prevent the emission of objectionable noise and light onto abutting properties.

b. Although a swimming pool and/or indoor recreational facilities are not mandatory, it is strongly advised that some form of structured recreational facilities be provided as part of the open space and outside recreation areas.

[Amended 4/17/2016]

547. Parking, Garages and Drives – Affordable Housing

a. Two (2) on-site parking spaces shall be required for each dwelling unit within the proposed development. It is recommended that one additional parking space per unit be provided on the site for visitors, service personnel and deliveries. All on site parking spaces shall be in accordance with Sections 226 and 900 of these Regulations with respect to minimal distances and design standards.

b. No on-site garages are required for a housing development proposed in accordance with Section 8-30g of the Connecticut General Statutes, but, if a majority of the

proposed housing units shall be serviced by garages, then the affordable housing units must also be serviced by garages.

c. Parking within a structure shall be permitted only within a one floor, on grade garage space or in the basement level of the structure. No structural parking deck or multi-level parking shall be permitted.

d. The minimum distance between on-site parking and the dwelling units shall be 10 feet, and the maximum distance from a parking space to the dwelling which will be serviced by that parking space will be 200 feet as a pedestrian would travel. No parking spaces shall be located within the required front yard area, but may be located within the required side or rear yard area.

e. Roadways, driveways and accessways within any project shall be privately owned and maintained unless all construction standards and prevailing requirements for Town roads have been fully satisfied and sufficient rights-of-way have been dedicated to comply with all procedures and requirements for acceptance by the Town of any new street.

[Amended 4/17/2016]

548. General Standards and Requirements

In addition to the specific standards and requirements provided herein, the Commission's approval of any application in this zone shall be subject to the Commission making all findings under Section 1000 of these Regulations and the following additional findings:

a. Residential development shall be consistent with the Town Plan of Conservation & Development and shall maintain the Town's predominantly single family residential character.

b. The residential development shall not be detrimental to the health or safety of the residents of the proposed development and/or the neighborhood and shall not adversely affect any adjoining properties with respect to light, glare, vibration, noise, drainage, traffic, or other impacts.

c. The necessary findings of Section 1000 and a. and b. above shall only be modified as necessary to conform to the requirements of Section 8-30g of the Connecticut General Statutes.

549. Application

As part of the Special Permit approval process for any development activity within this zone, the following additional requirements shall apply:

a. Renderings and drawings of the proposed structures drawn from a perspective representing a view from street level and illustrating at least two facades of the building.

b. Elevation drawings of each side of the building(s).

c. Samples of the finishing materials to be used on the exterior.

d. Color photographs of the existing site conditions and development within 200 feet to any side of the subject property and a locus map showing all buildings within a distance of 200 feet from the subject site.

e. Presentation of an architectural style which shall enhance and contribute to the character of the site and the surrounding area.

f. Buildings shall be designed to enhance and contribute to special design features of the area, including historic and public buildings and the natural environment.

g. The applicant shall either obtain and submit with the application all necessary legal documents of rights such as easements, rights-of-way, articles of association, declarations and restrictions, etc., or shall otherwise provide sufficient evidence to show, to the satisfaction of the Commission, that the acquisition of all such legal documents or rights appear to have a reasonable probability of success.

h. Affordable Housing Only: The applicant shall submit to the Commission the proposed phasing of development to clearly specify the sequence of construction of buildings, driveways, parking areas and other improvements related to health and safety, amenities, public facilities and utilities. Such work shall be installed according to a specific construction schedule and to insure against excess excavation and undue damage from erosion. No Certificates of Occupancy shall be permitted within any phase unless and until all work within the phase shall be complete. Each phase shall be designed to fulfill all health, safety and site development requirements with respect to affordable housing units as a minimum of 25% of units within the phase, sufficient off-street parking, sufficient open space, safe access and egress, provision of utilities, proper management of storm water and drainage, and other aspects of the development to assure that health and safety issues are addressed and that each phase would be in compliance with the Regulations if following phases are not completed. Each phase must be completed prior to a Certificate of Occupancy for any units within the phase, but, if specified in the approved schedule, numerous phases can be started and underway at the same time. Each phase must be completed in the appropriate time and pattern.

i. Self Storage Only: The applicant shall submit to the Commission the proposed schedule of development. Such work shall be performed to insure against excess excavation and undue damage from erosion. The development must be completed in an appropriate time and pattern.

j. The applicant shall provide to the Commission such additional information and assurances as the Commission may deem necessary to make a reasonable decision on the application.

[Amended 4/17/2016]

550. Limitation of Time

The Commission's approval shall become null and void unless construction of driveways, streets, traffic improvements and other site improvements shall be at least 50% completed

within one year of the effective date of the Commission's approval. The approval shall also become null and void if site development of at least the first phase is not completed within two years of the approval and/or the entire project is not completed within three years from the date of approval. Requests for any extensions of any of the above time periods shall be submitted in writing by the applicant / developer and may be granted by the Commission for good cause and upon a finding that the extension(s) shall not be contrary to public health and safety concerns and/or the intent of these Regulations.

SECTION 560. PARKING RESIDENTIAL ZONE (PR)
[Amended 3/29/2009]

561. Background and Purposes

This zone is intended to provide for the parking of passenger automobiles and the provision of public transportation facilities in certain, appropriate locations adjacent to residential and business zones. It is intended that a suitable transition be provided for such uses between residential and non-residential districts and that any detrimental impacts upon surrounding properties shall be avoided.

562. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Any use permitted in any Residential Zone as permitted therein; the lot size and setbacks being the same as required in the adjoining Residential Zone.

563. Permitted Accessory Uses

a. None

564. Principal Uses Requiring Special Permits

The following uses are permitted subject to approval of a Special Permit in accordance with Section 1000:

a. The parking of passenger automobiles.
b. Scheduled transportation service available to the general public.

565. Special Controls

a. Use of the parking areas shall be limited to private passenger or public transportation automobiles, but not motor vehicle sales, rental, service or repair and no motor vehicle storage shall be permitted.

b. Parking shall be located in accordance with Subsection 906 and no parking facilities, except as provided by Subsection 906.5 shall be located within 10 feet of any property line.

c. In the case of a corner lot used for parking purposes, the area used for parking shall be set back from the street a distance equal to the required front yard of the adjoining Residential Zone.

d. Necessary lighting of parking areas shall be permitted, but there shall be no unshaded light sources and lights shall be so located that their beams are not directed into neighboring residential lots or onto an adjacent street. The Commission may limit hours of lighting and shall approve lighting plans. (See Subsection 232. Lighting Illustrations).

e. No sign shall be displayed on such a parking area, except one identification sign not exceeding 10 square feet in area facing each street from which the parking area has access, and excepting necessary small signs identifying rear entrances of business buildings adjoining the parking area.

f. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.

g. All uses shall be subject to Site Plan approval in accordance with Section 1020.

SECTION 570. DESIGNED COMMUNITY RESIDENTIAL ZONE (DCR)
[Added 11/11/2007]

571. Background and Purposes

This district is an overlay zone which, in addition to permitted uses and controls of the underlying zone, also permits additional uses subject to special provisions and is composed of the Designed Community Residential (DCR) Zone and underlying residentially-zoned areas as shown on the Town Zoning Map. This district permits multi-family uses subject to special provisions. The district is intended to expand the alternatives for residential living in Darien by bridging the gap between large single-family residences and small in-town condominiums. The DCR Zone allows larger condominiums designed to provide an appealing alternative to single-family homes for those preferring a community oriented toward adult living with a design emphasizing flexibility, adaptability and minimum maintenance.

572. Site Requirements

a. Utilities

To qualify for development under these DCR regulations, a site shall be served by public water supply and public sewerage facilities of sufficient capacity to serve the development. The applicant shall submit a statement from a licensed Professional Engineer or the utility companies certifying that such capacity exists.

b. Environmental Impacts

An environmental impact study shall be prepared as part of any application which shall clearly illustrate all effects upon environmental factors including but not limited to: flood prone areas; water bodies; aquifers; trees and vegetation; storm drainage systems; soils; wetlands; and other such elements. Such study shall describe proposed measures to mitigate environmental damage while still accomplishing the basic objectives of the proposed development.

c. Traffic Impacts

A current traffic impact study shall be prepared incorporating the findings required to be made by the Commission under Subsection 1005 (d) and (e) of these Regulations with regard to such traffic elements as road and drive widths, sight lines, circulation patterns, curb cuts, trip generation, and other typical traffic safety and convenience requirements including impacts upon the surrounding street system.

d. Basic Services

All development proposed under this Section shall be located adjacent to or in close proximity to required basic services such as public utilities, available forms of public transportation within the community, shopping facilities, and convenient access to major highways and commuter roads. An analysis of the availability of such basic services shall be submitted as part of any application to demonstrate that the requirements of this Subsection have been fulfilled. ***[Amended 2/28/2016]***

573. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. All uses permitted in the underlying R-1 Zone, R-1 Zone or R-1/3 Zone as set forth in Article IV, Section 400 herein.

574. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000 and the standards set forth below:

a. Multi-family dwellings.

b. Related accessory buildings, structures and uses.

575. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

Minimum Lot Area	10 acres
Minimum Lot Frontage	200
Minimum Lot Width (Average)	200
Minimum Lot Depth (Average)	200
Minimum Front Yard	50
Minimum Side Yard	25
Minimum Rear Yard	25
Maximum Height	2 ½ stories or 28 feet
Maximum Building Coverage	20%
Average Floor Area of Dwelling Units (see Note 1)	3,900 sq. ft.
Maximum Dwelling Units/Building	4
Maximum Average Building Size	16,000 sq. ft.

Notes:

a. Portions of finished basements do not count toward the floor area of the dwelling units unless the basement is a 'story' as defined by these regulations.

[Amended 2/28/2016]

576. Maximum Density

Up to six (6) Dwelling Units/Net Acre may be permitted as site conditions allow such density.

576.1 Modification

Up to 10 percent of the total site area may be identified by the Commission as being environmentally unsuitable for development and excluded from the land

area computations. Such lands being excluded shall be wetlands, land under water, land within a flood encroachment line, and/or areas with steep slopes of 15 percent or greater grade. Remaining land is net acreage to be used for the calculation of maximum densities. The Commission may increase the standard density coverage requirements hereunder as site conditions allow such density.

576.2 Usable Open Space

a. At least 1,000 square feet of usable open space shall be provided on the site for each dwelling unit. All designated open space areas, excepting individual unit terrace areas if any, shall be able to contain a circle with not less than a 40 foot diameter. The land so set aside shall be monumented, graded, and landscaped and shall include recreation facilities suited to the needs of the residents. Recreation areas shall be designed to prevent the emission of objectionable noise and light onto abutting properties. The area or areas shall be shown on the plan as well as the nature and type of recreation facilities to be provided.

b. The requirement of 1,000 square feet of usable common open space per unit may be reduced by an amount equal to the total square footage of private garden or terrace areas provided under Subsection 509. Said area can be included in the calculation of the 1,000 square feet of open space per unit required by Subsection 576 a.

577. Design Criteria

The following required criteria on specific design elements under this Section are found in the following Subsections of Section 500 Designed Business and Residential Zone (DBR):

a. Sec. 509 Accessory Buildings, Structures, Signs, and Uses shall apply as modified by Sec. 577 and 578 below.
b. Sec. 511 Architectural Design shall apply
c. Sec. 517 Application shall apply
d. Sec. 516 General Standards and Requirements shall apply
e. Sec. 519 Drives shall apply.

All such Subsections are incorporated herein and made a part hereof.
[Amended 2/28/2016]

577.1 Building Separation

Each principal building shall be at least fifteen (15) feet from any other principal building on the lot, as measured in a straight line between the nearest points of the foundation walls of any two such principal buildings.

577.2 Parking, Drives and Garages

a. Number of Off-Street Spaces - 2 ½ spaces per dwelling unit, including at least one single-car enclosed garage and one additional parking space including garage aprons provided for each dwelling unit.

b. Outside parking spaces shall be at least 5 feet from any dwelling unit within the development and adequately screened from adjoining residential uses.

c. No portion of any such parking area shall be more than 200 feet from the entrance of any unit served thereby.

d. Not more than 10 continuous spaces shall be built along an access driveway or parking lot without being separated by a landscaped area of at least six feet in width.

e. Access driveways shall generally have a width of 20 feet.

578. Community Recreation Center and Swimming Pool

A community recreation center and swimming pool may be provided. Where provided, a community recreation center swimming pool or other outdoor recreational use shall be located a minimum of 50 feet from any single-family residential zone and shall be screened in accordance with the requirements of Section 940. All other accessory structures shall maintain a 25 foot setback from any lot line.

SECTION 580. INCLUSIONARY ZONING
[Added 5/31/2009]

581. Background and Purposes

These regulations are intended to encourage the development of below market rate dwelling units within the Town of Darien, consistent with Section 8-2(i) of the General Statutes of Connecticut.

582. Applicability

Inclusionary Zoning Regulations shall apply to all zones that allow dwelling units as a principal or special permit use.

583. Affordable Requirements

Developments resulting in the creation of additional multi-family dwelling units shall designate a minimum of twelve percent (12%) of the total number of dwelling units as affordable housing as defined by Connecticut General Statutes. For the purpose of this regulation, the term multi-family is defined as a single property with two or more dwelling units, whether attached or detached. Dwelling units constructed pursuant to Section 405e. are exempt from the requirements of this regulation.

Single-family subdivisions or re-subdivisions resulting in a total of five or more building lots shall designate a minimum of twelve percent (12%) of the total number of dwelling units as affordable housing as defined by Connecticut General Statutes. All other single family subdivisions are exempt from the requirements of this regulation.

The affordable housing requirement shall be satisfied by: providing affordable housing units on the subject property; providing affordable housing units elsewhere within the Town of Darien; or paying a fee in lieu; or providing some combination thereof.

All affordable housing units shall be affordable to households with an income equal to or less than 80 percent of the State Median Income (SMI) for the State of Connecticut Household incomes are published by the United States Census Bureau and periodically updated by the U.S. Department of Housing and Urban Development (HUD). Income levels are to be adjusted for household size per HUD requirements.
[Amended 2/28/2016]

584. Below Market Rate Dwelling Unit

A below market rate (BMR) dwelling unit is defined as a dwelling unit occupied by an income-eligible household as described in the Section 583 where the maximum sales price or rent shall be restricted for forty years or the life of the unit, whichever is longer, using the methodology for maximum housing payment calculations outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies.

585. Incentives

Developments subject to the provisions of Section 580, except for single-family subdivisions, may, at the absolute discretion of the Commission, be eligible for an increase in permitted density up to 50 percent greater than the allowed density provided at least 25 percent of such incentive units are designated as below market rate and the Commission determines that such incentives do not adversely affect the health, safety and welfare of the public in general, and the immediate neighborhood. In such cases, the Commission may, at the absolute discretion of the Commission, allow any or all of the following waivers, provided the Commission finds that such waiver encourages the development of below market rate housing and is consistent with the surrounding neighborhood:

a. Recreational or open space requirements may be reduced.
b. Minimum yard requirements may be reduced.
c. Maximum building coverage requirements may be increased.
d. Parking requirements may be reduced.
e. Height may be increased to allow three stories.
f. Height may be increased to allow up a maximum building height of 32.5 feet by Special Permit.

In no case shall the Commission approve a waiver described in a. through e. above, resulting in a requirement that deviates by more than 25% from the originating regulation. On lots less than 0.6 acres in area in the Designed Business One Zone (DB-1), the Commission may increase building coverage by up to 50 percent from the originating regulation, provided that the Commission shall find that the height and bulk of the proposed buildings on the subject site shall not adversely impact abutting residential properties.
[Amended 12/18/2011; 7/15/2012; 2/28/2016]

586. Affirmative Fair Housing Marketing Plan

The applicant shall submit an affirmative fair housing marketing plan for the below market rate dwelling units. All dwelling units shall be offered for sale or rent in compliance with all applicable Federal and State Fair Housing laws.
[Replaced 11/28/2010]

587. Program Administration

Prior to the issuance of any Certificate of Occupancy, any application under Section 580 shall identify the non-profit entity or property manager who will be responsible for program administration. The program administrator is subject to the approval of the Commission or its designated representative. The program administrator shall:

a. Annually review and certify to the Commission the annual income of households residing in below market rate dwelling units in accordance with a procedure established in advance and approved by the Commission.

b. Maintain a list of eligible households in each category, as described in Section 586, who have applied for participation in the program. Applicants within each

category shall be selected by lottery, conducted in accordance with a procedure established in advance of said lottery and approved by the Commission, or its designated representative.

c. Annually certify to the Commission that the selected household actually resides in the below market rate dwelling unit.

d. Certify to the Commission that below market rate dwelling units sold or re-sold do not exceed the maximum purchase price as calculated in a manner consistent with the methodology for maximum housing payment calculations in set-aside developments outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies, as adjusted for family size.

e. Certify to the Commission that below market rate dwelling units for rent shall not exceed the maximum monthly rent as calculated in a manner consistent with the methodology for maximum housing payment calculations in set-aside developments outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies, as adjusted for family size.

588. Additional Standards

a. On-Site: Affordable units shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms and shall be indistinguishable from market rate units with respect to the exterior finishes, including landscaping, but interiors may include standard finishes and need not be of 'luxury' quality. Those units shall be designed and located to maintain the architectural elements and character of the neighborhood. Examples of how to calculate the number of units required are shown in Appendix E of the Zoning Regulations.

b. Phasing: Affordable units shall be developed simultaneously with or prior to the development of the other units on a pro rata basis.

c. Deed Restrictions: In order to maintain affordable dwelling units for at least forty years or the life of the unit, whichever is longer, the following restrictions shall apply:

1. Affordable units for sale shall be restricted by title to require that, in the event of any resale by the owner or any successor, the resale price shall not exceed the then maximum sales price for said dwelling unit, as determined in accordance with Subsection 587d above or the sum of the original purchase price and the cost of any documented fixed improvements made by the owner, whichever is greater.

2. Affordable units for rent shall be restricted by title to require that the rents for said units shall not exceed the maximum rent as determined annually in accordance with Subsection 587e above.

d. Alternative Sites: The Commission may, at its absolute discretion, approve the construction or rehabilitation of the required affordable units on another site in Darien, provided that such off-site affordable units shall be maintained for at least

forty years or the life of the unit, whichever is longer, in the same manner as on-site units. The Commission may condition the issuance of certificates of occupancy for the development project with the completion of the off-site affordable units or establish other reasonable performance conditions necessary to insure that the off-site units will be built in a timely manner.

e. Payment of a Fee: The Commission, at its absolute discretion, may require the applicant to pay a fee in lieu of constructing some, or all, of the required affordable housing units. Such fee shall take the form of a onetime cash contribution to a Town of Darien housing trust fund, or other Commission approved non-profit or for-profit organization dedicated to affordable housing initiatives. Said funds shall be paid prior to the issuance of the first Zoning Permit. Units created with such funds shall be designated as affordable in the same manner as required in Section 584. An example of Fee In Lieu Payment Calculations is in Appendix E.

f. Where the contribution is targeted to assist an identified off-site project providing below market rate dwelling units, the Commission may, at its absolute discretion, condition the issuance of certificates of occupancy for the development project with the completion of the off-site below market rate dwelling units or establish other reasonable performance conditions necessary to insure that the off-site units will be built in a timely manner.
[Amended 2/28/2016]

589. Inclusionary Zoning

The provisions of Section 580 shall apply to Larger Developments within the Corbin Subarea, subject to the following:

a. The incentives and waivers set forth in section 585 shall not apply to Larger Developments within the Corbin Subarea.

b. The Commission may approve affordable housing units that are subject to additional occupancy restrictions based on age or disabilities, provided that such additional restrictions comply with all applicable housing laws. Each affordable housing unit that is subject to multiple restrictions shall be counted as a single unit for compliance with Section 583.

[Added 4/9/2017]

SECTION 590. LEROY – WEST AFFORDABLE HOUSING OVERLAY ZONE
[Added 10/25/2012]

591. Background and Purposes

This overlay zoning district is created in response to an application to amend the Zoning Regulations to permit development of affordable housing on a site comprised of two separate parcels on the west side of Leroy Avenue known as Lot #74-1 and Lot #74-2 on Tax Assessor's Map #39. Affordable housing which fully satisfies the intent, requirements and purposes of Section 8-30g of the Connecticut General Statutes must be part of any housing proposal submitted for approval within this zone. If the properties are not developed together for affordable housing, the requirements of the underlying R 1/5 zoning district shall continue to be fully applicable.

592. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Site Plan in accordance with Section 1020.

a. Multifamily units developed in accordance with Section 8-30g of the Connecticut General Statutes. The units can be either condominiums or rental apartments.

b. Related accessory buildings, structures and uses in conjunction with housing which is developed in accordance with Section 8-30g of the Connecticut General Statutes.

593. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of an application.

Minimum Lot Area	20,000 s.f.
Minimum Lot Frontage	100 feet
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Gross Floor Area of each dwelling unit	1,600 s.f.
Minimum Floor Area of each dwelling unit	500 s.f.
Minimum Front Yard (for dwelling units and accessory structures)*	5 feet
Minimum Side Yard (for dwelling units and accessory structures)	8 feet
Minimum Rear Yard (for dwelling units and accessory structures)	8 feet
Maximum Height in Stories	3 stories
Maximum Height in Feet	40 feet
Maximum Building Coverage	None
Maximum Density	16 total units
Minimum Front, Side, and Rear Yard for Drives	
Outside Parking and Utility Structures	None

Notes:

a. * To be measured from the property line regardless of the width of the right-of-way. Section 363, "Visibility at Intersections," and corresponding illustrations in Section 221 of the Regulations shall not apply.

594. Site Requirements

b. Basic Services and Utility Connections

The site is adjacent to existing telephone, electricity, water and public sewage facilities which appear to be of sufficient capacity to serve potential development of the property at the 16-unit level. All dwellings within the site must be serviced by public water and public sewer. All utility connections, including electrical, telephone, telecommunications and other connections must be underground. No overhead services or wires shall be permitted.

595. Maximum Density and Design Criteria

a. The maximum number of units that can be developed on the site is sixteen (16). This density is to accommodate affordable housing in accordance with Section 8-30g of the Connecticut General Statutes.

b. The affordable housing units created in accordance with Section 8-30g of the Connecticut General Statutes shall be comparable in size, design, and construction to the market-rate units and shall be dispersed throughout the development.

c. Any proposed development of the site shall be accompanied with a detailed and specific plan regarding the size, number, location, and other design features relating to all of the proposed dwelling units and an Affordability Plan as required under Section 8-30g.

596. Parking, Garages and Drives

a. In accordance with Section 904, 1.5 parking spaces per elderly unit are to be provided. All on-site parking spaces shall be in accordance with Sections 226 and 900 of these Regulations with respect to design standards.

b. Parking within a structure shall be permitted in an on-grade garage space or in the basement level of the structure. No structural parking deck or multi-level parking shall be permitted.

c. Parking and drives, including emergency access, may be located within yard setbacks.

Schedule of Amendments to Article V

Section 504 [Amended 12/31/2000; 6/30/2002]
Section 521 [Amended 3/29/2009]
Section 525 [Amended 12/31/2000]
Section 530 [Amended 3/29/2009]
Section 531 [Amended 3/29/2009]
Section 532 [Amended 3/29/2009]
Section 533 [Amended 3/29/2009]
Section 541 [Amended 4/17/2016]
Section 542 [Amended 4/17/2016]
Section 542b [Added 4/17/2016]
Section 543d [Added 4/17/2016]
Section 543e [Added 4/17/2016]
Section 544 [Amended 4/17/2016]
Section 545 [Amended 4/17/2016]
Section 546 [Amended 4/17/2016]
Section 547 [Amended 4/17/2016]
Section 549 [Amended 4/17/2016]
Section 560 [Amended 3/29/2009]
Section 561 [Amended 3/29/2009]
Section 562 [Amended 3/29/2009]
Section 563 [Amended 3/29/2009]
Section 564 [Amended 3/29/2009]
Section 565 [Amended 3/29/2009]
Section 570 [Added 11/11/2007]
Section 572 [Amended 2/28/2016]
Section 575 [Amended 2/28/2016]
Section 577 [Amended 2/28/2016]
Section 580 [Added 5/31/2009]
Section 583 [Amended 2/28/2016]
Section 585 [Amended 12/18/2011; 7/15/2012; 2/28/2016]
Section 586 [Replaced 11/28/2010]
Section 588 [Revised 2/28/2016]
Section 589 [Added 4/9/2017]
Section 590 [Effective 10/25/2012]

For additional information on amendments refer to Appendix ‘C’ of the Regulations.

VI. ARTICLE VI - BUSINESS ZONE REGULATIONS

SECTION 600. NEIGHBORHOOD BUSINESS ZONE (NB)

601. Background and Purposes

This zone is intended to provide local neighborhoods with conveniently located, controlled zones in which needed and desirable commercial sales and services, public and semi-public uses and other similar services can be offered in a manner which will not be detrimental to the surrounding residential area.
[Amended 12/13/2015]

602. Permitted Principal Uses

The following internal uses shall be permitted subject to approval in accordance with Section 1020 provided in each case that prior to the establishment of a new use, or a different type of use, or occupancy by a new tenant, the Commission shall first determine that the proposed use shall be compatible with the character of the immediate neighborhood and shall principally serve the local neighborhood, but in no case shall a use be permitted which in the sole judgment of the Commission shall be detrimental to the surrounding residential neighborhood:

a. Commercial sales and services
b. Public and semi-public uses

603. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Signs, as permitted in Section 920.
b. Any building or use customarily incidental to a permitted use and specifically approved by the Commission.
c. Off-street parking and loading facilities in accordance with Section 900.

604. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

a. Any permitted use involving the sale of prepared food whether intended for consumption on or off the premises.
b. Protected Town Landmarks.
c. Dwelling units located on the second floor of an existing building.
d. Personal Service Businesses.
[Added 12/29/2013]
e. All development located more than 100 feet from the front street line.
[Amended 12/13/2015]

605. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	40
3. Minimum Lot Frontage	40
4. Minimum Lot Depth	100
5. Minimum Front Yard	10 (See Note b)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	20 (See Note d)
8. Maximum Height in Stories	2
9. Maximum Height in feet	28
10. Maximum Building Coverage	20%
11. Minimum Front Landscape Depth	10
12. Maximum Developed Site Area	80%
13. Maximum Floor Area of each Dwelling Unit	1,000 sq. ft. (See Note 606 d.)

Notes:

a. Requirements for yards and buffers control lot sizes.

b. As stated above, but no parking shall be permitted in front of any building unless the setback from the street line is at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirement where setback of existing buildings is greater or less than minimum requirement.

c. None, except as follows:
   1. If a side yard is provided, it must be at least 4 feet, except where access to parking space is provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access is provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access is assured.
   2. Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.

d. As specified, except as follows:
   1. Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
   2. Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.
   3. No buildings shall be located more than 100 feet from the front street line.

606. Special Controls

a. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.

b. All uses shall be subject to Site Plan approval in accordance with Section 1020.

c. Display or storage of materials in accordance with Subsection 373.

d. If more than two dwelling units, then at least 30% of the total number of units shall be limited to one bedroom. One off-street parking space per bedroom shall be required. The off-street parking space must be located within the Neighborhood Business Zone and not within the required buffer area or adjacent residential zone. The total number of dwelling units shall not exceed six dwelling units on any site.

SECTION 610. DESIGNED BUSINESS ONE ZONE (DB-1)

611. Background and Purposes

This zone is intended to establish sound transitional business zones between the Central Business District and the business and residential zones on the periphery of that center. Special measures have been established to protect and preserve the existing qualities and character of the area and to minimize traffic circulation, parking and related problems.

612. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. All uses permitted in the R-1/2 Zone.
b. Public and semi-public uses.
c. Business and professional offices each containing less than 3,000 square feet of gross floor area, except that medical offices shall be provided with parking spaces in accordance with Subsection 904 (l).

613. Permitted Accessory Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Signs, as permitted in Section 920.
b. Any building or use customarily incidental to a permitted use.
c. Off-street parking and loading facilities in accordance with Section 900.

614. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

a. Commercial sales and services.
b. Protected Town Landmarks.
c. Indoor recreation facilities.
d. Clubs or lodges.
e. Business and professional offices containing more than 3,000 square feet of gross floor area, except that medical offices shall be provided with parking spaces in accordance with Subsection 904 (l).
f. Dwelling units located on upper floors.
[Amended 12/18/2011]
g. Personal Service Businesses.
[Added 12/29/2013]

615. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	60
3. Minimum Lot Frontage	60
4. Minimum Lot Depth	100
5. Minimum Front Yard	20 (See Note b)
6. Minimum Side Yard	4
7. Minimum Rear Yard	25 (See Note c)
8. Maximum Height in Stories	2
9. Maximum Height in Feet	28
10. Maximum Building Coverage	Determined by FAR
11. Minimum Front Landscape Depth.	20
12. Maximum Developed Site Area	80%
13. Minimum Setback from Any Residential or DOR Zone	25
14a. Maximum Floor Area Ratios (for lots of 0.6 acres in size or more) ***[Amended 12/18/2011]***	0.40 of the first 10,000 s.f. of lot area plus 0.20 of next 20,000 s.f. of lot area plus 0.10 of all lot area over 30,000 s.f.
14b. Maximum Building Coverage (for lots of less that 0.6 acres in size or more – for mixed-use and commercial projects on contiguous lots, coordinated development shall be treated as a single parcel for these properties). ***[Amended 12/18/2011]***	25%

Notes:

a. Requirements for yards and buffers control lot sizes.

b. As stated above, except no parking shall be permitted in front of any building unless the setback from the street line is at least 75 feet. On streets of less than 50 feet width the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings is greater or less than minimum requirement. Where the lot is a corner lot, the front yard setback on a street which is not Boston Post Road may be reduced from twenty (20) feet to ten (10) feet by Special Permit.
[Amended 12/18/2011]

c. As specified above, except as follows:
   1. Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone.
   2. Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.

d. If more than 2 dwelling units, then at least 30 percent of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required. The total number of dwelling units shall not exceed 6 dwelling units on any site of 20,000 square feet or less, and seven (7) dwelling units on any site greater than 20,000 square feet.

[Amended 12/18/2011]

616. Special Controls

a. Special provisions may be applied for the protection and preservation of existing structures and features subject to the requirements of Section 1000, as follows:

1. An existing lot and/or structure which is non-conforming with respect to any of the requirements set forth hereafter, may be altered, added to, or rebuilt on the same site provided that such addition, alteration or reconstruction shall not increase the existing non-conforming status of the property and otherwise shall comply in all respects with these Regulations.

2. In order to permit the reasonable use of land and existing structures within this district, the Commission may modify access drive standards and/or requirements for layout and construction of parking areas, including their location on the site, subject to determining that no traffic or public safety hazards shall result and that the purposes of this district shall be met.

These provisions shall apply exclusively to the use and development of existing structures within the district which do not exceed 3,000 square feet in gross floor area.

b. No off-street parking areas shall be permitted between the street line and the front of the building.

c. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.

d. Display or storage of materials shall be in accordance with Subsection 373.
[Amended 12/18/2011]

e. All uses shall be subject to Site Plan Approval in accordance with Section 1020. The following additional requirements shall apply:

1. A colored rendering of the proposed structure(s) drawn from a perspective representing a view from street level and illustrating at least two facades of the building;

2. Elevation drawings for each side of the building;

3. Color photographs of existing development a minimum distance of 200 feet to either side of the subject site;

4. Presentation of an architectural style which shall enhance and contribute to the historic and architectural character of the site and the surrounding area;

5. Buildings designed to enhance and contribute to special design features of the area including the historic and public buildings and the natural environment.

f. Accessory structures shall be allowed, subject to the area and bulk requirements set forth in section 406 for the residential zone that abuts the site, provided that the Commission finds that the accessory structures do not unreasonably impact abutting residential properties. The minimum yard adjacent to one level high parking garages shall be a minimum of three feet, provided that the Commission finds that the parking garage and turning area will be appropriately screened from, and not unreasonably impact, adjacent residential properties.
[Added 12/18/2011]

SECTION 620. DESIGNED BUSINESS TWO ZONE (DB-2)

621. Background and Purposes

This zone is intended to provide a suitable area for the establishment of business operations which require both internal and external use space and which are intended to primarily serve the needs of the general area. Special measures have been established to assure that traffic generation and circulation factors are adequately regulated to avoid significant intensification of existing problems or the creation of new ones. In addition, controls on the size and bulk of new structures have been established to assure that such new development is consistent with the prevailing character of this district and the surrounding residential areas.

