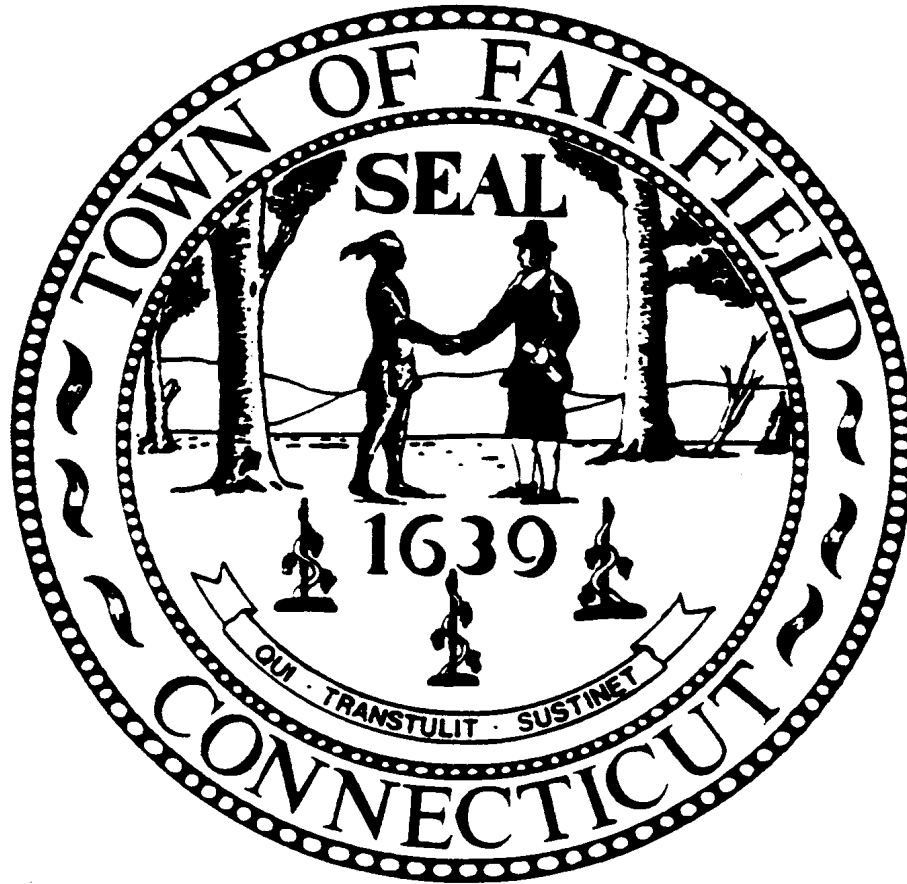


ZONING REGULATIONS



**TOWN PLAN AND ZONING
COMMISSION**

**ZONING REGULATIONS
OF THE
TOWN OF FAIRFIELD, CONNECTICUT**

Adopted August 26, 1925

Amended to May 9, 2023

Effective dates of various sections are shown in Appendix B

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SECTION 1.0 – TITLE, JURISDICTION AND DISTRICTS

- 1.1 Title These regulations shall be known and may be cited as the Zoning Regulations of the Town of Fairfield, Connecticut.”
- 1.2 Jurisdiction Within the Town, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these regulations.
- 1.3 Districts For the purpose of these regulations, the Town of Fairfield is hereby divided into the following classes of districts:

| <u>District</u> | <u>Zoning Map Code</u> |
|---|---------------------------|
| Residence “AAA” District | AAA |
| Residence “AA” District | AA |
| Residence “R-3” District | R-3 |
| Residence “R-2” District | R-2 |
| Residence “A” District | A |
| Residence “B” District | B |
| Residence “C” District | C |
| Beach District | BD |
| Designed Residence District | DRD (with cross hatching) |
| Center Designed Business District | CDBD |
| Designed Commercial District | DCD |
| Neighborhood Designed Business District | NDBD |
| Designed Industrial District | DID |
| Designed Research District | DRD |
| Flood Plain District | FPD |

- 1.4 Zoning Map The boundaries of these districts are hereby established as shown on a map entitled “Building Zone Map,” dated February 4, 1930, signed by the zoning commission, Town of Fairfield, Connecticut, Arthur M. Marsh, Chairman, C.L. Gellatly, Secretary, including subsequent amendments thereto, which map and amendments are hereby declared to be a part of these regulations.

SECTION 2.0 – GENERAL PROVISIONS

2.1 General

No building or other structure, or part thereof, shall be constructed, reconstructed, enlarged, extended, moved or structurally altered until an application for a Certificate of Zoning Compliance has been approved by the Zoning Enforcement Officer of the Town Plan and Zoning Commission, hereinafter called the “Commission”. No land, building or other structure, or part thereof, shall be used or occupied, or changed in use, until a Certificate of Zoning Compliance therefore has been issued by the Zoning Enforcement Officer certifying conformity with the Zoning Regulations. No Certificate of Zoning Compliance, however, is required for a nursery, truck garden or farm when no building or other structure is proposed to be erected or used.

2.2 Change in Use

Unless the Zoning Regulations otherwise specifically provide, change shall not be required in the designated use of any land, buildings or other structures for which a Certificate of Zoning Compliance shall have been issued by the Zoning Compliance shall have been issued by the Zoning Enforcement Officer pursuant to law.

2.3 Change in Plans, Construction or Use

Nothing in the Zoning Regulations shall require any change in the plans, construction or designated use of any buildings or other structures for which an application for a Certificate of Zoning Compliance shall have been approved by the Zoning Enforcement Officer pursuant to law and any required building permit shall have been issued by the building inspector, the construction of which shall be lawfully in progress on the effective date of the Zoning Regulations or any amendments thereto, provided construction shall be promptly and diligently prosecuted. Such approved application for a Certificate of Zoning Compliance authorizing plans, construction or any amendment thereto shall become null and void if a building permit is not obtained within six (6) months or the construction is not completed within one (1) year from approval. The Commission may grant one extension of such construction period for an additional period not to exceed one (1) year for good cause shown.

2.3.1 Notwithstanding the provision of Section 2.3 of the Zoning Regulations, no application for a Certificate of Zoning Compliance shall be approved by the Zoning Enforcement Officer authorizing plans, construction or a designated use which does not conform to any proposed amendment of the Zoning Regulations if the first notice of a hearing on such amendment has been published in a newspaper as required by the General Statutes of the State of Connecticut. If, however, the proposed amendment has not been adopted and made effective within sixty-five (65) days from the date of such published notice, the application for a Certificate of Zoning Compliance shall be

approved by the Zoning Enforcement Officer if such application conforms to the Zoning Regulations.

2.4 Prohibited Uses

Uses which are not specifically permitted under the Zoning Regulations are hereby declared to be prohibited uses.

- 2.4.1 Cannabis Establishments, including any related buildings, structures and uses, are prohibited in all zones in the Town of Fairfield. Cannabis establishments are defined as a producer, dispensary facility (including a Medical Marijuana Dispensary), cultivator, micro-cultivator, retailer, hybrid retailer (i.e., licensed to sell both recreational cannabis and medical marijuana), cannabis food and beverage manufacturer, cannabis product manufacturer, and/or cannabis product packager. Notwithstanding the foregoing, the prohibition of Cannabis Establishments will expire and terminate on February 28, 2024 unless otherwise extended by the Plan and Zoning Commission.

2.5 Trailers

No trailer, mobile home or other vehicle designed to be moved shall be used as a dwelling.

2.6 Nonconformance

No lot or land shall be subdivided, sold, encumbered or transferred so as to make a lot nonconforming, or more nonconforming, to make use, building or other structure nonconforming or more nonconforming, to reduce any setback, yard, court, open space or off-street parking and loading spaces to less than is required by the Zoning Regulations or to make any nonconforming setback, yard, court, open space or off-street parking and loading spaces more nonconforming.

2.7 Access and Rear Lots

No rear lot as defined in Section 31.2.28 shall be used or occupied in Zones R-3, R-2, A, B, C, Flood Plain or Beach District, for anything other than a farm building not used for human occupancy. No lot shall be used for or occupied by a building or other structure except for a farm building not used for human occupancy unless such lot has frontage on an improved public street equal to that of the required lot square width in the District in which it is located or in the AA and AAA Zones such lot may also have the required frontage on a private street pursuant to the subdivision regulations. If the location or character of such frontage is such that an Inland Wetlands and Watercourses Permit or Special Permit for excavation and fill will be required to make use of it for driveway purposes, the Commission may require that such permit be obtained before the requirements of this section are deemed satisfied.

2.8 Continuation of Nonconforming Uses

Any use of land, buildings and other structures, and any buildings or other structures, lawfully existing on the effective date of the Zoning Regulations, or any amendment thereto, which use does not conform to one or more of the provisions of the Zoning Regulations, may be continued in accordance with the following provisions:

2.8.1 No nonconforming use of land, building or any other structure:

2.8.1.1 shall be enlarged or extended to include any other building, land or other structure or part thereof, which is not subject to such nonconformity; or

2.8.1.2 shall be changed to another use unless such new use is substantially a conforming use;

2.8.1.3 which shall have been discontinued for a continuous period of six (6) months shall thereafter be resumed or be replaced by any other nonconforming use.

2.8.2 No nonconforming use, building or other structure

2.8.2.1 if once changed to conform with the Zoning Regulations, shall thereafter be changed so as to be nonconforming again; or

2.8.2.2 if once changed to more nearly conform with the Zoning Regulations, shall be changed so as to less conforming again; or

2.8.2.3 shall be affected with respect to the right to continue such use by a change in title, possession or the right of possession; or

2.8.2.4 shall be penalized by elimination or reduction of the nonconformity, for example, with respect to minimum floor area for a dwelling, off-street parking and loading spaces, landscaping, outside display and storage, performance standards and removal of nonconforming portions of a building or structure, provided that all other requirements of the Zoning Regulations are met.

2.8.2.5 shall be penalized or otherwise require a variance for setback or lot coverage to elevate an existing structure to the required elevation standards of the National Flood Insurance Program and for the necessary entrance and egress stairs and landings required as a result of elevation.

2.9 Enlargement of Nonconforming Uses

A nonconforming building or structure may be enlarged, provided such enlargement does not affect the nonconformity of the building or structure. Enlargement, extension or structural alteration of a building or other structure or on the use of a lot, as defined in Section 31.0 of the Zoning Regulations is permitted, provided:

- (1) the lot has the required access on a street; and
- (2) the use is not a special exception use; and
- (3) the use, building or other structure conforms to all the requirements of the Zoning Regulations.

2.10 Reconstruction, Restoration and Repair of Nonconforming Uses after Casualty

No nonconforming building, structure, nonconforming portion of either, or nonconforming use thereof, shall be reconstructed or restored after damage by fire or other casualty unless:

- 2.10.1 such damage is not more than fifty (50) percent of its fair market value as determined by the Town Tax Assessor at the assessment of taxes last completed before the fire or other casualty; and
- 2.10.2 an application for a building permit for such reconstruction or restoration is made within six (6) months and the construction completed within twelve (12) months from the approval of the application; and
- 2.10.3 if the existing building or other structure did not have sufficient off-street parking spaces to comply with Section 28.0 of the Zoning Regulations, the replacement shall contain no more floor area than the existing building or structure and the number of existing off-street parking spaces shall not be reduced.

2.11 Required Repair of Nonconforming Buildings

Except in the event of fire or other casualty as provided in Section 2.10 of the Zoning Regulations, nothing in the Zoning Regulations shall be deemed to prohibit work on any nonconforming building or structure when required by law to protect the public health or safety and when ordered by the building inspector, fire marshal or director of health; provided such work does not increase the nonconformity. Nothing in this section shall be deemed to prohibit ordinary repair and maintenance of a nonconforming building or structure or replacement of existing materials with similar materials.

2.12 Flood Management

The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The flood hazard areas of Fairfield are subject to periodic flood inundation which results in the 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 the tax base, all of which adversely affect the public health, safety and general welfare.

The Town of Fairfield has voluntarily participated in the National Flood Insurance Program (NFIP) since 1978. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive federally- subsidized flood insurance only if the community enacts and enforces the minimum floodplain regulations required for participation in the NFIP.

All property and structures located within an area of special flood hazard shall be subject to the provisions of Section 32.0 of the Zoning Regulations pertaining to Flood Plain Management requirements.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut dated July 8, 2013, and accompanying Flood Insurance Rate Maps (FIRM) dated July 8, 2013, (Panels 09001C0418G, 09001C0419G, 09001C0438G, 09001C0556G, 090010557G) and June 18, 2010 (Panels 09001C0404F, 09001C0406F, 09001C0407F, 09001C0408F, 09001C0409F, 09001C0412F, 09001C0416F, 09001C0417F, 09001C0426F, 09001C0428F, 09001C0437F), and other supporting data applicable to the Town of Fairfield 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 are also identified as a Coastal High Hazard Area. 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 and FIRM are on file in the Plan & Zoning Department.

2.13 Board of Appeals

The Zoning Board of Appeals shall have all of the powers and duties prescribed by the

General Statutes of the State of Connecticut and may adopt rules and procedures necessary to exercise its authority, however, it shall not have power to grant variances relating to use of land and buildings or other structures, in districts in which such uses are not otherwise allowed.

2.14 Coastal Site Plan

2.14.1 Coastal Site Plan Review Required

All buildings, uses and structures fully or partially within the coastal boundary as defined by Section 22a-94 of the Connecticut General Statutes and as delineated on the Coastal Boundary Map for the Town of Fairfield, shall be subject to the coastal site plan review requirements and procedures in Sections 22a-105 through 22a-109 of the Connecticut General Statutes.

2.14.2 Coastal Site Plan Review Exceptions

- a. Pursuant to Section 22a-109 (b) of the Connecticut General Statutes, the following activities are exempt from coastal site plan review requirements:
- (1) Gardening, grazing and the harvesting of crops;
 - (2) Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds;
 - (3) Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property, including but not limited to, walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings;
 - (4) Construction of the following new, or modification of, existing on-premises structures, fences, walls, pedestrian walks and terraces, underground utility connections, essential electric gas telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources as defined by Section 22a-93 (7) of the Connecticut General Statutes or restrict access to the public beach;
 - (5) Construction of an individual single family residential structure except in or within one hundred feet of the following coastal resource areas as defined by Section 22a-93 of the Connecticut General Statutes; tidal wetlands, coastal bluffs and escarpments, beaches and dunes.

- (6) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources;
 - (7) Interior modifications to buildings;
 - (8) Minor changes in use of a building, structure, or property except those changes occurring on property adjacent to or abutting coastal waters.
- b. The foregoing exemptions from coastal site plan review requirements shall apply to the following site plans, plans and applications:
- (1) Site plans submitted to the Plan and Zoning Commission in accordance with Section 22a-109 of the Connecticut General Statutes;
 - (2) Application for a Special Exception submitted to the Plan and Zoning Commission in accordance with Section 8-2 of the Connecticut General Statutes and Section 27.2 of these regulations;
 - (3) Applications for a variance submitted to the Zoning Board of Appeals in accordance with subdivision (3) of Section 8-6 of the Connecticut General Statutes and Section 2.13 of these regulations;
 - (4) A referral of a proposed municipal project to the Plan and Zoning Commission in accordance with Section 8-24 of the Connecticut General Statutes.

2.15 Erosion and Sediment Management Plan

Any proposed development in which the disturbed area is cumulatively more than one-half acre, soil erosion and sediment control plan conforming to the requirements of Section 37 shall be provided. This requirement shall not apply to a single family dwelling that is not a part of a subdivision of land.

2.16 Wetlands

Any application requiring an action by the inland wetlands agency shall not be accepted by the Plan and Zoning Commission until such action has been taken by the wetlands agency.

2.17 Public Trees

Planting or removal of any tree or shrub on any Town of Fairfield property or

right-of-way requires a permit from the Town Tree Warden pursuant to Section 23.59 of the Connecticut General Statutes.

2.20 PROCEDURES AND HEARINGS

2.21 Disposition by the Zoning Enforcement Officer

Application for a Certificate of Zoning Compliance involving a Residence District or the Beach District not requiring a Special Exception or a Special Permit and excluding a Designed Residence District shall be submitted to the Zoning Enforcement Officer prior to the construction, reconstruction, extension, enlargement, moving or structural alteration of any building or other structure and prior to the use or occupancy of any land, building or other structure.

2.21.1 The application shall be accompanied by a plan drawing or drawings in duplicate (one of which will be returned after a decision is made) showing the following:

- a) exact dimensions and area of the lot sufficient to “close” the lot consistent with the standards of a certified A-2 survey.
- b) height, dimensions, use, floor area, ground coverage and location of all buildings and other structures, whether existing or proposed;
- c) location and dimensions of off-street parking and loading spaces and the means of access to such spaces; and
- d) such additional information as may be necessary to determine compliance with the Zoning Regulations.

2.21.2 Signs An application for a Certificate of Zoning Compliance is required to permit the erection of a new sign or change of a sign which constitutes a substantial alteration of an existing sign and shall be submitted to the Town Plan and Zoning Commission for approval in accordance with the requirements for issuance of Special Permits in Designed Districts as stated in Section 25.0.

2.21.3 Off-Street Parking Facilities An application for a Certificate of Zoning Compliance is required to permit the establishment of off-street parking facilities or enlargement of existing off-street parking facilities and shall be submitted for approval to the Town Plan and Zoning Commission in accordance with the issuance of special permits in Designed Districts as stated in Section 25.0.

2.21.4 The Zoning Enforcement Officer shall do the following with respect to the application:

2.21.4.1 inspect the property or cause the same to be inspected; and

2.21.4.2 act on the application either by (1) disapproving the same and noting that decision on the records of the Commission, including the reason therefore, or (2) approving the application or approving it with modification, and in the case of the latter:

2.21.4.3 either:

- (a) issue a Certificate of Zoning Compliance permitting the activity, when the Zoning Enforcement Officer determines that all requirements of the Zoning Regulations have been complied with,
or
- (b) may issue a temporary Certificate of Zoning Compliance for the temporary use of land, buildings and other structures in the process of completion in conformity with the Zoning Regulations, later issue a final Certificate of Zoning compliance when that determination can be made.

2.22 Disposition by the Commission

Applications involving matters not to be disposed of by the Zoning Enforcement Officer under Section 2.21 of the Zoning Regulations shall be submitted to him, but for reference to and action by the Commission, prior to any construction, reconstruction, extension, enlargement, moving or structural alteration of any building or other structure and prior to the use of any land, building or other structure.

2.23 Public Hearing and Decision

Whenever a public hearing on any application is to be held pursuant to the requirements of the foregoing sections of the Zoning Regulations, other than the public hearing for an amendment to the Zoning Regulations, the procedure for which is set forth in Section 2.39 of the Zoning Regulations, the Commission shall proceed in accordance with the requirements of the Connecticut General Statutes.

2.24 Security and Its' Release

Whenever security is required by the Commission under the Zoning Regulations, the applicant shall file with the Commission either cash, savings account pass book or letter credit in such form and with a surety acceptable to the Commission in such amount as the Commission deems sufficient.

2.24.1 Bond Release

If a bond is filed, and thereafter the work is substantially completed as evidenced by the Town Engineer, then upon the written request of the applicant, the Commission in its discretion may release not in excess of fifty (50) percent of the original amount or value of such bond. The release of the remainder shall be conditioned upon the following:

- 2.24.1.1 a further written request;
- 2.24.1.2 a public hearing with notice that such release has been requested, which notice shall be published in accordance with the requirements of Section 2.23 of the Zoning Regulations, and shall identify the site, the name of the applicant and the amount of the remainder of the bond or mortgage sought to be release;
- 2.24.1.3 a post construction survey by a land surveyor licensed to practice in the State of Connecticut establishing the actual location of the required improvements, their grades, and such other matters as shall be required by the Town Engineer; and
- 2.24.1.4 a final written inspection report of the Town Engineer.

2.30 ADMINISTRATION AND ENFORCEMENT

2.31 Zoning Enforcement Officer

The Zoning Enforcement Officer shall (a) be appointed by the Commission, (b) work under the supervision of the Plan and Zoning Director, and (c) have the responsibility and authority to enforce the Zoning Regulations. No application for a Certificate of Zoning Compliance, Order to Comply or other zoning enforcement document shall be issued unless signed by the Zoning Enforcement Officer.

2.32 Enforcement by Town

The Town, acting through the Selectmen, the Commission or the Director of Public Works, may take such action as it may deem advisable to enforce any provision of the Zoning Regulations.

2.33 Penalties

Any person, firm or corporation which shall violate any provision of the Zoning Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut. Such penalties may include a fine of Two Hundred Fifty Dollars (\$250.00) and ten days imprisonment for each day the violation continues.

2.33.1 After notice to the owner of the property in question and following a public hearing confirming a zoning violation, the Plan and Zoning Commission may record on the Fairfield Land Records, with respect to the title of the property, a summary of the nature of the violation and the actions required for its resolution. A copy of such Notice of Violation shall be sent by Certified Mail Return Receipt Requested to the violator.