Because of the unusually high number of basically small, legally non-conforming commercial sales and service businesses within the zone, special provisions are incorporated herein to enable the individual property owners to make further investments in their businesses with an assurance that current conditions may be continued. This zone may allow Assisted Living Facilities, Memory Care Facilities or a combination thereof via Special Permit if certain requirements and standards are met. Because of the unusual nature of these types of facilities and the need for economies of scale, extra height and bulk shall be permitted for these types of businesses subject to the requirement that sufficient open space be set aside for the use of the residents.
[Amended 6/19/2016]

622. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. All uses permitted in the R-1/2 Zone.
b. Business and professional offices not exceeding 5,000 square feet of gross floor area, except that medical offices shall be provided with parking spaces in accordance with Subsection 904 (l).
c. Public and semi-public uses.

623. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Signs, as permitted in Section 920.
b. Any building or use customarily incidental to a permitted use.
c. Off-street parking and loading facilities in accordance with Section 900.
d. Maintenance, continuance and replacement of commercial sales and service facilities legally existing as of the effective date of these Regulations. Any reconstruction or reestablishment shall be limited in all respects to the size, nature and intensity previously approved and existing on the site. Establishment of new commercial sales and service facilities shall only be permitted in accordance with Sections 624.a. and 624.b.

624. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000a:

a. Internal retail sales uses limited specifically to bulky products or goods such as furniture, carpeting and similar items generally requiring convenient or direct access to the customer's motor vehicle.
b. Commercial sales and service generally requiring external storage or activity.
c. Personal service businesses.
d. Indoor recreation facilities.
e. Clubs or lodges.
f. Business and professional offices over 5,000 square feet of gross floor area, except that medical offices shall be provided with parking spaces in accordance with Subsection 904 (l).
g. Protected Town Landmarks.
h. Dwelling units located on second floor of existing buildings.
i. Assisted Living Facility, Memory Care Facility or a combination thereof. ***[Added 6/26/2011]***

625. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	1/2 acre (21,780 sq.ft.)
2. Minimum Lot Width	80
3. Minimum Lot Frontage	80
4. Minimum Lot Depth	100
5. Minimum Front Yard	30 (See Note a)
6. Minimum Side Yard	15 (See Note b)
7. Minimum Rear Yard	25 (See Note c)
8. Maximum Height in Stories (See Note e)	2
9. Maximum Height in Feet (See Note e)	28
10. Maximum Building Coverage	Determined by FAR
11. Minimum Front Landscape Depth	30
12. Maximum Developed Site Area (See Note e)	70%
13. Minimum Setback from Any Residential or DOR Zone	25
14. Maximum Average Floor Area Ratios (See Note e) ***[Amended 2/28/2016]***	0.40 of first 10,000 s.f. of lot area plus 0.20 of all lot area over 10,000 s.f.
15. Maximum Floor Area of all Dwelling Units (See Note e)	1,000 sq. ft. (See Note d.)

Notes:

a. As stated above, except no parking shall be permitted in front of any building unless the setback from the street line is at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and

25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings is greater or less than minimum requirement.

b. As specified above, except that at least 25 feet shall be provided where the side yard furnishes vehicular access to the rear, and except that the Commission, in approving a site plan, may permit a building to abut a side line where it finds such creates a better plan.

c. As specified above, except as follows:
   1. Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
   2. Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.

d. If more than 2 dwelling units, then at least 30 percent of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required. The total number of dwelling units shall not exceed 6 dwelling units on any site.

e. For additions to existing Assisted Living Facilities and/or Memory Care Facilities, the following provisions shall apply in lieu of their respective requirements in the above table in Section 625:

8. Maximum Height in Stories	3
9. Maximum Height in Feet	32
10. Maximum Building Coverage	35% of total lot area
12. Maximum Developed Site Area	70%
14. Maximum Average Floor Area Ratios	Not applicable
14. Maximum Floor Area for each private residential unit	800 square feet.

Notes:

a. Due to the nature of the Assisted Living Facility and/or Memory Care Facility use, the Special Controls in Section 626a shall not apply.

[Amended 6/19/2016]

626. <u>Special Controls</u>

a. The maximum size of any single structure permitted by these Regulations in this zone shall not exceed 8,000 square feet of gross floor area, except that an additional 2,000 square feet of gross floor area may be provided where it is specifically allocated to a permitted retail use within this zone.

b. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.

c. Display or storage of materials in accordance with Subsection 373.

d. All uses shall be subject to Site Plan approval in accordance with Section 1020. The following additional requirements shall apply:

   1. A colored rendering of the proposed structure drawn from a perspective representing a view from street level and illustrating at least two facades of the building;

2. Samples of the finishing materials to be used on the exterior.

627. Assisted Living Facility (ALF) and Memory Care Facility (MCF)

a. An ALF, MCF or combination thereof shall include common rooms for use by the occupants such as living rooms, laundry, entertainment facilities, dining areas, beauty parlor, library, and kitchen facilities. An ALF MCF or combination thereof shall also include administrative offices, service facilities, and areas for wellness, periodic medical examination, therapy, or similar uses.

b. All Area and Bulk Requirements and Special Controls in Sections 625 and 626 shall control.

c. The gross floor area of a private residential unit in an ALF, MCF or combination thereof shall be not less than 320 square feet.

d. Each ALF, MCF or combination thereof shall be connected to public sanitary sewers and served by public water supply.

e. At least 300 square feet of usable open space shall be provided for each private residential unit. The Planning and Zoning Commission may require that a conservation easement be conveyed for this required open space. Some or all of the open space may be located in an adjoining zone at the discretion of the Planning and Zoning Commission.

f. To accommodate the parking needs of the residents, visitors, and staff providing services to the occupants, the following minimum off-street parking shall be provided: one space for each employee per maximum shift; plus 0.33 spaces for each ALF unit and 0.25 spaces for each MCF unit.

g. Off-street parking design standards of Sections 226 and 900 shall be applicable.

h. At least one off-street unloading facility shall be provided per Sections 909.1c and 909.2a-g.

[Added 6/26/2011; Amended 6/19/2016]

SECTION 630. DESIGNED COMMERCIAL ZONE (DC)

631. Background and Purposes

This zone is intended to provide for secondary level concentrations of retail uses which are deemed to be necessary to provide for the needs of the community. Within this zone, there is less emphasis on pedestrian circulation than in the Central Business District. Emphasis is on quality of design, compatible land use patterns, and intensity of development which is compatible with surrounding residential districts.

632. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Commercial sales and services.
b. Business and professional offices, where such uses shall be located on the upper floor of a structure.
c. Public and semi-public buildings.

633. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Signs, as permitted in Section 920.
b. Any building or use customarily incidental to a permitted use.
c. Off-street parking and loading facilities in accordance with Section 900.
d. The outdoor storage and sale of seasonal merchandise on a temporary basis.

634. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

a. Protected Town Landmarks.
b. Restaurants, provided that such uses contain at least 800 square feet of indoor floor space devoted to customer seating area.
c. Any permitted use involving the sale of prepared foods whether intended for consumption on or off the premises.
d. Dwelling units located on the second floor of an existing building.
e. Certain Business and Professional Offices on the first floor provided they are limited to those service types of uses such as real estate, insurance, and securities brokerages; leasing; mortgage banking; banking; travel services and the like, and further provided that the parking ratio for those uses shall be equivalent to that for Commercial Sales and Services.
f. Indoor recreation facilities.
g. Personal Service Businesses.
[Added 12/29/2013]

635. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000.

a. Food Service, Convenience
[Amended 7/22/2007]

636. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	1 acre (43,560 sq. ft.)
2. Minimum Lot Width	150
3. Minimum Lot Frontage	150
4. Minimum Lot Depth	150
5. Minimum Front Yard	None (See Note a)
6. Minimum Side Yard	None (See Note b)
7. Minimum Rear Yard	50
8. Maximum Height in Stories	2
9. Maximum Height in Feet	28
10. Maximum Building Coverage	20%
11. Minimum Front Landscape Depth	6 unless structure is located on street line
12. Maximum Developed Site Area	80%
13. Maximum Floor Area of each Dwelling Unit	1,000 sq. ft. (See Note 636 e).

Notes:

a. None, except where the front of the property abuts or is adjacent to a residential district, the front yard shall be equal to the Residential Zone front yard requirements. No parking shall be permitted in front of any building unless the setback from the street line shall be at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings is greater or less than minimum requirement.

b. None, except as follows:
   1. If a side yard is provided, it shall be at least four feet, except where access to parking space is provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access is provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access shall be assured;
   2. Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.

637. Special Controls

a. Parking areas may extend to within 10 feet of a rear lot line except where it abuts a Residential Zone, in which case the rear yard requirement shall apply.

b. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.

c. All uses shall be subject to Site Plan Approval in accordance with Section 1020.

d. Display or storage of materials in accordance with Subsection 373.

e. If more than two dwelling units, then at least 30% of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required. The off-street parking space must be located within the Designed Commercial Zone and not within the required buffer area or adjacent residential zone. The total number of dwelling units shall not exceed six dwelling units on any site.

SECTION 650. CENTRAL BUSINESS DISTRICT ZONE (CBD)

651. Background and Purposes

The Central Business District Zone is the Town's primary business area and is intended to be the focal point for retail and business and professional office activities with apartments encouraged on upper floors. These Regulations are designed to encourage the orderly development of this district in a manner which encourages the preservation of the existing architectural character of this zone and, at the same time, to provide the opportunity for creative and flexible architectural design. The sound inter-relationship of buildings to plazas and open spaces, provisions for proper pedestrian and vehicular circulation and consolidated central parking areas, and encouragement of a mix of housing and business uses which are necessary and desirable to serve the needs of the residential community are also specifically addressed in these Regulations. These Regulations are designed for Commercial Sales and Service uses (except for certain Financial Service uses) on the first floor areas and to provide sufficient spaces for Business and Professional Offices and encourage Dwelling Units in second floor spaces. The intent is to strengthen the viability of housing and retail business in the Central Business District and to foster pedestrian activity as fully as is practical and to enhance the walkability of the Central Business District.
[Amended 6/29/2008; 11/19/2017; 12/24/2017]

652. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Commercial sales and services, except that Financial Service uses shall be located on upper floors, unless approved pursuant to Section 654(d).
b. Business and professional offices, provided such uses are located on upper floors.
c. Public and semi-public uses.
d. Railroad stations and mass-transit facilities.
e. Dwelling units located on upper floors.
[Amended 6/29/2008; 11/19/2017; 12/24/2017]

653. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Signs, as permitted in Section 920.
b. Any building or use customarily incidental to a permitted use.
c. Off-street parking and loading facilities in accordance with Section 900.

654. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

a. Protected Town Landmarks.
b. Restaurants.

c. The sale of prepared food such as candy or ice cream for consumption on or off the premises.
d. Financial Service uses on the first floor, provided that no drive-up windows or drive up ATM shall be allowed in connection with such uses.
e. Clubs and lodges.
f. Personal Service Businesses.
[Added 12/29/2013]
g. Business and professional offices on the first floor, provided that the Commission makes a finding that the retail/commercial sales and service use of such space is impractical, undesirable, and/or inconsistent with the standards under Subsection 1005(h).

[Amended 6/29/2008; 11/19/2017; 12/24/2017]

655. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000.

a. Food Service, Convenience.

[Amended 7/22/2007]

656. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	40
3. Minimum Lot Frontage	40
4. Minimum Lot Depth	100
5. Minimum Front Yard	None (See Note b)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	20 (See Note d)
8. Maximum Height in Stories	2 (See Note e)
9. Maximum Height in Feet	28
10. Maximum Building Coverage	None
11. Minimum Front Landscape Depth.	None
12. Maximum Developed Site Area	None
13. Maximum Floor Area of all Dwelling Units	1,000 sq. ft. (See Note e).

Notes:

a. Requirements for yards and buffers control lot sizes.
b. No front yard required, except that within 100 feet of a Residential Zone, the setback shall be at least one-half that required in that Residential Zone. No parking shall be permitted in front of any building unless the setback from the street line shall be at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings shall be greater or less than minimum requirement.

c. None, except as follows:

1. If a side yard shall be provided, it shall be at least four feet, except where access to parking space shall be provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access shall be assured;
2. Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.

d. As specified above, except as follows:

1. Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
2. Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.

e. Two stories and 28 feet, except as follows: The Commission may specifically permit height to be increased to not more than three stories and 35 feet, provided that:

1. An area of open space on the same lot, or on a separate lot within the same site plan, shall be reserved from building coverage and shall be developed and maintained by the owner as a plaza or mall space open to the general public, provided that the Commission may approve as plaza or mall space open space areas covered by an upper floor connecting two portions of the same structure, or by awnings, eaves, or similar appurtenances.
   [Amended 12/31/2006]
2. The Commission shall first review and approve the Site Plan for the mall or plaza to determine that its location, layout, dimensions, planting, traffic, lighting, signs, drainage, utilities, and other features shall be in harmony with the convenient, orderly and attractive development of the business district; and
3. A 2.5 to 1 ratio shall be utilized in determining gross floor area to be permitted for each square foot of open space developed as a plaza or mall.

f. If more than 2 dwelling units, than at least 30 percent of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required.

657. <u>Special Controls</u>

a. This zone is subject to the special requirements for Dedication of Public Parking Areas. (See Subsection 1057.)

b. The requirements for parking may be satisfied by donation of land to, and acceptance by, the Town for the municipal parking program subject to the requirements of Subsection 903.2.

c. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.

d. All uses shall be subject to Site Plan Approval in accordance with Section 1020.

SECTION 660. SERVICE BUSINESS ZONE (SB)

661. Background and Purposes

This zone is intended to provide for certain types of business uses which serve a community need or convenience and are automobile-oriented or require outdoor sales or storage areas. It is the intention of these Regulations to protect and preserve existing SB districts for the continued provision of such services in a manner which will not be detrimental to the surrounding residential areas. The retention and/or creation of dwelling units is permitted in an effort to encourage affordable residential units. This zone may allow Commercial Sales and Service uses via Special Permit, if certain requirements and standards are met. Development and redevelopment on lots less than 10,000 square feet in area, that existed on January 1, 2010, are allowed in accordance with special controls and design standards. ***[Amended 7/22/2007; 7/24/2011]***

662. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Commercial sales and services generally requiring external storage or activity.
b. Public and semi-public uses generally requiring external storage or activity.
c. Dwelling units located on the second floor of existing buildings not utilized for automotive services.

663. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Signs as permitted in Section 920.
b. Off-street parking and loading in accordance with Section 900.
c. The outdoor storage and sale of seasonal merchandise on a temporary basis.

[Amended 7/29/2007]

664. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

a. Protected Town Landmarks.
b. Restaurants provided that at least 1,200 square feet of indoor space shall be devoted to customer tables and seating area.
c. Veterinary hospitals, clinics and indoor kennels.
d. Hotels and inns.
e. Automotive services as defined in Section 210.
f. Indoor recreation facilities.
g. Dwelling units located on the first, or first and second floors of existing buildings not utilized for automotive services.
h. Assisted Living Facility, Independent Living Facility or a combination thereof. See Section 668.

[Amended 2/28/2016]

i. Catering Business.

j. Commercial Sales and Services uses which meet the requirements outlined in Section 667g.

[Amended 7/23/2006; 7/22/2007]

665. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000.

a. Food Service, Convenience

[Amended 7/22/2007]

666. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	100
3. Minimum Lot Frontage	100
4. Minimum Lot Depth	100
5. Minimum Front Yard	30 (See Note b)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	20 (See Note d)
8. Maximum Height in Stories	2
9. Maximum Height in Feet	25
10. Maximum Building Coverage	20%
11. Minimum Front Landscape Depth.	6
12. Maximum Developed Site Area	80%

Notes:

a. Requirements for yards and buffers control lot sizes.

b. As stated above, except no parking shall be permitted in front of any building unless the setback from the street line shall be at least 65 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings shall be greater or less than minimum requirement.

[Amended 7/22/2007]

c. None, except as follows:

1. If a side yard shall be provided, it shall be at least four feet, except where access to parking space shall be provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access shall be assured;
2. Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.

d. As specified above, except as follows:
   1. Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
   2. Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.

[Amended 7/ 24/2011]

667. Special Controls

a. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.

b. All uses shall be subject to Site Plan Approval in accordance with Section 1020.

c. Fences shall be required along the inside of screening and buffer areas adjoining residential uses to protect such areas.

d. Automotive Services shall be subject to the provisions of Subsection 1056.

e. Display or storage of materials in accordance with Subsection 373.

f. Except for ILFs and ALFs, (which are included in Section 668), one additional off-street parking space per bedroom shall be required. The total number of dwelling units shall not exceed six (6) dwelling units on any site. If there will be more than two (2) dwelling units, then at least 30 percent of the total number of units shall be limited to one bedroom.
[Amended 2/28/2016]

g. Commercial sales and services uses may be allowed pursuant to the standards for approval for a Special Permit in accordance with Section 1000 and the following requirements of the Service Business zone:
   1. The property is served by public water and sewer;
   2. The property is at least three acres in size;
   3. The property is within 1000 feet of the Central Business District (CBD).

   [Amended 7/22/2007]

667.1. Special Controls and Design Standards for Small Lots in Existence on 1/1/2010

Development and redevelopment of lots in existence on January 1, 2010, that do not comply with the minimum lot width, frontage or lot depth requirements set forth in Section 666 shall be permitted by Special Permit, and shall be subject to Section 1000 and the following additional special controls:

a. The Commission may reduce the minimum setbacks, landscaping, screening and buffer areas required by Note b of Section 666 and Sections 900 to 909.2, where the Commission finds that the proposed screening and landscaping provide adequate screening from adjacent residential parcels.

b. Solid fencing and/or dense evergreen vegetation shall be required along rear lot lines adjacent to or within 100 feet of residential zones.

c. The Commission may reduce the minimum rear yard to not less than four feet, provided the Commission makes the following findings:
   1. Existing topographic features on or adjacent to the site minimize impacts on adjacent residential properties, and
   2. Fencing, landscaping and screening shall be sufficient to minimize impacts to adjacent residential properties.

d. The Commission may allow Building Coverage up to 35 percent and Developed Site Area up to 85 percent where the property is located within 1,000 feet of the Central Business District (CBD), and the Commission finds that the proposed development shall include sufficient fencing, landscaping, screening, and site drainage to reduce impacts to abutting residential and commercial properties.

e. Uses allowed in the Central Business District (CBD) may be allowed by Special Permit on property located within 1,000 feet of the CBD.

f. Where the provisions of this Section 667.1 shall conflict with any other provisions of the Zoning Regulations, the provisions of this Section 667.1 shall govern.

[Added 7/24/2011]

668. <u>Assisted Living Facility (ALF) and Independent Living Facility (ILF)</u>

a. An ALF, ILF, or combination thereof shall include rooms for use by the occupants such as common rooms, laundry, entertainment facilities, common dining area(s) with kitchen and supportive food preparation areas, administrative offices, a convenience store for the residents of the facility, and areas for periodic medical examination, limited treatment and therapy, or similar uses.

b. The minimum lot area for an ALF, ILF or combination thereof shall be five (5) acres. The minimum side yard shall be 20 feet. The minimum front landscape depth shall be 30 feet. All additional requirements of Section 665 are applicable.

c. The average gross floor area of all private residential units in an ALF, ILF, or combination thereof shall be not less than 400 square feet, or more than 1,000 square feet.

[Amended 2/28/2016]

d. Each ALF, ILF, or combination thereof shall be connected to public sanitary sewers and served by public water supply.

e. Maximum gross floor area ratio shall be 0.40 of the total land area of the site.

f. At least 300 square feet of usable open space shall be provided on the site for each private residential unit. The Planning and Zoning Commission may require that a conservation easement be conveyed for this required open space.

g. To accommodate the parking needs of the residents, visitors, and staff providing services to the occupants, the following minimum off-street parking shall be provided: 0.9 parking spaces per ILF or ALF residential unit.
[Amended 12/28/2016]

h. Off-street parking design standards and buffering per Sections 226, 900 et. seq. and 940 et. seq. shall be applicable, except that the Commission may waive or reduce such requirements where it determines that such waiver or reduction will have no adverse impact on abutting residential properties.
[Amended 12/28/2016]

i. At least one off-street unloading facility shall be provided per Sections 909.1c and 909.2a-g.

SECTION 670. SERVICE BUSINESS EAST ZONE (SB-E)

671. Background and Purposes

This zone is located on the north and south sides of the Boston Post Road between Birch Road and the Norwalk municipal line and is intended to provide for certain types of business uses which serve a community need or convenience requiring external storage or activity or are automobile-oriented. It is the intention of these Regulations to protect and preserve this SB-E Zone for the continued provision of such services in a manner which will not be detrimental to the surrounding residential area. The retention and/or creation of dwelling units is permitted in an effort to encourage affordable residential units. The specific design standards incorporated into this zone are needed due to the unique location of this district which adjoins residential areas and due to existing and projected traffic conditions on this section of the Boston Post Road.

672. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Commercial sales and services generally requiring external storage or activity.
b. Public and semi-public uses generally requiring external storage or activity.
c. Dwelling units located on the second floor in buildings not utilized for automotive services.

673. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Signs as permitted in Section 920.
b. Off-street parking and loading in accordance with Section 900.

674. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

a. Protected Town Landmarks.
b. Restaurants provided that at least 1,200 square feet of indoor space shall be devoted to customer tables and seating area.
c. Automotive services as defined in Section 210. The sale of vehicles, which would require a dealer's license from the State of Connecticut, or an auto body repair shop shall not be permitted within 100 feet of an adjoining residential zone.
d. Indoor recreation facilities.
e. Home improvement contractors, home improvement suppliers and other similar service contractors.

675. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	100
3. Minimum Lot Frontage	100
4. Minimum Lot Depth	100
5. Minimum Front Yard	30 (See Note b)
6. Minimum Side Yard	10 (See Note c)
7. Minimum Rear Yard	25 (See Note d)
8. Maximum Height in Stories	2
9. Maximum Height in Feet	25
10. Maximum Building Coverage	20%
11. Minimum Front Landscaping Depth.	18 (See Note e)
12. Maximum Developed Site Area	80%

Notes:

a. Requirements for yards and buffers control lot sizes.

b. As stated above, except no parking shall be permitted in front of any building unless the setback from the street line shall be at least 75 feet. See Subsection 372 for requirements where setback of existing buildings shall be greater or less than minimum requirements.

c. Ten feet, except as follows:
   1. Except where access to parking spaces shall be provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access shall be assured;
   2. Where a side yard abuts a Residential Zone, the side yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;

d. As specified above, except as follows:
   1. Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
   2. Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.

e. Where the commercial zone on a lot has a depth of 150 feet or less, the Commission may decrease the minimum front landscape depth to 10 feet.

676. Special Controls

a. Landscaping, screening and buffer areas shall be provided in accordance with Section 940. Front landscape area shall incorporate street trees. Buffer area should be provided along residential streets in accordance with Section 940. Landscape buffer shall be maintained and enhanced along I-95.

b. All uses shall be subject to Site Plan Approval in accordance with Section 1020. The following additional requirements shall apply:

   1. Elevation drawings for each side of the building.

2. A color rendering of the proposed structure(s) drawn from a perspective representing a view from street level and illustrating at least two facades of the building.

3. Presentation of an architectural style which shall be compatible with the adjoining residential area by incorporation of design features such as pitched roof, appropriate exterior materials, fenestration, and site lighting.

4. These materials shall be reviewed by the Architectural Review Board, together with any other information the Board may require. The Planning and Zoning Commission will not take any action on an application prior to receiving the ARB's report.

c. Automotive services shall be subject to the provisions of Subsection 1056. Fences shall be required along the inside of screening and buffer areas adjoining residential uses to protect such areas. Exterior loudspeakers are prohibited on parcels adjoining a residential zone.

d. Display or storage of materials shall be in accordance with Subsection 373.

e. Where residential units are provided, one additional off-street parking space per bedroom shall be required. The total number of dwelling units shall not exceed six (6) dwelling units on any site.

f. Pedestrian sidewalks shall be required along the Boston Post Road.

SECTION 680. NOROTON HEIGHTS REDEVELOPMENT ZONE (NHR)
[Added 10/24/2010]

681. Background and Purposes

The Noroton Heights Redevelopment Zone is an overlay zone intended to maintain the existing retail foundation of the Noroton Heights commercial district while encouraging the development of business and professional offices and dwelling units, including affordable units, in recognition of the zone's proximity to mass transit and Interstate 95. Business and professional offices will also be permitted. These regulations are intended to encourage development that promotes safe pedestrian access to businesses by residents within the zone and from adjacent residential neighborhoods. At the sole discretion of the Commission, increased building height may be permitted to encourage the use of architectural design features such as peaked roofs and dormers to soften the appearance from adjacent residential properties. The intent is to strengthen the viability of retail business in the Noroton Heights commercial district, to offer a broader range of housing and office space with convenient access to transportation, to foster pedestrian activity as fully as is practicable, and to reduce reliance on individual motor vehicles to access the retail businesses.

All new development within this overlay zone shall require Special Permits. It is imperative that new development properly manage and enhance stormwater management in this overlay zone. No development or redevelopment will be permitted if it will result in increased adverse stormwater impacts on adjacent properties or adjacent streets. Any development or redevelopment must address drainage, traffic and pedestrian safety issues in the area.
[Amended 8/28/2016]

682. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Commercial sales and services.
b. Business and professional offices, where such uses shall be located on the upper floor or floors of a structure.
c. Public and semi-public buildings.

[Amended 8/28/2016]

683. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Signs, as permitted in Section 920.
b. Any building or use customarily incidental to a permitted use.
c. Off-street parking and loading facilities in accordance with Section 900.
d. The outdoor storage and sale of seasonal merchandise on a temporary basis for products and in areas specifically approved by action of the Planning and Zoning Commission.

[Amended 8/28/2016]

684. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

a. All new site development and redevelopment under Section 680 of the Zoning Regulations.
b. Business and Professional Offices on the first floor provided they are limited to those service types of uses such as real estate, insurance, and securities brokerages; leasing; mortgage banking; banking; travel services and the like.
c. Public and semi-public uses.
d. Protected Town Landmarks.
e. Restaurants.
f. Any permitted use involving the sale of prepared foods whether intended for consumption on or off the premises.
g. Dwelling units located on upper floors.
h. Indoor recreation facilities.
i. Personal Service Businesses.

[Amended 8/28/2016]

685. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	1/2 acre
2. Minimum Lot Width	135
3. Minimum Lot Frontage	150
4. Minimum Lot Depth	135
5. Minimum Front Yard	6 (See Note a)
6. Minimum Side Yard	None (See Note b)
7. Minimum Rear Yard	25
8. Maximum Height in Stories	2 (See Note c)
9. Maximum Height in Feet	30 (See Note c)
10. Maximum Building Coverage	35%
11. Minimum Front Landscape Depth	6
12. Maximum Developed Site Area	80%
13. Maximum Density Dwelling Units/Gross Acre	12
14. Maximum Floor Area of each Dwelling Unit	1,200 sq. ft.

Notes:

a. Minimum front yard of 6 feet required, except that within 50 feet of abutting residentially zoned properties, the front yard setback shall be at least one-half that required in the abutting residential zone.
b. None, except as follows:
   1. If a side yard shall be provided, it shall be at least four feet, except where access to parking space shall be provided through a side yard, in which case the side yard shall be at least 25 feet in width. Where access shall be provided jointly by

two adjoining properties, the side yard may be reduced by 12 1/2 feet for each of the properties, provided the full 25 feet wide access shall be assured;

2. Where a side yard abuts a Residential Zone, the minimum side yard shall be equal to the side yard requirement of the abutting Residential Zone.

c.

1. Buildings connected solely by basements or underground parking facilities shall be considered separate buildings for the purpose of calculating building height.
2. If an applicant proposes one or more buildings that are higher than two stories or 30 feet, such applicant will be required to provide one or more on-site, public plazas or parks as provided in Section 687 of the Zoning Regulations.

d. Sidewalks shall be allowed within the front landscaped area provided that the Commission finds that landscaping such as trees, within or adjacent to the sidewalks is acceptable.

e. The Commission may increase the Maximum Floor Area of each Dwelling Unit from 1,200 square feet to a maximum of 1,500 square feet if they can make the required Special Permit findings in Section 1005a-g of the Darien Zoning Regulations. All dwelling units shall have no more than two (2) bedrooms. All on-site dwelling units shall comply with Section 686e of the Regulations.

[Amended 6/28/2016; 8/28/2016; 6/11/2017]

686. Special Controls

a. At-grade parking areas may extend to within 10 feet of a rear lot line except where it abuts a Residential Zone, in which case the minimum rear yard requirement set forth in Section 685 shall apply. Where pre-existing parking areas, structures or utility equipment are located closer to a lot line than required by this subsection (a), the Commission may approve new parking areas in the same location, provided that the Commission finds that adjacent screening shall be sufficient to minimize impacts to abutting properties.

b. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.

c. All uses shall be subject to Site Plan Approval in accordance with Section 1020.

d. Display or storage of materials shall be in accordance with Subsection 373.

e. If more than 2 dwelling units are provided in any building, then at least 30 percent of the total number of such dwelling units shall be limited to one bedroom.

f. Structured parking per Section 907.

[Amended 8/28/2016]

687. Public Plazas

The Commission may permit building height to be increased as provided in Note (c) of Section 685 in the Noroton Heights Redevelopment Zone, or pursuant to Section 690 in the Corbin Subarea, provided that the proposed development includes one or more on-site public plazas that meet the following criteria:

a. The total area of all on-site public plazas shall be not less than five (5%) percent of the total area of the lot being redeveloped, or 10,000 square feet, whichever is greater.

b. The public plaza shall be reserved from building coverage and shall be developed and maintained by the owner, and open to the general public, provided that the Commission may approve as public plazas areas covered by an upper floor of adjacent structures, or an upper floor connecting two structures, or by awnings, eaves or similar appurtenances.

c. Public plazas shall include seating and features such as a fountain, water cascade, or other water display, public art, or other comparable public amenity which is maintained by the property owner or their representative in operating condition throughout the year, except when weather conditions prohibit such operation.

d. The area of at least one public plaza shall be at least 3,500 square feet in size, which can fit a box of at least 35 feet x 35 feet in size.

e. Public plaza features shall not be reserved for exclusive use by any occupant or tenant of the redevelopment site. The public plaza is not to be used as an expansion of the commercial use(s) of the site (such as dining tables or outside display/sales area or other activities which might hinder public access).

f. Commonly used areas such as sidewalks, parking areas, and the like shall not be included in the calculation of the total area of on-site public plaza features. Landscaped islands within a parking lot cannot count towards a public plaza unless they are 30 feet wide. A public plaza cannot be in a required buffer unless it provides public access into the site.

g. For each public plaza, the Commission shall find that its location, layout, dimensions, landscaping, traffic, lighting, signage, drainage, utilities, and other features shall be in harmony with the convenient, orderly and attractive development of the zone.

[Added 8/28/2016; Revised 4/9/2017]

SECTION 690. CORBIN SUBAREA WITHIN THE CBD ZONE aka CENTRAL BUSINESS DISTRICT – CORBIN SUBAREA (CBD-CS)
[Added 4/9/2017]

691. Background and Purposes

The Central Business District Zone is the Town's primary business area and is intended to be the focal point for retail and business and professional office activities with apartments encouraged on upper floors. These Regulations are designed to encourage the orderly development of this district in a manner which encourages the preservation of the existing architectural character of this zone and, at the same time, to provide the opportunity for creative and flexible architectural design. The sound inter-relationship of buildings to plazas and open spaces, provisions for proper pedestrian and vehicular circulation and consolidated central parking areas, and encouragement of a mix of housing and business uses which are necessary and desirable to serve the needs of the residential community are also specifically addressed in these Regulations. These Regulations are designed for Commercial Sales and Service uses (except for Financial Service uses) on the first floor areas and to provide sufficient spaces for Business and Professional Offices and encourage Dwelling Units in upper floor spaces. The intent is to strengthen the viability of housing and retail business in the Central Business District and to foster pedestrian activity as fully as is practical.

The area within the Central Business District and adjacent to the Interstate 95 (Connecticut Turnpike) right-of-way presents a unique opportunity for redevelopment on a larger scale, and in a manner that utilizes the proximity of the Interstate 95 (Connecticut Turnpike) right-of-way and entrances and exits at the Boston Post Road. The width of that right-of-way serves as a buffer to minimize the impact of larger structures from the residential zone to the south of the right-of-way. The Corbin Subarea also presents an opportunity to distribute traffic through the use of on-site streets and on-site parking. Accordingly, the Corbin Subarea regulations encourage comprehensive, mixed-use developments, with public greens and plazas, landscaped pedestrian plazas, public amenities, internal streets and off-street parking facilities sufficient to meet the parking requirements of a larger redevelopment. The Corbin Subarea regulations provide developers with an option to build larger projects under the subarea regulations, or projects under the CBD regulations.

692. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Commercial sales and services, except that Financial Service uses shall be located on upper floors.
b. Business and professional offices, provided such uses are located on upper floors.
c. Public and semi-public uses.
d. Railroad stations and mass-transit facilities.
e. Dwelling units located on upper floors.

693. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Signs, as permitted in Section 920.
b. Any building or use customarily incidental to a permitted use.
c. Off-street parking and loading facilities in accordance with Section 900.

694. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

a. Protected Town Landmarks.
b. Restaurants.
c. The sale of prepared food such as candy or ice cream for consumption on or off the premises.
d. Financial Service and/or business and professional offices on the first floor, provided that the Commission makes a finding that such uses are consistent with the standards under Subsection 1005h.
[Amended 2/11/2018]
e. Clubs and lodges.
f. Personal Service Businesses.
g. Larger Developments. The term "Larger Developments" shall mean developments located entirely within the Corbin Subarea that are on development sites that are a minimum of 3 acres in area.

695. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000.

a. Food Service, Convenience.

696. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	40
3. Minimum Lot Frontage	40
4. Minimum Lot Depth	100
5. Minimum Front Yard	None (See Note b)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	20 ft. (See Note d)
8. Maximum Height in Stories	2 (See Note e)
9. Maximum Height in Feet	28
10. Maximum Building Coverage	None
11. Minimum Front Landscape Depth.	None
12. Maximum Developed Site Area	None
13. Maximum Floor Area of all Dwelling Units	1,000 sq. ft. (See Note e)

Notes:

a. Requirements for yards and buffers control lot sizes.

b. No front yard required, except that within 100 feet of a Residential Zone, the setback shall be at least one-half that required in that Residential Zone. No parking shall be permitted in front of any building unless the setback from the street line shall be at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings shall be greater or less than minimum requirement.

c. None, except as follows:
   1. If a side yard shall be provided, it shall be at least four feet, except where access to parking space shall be provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access shall be assured;
   2. Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.

d. As specified above, except as follows:
   1. Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
   2. Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.

e. If more than 2 dwelling units, than at least 30 percent of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required.

697. <u>Special Controls</u>

a. This zone is subject to the special requirements for Dedication of Public Parking Areas. (See Subsection 1057.)

b. The requirements for parking may be satisfied by donation of land to, and acceptance by, the Town for the municipal parking program subject to the requirements of Subsection 903.2.

c. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.

d. All uses shall be subject to Site Plan Approval in accordance with Section 1020.

698. Area and Bulk Regulations for Larger Developments within the Corbin Subarea

Larger Developments within the Corbin Subarea shall comply with the following area and bulk requirements. Dimensions are in feet unless otherwise indicated.

1. Minimum Site Area	3 acres (See Note a)
2. Minimum Lot Width	None (See Note a)
3. Minimum Lot Frontage	750 (See Note b)
4. Minimum Lot Depth	None (See Note a)
5. Minimum Front Yard	None (See Note c)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	See Note c
8. Maximum Height in Stories	See Section 698.1
9. Maximum Height in Feet	See Section 698.1
10. Maximum Building Coverage	None
11. Minimum Front Landscape Depth	None
12. Maximum Developed Site Area	None
13. Maximum Floor Area of Dwelling Units	3,000 sq. ft.

Notes:

a. Site area and frontage determine the width and depth of lots. A project site may consist of separately owned parcels, so long as they are contiguous and are included in the same Business Site Plan review/Special Permit application. When included in the same Business Site Plan review/Special Permit application, parcels that have street frontage on opposite sides of Corbin Drive shall be considered to be contiguous with parcels that front on the opposite side of Corbin Drive.
[Amended 2/11/2018]

b. Lot frontage shall be the total frontage along lot lines that separate the development site from local streets.

c. None, except as follows:
   1. Except in areas adjacent to the boundary along Connecticut Turnpike/Interstate 95, if a side or rear yard shall be provided, it shall be at least four feet, except where an access or service road shall be provided through a side or rear yard, in which case the yard shall be at least 20 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 10 feet provided the full 20 foot wide access shall be assured;
   2. Where the applicable building code requires greater than four feet of separation between buildings on separate parcels, the minimum side or rear yard shall be increased as necessary to meet the applicable building code.
   3. The minimum yard adjacent to the lot line separating the site from the Connecticut Turnpike/Interstate 95 right-of-way shall be 20 feet, except as provided in Note (c)(1).
   4. Additional setback and stepback requirements for upper floors are set forth in Section 698.1.
   5. Building appurtenances, such as eaves, awnings and marquees, located at least 8 feet above a sidewalk or 16 feet above the surface of a parking area or road shall not be subject to minimum yard requirements.

698.1. Buildings Heights and Setbacks and Streets in Larger Developments

a. Maximum building heights within the Corbin Subarea, south of Corbin Drive, shall comply with the following setbacks (see Section 233 "Height Zones—Corbin Subarea within the CBD Zone"):

Maximum Building Height in Stories & Feet	Setback from Boston Post Road	Setback from Corbin Drive	Setback from Interstate 95
3 stories/50 feet	None	None	20 feet
4 stories/55 feet	165 feet	None	20 feet
5 stories/70 feet	210 feet in part and 300 feet in part See Note 1	10 feet in part and 65 feet in part See Notes 1 & 2	20 feet

Notes:

a.

1. The exterior structure of the fifth floor of buildings located within 50 feet of Corbin Drive shall be stepped back not less than 10feet from the building facade that faces Corbin Drive, and the exterior structure of the fifth floor of buildings located within 300 feet of Boston Post Road shall be a minimum of 65 feet from the street line along Corbin Drive.
2. In addition to the setbacks from Boston Post Road and Corbin Drive, 5 story buildings shall not be located farther than 280 feet from Corbin Drive.

b. Building heights north of Corbin Drive shall be limited to 3 stories and 50 feet in height.

c. Building heights in the Corbin Subarea shall be calculated as follows:

1. Building height shall be measured from the average elevation of the finished grade adjacent to the exterior walls of the building, in accordance with the definition of Building Height set forth in sections 210 and 225.
2. Where portions of the same building are subject to different maximum building heights based on their location relative to the street line, building height shall be calculated for each portion of the building that is subject to a different maximum building height.

d. The location and specifications of the on-site streets and service roads shall be consistent with the Town Plan of Conservation and Development.

e. Internal streets and service roads may be privately owned and maintained.

[Amended 2/11/2018]

699. Public Plazas

Developments within the Corbin Subarea shall include one or more on-site public plaza features that meet the criteria outlined in Section 687 (Public Plazas), with the only additional criteria being the following:

a. Public plaza areas may be used for public events, such as concerts, farmers' markets, art shows, outdoor movies, and similar events, each event not to exceed 4 consecutive days in duration. Such uses shall be allowed without the need for separate zoning permits. Events longer than 4 consecutive days in duration shall require a special permit.

699.1. Off-Street Parking for Larger Developments within the Corbin Subarea

Developments within the Corbin Subarea shall include sufficient off-street parking facilities, subject to the following:

a. Parking shall comply with the provisions of Section 900, except as otherwise provided in this Section 690.

b. Parking structures located below grade shall not count as stories in determining building height or gross floor area.

c. Off-street parking for residential and office tenants may be reserved for such tenants, provided the Commission finds that the remaining parking shall be sufficient for the other uses in the project.

d. A parking study shall be performed by a qualified parking or traffic consultant, and shall include the following:

e. The study shall identify the properties and uses of the development and other sites within the Corbin Subarea.

1. The study shall use relevant shared parking guidelines and research, published by a reputable nationally-recognized organization, in the estimation of parking demand and shared parking factors by use and/or time of day for the subject development.

2. Reductions for Alternative Transportation Services, Transit Oriented District, Off-Site Parking, On-Street Parking shall be considered in the analysis.

f. A Parking Management Plan shall be submitted outlining the provisions to assure that parking is shared as projected in the parking study, and that the shared parking arrangement provides that all of the required number of parking spaces are within the Project limits. The Parking Management Plan shall include the following:

1. A site plan showing parking spaces intended for shared parking and their proximity to the uses they will serve.

2. Designation of parking areas reserved for particular uses or groups of uses, and signage directing parkers to the designated locations.

3. A pedestrian circulation plan showing connections and walkways between parking areas and land uses.

4. A written plan outlining practices that will support successful shared parking, including but not limited to, access controls and enforcement techniques.

g. Section 226a design standards apply.

Schedule of Amendments to Article VI

Section 601 [Amended 12/13/2015]
Section 604 [Amended 12/13/2015]
Section 604d [Added 12/29/2013]
Section 605d3 [Added 12/13/2015]
Section 614f [Amended 12/18/2011]
Section 614g [Added 12/29/2013]
Section 615 [Amended 12/18/2011]
Section 615 (14a) [Amended 12/18/2011]
Section 615 (14b) [Amended 12/18/2011]
Section 615 (Note b) [Amended 12/18/2011]
Section 615 (Note d) [Amended 12/18/2011]
Section 616f [Added 12/18/2011]
Section 621 [Amended 6/19/2016]
Section 624i [Added 6/26/2011]
Section 625 [Amended 6/19/2016]
Section 625.14 [Amended 2/28/2016]
Section 627 [Added 6/26/2011]
Section 627 [Amended 6/19/2016]
Section 634g [Added 12/29/2013]
Section 635 [Amended 7/22/2007]
Section 651 [Amended 6/29/2008; 11/19/2017; 12/24/17]
Section 652 [Amended 6/29/2008; 11/19/2017; 12/24/17]
Section 654 [Amended 6/29/2008; 11/19/2017; 12/24/17]
Section 654f [Added 12/29/2013]
Section 655 [Amended 7/22/2007]
Section 656e1 [Amended 12/31/2006]
Section 661 [Amended 7/22/2007; 7/24/2011]
Section 663 [Amended 7/29/2007]
Section 664 [Amended 7/23/2006; 7/22/2007]
Section 664h [Amended 2/28/2016]
Section 665 [Amended 7/22/2007]
Section 666 [Revised 7/24/2011]
Section 666b [Revised 7/22/2007]
Section 6671 [Added 7/24/2011]
Section 667f [Amended 2/28/2016]
Section 667g [Amended 7/22/2007]
Section 668c [Amended 2/28/2016]
Section 668g [Amended 2/28/2016]
Section 668h [Amended 2/28/2016]
Section 680 [Added 10/24/2010]
Section 681 [Amended 8/28/2016]
Section 682 [Amended 8/28/2016]
Section 683 [Amended 8/28/2016]
Section 684 [Amended 8/28/2016]
Section 684j [Added 12/29/2013](personal service use)
Section 685 [Amended 6/28/2016; 8/28/2016; 6/11/2017]
Section 686 [Amended 8/28/2016]
Section 687 [Added 8/28/2016; Amended 4/9/2017]

Section 690 [Added 4/9/2017]
Section 694 [Amended 2/11/2018]
Section 698 [Amended 2/11/2018]
Section 698.1 [Amended 2/11/2018]

For additional information on amendments refer to Appendix ‘C’ of the Regulations.

VII. ARTICLE VII - OFFICE ZONE REGULATIONS

SECTION 700. DESIGNED OFFICE AND RESEARCH ZONES (DOR-1, DOR-5)

701. Background and Purposes

This zone is intended to allow the establishment of executive and administrative corporate uses, senior living facilities, and structures in appropriate locations within the Town in keeping with the purposes set forth in these Regulations and in the Town Plan. Given the close proximity of residentially-zoned districts, it is the intention of this zone to achieve the following objectives: protect the environmental character of the land and its particular suitability for this specific use; control against congestion in the streets; preserve property values; provide a balanced system of business development; and preserve the residential character of the community.
[Amended 4/17/2016]

702. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. None

703. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

a. Offices, executive and administrative.
b. Research and design laboratories, but excluding manufacturing, processing, assembly and packaging of products for sale or distribution.
c. Educational, philanthropic, cultural and recreational uses serving a community need or convenience.
d. Assisted Living Facility, Memory Care Facility or combination thereof as defined in Section 627.
[Amended 4/17/ 2016]

704. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

a. An accessory building or use clearly necessary to the conduct of the principal use. Permitted accessory structures shall specifically exclude parking structures.
b. Off-street parking and loading in accordance with Section 900.
c. Signs, as permitted in Section 920, except that no sign shall exceed an overall area of 50 square feet of display surface.
d. Food service, accessory.

705. Area and Bulk Requirements

The following requirements for the DOR-l and DOR-5 Zones shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.
[Amended 4/17/2016]

		DOR-1	***DOR-5***
1.	Minimum Lot Area	1 acre (43,560 sq.ft.)	5 acres (217,800 sq.ft.)
2.	Minimum Lot Width	150	300
3.	Minimum Lot Frontage.	75	100
4.	Minimum Lot Depth	150	300
5.	Minimum Front Yard	40	100
6.	Minimum Side & Rear Yards	35	75
7.	Minimum Setback From Any Residence Zone	50	100
8.	Maximum Height in Stories	2 (See Note B)	2
9.	Maximum Height in Feet	35	28
10.	Maximum Building Coverage	20% (See Note C)	15%
11.	Off-Street Parking Spaces	See Note A	See Note A
12.	Maximum Floor Area Ratio	None	0.15

Notes:

a. As required in Section 900. However, in approving a plan, the Commission may permit a portion of the required spaces to be developed as landscaped open space if the applicant can demonstrate to the Commission's satisfaction that the additional open space can be used for parking if subsequently needed and where it finds that the lesser number of parking spaces to be developed shall meet the applicant's actual parking needs.

b. In the case of a senior living facility, a portion of the basement may be finished and used for purposes other than storage, parking, or mechanical equipment provided the area of such finished space is less than 10% of the floor area of the story immediately above and the uses are common to the users of the building such as administrative offices, lobbies, and common areas.

c. In order to increase the amount of protected open space in town, the Commission may permit a 1% increase in Maximum Building Coverage for each additional 2% of the property protected as open space. The open space shall be of a size, location, and context to provide conservation value and shall be permanently protected by a legal instrument acceptable to the Commission. Open water/lake shall not count towards such open space. In such cases, Maximum Building Coverage shall not exceed 25%.

706. Special Controls

a. Off-street parking design standards and buffering per Sections 226, 900 et. seq. and 940 et. seq. shall be applicable, except that the Commission may waive or reduce such requirements where it finds that the adjacent land is railroad or Connecticut Turnpike rights-of-way, or that the adjacent land is public land (except streets as defined herein) of the State or of the Town.

[Amended 4/17/2016]

b. All uses shall be subject to Site Plan Approval in accordance with Section 1020.

c. External storage of materials and equipment shall be prohibited.

d. No grading which results in changing the land contour by more than six inches shall occur within 25 feet of any property boundary except as the area of disturbed contour shall be appropriately planted and maintained with a natural screening of evergreen shrubbery.

e. The total area occupied by buildings, drives, parking area and other utilized areas (except areas of landscaping) shall not exceed 50 percent of the lot area.

f. Separate driveways providing access from a street shall be spaced not less than 150 feet apart.

g. Research and other permitted activities shall not result in any effect or sensation perceptible beyond the exterior of a building. Hours of operation may be made a part of any Special Permit.

h. The exterior facades of all buildings shall be of a finished quality on every side (such as brick, stone, wood or glass), and architecturally harmonious in design as evidenced by plans prepared by a professional architect or designer. Loading ramps and utility features, if permitted, shall be placed at the side or at the rear, and completely shielded as seen from the public view.

i. Where the site adjoins the railroad or the Connecticut Turnpike, the Commission may permit a reduction of either the required minimum width or the required minimum depth, but not both, to not less than 200 feet, where it finds that to do so shall result in a better site layout or a more favorable relationship to an existing residential neighborhood.

j. The Commission shall find that the potential generation of traffic shall be within the reasonable capacity of all existing or planned streets providing access to the site. The Commission shall also, as a condition of any Special Permit Approval, and in addition to other limitations of these zones, limit the number of tenants to a maximum of three per building, limit the maximum size of each operation in number of employees, square feet of floor space, or other appropriate measures as it deems necessary to limit the potential generation of traffic on public streets or prevent an adverse effect on the public safety and welfare.

k. In approving any Site Plan, the Commission may permit a reduction in any specified yard or setback requirement by not more than 25 percent, or a driveway to be placed not closer than five feet to a lot line where the abutting property is not used for residential purposes.

l. In approving any Site Plan, the Commission may permit the specified minimum side and rear yards to be reduced to not less than 20 feet, where it finds that the adjacent land is railroad or Connecticut Turnpike rights-of-way, or that the adjacent land is public land (except streets as defined herein) of the State or of the Town.

[Amended 4/17/2016]

SECTION 710. OFFICE BUSINESS ZONE (OB)

711. Background and Purposes

This zone is designed to provide an area suitable for a combination of Executive and Administrative Offices and Business and Professional Offices. It is the intent that any such uses shall not have any detrimental effects upon other necessary business uses; shall avoid the creation of environmental, traffic or other problems; and shall be in accordance with the fundamental objective of retaining the residential character of the Town.

712. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Offices, business and professional.
b. Offices, executive and administrative.
c. Research laboratories.

713. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

a. Signs as permitted in Section 920.
b. Food service, accessory.
c. Off-street parking and loading in accordance with Section 900.

714. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

a. Protected Town Landmarks.
b. Dinner theaters.
c. Clubs and lodges.
d. Churches and other places of worship intended primarily to serve religious needs of the local community.
e. Child Care Centers.
f. Educational, philanthropic, cultural and recreational uses serving a community need or convenience. *[Amended 3/27/2018]*

[Amended 12/24/2017]

715. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.
[Amended 12/21/2008]

1. Minimum Lot Area	½ acre (21,780 sq. ft.)
2. Minimum Lot Width	100
3. Minimum Lot Frontage	100
4. Minimum Lot Depth	150
5. Minimum Front Yard	30 (See Note a)
6. Minimum Side Yard	10 (See Note b)
7. Minimum Rear Yard	50
8. Maximum Height in Stories	2
9. Maximum Height in Feet	28
10. Maximum Building Coverage	20%
11. Minimum Off-Street Parking and Loading	(See Note c)
12. Minimum Front Landscape Depth	10
13. Maximum Developed Site Area	80%
14. Minimum Setback from Any Residential or DOR Zone	50

Notes:

a. As stated above, except no parking shall be permitted in front of any building unless the setback from the street line shall be at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirement where setback of existing buildings shall be greater or less than minimum requirement.

b. As specified above, except that at least 25 feet shall be provided where the side yard furnishes vehicular access to the rear, and except that the Commission, in approving a Site Plan, may permit a building to abut a side line where it finds such shall create a better plan.

c. Minimum Parking Setback: 10 feet from street line, five feet from side line (except where common or shared parking shall be permitted), 25 feet from a Residential Zone.

716. <u>Special Controls</u>

a. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.

b. All uses shall be subject to Site Plan Approval in accordance with Section 1020.

c. Display or storage of materials in accordance with Subsection 373.

Schedule of Amendments to Article VII

Section 701 [Amended 4/17/2016]
Section 703d [Amended 4/17/2016]
Section 705 [Amended 4/17/2016]
Section 706a [Amended 4/17/2016]
Section 706l [Amended 4/17/2016]
Section 714 [Amended 12/24/2017]
Section 715 [Amended 12/21/2008]

For additional information on amendments refer to Appendix 'C' of the Regulations.

VIII. ARTICLE VIII - ENVIRONMENTAL AND RELATED REGULATIONS

SECTION 810. COASTAL AREA MANAGEMENT

811. Background and Purposes

The purpose of this Section is to achieve the goals, objectives and policies of the State-wide Coastal Area Management Program as set forth in Chapter 444 Section 22a-90 through 22a-112 of the General Statutes and known as "The Coastal Management Act", together with any amendments thereto.

812. Coastal Boundary

The area subject to these regulations shall include all portions of the Town within the Coastal Boundary, as defined by and mapped in accordance with "The Coastal Management Act" as amended and shown on the Coastal Area Management Map on file in the offices of the Commission and the Town Clerk.

813. Review Procedure

All buildings, uses and structures fully or partially within the Coastal Boundary shall be subject to the Coastal Site Plan Review requirements and procedures set forth in "The Coastal Management Act" and also with requirements of the Darien Zoning Regulations, with the exception of gardening, grazing and the harvesting of crops. The following activities beyond 100 feet of the mean high tide line shall be exempted from the coastal site plan review requirements of "The Coastal Management Act" in all such instances where no potential adverse impacts can be determined.

813.1 Exempt Activities

a. Additions to, or modifications of, existing buildings or detached accessory buildings, such as garages and utility sheds.

b. Construction of new, or modification of existing on-premise fences, walls, pedestrian walks and terraces, underground utility connections, water and sewer service lines, landscaping or signs and such other minor structures as shall not substantially alter the natural character of coastal resources.

c. Construction of an individual conforming single-family residential structure, except in or within 100 feet of the mean high tide line, or any of the following coastal resource areas as defined by "The Coastal Management Act": tidal wetlands, coastal bluffs and escarpments, beaches and dunes.

d. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources.

813.2 Administrative Review

All required permit requests for any of the exempted activities listed above shall be subject to an administrative review conducted by the Planning and Zoning Director and the ZEO as part of the application process for a Zoning Permit or Building Permit.

813.3 Non-exempt Activities

Except for those activities itemized under Section 813.1, all applications for approval under any of the municipal regulatory authorities enumerated in "The Coastal Management Act" shall incorporate all information normally contained in such applications in addition to the information required under the Act and these shall be known as applications for Coastal Site Plan Review. A combined application may be submitted in accordance with the specifications set forth on appropriate checklists available from the offices of the Commission and the Building Department.

In general, applications for Coastal Site Plan Review approval shall be submitted to the office of the Commission. The Commission, or ZBA, when exercising its authorities shall prepare findings that include written documentation of the reasons for its decision regarding the proposal in accordance with "The Coastal Management Act" and shall submit such documentation to the ZEO or Building Official, as appropriate for Certification of Project as per "The Coastal Management Act". All such Coastal Site Plan Reviews shall be conducted in addition to any reviews and actions required by these Regulations or other applicable local ordinances.

813.4 Filing Fee

Each application for a Coastal Site Plan Review shall include a payment of a filing fee. (See Appendix B.)

813.5 Procedure

The Commission shall reserve the right to schedule and hold a Public Hearing on any Coastal Site Plan Review.

Application deadlines, hearing schedules and decision periods shall correspond with the established procedures for the specific type of planning or zoning application, as set forth in the General Statutes or locally adopted schedules.

814. Performance Bond

As a condition to a Coastal Site Plan approval, the Commission or ZBA may require a bond, escrow account or other surety or financial security arrangement to secure compliance with any modifications, conditions and other terms stated in its approval of a Coastal Site Plan.

815. Expiration of Approval

The Commission may provide for the expiration date of any approval given under this Section on a case-by-case basis. Any expiration date established by the Commission shall be expressly set forth

in its decision and may be conditioned upon the completion of certain work or fulfillment of certain conditions set out in the decision. Extensions of this period may be granted by the Commission, as applicable, on written application to it, adequately setting forth the justification for such extension.

SECTION 820. FLOOD DAMAGE PREVENTION

821. Background and Purposes

These regulations have been prepared by the Town pursuant to Title 44, Chapter 1, Sections 59-75 of the Federal Register and the National Flood Insurance Program as amended.

It is the finding of the Commission and the Environmental Protection Commission that the flood hazard areas are subject to periodic inundation which may result or might possibly result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise protected from flood damages.

It is, therefore, the purpose of these regulations to protect the citizens of Darien by making provisions for the preservation, protection, maintenance, or use of flood hazard and floodway areas.

Pursuant to the authority granted, the Commission shall grant, grant with modifications, or deny permits for all regulated activities associated with these regulations within the Town.

822. Inventory of Regulated Areas

a. Regulated areas are identified as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated July 8, 2013, with accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (Panels 09001C0517G, 09001C0528G, 09001C0529G, 09001C0536G, 09001C0537G) and June 18, 2010 (Panels 09001C0507F, 09001C0509F, 09001C0526F, 09001C0527F), and other supporting data applicable to the Town of Darien, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A, AE, and VE, including areas designated as a floodway on a FIRM. Zone VE is also identified as a Coastal High Hazard Area. The determination of flood hazard areas shall be based on the flood elevations shown on the FIRM maps in conjunction with an up-to-date and accurate topographical survey of the property. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.
[Replaced 5/30/2010; Amended 6/30/2013]

b. The Commission and/or its designated agent shall monitor and maintain general surveillance of the regulated areas within the Town to ensure that no unauthorized regulated activities occur.

c. The Commission shall periodically, in conjunction with the Environmental Protection Commission and state or federal agencies, inventory flood-prone and flood-regulated erosion-prone areas and update the official map delineating said areas to be regulated.

823. Warning and Disclaimer of Liability

The degree of flood protection required by these Regulations is considered reasonable for regulatory purposes and is based on legal, scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flooding heights may be increased by man-made or natural causes. It is not implied that land outside the areas of special flood hazards, or uses within such areas, shall be free from flooding or flood damage. These Regulations shall not create liability on the part of the Town or by any official or employee thereof for any flood damage that results from reliance on these Regulations or any administrative decision lawfully made thereunder.

824. Permitted Operations and Uses

a. The following operations and uses shall be permitted in flood-prone and flood-related erosion-prone areas, as of right:

b. Uses incidental to the enjoyment and maintenance of a residential property such as landscaping without substantial alteration of the real estate, but not including any form of structure.

c. The following operations and uses shall be permitted as non-regulated uses in flood-prone and flood-related erosion-prone areas, provided they shall not disturb the natural and indigenous character of the land:

1. Conservation of soil and vegetation;

2. Outdoor recreation such as play and sporting areas, picnicking, field trails, nature study and horseback riding where otherwise legally permitted and regulated.

825. Permitting of Regulated Activities within Regulated Areas

a. No person shall henceforth conduct a regulated activity in a regulated area of the Town without first obtaining a permit for such activity from the Commission. Any regulated activity or use legally existing as of the effective date of these regulations shall be exempt therefrom and permitted to continue provided that no new or additional regulated activity, requiring a permit under these Regulations, shall be conducted after this same effective date without such a permit. Lands to which these Regulations apply are designated by the Federal Emergency Management Agency (FEMA).

b. Any application to the Commission for a Zoning Permit, Site Plan Approval, Coastal Site Plan Review or subdivision approval shall be reviewed by the Planning and

Zoning Director to determine if it involves any activity or work within a regulated area, and if so, shall incorporate the requirements of these Regulations in the application.

c. Any application to the Building Department for a Building Permit or other permit shall be reviewed by the Building Official to determine if it involves any activity or work within a regulated area, and if so, the applicant shall be referred to the Commission for its approval prior to issuing said permit. All such action shall be properly recorded within the application file.

d. In all areas of special flood hazard and Coastal High Hazard areas (for all unnumbered and numbered A and V zones and A, AE, and/or VE zones), the following provisions shall apply:

1. Permits shall be required for all new construction, substantial improvements (including the placement of prefabricated buildings and manufactured homes) and other development and shall be designed (or modified) and adequately anchored to prevent floatation, collapse or lateral movement of the structure and be constructed with materials and utility equipment resistant to flood damage and shall be constructed by methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Such design shall be by a Connecticut Registered Professional Engineer and approved by the Building Official;
[Amended 5/30/2010]

2. Subdivision proposals shall be reviewed to assure that all such proposals shall be consistent with the need to minimize flood damage; all public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize and eliminate flood damage; and adequate drainage shall be provided to reduce exposure to flood hazards. Flood elevation data shall be included with all subdivision proposals. Where flood elevation data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a licensed professional engineer that generates base flood elevations for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions;
[Amended 5/30/2010]

3. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

4. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

5. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

6. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to at least one foot above the

base flood level. If the structure is substantially improved as defined by Section 210 (Substantial Improvement), then the entire structure must be made to conform with all requirements of Section 820;

7. All new construction and substantial improvements of non-residential structures shall have the lowest floor (including basement) elevated to at least one foot above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

8. Where floodproofing shall be utilized for a particular structure in accordance with Subsection 825, a Connecticut Registered Professional Engineer or Architect shall certify that the flood proofing methods shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and a record of such certificate indicating the specific elevation (in relation to mean sea level) to which structures are floodproofed shall be maintained with the Commission.

9. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters.

10. Designs for meeting the requirement in (9) above must either be certified by a registered Professional Engineer or Architect and must meet or exceed the following minimum criteria. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
    [Amended 5/30/2010]

11. Base flood elevation data shall be provided for subdivision proposals and other proposed developments.

12. Recreational vehicles (as defined in this section) placed on sites shall either (1) be on-site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.), or meet all the general standards of 825 (d) and the elevation and anchoring requirements of 825 d. (13), (14) and (15) and 825 (f), the elevation and anchoring requirements. Storage of recreational vehicles must also comply with Section 403k of these Regulations.
    [Amended 5/30/2010]

13. In areas of special flood hazard (A and AE Zones), any manufactured home to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at least one foot above the base flood elevation (BFE). The manufactured home must also meet all the construction standards for Zones A and AE as per Section 825. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood.
    [Added 5/30/2010]

14. In all coastal high hazard areas (VE Zone), any manufactured home to be newly placed, undergoing a substantial improvement or repaired as a result of sustained substantial damage, shall be elevated so that the bottom of the lowest horizontal structural member is at least one foot above the base flood elevation. The manufactured home must also meet all the construction standards for the VE Zone as per Section 825. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood.
    [Added 5/30/2010]

15. All manufactured homes within areas of special flood hazard and coastal high hazard areas shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. All manufactured homes shall be installed using methods and practices that minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.
    [Added 5/30/2010]

e. Within the regulatory floodway, delineated on the Flood Insurance Rate Map, encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments that would result in any (0.00 feet) increase in flood levels during the occurrence of the base flood discharge, shall be prohibited. The provision of proof that there shall be no (0.00 feet) increase in flood levels during occurrence of the base flood discharge due to the proposed construction or encroachment shall be the responsibility of the applicant and shall be based on hydrologic and hydraulic studies, performed in accordance with standard engineering practice, and certification, with supporting technical data, by a Connecticut Registered Professional Engineer.
[Amended 5/30/2010]

f. In the coastal high hazard zones, VE Zone, the following provisions shall additionally apply:

1. All new construction shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101;

2. All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns, and securely anchored to such piles or columns so that the lowest portion of the structural members of the lowest floor (excluding the pilings or columns) shall be elevated to at least one foot above the base flood level;

3. A Connecticut Registered Professional Engineer or Architect shall certify that (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding piling and columns) is elevated at least one foot above the base flood elevation; and (2) the pile or column foundation and structure attached thereto is anchored and resistant to floatation, collapse and lateral movement due to the affects of wind and water loads acting simultaneously on any building components;

4. All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or be constructed with breakaway walls intended to collapse under stress without jeopardizing the structural support of the structure; such temporarily enclosed space shall not be used for human habitation. Such temporarily enclosed space shall be used solely for building access, parking of vehicles, and/or storage.

5. No use of fill for structural support of buildings shall be permitted.

6. Non-supporting breakaway walls, lattice work or mesh screening shall be allowed below the base flood elevation provided it is not part of the structural support of the structure and is designed so as to break away under abnormally high tides or wave action, without damage to the structural integrity of the structure on which it is to be used and provided the following design specifications are met: (1) Design safe loading resistance of each wall shall not be less than ten (10) pounds per square foot or more than twenty (20) pounds per square foot; or (2) If more than twenty (20) pounds per square foot, a licensed professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components prior to or during the collapse of such wall. Such enclosed space shall be used solely for building access, parking of vehicles, and/or storage.

7. There shall be no alteration of sand dunes that would increase potential flood damage.

g. In all areas of special flood hazard and coastal high hazard areas as applicable, the following shall additionally apply:

1. The Commission shall obtain, review and reasonably use any base flood elevation and floodway data available from Federal, State or other sources including the information provided by Federal Insurance Administrator, as criteria for requiring that the requirements of these regulations, including but not limited to, Subsections 825.d(6), 825.d(7), 825.f(2) and 825.f(4), 825.g(2), and 825.g(3) shall be met.

2. Where base flood elevations have been determined, and whether or not a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations. The Commission may authorize regulated activities provided there is a certification from a registered professional engineer that the proposed development, considered cumulatively with all anticipated development and likely activities along the watercourse, shall not increase base flood elevations more than one foot.

3. Should data be requested or provided, a regulatory floodway shall be adopted based on the principal that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse. The provisions of Subsection 825.g(2) shall apply to newly adopted floodways.