2.33.2 Following resolution of the violation in which a Notice of Violation has been Recorded, the Plan and Zoning Commission shall record on the Fairfield Land Records, a Notice of Resolution of Violation.

2.34 Revocation and Suspension

Any Special Permit or Special Exception issued pursuant to the provisions of the Zoning Regulations may be:

2.34.1 revoked by the Commission, after notice and hearing held by the Commission, for

- (a) violation of any condition of such permit or exception; or
- (b) violation of any provision of the Zoning Regulations or any other law or regulation relating to the activity; or
- (c) any condition or any act constituting or creating a nuisance or endangering life or property; or

2.34.2 suspended by the Zoning Enforcement Officer for a period not exceeding five (5) days without a hearing. If the violation exists beyond the five day period, a hearing will be held in accordance with Section 2.34.1

2.34.3 The notice referred to in Section 2.34.1 of the Zoning Regulations shall describe the violation charged and may either be delivered personally to the holder of the permit or exception or sent by certified mail return receipt requested to the address contained in the application for such permit or exception.

2.35 Rules and Procedures

The Commission may adopt administrative rules and procedures necessary to enforce the Zoning Regulations.

2.36 Fees, Charges and Expenses

The Commission shall establish and may revise, from time to time, a schedule of fees, charges and expenses and a collection procedure for applications, petitions, site, architectural and other plans, maps, Certificates of Zoning Compliance, permits,

inspections, the giving and mailing of notices and the publication thereof, and such other items as are deemed appropriate by the Commission, pertaining to the Zoning Regulations. Until all applicable fees have been paid, no application shall be deemed complete.

2.36.1 Inclusionary Zoning Fee

A. Authority

This Subsection is adopted under the authority of Section 8-2I of the Connecticut General Statutes.

B. Applicability

All applications for a zoning permit for any new construction or addition in any zone shall be subject to an inclusionary zoning fee of \$5.00 per \$1,000 of construction value, to be paid into a housing trust fund to be used for constructing, rehabilitating or repairing housing affordable to persons and families of low and moderate income.

Said fee shall be due and payable at the time that a building permit application is made based upon the value ascribed therein or as may be modified.

C. Exemptions

The following applications shall be exempt from this fee:

1. Any application submitted on behalf of the United States of America, the State of Connecticut, the Town of Fairfield, the Fairfield Board of Education, the Fairfield Housing Authority, or any of their agencies;
2. Any application involving an affordable housing development approved in accordance with the requirements of CGS 8-30g;
3. Any application involving a development that includes affordable housing, provided that not less than ten percent of the dwelling units within such development are designated as below market rate units that comply with the affordability criteria and other requirements of CGS 8-30g in effect on the date of approval.
4. Any application involving an accessory structure or deck.

2.37 Compliance with Documents or Conditions

Compliance with any maps, documents, statements and stipulations submitted to and approved by the Commission or the Board of Appeals in connection with a Special Permit application, Special Exception application, Variance or other action of the

Commission or Board as required by the Zoning Regulations, and any condition of such approval attached by the Commission or Board, shall be conditions for the issuance of a Certificate of Zoning Compliance by the Zoning Enforcement Officer.

2.38 Records

The Zoning Enforcement Officer shall keep records of all

2.38.1 Applications and Certificates of Zoning Compliance,

2.38.2 Identifiable complaints of any violations of the Zoning Regulations,

2.38.3 Inspections made under the Zoning Regulations, and

2.38.4 Notices of violation served by him and the action taken thereof,

2.39 Amendment or Change

The Zoning Regulations, including the Zoning Map which is a part thereof, may from time to time be amended or changed by the Commission only after due notice and public hearing as required by the General Statutes of the State of Connecticut. Any petition for the amendment or change of the Zoning Regulations or Zoning Map shall be submitted to the Commission in accordance with such rules and procedures as the Commission may adopt.

2.40 Effective Date

The Zoning Regulations, and any amendments thereof, shall be effective from the date established by the Commission in accordance with the General Statutes of the State of Connecticut.

2.41 Repeal and Rights

The “Zoning Regulations of the Town of Fairfield” adopted by the Zoning Commission on August 26, 1925, and all amendments thereto, are repealed coincident with the effective date of these Zoning Regulations. Such repeal shall not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, forfeiture, or punishment incurred prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, or prosecuted and fully and to the same extent as if such repeal had not been effected.

2.42 Severability

If any section or provision of the Zoning Regulations is declared to be unconstitutional, invalid or unlawful, or become inoperative by virtue of the operation of any law or

otherwise, such declaration or inoperability shall not affect the validity of the Zoning Regulations as a whole or any part thereof, other than the section or provision so declared to be unconstitutional, invalid or inoperative.

2.43 Documents

Whenever any number of documents is specified to be submitted to the Commission under the Zoning Regulations, the Commission may change the number of documents required.

2.44 Affordable Housing

Any petition for an amendment of the Zoning Regulations or for a change in the Zoning Map in connection with an Affordable Housing Application shall be accompanied by a conceptual site plan, prepared by a Connecticut licensed professional engineer, describing the proposed development's total number of housing units and their arrangement on the property and the proposed development's roads and traffic circulation, sewage disposal, storm drainage and water supply.

SECTION 5.0 REGULATIONS FOR RESIDENCE DISTRICTS

5.1 General, Permitted Uses, and Lot Size

Except as to Designed Residence District which is provided for in Section 10, and the Beach District which is provided for in Section 11 of the Zoning Regulations, there shall be seven (7) Residence Districts, “AAA”, “AA”, “R-3”, “R-2”, “A”, “B” and “C”. No use shall be permitted in said Districts, except as these Residence District Regulations provide. The uses of land, buildings and other structures shall be solely for the following purposes:

5.1.1 As to Dwellings

| <u>Residence District</u> | <u>Permitted Use</u> | <u>Minimum Lot Size</u> | <u>Minimum Square Required on Lot (feet)</u> |
|---------------------------|---|---|--|
| AAA | A single detached dwelling for one (1) family | two (2) acres | two hundred (200) |
| AA | Same as above | one (1) acre | one hundred thirty five (135) |
| R-3 | Same as above | twenty thousand (20,000) square ft. | one hundred (100) |
| R-2 | Same as above | fourteen thousand (14,000) square ft. | eighty (80) |
| A | Same as above | nine thousand three hundred seventy five (9,375) square ft. | seventy-five (75) |
| B | Same as above | six thousand (6,000) square ft. | sixty (60) |
| | A single detached dwelling for two (2) families | nine thousand (9,000) square ft. | sixty (60) |
| C | A single detached dwelling for one (1) family | five thousand (5,000) square ft. | fifty (50) |

| <u>Residence District</u> | <u>Permitted Use</u> | <u>Minimum Lot Size</u> | <u>Minimum Square Required on Lot (feet)</u> |
|---------------------------|---|--|--|
| C (cont'd) | A single detached dwelling for two (2) families | seven thousand five hundred (7500) square ft. | fifty (50) |
| | A single detached dwelling for three (3) families | ten thousand (10,000) square ft. | fifty (50) |
| | A single detached dwelling for four (4) families | twelve thousand five hundred (12,500) square ft. | fifty (50) |

5.1.1.1. For provisions relating to open Space Subdivision, see Section 26 of these Regulations.

5.1.2 As to Leasing of Rooms, Taking of Boarders, and Home Occupations

RESIDENCE DISTRICT

PERMITTED USE

All Residence Districts

Customary home occupations, leasing of rooms, taking of boarders as defined in Section 31.0 and/or the office of a clergyman in a dwelling, subject to the following conditions:

- a) The person or persons conducting the home occupation or office shall reside in the dwelling.
- b) No evidence of the occupation or or office shall be visible outside the dwelling.
- c) The total floor area for conduct of the occupation or office shall not exceed 25 percent of the floor area of the dwelling.

5.1.3 As to Nurseries, Truck Gardens and Farm

RESIDENCE DISTRICT

PERMITTED USE

All Residence Districts

Nurseries, truck gardens and farms, provided any buildings or holding pens or corrals in which horses, cows, pigs or other large animals or poultry, are kept are not less than sixty (60) feet from any property or and provided that fenced pasture areas shall be designed to prevent animals from overhanging any property line.

5.1.4 As To Additional Permitted Uses

RESIDENCE DISTRICT

All Residence Districts

PERMITTED USE

Subject to the securing of a Special Exception from the Commission in accordance with Sect. 27.0 of the Zoning Regulations the following:

- a) Buildings, uses and facilities of the Town; and
- b) Public utility substations and public utility water supply reservoirs, well, water towers, water treatment facilities and water pumping station; and
- c) Hospitals, homes for the aged, rest homes, chronic and convalescent nursing homes and buildings, assisted living facilities, uses and facilities of the Federal Government or other governmental agencies; and
- d) When not conducted as a business, or for profit, schools, colleges or universities, churches, places of worship, parish halls, museums, charitable institutions, membership clubs, recreational facilities, nature preserves and wildlife sanctuaries, a school or

day nursery in conjunction with a church or place of worship, and

- e) Commercial greenhouses, provided that any building or structures are kept not less than sixty (60) feet from any property or street line.
- f) A child day care center, as defined in Section 19a-77 of the Connecticut General Statutes, provided that such use shall be limited to properties located in "C" residence districts that abut a Business or Industrial district and which contain a minimum site area of 12,500 square feet.

5.1.5 As To Accessory Uses

RESIDENCE DISTRICT

All Residence Districts

PERMITTED USE

The following accessory uses customary with and incidental to any aforesaid permitted use, shall likewise be permitted.

- a) The accessory use shall be located on the same lot with the permitted use to which it is an accessory; and no detached accessory structure shall contain any facility for cooking or sleeping separate from the dwelling.
- b) Accessory uses may include off-street parking spaces and private garages; boat house, landings and docks; storage of a boat, boat trailer, camper, camp trailer, horse trailer, motor home, snowmobile or utility trailer, provided that such storage is not located in any area required for

setback of an accessory building from any property or street line and non-commercial kennels provided that any such kennel occupied by more than three (3) dogs and any run connected therewith is located not less than one hundred (100) feet from any property or street line; provided that any building or holding pens or corrals in which horses, cows, pigs or other large animals or poultry are kept are not less than sixty (60) feet from any property or street line and provided that fenced pasture areas shall be designed to prevent animals from overhanging any property line.

- c) Except in connection with a permitted nursery, truck garden, farm or commercial greenhouse, there shall not be more than one commercial vehicle parked or stored on the premises, and such vehicle shall not exceed one and one-half (1 1/2) tons capacity and shall be parked or stored within a garage. There shall be no over night on-street parking of commercial vehicles.
- d) Family day care for no more than six (6) full time children and up to three (3) part time school age children unrelated to the provider, subject to State of Connecticut regulations and requirements, and group day care to the extent required by Section 8-2 of the Connecticut General Statutes.

5.1.6 As to Signs

RESIDENCE DISTRICT

PERMITTED USE

All Residence Districts

Signs as provided in and subject to Section 29.0 of the Zoning Regulations.

5.1.7 Prohibited Uses

Reference is hereby made to Section 2.4 of the Zoning Regulations for the general principle applicable to prohibited uses.

5.2 Regulations as to Access to a Public Street, Height of Buildings or Other Structures, Off-Street Parking and Loading, Setbacks from Street or Property Lines, Lot Coverage, Bulk and Floor Area for Dwellings.

5.2.1 RESIDENCE DISTRICT

REGULATION

All Residence Districts

Access: Subject to the provision of Section 2.7 of the Zoning Regulations, each lot shall have a frontage on a public street equal to that of the required lot square width in the District in which it is located or in the AA and AAA Zones such lot may also have the required frontage on a private street pursuant to the subdivision regulations. However, no walk or driveway shall be permitted giving access to any business or industrial use or district. The required frontage shall be of such character and location so as to provide a safe and practical means of access to the lot, to permit a convenient driveway across said frontage into the lot and to allow the physical construction of a driveway at least ten (10) feet in width. If the location or character of such frontage is such that an Inland Wetland and Watercourses Permit or Special Permit for excavation and fill will be required to make use of it for driveway purposes, the Commission may require that such permit be obtained before the requirements of this section are deemed satisfied.

5.2.2 As to Height No building or other structure shall exceed the following heights:

RES. DIST.

HEIGHT

AAA, AA, R-3, R-2

Three (3) stories or forty (40) feet, whichever is less.

A, B, C

Two and one half (2 ½) stories or thirty-two (32) feet, whichever is less except that dwellings located within the 100-year flood zone are allowed one foot of additional height for every two (2) feet of vertical distance between existing average grade and the base flood elevation.

5.2.3 As to Off-Street Parking and Loading Off-Street parking and loading spaces shall be provided in accordance with Section 28.0 of the Zoning Regulations.

5.2.4 As to Setbacks No building or other structure shall extend within the following feet of any street or property line:

| <u>RES. DIST.</u> | <u>STREET LINE</u> | <u>SIDE PROPERTY LINE</u> | <u>REAR PROPERTY LINE</u> |
|-----------------------|---|-------------------------------|-------------------------------|
| AAA | sixty (60) | thirty (30) | fifty (50) |
| AA | fifty (50) | twenty-five (25) | forty (40) |
| R-3 | forty (40) but on a corner lot any building or other structure, except an attached accessory building | fifteen (15) | thirty (30) |

| <u>RES. DIST.</u> | <u>STREET LINE</u> | <u>SIDE PROPERTY LINE</u> | <u>REAR PROPERTY LINE</u> |
|-----------------------|------------------------|-------------------------------|-------------------------------|
|-----------------------|------------------------|-------------------------------|-------------------------------|

or structure, may extend to within thirty (30) feet of one (1) street line.

| | | | |
|-----|---|---|-------------|
| R-2 | thirty (30) but on a corner lot any building or other structure, except an unattached accessory building or structure, may extend to within twenty two (22) feet of one (1) street line. | ten (10), but the sum of the setbacks from the two (2) side lot lines shall not be less than twenty-five (25) feet. | thirty (30) |
| A | thirty (30) but on a corner lot any building or other structure, except an unattached accessory building or structure may extend to within seventeen (17) feet of one street line for a one (1) story building and twenty-two (22) feet | seven (7) but the sum of the setbacks from the two (2) side lot lines shall not less than twenty (20) feet for buildings of one (1) story and not less than twenty-five (25) feet for buildings of more than one (1) story. | thirty (30) |

from one street line if more than one (1) story.

| | | | |
|-------|---|---|-------------|
| B & C | twenty (20) but on a corner lot any building or other structure, except an unattached accessory building or structure, may Extend to within twelve (12) feet of one street line for a one (1) story building and seventeen (17) feet of street line if more than one (1) story. | five (5) but the sum of the setbacks from the side lot lines shall not be less than fifteen (15) feet for buildings of one (1) story and not less than twenty (20) feet for buildings of more than one (1) story. | twenty (20) |
|-------|---|---|-------------|

The following are exceptions to the foregoing setback regulations:

5.2.4.1 Marquees, canopies, decks, eaves, chimneys, open fire escapes and similar projections without projecting walls may project into the area required for setback from property or street line not more than the following distances:

| <u>RESIDENCE DISTRICT</u> | <u>DISTANCE</u> |
|---------------------------|--|
| AAA, AA and R-3 | five (5) feet |
| R-2 and A | two (2) feet but five (5) feet for open fire escapes |
| B and C | two (2) feet |

5.2.4.2 Ground story unenclosed porches may extend into the area required for setback from a street line the following distances:

| <u>RESIDENCE DISTRICT</u> | <u>DISTANCE</u> |
|---------------------------|---|
| AAA, AA, R-3, R-2 and A | ten (10) feet |
| B and C | eight (8) feet, but six (6) feet for a two story unenclosed porch |

5.2.4.3 Unattached accessory buildings or structures not exceeding fifteen (15) in height and having the floor area indicated below may extend within the side and rear property and street lines but shall not extend within the following feet of any street or property line:

MAXIMUM

| <u>RESIDENCE DISTRICT</u> | <u>FLOOR AREA</u> | <u>PROPERTY LINE</u> | <u>STREET LINE</u> |
|---------------------------|-------------------------------|---|--------------------|
| AAA | one hundred (100) square feet | ten (10) feet | sixty (60) feet |
| AA | one hundred (100) square feet | ten (10) feet | fifty (50) feet |
| R-3 | none | ten (10) feet | forty (40) |
| R-2, A, B and C | none | four (4) feet but to within ten (10) feet if the height exceeds fifteen (15) feet and/or the location is within less than sixty (60) feet of any street line. | thirty (30) feet |

5.2.5 As to Coverage and Bulk Neither the aggregate lot coverage of all buildings and structures on any lot, nor the total area of all buildings and other structures on any lot, excluding basements, shall exceed the following percentages of the area of the lot:

| <u>RESIDENCE DISTRICT</u> | <u>LOT COVERAGE</u> | <u>TOTAL FLOOR AREA</u> |
|---------------------------|----------------------|-------------------------|
| AAA | ten (10) percent | fifteen (15) percent |
| AA | ten (10) percent | twenty (20) percent |
| R-3 and R-2 | fifteen (15) percent | thirty (30) percent |
| A | twenty (20) percent | forty (40) percent |
| B | thirty (30) percent | fifty (50) percent |
| C | thirty (30) percent | fifty (50) percent |

5.2.5.1 With respect to college and university uses designated in Section 5.1.4 (d) which are located in Zoning District AA, neither the aggregate lot coverage of all buildings and structures on the lot, nor the total area of all buildings and other structures on any lot, excluding basements, shall exceed the following percentages of the area of the lot:

Lot Coverage

Total Floor Area

fifteen (15) percent

thirty (30) percent

- 5.2.5.2 With respect to Special Exception uses designated in Section 5.1.4 which are located in Zoning District AAA, neither the aggregate lot coverage of all buildings and structures on any lot, excluding basements, shall exceed the following percentages of the area of the lot.

Lot Coverage

Total Floor Area

ten (10) percent

twenty (20) percent

- 5.2.5.3 With respect to building uses and facilities of the Town designated in Section 5.1.4 (a), which are located in Zoning District R-3, the aggregated lot coverage of all buildings and structures on the lot shall not exceed twenty (20) percent of the area of the lot.

- 5.2.5.4 With respect to colleges and universities designated in Section 5.1.4 (d), which are located in Zoning district R-3, the portion of any parking structure utilized for college or university parking purposes shall not be included in the calculations of lot coverage and total floor area, up to a maximum exemption of 5% of the lot area.

- 5.2.5.5 With respect to college and university uses designated in Section 5.1.4 (d) which are located in Zoning District R-3, neither the aggregate lot coverage of all buildings and structures on any lot, nor the total area of all buildings and other structures on any lot, excluding basement and parking garages per Section 5.2.5.4, shall exceed the following percentages of the area of the lot.

Lot Coverage

Total Floor Area

20%

40%

- 5.2.6 As to Minimum Floor Area for Dwelling Each one story dwelling on the ground floor, each split level on all floors and each dwelling with two (2) or more floors shall have the minimum square feet of floor area indicated below:

RESIDENCE
DISTRICT

ONE STORY
DWELLING

SPLIT
LEVEL

TWO (2) STORIES
OR MORE

AAA & AA

one thousand
two hundred

one thousand
five hundred

one thousand (1,000) on the
the ground floor and one

| | | | |
|-----------|----------------------------------|--|--|
| | (1,200) | (1,500) | thousand five hundred (1,500) in the aggregate. |
| R-3 & R-2 | nine hundred (900) | one thousand two hundred (1,200) | eight hundred (800) on the ground floor and one thousand two hundred (1,200) in the aggregate. |
| A | seven hundred and fifty (750) | one thousand (1,000) | six hundred and fifty (650) on the ground floor and one thousand (1,000) in the aggregate. |
| B and C | seven hundred and fifty (750) | one thousand (1,000) | six hundred and fifty (650) on the ground floor and one thousand (1,000) in the aggregate; and each dwelling for two (2) or more families shall have a minimum floor area of five hundred (500) for each family. |

5.2.7 Streets and Roadways Streets and roadways within a special exception use shall conform to the standards contained in Section 3 of the Subdivision Regulations.

SECTION 6.0 ACCESSORY APARTMENTS

6.1 Intent and Purpose

The purpose of this regulation is to address the identified need of providing and preserving affordable and secure housing for all the population of the Town, while preserving the appearance and character of the Town's neighborhoods; by permitting, as accessory use, the creation of a separate, self-contained living unit, incidental and subordinate to, an existing single-family residence. The creation of such accessory apartments will promote the general welfare of the Town by allowing all the population to continue to live in our Town, either in their present homes or in the accessory apartments permitted hereunder.

6.2 Definitions

6.2.1 For the purposes of this regulation, the term "accessory apartment" shall be defined as a separate, self-contained living unit subordinate to an existing single-family residence.

6.2.2 For purposes of this regulation, the term "primary dwelling" shall be defined as the unconverted portion of an existing single-family residence.

6.2.1 For purposes of this regulation, the term "principal owner" shall be defined as the owner of not less than a fifty (50) percent interest in the residence.

6.3 Conditions and Requirements

A one-family residence located within lawful setbacks and situated in AAA, AA, R-3, R-2, A, B and C Zones may be converted into a one-family dwelling with a single accessory apartment, subject to the following conditions and requirements:

6.3.1 A principal owner of the residence must reside in either the primary dwelling or the accessory apartment throughout the duration of the permit.

6.3.2 The accessory apartment shall contain not more than forty (40) percent of the floor area of the originally existing residence or 1,500 sq. ft. whichever is less.

6.3.3 Access to the accessory apartment may be on the front façade of the residence provided that it is separated from the front door of the existing residence by at least 10 feet and maintains the appearance of a single family dwelling. The fire escape or outside stairway, if any, shall be enclosed.

6.3.4 The number of off-street parking spaces for the accessory apartment shall be not less than one.

- 6.3.5 The occupancy of the accessory apartment shall be limited to not more than two persons unless such apartment is contracted with the Town of Fairfield or its designated agent to be an “affordable housing” unit as defined in Sect. 31.0, then such occupancy shall be limited to three persons. Neither the existing house nor the accessory apartment can be rented for a period of less than 60 consecutive days.
- 6.3.6 If public water and sewer are not available to the residence, the use of private water and septic systems for the accessory apartment shall be subject to approval by the Department of Health. The accessory apartment shall comply with all applicable housing, building, fire and health code requirements.
- 6.3.7 An accessory apartment may qualify as affordable housing in accordance with the provisions of Subsection 6.3.5 of this regulation and subject to the design criteria of Section 8-30g(k) of the Connecticut General Statutes, as amended, provided that:
- a. The accessory dwelling unit is to be rented pursuant to the affordable housing provisions of CGS 8-30g, to a tenant as their primary residence whose income is less than or equal to eighty percent of the State Median Income (SMI).
 - b. The application shall be accompanied by a proposed deed, which complies with CGS 8-30g, including a ten (10) year affordable housing deed restriction.
 - c. Before an accessory apartment is occupied, the applicant shall submit satisfactory proof to the Planning Director that the aforesaid deed has been recorded on the Land Records.
 - d. Prior to occupancy by the initial “affordable housing” tenant(s) and thereafter, by January 31 of each year and upon change of tenant, the owner shall certify that:
 - i. The subject apartment is rented at or below the maximum rate prescribed in CGS 8-30g and,
 - ii. The tenant has certified to the owner, under penalty of false statement, that the tenant’s income does not exceed eighty (80) percent of the area median income, as defined in CGS 8-30g.
- 6.3.8 In the Res AAA, AA, and R-3 Zones, a free-standing accessory structure may be constructed or converted into an Accessory Apartment under the following conditions:

- a. The existing lot shall meet the minimum lot area requirement of the applicable Zoning District.
- b. The structure must conform to required setbacks and other design requirements for primary structures
- c. The maximum size for the Accessory Apartment within said structure shall be no greater than 40% of the area of the existing main dwelling or 1,500 sq. ft., exclusive of utilities, whichever is less.
- d. The proposed Accessory Apartment must conform to all regulations and requirements of the Fairfield Health Department and the Building Department.
- e. The primary residence does not contain an Accessory Apartment

6.4 Application Procedure

6.4.1 No conversion contemplated by this regulation shall occur, nor shall any associated Building Permit or Certificate of Occupancy be issued until the owner of the residence to be converted has received a written permit from the Zoning Enforcement Officer. The applicant shall first submit such supporting data as the Commission, or its lawfully authorized designee may reasonably request, including the following:

6.4.1.1. An affidavit on a form provided by the Zoning Enforcement Officer.

6.4.1.2 Sufficient architectural drawings or clear photographs to show the exterior building alterations proposed.

6.4.1.3 Interior floor plans showing the floor area of the proposed accessory apartment and primary dwelling.

6.4.2 The Town of Fairfield or its designated agent may apply for permits for conversion to create “affordable housing” as defined in Sect. 31.0, provided that a principal owner shall reside in the primary dwelling or apartment upon issuance of a Certificate of Occupancy.

6.5 Duration

The permit and any other form of approval for a dwelling conversion issued hereunder shall be subject to revocation by the Commission upon:

6.5.1 A finding by the Commission, or its lawfully authorized designee, that there is in fact non-compliance with the conditions and requirements contained in Sect. 6.3.

6.6 Sale of Residence

Upon sale of a residence containing an accessory apartment, the new owner of said residence shall file with the Zoning Enforcement Officer within thirty days of the transfer of title to such residence, a notice on a form to be supplied by the Zoning Enforcement Officer, stating whether or not such new owner intends to continue the accessory apartment use. Any such use by a new owner will be subject to all provisions of Section 6.0.

SECTION 10.0 REGULATIONS FOR DESIGNED RESIDENCE DISTRICT

- 10.1 General There shall be one (1) Designed Residence District and the following regulations shall apply to the use of land, buildings and other structures in this District.
- 10.2 Purpose The purpose of this District is to provide for flexibility in site design and housing construction which will provide a variety of housing opportunities including the encouragement of elderly and affordable housing.
- 10.3 Permitted Uses For the purpose of this section and other sections of these Designed Residence District regulations, “underlying residential zone” shall mean the residential Zoning District which existed prior to the amendment of the zoning map establishing the Designed Residence District. Land, buildings, and other structures shall be used for a special permit use permitted in paragraph 10.4, except that if the underlying residential zone is a Residence “AAA”, “AA”, “R-3”, “R-2”, “A”, “B:”, “C: or Flood Plain District, land, buildings and other structures may also be used for any use permitted in such prior district. On all other parcels, land, buildings and other structures may only be used as paragraph 10.4 provides. Land in the Beach District shall not be eligible for Designed Residence District designation.

Notwithstanding the above, in the Fairfield Housing Authority Pine Tree Development as defined in Section 31.2.43, the land shall be used for a “Affordable Housing Development” as defined by Section 8-30g of the Connecticut General Statutes, or any amendment thereto without the need for a Special Permit.

- 10.4 Special Permit Uses In addition to the foregoing permitted uses, the use of land, buildings and other structures shall be
- (1) subject to securing a Special Permit from the Commission as provided for in Section 25.0 of the Zoning Regulations,
 - (2) solely for:
 - (a) a dwelling for one (1) or more families and accessory uses, customary with and incidental to such use, located on the same lot, including playgrounds and recreational facilities designed for use by residents of the premises and the following, located on the lot, so as to conform to the setback requirements for any accessory building from any property or public street line; off-street parking and private garages, boat houses, and storage of boats, provided that kennels occupied by more than three (3) dogs, or the parking and or storage of a vehicle in excess of 3/4 ton capacity or any activity for gain, or any walk or driveway giving access to such activity or to any Designed Business or Designed Industrial District shall not be construed as an accessory use; and provided no detached accessory structure shall contain any facility for cooking or sleeping separate from the dwelling.

(b) customary home occupations, leasing of rooms, taking of boarders as defined as Section 31.0 and/or the office of a clergyman in a dwelling subject to the following conditions:

- (1) the person or persons conducting the home occupation or office shall reside in the dwelling.
- (2) no evidence of the occupation or office shall be visible outside the dwelling.
- (3) the total floor area for conduct of the occupation or office shall not exceed 25 percent of the floor area of the dwelling.

10.5 Prohibited Uses Reference is hereby made to Section 2.4 of the Zoning Regulations for the general principle applicable to prohibited uses.

DESIGN STANDARDS

10.6 Density and Minimum Lot Area

- 10.6.1 Where the underlying residential zone is “AAA”, the maximum allowable dwelling unit density shall be 0.5 units per acre and each lot shall have a minimum of 30 acres.
- 10.6.2 Where the underlying residential zone is “AA”, the maximum allowable dwelling unit density shall be 1.0 units per acre and each lot shall have a minimum of 10 acres.
- 10.6.3 Where the underlying residential zone is “R-3”, the maximum allowable dwelling unit density shall be 3.2 units per acre and each lot shall have a minimum of 5 acres.
- 10.6.4 Where the underlying residential zone is “R-2” the maximum allowable dwelling unit density shall be 4.6 units per acre and each lot shall have a minimum area of 2 acres.
- 10.6.5 Where the underlying residential zone is “A”, the maximum allowable dwelling unit density shall be 6.9 units per acre and each lot shall have a minimum area of 1 acre.
- 10.6.6 Where the underlying residential zone is “B” or “C”, the maximum allowable dwelling unit density shall be 10.0 units per acre and each lot shall have a minimum area of 1 acre.
- 10.6.7 Where the underlying zone is Designed Industrial District or Designed Business Districts and such District is located within one half mile of an exit or entrance

ramp to Interstate 95 or within one half mile of a train station, the maximum allowable dwelling unit density shall be 17 units per acre and each development area shall be not more than 4 acres in area. Notwithstanding conformity with the criteria set forth in this section, no such District shall be permitted within four (4) miles of an other such District developed pursuant to the provisions of this Section, unless those Districts are located within the Transit Oriented Development Park.

- 10.6.8 On all other parcels, the maximum allowable dwelling unit density shall be 10.0 units per acre and each lot shall have a minimum area of 1 acre.
- 10.6.9 Notwithstanding any of the limitations of density established in Sections 10.6.1 through 10.6.7 inclusive, in developments meeting the definition of an “elderly family development as defined in Section 31.2.12, the maximum allowable dwelling unit density may be increased by 50% as to new construction, provided that at least twenty percent (20%) of all dwelling units within such developments shall be conveyed with restrictions requiring that, for at least forty (40) years after the date of initial occupancy, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) of the median income as defined by Section 8-30g (a) of the Connecticut General Statutes or amendment thereto and subject to the additional standards provided in Section 10.17.
- 10.6.10 Notwithstanding any of the limitations of density established in Sections 10.6.1 through 10.6.7 inclusive, the maximum allowable dwelling unit density may be increased by 50% provided that at least twenty percent (20%) of all dwelling units within such developments shall be conveyed with restrictions requiring that for at least forty (40) years after the date of initial occupancy, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent 80% of the median income as defined by Section 8-30g (a) of the Connecticut General Statutes or any amendment thereto and subject to the additional standards provided in Section 10.17.
- 10.6.11 Notwithstanding any of the limitations of density established in Section 10.6.7, if the Commission shall determine that 25% or more of units within a particular development will likely be occupied by Elderly Families as defined in Section 31.2.12, then the Commission may, in its discretion, increase the maximum allowable dwelling unit density permitted by Section 10.6.7 by 25%. In making such determination, the Commission shall review all factors which the Commission shall deem relevant including, without limitation, the current and predicted future housing market within the town and the neighborhood in which the development is to be located, the design and layout of the development

and the proposed units therein, and the recreational facilities or other amenities proposed within the development.

10.6.12 Where the underlying zone is Designed Commercial District and Residence C, and such District abuts a state highway, the provisions of Section 10.6, and 10.6.8 regarding minimum lot area and, maximum allowable dwelling unit density may at the discretion of the Commission be waived if a petition for a change in the zone map is made in connection with a “Set-aside Development” as defined by Section 8-30g(6) of the Connecticut General Statutes or any amendment thereto and subject to the additional standards provided in Section 10.17; provided however, in no event may the minimum lot area be less than one half (1/2) acre and the maximum allowable dwelling unit density greater than thirty (30) units per acre on a pro rata basis.

10.6.13 Where the underlying zone is Residence R-3, the maximum allowable dwelling unit density shall be 17 dwelling units per acre in developments qualifying as a Fairfield Housing Authority, Pine Tree Development as defined in Section 31.2.43 and subject to the additional standards provided in Section 10.17. In addition, each lot shall have a minimum area of three acres.

10.7 Access

Each lot shall have a frontage of fifty (50) feet or more on a public street which is classified as a major or collector road as shown on the Fairfield Master Plan map entitled “Fairfield Master Plan, Fairfield, Conn. 1980” or any amendment thereto. An unobstructed easement of access or right-of-way which is everywhere fifty (50) feet or more in width to such a street may also serve as access.

10.7.1 The requirement for major or collector road status shall not apply if the development qualifies as a Fairfield Housing Authority Pine Tree Development as defined in Section 31.2.43 or if the owner or contract purchaser has entered into a contract with the Town of Fairfield or its designated agent to establish an Elderly Family Development as defined in Section 31.2.12 which shall qualify as Affordable Housing as defined in Section 31.2.3.

10.7.2 The requirement for major or collector road status and minimum frontage may at the discretion of the Commission be waived within the Transit Oriented Development Park.

10.7.3 The requirement for major or collector road status shall not apply if the underlying zone is Designed Industrial District and the property abuts the Center Designed Business District.

10.8 Utilities

- 10.8.1 All utilities on the lot shall be underground.
- 10.8.2 Each lot must be served by and each unit must be connected to public sanitary sewers.
- 10.8.3 Each unit must be connected to a public water supply.
- 10.8.4 Hydrants shall be provided with the water storage and rates of flow available to the satisfaction of the Town Fire Marshal.
- 10.8.5 Each development shall provide for the disposal of storm drainage to the satisfaction of the Town Engineering Department.
- 10.8.6 Proper site lighting shall be provided and such lighting shall not be directed toward or spread to adjoining properties.

10.9 Number of Dwelling Units

- 10.9.1 There shall be no more than four (4) dwelling units in any single building and each dwelling unit shall have an entrance providing direct access to the exterior which access shall not be shared in common with any other dwelling unit.
- 10.9.2 The Commission may adjust the requirements of Sect. 10.9.1 if the underlying zone or adjoining property is a Designed Business District, Designed Industrial District or Residence B or C Zones.
- 10.9.3 In developments qualifying as a Fairfield Housing Authority Pine Tree Development as defined in Section 31.2.43 there shall be no more than eight (8) dwelling units in any single building and each dwelling unit shall have an entrance providing direct access to the exterior which access shall not be shared in common with any other dwelling unit.

10.10 Setbacks

The setback requirements from any street or property line shall be those which existed in the prior zoning classification of the property or thirty (30) feet, whichever is greater except that where the prior zoning classification and location of the property is in accordance with Section 10.6.12 and the developer proposes a “Set-aside Development” as defined by Section 8-30g(6) of the Connecticut General Statutes, the setback requirement to any street or property line shall be ten (10) feet, and further except that:

- (1) canopies, decks, chimneys, eaves and similar projections without projecting walls may project not more than two (2) feet into the required setback;
- (2) open fire escapes may project not more than five (5) feet into the required setback;

- (3) ground story unenclosed porches may project not more than eight (8) feet into the required setback;
- (4) an unattached accessory building or structure not exceeding fifteen (15) feet in height may extend not more than fifteen (15) feet into the required setback.
- (5) where the prior zoning classification is Designed Industrial District and the Commission has determined that 25% or more of the units are likely to be occupied by elderly families in accordance with Section 10.6.11, the setback requirements shall be as set forth in Sect. 21.9.

In developments qualifying as a Fairfield Housing Pine Tree Development as defined in Section 31.2.43 the setback requirements shall be as follows: fifteen (15) from any side property line and ground story unenclosed porches, decks and patios may project no more than eight (8) feet into the required setback.

- 10.10.1 Except where the prior zoning classification and location of the property is in accordance with Section 10.6.12 and the developer proposes a “Set-aside Development” as defined by Section 8-30g(6) of the Connecticut General Statutes, the minimum distance between buildings shall not be less than twenty-five (25) feet.
- 10.11 Height No building or other structure shall exceed a height of three (3) stories or forty feet, whichever is less.
- 10.12. Coverage and Bulk The aggregate lot coverage of all buildings and other structures on any lot shall not exceed twenty (20) percent of the area of the lot, except that in developments to be occupied exclusively by elderly families and developments which solely contain affordable housing, the aggregate lot coverage of all buildings and other structures shall not exceed thirty-five (35) percent of the area of the lot. The total floor area of all buildings and other structures on any lot shall not exceed fifty (50) percent of the area of the lot.

Notwithstanding the above, where the prior zoning classification is Designed Industrial District and the Commission has determined that 25% or more of the dwelling units are likely to be occupied by elderly families in accordance with Sect. 10.6.11, the aggregate lot coverage and floor area ratio of all buildings and other structures on any lot shall be as set forth in Section 21.11.

Where the prior zoning classification and location of the property is in accordance with Section 10.6.12 and the developer proposes a “Set-aside Development” as defined by Section 8-30g(6) of the Connecticut General Statutes, the aggregate lot coverage of all buildings and other structures shall not exceed forty (40) percent of the area of the lot and the total floor area of all buildings and other structures shall not exceed eighty (80)

percent of the area of the lot.

10.13 Minimum Floor Area for Dwelling Minimum floor area in square feet for dwellings shall be as follows:

- (1) one (1) story - seven hundred and fifty (750);
- (2) split level - one thousand (1,000) on all floors; and
- (3) two (2) stories or more - ground floor six hundred and fifty (650) and a total of one thousand (1,000); and dwellings for two (2) or more families - five hundred (500) for each family.
- (4) Notwithstanding the above provisions with regard to minimum floor area, where government programs are being used to finance either the development or redevelopment or the mortgage or rental financing of affordable units, the minimum floor area shall meet those program requirements if applicable.

In developments qualifying as a Fairfield Housing Authority, Pine Tree Development as defined in Section 31.2.43, the minimum floor area in square feet of each dwelling unit in a one (1) story dwelling shall be 650 square feet.

10.14 Storage and Off-Street Parking and Loading All storage of supplies and refuse shall be located in a building or in enclosed containers. Off-street parking and loading spaces shall be provided in accordance with Section 28 of the Zoning Regulations.

10.15 Landscaping All portions of the lot not used for buildings and other structures or for paved driveways, sidewalks or off-street parking and loading areas shall be suitably landscaped. The area required for a minimum setback from any Residence District, Designed Residence or Flood Plain District boundary line shall be provided with a buffer consisting of fences, walls or embankments in combination with other landscaping in such a manner as to screen the use from view to a height of five (5) feet at such boundary line or shall be provided with evergreen shrubs and/or trees. The Commission may adjust the aforesaid landscaping requirements to particular circumstances of lot lines, topography, soil conditions and site design while preserving the purpose and intent of such requirements.

10.16 Street and Roadways Street and roadways in multi-family developments shall conform to the standards contained in the Subdivision Regulations except the Commission may reduce the width of pavement where appropriate while still providing for adequate traffic flow and safety.

10.17 Additional Provisions for Affordable Housing Development The applicant shall submit to the Commission a contract with the Town or its designated agent which outlines how the affordable units are to be provided and maintained and shall include but not be limited to the following criteria:

- 10.17.1 Construction Affordable units shall be similar in construction quality and have the same exterior finish materials as the market rate units.
- 10.17.2 Dispersion Affordable units shall be equally distributed throughout the development. The site plan shall indicate the designation of affordable units to the satisfaction of the Commission.
- 10.17.3 Bedrooms Where the prior zoning classification and location of the property is in accordance with Section 10.6.12 and the developer proposes a “Set-aside Development” as defined by Section 8-30g(6) of the Connecticut General Statutes, affordable units may contain no less than one (1) bedroom. In developments qualifying as a Fairfield Housing Authority, Pine Tree Development as defined in Section 31.2.43, there shall be a minimum of one (1) bedroom per unit.
- 10.17.4 Phasing For developments built in phases, construction of the required affordable units shall be proportional to the market rate units constructed.
- 10.17.5 Affordability Plan The applicant shall submit to the Commission an affordability plan pursuant to Section 8-30g of the Connecticut General Statutes or any amendment thereto:
- (1) initial sales/rental prices
 - (2) selection criteria to determine eligible persons or families for rental or purchase of units
 - (3) disposition of the ownership of lots upon which affordable units are built
 - (4) a copy of resale/re-rent restrictions
- The above criteria shall be predicated on preserving the units as affordable housing as defined in Sect. 31.2.3 for a minimum period of forty (40) years from the date of initial occupancy.
- 10.17.6 Covenants Affordable housing units shall be sold or rented by instruments containing covenants or restrictions as referred to in Section 8-30g of the Connecticut General Statutes, which covenants shall run with the land and shall be enforceable by the Town until its release by the Town.

10.18 Transit – Oriented Downtown District

- 10.18.1 General The purpose of the Transit-Oriented Downtown District (TODD) within a Design Residence District is to enable the development of a

transit-supportive neighborhood within walking distance of commuter rail transit and the downtown portion of the Post Road of a scale and design that is appropriate to the existing neighborhood context and to the character of the Town consistent with the goals and policies, and locations recommended within the Plan of Conservation and Development.

10.18.2 Permitted Uses Residences for one (1) or more families made up of dwelling units containing no more than two (2) bedrooms.