4. The applicant shall either obtain a written report indicating recommendations, preliminary approvals, final approvals or disapprovals from any State or Federal Department or Agency such as Connecticut Department of Environmental Protection, U.S. Army Corps of Engineers, Connecticut Department of Transportation, etc., having jurisdiction over the application or any aspect thereof; or otherwise provide sufficient written evidence that such State or Federal agency approval appears to have a reasonable probability of success. In the event that any State or Federal agency has a policy that precludes the provision of such decision until after the Planning & Zoning Commission has rendered its decision, the Planning & Zoning Commission may waive this requirement. If the Commission determines that a State or Federal agency's approval has a material impact on the approved application, further review by the Commission may be required. Copies of any permits or approvals must be provided and maintained on file with the development permit.
[Replaced 5/30/2010]

h. Alteration of watercourses: For an application to alter a watercourse the Commission shall consider the character and degree of injury to, or interference with, safety, health or the reasonable use of property which would be caused or threatened. This includes recognition of potential damage from erosion, turbidity or siltation; loss of fish and other beneficial aquatic organisms, wildlife and vegetation; the dangers of flooding and pollution; and destruction of the economic, aesthetic, recreational and other public or private uses, and values of wetlands and watercourses. Notification of any activity falling under this Section shall be sent to the State DEP and to adjoining towns, if applicable. Evidence of notification shall

be sent to the FEMA. In all such cases, if a watercourse has been altered or a portion of the watercourse has been altered or a portion of the watercourse has been relocated, the flood-carrying capacity of the watercourse will be maintained and it will not be diminished. In addition, all requirements of the Town Environmental Protection Commission shall be met in full.

i. Aboveground Storage Tanks - Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
[Added 5/30/2010]

j. Portion of Structure in Flood Zone - If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
[Added 5/30/2010]

k. Structures in Two Flood Zones - If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)
[Added 5/30/2010]

l. No Structures Entirely or Partially Over Water - New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.
[Added 5/30/2010]

826. <u>Application Procedures</u>

a. Prior to the submission of any application hereunder, the applicant should consult with the Commission staff for the purpose of seeking advice and guidance with respect to the proposed regulated activity and requirements of the applicant.

b. Any person intending to carry out a regulated activity shall submit an application to the Commission in accordance with its regular procedures.

c. No application shall be deemed complete and ready for consideration by the Commission unless it shall be in such form and contain such information as is outlined in Subsection 826.d below.

d. All information submitted in the application shall be considered factual, or in the case of anticipated activity, binding. A knowing failure on the part of the applicant, or any of his agents, to provide correct information or performance not specifically authorized in the permit shall be sufficient grounds for the revocation of any permit issued under these Regulations and/or for penalties to be imposed.

e. All applications shall include the following information in writing and shall be on a form provided by the Commission:

1. The applicant's name, home and business addresses and telephone numbers;

2. The owner's name (if applicant is not the owner of the property), home and business addresses and telephone numbers and written consent to the proposed activity set forth in the application;

3. The elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures as measured by a Licensed Surveyor or registered Professional Engineer. For structures located in the V Zones, the elevation of the bottom of the lowest structural member of the lowest floor (including piling and columns);

4. The elevation in relation to mean sea level to which any structure has been floodproofed, and a certification by a registered Professional Engineer that the floodproofed structure meets the requirements of these Regulations;

5. The geographical location of the property which shall be affected by the proposed activity, including a description of the land in sufficient detail to allow identification of the properties on the map;

6. Purposes and descriptions of the proposed activity;

7. A statement certifying that all necessary permits have been obtained from federal, state and local governmental agencies from which prior approval is required;

8. A Site Plan for all proposals. Such map shall be prepared by a licensed surveyor, Professional Engineer, Architect or Landscape Architect and shall show the approval and seal of a registered Professional Engineer. The map shall be drawn in accordance with the Commission's regular procedures. Detailed information on this Site Plan shall include, but not be limited to:

a) Property lines of the real property to be affected, the owners of record of that property and of adjoining properties and the structures existing on the affected property;

b) Locations on or near the affected property of wetlands or watercourses, as delineated on the Town's official wetlands map;

c) Existing and proposed drainage structures such as culverts, catch basins, drainage ditches and dams, including complete computations used in arriving at the drainage design;

d) Locations of all existing and proposed waste treatment facilities;

e) Areas where material shall be deposited, repositioned or removed;

f) Significant vegetation and/or landscape plans;

g) Proposed grading of any earth movement anticipated, by vertical contours as required by the Commission;

h) The elevation of the 100 year flood boundary, the location of the 100 year flood plain, and the floodway/floodway fringe, where applicable.

9. In all areas of special flood hazard (A and AE Zones), the Commission will obtain, record and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvement or repair to a structure that has sustained substantial damage and the elevation (in relation to mean sea level) to which all new construction, substantial improvement or repair to a structure that has sustained substantial damage has been flood-proofed. In all coastal high hazard areas (VE zones), the Commission will obtain, record and maintain the elevation of the bottom of the lowest horizontal structural member for all new construction, substantial improvement or repair to a structure that has sustained substantial damage. ***[Added 5/30/2010]***

827. Filing Fee

A filing fee shall be submitted for all applications which shall require a full review in accordance with these requirements. (See Appendix B.) No fee shall be required if the application shall be found to require only an administrative review per Subsection 828c.

828. Application Review

a. A copy of all application materials shall be referred to the Director of Public Works, Environmental Protection Commission and other departments by the Commission as appropriate for their review. All comments received shall be entered into the record of the application. Any deviation from their recommendations which shall be approved by the Commission as part of any application approval shall be set forth in writing and shall include the reasons for deviating from the recommendation. In no case shall an approval be given which does not conform with the minimum requirements of these Regulations.

b. Where interpretation shall be needed as to the exact location of the boundaries of the areas of special flood hazards, the Commission shall make the necessary interpretations based upon additional data submitted by a licensed Land Surveyor or registered Professional Engineer. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation.

c. Where a regulated activity shall be proposed, which the applicant can reasonably demonstrate shall be likely to have no adverse effect on levels of flooding or erosion, the applicant may submit a preliminary plan for review by the Commission. The Commission will review all proposed regulated activity to determine whether the proposed development and building sites will be reasonably safe from flooding. The preliminary plan shall be accurately drawn to scale from a certified survey of the property and shall show all existing features, including buildings, roads and natural features and sufficient data to adequately describe the proposed work and activities to be carried out. The Commission may require additional data and mapping to be submitted by the applicant where it judges the submission inadequate and may exercise its option as to the need to have a registered Professional Engineer review a minor development.

The proposal shall then be informally reviewed by the Planning and Zoning Director, the Director of Public Works and a representative of the EPC. Where they find from the preliminary submission that the scope of the proposed work or activity shall be in fact so limited or insignificant that it shall present no adverse impact on levels of flooding or erosion, they may issue an Administrative Permit for the activity or work. Prior to the issuance of an Administrative Permit, the applicant shall show upon the prescribed application form that adjoining property owners have been advised of the project and have concurred that the proposed activity shall have no adverse flooding or erosion impact. Such Administrative Permit shall be signed by the Planning and Zoning Director.

Where, in the opinion of the Planning and Zoning Director, any reasonable doubt exists pertaining to the insignificance of any such work or activity under this Section, the applicant shall be notified that a full application shall be required for further review of the proposed activity.
[Amended 5/30/2010]

d. Summary Ruling. If the Commission shall find that a proposed activity is a regulated activity in conformance with the requirements of these Regulations, it may allow the activity with or without conditions after initial review. In order to grant a permit at this stage, the Commission, after full review of all pertinent factors, shall issue an opinion presenting its reasons for granting the permit with or without conditions. Such decision shall be publicized in the usual manner.

e. A Public Hearing may be held at the discretion of the Commission. If such Public Hearing is to be scheduled, then:

1. All applications shall be submitted, notice published, heard and decided upon in accordance with established schedules per General Statutes;

2. No filing fee shall be refunded after a notice of hearing is published;

3. All applications, maps and documents relating to this hearing shall be open for inspection in the office of the Commission.

829. <u>Permit</u>

a. The Commission shall issue a written opinion presenting reasons for its action at the time of granting a permit, granting a permit with conditions or limitations, granting an extension of time on an existing permit, or denying a permit.

b. The Commission may deny a permit with or without prejudice. If a permit shall be denied with prejudice, the application shall not be resubmitted for a period of one year following the date of denial. If a permit shall be denied without prejudice, the applicant may modify, amend or correct his proposal and resubmit it to the Commission.

c. If a permit shall be granted with conditions or limitations, and the applicant shall dispute such conditions or limitations, he may amend, modify or correct his proposal. Rejection of a modified, amended or corrected proposal shall be equivalent to the denial of an application for the purposes of Subsection 831.

d. Any applicant may withdraw his application at any time prior to the Commission's final action thereupon for good cause stated in writing. Any filing fee paid by the applicant pursuant to these Regulations shall not be refunded.

e. A certification from a registered Professional Architect or Professional Engineer that the construction and floodproofing has been completed in conformance with the permit and these Regulations shall be submitted to the Commission prior to the issuance of a Certificate of Occupancy.

The Commission, with the written consent of the applicant, may extend the time prescribed in these Regulations for action by the Commission, in accordance with applicable General Statutes.

f. No activity for which a permit or license has been issued pursuant to these Regulations shall be conducted upon the subject parcel prior to the effective date or after the expiration of the permit. Any permit issued by the Commission shall be subject to any expiration date the Commission may establish as part of its decision. This shall be determined on a case-by-case basis. Any expiration date established by the Commission shall be expressly set forth in its decision and may be conditioned upon the completion of certain work or fulfillment of certain conditions set out in the decision. Extensions of this period may be granted by the Commission, as applicable, on written application to it, adequately setting forth the justification for such extension.

g. The Commission shall consider the following in making its final decision on all permit applications:

1. All evidence offered at any Public Hearing on the character and extent of the proposed activity, on the land involved, and on possible effects of the activity on the subject parcel and on surrounding areas;

2. Any reports from other local, state or federal agencies;

3. Additional requested information;

a) The character and degree of injury to, or interference with, safety, health, or the reasonable use of property which would be caused or threatened. This includes recognition of the danger that materials may be swept onto other lands to the injury of others, of potential damage from erosion or siltation, loss of wildlife and vegetation, the dangers of flooding and pollution, and destruction of the economic, aesthetic, recreational and other public and private uses and values of flood and erosion-prone areas;

b) The suitability of such action to the area for which it is proposed;

c) Measures which could mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards added to the plan to avoid a reduction in the natural function of the flood and erosion prone area;

d) The necessity to the facility of a waterfront location, where applicable;

e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

f) Any previous inundation of subject parcel.

830. Performance Bond

A performance bond, acceptable in form to the Commission, covering all costs of approved flood damage prevention improvements and any special floodproofing or structural requirements may be required prior to the issuance of any final approval given under these Regulations. Said bond shall be returned upon receipt of "As-built" drawings with certification by a Registered Professional Engineer that all construction conforms with the approved permit and these Regulations.

831. Appeal and Variance Procedures

a. Variances from these Flood Damage Prevention Regulations shall be heard by the ZBA in accordance with the requirements of the General Statutes.

b. Variances may be issued for the construction, rehabilitation or restoration of structures listed on the National Register of Historic Places of the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.

c. Any variance granted shall include notice to the applicant that the result of granting a variance from these Regulations may result in higher flood insurance rates.

d. Variances shall be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, only in conformance with the following procedures:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

3. A determination that the granting of a variance shall not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of nuisances, fraud or victimization of the public, or conflict with existing local laws or ordinances; and

4. A determination that the variance shall be the minimum necessary, considering the flood hazard, to afford relief.

e. The applicant shall be notified in writing over the signature of a community official that: (1) the issuance of a variance to construct a structure below the base flood level shall result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage; and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required below.

f. The ZBA shall: (1) maintain a record of all variance actions, including justification for their issuance, e.g. - that due consideration has been given to the following concerns: (i) the danger that materials may be swept onto other lands to the injury of others; (ii) the danger of life and property due to flooding or erosion damage; (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; (iv) the importance of the services provided by the proposed facility to the community; (v) the necessity to the facility of a waterfront location, where applicable; (vi) the availability of alternate locations, for the proposed use which are not subject to flooding or erosion damage; (vii) the compatibility of the proposed use with existing and anticipated development; (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area; (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles; (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and (2) report such variances issued in its annual report submitted to the administrator.

g. Variances shall not be issued within any designated floodway if any increase in flood level during the base flood discharge would result.

832. <u>Other Permits and Licenses</u>

Nothing in these Flood Damage Prevention Regulations shall supersede or take the place of any requirement for the applicant to obtain any assent, permit, license, authorization required by law or regulations of the United States, the State, or any political subdivision thereof. The obtaining of such assents, permits, licenses or authorizations shall be the sole responsibility of the applicant.

833. <u>Conflict, Severance and Legal Construction</u>

a. Where there shall be a conflict between the provisions of these Regulations and those of any other federal, state or local act, charter provisions, ordinance or regulations, the provisions which impose the greatest restriction on use shall govern.

b. The invalidity of any word, clause, sentence, section, part or provision of these Regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.

SECTION 840. PRESERVATION OF SIGNIFICANT NATURAL, SPECIAL AND/OR MAN-MADE FEATURES AND RELATED OPEN SPACE AREAS IN THE SUBDIVISION OR RESUBDIVISION OF LAND

841. Background and Purposes

Where the Commission shall determine that significant natural, man-made or special features exist on a site proposed for subdivision or resubdivision, the protection and preservation of which would promote the purposes of these Regulations, the specific area, width, depth, frontage, yard and coverage requirements established by Section 400 and the various Area and Bulk Requirements Schedules may be modified to achieve such protection or preservation. Such action may be taken provided that all plans, policies and other relevant regulations of the Town shall be adhered to and further that the terms of this Section are met in full. Applicable features shall include, but not be limited to, streams, water bodies, shorelines, wetlands, rock ledges, steep slopes, major trees, views, waterfalls, wildlife habitats, stone walls, historic sites, landmarks, or unusual natural features.

The intent of these Regulations shall be to provide reasonable flexibility in the division and subsequent development of land, when, in the judgment of the Commission, such flexibility shall insure the conservation or preservation of features or areas which contribute to or provide for the health, safety and general welfare of the Town and the particular neighborhood in which such features or areas shall be located.

The Commission may require modifications to subdivision or resubdivision plans when one or more of the following is to be accomplished:

a. To preserve and protect the natural and cultural environment of the Town by encouraging the permanent preservation of specific features and lands which, in turn, contribute to the stabilization and enhancement of residential amenities and values and the maintenance of the Town's predominantly residential character.

b. To conserve and protect areas having conservation value, particularly those areas and features having qualities of natural beauty, ecological significance, or historic interest.

c. To preserve and protect wetlands, marshes, streams, rivers and ponds as natural resources and to avoid flooding, erosion and water pollution.

d. To more fully protect the health and safety of the people by restricting the extent to which steep slopes, poor soils and similar areas shall be utilized for streets, drives, waste disposal systems and other problem development.

e. To allow dedication for, or access by, the general public to land areas or cultural facilities when it shall be determined by the Commission that such shall be necessary to the general welfare of the neighborhood or Town and shall be consistent with established plans and policies.

842. Standards and Criteria

a. Any subdivision or resubdivision plan modified under the terms of this Section shall in no way change the intensity of use as prescribed for the applicable zone and shall not adversely alter the visual character of the immediate neighborhood or otherwise, in the judgment of the Commission, have any detrimental effect on the surrounding area.

b. The concept of single-family detached dwelling units shall be maintained in all cases. No exceptions shall be permitted in the R-2, R-l, R-1/2 or R-1/3 zones which would reduce the minimum standards below those established for the R-1/5 residential zone. Within the R-1/5 zone, the specified requirements may be reduced by not more than 25 percent. A maximum building coverage of 20 percent shall apply to all building lots.

c. The features to be preserved and the precise extent of the area or areas within which such features are to be located shall be clearly and accurately delineated on the plan and their significance described in writing on the application or in attachments thereto.

d. The area or areas so restricted by notation on the plan shall be preserved in a natural or undisturbed condition in perpetuity or may be used for specific purposes that the Commission determines to be desirable and necessary for the welfare, values and livability of the general area.

e. A suitable instrument which sets forth the proposed easements and restrictive covenants shall be required to be incorporated within all deeds and conveyances of property within the subdivision; said easements and/or covenants shall establish, to the satisfaction of the Commission, adequate and proper arrangements governing the extent and conditions of use, ownership, tax liability with lien provision, and maintenance responsibility for all areas of open space and/or features to be preserved in accordance with the provisions of this Section.

f. The extent of variation from the specific requirements of the Schedule shall be shown or noted on the plan and reference made to this Section by notation thereon.

g. The Commission may impose additional requirements as conditions of approval for the modified subdivision plan including, but not limited to, the provision of buffer areas, site development limitations, landscaping, architectural controls, and similar stipulations. All such requirements shall be directed at fulfilling the purposes of this Section.

h. In the event of any conflict in requirements as they may apply to a particular site, the more restrictive requirements shall be deemed to apply.

843. <u>Procedure</u>

The Commission shall pursue the following procedure in reviewing and acting upon any subdivision or resubdivision application submitted under the terms of this Section:

a. Prior to developing any formal applications, a sketch plan shall first be submitted to the Commission's office for an informal determination by the Planning and Zoning Director that the proposal generally meets the intent and purposes of this Section.

b. Upon receiving a positive determination in writing from the Commission's office, a preliminary application shall be developed and submitted for the Commission's consideration. Required materials shall include a specified number of copies of:

1. A sketch plan which establishes a realistic indication of the number and location of lots and buildable areas which would be allowed under the basic regulations of the Town;

2. A preliminary plan setting forth the proposed subdivision concept and clearly establishing the criteria under which an exception is being requested. Such preliminary plan shall generally comply with requirements established under Article III of the Subdivision Regulations;

3. Any other documentation, legal instruments, photographs, plans or other materials required to support the application.

c. Upon receipt of the required materials, copies of the application shall be referred to appropriate Town agencies for review and comment.

d. All reviews of preliminary plans shall be designed to aid the applicant in the preparation of an acceptable final plan and shall not be construed as the application required for approval herein nor shall any preliminary planning recommendations made by the Commission be binding on the Commission in its action on any formal application to be made under this Section.

e. Within 45 days of the receipt of the preliminary application, the Commission shall schedule an informal hearing on the proposal.

f. Subsequent to receiving any Commission approval of the preliminary application, the applicant shall prepare final plans and documents incorporating all requirements established by the Commission. Such final plans shall be developed in compliance with the requirements set forth in the Town's Subdivision Regulations, Section 1000 of the Zoning Regulations and any additional standards prescribed by the Commission.

g. The Commission shall schedule a Public Hearing on the application within 65 days of the receipt of all required materials. Such hearing shall be held under the terms of both the Special Permit provisions of the Zoning Regulations and those for a Subdivision Plan.

844. <u>Approved Applications</u>

a. The Commission shall set forth its specific findings in all decisions on applications under this Section. Such findings shall reflect the purposes set forth in this Section and, in addition, shall comply with applicable purposes set forth in Article I of these Regulations, and the findings described under Section 1000.

b. Processing of approved plans shall comply with appropriate provisions of the Subdivision Regulations and Special Permit requirements.

c. No change or amendment shall be made in the layout, location or design of features as provided on the approved subdivision plan, legal instruments or other approved documents unless the changes or amendments are first approved by the Commission. Application for such amendments or changes shall be made in the same manner as for a new application.

d. Any approval granted pursuant to the provisions of this Section which shall not have been complied with in full within one year of the approval date shall become null and void. Such full compliance shall include the filing of any required legal instruments, incorporation of necessary deed covenants, posting of performance bonds, dedication of lands, and similar requirements but shall not necessarily include the completion of all required site improvements.

SECTION 850. LAND FILLING, EXCAVATION AND EARTH REMOVAL

851. Special Permit Required

No person shall regrade, fill or excavate any land, or remove earth from any premises, for any purpose, except as described below, without having first procured a Special Permit for such activity from the Commission in accordance with the provisions of Section 1000. Earth regrading, filling, excavation and removal exempt from the provisions of this Section shall be limited to necessary excavation, filling and grading incidental to: a roadway or parking facility approved by the Commission; installation of essential septic systems, water lines, sewer pipe, storm drainage systems including dry wells, gas, electric and telephone services, and similar necessary utility features as part of a project approved by the Commission or its staff; and to home landscaping projects carried out by or for the owner which require less than 20 cubic yards of excavation, fill or regrading for completion, or in the alternative consist entirely of finish grading or topsoiling not altering the existing land contour by more than six inches, provided however, that the exemptions described above shall not apply to areas regulated by Sections 810 and 820.

In addition, the construction or alteration of a building or structure on the same premises for which a Zoning Permit has been issued may be exempt if such activities do not involve any area(s) beyond 25 feet of the perimeter of the construction or 50 cubic yards of material. Sufficient information to establish this clearly must be submitted together with the application for a Zoning Permit.

Commission staff may review and approve any project which requires less than 50 cubic yards of excavation, fill or regrading; or a project which consists entirely of finish grading or topsoiling not altering the existing land contour by more than eight inches, if in its determination, it will have no impact on adjoining properties.
[Amended 12/31/2000]

852. Application

Application for a Special Permit for land filling, excavation, regrading or earth removal shall satisfy all requirements of Section 1000. In addition, depending upon the precise nature of the Permit request, the Commission may require any or all of the following: A detailed map of the entire premises showing existing and proposed contour lines at two foot intervals, existing and proposed drainage, proposed exit and entrance roadways and stockpile areas, major trees, watercourses and wetlands, structures existing and proposed, proposed fencing, and all other relevant information. The Commission may also require that the seal of a registered Professional Engineer be included on any submitted map or maps based on a certified survey of the property.

853. General Requirements

No application shall be approved until the Commission shall be satisfied that proper provision shall be made to control:

a. Ground stability, including the prevention of soil erosion and earth slides.

b. Storm water runoff, including protection of watercourses, streams, ponds and wetlands.

c. Pollution, siltation and stream erosion.

d. Flying dust and erosion by wind.

e. Conservation of the fertility of existing topsoil.

f. Preservation of significant trees, vegetation and other natural resources.

g. Such other factors as may relate to the healthful, safe and harmonious development of the Town.

854. Limitations and Environmental Impact Statement

In addition to the findings required above, and by Section 1000, excavation, fill or grading shall not:

a. Extend within 50 feet of a wetland, watercourse, stream, pond, river or tidal waterfront, unless specifically authorized by the EPC.

b. Extend within 15 feet of the boundaries of the premises, unless it can be shown to have no negative impact on the adjacent properties, and is specifically authorized by the Planning and Zoning Commission.

c. Establish lateral support or other finished slopes in excess of one foot of vertical rise in elevation per each two feet of horizontal distance, except where firm bedrock is permitted to be exposed.

d. Be finished with less than six inches depth of arable topsoil, well planted and stabilized, over the entire disturbed area (except for permitted water, rock, structure and paved areas).

e. Permit loose debris, such as rocks, stumps, brush, junk or other foreign material to remain exposed on the finished surface of the ground.

f. Result in excessive flying dust, noise, hazard to children or pedestrians, or danger to adjacent properties or passing vehicles.

g. Result in unreasonable disturbance to the safety, health and tranquility of the general neighborhood.

h. Inflict any substantial detriment on the natural environment or on the irreplaceable natural resources of its environs, as judged by the Commission.

i. Cause any negative effects on storm water drainage, especially as it may impact adjacent properties.

To secure the above conditions, the Commission, in granting a Special Permit, may attach reasonable limitations on hours of operation, extent of area disturbed at one time, locations of stockpiling and other activity, signs and lights, vehicular patterns and activity, and noise, and may require fencing, screening, covering of stored or transported materials and such other measures as shall be necessary to protect the rights of the general public and meet the purposes of these Regulations.
[Amended 12/31/2000]

855. Preservation of Arable Topsoil

Arable topsoil from the disturbed area shall be preserved by carefully controlled stockpiling and re-used to the maximum extent possible in establishing the minimum layer of six inches of fertile topsoil required by these Regulations to be spread over the entire disturbed area on completion of the excavation operation.

856. Prohibited Operations

No land fill, excavation, regrading or earth removal operation permitted by these Regulations shall at any time result in, leave, or permit to exist, during construction or afterward, any sharp declivities, pits or depressions, any loose banks or water-filled holes or other major hazards.

No land fill shall make use of decomposable or other unstable material likely to cause future land subsidence, nor of material likely to cause pollution of soil or groundwater.

No land fill, excavation, regrading or earth removal operation shall engage in or permit to be operated on the site any processing, sorting, crushing, grading, mixing, fabrication, or similar activities.

857. Performance Bond Required

Before any Special Permit for land fill, excavation, regrading or earth removal granted hereunder shall become effective, the owner or applicant may be required to file a bond with the Commission. If required, that bond shall be in form and with surety acceptable to the Commission, sufficient to guarantee timely and proper completion of all required work and site restoration. The said bond shall provide for forfeiture to the Town of such sums as shall be necessary to complete the work at the expiration of the allotted construction period, and a 15 percent retention for a period of one year after the allotted construction period to guarantee the proper condition of the work. No permittee shall be released from his bonded obligation to the Town until an "as-built" topography map and plan of the site, comparable in detail and certification to that required by Subsection 853 and showing the completed project, shall be submitted to the Commission, and the Commission shall determine that the required work has been satisfactorily completed.

858. Expiration

Any permit granted hereunder shall expire and be null and void one year from the date of its approval, provided however that an extension or extensions of 12 months each, may be granted by the Commission if it shall find substantial justification for such extension

in that such extension shall not be inimical to the welfare and tranquility of the adjacent neighborhood.

SECTION 870. SOIL EROSION AND SEDIMENT CONTROL

871. Background and Purposes

A Soil Erosion and Sediment Control Plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre. In most cases the Soil Erosion and Sediment Control Plan shall be submitted as part of a more comprehensive Site Plan as required in Section 1020 or a subdivision plan.

872. Exemptions

A single-family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

873. Eligibility for Certification

To be eligible for certification, a Soil Erosion and Sediment Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification shall be found in the "2002 Connecticut Guidelines for Soil Erosion and Sediment Control" published by the Connecticut Department of Energy and Environmental Protection, as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.
[Amended 2/28/2016]

874. Plan Requirements

Said plan shall contain, but not be limited to:

874.1 Narrative

A narrative describing the development including:

a. The schedule for grading and construction activities including: start and completion dates; sequence of grading and construction activities; sequence for installation and/or application of soil erosion and sediment control measures; and sequence for final stabilization of the project site;

b. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities;

c. The construction details for proposed soil erosion and sediment control measures and storm water management facilities;

d. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;

e. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

874.2 Plan Map

A plan map at a sufficient scale to show:

a. The location of the proposed development and adjacent properties;

b. The existing and proposed topography including soil types, wetlands, watercourses and water bodies;

c. The existing structures on the project site, if any;

d. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads, and, if applicable, new property lines;

e. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;

f. The sequence of grading and construction activities;

g. The sequence for installation and/or application of soil erosion and sediment control measures;

h. The sequence for final stabilization of the development site.

874.3 Other Information

Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

875. Minimum Acceptable Standards

a. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that: shall minimize erosion and sedimentation during construction; shall stabilize and be protected from erosion when completed; and shall not cause off-site erosion and/or sedimentation.

b. The minimum standards for individual measures shall be those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons shall be presented.

c. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method shall be approved by the Commission.

876. Issuance or Denial of Certification

a. The Commission shall either certify that the Soil Erosion and Sediment Control Plan, as filed, complies with the requirements and objectives of this Section or deny certification when the development proposal does not comply with this Section.

b. Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

c. Prior to certification, any plan submitted to the Town may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

d. The Commission may forward a copy of the development proposal to the EPC or other review agency or consultant for review and comment.

877. Conditions of Approval

a. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Subsection 1027.

b. Site development shall not begin unless the Soil Erosion and Sediment Control Plan shall be certified and those control measures and facilities in the plan scheduled for installation prior to site development shall be installed and functional.

c. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

d. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

878. Inspection

Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities have been properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

SECTION 880 – STORMWATER MANAGEMENT
[Added 6/7/2009]

Stormwater management is the practice of controlling the runoff of stormwater from a site such that the quantity of stormwater flow does not result in a cumulative adverse impact on properties proximate to the site, or cause adverse cumulative impact downstream as a result of the proposed development, while managing the stormwater runoff in a manner that mitigates impacts to water quality. These regulations are intended to improve stormwater management and give reasonable consideration to the restoration and protection of the ecosystem and habitat of Long Island Sound as provided in Connecticut General Statutes 8-2(b), 8-23(a), and 8-35a.

a. Conformance to Established Standards. Proposed stormwater management plans are to conform to the technical guidance and procedures in the Town of Darien Department of Public Works Stormwater Management and Drainage Manual, as may be amended and to the extent not inconsistent with these regulations.

b. Applicability. Proposals for any site meeting one or more of the following criteria shall submit a stormwater management plan conforming to Section 882:

1. Construction of 1,000 square feet or more of impervious surface; or

2. Demolition and reconstruction or replacement of an existing residential dwelling; or

3. Submission of any application subject to review and action by the Planning and Zoning Commission if the activity is within the jurisdiction of that Commission and/or by the Environmental Protection Commission (EPC) if the activity is within the jurisdiction of the EPC.

   If the proposed activity does not require the approval of either the Planning and Zoning Commission or the Environmental Protection Commission, then any stormwater management plan shall be submitted to the Zoning Enforcement Officer (ZEO) with an application for a Zoning Permit or Certificate of Zoning Compliance. The ZEO has thirty days to act on the application.

c. Impervious Surfaces. Impervious surface, for the purpose of this section is defined as Building Coverage plus the area covered by driveways, sidewalks, walkways, parking areas, terraces, patios, outside storage areas, loading and unloading areas, and equipment pads.

d. Public Emergency. In order to help alleviate an emergency situation, the Public Works Director may waive the requirement for a drainage analysis in order to protect the health, safety, and welfare of the public, if a public emergency has been declared.

e. Exception for Coastal Areas. If a site is within the Town's Coastal Boundary, and does not require formal review or action by the Planning & Zoning Commission or Environmental Protection Commission, the requirement for a comprehensive Stormwater Management Plan is waived—the plan need only address water quality impacts and mitigation.

881. Basic Components of Stormwater Management Plans

Comparative hydrology shall document no increase in downstream flooding conditions for the 2, 10, 25, and 50 year storms on properties proximate to the site, or cause adverse cumulative impact downstream as a result of the proposed development.

a. Upstream and Downstream Drainage Analysis. Stormwater management plans shall take into account the upstream tributary drainage area and include a downstream impact analysis for proposals which are likely to result in increased runoff, or alter the flow of an existing discharge into a storm drainage system or watercourse. The downstream impact analysis shall include analysis of a confluence point downstream of the site where the area of the site is 10% or less of the area of the upstream watershed and includes an assessment of potential adverse impacts arising from the runoff.

b. Nonstructural Drainage Systems. Stormwater management plans shall include non-structural approaches to controlling runoff to the maximum extent practicable, promoting the infiltration of rainfall into the soil and preservation of existing drainage patterns.

c. Stormwater Runoff Quality. Stormwater management plans shall include measures to minimize, to the extent practicable, discharge of pollutants including suspended sediment from the site through the use of measures that control both the sources and minimize to the extent practicable, transport of pollutants, including suspended sediment.

d. Conveyance System. Conveyance systems for the proposed project must be analyzed, evaluated, designed, and constructed to accommodate existing upstream and off-site runoff onto a site in addition to the on-site runoff from the proposed development.

e. Outlet Locations. The runoff from proposed development sites should utilize existing outlets to the maximum extent practicable, unless it is demonstrated that using the existing outlet would exacerbate downstream flooding or result in adverse impacts to downstream properties or properties proximate to the site. The location of the new outlets is critical to avoid adverse impacts to property(ies) proximate to the site. Such point sources shall be located such that they do not adversely affect nearby property or structures that may be proximate to the site and discharge to natural or manmade drainage systems with adequate capacity to handle the anticipated flow.

f. Maintenance and Operation. Maintenance of drainage facilities and systems constructed or modified as part of a proposed development, is the responsibility of the property owner, unless otherwise dedicated to, or the acknowledged responsibility of, a government agency or other entity.

Stormwater management plans shall include an Operation and Maintenance ("O&M") plan which shall identify the specific drainage facilities or systems subject to the plan, inspection methods and frequencies, and maintenance methods and frequencies. The plan shall provide for routine maintenance such as minor cleaning

usually once or twice a year and insure that the drainage facility or system is unimpeded and operational.

g. Licensed Professional Engineer. Stormwater management plans, reports, calculations, and O&M plans and schedules shall be prepared, signed, and sealed by a Professional Engineer licensed in the State of Connecticut.

h. Exceedance of Minimum Standards. Applicants are encouraged to exceed the minimum drainage standards set forth in these regulations to increase positive impacts in flood prone areas.