10.18.3 Density and Lot Area Property qualifying as a TODD shall consist of a parcel or qualifying parcels of land in an A Zone, having a minimum lot area of at least three (3) acres at the time of adoption of this section and be located within eight hundred (800) feet of an entry door at the Fairfield Center Train Station which abuts the railway platform. Such property shall have or propose to have more than (1) building that contain residential uses and any additional land uses permitted in the Design Residence District herein provided that no single building shall be less than forty percent (40%), nor greater than sixty percent (60%) of the total floor area of all buildings, exclusive of structured parking except said buildings may be connected by a corridor on the ground floor, of no more than one (1) story, for the purpose of traveling between buildings.. The maximum allowable residential density shall be fifty (50) bedrooms per acre with a maximum residential unit count of 90.

10.18.4 Application to Determine that a Parcel Qualifies as a Transit – Oriented Downtown District

A written application for determination that a parcel qualifies as a TODD shall be submitted to the Commission accompanied by the following:

A written statement describing the proposed land use, the area of the site, the assessor's map and parcel number, name and address of the applicant or owner;

An Affordability plan providing information on the construction and management of Below Market Rate housing units as described in 10.18.6; A conceptual site plan, which means a plan drawing or drawings prepared by a professional engineer, surveyor, landscape architect licensed to practice in the State of Connecticut, drawn to scale of not less than sixty (60) feet to the inch showing the conceptual plan of the development within the TODD including contemplated buildings, structures, streetscape, driveways, and off-street parking;

Said conceptual plan shall include a zone legend providing data pertaining

to the contemplated buildings and structures including height, lot coverage, setbacks, landscaping, and parking;

Elevation drawings prepared by an architect showing the conceptual façade design of each building frontage;

Town Plan & Zoning Commission may, in its' discretion, hold a public hearing on a request for determination that a parcel qualifies as a TODD.

10.18.5 Off – Street Parking

For any permitted use of the premises, off-street parking and loading shall be provided in accordance with Section 28.0 of the Zoning Regulations and except that the number of spaces required for residential uses in a TODD shall be one and one half (1.50) parking spaces for each unit along with spaces equal to ten percent (10.0%) of the total number of units for visitor parking.

10.18.6 Below Market Rate Housing

Not less than 10% of dwelling units created within a TODD shall be Below Market Rate (BMR) units, affordable to households earning not more than eighty percent (80%) of median household income for the Bridgeport, CT HUD Metro Fair Market Rent Area (HMFA). BMR units shall be comparable in average size of market rate units and shall be reasonably distributed throughout the project.

Rental restrictions shall remain in full force and effect for so long as the building or development exists and shall be administered in accordance with written guidelines as adopted, and periodically revised by the Town Plan and Zoning Commission. BMR units offered for sale shall remain subject to resale controls for so long as the building or development exists, and shall not exceed a resale price equal to the current BMR sale price for a complete unit, as set forth above. The allowable resale price may be reduced if the physical conditions reflect abnormal wear and tear due to neglect, abuse or insufficient maintenance. BMR sale and resale requirements shall be administered in accordance with written guidelines as adopted and periodically revised by the Town Plan and Zoning Commission, with suitable restrictive covenants in deeds, running with the land and senior to all financing instruments, to carry out and effectuate these obligations.

Management Plan

A proposal to establish BMR units shall be accompanied by a management

plan (“Affordability Plan”), subject to approval of the Town Plan and Commission, providing all of the necessary information and documentation to ensure the construction, and continued operation of affordable housing, including the following:

- (i) the person or organization responsible for administering the plan, including the application procedures and screening criteria to determine the income eligibility of applicants, and enforcement mechanisms;
- (ii) affirmative fair marketing procedures governing the sale or rental of the BMR units;
- (iii) proposed sale or rental prices of BMR units and the basis of their determination;
- (iv) identification and timetable for the completion and even distribution of the BMR units among the market rate units in the development; and
- (v) other information as may be required by the Town Plan and Zoning Commission.

10.18.7 Signs

Signs shall conform to the requirements of Section 29.0 of the Zoning Regulations.

10.18.8 Height

No building or structure shall exceed forty (40) feet in height.

10.18.9 Setback

No building or structure shall be closer than fifteen (15) feet from any public street line which abuts it.

No building or structure shall be closer than fifteen (15) feet from any property line; with the exception of utility structures, porches, decks, balconies or patios which may extend no more than seven and a half (7.5) feet into such setback. Eaves, chimneys and canopies may project not more than two (2) feet into the area required for setback from any property line.

10.18.10 The aggregate lot coverage of all buildings and structures shall not exceed fifty percent (50%) of the entire parcel.

10.18.11 Public Water, Public Sanitary Sewers

All property located within a TODD must be serviced by public water and public sanitary sewer.

SECTION 11.0 REGULATIONS FOR BEACH DISTRICT

The purpose of the Beach District Regulations is to provide zoning guidelines that promote a shorefront residential land use that does not adversely impact the coastal resources and preserves and protects the quality of life that has developed. These regulations provide a basis for administering the goals and objectives of the Connecticut Coastal Management Act. These regulations prohibit degradation and encroachment on the shorefront in order to ensure that the beneficial characteristics inherent to the shorefront remain intact.

11.1 Permitted Uses

No use shall be permitted in the Beach District, except as these Beach District Regulations provide. The use of land, buildings and other structures shall be for the following purposes:

- 11.1.1 A single detached dwelling for one family and not more than one such dwelling per lot, except as provided in Section 11.4 of these Beach District Regulations. Notwithstanding the provisions of Section 31.2.13, no dwelling or dwelling unit in the Beach District may be occupied by more than four (4) unrelated persons.
- 11.1.2 Customary home occupations, leasing of rooms, taking of boarders and other occupations as defined in Section 31.0, subject to the following conditions:
 - a) The person or persons conducting the home occupation shall reside in the dwelling.
 - b) No evidence of the occupation or office shall be visible outside the dwelling.
 - c) The total floor area for conduct of the occupation shall not exceed 25 percent of the floor area of the dwelling.
- 11.1.3 Subject to securing a Special Exception from the Town Plan and Zoning Commission in accordance with Section 27.0, buildings, uses and facilities of the Town of Fairfield.
- 11.1.4 Accessory uses customary with and incidental to the aforementioned permitted uses, subject to the following additional standards and conditions:
 - 11.1.4.1 The accessory use shall be located on the same lot with the permitted use to which it is accessory, and no detached accessory structure shall contain any finished livable floor area, plumbing fixtures or heat.
 - 11.1.4.2 Accessory uses may include off-street parking spaces and private

garages; boat houses, landings and docks; and storage of a boat not exceeding twenty two (22) feet in length, provided that such storage is not located in any area required for setback of a building from the property line; the parking or storage of a commercial vehicle not in excess of 1 1/2 tons capacity only when parked or stored in a garage.

11.1.4.3 Accessory uses shall not include any overnight on street parking of commercial vehicles or any activity conducted for gain, any walk or driveway giving access to such an activity or any use otherwise specifically excluded by these regulations.

11.2 Variances

No use may be established or permitted by variance if such use is not otherwise permitted by these Beach District Regulations.

11.3 Conforming Lots

All lots existing in the Beach District as of September 1, 1989, are hereby declared to be conforming lots with regard to Section 2.7 (Access) of the Zoning Regulations, except that no rear lots shall be permitted. Each lot shall have minimum area of nine thousand three hundred seventy five (9,375) square feet and shall be of such shape that a square with fifty (50) feet on each side will fit on the lot.

11.4 Multiple Dwelling Units

As to a lot in one ownership which contains more than one (1) dwelling, one or more buildings in place of such existing dwellings and containing no more than the existing number of housing units as contained in such dwellings may be erected subject to all other requirements imposed by these Beach District Regulations and subject to securing a Special Exception from the Town Plan and Zoning Commission in accordance with Section 27.0. The purpose of this Section is to provide flexibility in upgrading existing properties to protect the natural resources while preserving the characteristics of the surrounding properties.

11.5 Off-Street Parking

Off-street parking shall be provided in accordance with Section 28 of the Zoning Regulations.

11.6 Frontage and Access

For the purposes of this Section each lot shall have a frontage of twenty (20) feet or more on a public street or shall have an unobstructed easement of access at least twenty (20)

feet in width on a public street or an easement or private right-of-way which is everywhere twenty (20) feet or more in width to a public street. However, no walk or driveway shall be permitted giving access to any business or industrial use.

11.7 Height

No building or other structure shall exceed a height of two (2) stories or thirty (30) feet, whichever is less in height except that one foot of additional height shall be permitted for every two (2) feet of vertical distance between existing average grade and the base flood elevation. Notwithstanding Section 31.2.16, this Section shall also apply to church steeples, ornamental towers, silos and water towers or to elevator, heating, ventilation or air-conditioning equipment on the roof of a building.

11.8 Rooftop Decks

Subject to securing a Special Exception from the Town Plan and Zoning Commission in accordance with Section 27.0, rooftop decks may be permitted except that the total area of all decks shall not exceed fifty (50) percent of the area of any such roof.

11.9 Minimum Floor Area

Each dwelling unit shall have a minimum habitable floor area of 750 square feet.

11.10 Lot Coverage

For the purposes of this Section, existing lot coverage shall mean the aggregate of all building foundations, decks and impervious patio surfaces existing as of the date of the adoption of these Beach District Regulations. The maximum lot coverage permitted shall be the same as the existing lot coverage or twenty (20) percent of the lot area, whichever is greater. In calculating lot coverage for new construction, or reconstruction in conjunction with Section 11.4, all impervious surfaces shall be included. No paved driveways or walks in excess of three (3) feet in width shall be permitted.

11.11 Side-yard Setbacks

11.11.1 Sideyard setbacks for lots having an average width of less than forty (40) feet shall be as established by the existing foundation of the principal structure, or if there shall be no existing structure, then the cumulative sideyard setback shall be twenty (20) percent of the average width of the lot, but not less than four (4) feet on any side.

11.11.2 For lots having an average width of between forty (40) to and including fifty (50) feet, the cumulative sideyard setback shall be twenty (20) percent of the average width of the lot, but not less than five (5) feet on any side.

11.11.3 For lots having an average width of over fifty (50) feet, the cumulative sideyard setback shall be thirty-three and one-third (33 1/3) percent of the average width of the lot, but not less than six (6) feet on any side.

11.11.4 This section shall also apply to all structures or surfaces impervious to the passage of water such as driveways, patios and similar surfaces.

11.12 Setbacks from Long Island Sound

The minimum setback of buildings and structures from Long Island Sound shall not be closer than the front wall of the building existing as of the date of the adoption of these Beach District Regulations facing Long Island Sound, or if a vacant lot, then no closer to the mean high water line of Long Island Sound than a line drawn between the two (2) closest front corners of the closest houses on either side, including porches, but not open decks on the ground floor, except that in no case shall the setback be less than twenty-five (25) feet. This setback shall also apply to fences and other structures more than one foot above the ground.

11.13 Setback from Fairfield Beach Road, Old Dam Road, French Street, Pine Creek Avenue

The minimum setback of buildings and structures from Fairfield Beach Road, Old Dam Road, French Street and Pine Creek Avenue shall be as follows:

11.13.1 as to lots bounded by Long Island Sound, not less than forty-five (45) from the center line of the street, and

11.13.2 as to lots bounded by Pine Creek, not less than twenty-five (25) feet from the center line of the street

11.14 Setbacks from Pine Creek

The minimum setback of buildings and structures from Pine Creek for lots on Fairfield Beach Road and Old Dam Road shall be not less than ten (10) feet. This setback shall also apply to fences and other structures more than one foot above the ground.

11.14.1 As to buildings and structures on Pine Creek Avenue, the minimum setback from Pine Creek shall not be closer than the front wall of the building existing as of the date of the adoption of these Beach District Regulations facing Pine Creek, or if a vacant lot, then no closer to the mean high water line of Pine Creek than the line drawn between the two (2) closest front corners of the closest houses on either side, including porches, but not open decks on the ground floor, except that in no case shall the setback be less than ten (10) feet. This setback shall apply to fences and other structures more than one foot above the ground.

11.15 Setbacks from Other Streets

The minimum setbacks of buildings and structures on streets within the Beach District, other than those addressed in Section 11.13 of these Beach District Regulations, shall be fifteen (15) feet from the street line.

11.16 Rear Yard Setback for Lots Fronting on French Street, Pine Creek Avenue and Old Dam Road

For lots fronting on French Street, Pine Creek Avenue and Old Dam Road which are not bounded by Pine Creek or Long Island Sound, the minimum rear yard setback shall not be less than five (5) feet.

SECTION 12.0 REGULATIONS FOR DESIGNED BUSINESS DISTRICTS

12.1 General

There shall be three (3) Designed Business Districts, designated Center Designed Business District, Designed Commercial District and Neighborhood Designed Business District. No use shall be permitted in any of those Districts, except as these Designed Business District Regulations provide, and except that, if the Zoning District existing prior to the amendment of the zoning map establishing Center Designed Business District, Designed Commercial District, or Neighborhood Designed Business District was a Residence “AAA”, “AA”, “R-3”, “A”, “B”, or “C” District, land, buildings and other structures may also be used for any use permitted in such prior Zoning District, subject to all the requirements of such prior District.

12.2 Special Permit Uses

In addition to the foregoing pre-existing permitted uses, the use of land, buildings and other structures shall be solely for the purposes set forth in Section 12.3 for Center Designed Business District, Section 12.4 for Designed Commercial District and Section 12.5 for Neighborhood Designed Business District. A Special Permit under Section 25.0 of the Zoning Regulations shall be required for any new construction, re-construction, exterior alterations, or addition for a use permitted in Section 12.3, 12.4, and 12.5 or for any proposed Formula Neighborhood Business as defined in Section 31.2.41 of the Zoning Regulations. Change from one permitted use to another permitted use not involving new construction, re-construction, exterior alterations, additions or a Formula Neighborhood Business shall require an application to the Commission for a Certificate of Zoning Compliance under Section 2.22 of the Zoning Regulations subject to the standards of Section 25.7.

12.3 Center Designed Business District

The purpose of this district is to encourage the concentration of a wide variety of stores, services and activities serving the entire Town as shopping and Community centers.

Permitted Uses in Center Designed District

12.3.1 Buildings, uses and facilities of the Town.

12.3.2 Railroad rights-of-way and passenger stations, including customary accessory services therein, but not including switching, freight yards, terminals or storage sidings.

12.3.3 Business and professional offices when located on upper floors.

- 12.3.4 Business and professional establishments which primarily provide services to customers and clients on the premises.
- 12.3.5 Financial institutions,
- 12.3.6 Medical and dental clinics,
- 12.3.7 Indoor theaters and assembly halls,
- 12.3.8 Indoor recreational facilities,
- 12.3.9 Retail service stores for cleaning and pressing laundry, including dry cleaning,
- 12.3.10 Self-service laundry provided there shall be no use of inflammable liquids or steam,
- 12.3.11 Undertaker's establishments,
- 12.3.12 Printing and publishing establishments occupying not more than 5,000 square feet of floor area,
- 12.3.13 Bakeries, catering establishments and confectionery stores,
- 12.3.14 Restaurants and food service (including non-table service restaurants and catering),
- 12.3.15 Restaurants and other food service establishments where customers are served only when seated at tables or counters. Such uses may include a food take-out service incidental to the primary permitted use, but shall not include establishments where customers are served in motor vehicles, or served primarily at food take-out counters.
- 12.3.16 Residential uses provided it shall not be located on a ground floor and not to exceed more than 50 percent of the total floor area of the building and no building of mixed residential business shall contain more than two stories devoted to residential use. Each dwelling unit must have a minimum floor area of 750 square feet, except that with respect to dwelling units to be occupied exclusively by elderly families, as defined in Section 31.0 or dwelling units classified as affordable housing as defined in Section 31.0, minimum floor area for such units shall be consistent with the requirements of State and Federal programs for elderly and affordable housing.
- 12.3.17 Notwithstanding the above provision with regard to total floor area, residential use may occupy up to $66 \frac{2}{3}$ percent of the total floor area of the building provided that those units in excess of 50 percent of the area of the building are

contracted with the Town of Fairfield or its designated agent as “affordable housing” as defined in Section 31.0.

- 12.3.18 Buildings, uses and facilities of the State of Connecticut. Federal government or other governmental agencies, which buildings shall not include institutions of a correctional nature or for the insane.
- 12.3.19 Off-street parking,
- 12.3.20 Schools, colleges and universities,
- 12.3.21 Churches and other places of worship, parish halls, museums and charitable institutions,
- 12.3.22 Membership clubs,
- 12.3.23 Barber shops and beauty parlors,
- 12.3.24 Package stores for the sale, and establishments for the service, of alcoholic liquors, beer, ale or wine,
- 12.3.25 Stores and other buildings and structures where goods are sold or service is rendered primarily at retail,
- 12.3.26 Veterinary hospitals, provided that there shall be no commercial boarding of animals; that the maximum size of each veterinary hospital shall not exceed 2,000 square feet and no building or premises shall be used either in whole or in part for the veterinary hospital use if any entrance to such building or premises is within a radius of one thousand five hundred (1,500) feet from any entrance to another building or premises where a veterinary hospital exists,
- 12.3.27 The manufacture, processing or assembly of goods:
 - 1. When accessory and subordinate to a permitted use which is being conducted on the same premises;
 - 2. When located within an enclosed building;
 - 3. When such process does not occupy more than one-third of the floor area of the premises containing and occupied by the permitted uses; and
 - 4. When such manufacturing, processing or assembly does not involve the use of machinery or equipment requiring more than a total of five (5) horsepower.

12.3.28 The following uses are permitted subject to securing a Special Exception in accordance with Section 27.0 of the Zoning Regulations:

- 12.3.28.1 Homes for the aged, rest homes, chronic and convalescent nursing homes
- 12.3.28.2 Day nurseries
- 12.3.28.3 Public utility substations and water pumping stations
- 12.3.28.4 Gasoline filling stations; automobile repair facilities, including automobile, trailer and farm equipment repairing; painting and upholstery; establishments for motor vehicle washing; establishments for the sale of new or used automobiles or the rental thereof.

12.4 Designed Commercial District Uses

The purpose of this zone is to provide for retail uses as well as business and professional offices.

Permitted Uses in Designed Commercial District

- 12.4.1 Buildings, uses and facilities of the Town
- 12.4.2 Railroad rights-of-way and passenger stations including customary accessory services therein, but not including switching, freight yards, terminals or storage sidings
- 12.4.3 Business and professional offices
- 12.4.4 Financial institutions
- 12.4.5 Medical and dental clinics
- 12.4.6 Indoor theater and assembly halls
- 12.4.7 Hotels and motels
- 12.4.8 Indoor recreational facilities
- 12.4.9 Retail service stores for cleaning and pressing laundry, including dry cleaning.

- 12.4.10 Self-service laundry, provided there shall be no use of inflammable liquids or steam.
- 12.4.11 Undertaker's establishments
- 12.4.12 Veterinary hospitals
- 12.4.13 Printing and publishing establishments occupying not more than 5,000 square feet of floor area
- 12.4.14 Bakeries, catering establishments and confectionery stores
- 12.4.15 Restaurants and food service (including non-table service restaurants and catering)
- 12.4.16 Drive-through restaurants, provided that a stacking area having a shape of not less than ten (10) feet by one hundred fifty (150) feet per window is provided.
- 12.4.17 Restaurants and other food service establishments where customers are served only when seated at tables or counters. Such uses may include food take-out service incidental to the primary permitted use, but shall not include establishments where customers are served in motor vehicles.
- 12.4.18 Residential uses provided it shall not be located on a ground floor and not to exceed more than 50 percent of the total floor area of the building, and not to exceed more than 70 percent of the total floor area of the building, when located within the Commerce Drive Area Designed District, and no building of mixed residential business shall contain more than two stories devoted to residential use. Each dwelling unit must have a minimum floor area of 750 square feet, except that with respect to dwelling units to be occupied exclusively by elderly families, as defined in Section 31.0 or dwelling units classified as affordable housing as defined in Section 31.0, minimum floor area for such units shall be consistent with the requirements of State and Federal programs for elderly and affordable housing.
- 12.4.19 Notwithstanding the above provision with regard to total floor area, residential use may occupy up to 66 2/3 percent of the total floor area of the building provided that those units in excess of 50 percent of the area of the building are contracted with the Town of Fairfield or its designated agent as "affordable housing" as defined in Section 31.0.
- 12.4.20 Building, uses and facilities of the State of Connecticut, Federal Government or other governmental agencies, which buildings shall not include institutions of a correctional nature or for the insane.

- 12.4.21 Off-street parking
- 12.4.22 Schools, colleges and universities
- 12.4.23 Churches and other places of worship, parish halls, museums and charitable institutions
- 12.4.24 Barber shops and beauty parlors
- 12.4.25 Package stores for the sale, and establishments for the service, of alcoholic liquors, beer, ale or wine
- 12.4.26 Stores and other buildings and structures where goods are sold or service is rendered primarily at retail
- 12.4.27 The manufacture, processing or assembly of goods:
1. When accessory and subordinate to a permitted use which is being conducted on the same premises;
 2. When located within an enclosed building;
 3. When such process does not occupy more than one-third of the floor area of the premises containing and occupied by the permitted uses; and
 4. When such manufacture, processing or assembly does not involve the use of machinery or equipment requiring more than a total of five horsepower.
- 12.4.28 The following uses are permitted subject to securing a Special Exception in accordance with Section 27.0 of the Zoning Regulations.
- 12.4.28.1 Membership clubs
- 12.4.28.2 Homes for the aged, rest homes, chronic and convalescent nursing homes
- 12.4.28.3 Day nurseries
- 12.4.28.4 Public utility substations and water pumping stations
- 12.4.28.5 Gasoline filling stations: auto mobile repair facilities, including automobile, trailer and farm equipment repairing; painting and upholstery; establishments for motor vehicle washing;

establishments for the sale of new or used automobiles or the rental thereof.

12.4.28.6 Assisted living Facilities

12.4.28.7 Dog Day Care: Use may include Commercial Dog Day Care provided that there is no overnight kenneling: not occupied by more than one (1) dog per 50 square feet of indoor space; must provide an outdoor run connected therewith which is fenced in. Fence shall be designed to prevent animals from overhanging any property line. The facility must be inspected and licensed by the State of Connecticut. Use cannot abut a residential district.

12.5 Neighborhood Designed Business District

The purpose of this district is to provide local neighborhoods with needed and desirable convenience goods and services in a manner which will not be detrimental to the surrounding residential areas. The uses permitted in this zone shall be limited to those which will primarily serve the local neighborhood and are consistent with the purpose for which this district was designed.

Permitted Uses in the Neighborhood Designed District

12.5.1 Retail uses limited to: antiques, art galleries, art studio, art supplies, books, clothing, driving schools, drugs, dry goods, flowers, fruits, furniture, garden and farm supplies, gifts, groceries, hardware, interior decorating, meats, periodicals, pets and related supplies, sandwiches, shoe repair, stationery, toilet articles; provided no individual retail establishment shall have an interior floor area exceeding 4,000 square feet.

12.5.2 Business and professional offices which primarily provide services to customers and clients on the premises provided that no individual tenant shall have an interior floor area exceeding 4,000 square feet.

12.5.3 Banks and Financial institutions having a maximum interior floor area of 4,000 square feet.

12.5.4 Self-service laundry having a maximum interior floor area of 4,000 square feet, provided that there shall be no use of inflammable liquids or steam.

12.5.5 Residential uses provided it shall not be located on a ground floor and not to exceed more than 50 percent of the total floor area of the building and no building of mixed residential business shall contain more than two stories devoted to residential use. In the case of a property with multiple buildings, ground floor residential occupancy may be permitted in one building if such occupancy has a minimum street line setback of 70 feet. In such a case, more

than two stories may be devoted to residential use but in no case shall the residential floor area exceed more than 50 percent of the total floor area of all buildings on a single property. Each dwelling unit must have a minimum floor area of 750 square feet, except that, with respect to dwelling units to be occupied exclusively by elderly families, as defined in Section 31.0 or dwelling units classified as affordable housing as defined in Section 31.0 minimum floor area for such units shall be consistent with the requirements of State and Federal programs for elderly and affordable housing.

- 12.5.6 Notwithstanding the above provision with regard to total floor area, residential use may occupy up to $66 \frac{2}{3}$ percent of the total area of the building provided that those units in excess of 50 percent of the area of the building are contracted with the Town of Fairfield or its designated agent as “affordable housing” as defined in Section 31.0.
- 12.5.7 Bakeries and confectionery stores having a maximum interior floor area of 4,000 square feet.
- 12.5.8 Barber shops and beauty parlors having a maximum interior floor area of 4,000 square feet.
- 12.5.9 Package stores for the sale, and establishments for the service, of alcoholic liquors, beer, ale or wine having a maximum interior floor area of 1,500 square feet.
- 12.5.10 Churches and other places of worship, parish halls, museums and charitable institutions
- 12.5.11 Boat houses, landings, docks and marinas
- 12.5.12 Off-street parking
- 12.5.13 Buildings, uses and facilities of the Town
- 12.5.14 Railroad rights-of-way and passenger stations, including customary accessory accessory services therein, but not including switching, freight yards, terminals or storage siding.
- 12.5.15 Restaurants and other food service establishments having a maximum interior floor area of 4,000 square feet and, where customers are served only when seated at tables or counters. Such uses may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters.

12.5.16 Veterinary hospitals, provided that there shall be no commercial boarding of dogs.

12.5.17 The following uses are permitted subject to securing a Special Exception in accordance with Section 27.0 of the Zoning Regulations:

12.5.17.1 Day nurseries

12.5.17.2 Public utility substations and water pumping stations

12.5.17.3 Buildings, uses and facilities of the State of Connecticut, Federal Government or other governmental agencies, which buildings shall not include institutions of a correctional nature or for the insane.

12.5.17.4 Homes for the aged, rest homes, chronic and convalescent nursing homes

12.5.17.5 Dance or exercise studios not to exceed 4,000 square feet.

12.5.17.6 Assisted living facilities

12.6 Storage and Display, Off-Street Parking and Loading, Signs and Landscaping.

In the Center Designed Business District, Designed Commercial District and Neighborhood Designed Business District, the following design requirements shall apply:

12.6.1 Storage and Display

All display of merchandise and automobiles for sale shall be located in a building unless exterior use is permitted, pursuant to a Special Permit granted by the Commission thereunder where the nature of the proposed display will not create a traffic hazard, or unsightly conditions, or obstruct pedestrian access. All storage of merchandise, supplies and refuse shall be located in a building, or in the case of refuse, in enclosed containers located within an enclosure. Storage of automobiles may be outside of a building but on the same premises as the principal place of business of the dealer and setback in accordance with Section 27.4.8.2 and screened from public view in accordance with Section 27.4.8.5 of the Zoning Regulations.

12.6.2 Off-Street Parking and Loading

For any permitted use of premises, off-street parking and loading spaces shall be provided in accordance with Section 28.0 of the Zoning Regulations.

12.6.2.1 Enclosure

Off-street parking or loading areas which extend under all or a portion of a building or other structure more than ten (10) feet, shall be enclosed. The facade of this enclosure shall be the same as the building or structure above it. When this parking or loading area is five (5) feet or more above ground level, this parking or loading area shall be considered a story.

12.6.3 Signs

Signs shall conform to the requirements of Section 29.0 of the Zoning Regulations.

12.6.4 Landscaping

All portions of the lot not used for buildings and other structures or for paved driveways, sidewalks or off-street parking and loading areas shall be suitably landscaped. The area required for a minimum setback from any Residence District, Designed Residence or Flood Plain District boundary line, or use permitted in these zones, shall be provided with a buffer consisting of fences, walls or embankments in combination with other landscaping in such a manner as to screen the use from view to a height of five (5) feet at such boundary line or shall be provided with evergreen shrubs and/or trees. The Commission may adjust the aforesaid landscaping requirements to particular circumstances of lot lines, topography, soil conditions and site design while preserving the purpose and intent of such requirements.

12.7 Access, Lot Area, Shape, Height, Lot Coverage, Floor Area and Setbacks

12.7.1 Access

Each lot shall have a frontage on, or unobstructed easement of access or private right-of-way, to a public street equal in width to the following:

| | | |
|---------------------|---|------------------|
| Center | - | twenty (20) feet |
| Designed Commercial | - | thirty (30) feet |
| Neighborhood | - | twenty (20) feet |

12.7.2 Size

Each lot shall have a minimum area as follows:

| | | |
|---------------------|---|-----------------------------------|
| Center | - | no minimum |
| Designed Commercial | - | ten thousand (10,000) square feet |

Neighborhood - no minimum

12.7.3 Shape

Each lot shall have a shape such that a square with the following dimensions will fit on each lot:

Center - no minimum
Designed Commercial - seventy-five (75) feet
Neighborhood - no minimum

12.7.4 Height

No building or structure shall exceed the following heights:

Center - five (5) stories or fifty (50) feet
whichever is less in height
Designed Commercial - four (4) stories or forty (40) feet
whichever is less in height except that
buildings located within the 100 year
flood zone are allowed one foot of
additional height for every one foot of
vertical distance between the existing
average grade and the base flood elevation,
provided that the building does not reduce
flood storage capacity.
Neighborhood - three (3) stories or thirty (30) feet
whichever is less in height

12.7.5 Coverage and Bulk

On any lot the aggregate lot coverage and the total floor area of all buildings and structures shall not exceed the following percentages of the lot area:

12.7.5.1 Lot Coverage

Center - ninety (90) percent
Designed Commercial - seventy five (75) percent
Neighborhood - seventy five (75) percent

12.7.5.2 Total Floor Area

Center - two hundred (200) percent
Designed Commercial - one hundred fifty (150) percent
Neighborhood - one hundred (100) percent except that no

individual building shall exceed a maximum of 14,000 gross square feet.

12.7.6 Setbacks

No building or structure shall be closer to street or property lines, or any Residence District boundary, than the following:

12.7.6.1 Street Line Setback

In Center Designed Business District and Neighborhood Designed Business District, ten (10) feet except that a building or structure may extend to the street line or any street which is one hundred (100) feet or more in width, and in Designed Commercial District the setback shall be twenty-five (25) feet.

12.7.6.2 Side Property Line Setback

Zero on one (1) side and not less than ten (10) feet on the other side, except that adjoining owners may by mutual agreement recorded on the land records, agree to reduce the setback from the common property line to a minimum of ten (10) feet between adjacent structures

12.7.6.3 Rear property Line Setback

Ten (10) feet

12.7.6.4 Adjacent Residence District Boundary

Setback shall be ten (10) feet or the same as that of the adjacent Residence District setback requirement, whichever is greater.

12.7.6.5 Projections into Required Setback Area

12.7.6.5.1 Marquees, canopies and eaves may project not more than two (2) feet into the area required for setback from any property line.

12.7.6.5.2 Fire escapes, ground level open porches and other projections without projecting walls may project not more than five (5) feet into the area required for setback from the rear property line.

12.7.6.5.3 Retractable awnings shall be excluded from all setback requirements, but shall be subject to such conditions as the Commission may fix in the special permit relating to the structure to which the awning is attached.

12.7.6.6. Additional Setback

Any building or other structure, or portion thereof, exceeding a height of thirty (30) feet shall be set back one (1) foot, in addition to the applicable minimum setback requirement, for each three (3) foot or fraction thereof, by which such building or other structure or portion thereof exceeds thirty (30) feet in height.

12.8 Streets and Roadways

Streets and roadways in Designed Business Districts shall conform to the standards contained in the Subdivision Regulations.

12.9 Performance Standards

Land buildings and other structures may be used for one or more of the purposes specified in the district in which it is located subject to the following performance standards.

12.9.1 Dust, Dirt, Fly Ash and Smoke

No offensive dust, dirt, fly ash or smoke shall be emitted into the air.

12.9.2 Odors, Gases and Fumes

No offensive odors, or noxious, toxic or corrosive fumes or gases shall be emitted into the air

12.9.3 Noise

No noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates.

12.9.4 Wastes

No offensive wastes shall be discharged into any stream or storm drain.

12.9.5 Vibrations

No vibration shall be transmitted outside the property where it originates.

12.9.6 Danger

No material which is dangerous due to explosion toxicity, extreme fire hazard or radioactivity shall be used, stored or manufactured except in accordance with applicable governmental codes and regulations.

Section 12.10 Architectural and Community Appearance Standards

Land, buildings and other structures may be constructed and, used for one or more of the purposes specified in the Neighborhood Designed, and Center Designed Business Districts in which it is located, subject to the following architectural and community appearance standards.

12.10.1 When making an application, the following information shall be provided in addition to the information required by other sections of these regulations.

1. Building plans, including floor plans, roof plans and such drawings or plans which accurately reflect the size, elevations and architectural style of buildings or structures so that the application can be evaluated consistent with the standards set forth in this section.
2. All items affecting the architectural details and appearance of buildings or structures. Each elevation shall indicate the following specific items and any others which may be deemed necessary for adequate review.
 - a. Exact color of all architectural features
 - b. Architectural details
 - c. Façade-mounted lighting fixtures
 - d. Type of building materials
 - e. All architectural features and colors for each elevation
3. Vehicular use areas and paving features
4. Pedestrian environment
5. Presence of historical structures and buildings

6. Type and level of entry features for the site or building incorporated into the design concept

12.10.2 Utilities: All visible, above-grade utility structures, including but not limited to electrical control panels, meter, back flow prevention devices, transformers, etc., shall be sufficiently screened from view with landscaping in conformance with landscape provisions in Section 25.7.6. All proposed electric utility wires shall be placed underground when possible.

12.10.3 Parking Areas, Street Scape and Landscape

1. The applicant shall submit a parking study indicating parking demand, proposed land uses, and rationale for satisfying the parking demand of the proposed land uses. For multiple tenant properties with a common or shared parking area, as permitted in Section 12 of these Regulations, the total required number of spaces, otherwise required in Section 28 may, at the Commission's discretion be reduced. The applicant must demonstrate the adequacy and viability of a proposed reduction, and such a request shall be subject to a public hearing.
2. Off-street parking shall occur behind or on the side of the structures, allowing building to front partially or wholly on the sidewalk. Lighting fixtures throughout the parking field shall be complimentary to adjacent streetscape elements where applicable.
3. Drive-thrus of any type, including automated, unstaffed facilities are not permitted.
4. Bicycle racks: Bicycle racks shall be provided and provision for scooter parking shall be considered when appropriate.
5. Lighting: Sidewalk and roadway lighting shall be provided and comply with the following:
 - a. Light posts and luminaries shall be a maximum combined height of 12'0". This height may, at the Commission's discretion, be higher if there are no off-site lighting effects.
 - b. Residential sidewalk foot-candle levels shall range between 0.2 and 0.5 foot-candles with consistency demonstrated through photometric design.
 - c. Sidewalks adjacent to mixed use buildings shall provide a range of 0.9 foot-candles with consistency demonstrated through photometric design.
 - d. Roadways shall be illuminated to 0.6 to 0.9 foot-candles with

consistency demonstrated through photometric design.

- e. Full cut off fixtures are required. House-side shielding is also required adjacent to residential properties.
 - f. No trespass glare above 0.5 foot-candles at the property line is permitted.
- 6. Crosswalks: All crosswalks shall contain distinctive pavement with reflective borders. Distinctive pavement shall be unit pavers or decorative concrete.
 - 7. Courtyards and Open Space: Install and maintain internal landscaped courtyard areas and common space where space permits. Materials shall include shade and flowering trees, lawn, perennial and annual planting beds.
 - 8. All fence materials and appearance shall be compatible with the architectural character of the surrounding area.
 - 9. Fence and wall combinations used for ornamental purposes shall be measured as one and not to exceed 42” in height.
 - 10. Fences exceeding 42” in height can be used for screening and or security purposes. Material, location size shall be approved by the Commission and shall be subject to Section 25.7.6 requirements.
 - 11. Seating: Bench seating may be provided along sidewalks adjacent to mixed use buildings. Bench type shall complement architecture of surrounding buildings.
 - 12. Service alleys and structures, including trash and recycling containment areas and receptacles generally not used by the public shall be screened.

SECTION 12.10.4 ARCHITECTURAL DESIGN STANDARDS

- 1. All spaces, structures and related site improvements that are visible to the public from public roadways are designed to add to the visual amenities of the districts.
- 2. The color, size, height, proportion of openings, roof treatments and building materials be evaluated for compatibility with the local architectural character.
- 3. Building Orientation
 - a. Buildings should have a well defined front façade oriented so that the front façade is parallel with the public way. The front facades and the overall massing shall emphasize the human scale and the pedestrian environment.

- b. The relationships between buildings and the street should either be parallel or perpendicular, not angled or diagonal. Major roof ridges of buildings should be either parallel or perpendicular to the street or public way.
- c. Accessory structures visible from the public right of way should follow the same standards as main structures, generally respecting the architectural character and design relationship established by the main structure they are associated with.
- d. No building on a corner lot of a 90° intersection shall be sited at an angle. Where corners are other than 90°, buildings shall be sited to reflect the geometry of the respective intersection.

4. Building Materials

- a. Preferred building materials are brick, stone and wood. Maintenance free simulated wood composite materials such as cementitious or vinyl may be permitted in lieu of wood, if approved by the Commission.
- b. Materials should be used according to their particular logic of assembly and with appropriate detailing and expression. Cladding materials, such as siding, should not be used as a monolithic treatment but shall be broken up by appropriate trim and detailing consistent with the architectural style.
- c. Preferred roofing materials are slate, wood shingles, shakes, standing seam metal and architectural grade asphalt shingles.
- d. Trim and cornice details should be of materials and dimensions appropriate to the overall treatment of the façade. Maintenance free simulated wood composite materials such as pvc are acceptable if approved by the commission.

5. Building Facades

- a. The foremost frontal plane of the building facing the street or public way is the main façade. Other front or side facing planes within a twenty foot (20') setback from the foremost façade are also considered facades.
- b. Bay windows, portico and historical façade projections are acceptable in proportion to the size of the façade.
- c. Any overhang of upper stories should be detailed to provide appropriate definition and visual support through the use of trim and brackets detailed in accordance with the architectural style. Projections should be appropriate to the scale and character of the building.

- d. Side elevations that face a street or public way shall have materials and architectural details consistent with the front façade.

6. Window and Door Placement

- a. Windows and doors should be balanced in their placement on building facades, although exact symmetry is not necessary.
- b. Buildings should have many windows and doors at street level to encourage pedestrian traffic and activity.
- c. Exterior walls should have windows, especially if they face the street or any public space.
- d. Primary building entries should be oriented toward and visible from the street. Secondary entrances from courtyards or side yards are acceptable.
- e. Mixed use buildings should have a greater glass area at the ground floor than at upper levels.
- f. Signage shall be in accordance with Zoning Regulations, Section 29.0.

7. Windows

- a. Window styles shall be consistent and compatible across the entire exterior of a building or home.
- b. Preferred window styles are double-hung, casement, bay and storefront (in mixed use buildings.) Palladium, half-round and elliptical glazing is acceptable.
- c. Windows shall have muntin patterns that are consistent with the architectural styles. A variety of muntin patterns is encouraged.
- d. Display windows in mixed use buildings are encouraged at the ground level. The use of muntins to break the expanse of glass into smaller panes is encouraged, where appropriate.
- e. Singly cased windows are encouraged in traditional-style buildings; multiple ganged window configurations are acceptable in buildings of a more modern style.
- f. Windows shall be vertical in proportion, except on storefront windows.
- g. Windows wider than three feet (3') are strongly discouraged except on storefront

windows.

- h. Windows, including those with high-energy glazing, shall be non-reflective.
- i. Windows on buildings with siding exteriors should be trimmed with a minimum of 3 ½ “ wide casing. Brick façade buildings may be treated differently as appropriate.
- j. Window head features should have pediments, arched tops of flat heads consistent with the architectural style, proportioned as appropriate.
- k. Shutters shall be of sufficient width to close over the entire window and shall appear to be operable. The use of shutter hardware is strongly encouraged.

8. Doors

- a. Storm doors must match the color of the door they protect, or to the color of the adjacent trim. No mill finishes will be allowed. Only full view storm and screen doors are allowed.
- b. Muntins should be used when consistent with the architecture and their grid patterns should remain uniform throughout the façade.
- c. Main entrances should feature porticos, recessed entries, or strong architectural details (i.e. pilasters and head features) consistent with the architectural style.
- d. The use of transoms or sidelights is encouraged.

9. Roofs

- a. Major roof ridges of buildings should be either parallel or perpendicular to the street or public way. On narrow lots, the roof ridge should generally be perpendicular to the street. Roofs shall reflect predominate roof types in the immediate neighborhood (buildings on either side and across the street) normal roof types fall into three categories: flat with appropriate parapet or cornice gable and hipped.
- b. Mansard or gambrels roofs may be used as appropriate but such use shall be limited.
- c. Simple roof types are encouraged on small buildings. Roofs of larger buildings should be more complex and should combine a main roof with secondary roofs.
- d. Parapets, projecting cornices, or decorative roof overhangs are encouraged as appropriate to the architectural style.

- e. Heating, ventilation and air conditioning equipment located on roofs shall not be visible from the street or public way.
- f. Roof pitches may vary in pitch from 7:12 to 14:12. Roof pitches below 8:12 on main roofs are discouraged. Roof pitches for mansard or gambrel roofs shall be as appropriate to the architectural style.
- g. Roof features such as dormers, eave breaks and turrets may be added in proportion to the roof's overall size.
- h. Dormers should be set back from the face of the building at least one foot (1') and from the sides at least three feet (3'). Dormer roofs are generally gabled, with pediments or saltbox roof. The roof pitch of gable dormer roofs should match the roof pitch of the main roof.