882. Documentation Requirements

Stormwater management plans and reports where required in these Regulations, as defined in Section 880 shall include the following documentation:

a. Separate topographic contour mapping showing the existing and proposed drainage areas at an appropriate scale.

b. Floodplain boundaries and Stream Channel Encroachment Lines as defined by the National Flood Insurance Program and the Connecticut Department of Environmental Protection, respectively.

c. Inventory and evaluation of on-site hydraulic structures and watercourses, within or related to areas of proposed impact, including brooks, channels, culverts, bridges, dams, weirs, and dikes, with information on their flow capacity and physical condition. The limiting capacity of existing structures may, at the option of the Director of Public Works, be used to establish the allowable post-development peak flow rate from the site.

d. Inventory and evaluation of existing and proposed on-site stormwater storage areas, including impoundments, riverine corridors, swamps, ponds, wetlands, floodplains, and miscellaneous depressions.

e. Identification of peak rate of runoff under pre-development and post-development conditions from the site at each design point including those included in the downstream impact analysis as applicable.

f. Specific documentation in support of stormwater management design shall include, but is not limited to the following:

1. Method used to calculate Stormwater runoff.

2. Runoff characteristics of the property before and after development.

3. Watershed calculations used to develop NRCS Curve Number or Rational Method Calculations.

4. Time of concentration calculations identifying length and slope of various components including overland, shallow concentrated and channel flow. Time of concentration paths shall be shown on the watershed maps.

5. Hydrologic model input and output files for all storms evaluated.

6. Subwatershed map delineating all contributing areas to each catch basin in a proposed storm sewer system.

7. Hydraulic computations for all storm drainage systems. Computations shall show hydraulic grade line elevations and structure rim elevations.

8. Pond and storage area stage-storage discharge calculations.

9. Soils information, including depth to seasonally high groundwater and permeability testing and drawdown calculations for proposed infiltration systems.

g. A complete set of construction plans. Where storm drains are proposed in roadways, the plans shall include storm sewer specifications and profiles.

883. Hydrologic Evaluation

Various methods are available for hydrologic modeling, with some methods more appropriate than others. Most methods are based upon land cover and time of concentration relationships. Hydrologic models should use methods established by the Soil Conservation Service (now Natural Resources Conservation Service) or the United States Army Corps of Engineers. In all cases, the 2, 10, 25, and 50 year storms shall be evaluated for existing and proposed conditions comparative hydrology, with the same modeling methodology used for both conditions. The Director of Public Works may waive the requirements herein if the applicant demonstrates, in writing, why a proposed alternate method of analysis is appropriate and adequate.

a. Basis of Existing Conditions Analysis. Existing Conditions Analysis shall account for actual on-site conditions at the time of the proposal, accounting for all depressions, and types of land cover, except for applications involving the demolition of an existing residential dwelling or commercial building and replacement of the razed structure with a new structure.

Where an existing residential dwelling or commercial building is proposed to be razed and replaced with a new structure, the basis of existing conditions analysis shall be the site's undeveloped condition if there is no engineered detention system on the existing site. If there is an existing engineered detention system on the existing site, then the actual existing conditions at the time of application shall be used as the basis of the existing conditions analysis. The local land use board or ZEO may require a comparison to undeveloped conditions where warranted.

b. Detention Analysis. A complete runoff hydrograph evaluation is required for projects utilizing detention methods.

884. Peak Flow Attenuation

a. The discharge of stormwater runoff from development sites shall not result in cumulative adverse impacts on properties proximate to the site and shall not exacerbate downstream flooding conditions.

b. In all cases, the applicant shall perform a watershed study to document that the proposed development will not cause adverse impacts on properties proximate to or downstream from the site. The limit of this study will be the downstream point at which the site represents 10% or less of the total watershed area. This study shall be done for the 2, 10, 25, and 50 year storms.

885. Infiltration and Stormwater Quality

Infiltration shall be utilized where appropriate to reduce stormwater runoff rate and volume, to improve stormwater quality, and to recharge groundwater. Runoff from areas with high pollutant loadings, such as gasoline stations shall not be infiltrated. All infiltration practices shall be subject to pretreatment with another stormwater best management practice. The Town of Darien Department of Public Works Stormwater Management and Drainage Manual, as may be amended, shall be used as a guide.

886. Stormwater Detention Facilities

Stormwater detention facilities to temporarily store excess runoff may be used to control peak flow rate and duration of downstream flows when coordinated with the runoff characteristics of the watershed in which they are located and the local site conditions.

887. Certification and Maintenance Agreements

a. Prior to obtaining a Zoning Permit and/or starting work on a project, an O&M plan or Notice of Drainage Maintenance Plan shall be recorded on the Darien Land Records. The O&M plan either filed in the Land Records or referred to by the Notice of Drainage Maintenance Plan shall stipulate the inspection frequency, maintenance requirements and intervals for all proposed stormwater management practices on the site.

b. Prior to issuance by the Zoning Enforcement Officer of a Certificate of Zoning Compliance, a Certificate of Occupancy, or use of the site, the following shall be submitted:

1. An improvement location survey prepared and submitted by a Connecticut licensed land surveyor, depicting: pipe inverts, diameters and sizes, structure inverts and elevation, and other information to adequately describe the constructed stormwater management system. The survey shall also indicate the extent of impervious surfaces, and topography of the completed site where changes in grade exceed one foot.

2. A certification by a professional engineer licensed in the State of Connecticut stating that the proposed drainage system was installed in conformance with the approved plans. If plans were not prepared by a professional engineer, a signed

statement by the owner shall be submitted stating that the system was installed in substantial conformance with the approved design.

888. Waivers

a. The Planning and Zoning Commission and/or the Environmental Protection Commission may waive one or more of the provisions in Section 880 et. seq. under any of the following circumstances:

1. Based upon the size and/or location of the subject property;
2. Based upon any unique site characteristics of the subject property;
3. Due to the scope, nature, and/or amount of work proposed within the application;
4. Due to any prior applications for the subject property which have accounted for stormwater management, and those drainage structures or facilities are still in place.

The burden is upon the applicant to demonstrate why a waiver should be granted.

Schedule of Amendments to Article VIII

Section 822a [Replaced 5/30/2010; Amended 6/30/2013]
Section 825d [Amended 5/30/2010]
Section 825d1 [Amended 5/30/2010]
Section 825d2 [Amended 5/30/2010]
Section 825d7 [Added 5/30/2010]
Section 825d10 [Amended 5/30/2010]
Section 825d12 [Amended 5/30/2010]
Section 825d13 [Added 5/30/2010]
Section 825d14 [Added 5/30/2010]
Section 825d15 [Added 5/30/2010]
Section 825e [Amended 5/30/2010]
Section 825g4 [Replaced 5/30/2010]
Section 825i [Added 5/30/2010]
Section 825j [Added 5/30/2010]
Section 825k [Added 5/30/2010]
Section 825l [Added 5/30/2010]
Section 826d9 [Added 5/30/2010]
Section 828c [Amended 5/30/2010]
Section 851 [Amended 12/31/2000]
Section 854 [Amended 12/31/2000]
Section 873 [Amended 2/28/2016]
Section 880 [Added 6/7/2009]

For additional information on amendments refer to Appendix ‘C’ of the Regulations.

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IX. ARTICLE IX - SUPPLEMENTARY REGULATIONS

SECTION 900. OFF-STREET PARKING, LOADING AND VEHICULAR ACCESS

901. Background and Purposes

It is the intention of these Regulations that all structures and land uses be provided with a sufficient amount of off-street motor vehicle parking to meet the needs of persons employed at and/or making use of such structures or land uses, and sufficient off-street loading and unloading facilities and safe and adequate access to and from such off-street parking and loading facilities to meet the needs of such structures or land uses.

902. Approval of Plans

Except for single-family residences, no Zoning Permit shall be issued until a plan for parking, loading and access is approved by the Commission in accordance with the applicable provisions of Section 1020. The Commission shall determine that traffic access, traffic circulation, parking dimensions, aisle width, lighting, screening and general layout of the parking facility and required improvements shall be planned with regard to safety, to traffic on the public street, and adequacy of access for cars and pedestrians using the parking facility. No Certificate of Zoning Compliance shall be issued for any building or land use until the required off-street parking spaces shall be established.

903. General Requirements

903.1 Exemption

Structures and land uses in existence, or for which Zoning Permits have been approved at the time of the adoption of these Regulations, shall not be subject to the parking or loading space requirements of these Regulations, provided that any parking and loading facilities then existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirements, in which case they shall not be reduced below such requirements. Required parking and loading facilities shall, however, be provided as a condition for the issuance of any Zoning Permit for any enlargement of such structures or uses in the future. In cases of exceptional difficulty or unusual hardship to such properties arising out of this requirement, appeal may be made to the ZBA.

903.2. Dedication to Town

Required off-street parking facilities which, after development, shall be later dedicated to and accepted by the Town, shall be deemed to continue to satisfy the parking requirements for the uses or structures for which they were originally provided.

903.3 Change of Use

No use of land or structure or combination thereof shall be established, expanded, changed or altered to a different use or a more traffic or parking intensive type use

without first complying with all provisions of these Regulations. Although two businesses may be within the same category (e.g. commercial sales and service), the use of the land and/or structures shall not be changed to a new or different type of business unless and until the adequacy of the parking has been approved by the Commission or its staff.

903.4 Overnight Parking or Storage

These requirements are generally designed to provide off-street parking of passenger automobiles necessary for the respective use of the premises. The overnight parking or storage of trucks, vans, utility or other trailers, or similar vehicles or equipment shall not be permitted unless specifically authorized by the Commission.

904. Off-Street Parking Spaces

Except as provided by Section 1000 and Subsection 1057, with respect to additional requirements as a condition for issuance of a Special Permit, the minimum off-street motor vehicle parking facilities shall be provided as follows:
[Amended 7/23/2006; 7/22/2007; 4/17/2016; 12/24/2017]

a. One and two-family residences	2 spaces for each family unit.
b. Multi-family dwelling	2 1/2 spaces for each dwelling unit as provided in Section 512(a).
c. Housing for the Elderly	1 1/2 spaces for each dwelling unit except as provided in Subsection 514.2(e).
d. Roomers and Boarders accessory to a residence	1 1/2 spaces for each bedroom offered for rent.
e. Professional office or home occupation permitted by Special Permit in a residential zone as an accessory use	Up to 4 spaces maximum in addition to spaces required for residential units.
f. Hotel, Motel or Inn	1 space for each guest room, plus 1 space for each employee, plus additional space as required by these regulations for permitted accessory uses such as restaurants, dining rooms, lounges, and other similar spaces.
g. Church or other place of worship, theater, auditorium, athletic or recreational facility or other place of public assembly	1 space for each 3 seats or for each 200 square feet or for each 3 persons permitted by the Fire Marshal to occupy the building, whichever would be the greatest.
h. Restaurant or place dispensing food excluding patron bar area	1 space for each 100 sq. ft. of gross floor area. There is no parking requirement for areas in the basement or attic that are used exclusively for storage.
i. Patron bar area of restaurants taverns and cafes	1 space for each 20 sq. ft. of gross patron floor area.
j. Retail, Commercial sales and services, or personal service business	1 space for each 150 sq. ft. of gross floor area except where such areas are specifically exempted as per Section 1057.
k. Wholesale, storage or utility structure	1 space for each employee for which the building

	or use is designed or 1 space for each 500 sq. ft. of gross floor area whichever is greater.
l. Medical Offices	1 space for each 250 sq. ft. of gross floor area. In the DB-l and DB-2 zones, the requirement shall be 4 spaces per physician and one space for each employee.
m. Executive and/or administrative, business and professional offices	1 space for each 250 sq. ft. of gross floor area
n. Research Laboratory	1 space for each 250 sq. ft. of gross floor area.
o. Motor Vehicle Service Stations	At least 14 parking spaces plus a disabled vehicle storage area of at least 500 sq. ft. for lots up to 21,780 sq. ft. or 1,000 sq. ft. for lots over 21,780 sq. ft. for overnight parking and/or storage of motor vehicles, equipment and parts of vehicles. An additional 5 parking spaces shall be required if an accessory towing service is permitted by Special Permit. Additional appropriate parking spaces are to be determined by the Commission for any other accessory uses.
p. Railroad Passenger Station	1 space for each 3 regular passengers commuting from the station, as determined by the average number of commuter ticket books in use per month, to be provided within 500 feet from said railroad station platforms.
q. Automobile or Truck Sales or Rental	20 percent of the area of the lot intended for sale and storage of vehicles shall be reserved for customer/employee parking.
r. Furniture and Carpet Stores	6 spaces for each 1,000 sq. ft. of gross floor area.
s. Dinner Theater	1 space for each 3 seats or customer stations for which the facility is designed, plus 1 space for each employee station.
t. Other Uses	Reasonable and appropriate off-street parking requirements for structures and uses which do not fall within the categories listed above shall be determined in each case by the Commission.
u. Catering Business	1 space for each 250 sq. ft. of gross floor area.
v. Outdoor seating/dining as allowed by Special Permit in conjunction with a non-residential use that has sufficient on-site parking to comply with the Zoning Regulations	Seventeen seats or over will require one space for each two seats thereafter. No spaces are required for the first sixteen outdoor seats.
w. Self-storage Facility	4 outdoor parking spaces for the first 10,000 square feet of storage building, plus one additional parking space for each 10,000 square feet of storage building, or portion thereof. Required parking may be in front of storage units and/or parallel to the building to facilitate loading and unloading, and shall comply with all dimensional and layout requirements.
x. Child Care Center	1 space for every onsite worker, plus 1 space per 10 enrollees, plus adequate drop-off and pick-up area(s) as determined by the Planning and

	Zoning Commission. The Planning and Zoning Commission may modify these requirements in a transit-oriented location, office park, or other setting where the applicant demonstrates that adequate parking will be available for all onsite workers and visitors.

905. Joint Parking

Where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements for each individual use on the lot, except that the Commission may approve the joint use of parking space by two or more establishments on the same or on contiguous lots, the total capacity of which space shall be less than the sum of the spaces required for each, provided:

a. The Commission finds that the proposed capacity shall meet the intent of the requirements;

b. Approval of such joint use shall be automatically terminated upon the termination of the operation of any of such establishments;

c. Legal documentation shall be furnished establishing such rights for the duration of such joint use.

Such shared parking arrangements shall be limited to use and shall not include shared parking by time. No parking spaces shall be reserved for any specific building tenant.
[Amended 10/24/2010]

905.1 Due to the lack of municipal parking or on-street parking within the Noroton Heights Redevelopment Overlay Zone, the Commission there may waive only up to a maximum of fifty percent (50%) of the parking required per Section 904.
[Added 10/24/2010]

905.2 Joint Parking in Mixed Use Developments

In mixed-use developments, the Commission may approve the reservation of on-site parking areas for residential tenants, provided that the Commission shall find that the remaining on-site parking shall be sufficient to meet the parking demand of the related residential parking uses (i.e. Guests, deliveries, service providers) and non-residential uses covered by a joint parking arrangement.
[Added 8/28/2016]

906. Location of Off-Street Parking Facilities (See Subsection 227 for illustration.)

906.1 On-Site Location

The required off-street parking facilities shall be provided on the same lot with the structure or land use it is to serve; except that off-street parking spaces required for structures or land uses on two adjoining lots may be provided in a single common facility on one or both of said lots.

906.2 Exception

The Commission may permit all or part of the required spaces to be located on any lot within 500 feet of the building, in any zone permitting such parking as a principal use, provided that:

a. The Commission determines that it shall be impractical or unnecessary to provide such parking on the same lot with the building and provided that the following are complied with;

b. Such parking use shall not interfere with the proper development of the area or zone in which it is located;

c. Such parking area shall be in the same ownership as the property it is intended to serve.

906.3 Residential Zones

a. No required off-street parking shall be developed within required front or side yard spaces. This provision shall not preclude temporary parking in the driveway.

b. No parking permitted, other than that for one or two-family dwellings, shall be built or maintained within 25 feet of any boundary line of the site adjacent to a street or to a residential use.

906.4 Non-Residential Zones

a. No required parking shall be provided in a Residential Zone.

b. No parking shall be built or maintained within 25 feet of any boundary line of a Residential Zone, nor within 25 feet of the street line wherever the street contains the boundary line of a Residential Zone located directly across the street from the site.

c. Where the depth of a Non-residential Zone is less than 150 feet, the parking setback may be reduced to not less than 10 feet subject to Commission approval.

d. Any parking setback area as required above shall be suitably landscaped and screened in accordance with Section 940 to shield the parking from view from the adjoining residential area. The Commission may require that conservation restrictions be used to protect and permanently preserve the buffer areas.

906.5 Right-of-Way Lines

Where the parking facilities shall be located immediately adjacent to the right-of-way line of a limited access highway or a railroad, the requisite parking setback may

be reduced to five feet from the said limited access highway or a railroad right-of-way line subject to Commission approval.

906.6 Parking Setbacks

Subject to other specific buffer or applicable restrictions of these Regulations, parking and off-street loading facilities (including stalls, turning areas, access drives, etc.) shall be located in accordance with the following setbacks and requirements:

	Minimum Distance From:		
Use or Zone	**Front Lot Line**	**Side Lot Line**	**Rear Lot Line**
Special Permit Uses In Residential Zones.	25 ft.	25 ft.	25 ft.
(see Note a)			
All Uses In: PR	10 ft.	10 ft.	10 ft.
DBR and DMR	30	25	25
DOR-(1 and 5)	40	25	25
NB	10	4	4
OB	10	5	5
DB-1	20	4	10
DB-2	30	10	10
DC	6	10	10
CBD	none	none	none
SB	6	none	none
SB-E	18 (see 675 note e)	none	none

Notes:

a. In a Single-Family Open Space Development (Section 1052 of the Regulations), the parking setback shall be not less than 10 feet.
[Amended 4/12/2009]

b. A buffer area of 25 feet shall be required adjacent to all residential zones. See Subsection 944.

907. Parking Structures

Parking structures (whether above or below ground; or understructure) shall be permitted in appropriate situations subject to approval of a Special Permit per Section 1000 et. seq., provided it is located below the finished elevation of surface parking or landscaped areas, or provided that the Commission makes an affirmative finding that, due to the location and/or design of the proposed use, no neighboring property will be adversely impacted by such parking structure. Any such parking structure shall be fully enclosed by or attached to a principal structure, and shall be limited to one story above the finished elevation of surface parking. In addition, appropriate measures shall be taken to minimize the street level view of such above ground, below ground, subgrade or understructure parking. The Commission may require the submission of a sketch plan which clearly compares alternative proposals for surface parking and a parking structure including landscaping or other screening.

The above-grade portion of any parking structure approved under this section shall be subject to the setback requirements of the principal structure. The subsurface portion of a parking structure may be located within a minimum yard, provided that no portion of the

structure shall encroach into an abutting property or right of way or adversely impact the root structure or root system of plantings on neighboring properties. Subsurface parking levels shall not constitute stories for purposes of calculating building height. The design of any parking structure must architecturally blend in with surrounding design aspects and not delineate itself as a parking structure. No part of a parking structure or access thereto, serving a commercial use, can extend into a residential zone, or the buffer associated with such.
[Amended 10/24/2010; 6/19/2016]

908. Parking Design Specifications

a. Parking for non-residential uses shall be graded, surfaced, drained and suitably maintained to the satisfaction of the Director of Public Works to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across public ways or adjacent lands. The Director of Public Works may require the plan to provide for suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.

b. No parking space shall be designed to allow a vehicle to protrude or overhang a sidewalk or any required landscaped area.

c. No parking in connection with any non-residential use shall be so located that motor vehicles may enter or leave the parking or loading area across a sidewalk except at a point or points approved as part of the plan.

d. Parking for the handicapped shall be in accordance with Article 5, Section 512 of the State Basic Building Code.

e. All required parking areas shall be designed, shown on the required plan and laid out in conformance with the "Design Standards for Parking" which are declared to be a part of these Regulations. (See Subsection 226.)

f. All parking spaces shall measure at least nine feet by twenty feet in accordance with Design Standards for Parking in Subsection 226.

g. Required off-street parking facilities shall be maintained as long as the use or structure exists for which the facilities are designed to serve. Required parking areas developed for specific structures and uses shall be reserved at all times to those persons who are employed at or make use of such structures and land uses, except when dedicated to and accepted by the Town as public parking areas.

909. Off-Street Loading Requirements

Off-street loading and unloading facilities shall be located on the same lot with the use to be served, except that the Commission may modify the requirements where, in its sole judgment, the following requirements shall not be applicable to the specific conditions and use of the site:

909.1 Loading Spaces Required

a. For retail and service business establishments, restaurants and other places serving food and beverages: one space for the first 4,000 square feet of floor area, or major portion thereof, used for business purposes; and one additional space for each additional 10,000 feet of business floor area.

b. For other commercial establishments: one space for each 10,000 square feet, or major portion thereof, used for such purposes.

c. Reasonable and appropriate off-street loading requirements for structures and land uses which do not fall within the categories listed above shall be determined, in each case by the Commission, which shall consider all factors entering into the loading and unloading needs of such use.

909.2 Location and Design Requirements (See Subsection 227 for illustration.)

a. A loading space shall be not less than 15 feet wide, 30 feet long and 14 feet high.

b. A loading space shall have direct usable access to the street.

c. Any additional loading space lying alongside, contiguous to, and not separated from the first loading space, need not be wider than 12 feet.

d. At least one of the required loading spaces shall be located immediately adjacent to a service entrance to the principal building.

e. If a loading dock shall be provided, a loading space shall be located so as to allow direct service from the end of the loading space or rear of a truck.

f. Loading spaces shall be so designed that trucks, when loading and unloading, shall have adequate maneuvering areas with a minimum turning radius of 45 feet to the outside wheels for perpendicular loading stalls and said trucks shall not project over any street line.

g. No loading space shall encroach on any part of an access drive or parking aisle.

SECTION 920. SIGN REGULATIONS

921. Background and Purposes

These Sign Regulations are intended to avoid signage which is hazardous and detrimental to the public health, welfare and safety. Signs can present undue distractions to motorists and pedestrians, may tend to depreciate property values, may be incompatible with permitted land uses and may be detrimental to the preservation and enhancement of the aesthetic and historical values of the community. Accordingly, no sign, except as provided in this section, shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until a permit is issued by the ZEO. Application shall be made to the ZEO for initial review of compliance with these Regulations and will then be referred to the Architectural Review Board (ARB) for review. Upon a favorable report by the ARB, the ZEO shall issue a permit. If the ARB should give an unfavorable report, the ZEO shall then refer the application to the Planning and Zoning Commission for final action. All signs shall conform to the standards hereinafter specified, except where specific additional regulations may apply within a given zone.

922. Permitted Signs

The following unlighted signs shall be permitted without the necessity of obtaining a permit, provided all setback requirements shall be complied with:

a. A sign not to exceed one square foot stating merely the name and/or the business of the owner or occupant of the premises where the sign is located.

b. A temporary sign not exceeding three (3) square feet in area identifying the architect, engineer, house painter, contractor or subcontractor during the course of work or construction on the premises where the sign is located. There shall be only one temporary sign per lot permitted. A temporary sign shall be setback at least 30 feet from the edge of the road surface and shall not be affixed to any tree or utility pole within a public Right-of-Way. The sign shall be removed upon completion of work.

c. One (1) temporary "For Sale", “For Rent” or "For Lease" sign per lot, not exceeding four (4.0) square feet in area. One single sign may be back-to-back (double sided) provided the two faces are not visible from any individual vantage point. The temporary "For Sale", "For Rent" or “For Lease” sign shall not create a safety hazard by restricting a necessary sight line and shall not be affixed to any tree or utility pole within a public right-of-way. All parts of the sign shall be located on the property which is for sale, for rent, or for lease, and no part of the sign shall be within, on, or above a street right-of-way. No part of the sign shall be located more than eight (8) feet above the adjacent ground level and the front edge of the sign shall be at least 8 (eight) feet from the paved edge of the road surface (and outside of the right-of-way).
[Amended 6/5/2011]

d. Temporary (non-commercial wording) holiday decorations or lighting.

e. A temporary sign displayed on public school grounds in connection with Board of Education regulated activities subject to requirements of Subsection 928.

f. Any sign or source of illumination erected by the town, state or federal government or any branch or department thereof relating to traffic safety or identifying town property or an historic landmark

923. Signs in CBD, DC, and NB Zones

All signs in CBD, DC, and NB Zones shall be identification signs and shall conform to the following standards:

923.1. Wall Signs (See Subsection 230 for illustration.)

Wall signs shall conform to the following standards:

a. No wall sign shall project more than 12 inches from the face of the building wall to which it is attached nor extend above the eaves line or highest point of the facing wall of the building. In cases of covered porch or walkway, a wall sign may be hung from an overhang.

b. No letter, figure, logo, or symbol on a wall sign shall be higher than 10 inches, except that the ARB may, by 2/3 majority of those voting, allow one or two letters, figures, logo or symbols to be up to 15 inches tall if that is part of the business name, trademark or logo. The maximum sign area shall not exceed one square foot of signage for each three feet of front building face parallel to the street lot line.

c. There may be only one wall sign for a commercial occupancy but an additional wall sign may be permitted on either a side or rear wall only if such wall abuts a street.

d. No sign on a wall shall be more than 15 feet above the curb level or the ground level, whichever is higher, of the fronting street, and there shall be a minimum clearance of three feet between the base of the sign and the ground.
[Amended 12/29/2013]

923.2. Hanging Signs (See Subsection 230 for illustration.)

Hanging signs shall conform to the following standards:

a. Hanging signs shall be permitted provided they are located at least four feet from any property line.

b. No letter, figure, logo, or symbol on a hanging sign shall be higher than six inches, except that the ARB may, by 2/3 majority of those voting, allow one or two letters, figures, logo or symbols to be up to 15 inches tall if that is part of the business name, trademark or logo.
[Amended 12/29/2013]

c. There may only be one hanging sign per property. Multiple occupancy buildings may use one combined hanging sign listing occupants.

d. The maximum total square footage of a hanging sign shall not exceed six square feet.

e. The maximum height of a hanging sign post shall not exceed nine feet.

923.3. Blade Signs (See Subsection 230 for illustration.)

Blade signs shall conform to the following standards:

a. No blade sign shall project more than forty (40) inches from the wall or surface to which it is affixed. In cases of covered porch or walkway, a blade sign may be hung from an overhang.

b. The maximum total size sign area shall not exceed seven square feet (7 square feet), and the bottom of the blade sign shall provide a minimum clearance of at least seven (7) feet above the adjacent ground. The top of the blade sign shall be a maximum of twelve feet (12 feet) above the adjacent ground.

c. In cases where the property does not have any marquee or existing signs that project from the wall of the building, nor a hanging sign, blade signs are permitted. The blade sign(s) shall be in lieu of (not in addition to) the hanging sign or marquee for the property. There may be one blade sign per each ground floor tenant.

d. The blade sign may overhang a public sidewalk/street right of way by a maximum of three feet provided the applicant submits written permission from the owner of the affected property (the Town of Darien Board of Selectmen or State of Connecticut Department of Transportation, depending on the owner of the sidewalk/street right of way).

e. No blade sign shall be internally illuminated.
[Amended 4/19/2009]

923.4. Number of Signs

A commercial use may have one wall sign, except as provided by either Subsection 923.1(c) or 923.6. Each ground floor commercial use may also have one blade sign in lieu of a hanging sign. If the commercial property shall have the required minimum setback, it may also have one hanging sign, or it may have one blade sign per ground floor tenant. A double-faced hanging sign or blade sign shall count as one sign.
[Amended 4/19/2009]

923.5. Prohibited Signs
[Amended 4/19/2009; 12/29/2013]

Pole, roof, and internally illuminated signs are prohibited in these zones, except that the ARB may, by 2/3 majority of those voting, allow internal illumination of a wall sign using channel style lighting (where only the letter or figure is internally illuminated and the background is not illuminated) or back-lighting with light fixtures that are within the letter and shine only toward the background wall.

923.6. Signs Facing a Public Parking Lot

A commercial use adjoining and having a direct entrance on a publicly-owned parking lot may be allowed the following additional signage provided such signage shall be visible from the parking lot:

a. One additional sign having an area not greater than six square feet;

b. Two small directional signs provided each such sign meets all the requirements herein, does not exceed a total area of one square foot and is limited to indicating the location of the public entrance to the establishment. ***[Amended 4/19/2009]***

924. Signs in DB-l and DB-2 Zones

All signs in DB-l and DB-2 Zones shall be identification signs and shall conform to the following standards:

924.1. Wall Signs

Wall signs shall conform to the following standards:

a. All the requirements of Subsection 923.

b. Wall signs shall be compatible with the architectural style of the building and enhance the historic and architectural character of the site and the surrounding area.

924.2. Hanging Signs

Hanging signs shall conform to the following standards:

a. All the requirements of Subsection 923.2.

b. Hanging signs shall be compatible with the architectural style of the building and enhance the historic and architectural character of the site and surrounding area.

c. Hanging signs may be located in the required front yard provided that the sign is at least ten feet behind the front property line.

924.3. Additional Requirements

All signs in DB-l and DB-2 Zones shall also comply with the requirements and prohibitions of Subsections 923.3 - 923.5.

925. Signs in OB, DOR-l and DOR-5 Zones

All signs in OB, DOR-l and DOR-5 Zones shall be identification signs and conform to the following standards:

925.1. Ground and Monument Signs (See Subsection 230 for illustration.)

a. The maximum total square footage of a ground or monument sign shall not exceed 20 square feet.

b. The maximum height of a ground or monument sign shall not exceed four feet

c. No letter or figure on a ground or monument sign shall be higher than four inches.

d. Multiple occupancy buildings may have one combined ground or monument sign listing all occupants.
[Amended 2/28/2016]

925.2. Wall Signs

a. No wall sign shall project more than 12 inches from the face of the building wall to which it is attached nor extend above the eaves lines or highest point of the facing wall of the building.

b. No letter, figure, logo, or symbol on a wall sign shall be higher than ten inches, except that the ARB may, by 2/3 majority of those voting, allow one or two letters, figures, logo or symbols to be up to 15 inches tall if that is part of the business name, trademark or logo.
[Amended 12/29/2013]

c. Multiple occupancy buildings may have one combined wall sign listing all occupants.

925.3. Number of Signs

There shall be one sign per building, either a ground or wall sign.

925.4. Directional Signs (See Subsection 230 for illustration.)

If a wall sign for a building shall be visible from a town road, one directional sign may be permitted which shall not exceed three feet in height and shall be limited to indicating traffic flow pattern. If a building identification sign shall not be

visible from a town road, then the one directional sign permitted may indicate occupant of building as well as traffic flow pattern.

925.5. Additional Requirements

All signs in OB, DOR-1 and DOR-5 Zones shall also comply with Subsections 923.4 and 923.5.

926. Signs in Service Business and Service Business East Zones

926.1. Wall Signs

All the requirements of Subsection 923.1(a-d). Wall signs shall not be internally illuminated, except that the ARB may, by 2/3 majority of those voting, allow internal illumination of a wall sign using channel style lighting (where only the letter or figure is internally illuminated and the background is not illuminated) or back-lighting with light fixtures that are within the letter and shine only toward the background wall.
[Amended 12/29/2013]

926.2. Pole Signs (See Subsection 230 for illustration.)

Freestanding pole signs, including posts, shall not exceed a height of 15 feet overall above the surface of the ground where located. Sign area shall not exceed 18 square feet per side. There shall be clear space underneath the signage of at least seven feet measured above the center line of the intersecting street to the bottom of the sign. Pole signs shall have the same setback requirements as buildings and structures and in the case of gas stations shall be no closer to a public street than the gas service island.

926.3. Ground and Monument Signs (See Subsection 230 for illustration.)

One ground sign or monument sign may be permitted in lieu of one pole sign. All ground or monument signs shall comply with the requirements of Subsection 925.1(a-d) and shall be subject to the same setback requirements as pole signs.
[Amended 2/28/2016]

926.4. Number of Signs

A commercial use may have one wall sign and one pole or ground sign.

926.5. Continuous Strip Lighting

No building or any exterior portion thereof, except under-canopy lighting properly shielded, shall be outlined in neon or other similar type lighting. Under-canopy lighting shall be fully recessed into the canopy or adequately shielded.

926.6. Internally Illuminated Signs

A pole sign may be internally illuminated if illumination shall be confined to the surface of the sign. No flashing, rotating or intermittent illumination shall be permitted. The sign shall be so designed and shielded that the light sources cannot be seen from any adjacent Residential Zone or from the street.

926.7. Hotel Signs

In addition to the other provisions of Subsection 926, hotel signs shall conform to the following:

a. No sign shall be greater that 50 square feet in area.

b. No more than one such sign shall be located on the site, except that an accessory restaurant may have one additional sign, but no such additional sign shall be greater than 25 square feet in area. Necessary small directional signs shall be permitted on site.