10. "Trademark" Buildings

- a. Trademark buildings, which identify the owner or occupant by a trademarked architectural style, are not allowed. Buildings with advertising icon images detract from the coherent and distinctive architectural design promoted by these regulations. Additionally, separated one-story buildings setback from the street and surrounded by parking can be incompatible with these regulations. A "Formula Neighborhood Business" as defined in Section 31.2.41 may be allowed in buildings designed consistent with these regulations.

11. Modifications

Any change of plans or modification of the planned development shall require the approval of the Commission.

SECTION 13.0 REGULATIONS FOR COMMERCE DRIVE AREA DESIGNED DISTRICT

13.1 General

The purpose of the Commerce Drive Area Designed District is to ensure that development of various uses located within this district both encourages the use of the passenger rail station and non-motorized transportation opportunities which will both promote the public welfare by lessening congestion on highways and local roads, improve public health through increased activity, and improve the local and global environment through the reduction of greenhouse gas and other emissions from the transportation sector.

13.2 Permitted Uses

For the purpose of this section, underlying zone shall mean either the Designed Commercial District or Designed Industrial District, which existed prior to the amendment of the Zoning Map establishing the Commerce Drive Area Designed District. All permitted uses in the underlying zone shall be permitted in the Commerce Drive Area Designed District except those explicitly listed below as prohibited uses. A Special Permit under Section 25.0 of the Zoning Regulations shall be required for any new construction, reconstruction or addition for a use permitted in the underlying zone. Change from one permitted use to another permitted use, not including new construction, reconstruction or exterior alterations, shall require an application to the Commission for a Certificate of Zoning Compliance under Section 2.22 of the Zoning Regulations subject to the Standards of 25.7.

13.3 Prohibited Uses

Reference is hereby made to Section 2.4 of the Zoning Regulations for the general principle applicable to prohibited uses. Notwithstanding said provisions, the following uses are explicitly prohibited in the Commerce Drive Area Designed District:

Drive-through restaurants; and Single occupant commercial establishments exceeding 30,000 gross sq. ft., where goods are sold or services rendered primarily at retail.

13.4 Storage and Display

All display of merchandise for sale shall be located in a building unless exterior use is permitted pursuant to a Special Permit granted by the Commission where the nature of the display will not create a traffic hazard, unsightly conditions or obstruct pedestrian access. All refuse must be stored in enclosed containers located within an enclosure.

13.5 Off Street Parking and Loading

For any permitted use of the premises, off street parking and loading shall be provided in accordance with Section 28.0 of the Zoning Regulations except for the following:

| | |
|---------------|---|
| Retail Stores | Minimum of one (1) parking space for each two hundred and fifty (250) square feet of retail space |
|---------------|---|

| | |
|----------------------|--|
| Professional Offices | Minimum of one (1) parking space for each three hundred and thirty three (333) square feet of gross floor area |
|----------------------|--|

The applicant shall submit a parking study indicating parking demand, proposed land uses, and rationale for satisfying the parking demand of the proposed land uses. For multiple tenant properties with a common or shared parking area, the total number of spaces otherwise required above or by Section 28 may, at the Commissions' discretion, be reduced. The applicant must demonstrate the adequacy and viability of a proposed reduction and such request shall be subject to a public hearing.

13.6 Signs

Signs shall conform to the requirements of Section 29.0 of the Zoning Regulations with respect to the underlying zone.

13.7 Access

Each lot shall have a frontage on or unobstructed easement of access or private right of way to a public street which is at least thirty (30) feet in width.

13.8 Lot Shape and Area

Each lot shall have a minimum area of ten thousand (10,000) square feet and shall be of such shape that a square with seventy five (75) feet on each side will fit on the lot.

13.9 Height

No building or other structure shall exceed a height of four (4) stories or forty (40) feet, whichever is less.

13.10 Lot Coverage

On any lot, the aggregate lot coverage of all buildings and other structures shall not exceed fifty (50) percent of the area of the lot if the underlying zone is Designed Industrial District, and not exceed seventy five (75) percent of the area of the lot if the underlying zone is Designed Commercial District.

13.11 Total Floor Area

On any lot, the total aggregate floor area of all buildings and structures shall not exceed one hundred (100) percent of the area of the lot if the underlying zone is Designed Industrial District, and not exceed one hundred and fifty (150) percent of the area of the lot if the underlying zone is Designed Commercial District.

13.12 Setbacks

On the following sections of road, the minimum setback shall be ten (10) feet and the maximum setback shall be thirty-six (36) feet from the property line. On all other streets within the zone, the minimum setback shall be five (5) feet and the maximum setback shall be eighteen (18) feet.

Kings Highway Cutoff west of New England Avenue

Kings Highway between Kings Highway Cutoff and the south side of the building located at 75 Kings Highway

The station access road from the bridge over the tracks to Black Rock Turnpike

Black Rock Turnpike from the traffic circle south to the northern property line of parcel 80-138

Black Rock Turnpike from the northern parcel line of parcel 80-23 to the southern edge of the surface parking lot in front of 21

13.13 Design Standards

The design of buildings, public spaces and transportation infrastructure (for all modes) shall conform to the following standards in order to best achieve the goals outlined in the Plan of Conservation and Development section on Commerce Drive:

Parking

- A. No off street parking shall be allowed between a public street and the frontage of a building, other than in a driveway accessory to a residential development. Off street parking shall be allowed only in surface lots on the side or rear of a lot, in an underground lot, or in a parking structure. Parking shall be located as much as possible to the rear of buildings. Parking shall be allowed between a public street and building frontage if it does not obstruct clear pedestrian access to the building frontage, and there are unusual site characteristics making it impossible to meet the minimum parking requirement on the side or rear of a building.
- B. Parking areas abutting a public right-of-way, except railroad, shall provide a planting strip between the right-of-way or pedestrian walkway and the parking areas of not less than five feet in width. Optional wall may be in planting strip but shall not be taller than three (3) feet and shall be constructed to be at least forty (40) percent open.

Streetscape

- C. Sidewalks shall be a minimum of five (5) feet in width and shall be located with a five (5) foot buffer between the sidewalk and the curb line. This buffer area shall serve as a tree trench with grass surface along streets without on street parking and shall contain tree pits punctuating a hard surface along streets with on-street parking.
- D. Trees shall be planted within tree pits or within a tree trench every fifteen (15) to twenty-five (25) feet depending on the canopy width at maturity to result in minor overlap.
- E. Wherever a sidewalk or other pedestrian route crosses a lane of vehicle travel within a public right-of-way a crosswalk shall be painted and wherever a sidewalk or other pedestrian route crosses a lane of vehicle travel not within a public right-of-way, a raised crosswalk shall be constructed.
- F. The land between a building and the street or sidewalk must be landscaped and/or hard-surfaced for use by pedestrians. If this portion of the site totals greater than 500 square feet, then the area must contain one or more pedestrian amenities such as benches, drinking fountains, public art and/or other design elements. Single-family dwellings, duplexes, and attached houses are exempt from this requirement.
- G. A direct pedestrian connection must exist linking an entrance of each building to a sidewalk along a public street.
- H. A direct pedestrian connection must exist linking an entrance of each building to the train station for any development on a parcel adjacent to the train station.
- I. If a site has a Greater Bridgeport Transit stop along its street frontage, the applicant shall work with the transit agency in locating a transit stop and shelter.
- J. All visible above grade utility structures, including but not limited to electrical control panels, meter, backflow prevention devices, transformers, etc., shall be sufficiently screened from view with landscaping in conformance with landscape provisions in Section 25.7.6. All proposed electric utility wires shall be placed underground when possible.

Building Design

- K. Buildings must orient the primary entrance or entrances, toward the street or sidewalk. The building may also have other entrances so long as direct pedestrian access is provided from all entrances.
- L. Building facades of greater than one hundred (100) feet in length, shall be broken up with projections or recessions of sufficient depth and in sufficient number, to reduce the unbroken massing into lengths of approximately fifty (50) feet or less along all sides of the building.

- M. At least sixty (60) percent of the portion of ground floor façades between two (2) and ten (10) feet above the ground shall be transparent.
- N. Building facades shall not include reflective glass or other materials on the ground floor.
- O. Building facades shall not include any uninterrupted length of blank wall greater than twenty (20) feet in length.

Lighting

- P. Light posts and luminaries shall be a maximum combined height of 12'0". This height may, at the Commissions' discretion, be higher if there are no offsite lighting effects.
- Q. Residential sidewalk foot-candle levels shall range from between 0.2 to 0.5 foot candles with consistency demonstrated through photometric design.
- R. Sidewalks adjacent to mixed use buildings shall provide a range of 0.5 to 0.9 foot candles with consistency demonstrated through photometric design.
- S. Roadways shall be illuminated to 0.6 to 0.9 foot-candles with consistency demonstrated through photometric design.
- T. Full cut-off fixtures are required. House-side shielding is also required adjacent to residential properties.

13.14 Transit-Oriented Development Park

13.14.1 General

The purpose of the Transit-Oriented Development Park within the Commerce Drive Area Designed District is to enable the development of a transit-supportive, mixed use neighborhood within walking distance of commuter rail transit of a scale and design that is appropriate to the existing neighborhood context and to the character of the town consistent with the goals and policies, and locations recommended within the Plan of Conservation and Development.

13.14.2 Permitted Uses

Residential for one (1) or more families;
Business and professional offices; including co-working office space;
Financial institutions;
Medical and dental clinics;
Retail service stores for cleaning and pressing laundry, including dry cleaning;
Bakeries, catering establishments;
Restaurants and other food service establishments where customers are served only when seated at tables or counters. Such uses may include food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles;
Establishments for the rental of automobiles for lease periods of fewer than thirty days;
Barber shops and beauty parlors;
Package stores for the sale and establishments for the service of alcoholic liquors, beer, ale or wine;
Stores and other structures where goods are sold or service is rendered primarily at retail; and day nurseries

Dog day care uses, to include pet services such as overnight boarding, day care, grooming, and training provided that the applicant shall demonstrate all reasonable efforts to prevent any unreasonable offensive odor or excessively loud noise to emanate outside of the premises and to establish an effective protocol for waste removal.

To quantify performance compliance under this section the instantaneous maximum (Lmax, fast response) from operations (including dogs barking) shall not exceed the average (Leq) within the adjacent spaces by more than 4 dBA or 7 dBC. When average sound levels of adjacent spaces are not measured, the noise level from operations shall not exceed an instantaneous (Lmax, fast response) within the adjacent space of 40 dBA / 60 dBC for adjacent residential spaces and 45 dBA / 60dBC for adjacent commercial spaces.

13.14.3 Prohibited Uses

Reference is hereby made to Section 2.4 of the Zoning Regulations for the general principle applicable to prohibited uses. Notwithstanding said provisions, the following uses are explicitly prohibited in the Transit-Oriented Development Park: Single occupant commercial establishment exceeding 15,000 gross sq. ft., where goods are sold or services rendered primarily at retail.

13.14.4 Density and Lot Area

Property qualifying as a Transit-Oriented Development Park shall consist of a parcel or qualifying parcels of land having a minimum of thirty-five thousand (35,000) square feet and be located within the Commerce Drive Area Designed District, having or proposing one (1) or more buildings that contain residential uses and any additional land uses permitted herein. If the property has its primary frontage along Commerce Drive or Black Rock Turnpike, one additional land use must be either a restaurant or retail establishment. There is no limit to the amount of land uses than can be combined a Transit-Oriented Development Park. The maximum allowable residential density shall be seventy five (75) bedrooms per acre. For the purposes of this section 13.14.4 only, lot area shall include easements for vehicles or easements for above ground public utilities. Non-residential use shall occupy an area not less than twenty (20) percent of the total floor area of all buildings. For the purposes of this section 13.14.4, the total floor area shall be all living floor area less any residential common areas, including, but not limited to, amenity areas, mechanical, ground floor residential access and circulation, lobbies and elevators. On properties on Ash Creek Blvd. not located along the retail priority edge as defined by Figure 10 of the Fairfield Transit-Oriented Development study dated August 2019, (such figure being also found in Appendix C of these regulations), the non-residential use area may consist of public open space, connectivity to public open spaces and shared pedestrian easement areas providing access to commercial uses as well as ground floor amenity spaces and leasing offices located in ground floor retail-type storefronts towards the non-residential use requirement.

13.14.5 Application to Determine that a Parcel Qualifies as a Transit-Oriented Development Park

A written application for determination that a parcel qualifies as a Trans-Oriented Development Park shall be submitted to the Commission accompanied by the following:

A written statement describing the proposed land use mix, the area of the site, the assessor's map and parcel number, name and address of the applicant and owner;

An Affordability plan providing information on the construction and management of Below Market Rate housing units as described in 13.14.7;

A conceptual site plan, which means a plan drawing or drawings prepared by a professional engineer, surveyor or landscape architect licenses to practice in the State of Connecticut, drawn to scale of not less than sixty (60) feet to the inch showing the conceptual plan of the development within the Transit Oriented Development including contemplated buildings, structures, streetscape, driveways and off-street parking;

Said conceptual site plan shall include a zone legend providing data pertaining to the contemplated buildings and structures including height, lot coverage, total floor area, and parking;

Elevation drawings prepared by an architect showing the conceptual façade design of each building frontage;

A photo-simulation showing the building(s) in its context prepared from two vantage points to be chosen by the Town Planning staff.

Town Plan & Zoning Commission may, in its' discretion, hold a public hearing on a request for determination that a parcel qualifies as a Transit-Oriented Development.

13.14.6 Off-Street Parking

For any permitted use of the premises, off street parking and loading shall be provided in accordance with Section 28.0 of the Zoning Regulations and Section 13.5 of the Zoning Regulation pertaining to the Commerce Drive Areas Designed District except that the number of spaces required for residential uses shall be reduced to the lesser of one (1.0) parking space per bedroom or one and one quarter (1.25) parking spaces per household.

13.14.7 Below Market Rate Housing

Not less than twelve (12)% of dwelling units created within a Transit-Oriented Development Park shall be Below Market Rate (BMR) units, affordable to households earning not more than eighty percent (80%) of median household income for the Bridgeport, CT HUD Metro Fair Market Rent Area (HMFA), BMR units shall be comparable in average size of market rate units and shall be reasonably distributed throughout the project.

Rental restrictions shall remain in full force and effect for so long as the building or development exists and shall be administered in accordance with written guidelines as adopted, and periodically revised by the Town Plan and Zoning Commission. BMR units offered for sale shall remain subject to resale controls for so long as the building or development exists, and shall not exceed a resale price equal to the current BMR sale price for a complete unit, as set forth above. The allowable resale price may be reduced

if the physical conditions reflect abnormal wear and tear due to neglect, abuse or insufficient maintenance. BMR sale and resale requirements shall be administered in accordance with written guidelines as adopted and periodically revised by the Town Plan and Zoning Commission, with suitable restrictive covenants in deeds, running with the land and senior to all financing instruments, to carry out, and effectuate these obligations.

Management Plan

A proposal to establish BMR units shall be accompanied by a management plan (“Affordability Plan”), subject to approval of the Town Plan and Zoning Commission, providing all of the necessary information and documentation to ensure the construction, and continued operation of affordable housing, including the following:

- i) the person or organization responsible for administering the plan, including the application procedures and screening criteria to determine the income eligibility of applicants, and reporting, and enforcement mechanisms;
- ii) affirmative fair marketing procedures governing the sale or rental of the BMR units;
- iii) proposed sale or rental prices of BMR units and the basis for their determination;
- iv) identification and timetable for the completion and even distribution of the BMR units among the market rate units in the development; and
- v) other information as may be required by the Town Plan and Zoning Commission,

13.14.8 Signs

Signs shall conform to the requirements of Section 29.0 of the Zoning Regulations.

13.14.9 Height

No building or structure shall exceed five (5) stories and seventy (70) feet in height. Any ground story facing a public right of way shall be a minimum of fifteen (15) feet in height.

13.14.9.1

Within a Transit-Oriented Development Park and notwithstanding the provisions of Section 31.2.16 of the Zoning Regulations, the height of a building or other structure shall be measured from the average top of curb elevation of either the nearest public street or Private Right of Way averaged over the portion of the public street or Private Right of Way that directly adjoins a buildings’ primary front or entrance as determined by the

owner, to the average level between the highest interior ceiling and the top of the parapet of the building. For purposes of this section, the average top of the curb elevation at vertical distances shall be measured between two fixed points every two feet, provided such elevation shall be no higher than ten (10) feet above the average post-construction grade around any such building or other structure as calculated in accordance with Section 31.2.16 or fifteen (15) feet above the average post-construction grade when the development includes a below street level parking structure.

13.14.10 Setback

No building or structure shall be closer than ten (10) feet or farther than eighteen (18) feet from any public street line or Private Right of Way which abuts it except if the front setback area is occupied by public open space or an existing easement, the setback requirement shall commence from the edge of said public open space or existing easement.

No building or structure shall be closer than ten (10) feet from any property line.

13.14.11 Additional Setback

Any building or other structure, or portion thereof, exceeding a height of thirty-five (35) feet shall be set back five (5) feet, in addition to the applicable minimum setback requirement, along any frontage facing a public street or pedestrian walkway.

13.14.12 Lot Coverage

The aggregate lot coverage of all buildings and structures shall not exceed eighty percent (80%) of the entire parcel.

13.14.13 Public Water, Public Sanitary Sewers

All property located within a Transit Oriented Development Park must be serviced by public water, and public sanitary sewer.

13.14.14 Landscaping

Any development requiring greater than seventy-five (75) parking spaces shall be required to install at least one (1) tree for every thirty (30) linear feet between a proposed parking area and public right of way where applicable.

13.14.15 Bicycle Parking

Any development shall be required to provide one (1) bicycle parking space per dwelling unit up to seventy-five (75) bicycle parking spaces.

SECTION 21.0 REGULATIONS FOR DESIGNED INDUSTRIAL DISTRICT

21.1 General

There shall be one (1) District for industrial uses, designated as Designed Industrial District. No use shall be permitted in that District, except as these Designed Industrial District Regulations provide, and further except that if the Zoning District existing prior to the amendment of the Zoning Map establishing the Designed Industrial District was a Residence “AAA”, “AA”, “R-3”, “R-2”, “A”, “B”, or “C” District land, buildings and other structures may be used for any use permitted in such prior Zoning District, subject to all the requirements of such prior District.

21.2 Permitted Uses

In addition to the foregoing pre-existing permitted uses, the uses of land, buildings and other structures shall be solely for the following purposes. A Special Permit under Section 25.0 of the Zoning Regulations shall be required for any new construction, re-construction, exterior alterations, or additions for a use permitted in this section. Change from one permitted use to another permitted use not involving new construction, re-construction, exterior alterations or additions shall require an application to the Commission for a Certificate of Zoning Compliance under Section 2.22 of the Zoning Regulations subject to the standards of Section 25.7:

21.2.1 the manufacture, processing or assembling of goods;

21.2.2 research laboratories;

21.2.3 warehousing, wholesale businesses, common carrier, contract carrier or other freight and materials trucking businesses and terminals, motor vehicle rental or leasing businesses and building contractor’s businesses and storage yards;

21.2.4 restaurant and food service;

21.2.5 wholesale laundering or cleaning plants;

21.2.6 veterinary hospitals, printing and publishing establishments;

21.2.7 off-street parking facilities;

21.2.8 buildings, uses and facilities of the State of Connecticut, Federal or other governmental agencies, which buildings, uses and facilities shall not include institutions of a correctional nature or for the insane;

- 21.2.9 railroad rights-of-way and passenger stations, including customary accessory services therein, switching, freight yards, freight terminals and storage sidings;
 - 21.2.10 indoor recreational facilities;
 - 21.2.11 accessory uses customary with and incidental to the aforesaid permitted uses;
 - 21.2.12 signs as provided in Section 29.0 of the Zoning Regulations;
 - 21.2.13 Farmer's Market provided that they are open seasonally and during limited hours only and are operated by an existing food related business located within one hundred (100) feet of the proposed farmer market location.
 - 21.2.14 Dog Day Care: Use may include Commercial Dog Day Care provided that there is no overnight kenneling; not occupied by more than one (1) dog per 50 square feet of indoor space; must provide an outdoor run connected therewith which is fenced in. Fence shall be designed to prevent animals from overhanging any property line. The facility must be inspected and licensed by the State of Connecticut. Use cannot abut a residential district.
- 21.3 The following uses are permitted subject to securing a Special Exception in accordance with Section 27.0 of the Zoning Regulations:
- 21.3.1 Gasoline filling stations, automobile repair facilities, including automobile, trailer and farm equipment; repairing, painting and upholstery; establishments for the sale of new or used automobiles or the rental thereof;
- buildings, uses and facilities of the Town;
- public utility substations and water pumping stations.
- 21.4 Outside Storage and Display
- The outside storage or display of merchandise, supplies, machinery and refuse and/or the outside manufacture, processing or assembling of goods shall be limited to an aggregate area not to exceed ten (10) percent of the area of the lot. Any area used for outside storage or display and/or outside manufacture, processing or assembling of goods shall be appropriately screened from streets and adjoining property in such a manner as to conceal the foregoing materials from view to a height of five (5) feet with fences, walls or embankments in combination with other landscaping or shall be provided with evergreen shrubs and/or trees planted to grow so as to accomplish such screening within one (1) year. The Commission at the time of approval of a Special Permit as provided in Section 25.0 of the Zoning Regulations may adjust the aforesaid landscape requirements to particular circumstances of lot lines, topography, soil conditions

and site design, while preserving the purpose and intent of the Zoning Regulations. This provision shall not apply to areas used for parking of registered motor vehicles in daily use.