927. Signs in Residential Zones

All signs in Residential Zones shall be identification signs and shall conform to the following standards:

a. One sign not exceeding two square feet in area and located back of the front lot line, giving only the name of the dwelling or its occupant.

b. One sign not exceeding two square feet in area and not located in the required front yard, identifying only a permitted professional office which is a permitted accessory use in a Residential Zone.

c. One hanging sign not exceeding six square feet in area with a post not exceeding nine feet in height or one ground sign not exceeding ten square feet in area and five feet in height, such sign being located back of the front lot line, and one wall sign not exceeding six square feet in area identifying only the name of a permitted special use occupying the premises.

d. No letter or figure on a sign in a Residential Zone shall be higher than four inches.

e. Permitted signs in accordance with Subsection 922.

f. Any sign maintained in a Residential Zone shall be non-internally illuminated, non-moving, non-flashing and noiseless. Any indirect lighting shall be white light installed in a manner that will prevent direct lighting from shining on to any street or nearby property. No sign shall be illuminated after 11:00 P.M. The sign shall be in harmony in its general construction and materials with nearby buildings and the neighborhood.

928. General Sign Standards

All signs shall conform to the following standards:

928.1. Setbacks

All ground signs and pole signs shall conform to the setback required for principal buildings and structures. No ground sign or pole sign in other than a Residential Zone shall extend within less than 40 feet of any Residential Zone boundary line.

928.2. Connecticut Turnpike

Where a lot abuts or is within 100 feet of the right-of-way of the Connecticut Turnpike, no sign on such lot shall be erected which faces or is primarily intended to be visible from the Connecticut Turnpike.

928.3. Hazard or Nuisance

No sign shall be so placed as to be a hazard to traffic or the public generally, or a nuisance to the residents or occupants of any other building or premises. No sign shall be erected or maintained so as to obstruct any window, door or opening used for ingress or egress or for fire-fighting purposes, or which interferes with any opening required for proper ventilation. No sign shall be erected in such a manner so that it obstructs clear vision of any public way or drive by either motorists or pedestrians.

928.4. Direction of Signs

No sign in other than a Residential Zone shall be located so as to face any Residential Zone on the same side of the street on which the property bearing the sign fronts. This provision shall not apply to signs at right angles to the street line of such street.

928.5. Maintenance of Signs

All signs, together with their supports, braces, guys and anchors, shall be kept in good repair and in a safe condition. The owner of a sign, and the owner of the premises on which it stands, shall be responsible for keeping such sign and ground around it in a safe, sanitary, neat and clean condition.

928.6. Direction of Lights

Exterior illumination of buildings, signs or grounds shall be only for the purpose of illuminating a building, sign, walk or delivery service or parking area, shall be white light and shall not be directed so as to create a hazard or nuisance. The source of all lighting of signs and building (bulb, tube, reflectors, etc.) shall not be visible from any street or from any lot other than the lot on which the sign is located. No flood or spotlighting shall be mounted higher than 20 feet above ground level.

928.7. Conflict with Traffic Signals

No source of illumination shall be erected in such a location or in such a manner so as to interfere with motorists' vision of a traffic signal light, street or directional signs or any other sign or device intended primarily for the public safety and welfare. No sign shall be erected in such manner so that it obstructs clear vision for a distance of 20 feet from any intersection.

928.8. Identification Signs

A sign shall be affixed only to that portion of a building or structure which encloses the use to which the sign pertains.

928.9. Maximum Sign Area

In addition to any other restrictions imposed by these Regulations, in no event shall any sign have an aggregate area exceeding one square foot for each three square feet of building face parallel or substantially parallel to a street lot line.

928.10. Integrated Signs

All store units in the same building or in separate buildings in an integrated shopping center shall have a uniform design and placement of signs.

928.11 Unattached Signs

Sandwich signs and other signs not affixed either to a building or the ground in a permanent manner shall be prohibited.
[Amended 4/19/2009]

928.12 Directional Signs

Directional signs shall be allowed where found to be appropriate so long as they do not exceed two square feet and are solely directional and contain no advertising.

928.13 Window Signs (See Subsection 230 for illustration.)

A window sign is a sign affixed to a window or displayed within three feet of the interior of the window.

a. Temporary window signs shall be permitted without a sign permit provided the sign shall not be displayed more than 30 consecutive days, the area of such sign shall not exceed 25 percent of the window surface to which applied, and shall not be affixed to the same window to which a permanent window sign is affixed.

b. Permanent window signs are all non-temporary window signs. Permanent signs are permitted subject to Subsection 921, a sign permit and provided the

area of such sign shall not exceed 30 percent of the window surface to which applied and no more than two window surfaces shall be utilized for window signs.

928.14 Special Devices

The exterior use of a single banner, not exceeding 18 square feet in area, may be allowed for a seven day period not to exceed once in a 12 month period under a permit issued by the ZEO for special events such as openings, new management, and special promotional events.

928.15 Temporary Identification Sign

A temporary identification sign for a property may be permitted by the ZEO to be displayed during the period from the submission of a complete application for a permanent sign until 30 days after action has been taken on the application, provided that the temporary sign shall conform with all dimensional regulations, is in fact a temporary sign not involving any substantial expense, and shall be displayed in such a manner which shall not deface the building facade or interfere with the review of the application.

928.16 Conformity and Removal of Certain Signs

Except as hereinafter stated, if any sign or light shall not conform to these Regulations, and shall be discontinued, altered, reconstructed, enlarged, extended or moved, its replacement or the alterations shall conform to this Section. The repainting or repair of existing non-conforming signs (so long as the sign remains unchanged) and lights, however, shall be permitted. No legally existing sign shall be altered, reconstructed, enlarged, extended, or moved except in accordance with the standards of these Regulations. Nothing in this Section, however, shall prevent a sign from being altered so as to become more conforming with these Regulations provided that a permit shall be obtained.

A sign which shall no longer advertise a bona fide business conducted, or a product sold on the premises, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which the sign is located within one month from the time the premises are vacated or within ten days after written notification from the ZEO, and, upon failure to comply with such notice within the time specified in such order, the ZEO shall hereby be authorized to cause removal of such sign and any expense incidental thereto shall be paid by the owner of the premises.

928.17 Gas Station Product Signs

Due to the unique nature of automobile fuel marketing, gas stations may have one product sign in addition to one wall and one pole or ground sign. A product sign may indicate the product sold, service provided or product price. Gas station product signs shall not exceed six square feet, shall not be illuminated and shall not be located between the gas island and the street.

928.18 Signs Prohibited in All Zones

The following signs shall be prohibited in all zones presently or hereafter established within the Town:

a. Billboards and other advertising signs.

b. Signs located other than on the lot to which they refer.

c. Flashing (cold cathode electric discharge neon type gas), dayglow, iridescent, intermittent light reflecting, revolving or moving signs, pennants, spinners, streamers, sales signs, special promotional signs, A-frame or other eye-catching devices.

d. Banners, except as per Subsection 928.14, and flags, except as excluded by the definition of sign as found in Section 210.

929. Measurement of Sign Area

a. The area of a sign shall be considered to include all lettering, wording and accompanying designs or symbols together with any background different from the building whether painted or applied when it is designed as an integral part of and obviously related to the sign, and when the sign consists of individual letters or symbols attached to, or painted on, a building wall or window, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters or symbols.

b. In the case of a freestanding or pole sign, the area shall be determined by multiplying the outside dimensions of the sign, not including the vertical, horizontal or diagonal supports which affix the sign to the ground, unless such supports are evidently designed to be part of the sign.

930. A sign otherwise authorized by these Sign Regulations may contain non-commercial content, provided that the sign otherwise conforms to the provisions set forth in these Sign Regulations.

931. If any provision of Section 920 through Section 930 of these Sign Regulations, or the application thereof to any person or circumstances, shall be held invalid, the invalid provisions shall be severable and such invalidity shall not affect other provisions or applications of Section 920 through Section 930 of these regulations which can be given effect without the invalid provisions or application.

SECTION 940. LANDSCAPING, SCREENING AND BUFFER AREAS

941. Background and Purposes

The following standards are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation of existing vegetation and planting of new screening and landscaping material. Specifically, these standards are intended to reduce excessive heat, glare and accumulation of dust, to provide shade and privacy from noise and visual intrusion and to prevent the erosion of the soil, excessive runoff of storm water, and the consequent depletion of the groundwater table and the pollution of water bodies, watercourses, wetlands and aquifers.

942. General Requirements

The following provisions shall apply to any use requiring a Special Permit or Site Plan Approval:

a. Landscaping, trees and shrubs required by these Regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and shrubs which shall be shown on an approved Site Plan and which shall be in a condition that does not fulfill the intent of these Regulations shall be replaced by the property owner during the next planting season for the particular plant material. Permanent watering systems shall be encouraged.

b. A screening fence or wall required by these Regulations shall be maintained by the property owner in good condition throughout the period of the use of the lot.

c. All landscaping, trees, shrubs and other planting material adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs or other means to prevent damage from vehicles.

d. To the extent possible, existing trees, vegetation and unique site features such as stone walls shall be retained and protected during construction. Existing healthy, mature trees, if properly located, shall be considered in meeting the requirements of these Regulations.

e. Where the Commission determines that the lot size and shape or existing structures shall make it infeasible to comply with the requirements for a front landscape area, buffer area, or landscaped parking area, the Commission may accept alternative landscaping provided it shall be necessary, reasonable and in compliance with the intent of these Regulations.

f. In cases where the edge of the pavement or sidewalk within the public right-of-way shall not coincide with the front lot line, the property owner shall plant grass and maintain the area between the front lot line and the edge of street pavement or sidewalk.

g. All portions of non-residential properties which shall not be proposed as locations for buildings, structures, off-street parking and loading areas, sidewalks or similar

improvements, shall be landscaped and permanently maintained in such manner as to minimize stormwater runoff and harmoniously blend such non-residential uses in with the residential character of the Town.

943. Front Landscape Area

The purpose of a front landscape area is to enhance the appearance of the subject property and the street. The desired effect is, where appropriate, to partially screen and separate the use from public view.

Front landscape areas, where required by these Regulations, shall extend across the full width of the lot along the interior side of the front lot line, except where driveway entrances and exits are located, to the depth required by these Regulations. Every required landscape area shall be planted with trees (shade or ornamental), shrubbery and ground cover or grass. As a minimum, one deciduous shade tree having a caliper of at least two and one-half inches (measured four feet above the root crown) and a height of eight feet shall be planted within the front landscape area for each 50 feet or fraction thereof of lot frontage. The spacing of trees or groups of trees shall not exceed 50 feet.

a. In all Residential, NB, DB-1, DB-2, DMR, DBR, DOR-1, DOR-5 and OB Zones, every use shall have a front landscape area of not less than the required front yard for that zone.

b. In the SB-E Zone, the front landscape area shall be 18 feet (see Subsection 675, Item 11). In all other zones which require a minimum front yard (SB), every use shall have a front landscape area of not less than 10 feet.

c. In zones which do not require a minimum front yard (DC, CBD and PR), a front landscape area may not be required, except if a front yard shall be provided, it shall be landscaped.

944. Buffer Area

The primary purpose of the buffer area is to provide privacy from noise, headlight glare, and visual intrusion to residential dwellings. A buffer area shall be required along and within all boundaries of a lot abutting or directly across a local street from any lot in a Residential Zone. Single-family dwellings shall not be required to provide a buffer. Required buffer areas shall be a minimum of twenty-five (25) feet in width except as these Regulations may otherwise permit. The buffer area shall not be used for parking, storage, refuse collection, utilities, or any other use.

a. The buffer area may include fencing together with evergreen planting of such type, height, spacing and arrangement as, in the judgment of the Commission, shall effectively screen the activity on the lot from the neighboring residential area. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.

b. A decorative wall or earthen berm of location, height, design and materials approved by the Commission may be used in conjunction with the required planting and/or buffer area.

c. Where the existing topography and/or landscaping provides natural screening, the Commission may modify the planting and/or buffer area requirements.

945. Landscaped Parking Areas

All parking areas shall be designed in such a manner that visual impact upon the surrounding area shall be minimized. Acceptable methods may include, but not be limited to, the use of earthen berms, landscaping, walls, fences or other screening techniques. Street trees and landscaped areas shall be incorporated within the paved areas to further minimize visual impacts of such facilities. Parking areas shall comply with the following minimum standards:

945.1 Perimeter Landscaping

For all uses except single-family residences, a landscaped area shall be provided along the perimeter of the parking area (except where the parking area is functionally integrated with an adjoining parking area on an abutting lot and the accessway(s) to the street). The landscaped area shall have a minimum dimension as per Subsection 906.6 and shall be planted with grass, shrubs, trees and other vegetation. It shall include at least one deciduous tree having a caliper of at least two and one-half inches (measured four feet above the root crown) and at least eight feet in height when planted for every 50 feet along the perimeter of the parking area.

Where the Commission shall determine that the lot size and shape or that the existing topography or structures make it impractical to comply with this landscaping requirement, the Commission may approve modification of this standard provided the intent is satisfied.

Parking areas adjoining or across the street from a Residential Zone shall comply with the standards for a buffer area (Subsection 944) rather than those above.

945.2 Open Streams

Parking, sidewalks and all paved areas shall be set back at least ten feet from any open stream. Each strip of land thus provided shall be protected by curbing and shall be landscaped and maintained with grass and trees or shrubbery or, if acceptable to the Commission, left in a natural and undisturbed condition.

SECTION 950. WIRELESS TELECOMMUNICATIONS

951. Background and Purpose

In accordance with the terms of the Federal Communications Act of 1996, it is the intent and purpose of the these regulations to accommodate the communication needs of residents and businesses and the general public while protecting public health, safety, and the general welfare of the Town and minimizing any adverse visual and operational effects of towers and wireless communications facilities through careful analyses, design, siting and screening. In addition, these regulations are necessary in order to:

- Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements;
- Minimize any health hazards associated with the use of such equipment;
- Reduce the number of towers needed to serve the community by maximizing the use of existing and approved suitable facilities to accommodate new wireless telecommunication antennas including existing towers, buildings and other facilities.
- Minimize the diminution of adjoining property values due to the location of such devices;
- Prevent electro-magnetic radiation interference to receptor devices on adjoining and nearby properties.

952. Definitions

For the purposes of this section the following definitions shall apply:

Antenna - a device used to receive and/or transmit telecommunications or radio signals. Examples are panels, microwaves, dishes, and whips.

Carrier - a company that provides wireless services.

Co-Location - the use of a single mount on the ground by more than one carrier and/or several mounts on an existing building or structure by more than one carrier. This reduces the need to build new communications towers.

Federal Communications Commission - the Federal agency responsible for licensing and regulating wireless communications providers. The FCC has primary regulatory control over carriers through its powers to control interstate communications commerce and to provide a comprehensive national system in accordance with the Federal Communications Act.

Tower - a structure intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures include monopoles and lattice construction steel structures. The term shall not include amateur radio operator's equipment as licensed by the Federal Communications Commission (FCC).

Tower Height - the distance from the lowest ground elevation at the base of any tower to the topmost point of the tower.

953. General

The following guidelines, standards, application requirements, procedures and considerations for approval shall apply to the installation, placement, replacement, expansion, extension height, setbacks, construction, and screening of telecommunications towers and antennae within the Town of Darien.

It is strongly recommended that, at the earliest stages of developing a proposal, the applicant arrange to have an informal, pre-application meeting with staff to discuss these requirements.

1. Co-Location is strongly encouraged in all applications where feasible for any telecommunications facility. The Commission may require co-location after independent outside evaluation of such determination of the feasibility of co-location at the applicant's expense. The applicant shall incur any and all such costs of such needed analyses for which payment shall be made prior to any decision being rendered by the Commission on the application.

2. A fence with a height of eight (8) feet shall be required around the tower and other related equipment.

3. Landscaping may be required around the fence which shall consist of a minimum of one row of evergreen trees planted not more than ten (10) feet on center. The evergreen plantings shall be a minimum of six (6) feet tall at planting and shall reach a minimum height of fifteen (15) feet at maturity. Such screening shall be maintained by the owners of the property to insure its effectiveness.

4. The related unmanned equipment areas and/or building shall not exceed four hundred (400) square feet of gross floor area per carrier per location and not more than twelve (12) feet in height. Manned equipment incidental to the business office, maintenance depot and/or vehicle storage is prohibited.

5. No signage or illumination of any form shall be permitted on the tower or antenna unless required by the Federal Communications Commission, Federal Aviation Agency or the Connecticut Siting Council.

6. Any communications equipment or devices shall not cause electro-magnetic interference with receptor devices located on adjoining or nearby properties. As part of the application process the name, address and telephone number of the appropriate contact person shall be provided for each carrier and location. The purpose of this procedure is that members of the public will have a contact person at the carrier's place of business and prompt action will be taken by the carrier to remedy any interference caused by or reasonably attributed to the communications system.

7. Directional or panel antenna(e) shall not be larger than needed, but in no case shall exceed six (6) feet in height or two (2) feet in width. Omni-directional antenna(e) shall not exceed twenty (20) feet in height or seven (7) inches in diameter.

8. Satellite and microwave dish antenna(e) shall not exceed six (6) feet in diameter and building or roof-top mounted antenna(e) shall be located or screened so as not to be visible from abutting public streets or adjoining residences, if appropriate and/or necessary and feasible.

9. Any tower and/or antenna shall be designed and certified by a Connecticut Licensed Professional Engineer to withstand sustained winds in compliance with prevailing standards and an "as-built" certification shall be submitted upon completion of construction.

10. Service providers shall submit full information establishing that they have exhausted all possible avenues for sharing space or using an existing facility or structure before any permit for a new tower shall be granted.

11. In all cases in which the Commission determines that an expert peer review of the applicant's service area, tower sharing, alternative location or other technical issues is reasonably warranted, the applicant shall be required to reimburse the Town for the cost of performing such peer review. Where a residential district is involved, the applicant shall fully demonstrate that no commercial district or area can fulfill the requirements. This payment shall be made to the Town prior to the decision by the Commission on the subject application. The decision-making period shall be in compliance with the State Statutes.

12. The Commission may require the posting of a bond to secure compliance with the approved installation of all towers and/or antennae and/or to ensure the timely and proper removal of said tower and/or antenna upon abandonment.

954. Application Requirements

All applications for a telecommunications tower and/or antennae shall require a Special Permit. In addition to the requirements under Section 1000 of these Regulations, applications pursuant to this section shall be accompanied by the following:

954.1 New Towers

a. Where new antennae towers are proposed, the following shall be submitted:

b. A description of the proposed tower and associated equipment including, height, design features, access roads and power lines, if any.

c. A map showing the extent of planned coverage within the Town of Darien and the location and service area of the proposed facilities.

d. A map showing the extent of existing and proposed coverage in adjacent communities.

e. Plan and elevation drawings showing the proposed tower, associated equipment, antennae, landscaping and other structures proposed for the site.

f. An architectural rendering, photo simulation or similar product of the view of the tower from adjoining properties.

g. A statement containing a description of the siting criteria and the process by which other potential sites were considered and eliminated.

h. The proposed support structure shall be required to accommodate a minimum of three users, including other wireless telecommunication companies and local police, fire and ambulance companies unless it is determined to be technically unfeasible based on information submitted by the applicant.

i. A description of technological alternatives and their costs for the proposed tower and a statement containing the reasons for the choice of the proposed facility.

j. A statement describing the impact on human health, if any, of radio frequency and power density at the proposed site to be transmitted by the proposed facility.

k. Towers shall be a non-contrasting blue, gray or other neutral color.

l. Every proposed tower and its antenna(e) shall not be greater than the minimum height necessary to satisfy the technical requirements of the applicant and potential future uses.

954.2 New Antenna(e)

Where any new antenna is proposed, the following shall be submitted:

a. A description of the proposed antenna(e) and associated equipment.

b. A map showing the extent of the planned coverage within the Town of Darien and the location and service area of the proposed antenna(e).

c. Plan and elevation drawings showing the proposed antenna(e).

d. A description of technological alternatives and their costs for the proposed antenna and a statement containing the reasons for the choice of the proposed location.

e. A statement describing the impact on human health, if any, of signal frequency and power density at the proposed site either transmitted and/or received by the proposed antenna.

f. Any antenna(e) attached to or mounted on an existing building or structure shall be of a material and/or color which matches or is compatible with that existing facility.

954.3 Abandonment

The following shall apply to the removal of abandoned towers and related appurtenances:

a. The owner/operator of any antenna(e) shall submit a report annually indicating that the facility is still in active use.

b. A facility not in use for more than six (6) months shall be removed by the service facility owner. This removal shall be completed within ninety (90) days of the end of the six-month period. Following the removal the site shall be restored to its original condition.

Schedule of Amendments to Article IX

Section 904 [Amended 7/23/2006; 7/22/2007; 4/17/2016; 12/24/2017]
Section 905 [Amended 10/24/2010]
Section 905.1 [Added 10/24/2010]
Section 905.2 [Added 8/28/2016]
Section 906.6 [Amended 4/12/2009]
Section 907 [Amended 10/24/2010]
Section 907 [Amended 6/19/2016
Section 922c [Amended 6/5/2011]
Section 923.1 [Amended 12/29/2013]
Section 923.2 [Amended 12/29/2013]
Section 923.3 [Amended 4/19/2009]
Section 923.4 [Amended 4/19/2009]
Section 923.5 [Amended 4/19/2009; 12/29/2013]
Section 923.6 [Amended 4/19/2009]
Section 925.1 [Amended 2/28/2016]
Section 925.2b [Amended 12/29/2013]
Section 926.1 [Amended 12/29/2013]
Section 926.3 [Amended 2/28/2016]
Section 928.11 [Amended 4/19/2009]

For additional information on amendments refer to Appendix 'C' of the Regulations.

X. ARTICLE X - SPECIAL PERMIT, SITE PLAN & OTHER SPECIAL REGULATIONS

SECTION 1000. SPECIAL PERMIT REQUIREMENTS AND PROCEDURES

1001. Background and Purposes

The types of uses for which conformance to additional standards is required by these Regulations shall be deemed to be permitted uses in their respective zones, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of these Regulations. All such uses are declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

1002. Authority

In all cases where these Regulations require approval by Special Permit, no Zoning Permit shall be issued by the ZEO except after public notice and hearing in accordance with the General Statutes and upon authorization of the Commission.

1003. Application

Application for Special Permit shall be made in writing in a form prescribed by the Commission and shall include:

a. A detailed statement describing the existing and proposed use or uses.

b. One copy of the Town Assessor's Map at a scale of 1"=200' showing the location of the applicant's property and all adjoining lots, as well as a list of the names and addresses of all subject and adjoining property owners as shown on the tax assessment records, including those lots directly across a street, waterbody or watercourse from the subject property.

c. A Site Plan in accordance with Section 1020.

d. Unless specifically waived by the Planning and Zoning Director all applications shall be accompanied by a traffic study evaluating the impact of the proposal on thoroughfares serving and/or affected by the development. The study shall include, as appropriate, data and information on existing ADT (average daily traffic) of principal roads, peak hour traffic, adequacy of right-of-way and travelway, traffic impact of proposed development, traffic generation data, location of curb cuts within 300 feet from the development site, traffic lights and intersections, and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.

e. All approvals from any local, regional, state or federal agency or department having jurisdiction over any aspect of the application.

f. Such other information as the Commission may require to determine compliance with the intent and purpose of these Regulations.

g. All applications shall be accompanied by a fee to cover the cost of administration. (See Appendix B.)

1004. Procedure

Failure to comply with all aspects of Subsection 1003 shall constitute a defective application and shall be grounds for the Commission either to not accept the application or to deny such application. The Commission, when appropriate, may seek the advice and opinion of other officials, boards, commissions or consultants to assist it in evaluating applications. Such advice and opinion shall be submitted at or prior to public hearing. The Commission shall hold a public hearing on a complete application, shall decide thereon and give notice of its decision as required by law. The applicant may consent in writing to any extension of the time for public hearing and/or decision on the application in accordance with General Statutes.

1005. Standards for Approval

Unless otherwise specified, a Special Permit use shall conform to all requirements of the district in which it shall be located and the standards contained herein.

The Commission may authorize the issuance of a Special Permit after considering the health, safety and welfare of the public, in general, and the immediate neighborhood, in particular, and provided the Commission shall make the following findings:

a. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, shall be such that it shall be in harmony with the appropriate and orderly development of the district in which it is located.

b. The location, nature, size, and height of buildings, walls and fences, and the nature and extent of landscaping, screening, lighting and signs shall be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.

c. The elements of the Site Plan submitted as part of the Special Permit application shall accomplish the objectives for Site Plan Approval as specified in Subsection 1024.

d. The design, location and specific details of the proposed use shall not adversely affect safety in the streets nor increase traffic congestion in the area, nor interfere with the pattern of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

e. Streets and other rights-of-way shall be of such size, condition and capacity to adequately accommodate the traffic to be generated by the particular proposed use.

f. Where it shall be proposed to convert a structure designed and built originally for other uses, the applicant shall show the adaptability of such structure to the proposed use, particularly in relation to the public health and safety.

g. Wherever possible and reasonable, consideration shall be given to the protection, preservation, and/or enhancement of the natural environment, in conformance with Section 100.i and the Commission may require, as a condition of approving any plan, the use of conservation restrictions to protect and permanently preserve natural or unique features which enhance the character and environment of the area, or that shall be necessary for the control of sedimentation and erosion.

h. In cases involving a request for an exception of Section 654 for special permission for first floor Business or Professional office use in lieu of commercial sales and service within the Central Business District, the Commission shall consider the presence or absence of off-street parking in direct proximity of the site, the character of surrounding uses, convenience of pedestrian access, location within the CBD and directly related types of considerations regarding the policies of the Town Plan of Conservation and Development and the preference for commercial sales and services uses on the first floor.
[Amended 6/29/2008; 11/19/2017; 12/24/2017]

i. Special Permits shall not be granted for home occupations when the Commission determines that the proposed use will constitute a fire or safety hazard to neighboring residences and/or will adversely affect neighboring property values and/or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, odor or other circumstances.

1006. Conditions and Safeguards

In granting a Special Permit, the Commission shall attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations. The Special Permit shall only authorize the particular use or uses specified in the Commission's approval.

Any condition attached to the granting of a Special Permit shall remain with the property as long as the Special Permit use is still in operation. These conditions and safeguards shall continue in force regardless of any change in ownership of the property.

1007. Revocation

Failure to strictly adhere to the documents, plans, terms, conditions, and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations and dealt with in accordance with Subsection 1104.

1008. Amendments or Modifications

An approved Special Permit may be amended or modified provided application shall be made in the same manner as the original application subject to the same procedures for approval; except that amendments which shall be found to be of a minor nature or which do

not materially alter the Special Permit as determined by the Commission, may be authorized with Commission approval only, without another Public Hearing.

1009. Expiration and Renewal

Approval of a Special Permit shall be subject to any expiration date the Commission may establish as part of its decision. This shall be determined on a case-by-case basis. Extensions of this period may be granted by the Commission as applicable, on written application to it, adequately setting forth the justification for such extension.

In approving a Special Permit, the Commission may require periodic renewal of the permit to determine continuing compliance with the conditions and standards for approval.

A Special Permit shall expire if said use or uses shall cease for more than six months for any reason, or if all required improvements shall not be completed within the stated expiration period, or if all such required improvements shall not be maintained and all conditions and standards complied with throughout the duration of the use. An expired Special Permit shall be considered void.

SECTION 1020. SITE PLAN REQUIREMENTS AND PROCEDURES

1021. Background and Purposes

The Site Plan review process is intended to assure that all aspects of business, commercial and other uses comply with the standards and specifications of these Regulations and that adequate provision is made for vehicle and pedestrian access and circulation, parking, landscaping, buffering, signage, lighting, drainage, utilities, and other aspects of the proposed development and use of the land.

1022. Authority

Site Plan approval from the Commission shall be obtained prior to the establishment, expansion, or change of any use of land and/or structure which requires Special Permit approval or is not a single-family residence.
[Amended 7/29/2007]

1023. Application Procedure

1023.1 Pre-application Conference

Prior to submission of a formal Site Plan application, the applicant may meet with the Commission's staff to discuss the application requirements and review preliminary plans.

1023.2 Application

Each application for Site Plan Approval shall be submitted on a form prescribed by the Commission, accompanied by the required number of sets of the Site Plan information required in Subsection 1024, as well as the applicable fee. (See Appendix B.)

1023.3 Exceptions

After an optional pre-application conference, and upon written request by the applicant, the Planning and Zoning Director may recommend modifications to one or more of the specific requirements of the Site Plan application (Subsection 1024) if: (1) the proposed improvement or development shall not affect existing parking, circulation, drainage, building relationships, landscaping, signs, lighting or any other consideration of Site Plan Approval; or (2) if the information required shall be unnecessary for the particular application and the lack of such information shall not impair or prejudice the Commission's determination as to the application's conformity to these Regulations. The Director's recommended modifications shall not be binding on the Commission.

1023.4 Architectural Review

Upon submission of a complete application, the applicant shall meet with the Architectural Review Board which shall report its findings to the applicant and the Commission prior to the Commission taking action. The comments and

recommendations of the Architectural Review Board shall include review and comments on the architectural design of all buildings and other structures so that same are of such character as to harmonize with the neighborhood and surrounding uses, and to preserve and improve the appearance and beauty of the community.

1023.5 Other Referrals

The Commission may refer any Site Plan application to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.

1024. Site Plan Requirements

For all uses requiring Site Plan Approval, a Site Plan application shall include nine sets of the following information, maps and plans:

All maps shall include an accurate and up-to-date Class A-2 survey of the property and improvements prepared by a Land Surveyor registered in the State of Connecticut. All plans shall be prepared, signed and sealed by a Connecticut registered Engineer, Architect or Landscape Architect whichever shall be appropriate. All plans shall be prepared at a scale not smaller than one inch equals 100 feet nor larger than one inch equals 10 feet. Sheet size shall be either 24 inches by 36 inches or 36 inches by 42 inches.

1024.1 General Information

A completed application form available from the Commission's office shall include:

a. Name and address of the applicant and owner of record as listed on the Town's Land Records.

b. A written description of the proposed use or uses.

c. Notification requirements pursuant to Section 1040.

1024.2 Site Plan Map

The Site Plan map shall illustrate the existing and proposed development of the property and shall include the following information:

a. General Information

1. Name and address of the applicant and owner of record as listed on the Town's Land Records;

2. Date, north arrow and scale;

3. A key map showing the subject property in relationship to adjoining properties and nearby streets, drawn at a scale of one inch equals 600 feet;

4. A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, setbacks, yards, building height, coverage, floor area, floor area ratio computations, parking computations and spaces, landscaping, open spaces and any other elements as they relate to the requirements of these Regulations.

b. The Property

1. The bearings and distances of all boundaries and areas of the property in square feet;

2. Location, width and purpose of all existing and proposed easements and rights-of-way on the property.

c. Buildings and Use

1. Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences and walls;

2. Location and area of all existing and proposed uses and facilities not requiring a building such as swimming pools, tennis courts, light standards, tanks, transformers and dumpsters and external storage of equipment and goods.

d. Parking, Loading and Circulation

1. Location, arrangement and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits and ramps;

2. Location, arrangement and dimensions of loading and unloading areas;

3. Location and dimensions of pedestrian walkways or sidewalks, entrances and exits.

e. Signs and Lighting

1. Location, size, height, orientation and plans of all signs;

2. Location, size, height, orientation and design of any outdoor lighting, including information on shielding, foot-candles, and hours of operation.

f. Utilities

1. Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities and enclosed refuse collection areas, as well as other underground and above ground utilities and equipment. All

public utilities shall be placed underground. All engineering improvements shall be accompanied by appropriate data in accordance with good engineering practice such as quantity and velocity calculations, profiles, cross-sections, pipe sizes, flow lines, pipe slopes and lengths, invert and top of grate elevations, existing and proposed grades and construction materials.

1024.3 Topographic Map

The topographic map shall illustrate the existing and proposed conditions of the property and shall illustrate the following information:

a. The boundaries and area of the property.

b. Location, width and purpose of all existing and proposed easements and rights-of-way on the property.

c. Existing and proposed contours with intervals of two feet, referenced to USGS MSL datum including all provisions for drainage and erosion control.

d. Location of all existing wooded areas, watercourses, wetlands, rock outcrops, and other significant physical features, and, where appropriate, the mean high water line, the wetlands boundary, the flood hazard area and the coastal area boundary.

e. Storm drainage patterns and watershed information.

1024.4 Open Space and Landscaping Plan

The Open Space and Landscaping Plan shall illustrate the existing and proposed landscape development of the property and shall include the following information:

a. Size, arrangement, uses and dimensions of all open spaces on the site.

b. Location, general layout, type and size of buffer or landscape area, plant material, fencing, screening devices, decorative paving or other materials proposed.

c. Location of existing trees with a trunk caliper of more than eight inches except in densely wooded areas where the foliage line shall be indicated.

d. Location of all existing watercourses, wetlands, rock outcrops and other significant physical features.

1024.5 Architectural Plans

The applicant shall submit preliminary architectural drawings showing exterior wall elevations of all proposed buildings and structures, indicating window treatment, location and treatment of roof top mechanical equipment, building

materials and building floor plans indicating existing and proposed square footage by use.