21.5 Prohibited Uses

Reference is hereby made to Section 2.4 of the Zoning Regulations for the general principle applicable to prohibited uses.

21.6 Performance Standards

Land, buildings and other structures may be used for one or more of the purposes specified in this district subject to the following performance standards:

21.6.1 Emissions

No offensive dust, dirt, fly ash, offensive odors or noxious, toxic or corrosive fumes, gases or liquids shall be emitted.

21.6.2 Noise

No noise or vibration which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originated.

21.6.3 Wastes

No offensive wastes shall be discharged into any stream, storm drainage system, sanitary sewers or on site sanitary disposal system.

21.6.4 Hazards

No material which is dangerous due to explosion, toxicity, extreme fire hazard or radioactivity shall be used, stored or manufactured except in accordance with applicable governmental codes and regulations.

21.7 Lot Area and Shape

Each lot shall have a minimum area of ten thousand (10,000) square feet and shall be of such shape that a square with seventy-five (75) feet on each side will fit on the lot.

21.8 Access

Each lot shall have a frontage of thirty (30) feet or more on a public street or shall have an unobstructed easement of access or private right-of-way which is everywhere thirty

(30) feet or more in width to a public street.

21.9 Setbacks

No building or other structure shall extend within twenty-five (25) feet of any street line, within twelve (12) feet of any property line or within twenty-five (25) feet of any other District boundary except that marquees, canopies, eaves, open fire escapes, and similar projections without projecting walls may project not more than ten (10) feet into the area required for setback from a street line and not more than three (3) feet into the area required for setback from a property line or other District boundary.

21.10 Height

No building or other structure shall exceed a height of forty (40) feet.

21.11 Coverage and Bulk

The aggregate lot coverage of all buildings and other structures on any lot shall not exceed fifty (50) percent of the area of the lot. The total floor area of all buildings and other structures on any lot shall not exceed the area of the lot.

21.12 Landscaping

Landscaping shall conform to the requirements of Section 25.7.6 of the Zoning Regulations, in addition to the screening requirements in Section 21.4 of these Designed Industrial District Regulations.

21.13 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided in accordance with Section 28.0 of the Zoning Regulations; except that for multiple tenant properties, as permitted in Section 21 of these Regulations, in excess of 100,000 square feet of gross floor area and providing for a minimum of 300 car parking spaces, the total required number of spaces otherwise required in Section 28 may, at the Commissions' discretion be reduced. The applicant must demonstrate the adequacy and viability of a proposed reduction, and such a request shall be subject to a public hearing.

21.14 Signs

Signs shall conform to the requirements of Section 29.0 of the Zoning Regulations.

21.15 Streets and Roadways

Streets and roadways in Designed Industrial Districts shall conform to the standards contained in the Subdivision Regulations.

21.16 TRANSPORTATION/COMMERCIAL PARK

21.16.1 General

The purpose of a Transportation/Commercial Park within the Designed Industrial District is to permit the development of a mixed-use, transit supportive neighborhood with a mix of residential development providing mixed-income and affordable housing options, business and professional offices, hotels, retail stores and other permitted uses, as set forth in Section 21.16.3 hereinafter. The proximity to a railroad passenger station will promote the public welfare by providing employment opportunities by promoting commuting by train for residents, which lessens congestion on the highways and contributes to the economic vitality of the Town of Fairfield, while providing for harmonious and appropriate development of those areas located within the Transportation/Commercial Park. Incentives are provided to encourage the integration of larger tracts and to reduce the number of access ways to public streets thereby creating an attractive and integrated development plan.

The Transportation/Commercial Park is designed to be applicable to areas suitable for commercial/residential development with sufficient provision for on site parking and necessary utility service and where the surrounding roadways are of such character as to be able to support such utilization of the property so as to insure that provision shall be made for entering and leaving the property without creating undue hazard to traffic or congestion.

21.16.2 Special Permit Uses

If a parcel or parcels of land has been determined to qualify as a Transportation Commercial Park pursuant to the provisions of Section 21.16.6 hereinafter, and the owner of such parcel or parcels determines to pursue development of the parcel or parcels as a Transportation/Commercial Park subject to the provisions of this Section 21.16, the use of land, buildings and other structures within said Transportation Commercial Park shall be solely for the purposes set forth in Section 21.16.3. A Special Permit under Section 25.0 of the Zoning Regulations shall be required for any new construction, reconstruction, exterior alteration or addition for a use permitted by Section 21.16.3. Change from one permitted use to another permitted use not involving new construction, reconstruction, exterior alteration or addition shall require an application to the Commission for a Certificate of Zoning Compliance under Section 2.22 of the Zoning Regulations subject to the standards of Section 25.7.

21.16.3 Permitted Uses In A Transportation/Commercial Park

21.16.3.1 Residential uses for one or more families

21.16.3.2 Buildings, uses and facilities of the Town of Fairfield

- 21.16.3.3 Railroad rights of way and passenger stations including customary accessory services therein, but not including switching, freight yards, or storage sidings.
- 21.16.3.4 Business and professional offices
- 21.16.3.5 Financial institutions
- 21.16.3.6 Medical and dental clinics
- 21.16.3.7 Hotels
- 21.16.3.8 Indoor recreational facilities
- 21.16.3.9 Retail service stores for cleaning and pressing laundry, including dry cleaning
- 21.16.3.10 Bakeries, catering establishments
- 21.16.3.11 Restaurants and food service (including non-table service restaurants and catering)
- 21.16.3.12 Restaurants and other food service establishments where customers are served only when seated at tables or counters. Such uses may include food take-out service incidental to the primary permitted use, but shall not include establishments where customers are served in motor vehicles.
- 21.16.3.13 Buildings, uses and facilities of the State of Connecticut, Federal Government or other governmental agencies, which buildings shall not include institutions of a correctional nature or for the insane.
- 21.16.3.14 Off-street parking facilities
- 21.16.3.15 Barber shops and beauty parlors
- 21.16.3.16 Package stores for the sale, and establishments for the service, of alcoholic liquors, beer, ale or wine
- 21.16.3.17 Stores and other structures where goods are sold or service is rendered primarily at retail
- 21.16.3.18 Day nurseries
- 21.16.3.19 Laboratories for scientific, medical, engineering, literary, antiquarian, commercial and experimental basis research and testing
- 21.16.3.20 Research and development laboratories

21.16.3.21 For waterfront sites: Marinas and other general public access to the waterfront

21.16.4 Prohibited Uses

Reference is hereby made to Section 2.4 of the Zoning Regulations for the general principal applicable to prohibited uses. Notwithstanding said provisions, the following uses are explicitly prohibited in a Transportation/Commercial Park:

21.16.4.1 Indoor theaters and assembly halls (not including conference centers and/or banquet halls utilized in conjunction with hotels or business and professional offices).

21.16.4.2 Single occupant retail stores exceeding 30,000 sq. ft. of interior floor space where goods are sold primarily at retail.

21.16.5 Lot Area and Characteristics

21.16.5.1 Property qualifying as a Transportation/Commercial Park shall consist of a parcel or qualifying parcels of land having a minimum of ten (10) acres in an area adjacent to a railroad passenger station or platform facilities and to be utilized for uses as permitted in Section 21.16.3, having or proposing more than one (1) building (whether or not the buildings are connected by atrium or other type of common area), designed to be operated in a unified manner with common accessory facilities; such as private interior roadways and open space for use by occupants and invitees within the Park. For purposes of this section, adjacent shall be defined to mean that any portion of said parcel or parcels is located within 300 linear feet of a railroad passenger station or platform facilities.

21.16.5.2 Once an area has qualified as a Transportation/Commercial Park having a minimum area of ten (10) acres, nothing in these Regulations shall prohibit nor shall the qualification of the parcel as a Transportation/Commercial Park be affected by the subdivision of said parcel into individual lots of less than ten (10) acres for purposes of conveyance and/or financing of construction on said lots.

21.15.5.3 Notwithstanding, the subdivision of lots within a Transportation Commercial Park as referenced in Section 21.16.5.2, coverage, bulk and residential compliance pursuant to Section 21.16.10 shall be determined based upon the area of the entire parcel qualified as Transportation/Commercial Park as if such subdivision had not occurred.

21.16.6 Application to Determine that a Parcel Qualifies as a Transportation/Commercial Park:

A written application for determination that a parcel qualifies as a Transportation Commercial Park within the Designed Industrial District shall be submitted to the Commission accompanied by the following:

- 21.16.6.1 A written statement describing the proposed use, the area of the site, the assessor's map and parcel number, name and address of the applicant and owner;
- 21.16.6.2 A conceptual site plan, which means a plan drawing or drawings prepared by a professional engineer, surveyor, or landscape architect licensed to practice in the State of Connecticut, drawn to scale of not less than sixty (60) feet to the inch showing the conceptual plan of development within the Transportation/Commercial Park including contemplated buildings, structures, streets, driveways and off street parking spaces;
- 21.16.6.3 Said conceptual site plan shall include a zone legend providing data pertaining to the contemplated buildings and structures including height, lot coverage, total floor area and parking.
- 21.16.6.4 Town Plan & Zoning Commission may, in its discretion hold a public hearing on a request for determination that a parcel qualifies as a Transportation/Commercial Park within the Designed Industrial District.
- 21.16.6.5 An application for determination that a parcel and its proposed use qualifies as a Transportation/Commercial Park shall be approved if the same meets the requirements of Section 21.16.5 here-in-above.

21.16.7 Off Street Parking and Loading

For any permitted use of the premises, off street parking and loading shall be provided in accordance with Section 28.0 of the Zoning Regulations except for the following:

| | |
|----------------------|--|
| Retail Stores | Minimum of one (1) parking space for each two hundred and fifty (250) square feet of retail space |
| Professional Offices | Minimum of one (1) parking space for each three hundred and thirty three (333) square feet of gross floor area |
| Residential Uses | Lesser of one (1) parking space per bedroom or one and one quarter (1.25) spaces per household |

The total number of spaces required shall be determined by adding the number of parking spaces required for each use and multiplying such total by eighty (80) percent.

21.16.8 Signs

Signs shall conform to the requirements of Section 29.0 of the Zoning Regulations.

21.16.9 Landscaping

All portions of the Transportation/Commercial Park not used for buildings and other structures or for paved driveways, sidewalks or off street parking and loading area shall either be suitably landscaped or left in its natural state. The area required for a minimum setback from any Residence District or Designed Residence boundary line, or use permitted in these zones, shall be provided with a buffer consisting of fences, walls or embankments in combination with other landscaping in such a manner as to screen the use from view to a height of five (5) feet at such boundary line or shall be provided with evergreen shrubs and/or trees. The Commission may adjust the aforesaid landscaping requirements to particular circumstances of lot lines, topography, soil conditions and site design while preserving the purpose and intent of such requirements.

21.16.10 Access, Height, Lot Coverage, Floor Area and Setbacks

21.16.10.1 Conflict: In the event of a conflict between the provisions of Section 13 and the provisions of this Section, the provisions of this Section 21.16.10 shall apply. The provisions of Section 13.13 shall not be applicable in the Transportation Commercial Park.

21.16.10.2 Access: Each lot shall have frontage on or unobstructed easement of access or private right of way to a public street equal to width of at least thirty (30) feet. For purposes of this section 21.16.10, a Private Right of Way is defined as an interior private passage way within a Transportation/Commercial Park designed for motor vehicle ingress and egress and circulation within the Park, provided that such a Private Right of Way has a minimum paved width of twenty-four (24) feet.

21.16.10.3 Height: Within a Transportation/Commercial Park and notwithstanding the provisions of Section 31.2.16 of the Zoning Regulations, the height of a building or other structure shall be measured from the average top of curb elevation of either the nearest public street or Private Right of Way averaged over the portion of the public street or Private Right of Way that directly adjoins a building's primary front or entrance as determined by the owner, to the average level between the highest interior ceiling and the top of the parapet of the building. For purposes of this section, the average top of the curb elevation at vertical distances between two fixed points every two feet, provided such elevation shall be no higher than ten (10) feet above the average post construction grade around any such building or other structure as calculated in accordance with Section 31.2.16 or fifteen (15) feet above the average post construction grade when the development includes below street level parking structures.

21.16.10.3.1 No building or structure shall exceed seventy (70) feet in height.

21.16.10.4 Lot Coverage

The aggregate lot coverage of all buildings and structures shall not exceed seventy five percent (75%) of the total area of the entire parcel, including open space, qualifies as a Transportation/Commercial Park.

21.16.10.5 Total Floor Area

The total floor area of all buildings and structures shall not exceed one hundred fifty percent (150%) of the total area of the entire parcel, including open space, qualifying as a Transportation/Commercial Park. Within the Transportation Commercial Park calculation of total floor area in accordance with this section shall not include square footage used for structured parking. The maximum allowable residential density shall be fifty (50) bedrooms per acre and residential use shall not exceed 70 percent of the total floor area.

21.16.10.6 Setbacks

21.16.10.6.1 No building or structure shall be closer than ten feet (10) from any public street line or Private Right of Way which abuts it; provided however, that within a Transportation/Commercial Park unenclosed surface parking shall be allowed within such setback.

21.16.10.7.2 Side Property Line Setback and Rear Property Line Setback

Zero provided however, that if a building and/or structure are not attached, the minimum setback between buildings or other structures shall be ten (10) feet.

21.16.10.8.3 Adjacent Residence District Boundary

Setback shall be ten (10) feet or the same as that of the adjacent Residence District setback requirement, whichever is greater.

21.16.11 Public Water, Public Sanitary Sewers

All property located within a Transportation/Commercial Park must be serviced by public water and public sanitary sewer.

21.16.12 Open Space

21.16.12.1 Within a Transportation/Commercial Park provision shall be made for the dedication of not less than ten (10) percent of the total area of the Transportation Commercial Park as open space to be so designated by the establishment of a conservation easement over said portion of the property so dedicated precluding active development within the bounds of said easement area. Said open space designation and conservation easement shall not prohibit the establishment of

greenbelts, hiking trails and other amenities for passive recreation within said area, and shall not preclude public access to such areas.

- 21.16.12.2 The area designated as open space pursuant to the provisions of this section may be included within total area of the Transportation/Commercial Park for purposes of compliance with lot coverage requirement pursuant to Section 21.16.10.4 and total floor area requirement pursuant to Section 21.16.10.5.

21.16.13 Below Market Rate Housing

Not less than 12% of the dwelling units created within a Transportation/Commercial Park shall be Below Market Rate (BMR) units, affordable to households earning not more than eighty percent (80%) of median household income for the Bridgeport, CT HUD Metro Fair Market Rent Area (HMFA), BMR units shall be comparable in average size of market rate units and shall be reasonably distributed throughout the parcel.

Rental restrictions shall remain in full force and effect for so long as the building or development exists but in no case for less than 40 years and shall be administered in accordance with written guidelines as adopted, and periodically revised by the Town Plan and Zoning Commission. BMR units offered for sale shall remain subject to resale controls for so long as the building or development exists, and shall not exceed a resale price equal to the current BMR sale price for a complete unit, as set forth above. The allowable resale price for a complete may be reduced if the physical conditions reflect abnormal wear and tear due to neglect, abuse or insufficient maintenance. BMR sale and resale requirements shall be administered in accordance with written guidelines as adopted and periodically revised by the Town Plan and Zoning Commission, with suitable restrictive covenants in deeds, running with the land and senior to all financing instruments, to carry out, and effectuate these obligations.

Management Plan

A proposal to establish BMR units shall be accompanied by a management plan (“Affordability Plan”), subject to approval of the Town Plan and Zoning Commission, providing all of the necessary information and documentation to ensure the construction and continued operation of affordable housing, including the following:

- i) The person or organization responsible for administering the plan, including the application procedures and screening criteria to determine the income eligibility of applicants, and reporting, and enforcement mechanisms:
- ii) affirmative fair marketing procedures governing the sale or rental of the BMR

units:

- iii) proposed sale or rental prices of BMR units and the basis for their determination:
- iv) identification and timetable for the completion and even distribution of the BMR units among the market rate units in the development: and
- v) other information as may be required by the Town Plan and Zoning Commission

SECTION 22.0 REGULATIONS FOR DESIGNED RESEARCH DISTRICT

22.1 General

No use of land, buildings and other structures shall be permitted in the Designed Research District, except as these Designed Research District Regulations provide and further except that if the Zoning District existing prior to the amendment of the Zoning Map establishing the Designed Research District was a Residence “AAA”, “AA”, “R-3”, “R-2”, “A”, “B”, “C”, or “Beach” District, land, buildings and other structures may be used for any use permitted in such Zoning district, subject to all of the requirements of such prior District.

22.2 Special Permit Uses

In addition to the foregoing pre-existing permitted uses, the uses of land, buildings and other structures shall be solely for the following purposes, and be subject to the securing of a Special Permit from the Commission as provided in Section 25 of the Zoning Regulations and further subject to the standards hereinafter set forth in this Section. This Special Permit procedure is imposed pursuant to CT Gen. Statutes, Sect. 8-2.

22.2.1 laboratories for scientific, medical, engineering literary, antiquarian, commercial and experimental basic research and testing, but not for any applied research provided that laboratories on land in a Designed Research District prior to March 31, 1990, may be used for any applied research.

22.2.2 office buildings for business and professional establishments, excluding those establishments which primarily provide services to customers and clients on the premises, provided that office buildings on land not in a Designed Research District prior to March 31, 1990, shall be used for single occupant use exclusively.

22.2.3 off-street parking facilities;

22.2.4 accessory uses customary with and incidental to the aforesaid use; and

22.2.5 signs as provided in Section 29 of the Zoning Regulations.

22.3 Prohibited Uses

Reference is hereby made to Section 2.4 of the Zoning Regulations for the general principle applicable to prohibited uses.

22.4 Performance Standards

Land buildings and other structures may be used for one or more of the purposes specified in this district in which it is located subject to the following performance standards:

22.4.1 Emissions: No offensive dust, dirt, fly ash, offensive odors or noxious, toxic or corrosive fumes, gases or liquids shall be emitted.

22.4.2 Noise: No noise or vibration which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originated.

22.4.3 Waste: No offensive wastes shall be discharged into any stream, storm drainage system, sanitary disposal systems.

22.4.4 Hazards: No material which is dangerous due to explosion, toxicity, fire hazard or radioactivity shall be used, stored or manufactured, except in accordance with applicable governmental codes and regulations.

22.5 Lot Area

Each lot shall have a minimum area of ten (10) acres.

22.6 Access

Each lot

22.6.1 shall have a frontage of one hundred (100) feet or more on a public street or shall have an unobstructed easement of access or private right-of-way which is everywhere sixty (60) feet or more in width to a public street; and

22.6.2 the principal entrance and exit to the lot must be located within one-third (1/3) of a mile from the paved portion of the nearest entrance to or exit from a limited access highway.

22.7 Setbacks

No building or other structure shall extend within one hundred (100) feet of any street line, within fifty (50) feet of any property line or within one hundred (100) feet of any Residence District, Designed Residence District or Flood Plain District boundary line.

22.8 Height

No building or other structure shall exceed a height of forty (40) feet.

22.9 Coverage and Bulk

The aggregate lot coverage of all buildings and other structures on any lot shall not exceed twenty (20) percent of the area of the lot. The total floor area of all buildings and other structures on any lot shall not exceed fifty (50) percent of the area of the lot.

22.10 Landscaping

Landscaping shall conform to the requirements of Section 25.7.6 of the Zoning Regulations.

22.11 Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided in accordance with Section 28 of the Zoning Regulations.

22.12 Minimum Floor Area

Each building shall have a minimum ground floor area of two thousand (2,000) square feet.

22.13 Storage

All storage shall be located in a building or enclosed structure.

22.14 Streets and Roadways

Streets and roadways in Designed Research Districts shall conform to the standards contained in the Subdivision Regulations.

SECTION 23.0 REGULATIONS FOR FLOOD PLAIN DISTRICT

23.1 General

The following Flood Plain District Regulations shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures, in any Flood Plain District.

23.2 Objectives

In the establishment of this Flood Plain District it is recognized that there are areas of the Town which are, or are surrounded by areas which are, subject to frequent, occasional or periodic flooding. Strict limitations on the use of land, buildings and other structures for human habitation on the construction of buildings and other structures and on filling and excavation of land are necessary for protection of the public health and safety and for protection of property values. This Flood Plain District establishes certain uses which can be conducted with a minimum of risk to health, safety and property values and established a procedure whereby additional uses can be conducted after review of plans and a determination that the use, and any buildings, other structures and filling or excavation of land in connection therewith can be carried out without endangering health, safety and property values.