1024.6 Staging Plan Map

In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development for the entire property shall be submitted at the same scale as the Site Plan.

1024.7 Off-Site Information

a. Buildings, parking areas and curb-cuts on all adjoining property located within not less than 50 feet of the site.

b. All cross streets located within 50 feet of the site.

c. All curb-cuts or driveways located across the street from or opposite the site.

d. All traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets.

e. All zone boundary lines within 100 feet of the site.

1024.8 Impact Analysis

The Commission may require the applicant to provide an impact analysis of storm drainage, sanitary sewers, traffic, site disturbance and/or water, air or noise pollution in those cases where public facilities or the environment can be adversely affected by the proposed development. The Commission may require a Parking Impact Analysis, which would analyze the proposed use(s) and square footage of the building, and review whether the proposed amount of parking is sufficient. This Analysis should establish how the proposed parking supply will meet projected demand.
[Amended 7/29/2007]

1024.9 Other Information

The applicant shall submit any other information deemed by the Commission to be necessary to determine conformity with the intent of these Regulations.

1025. Site Plan Objectives

In reviewing and acting on a Site Plan application, the Commission shall take into consideration the health, safety, comfort and convenience of the public in general and the immediate neighborhood in particular, and may require such modifications of the plans as it shall deem necessary to ensure the accomplishment of the following general objectives:

1025.1 Town Plan

That the proposed Site Plan shall be in general conformance with the intent of the Town Plan. However, the Town Plan shall not take precedence over specific provisions of these Regulations.

1025.2 Public Safety

That all buildings, structures, uses, equipment, or material shall be readily accessible for fire, police, and ambulance service. Specifically, the plans shall be subject to the approval of the Fire Marshal. The plans shall comply with the State Building Code, with specific regard to the requirements for the handicapped (ramps, elevators, depressed curb and parking provisions).

1025.3 Traffic and Pedestrian Access

That all proposed traffic and pedestrian accessways shall not create traffic hazards and shall be: adequate, but not excessive in number; adequate in width, grade, alignment and visibility; adequate in distance from street corners, places of public assembly and other accessways; and adequate in design for other similar safety considerations.

1025.4 Circulation and Parking

That adequate off-street parking and loading spaces shall be provided to prevent on-street and off-street traffic congestion; that all parking spaces and maneuvering areas shall be suitably identified; that entrances and exits shall be suitably identified and designed to specific use radii; that the interior circulation system shall be adequately designed to provide safe and convenient access to all structures, uses, and/or parking spaces; that parking areas shall be provided with suitable bumper guards, guard rails, islands, crosswalks, speed bumps and similar safety devices when deemed necessary by the Commission to adequately protect life and property; and that provision shall be made for safe pedestrian movement within and adjacent to the property by the installation of sidewalks.

1025.5 Landscaping and Screening

That the general landscaping of the site shall comply with the purpose and intent of Section 940; that existing trees shall be preserved to the maximum extent possible; refuse containers shall be enclosed; and that parking, storage, and service areas shall be suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way.

1025.6 Lighting

That lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation. Specifically, all exterior light fixtures shall be located at the minimum height from the ground and the maximum distance from the property line necessary to provide adequate and safe lighting of the building entrances, walkways, parking area and accessways.

That glare from the installation of outdoor lights and illuminated signs shall be properly shielded from the view of adjacent property and public rights-of-way. Specifically, all exterior lighting shall be designed so that the filaments, light sources, reflectors or lenses shall be shielded with opaque material in such a way that the light shall be directed down and shall not be visible at a height greater than six feet above the ground level at property lines.

The alteration of approved lighting or installation of additional lighting shall require Site Plan Approval or modification of an existing Site Plan.

1025.7 Public Health

That all utility systems shall be suitably located, adequately designed, and properly installed to serve the proposed uses, and to protect the environment from adverse air, water or land pollution. Specifically, all refuse collection areas shall be located near the service entrance or loading area of a building, shall be easily accessible to service trucks, and shall be screened or otherwise enclosed by plantings, walls or fencing.

1025.8 Drainage

That the design of storm water drainage systems shall be such as to minimize soil erosion and maximize absorption of pollutants by the soil. Runoff from impervious areas shall be attenuated to reduce peak flow volume and sediment loads to pre-development levels.

1025.9 Environmental Features

That the development of the site shall conserve as much of the natural terrain and vegetation as possible, shall preserve sensitive environmental land features such as steep slopes, wetlands and large rock outcroppings and shall preserve public scenic views or historically significant features.

1026. Conditions of Approval

In approving any application, the Commission may impose such conditions and/or stipulations deemed necessary to assure compliance with these Regulations. A copy of the revised approved plans (including notes of conditions and/or stipulations) shall be submitted by the applicant to the Commission's staff for review. All time periods and procedures specified in the decision shall be complied with or any approval will become void.

1027. Performance Bond

1027.1 Bond

The Commission may require, as a condition of approval, that the applicant post a bond with surety satisfactory to the Commission in order to assure conformance with all proposed improvements (excluding buildings) shown on the approved

Site Plan. An itemized estimate of the cost of the specific improvements shall be prepared by the applicant, including a separate inflation factor for the estimated construction period, and shall be submitted to the Director of Public Works and the Planning and Zoning Director for approval. The bond shall be in the form of a certified check payable to the Town of Darien, a savings passbook with a signed withdrawal slip for a joint account in the name of the Town and applicant, an irrevocable letter of credit from a bank, or an insurance company performance bond written by a company authorized to write bonds in the State of Connecticut. If so required, said bond shall be posted with the Town, in accordance with the approved Site Plan for a period of time as determined by the Commission.

1027.2 Release of Bond

Upon written request of the applicant for the reduction or release of the bond, the Commission shall cause the site to be inspected by the ZEO, the Director of Public Works, and/or other appropriate Town Officials to determine if all or a portion of the conditions of approval have been met and if all required site improvements have been satisfactorily completed in accordance with the approved plans. Before release of any bond, the Commission may require the applicant to submit an "As-Built" plan, certifying that all of the required site improvements have been installed in accordance with the approved plans. The Commission may require that a portion of the bond be retained after vegetative cover and planting have been installed in order to assure adequate growth or replacement. Based on the findings, the Commission may authorize the reduction or release of said bond.

1028. Expiration

Approval of a Site Plan shall expire one year subsequent to approval by the Commission, unless a Certificate of Zoning Compliance shall have been granted therefor by the ZEO, and/or all required work completed, provided, however, the Commission shall reserve the right to grant one or more extensions on written application to it adequately setting forth the justification for such extension.

1029. Amendments

Site improvements and development shall be carried out in strict compliance with the Site Plan approved by the Commission. In the event that minor amendments shall be required, they may be approved by the Planning and Zoning Director upon written application of the property owner. Any such approval shall be issued in writing. All other amendments or modifications shall be acted upon by the Commission at a regularly scheduled meeting.

1030. Certificate of Zoning Compliance

No Certificate of Zoning Compliance shall be issued until the site work has been completed in accordance with the approved Site Plan. When the site work cannot be completed because of weather or other pertinent reasons, a conditional Certificate of Zoning Compliance may be issued for a period not to exceed 180 days, providing a portion of the posted bond shall be retained in an amount sufficient to complete the site

work or, if necessary, a new bond shall be posted. Upon written request of the applicant and satisfactory completion of the site work, the Commission shall order the release of the bond.

1031. Continuance

All conditions and improvements shown on an approved Site Plan shall remain with the property as long as the use indicated on the approved Site Plan shall be in operation. The conditions and improvements shall continue in force, regardless of any change in ownership of the property.

SECTION 1040 - NOTIFICATION TO ABUTTING PROPERTY OWNERS

1041. Background and Purposes

The purpose of this notification procedure is to alert those owners of each parcel or property 100 feet or less distant from the perimeter of the applicant's property, of an application pending before the Planning and Zoning Commission in order that they may have the opportunity to review the application and make their opinions and comments known at the public hearing.

1042. Applicant Responsible for Notification

The applicant, or their legal representative, shall be responsible for notifying owners of property or parcels within 100 feet of the perimeter of the subject property of any pending application for a Coastal Site Plan Review; Special Permit; Site Plan approval; and/or Amendment of the Zoning Map and/or Regulations involving a single property or properties with a total area of less than five acres. Any applicable notice requirements for Zoning Map and/or Regulation amendments are in Section 1110 et. seq. of these Regulations. With the submission of any such application to the Planning and Zoning Commission, the applicant shall provide:

a. A list of the names, addresses, and tax map/lot numbers of owners of property within 100 feet of the subject property. The latest records of the Darien Tax Assessor shall be used to determine the required information.

b. If the application shall be scheduled for a Public Hearing before the Planning and Zoning Commission the applicant shall notify each owner of property within 100 feet of the perimeter of the subject property of the time, place, date, and purpose of the hearing. This notification shall also include a description of the application and the nature of the proposed activity. Such notice shall be mailed not less than ten (10) days nor more than twenty (20) days prior to the first scheduled public hearing. Notice shall be sent as per Subsection 1043. Any applicable notice requirements for Zoning Map and/or Regulation amendments are in Section 1110 et. seq. of these Regulations.
[Amended 7/29/2007]

1043. Notification Procedures

a. Notices from the applicant to the property owners within 100 feet of the perimeter of the subject property (see Section 1042) shall be sent via U.S. Mail. The applicant shall obtain proof of mailing in the form of stamped U.S. Postal Service Certificates of Mailing or Certified Mail Receipts. Notices sent "Return Receipt Requested" are not required.

b. At least three business days prior to the commencement of the first Public Hearing, the applicant, or their legal representative, shall submit a list showing the names and addresses of the owners of specified properties including their respective tax map and lot numbers, one copy of the notification (including attachments) which was mailed and evidence of the required mailing in the form of stamped Certificates of Mailing or Certified Mail Receipts.

[Amended 12/31/2000; 7/29/2007]

SECTION 1050 - SPECIAL USES WITH SPECIAL STANDARDS

Each of the following uses is permitted in each zone to the extent indicated for that use and zone, subject to these additional requirements and all provisions of the applicable zone, except as specifically provided for in this Section.

Every application for the use of property subject to conditions set forth herein shall be filed in accordance with the provisions of these Regulations, and shall be subject to any approval stipulated in this Section.

1051. Protected Town Landmarks

1051.1 Background and Purposes

To preserve the cultural heritage of the Town, it is recognized that certain structures and land areas have value as Town Landmarks, which value transcends the ordinary standards incorporated in these Regulations and, therefore, requires that each individual site be considered a special case. It is declared to be policy of these Regulations that significant landmarks of the Town should be preserved insofar as appropriate to the sound development of Darien in accordance with policies of the Town Plan.

1051.2 Standards

a. Subject to the provisions of Section 1000, and of this Section, application may be made to the Commission for designation and Special Use regulations establishing a Protected Town Landmark.

b. Application shall be in a form prescribed by the Commission, and shall consist of a Site Plan, accurate exterior elevation drawings of each building to be preserved, and sufficient documentation to establish the historic, cultural or architectural significance of the proposed landmark.

c. After appropriate public hearing and findings, the Commission may authorize, without respect to specific uses and setbacks prescribed for the zone in which located, a special set of regulations and standards applicable only to the particular structure or site which is to be preserved. Such special regulations shall be designed to preserve the landmark in proper condition, and to conserve the values and appropriate uses of its environs.

d. The conservation restriction shall be one of the methods that may be used by the Commission to protect and permanently preserve these landmarks.

e. Each Special Permit granted under this Section shall prescribe the specific uses to be permitted, conditions to be observed, structural appearance to be maintained, and site development or features to be adhered to, and any deviation from these prescriptions shall constitute a nullification of the permission granted. In determining the appropriate use, intensity of development, and structural appearance of the landmark, the Commission shall be guided by the character of its surroundings and the general purposes (Article I and Subsection 1051.1) of these Regulations. No

special uses shall be authorized which would be deleterious to the adjacent neighborhood.

1051.3 Identification

Each Protected Town Landmark shall be suitably marked by an identification plaque approved by the Commission and describing its significance. All signs, and the identification plaque, shall continue to meet the sign provisions of Section 920.

1052. Single-Family Open Space Development
[Amended 4/12/2009]

1052.1 Background and Purposes

Open space plays an important role in Town for environmental/ conservation purposes, aesthetic purposes and for passive enjoyment and may include woodlands, wetlands, vacant property left in its natural state and naturally landscaped open areas. Single-Family Open Space Development allows for the preservation of such property.

Excess impervious surface area contributes to the volume and velocity of surface water runoff, thereby increasing flooding potential. Establishing regulations restricting impervious surface coverage will reduce flooding impacts caused by development and help to maintain the character of the community. Single-Family Open Space Development achieves these objectives by establishing a Maximum Developed Site Area standard.

The Planning and Zoning Commission generally views a variety of housing options as an enhancement to Darien. Housing that permits Darien residents to "downsize" is needed. Single-Family Open Space Development addresses this need by allowing more than one single-family dwelling on a lot at a density no greater than the existing zone theoretically allows, provided that such housing is appropriate for the specific lot and the neighborhood in general.

Single-Family Open Space Development is intended to apply to oversized lots as an alternative to subdivision. It reduces the intensity of development on lots with sensitive lands by deducting wetlands, steep slopes and flood zones from the lot area for density, coverage and floor area calculations. It protects neighboring properties with buffers and setbacks equal to or greater than those required by the residential zone in which the property is located and with architecture designed to harmonize with the neighborhood and surrounding uses.

Except as specifically provided herein, these regulations shall not legalize or be construed to legalize any residential use not lawfully existing at the time these regulations are adopted including but not limited to apartments, cottages, or any other residential use involving more than one dwelling unit on a single lot.

1052.2 Area and Bulk Requirements

Single-Family Open Space Development is only permitted in the R-1/5 and R-1/3 Residential Zones in accordance with the Area and Bulk Requirements of

Subsection 406 of these Regulations and the additional requirements noted below. The requirements listed below for each zone shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

	R-1/3	**R-1/5**
1. Minimum Lot Area (square feet)	98,010 s.f.	72,600 s.f.
2. Minimum Lot Width	160	120
3. Minimum Lot Frontage	See subsection 406	
4. Minimum Lot Depth	See subsection 406	
5. Minimum Front Yard	See subsection 406	
6. Minimum Side Yard: Least One	See subsection 406	
7. Minimum Side Yard: Total of Two	See subsection 406	
8. Minimum Rear Yard	See subsection 406	
9. Accessory Structures Minimum distance from any lot line	25 feet	25 feet
10. Maximum Height in Stories	See subsection 406	
11. Maximum Height in Feet	See subsection 406	
12. Maximum Building Coverage (See Note a)	17.5%	20%
13. Minimum Building Separation	20 feet	16 feet
14. Maximum Developed Site Area (See Notes a, c)	35%	40%
15. Maximum Floor Area Ratio (See Note a)	0.25	0.30
16. Minimum Open Space (See Note b)	30%	30%
17. Minimum Lot Area per Dwelling (See Note a)	14,520 s.f.	8,712 s.f.

Notes:

a. For calculation of Building Coverage, Developed Site Area, Floor Area Ratio, and Lot Area per Dwelling, the Lot Area shall exclude the following "Sensitive Land": wetlands, watercourses, land areas sloped at more than 15%, and special flood hazard areas inundated by the 100-year flood as indicated on the Flood Insurance Rate Map and determined in conjunction with an accurate topographic survey of the site. The submitted site plan shall delineate the "Sensitive Land" as defined herein.

b. Minimum Open Space shall be 30% of the total area of the lot (not Lot Area as defined in Note a). At least one-third (1/3) of the Minimum Open Space shall affect property that is not Sensitive Land as determined per Note a, above.

1052.3 Open Space

Open Space shall be the portion of the lot subject to an open space easement approved by the Commission that requires such portion to be maintained as indicated on the Landscape Plan and Grading and Drainage Plan approved by the Commission. Such Open Space shall be formally demarked and vegetated with

meadow seed mix, shrubs, screening, trees, woody vegetation, and similar native vegetation with habitat value. Up to half of the area of the Open Space may include surface stormwater treatment practices that are so vegetated with associated underground drainage structures (such as a rain garden, bio-retention basin, and/or treatment wetland or similar practice). Lawn is not permitted within designated Open Space.

1052.4 Lot to be Served by Public Water and Public Sewerage Facilities

To qualify for development under these regulations, a lot shall be served by public water and public sewerage facilities of sufficient capacity for the proposed development.

1052.5 Off-street Parking, Loading and Vehicular Access

Parking, loading and vehicular access to the lot shall conform to Section 900 except that the Parking Setbacks from adjacent residential zones shall be a minimum of ten feet from any lot line.

1052.6 Landscaping, Screening, and Buffer Areas

Single-Family Open Space Development shall conform to Section 940 except that buffer areas need not exceed ten (10) feet in width and, at the discretion of the Commission, may include lawns, gardens, uncovered walks, patios, terraces and other at grade surfaces not considered a building. Single-Family Open Space Development is not considered a "single-family dwelling" under Section 940.

1052.7 Architectural Design and Review

Single-Family Open Space Development shall conform to Subsection 1023.4. In addition, the proposed architecture shall be suitably diverse in its design and appearance to emulate the look of a single-family neighborhood. Subsequent to Special Permit Approval, any significant modification to the architectural plans of an individual dwelling approved by the Commission shall be reviewed and approved by the Architectural Review Board prior to issuance of a Zoning Permit for such modifications.

1054. Package Liquor Stores

[repealed effective June 18, 2000]

1055. Hotels, including Motels and Inns

1055.1 Character of Use

If a site shall be used for a hotel, use of the site and any buildings or structures on the site shall be limited to usual hotel activities, as defined in these Regulations, and accessory uses incidental to the operation of a hotel, and of the same general character, provided that all such accessory uses shall be planned as an integral part

of and located on the same site with the hotel. Such accessory uses may include the following:

a. One house or apartment with or without kitchen facilities for the use of the hotel manager or caretaker and his family.

b. One restaurant, providing food and drink, and serving either hotel guests exclusively or the general public.

c. Recreation facilities for the exclusive use of hotel guests, including a swimming pool, a children's playground, and an indoor recreation room.

d. A lobby, registry desk, manager's office and public rest room facilities.

e. Off-street parking facilities for the use of all hotel guests and employees.

1055.2 Occupancy

Occupancy for any guest shall be limited to not more than 30 days in any 90 day period. In no case shall hotel units be used as apartments for non-transients.

1055.3 Area and Bulk Requirements

a. Site - The lot shall be at least five acres in area, and shall have a street frontage of at least 300 feet.

b. Setbacks - Setbacks shall be the same as specified in the SB Zone.

c. Coverage - All buildings shall cover a total of not more than 20 percent of the lot.

d. Density - There shall be at least 2,000 square feet of lot area for each hotel room, exclusive of manager's office and public rooms. There shall be at least 1/5 acre for any dwelling unit occupied by a manager or caretaker.

e. Building Height - No building shall exceed two stories or 28 feet in height.

f. Hotel Rooms/Area

1. Hotel rooms, occupied or available for overnight accommodation of guests, shall not be interconnected by interior doors in groups of more than two rooms.

2. The total interior floor area of each such room, including sleeping area, bathroom and closet, shall not be less than 300 square feet.

1055.4 Distance Between Buildings

Distance between buildings shall not be less than 30 feet, except that this shall be increased to 50 feet where a driveway passes between buildings.

1055.5 Ingress and Egress

Point of ingress and egress shall be limited to a total of two on any street.

1056. Motor Vehicle Service Stations

The following standards shall apply to all new, expanded, renovated or modified motor vehicle service stations:

1056.1 Principle Uses Requiring Special Permit

Motor vehicle service stations shall include facilities commonly known as gas stations, automotive repair shops, garages and similar uses. Auto body repair, painting, and retail sales of nonrelated products shall not be permitted uses in a motor vehicle service station.

The Commission shall find as follows:

a. Full and self service gas stations. A full and self service gas station shall provide both full and self service during regular business hours as determined by Special Permit. Self service only may be offered exclusively during other business hours. Any such facility must comply with subsection 1056.4.

b. Full and self service gas stations shall have fire suppression equipment and at least one attendant on duty while the station is open to the public.

c. Signs relating to full and self service shall comply with Section 923.1.

1056.2 Accessory Uses Requiring Special Permits

a. Tow truck operation, storage or service.

b. The rental of automobiles and/or trucks.

c. The sale of new or used automobiles, provided that at no time shall there be more than seven such vehicles on the site.

d. The sale of non-automobile related goods and services.

1056.3 Service and Repair

There shall be at least one building on the site which shall be designed and of adequate size for the internal servicing and repair of automobiles. All major repair and service work (but excluding emergency service and the sale of fuels and lubricants from pumps) shall be conducted entirely within an enclosed building.

1056.4 Curb Cuts

There shall be no more than two curb cuts per property (except that corner lots may have a third curb cut) and no curb cut may be within 30 feet of another curb cut on the same lot or 25 feet of the intersection of two streets.

1056.5 Storage of Vehicles

There shall be an area of at least 500 square feet (1,000 sq. ft. for lots over 21,780 sq. ft. in size) which shall be designed and designated as a disabled vehicle storage area. This area shall be adequately screened from adjoining properties and streets and shall be used for all overnight storage and/or parking of vehicles, equipment and parts of vehicles. No more than three unregistered or inoperable vehicles (or major portions thereof) shall be stored on, or parked at, a site overnight.

1057. Dedication of Public Parking Areas

In the CBD Zone where the entire portion of a lot lying to the rear of a Rear Building Line, established by the Commission, shall be given to and accepted by the Town by deed of conveyance or by perpetual easement, for permanent use as a public parking area, the following modifications of these Regulations shall apply:

a. No rear yard, parking or loading space shall be required, maximum building coverage limitations shall not apply, and the maximum permissible floor area shall be equal to twice the area of such lot, not including therein any required front or side yard, remaining after such gift of such portion, provided that any building or addition constructed thereon shall have a direct public entrance from said public parking area.

b. See Subsection 384.2.

c. The permissible total floor area of the building may be increased within the limits established by maximum building height, provided that:

1. An equal amount of open space on the same lot shall be reserved from building coverage and shall be developed and maintained by the owner as a plaza or mall space open to the general public;

2. The Commission shall first review and approve the detailed Site Plan for the mall or plaza to determine that its location, layout, dimensions, planting, traffic, lighting, signs, drainage, utilities and other features shall be in harmony with the convenient, orderly and attractive development of the business district and shall conform to the Site Plan objectives in Subsection 1024.

d. Where the Commission approves a conveyance under this Section by perpetual easement, the Commission shall state on its records the reason or reasons why such easement is preferred over conveyance by deed.
[Amended 12/31/2006]

Schedule of Amendments to Article X

Section 1005h [Amended 6/29/2008; 11/19/2017; 12/24/2017]
Section 1022 [Amended 7/29/2007]
Section 1024.8 [Amended 7/29/2007]
Section 1042 [Amended 7/29/2007]
Section 1043 [Amended 12/31/2000; 7/29/2007]
Section 1052 [Amended 4/12/2009]
Section 1057 [Amended 12/31/2006]

For additional information on amendments refer to Appendix 'C' of the Regulations.

XI. ARTICLE XI - ADMINISTRATION, ENFORCEMENT AND MISCELLANEOUS

SECTION 1100. ZONING ENFORCEMENT

1101. Authority

a. No board, agency, officer or employee of the Town shall issue, grant, or approve any permit, license, certificate, or other authorization, including Special Permits by the Commission, and variances by the ZBA, for any construction, reconstruction, alteration, enlargement or moving of any building, or for any use of land or building that would not be in full compliance with the provisions of these Regulations. Any such permit, license, certificate or other authorization, issued, granted or approved in violation of the provisions of these Regulations shall be null and void and of no effect without the necessity of any proceedings or revocation or nullification thereof, and any work undertaken or use established pursuant to any permit, license or certificate or authorization shall be unlawful, and no action shall be taken by any board, agency, officer or employee of the Town purporting to validate any such violation.

b. These Regulations shall be enforced by the ZEO in accordance with the provisions of these Regulations.

1102. Zoning Permits

a. No building or structure shall be erected, enlarged, structurally altered, demolished, moved or removed, wholly or partly, no use of land shall be undertaken, and no excavation for any building, structure or use shall be made, until a permit therefor shall have been issued by the ZEO. Except upon a written authorization of the ZBA, or except as provided in Subsection 385, no such Zoning Permit or Certificate of Zoning Compliance shall be issued for any building where such construction, addition, alteration, moving or use thereof shall not be in full compliance with the specific provisions of these Regulations.

b. A Zoning Permit shall be valid for a period of one year only. The ZEO may extend the permit, provided substantial work has been done during the period.

c. There shall be submitted with all applications for Zoning Permits three copies of a layout or plot plan drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings existing, and the lines within which the building or structure shall be erected or altered, the existing and intended use of each building, or part thereof, the number of families or housekeeping units that a building shall be designed to accommodate, and such other information with regard to the lot and neighboring lots that may be necessary to determine and provide for the enforcement of these Regulations. One copy of such plan shall be returned to the owner when such plans have been approved by the ZEO.

d. The Zoning Enforcement Officer may require that upon the completion of the foundation for any building, addition to a building, or a structure for which a Zoning Permit shall have been issued, certification by a licensed Land Surveyor or registered Professional Engineer shall be filed by the holder of the Zoning Permit with the ZEO, which certificate shall state that the location of the foundation is in compliance with these Regulations. An as-built survey may also be required in addition to, or in lieu of, a certificate.

1103. Certificate of Zoning Compliance

a. It shall be unlawful for an owner to use or permit the use of any building or premises, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, in its use or structure, until a Certificate of Zoning Compliance shall have been issued by the ZEO. Such Certificate shall state that such building or premises, or part thereof, and the proposed use thereof, are in complete conformity with the provisions of these Regulations. It shall be the duty of the ZEO to issue a Certificate of Zoning Compliance within ten working days after completion of improvements authorized by the Zoning Permit application, provided that he is satisfied that the building and the proposed use of the building or premises conform with all the requirements herein set forth.

b. Under such rules and regulations as may be established by the Commission, a temporary Certificate of Zoning Compliance for part of a building may be issued for a period not to exceed three months.

c. No non-conforming use shall be changed, or extended, without a Certificate of Zoning Compliance having first been issued by the ZEO therefor.

d. A Certificate of Zoning Compliance shall be deemed to authorize, and shall be required for both initial and continued occupancy and use of the building or land to which it applies, and shall continue in effect as long as such building and the use thereof, or of such land, shall be in full conformity with the provisions of these Regulations and any requirements made pursuant thereto.

e. The ZEO shall maintain a record for all Certificates of Zoning Compliance, and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected. Upon written request from the owner, the ZEO shall issue a Certificate of Zoning Compliance for any building or premises existing at the time of the enactment of these Regulations, certifying, after inspection, that the extent and kind of use and disposition conforms with the provisions of these Regulations.

1104. Violations and Penalties

a. Any violation whatever of these Regulations or any provision herein shall be subject to the penalties provided by the General Statutes.

b. Any owner, lessee, tenant, occupant, architect, builder, or other agent of any of those who shall violate or be an accessory to the violation of any provisions of these Regulations, or who fails to comply with any of the requirements thereof, or who

shall erect, construct, alter, enlarge, convert, move, or use any building, or use any land in violation of any provision of these Regulations, or of any detailed statements or plan submitted to, and approved by the Commission or its staff, shall be subject to the penalties as prescribed by the General Statutes. Each day of continued or renewed violation shall constitute a separate offense. The provisions of this subsection shall be in addition to, and shall not preclude, enforcement by injunction or other lawful means.

c. Any building which shall be erected, constructed, altered, enlarged, converted, demolished, moved or removed, or used contrary to any of the provisions of these Regulations, and any use of any land or any building which shall be conducted, operated, or maintained contrary to any of the provisions of these Regulations shall be, and the same is hereby declared to be, unlawful. The proper Town authorities may institute actions in accordance with State Statutes to enforce these Regulations including but not limited to: inspecting premises; issuing a notice of violation and/or a Cease and Desist Order; notice of violation to be filed in the Darien Land Records; applying to the court for Search Warrant, fines and/or monetary penalties, citation, summons, arrest procedures, injunction, mandamus, abatement; or any other appropriate action, to prevent, enjoin, abate or remove such erection, construction, alteration, enlargement, conversion, or use, in violation of any of the provisions of these Regulations. Upon the failure or refusal of the proper local officer, board or body of the Town to institute any such appropriate action or proceeding for a period of ten days after written request by a resident taxpayer of the Town to so proceed, any three taxpayers of the Town, residing in the vicinity wherein such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such local officer, board or body of the Town is authorized to do. The ZEO shall serve notice by certified mail, return receipt requested, addressed to the premises of such violation on the person or corporation committing or permitting the same, and if such violation shall not cease within such time as proper Town authority may specify, and a new Certificate of Zoning Compliance shall not be obtained, they shall institute such of the foregoing action as may be necessary to terminate the violation. Such notice may also be served by posting on the premises.

d. The remedies provided for herein are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

e. If a Cease and Desist Order has been issued by the Zoning Enforcement Officer or other proper Town authority, the Planning and Zoning Commission may elect not to accept, process or approve any application with respect to the subject property unless and until all violations of the Zoning Regulations are corrected in accordance with the order. If the Planning and Zoning Commission decides not to accept, process or approve any such application, it shall forward notice of such decision to the applicant and shall also cause notice of such decision to be published in a newspaper of local circulation in accordance with the General Statutes.

f. If during the review and processing of an application, the Planning and Zoning Commission finds that there are existing violations of the Zoning Regulations on the subject property, it may require, as part of any approval that the violations be

corrected prior to the filing of the Special Permit, signing of the final plan, issuance of the Zoning Permit or other steps necessary to finalize the application process.

SECTION 1110. ZONING AMENDMENTS

1111. Authority

The Commission, on its motion or on petition, may amend these Regulations or the Zoning Map, after public notice and hearing, in accordance with the General Statutes.

1112. Application

Any such application requesting an amendment to the Zoning Regulations and/or Zoning Map may be submitted to the Commission. Before the Commission shall consider any such application, the following requirements shall be met and information submitted by the applicant:

1112.1 Zoning Map Amendments

All proceedings to amend the boundaries or classification of a zone shall be instituted by application in writing on forms provided by the Commission. Applications shall be signed by the party proposing the amendment or by the agent for such party. The application shall include a metes and bounds description of the land to be included in the amendment. Reasons for the proposed amendment shall also be stated. The application shall also include:

a. Seven copies of a map showing north arrow, name of the petitioner and all existing lots, dimensions, property lines, streets, and existing and proposed zoning for the area included in and within 500 feet of the subject property. The map shall be accurately drawn to a maximum scale of 50 feet or a minimum of 200 feet to the inch. The map may show other information considered pertinent by the applicant.

b. Location, size and use of existing structures within the area of proposed change.

c. If there is only one property to be rezoned, or if the sum of the areas of all the properties to be rezoned is less than five acres: A list of all property owners required to be notified in Section 1040 et. seq. plus the names, addresses, tax map and lot numbers of all owners of property subject to the proposed amendment, shall be included.

1112.2 Amendments to Regulations

All proceedings to amend these Regulations, including any change in punctuation or wording, shall be instituted by written application, in 10 copies, to the Commission setting forth the specific provisions to be amended and the proposed language thereof. Applications shall be signed by the party proposing the amendment or by the agent for such party. Reasons for the proposed amendment shall also be stated in the application.

1112.3 Fees

All applications and appeals shall be accompanied by a fee to cover the cost of administration. (See Appendix B.)

1112.4 Conceptual Plan for Development

If an amendment of the Zoning Map and/or Regulations is proposed to accommodate a specific development or type of development on a single parcel, or small group of parcels or area of less than 5 acres, then, the applicant shall provide with the application to the Commission, sufficient and detailed information (as generally described in Sections 1000 and 1020) to illustrate how the likely development will be workable and safe, in the manner and in the location as proposed in the amendment application.

1112.5 Referrals

The Commission may refer any application to amend these Regulations or the Zoning Map to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.

Any proposed change of zone or regulation affecting any properties within 500 feet of the Town line shall be referred to the Regional Planning Agency and the neighboring community or communities in accordance with the General Statutes.

1113. Public Hearing and Notice

The Commission shall hold a Public Hearing on all proposed amendments to these Regulations or Zoning Map and shall publish a notice of said hearing in a newspaper of general circulation in accordance with the General Statutes.

1114. Additional Notice for Zoning Map Amendments

For proposed Zoning Map amendments if there is only one property to be rezoned, or if the sum of the areas of all the properties to be rezoned is less than five acres, the applicant shall give notice to all owners of property subject to the proposed amendment and owners of property as prescribed by Section 1040 et. seq.
[Amended 7/29/2007]

1115. Exemptions

For any proposed amendment to the Zoning Map which involves more than five acres of land and is initiated by the Commission, the provisions of Subsections 1112.1 (metes and bounds description, map scale, owners of the subject properties and abutting owners, etc.), 1112.3 (fees), and 1114 (mailing of notices) shall be waived. The notice requirements of Subsection 1113 shall be sufficient. For any Zoning Map or Zoning Regulation amendment which affects more than one property to be rezoned, or if the sum of the area of all the properties to be rezoned is five acres or more, the notice requirements of Subsection 1113

shall be sufficient. The provisions of Subsection 1116 with respect to the time of the decision regarding a proposed amendment to these Regulations or the Zoning Map shall not apply to any proposed amendment initiated by the Commission.
[Amended 7/29/2007]

1116. Commission Action

Within 65 days after the conclusion of the public hearing, the Commission shall adopt or deny the change of zone or amendment to these Regulations. Whenever the Commission adopts any change of zone or amendment to the Regulations, it shall state upon its records the reason why such change was made.

1117. Extension of Time

The applicant may consent in writing to an extension of the time periods in accordance with the General Statutes.

1118. Effective Date

Zoning Regulations, zone boundaries and any amendments or changes thereto, shall become effective at such time as may be fixed by the Commission, pursuant to the General Statutes, provided that both a copy of such regulation, boundary or change shall be filed with the Town Clerk and notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in the Town before such effective date.

1119. Plan of Development Amendment

The Plan of Development shall be used by the Commission as a guide in considering proposed zoning district amendments. If an applicant wishes the Commission to consider an amendment to the Plan of Development, he shall submit an application to the Commission to amend the Plan including a letter which outlines the reasons for the requested amendment, accompanied by a map illustrating the proposed change.

SECTION 1120. ZONING BOARD OF APPEALS (ZBA)

1121. Powers and Duties

The ZBA shall have all the powers and duties prescribed by Chapter 124, Section 8 and Chapter 44, Section 22a of the General Statutes, and by these Regulations, which powers and duties are summarized and more particularly specified below, provided that none of the following provisions shall be deemed to limit any of the power of the ZBA that is conferred by general law.

1122. Interpretation

On appeal from an order, requirement, decision or determination made by an administrative official, or on request from any official or agency of the Town, the ZBA may decide any question involving the interpretation of any provision of these Regulations, including determination of the exact location of any zone boundary line if uncertainty remains after reference to the rules specified in Subsection 314. No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question of whether or not, and to what extent such order, requirement, decision, or determination was a correct interpretation of the provision that is involved, and does not extend to any variance or modification in the application of such provision or any other provision of these Regulations.

1123. Variances

If a lot shall be of unusual size, shape or topography, or if other unusual circumstances pertain to it or to any building that may be situated on it, and if such condition shall make it impossible to apply strictly to such lot a specific provision of these Regulations without resulting in exceptional difficulty or unusual hardship, but in no other case, the ZBA shall have the power to vary or adjust the strict application of the regulations or provisions of these Regulations so that substantial justice shall be done and the public safety and welfare secured.

No variance in the strict application of any provisions of these Regulations shall be granted by the ZBA unless it finds:

a. That there are special circumstances or conditions, fully described in the findings of the ZBA, applying to the building or land for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or building in the neighborhood and have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation or regulations appealed from, whether in violation of the provisions herein or not.

b. That, for reasons fully set forth in the findings of the ZBA, the aforesaid circumstances or conditions are such that the particular application of the conditions of these Regulations would deprive the applicant of substantial justice in the use of such land or building and the granting of the variance is necessary for substantial justice in the use of the land or building, and that the variance as granted by the ZBA is the minimum adjustment that will accomplish this purpose.

c. That the granting of the variance shall be in harmony with the general purposes and intent of these Regulations, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

d. In no case may a variance be granted which shall permit a use not otherwise permitted in the Town. No use variances shall be granted in residential zones. However, the ZBA may permit the reconstruction or re-establishment of a legally non-conforming use of a property or structure following its destruction by fire, storm or similar cause. Such permitted reconstruction or re-establishment shall be limited in all respects to the size, nature and intensity previously existing on the site.

1124. Location of Uses

The ZBA shall be authorized to hear and decide upon all requests to locate motor vehicle sales, service and repair uses as specified in the General Statutes.

1125. Conditions and Safeguards; Prerequisites Concerning Property in Violation

a. In all cases where the ZBA authorizes the issuance of a Zoning Permit or Certificate of Zoning Compliance, under any of the above powers, it shall be the duty of said ZBA to attach such conditions and safeguards as may be required to protect the public health, safety and general welfare, and to ensure continual compliance with these Regulations.

b. Porches, decks, storage buildings, signs, additions, and other structures which are built or modified without the required Zoning Permit and/or Building Permit will not be considered for a variance unless the improvement/structure or portion of the structure which is in violation is removed, dismantled, or modified so that it is of no benefit to the owner prior to the filing of, and during the pendency of the variance application.

c. The Zoning Board of Appeals may elect not to accept, process or approve any variance application with respect to the use of property or a building or both, which is undertaken without the required Zoning Permit and/or Building Permit unless the improper use is discontinued prior to the filing of, and during the pendency of, the variance application.

d. A determination by the Zoning Board of Appeals that the structure has been rendered temporarily of no benefit to the owner or that the use has been discontinued shall be a prerequisite to further action on the application by the Zoning Board of Appeals.

e. If a Cease and Desist Order has been issued by the Zoning Enforcement Officer or other proper Town authority, the Zoning Board of Appeals shall process a timely appeal of the order which is filed in accordance with Subsections 1126 and 1127, but may elect not to accept, process or approve any variance application with respect to the subject property unless and until all violations of the Zoning Regulations are corrected in accordance with the order.

f. If the Zoning Board of Appeals elects to accept an application for a variance together with an appeal from a Cease and Desist Order, it shall, nonetheless, consider the issues raised by such appeal before acting upon the variance application in accordance with C.G.S. Section 8-6a.

g. If the Zoning Board of Appeals elects not to accept, process or approve an application under this Section, it shall forward notice of such decision to the applicant and shall also cause notice of such decision to be published in a newspaper of local circulation in accordance with the General Statutes.

[Amended 7/22/2001]

1126. General Rules

a. Appeals to the ZBA from an order, requirement, decision or determination made by an administrative official or the Commission shall be made within 30 days from the date of the receipt of the order, requirement, publication of decision or determination.
[Amended 7/22/2007]

b. Applications or appeals to the ZBA shall be made on the form furnished by the ZBA and shall be accompanied by updated survey plans, building plans, materials, and other information as determined by the ZBA.
[Amended 12/29/2013]

c. The ZBA shall establish a schedule of fees necessary for the processing of hearings. (See Appendix B.)

d. If a request for postponement of a hearing shall be made after publication of a public notice in a newspaper, it shall be treated as a new application including all costs.

e. Applications denied shall not be heard by the ZBA again until six (6) months after the denial or until the circumstances of the application have substantially changed.
[Amended 12/29/2013]

f. Each regulation or rule and each amendment or repeal thereof and each order of the ZBA shall be filed in the office of the ZBA and shall be a public record.

1127. Notification

Not less than ten (10) days nor more than twenty (20) days prior to the applicant's scheduled public hearing, the applicant, or his legal representative, shall mail notification of his application, including paragraph "K" of the text of the application and the scheduled date, time and place of the hearing, to the owners of each parcel or property within 100 feet of the perimeter of the subject property. This would include the owner of each condominium if any portion of subject property is within 100 feet or less of the condominium association property.

The owners and their addresses shall be determined from the latest real estate list of the Town in the Tax Assessor's Office. At least one week prior to the public hearing, the applicant, or his legal representative, shall submit evidence of the required mailing in the

form of date stamped U. S. Postal Service Certificates of Mailing, a list showing the names and addresses of the owners of all such properties, and a copy of the notification (including attachments) which was mailed.
[Amended 7/22/2001; 12/29/2013]

SECTION 1130. MISCELLANEOUS PROVISIONS

1131. Separability Clause

If any section, subsection, sentence, clause, phrase, or other part of these Regulations shall, for any reason, be held by any court of jurisdiction to be invalid, such decisions shall not affect the validity of the remaining portion of these Regulations. The Commission hereby declares that it would have passed these Regulations and each section, subsection, sentence, clause, phrase, and other parts thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or other parts be declared invalid.

1132. Short Title

These Regulations shall be known as and may be cited as the Darien Zoning Regulations.

1133. Effective Date

These Regulations shall continue effective as adopted and any amendments thereto shall become effective at such time as is fixed by the Commission pursuant to the provisions of the General Statutes.

1134. Palliative Marijuana Dispensaries and Production Facilities

In response to recent State legislation authorizing palliative marijuana dispensaries and production facilities, the Darien Planning and Zoning Commission has established a one-year moratorium on such land uses. During this moratorium, no application for a palliative marijuana dispensary or production facility and no installation or creation of a palliative marijuana dispensary or production facility shall be permitted in any zone within the Town of Darien. This moratorium gives the Commission time to decide how, and if, it should regulate the production and distribution of palliative marijuana and where these facilities would be located, if they are to be allowed within Darien. This moratorium shall remain in effect for no longer than one (1) year from its effective date. The Commission may, after holding a public hearing, extend this moratorium for additional time. For purposes of this subsection, the terms “palliative”, “marijuana”, “dispensary facility” and “production facility” shall have the same definitions as the definitions adopted by the state of Connecticut in its Regulations for State Agencies, § 21a-408-1, as amended from time to time.
[Added 3/9/2014]

Schedule of Amendments to Article XI

Section 1114 [Amended 7/29/2007]
Section 1115 [Amended 7/29/2007]
Section 1125 [Amended 7/22/2001]
Section 1126a [Amended 7/22/2001]
Section 1126b [Amended 12/29/2013]
Section 1126e [Amended 12/29/2013]
Section 1127 [Amended 7/22/2001; 12/29/2013]
Section 1134 [Added 3/9/2014]

For additional information on amendments refer to Appendix 'C' of the Regulations.

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APPENDIX A – BUILDING LINE RESTRICTIONS

Since 1925 various building lines restricting the placement of buildings in relation to streets have been adopted by the Commission. Since these restrictions are adopted by statutory authority given to a planning commission, they are not part of the Zoning Regulations and are, therefore, not subject to variance by the ZBA. In all instances where these Regulations impose different restrictions, the more restrictive requirements apply.

Old Center Street

October 1, 1975. That rear building lines be established, located in the vicinity of Old Center Street and extending from Center Street (as relocated) to Old Kings Highway South, affecting properties fronting also on Boston Post Road and Tokeneke Road, all in CB Zone. The adopted rear building lines to be located generally 80 feet from Tokeneke Road and 140 feet from Boston Post Road, as shown on a map on file with the Darien Town Clerk.

Tokeneke Road and Old Kings Highway South

October 5, 1975. That a uniform building setback requirement of 30 feet inward from the presently existing street right-of-way line be established, extending along the southeasterly side of present Old Kings Highway South from Connecticut Turnpike to Tokeneke Road, and along the southerly side of present Tokeneke Road from Old Kings Highway South to Connecticut Turnpike, as shown on a map on file with the Darien Town Clerk.

Post Road and Old Kings Highway South (Center Street to Corbin Drive)

June 1, 1961. Rear building lines became effective on properties located on Boston Post Road and on Old Kings Highway South, between Center Street and Corbin Drive, as described on map adopted by Commission entitled "Building Line Map No. 1, Town of Darien".

Post Road and Old King's Highway South (Amended)

December 31, 2006. The rear building line established as of June 1, 1961, is amended as shown on a map entitled "Compilation Survey Depicting Revision of Rear Building Line; 1014-1020 Boston Post Road, Darien, Conn.," adopted by the Planning and Zoning Commission and recorded on the Darien Land Records.

Old Kings Highway South (Between Corbin Drive and Center Street)

November 1, 1979. That a front building line be established 100 feet forward and/or parallel to the adopted rear building line established June 1, 1961, for certain properties fronting on the westerly side of Old Kings Highway South and located generally between Corbin Drive and Center Street, as shown on a map on file with the Darien Town Clerk.

Post Road and Old King's Highway South—Center Street to Corbin Drive (Amended)

November 11, 2007. The rear building line established as of June 1, 1961 and again amended on December 31, 2006, is amended as shown on a map entitled "Compilation Survey Depicting new 50 ft. rear building line; 1044 Boston Post Road, prepared for Vinkath Realty, LLC, Darien, Conn.," adopted by the Planning and Zoning Commission and recorded on the Darien Land Records.

Grove Street

March 11, 2003. That a rear building line be established 100 feet parallel to the northwest side of Grove Street, affecting properties depicted on a certain map entitled, "Grove Street Rear Building Line Town of Darien", adopted by the Planning and Zoning Commission, and filed

in the Darien Land Records. This amendment of Appendix A of the Regulations shall become effective at 12:01 AM on April 13, 2003.

SCHEDULE OF FEES
PLANNING & ZONING COMMISSION

		APPLICATION FEES
	FEE**	**WITH REQUIRED STATE FEE INCLUDED**
AMENDMENT TO TOWN PLAN OF CONSERVATION & DEVELOPMENT	**$500**	**$560**
AMENDMENT TO ZONING REGULATIONS	**$500**	**$560**
AMENDMENT TO ZONING MAP	**$500**	**$560**
SPECIAL PERMIT:		
New Construction involving principal use or structure	**$350**	**$410**
Other special permits or amendments	**$150**	**$210**
SITE PLANS/BUSINESS SITE PLANS	**$250**	**$310**
FINAL SUBDIVISION AND/OR RESUBDIVISION	**$500 PER NEW LOT**	**$500 PER NEW LOT PLUS $60**
COASTAL SITE PLAN REVIEW	**$165**	**$225**
FLOOD DAMAGE PREVENTION	**$165**	**$225**
LAND FILLING, EXCAVATION, EARTH REMOVAL &/OR REGRADING	**$165**	**$225**
ADMINISTRATIVE PERMITS including requests under CGS Section 8-26g	**$165**	**$225**

NOTE: Where a proposal involves multiple applications (three or more), an applicant shall pay only the two highest fees of the three or more.

NOTE: The Town of Darien and its agencies shall not be liable for payment of any of the above fees.

**All fees specifically exclude any fee required by the State of Connecticut per Section 22a-27j of the Connecticut General Statutes, which must be collected by the Town. As of July 1, 2004, the State fee was $30.00 per application. As of October 1, 2009, the State fee was $60 per application.

SCHEDULE OF FEES
ARCHITECTURAL REVIEW BOARD

	FEE**	APPLICATION FEES WITH REQUIRED STATE FEE INCLUDED
SIGN, AWNING OR FAÇADE CHANGE PERMITS (FEE IS PER SIGN, AWNING OR FAÇADE CHANGE)	**$50 PER SIGN, AWNING OR FAÇADE CHANGE**	**$50 PER SIGN, AWNING OR FAÇADE CHANGE PLUS $60**

NOTE: The Town of Darien and its agencies shall not be liable for payment of any of the above fees.

**All fees specifically exclude any fee required by the State of Connecticut per Section 22a-27j of the Connecticut General Statutes, which must be collected by the Town. As of July 1, 2004, the State fee was $30.00 per application. As of October 1, 2009, the State fee was $60 per application.

SCHEDULE OF FEES
ZONING BOARD OF APPEALS

	FEE**	APPLICATION FEES WITH REQUIRED STATE FEE INCLUDED
VARIANCE, INTERPRETATION AND/OR APPEALS	**$450**	**$510**
REVIEW AND SIGNING OF STATE MOTOR VEHICLE DEPARTMENT FORMS	**$10**	**$70**

NOTE: The Town of Darien and its agencies shall not be liable for payment of any of the above fees.

**All fees specifically exclude any fee required by the State of Connecticut per Section 22a-27j of the Connecticut General Statutes, which must be collected by the Town. As of July 1, 2004, the State fee was $30.00 per application. As of October 1, 2009, the State fee was $60 per application.

SCHEDULE OF FEES
ZONING PERMITS

	FEE**	APPLICATION FEES WITH REQUIRED STATE FEE INCLUDED
For applications with a total work value of $79,999 or less.	**$35**	**$95**
For applications with a total work value ranging from $80,000 to $250,000.	**$150**	**$210**
For applications with a total work value of greater than $250,000.	**$340**	**$400**

NOTE: The Town of Darien and its agencies shall not be liable for payment of any of the above fees.

**All fees specifically exclude any fee required by the State of Connecticut per Section 22a-27j of the Connecticut General Statutes, which must be collected by the Town. As of July 1, 2004, the State fee was $30.00 per application. As of October 1, 2009, the State fee was $60 per application.

SCHEDULE OF FEES
ENVIRONMENTAL PROTECTION COMMISSION

APPLICATION FEES

	FEE**	WITH REQUIRED STATE FEE INCLUDED
WETLANDS MAP AMENDMENT (no extra public hearing charge)	**$240**	**$300**
WETLAND REGULATIONS AMENDMENT (no extra public hearing charge)	**$840**	**$900**
APPLICATIONS LIMITED TO BASIC MAINTENANCE, INCLUDING: MINIMAL TREE CUTTING ONLY, POND DREDGING, PATH CLEARING, OR INSTALLATION OF A FENCE OR STONE WALL OR SITE DISTURBANCE/NEW CONSTRUCTION OF 200 SQUARE FEET OR LESS AND OTHER MINIMAL ACTIVITIES	**$200**	**$260**
CONSTRUCTION OF A NEW OR REPLACEMENT PRINCIPAL STRUCTURE; SIGNIFICANT ACTIVITIES WITHIN A REGULATED WETLAND; OR SIGNIFICANT FILLING & GRADING WITHIN AN UPLAND REVIEW AREA	**$1,200**	**$1,260**
ALL OTHER ACTIVITY FOR WORK WITHIN WETLANDS AND/OR THE REGULATED AREA	**$740**	**$800**
PUBLIC HEARING FEE (IN ADDITION TO THE ABOVE)	**$350**	**N/A**

NOTE: The Town of Darien and its agencies shall not be liable for payment of any of the above fees.

***All fees specifically exclude any fee required by the State of Connecticut per Section 22a-27j of the Connecticut General Statutes, which must be collected by the Town. As of July 1, 2004, the State fee was $30.00 per application. As of October 1, 2009, the State fee was $60 per application.*

SUPPLEMENT TO SCHEDULE OF FEES

TECHNICAL REVIEW FEES FOR PLANNING AND ZONING COMMISSION, ZONING BOARD OF APPEALS AND ENVIRONMENTAL PROTECTION COMMISSION

Within ten days of official receipt of an application, the Director of Planning & Zoning, or his/her designee, shall make a determination whether an outside expert is needed to analyze, review and report on areas requiring technical review in order to assist the Planning & Zoning Commission, Zoning Board of Appeals and/or the Environmental Protection Commission. Such experts may include, but shall not be limited to, engineers, surveyors, architects, soil scientists, wetland biologists, wildlife biologists, and hydrogeologists.

If such a determination is made, the Director may assess the reasonable cost for such expert to the applicant based upon a preliminary estimate from the expert. The Director may collect 125% of the estimate from the applicant, which amount shall be held in escrow until the technical review is completed, and which will be the outside limit of the applicant's responsibility. Any excess amount collected over the actual cost shall be refunded to the applicant. This payment shall be considered an integral component of the application. The failure by the applicant to make this payment within five (5) days of notice of the fee assessment shall render the application incomplete.

In the event the Director does not make a determination that an outside expert is needed, the Planning & Zoning Commission, Environmental Protection Commission and/or the Zoning Board of Appeals may make such a determination up to two (2) weeks after the commencement of its public hearing on the application. However, prior to making such a determination, the respective commission or board shall determine: 1) that evidence in the record of the proceedings has been produced or is likely to be produced which requires the hiring of such an expert; 2) that the department staff will be unable to perform the technical review; and 3) that adequate time exists for the applicant to review and respond to such expert's report. The respective commission or board shall then make such a reasonable assessment and collect 125% of the estimate from the applicant, which amount shall be held in escrow until the technical review is completed and which will be the outside limit of the applicant's responsibility. Any excess amount collected over the actual cost shall be refunded to the applicant. This payment shall be considered an integral component of the application. The failure by the applicant to make this payment within five (5) days of notice of the fee assessment shall render the application incomplete.

If adequate time is not available for the Director, commission or board's review and determination on the necessity for outside expert review and/or if adequate time is not available for the outside expert to perform the analysis and report his or her findings, then the Director will advise the applicant and seek the applicant's consent for an extension of the relevant time period in accordance with Connecticut General Statutes § 8-7d.

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APPENDIX C – SCHEDULE OF AMENDMENTS

Amendment Number	Adopted	Effective Date	Section(s)	Revised Page Numbers
1	2/29/2000	3/12/2000	560	V-28 through V-31
2	5/2/2000	6/18/2000	563(15)	V-29
3	5/15/2000	6/18/2000	1054	X-15
4	11/28/2000	12/31/2000	210, 362, 365, 405, 504, 525, 851, 854, 1043, App. A	II-7, II-11, III-10, III-11, IV-5, V-2, V-16, V-17, VIII-20, VIII-21, X-13, A-1
5	6/26/2001	7/22/2001	403k(2), 930, 931, 1125-1127, 1126a	IV-2, IX-17, XI-8 through XI-10
6	6/11/2002	6/30/2002	210, 504	II-2 through II-15, V-2
7	3/11/2003	4/13/2003	Appendix A	A-1
8	6/3/2003	10/5/2003	210, 311, 410	II-15, III-2, IV-8 through IV-11
9	6/21/2004	7/11/2004	Appendix B	B-1
10	7/6/2004	8/1/2004	560	V-28 through V-31
11	9/28/2004	10/17/2004	Appendix B	B-1
12	6/13/2005	7/3/2005	Appendix B	B-1
13	2/21/2006	3/12/2006	210, 420-425	II-15, IV-12 through IV-14
14	7/11/2006	7/23/2006	210, 311, 664, 904	II-3, II-4, III-2, VI-16, IX-3
15	12/5/2006	12/31/2006	655, 1057, Appendix A	VI-15, X-17, X-18, A-1
16a	7/10/2007	7/22/2007	210, 635, 655, 656c, 661, 664, 665, 665b, 666g, 904h, 904j, 904v	II-6, VI-11, VI-12, VI-14 through VI-19, IX-2, IX-3
16b	7/17/2007	7/29/2007	311, 313, 663c, 1022, 1024.8, 1042, 1043, 1114, 1115	III-2, III-3, VI-16, X-5, X-9, X-13, XI-5, XI-6
17	10/9/2007	11/11/2007	Appendix A	A-1
18	10/9/2007	11/11/2007	210, 311, 570-578	II-16, III-2, V-29 through V-32

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Amendment Number	Adopted	Effective Date	Section(s)	Revised Page Numbers
19	4/28/2008	6/29/2008	Appendix B	B1, B2, B3
20	5/6/2008	6/29/2008	210, 651, 652, 654,1005h	II-4, II-6, VI-13, X-3
21	11/25/2008	12/21/2008	715	VII-5
22	3/10/2009	3/29/2009	521, 530-533, 560-565	V-13, V-20 through V-32
23	3/24/2009	4/12/2009	404, 906.6, 1052-1052.7	IV-3, IX-5, IX-6, X-15 through X-18
24	3/31/2009	4/19/2009	230, 923, 923.4, 928.11	II-24, IX-11, IX-16
25	1/6/2009	5/31/2009	580	V-33 through V-38
26	5/12/2009	6/7/2009	880	VIII-27 through VIII-32
27	10/1/2009	10/1/2009	Appendix B	B1, B2, B3
28	4/6/2010	5/30/2010	210, 820	II-1 through II-18, II-29 VIII-4 through VIII-17
29	10/5/2010	10/24/2010	311, 680, 905, 907	III-2, VI-23 through VI-25, IX-4, IX-6
30	11/16/2010	11/28/2010	586	V-34
31	3/21/2011	5/1/2011	Appendix B	B-1, B-2, B-3
32	3/22/2011	6/5/2011	922c	IX-9, IX-10
33	6/7/2011	6/26/2011	210, 624i, 627	II-10, II-12, VI-8 though VI-10
34	6/28/2011	7/24/2011	226, 666, 667.1	II-23, VI-17 through VI-21
35	11/22/2011	12/18/2011	585, 614, 615, 616	V-34, VI-4 through VI-6
36	6/26/2012	7/15/2012	585	V-34
37	7/24/2012	8/5/2012	405b	IV-5

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Amendment Number	Adopted	Effective Date	Section(s)	Revised Page Numbers
38	3/26/2013	4/14/2013	411, 416	IV-8 through IV-11
39	6/11/2013	6/30/2013	210, 822a, 825f(1)	II-15, II-16, VIII-4, VIII-9
40	11/12/2013	12/29/2013	210	II-3
41	11/26/2013	12/29/2013	210, 351, 354, 416, 604, 614, 634, 654, 684, 923, 925, 926, 1126, 1127	II-3, II-4, III-9, IV-11, VI-1, VI-4, VI-12, VI-15, VI-27, IX-10, IX-11, IX-13, XI-10, XI-11
42	2/25/2014	3/9/2014	1134	XI-12
43	Added to Regulations 5/23/2014	10/25/2012	590	V-39, V-40
44	10/7/2014	10/26/2014	430	IV-15 through IV-18
45	6/23/2015	7/12/2015	436b	IV-17
46	11/24/2015	12/13/2015	600, 604, 605	VI-1, VI-3
47	1/26/2016	2/28/2016	664h, 667f, 668c, 668g, 668h	VI-18, VI-20, VI-21, VI-22
48	2/9/2016	2/28/2016	210, 223, 230 334, 371, 384, 385, 406, 572a, 575, 577, 583, 588, 625, 873 925, 926, Appendix E	II-3, II-9,II-21, II-26 III-6, III-12, III-14, II-15 IV-7, V-29, V-30, V-31, V-33 through V-36 VI-9, VIII-26 IX-12 through IX-14 E1, E2
49	2/22/2016	4/24/2016	Appendix B	B1, B2, B3

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Amendment Number	Adopted	Effective Date	Section(s)	Revised Page Numbers
50	4/5/2016	4/17/2016	210, 701-706	II-I, II-2, VII-1 through VII-6
51	4/5/2016	4/17/2016	210, 540-550, 904	II-14, V-21 through V-41, IX-3
52	6/7/2016	6/17/2016	621, 625, 627	VI-8 through VI-11
53	5/24/2016	6/19/2016	435, 438	IV-16 through IV-18
54	5/24/2016	6/19/2016	907	IX-6
55	5/24/2016	6/19/2016	424	IV-13
56	8/2/2016	8/28/2016	681-687, 905.2	VI-26 through VI-29, IX-4
57	1/17/2017	2/5/2017	405b	IV-5
58	3/7/2017	4/9/2017	226a, 233, 589, 687, 690-699	II-23, II-29 V-40. VI-29 VI-30 through VI-36
59	5/2/2017	6/11/2017	685	VI-27
60	9/12/2017	10/8/2017	226, 226a	II-23
61	10/10/2017	10/29/2017	210	II-8, II-12
62	10/24/2017	11/19/2017	651, 652, 654, 1005	VI-15 X-3
63	12/5/2017	12/24/2017	210, 403, 404, 405, 714, 904	II-4, IV-3, IV-6, VII-5, IX-3, IX-4
64	12/5/2017	12/24/2017	651, 652, 654, 1005	VI-15, VI-16 X-3
65	1/23/2018	2/11/2018	694, 698, 698.1	VI-31, VI-33, VI-34
66	3/27/2018	4/8/2018	714	VII-4

APPENDIX D – PLANNING & ZONING COMMSSION POLICIES AND PROCEDURES REGARDING FILING OF NOTICE VIOLATION IN THE DARIEN LAND RECORDS

Recent court decisions have upheld the authority of towns to file a Notice of Zoning Violation in the Land Records to protect the interests of those persons who may be financing, purchasing, or leasing the property. The Planning and Zoning Commission wishes to amend the Zoning Regulations to specifically permit such enforcement practices and to establish a policy to have such notices filed in the Land Records whenever appropriate and to establish a procedure which is fair to the property owner.

The practice of filing notices in the Land Records is discretionary and would not be appropriate in every situation in which there is a zoning violation. It remains incumbent on anyone interested in the property to check with the Zoning Enforcement Officer and other Town Officials to determine if there is a violation on the property. It should not be assumed that if there is not a Notice of Violation in the Land Records that there is no violation. The filing of the notice in the Land Records would not preclude the sale, lease, or financing of the property, but at least it would advise other persons of the problems and violations.

The following policies allow for a notice of violation to be filed in the Land Records and it is required that a notice of the release be filed in the Land Records when the situation is corrected. The procedure is as follows:

1. The Zoning Enforcement Officer has issued a Cease and Desist Order and the owner of the property and/or tenant and/or violator have failed to comply with said order.

2. The owner/tenant/violator have failed to appeal the Cease and Desist Order to the Zoning Board of Appeals, or the Zoning Board of Appeals has upheld the order, or portion of the order.

3. The Zoning Enforcement Officer or Director of Planning and Zoning shall place the intent to file a notice of violation in the Land Records on the Agenda of the Zoning Board of Appeals for discussion. Notice of time, date, and place of the Zoning Board of Appeals meeting shall be mailed to the owner/tenant/violator by certified mail, return receipt requested, at least seven (7) days prior to the meeting. The owner/tenant/violator of the property shall be given an opportunity to appear before the Zoning Board of Appeals and show cause why a Notice of Zoning Violation should not be filed in the Land Records.

4. The Zoning Board of Appeals may authorize, in writing, the filing of the Notice of Zoning Violation in the Darien Land Records.

5. If the Director of Planning and Zoning and/or the Zoning Enforcement Officer are aware of a situation where time is of the essence such as a pending sale, lease, financing, or refinancing of the property, they are authorized to file a Notice of Zoning Violation in the Land Records prior to a discussion with the Zoning Board of Appeals so long as a proceeding is conducted by the Zoning Board of Appeals within thirty days of the filing of the notice.

6. When the violations have been corrected and all fines and/or penalties have been paid in full, the Zoning Enforcement Officer shall file a Notice of Release of Zoning Violation in the Darien Land Records. If the owner/tenant/violator requests that the notice of release be filed, but the Zoning Enforcement Officer decides that the property is still in violation of the Zoning

Regulations or the Cease and Desist Order, then the owner/tenant/violator may appeal that decision to the Zoning Board of Appeals as per Section 1122 of the Darien Zoning Regulations.

APPENDIX E – EXAMPLES OF INCLUSIONARY ZONING CALCULATIONS

A. Calculating the Number of Units Required

(1) Example: Nine lot subdivision:
The total number of on-site units proposed is nine (9).
The number of affordable units required: 9 X 12% = 1.08.
All of which must be affordable to households at 80% of State Median Income (SMI): 100% X 1.08 = 1.08.

Since only one unit is required (the 1.08 rounds down to 1.0), the remaining .08 units would have to be fulfilled via fee in lieu at the 80% level standard
0.08 X $90,600 X 225% = $16,308.

(2) Example: Nine multi-family units to be constructed:
The total number of on-site units proposed is nine (9).
The number of affordable units required: 9 X 12% = 1.08.
The number of units required to be affordable to households at 80% of State Median Income (SMI): 100% X 1.08 = 1.08.
Since only one unit is required (the 1.08 rounds down to 1.0), that unit shall be at the 80% SMI level.
The Commission could grant up to 4 additional units as a bonus (1/2 of 9 rounded down), provided that these units meet a 25% affordability standard (Section 585).
Now there are 13 units.
The number of affordable units required: 9 X 12% = 1.08.
25% of the 4 bonus units will need to be affordable = 1.00.

Now, there are two required affordable units at the 80% SMI level, with the remainder being a fee-in-lieu calculated as:
The number of units required to be affordable to households at 80% of State Median Income: 100 X .08=.08
The State Median Income for a family of four is $90,600 (2015).
The cash contribution is calculated as follows:
0.08 X $90,600 X 300% = $21,744
(see next page for another calculation example)

B. Calculating the Fee In Lieu Payment

The cash contribution provided for each dwelling unit, or fraction thereof, shall be as follows:

(1) Units affordable to households earning 80 percent of the State Median Income (SMI) for the State of Connecticut require a cash contribution equal to 300% of the State Median Income for a family of four.

(2) Example: Cash contribution based on 2015 data:
The total number of on-site units proposed is five (5).
The number of affordable units required: 5 X 12% = 0.6.
The number of units required to be affordable to households at 80% of State Median Income: 100% X 0.6 = 0.6.

The State Median Income for a family of four is $90,600 (2015).
The cash contribution is calculated as follows:
0.6 X $90,600 X 300% = $163,080

The total fee in lieu payment is $163,080

(Note: As of the adoption of this Regulation, the 2015 State Median Income data was the most recent available. As time changes, this data will change. The most recent data from HUD at the time the application is filed shall be used for this calculation).