23.3 Permitted Uses

Land, buildings and other structures shall be used for one or more of the following purposes, provided that no building or other structure constructed in connection with such uses shall have a floor area in excess of two hundred fifty (250) square feet.

23.3.1 nurseries, truck gardens and farms, not including commercial greenhouses; provided any buildings or holding pens or corrals in which horses, cows, pigs, or other large animals or poultry are kept are not less than sixty (60) feet from any property or street line; and provided that fenced pasture areas shall be designed to prevent animals from overhanging any property line;

23.3.2 subject to the securing of a Special Exception from the Commission in accordance with Section 27.0 of the Zoning Regulations, buildings, uses and facilities of the Town;

23.3.3 subject to the securing of a Special Exception from the Commission in accordance with Section 27.0 of the Zoning Regulations, buildings, uses and facilities of the State of Connecticut, Federal government or other governmental agencies;

23.3.4 subject to the securing of a Special Exception from the Commission in accordance with Section 27.0 of the Zoning Regulations, the following uses

when not conducted as a business or for profit; recreation facilities, nature preserves and wildlife sanctuaries;

23.3.5 off-street parking facilities in connection with a use that would be permitted in a Residence R-2 District;

23.3.6 signs as provided in Section 29.0 of the Zoning regulations; and

23.3.7 accessory uses customary with and incidental to the aforesaid permitted uses, subject to the following additional standards and conditions;

23.3.7.1 the accessory use shall be located on the same lot with the permitted use to which it is accessory.

23.3.7.2 accessory uses shall not include any activity conducted for gain, any walk or driveway giving access to such an activity or any use otherwise specifically excluded by these Flood Plain District Regulations.

23.4 Specific Prohibited Uses

The permitted uses specified in Section 23.3 of these Flood Plain District Regulations shall not be construed to include, and no land, building or other structure shall be used for any of the following purposes:

23.4.1 any building or other structure having a floor area in excess of two hundred and fifty (250) square feet;

23.4.2 any filling of land or the excavation or removal of earth, loam, topsoil, sand gravel, clay or stone from the premises, except in conjunction with an otherwise permitted use; or

23.4.3 the construction of any dike, berm, groin, seawall, jetty, navigation channel or boat basin or the installation of any piers, docks, wharves, bulkheads, retaining walls or pilings, except in accordance with Section 23.3.3 of these Flood Plain District Regulations.

23.5 General Prohibited Uses

Reference is hereby made to Section 2.4 of the Zoning Regulations for the general principle applicable to prohibited uses.

23.6 Special Exception

In accordance with Section 27.0 of the Zoning Regulations, the Commission may

permit the establishment of any use permitted in Residence R-2 Districts and a prohibited use listed in Section 23.4 of these Flood Plain District Regulations that would be permitted in Residence R-2 Districts, if the Commission finds that the proposed use, and the buildings and other structures in connection therewith, will conform to these Flood Plain District Regulations and to the additional standards specified in Section 27.0 of the Zoning Regulations.

23.7 Physical Characteristics of Lot and Structures

The Flood Plain District Regulations with respect to lot area and shape, access, setbacks, height, coverage and bulk minimum floor area for dwellings, off-street parking and loading and signs are the same as the regulations provided for the same matters in the R-2 Residential District and Section 5 of the Zoning Regulations is hereby incorporated into these Flood Plain District Regulations by reference as to the items listed herein.

SECTION 24.0 LAND EXCAVATION AND FILL REGULATIONS

24.1 Special Permit Required

The excavation, movement, alteration or filling of any earth, loam, topsoil, clay or stone affecting any premises located in any Zoning District of the Town shall require a Special Permit in accordance with these Land Excavation and Fill Regulations.

24.2 Purpose

The purpose of these Land Excavation and Fill Regulations is to regulate land excavation and fill operations as regulated activities and to preserve and protect the land as a natural resource to regulate activity which would alter the configuration of the surface or subsurface of the land and to regulate its development by means of alternatives which best maintain and enhance the appearance, character and natural beauty of the land, and to protect property values, and public health and safety.

24.3 Regulated Activities

Regulated activities shall consist of drainage, dredging, excavation, or removal of soil, mud, sand, gravel, clay, stone or aggregate of any kind, or similar material, dumping, filling, or depositing soil, mud, sand, gravel, clay, stone, debris, rubbish, aggregate of any kind, or similar material.

24.4 Exemptions

A Special Permit shall not be required for the following:

- 24.4.1 Normal excavation for structural foundations and sanitary systems and related grading or landscaping in connection with an existing or proposed structure or a proposed permitted accessory use or for which a Certificate of Zoning Compliance has been issued pertaining to a lot in an approved or recorded subdivision, provided that no excavation, filling or grading shall exceed two hundred fifty (250) cubic yards;
- 24.4.2 Construction and grading related to subdivision plans approved by the Commission;
- 24.4.3 Land tests to determine soil characteristics such as borings percolation tests and those of similar nature;
- 24.4.4 Subject to securing a Certificate of Zoning Compliance from the Zoning Enforcement Officer, excavation or filling of two hundred and fifty (250) cubic yards or less not part of a continuing excavation or filling activity; and

24.4.5 Any regulated activity for which a permit shall have been issued by the Inland Wetlands Agency of the Town.

24.5 Application

Written application for such a Special Permit shall be submitted to the Commission accompanied by a written statement describing the proposed regulated activity, together with maps and plans, showing the following:

- 24.5.1 The area to be affected by the regulated activity;
- 24.5.2 Existing contour lines on the premises and proposed contour lines resulting from the intended regulated activity, including an area within fifty (50) feet of the premises, shown on a map drawn to a scale not less than sixty (60) feet to the inch and with a contour interval not to exceed two (2) feet;
- 24.5.3 Existing and proposed drainage, buildings and other structures on or within one hundred (100) feet of the proposed activity and the adjacent or nearby areas to the extent affected by such activity;
- 24.5.4 Existing rivers and their tributaries, streams, ponds, lakes, reservoirs and watercourses, tidal and coastal wetlands, inland wetlands, salt and fresh water marshes and flood plains, geographical features and vegetation on or within the area affected by the activity;
- 24.5.5 Proposed vehicle access to the property;
- 24.5.6 Proposed time of completion of the project and the periods of operation;
- 24.5.7 The total amount of excavation in cubic yards, total amount of material to be removed or placed on the site in cubic yards, the areas affected by the regulated activity;
- 24.5.8 Proper provision for erosion and sedimentation control in accordance with Section 37.0; and
- 24.5.9 Such additional information as the Commission shall deem necessary to make a reasonable decision on the application.

24.6 Public Hearing

Except as otherwise provided, the Commission, in its discretion, may hold a public hearing on an application, and if it exercises that discretion, shall hold a public hearing in accordance with Section 2.23 of the Zoning Regulations. The application shall also be governed by Section 2.23 of the Zoning Regulations.

24.7 Conditions of Special Permit

A Special Permit, if granted, shall be for a limited time, not exceeding two (2) years, and only upon the conditions that there shall be:

- 24.7.1 No excavation, grading or other alteration except in conformity with the proposed grading plan as approved;
- 24.7.2 No slopes in excess of fifteen (15) percent;
- 24.7.3 No machinery, methods or equipment of any nature, including but not limited to, a crushing plant, a washing operation, a screening or scalping plant or operation, blenders and bar screens or “grizzlies” for the alteration or processing of the excavated material so as to affect its physical or chemical properties, such as sieve analysis and gradation, or the presence of unwanted material; and
- 24.7.4 No filling or excavation or removal within fifty (50) feet of any street or property line, except that, where the property is considerably above grade at such line, removal may take place at a lesser distance from the line, or where the property is considerably below grade at such line, filling or excavation may take place at a lesser line, filling or excavation may take place at a lesser distance from the line, if the Commission determines that the work proposed by the application will not result in:
 - 24.7.4.1 Weakening of lateral support of any public right-of-way or contiguous property; or
 - 24.7.4.2 The disposition of debris on any public right-of-way, nearby private property or existing drainage course; or
 - 24.7.4.3 Interference with any existing drainage course, or
 - 24.7.4.4 Any sharp declivities, pits or depressions;
- 24.7.5 After the activity, clearance of debris within the time provided in the special permit;
- 24.7.6 Setting aside the top layer of arable soil for a depth of six (6) inches, retaining that soil on the premises and re-spreading it over the premises, planting of suitable ground cover and vegetation according to a landscape plan and grown to an erosion resistant condition, upon the completion of the regulated activity, in accordance with the approved contour lines and completing such work within the time provided for in the Special Permit;
- 24.7.7 Schedule to be filed with the Commission showing the following:

24.7.7.1 A limitation on the days of the week and the hours of the day during which any work may be performed;

24.7.7.2 The size and type of machinery;

24.7.7.3 The place and manner of disposal of excavated, removed, relocated or dredged material; and

24.7.7.4 Requirements as to control of dust, noise, fumes and lighting, if permitted, so as to prevent results injurious or offensive to the general public and the environment.

24.7.8 There shall be proper drainage to avoid stagnant water.

24.8 Security

The applicant shall file a bond, as provided for in Section 2.24 of the Zoning Regulations, to insure the faithful performance of the work to be undertaken pursuant to the conditions of approval or approval with modification, and conditioned upon completion of the regulated activity in accordance with the conditions established by the Commission at the time of granting of the Special Permit or any subsequent changes of such conditions. In its discretion, the Commission, or Staff, may waive the security or reduce the amount of the bond, in the event a bond is also required by the inland wetlands agency of the Town for the same work. No such bond shall be released, nor shall the applicant be deemed to have complied with the conditions provided for herein, until the applicant has filed with the Commission a written certification from the Department of Public Works of the Town that said conditions have been complied with and that such bond may be released. The Commission shall act on a requested release of bond within sixty five (65) days of submission of the application for such release.

24.9 Revocation and Suspension

Any Special Permit issued pursuant to the provisions of these Land Excavation and Fill Regulations shall be subject to revocation and suspension as provided for in Section 2.34 of the Zoning Regulations.

24.10 Change of Condition

The Commission may vary or alter any condition provided for in these Land Excavation and Fill Regulations, if in its opinion such variance or alteration is in harmony with the purpose and intent of these Land Excavation and Fill Regulations.

SECTION 25.0 SPECIAL PERMITS IN DESIGNED DISTRICTS

25.1 General

The Commission may grant a Special Permit, hereinafter called “S P”, for the establishment of a S P use in any designed District, as authorized by General Statutes, Section 8-2, in accordance with the following S P Regulations which are in addition to (1) the other requirements applicable in the District in which the S P is to be issued; and (2) applicable special standards for Special Exception uses under Section 27.0 of the Zoning Regulations.

25.2 Application

Written application for such Special Permit shall be submitted to the Commission accompanied by the following:

- 25.2.1 A written statement in quadruplicate describing the proposed use, setting forth the Zoning District, the area of the site, the Assessor’s Map and Parcel number, name and address of the applicant and owner, and the name and address of each party owning a legal or beneficial interest in the applicant and owner, except in the case of a publicly held corporation, which shall be identified by name and address only;
- 25.2.2 Site Plan in quadruplicate, which means a plan drawing or drawings prepared by a professional engineer, surveyor, or landscape architect licensed to practice in the State of Connecticut, drawn to a scale of not less than sixty (60) feet to the inch (e.g., two hundred (200) feet to the inch is less than one hundred (100) feet to the inch), showing all the following information, both existing and proposed, as applicable to the particular application:
 - 25.2.2.1 Property lines having exact distances, angles or bearings delineating the land to be used under the application;
 - 25.2.2.2 Existing contour lines on the premises and proposed contour lines resulting from the proposed use, including an area within fifty (50) feet of the premises, shown on a map drawn to a scale not less than sixty (60) feet to the inch and with a contour interval not to exceed two (2) feet;
 - 25.2.2.3 Buildings, structures, signs and outdoor illumination facilities;
 - 25.2.2.4 Streets, driveways, sidewalks and off-street parking and loading spaces;
 - 25.2.2.5 Rivers and their tributaries, streams, lakes, ponds, reservoirs, watercourses, tidal wetlands, inland fresh water wetlands;

- 25.2.2.6 Storm drainage and sewage disposal;
- 25.2.2.7 A zone legend describing all data pertaining to applicable design requirements;
- 25.2.2.8 A landscape plan, presented on plan drawings and/or in narrative form as appropriate, providing the following information:
- a. Location and description of existing vegetation
 - b. Location and description of existing and significant natural features, including but not limited to boulders, rock outcroppings and aquatic resources, and plans to incorporate these features into the proposed site design;
 - c. Location and spacing of proposed new plant materials, including types of materials identified by botanical and common names (invasive or potentially invasive plants listed by the Connecticut Invasive Plants Council pursuant to Section 22a-381b of the Connecticut Statutes are prohibited)
 - d. A list and description of plant materials to be used, including trunk diameter and height at installation and at maturity, diameter of shade canopy at maturity, and a planting schedule for all plant materials;
 - e. Proposed treatment of ground surfaces;
 - f. Methods of protecting landscaping from any significant adverse impacts that may be caused by vehicles;
 - g. Location and description of trees of notable size, rarity or aesthetic value, including species and diameter at breast height. and plans to protect and preserve such trees during and after construction. A tree of notable size means any tree with a diameter greater than sixteen (16) inches measured at breast height or any tree of a species normally described as small or understory with a diameter greater than six (6) inches at breast height. Breast height means fifty four (54) inches above ground level.
- 25.2.2.9 A bicycle and pedestrian plan, presented on plan drawings and/or in narrative form as appropriate, providing the following information concerning bicycle and pedestrian ingress, egress and circulation:
- a. Proposed access to the site designed to promote and provide safe and efficient ingress, egress and circulation for bicycle and pedestrian

traffic, including direct and convenient circulation between all main entrances of buildings or uses on the site and available points of access to the site;

- b. Proposed connections from the site to existing and planned public bicycle and pedestrian facilities and connections to adjacent properties;
- c. Proposed on-site bicycle parking area and amenities to encourage bicyclists, including, as appropriate: short-term bicycle parking facilities intended to encourage bicycling for shoppers; customers and visitors, and long-term bicycle parking facilities intended to provide safe and weather protected places for users requiring longer periods of bicycle storage such as residents, employees and students; and
- d. Proposed signage indicating the presence and location of bicycle and pedestrian pathways and amenities, and designed for reading by bicyclists, pedestrians and motorists.
- e. All public sidewalks shall comply with the requirements of the most recent Americans with Disabilities Act (ADA) standards, which include requirements for sidewalk widths, grades, locations, markings, surface treatments, and curb ramps. Sidewalks shall conform to the standards contained in the Subdivision Regulations Section 3.10.

25.2.2.10 The Commission, however, in its discretion, may waive the requirement for a Site Plan where there is no change of the exterior of an existing building or structure or where there is no change proposed on the site.

25.2.2.11 The Site Plan shall be submitted to aid the Commission in determining the conformity of a proposed building, use, or structure, with these Regulations as authorized by General Statutes, Section 8-3 (g). The Commission is not required to approve, or act in any way upon, a Site Plan submitted with a Special Permit application.

25.2.3 Architectural Plans in quadruplicate, which means dimensioned architectural drawings of buildings, structures and signs, including exterior construction materials, method, location and appearances of heating and air conditioning equipment not included in the principal building, exterior elevation drawings, floor plans and perspective drawings prepared, except for drawings for signs, by a professional architect or professional engineer licensed to practice in the State of Connecticut.

25.2.4 Such additional information as the Commission may deem necessary to make

a reasonable decision on the application.

25.2.5 Stamped Envelopes addressed to each of the owners, as of the date of the application, of all properties which are subject to the application and all properties within two hundred (200) feet of any portion of such properties. Such names shall be those indicated on the most recent tax assessment list of the Town and shall include the actual owners of record where known.

25.3 Revisions and Extensions

Any revision of an approved Special Permit application and any change, including use, and any reconstruction, enlargement, extension, moving or structural alteration of an approved Special Permit use or any buildings or structures in connection therewith shall require submission of a Special Permit application as for the original application, except in the following instances:

25.3.1 Change from one to another of the following uses, within each the following categories, in any Designed Business District:

25.3.1.1 Stores and other buildings and structures where goods are sold or service is rendered primarily at retail; or

25.3.1.2 Business and professional offices, banks and medical and dental clinics; or

25.3.2 Reconstruction of restoration after damage by fire or other casualty.

25.4 Procedure

The Town Plan and Zoning Commission shall hold a public hearing on an application for a Special permit submitted under these Regulations pursuant to General Statutes, Section 8-3c.

25.5 Public Hearing Conduct

Any public hearing shall be in accordance with Section 2.23 of the Zoning Regulations.

25.6 Reapplication

The Commission shall not be required to act upon any S P application for the same use, or substantially the same use, more than once in a period of twelve (12) months.

25.7 Requirements for Approval

The Town Plan and Zoning Commission, after public hearing, shall approve an application for a Special Permit for the establishment of a special permit use if it finds

that the proposed use and proposed buildings and structures conform to the standards applicable in the district in which the special permit use is to be located, conform to any applicable special standards for special exception uses in Section 27.0 and conform to the following additional requirements;

- 25.7.1 The proposed use shall be a permitted use in the District in which it is to be located;
- 25.7.2 The Site Plan shall include the location and arrangement of buildings, and other structures, signs and outdoor illumination and the existing and proposed contours, streets, driveways, off-street parking and loading spaces, sidewalks, storm drainage, sewage disposal facilities to meet the requirements of Section 25.7.7 of these S P Regulations;
- 25.7.3 Architectural Plans of buildings, other structures, and signs shall include the exterior building material, colors, elevations, roof line, height and bulk;
- 25.7.4 The specifications for all construction of improvements within any existing or proposed local or private streets shall meet or exceed the standards of the Subdivision Regulations of the Town. The specifications for all driveways, off-street parking and loading spaces, storm drainage, sewage disposal facilities and landscaping shall be subject to the approval of the Commission;
- 25.7.5 The Commission may grant a S P for establishment of a S P use on a lot which does not conform to the minimum area and shape requirements for the District in which the lot is located, provided that the lot is a legally existing non-conforming lot and the Commission finds that all other standards of these S P Regulations are met and the lot is of sufficient size and shape to permit the use for buildings, other structures and facilities in such a manner that will not be detrimental to the neighborhood or adjacent property;
- 25.7.6 All portions of the lot not used for buildings and other structures or for paved driveways, sidewalks or off-street parking and loading areas shall be suitably landscaped. The area required for a minimum setback from any Residence District, Designed Residence District or Flood Plain District boundary line or use permitted in these zones, shall be provided with a buffer consisting of fences, walls or embankments in combination with other landscaping in such a manner as to screen the use from view to a height of five (5) feet at such boundary line or shall be provided with evergreen shrubs and/or trees. The Commission may adjust the aforesaid landscaping requirements to particular circumstances of lot lines, topography, soil conditions and site design while preserving the purpose and intent of such requirements; and
- 25.7.7 The development shown on the site and Architectural Plans shall be of such a character as to harmonize with the neighborhood, to accomplish a transition in

character between areas of unlike character, to protect property values in the neighborhood, to preserve and enhance the appearance and beauty of the community, and to avoid undue traffic congestion.

- 25.7.8 The Special Permit use, site plan and architectural design shall be in conformance with the purpose and intent of any plan of development adopted by the Town Plan and Zoning Commission for the area in which the Special Permit use is to be located.
- 25.7.9 Any project that results in a net increase of ten (10) or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or nonresidential space shall include provision to set aside not less than ten percent (10%) of said units as below market rate (BMR) units, affordable to households earning not more than eighty percent (80%) of the area median income for the Bridgeport, CT HUD Metro Rent Area (HMFA). BMR units provided under this Section shall be subject to the Additional standards and requirements provided in Section 10.17.

25.8 Zone Changes and Special Permit

An application to change a District shall require a public hearing as provided in Section 2.23 of the Zoning Regulations. An application for a Special Permit under these Special Permit Regulations, other than an application submitted by the Commission, shall be submitted simultaneously with an application for a change of District to a Designed District as to the land covered by the S P application. A hearing for a change of District to a Designed District shall be held simultaneously with a public hearing on such Special Permit application be held simultaneously with a public hearing on such Special Permit application.

- 25.8.1 A written application for a District change and an application for a Special Permit shall be accompanied by the following:

25.8.1.1 A written statement in quadruplicate setting forth the present and proposed Zoning District, description of the property, the area of the site, the assessor's map and parcel number, name and address of the applicant, the owner of the property and the name and address of each party owning a legal or beneficial interest in the applicant except in the case of a publicly held corporation, which shall be identified by name and address only;

25.8.1.2 Ten (10) copies of a map showing the subject property and all streets, properties and owners, within five hundred (500) feet of the subject property in the standard zoning key color in use on the Town Zoning Maps. The proposed zoning shall be appropriately marked in color. The map may be based on the Town Assessor's Map and drawn to a scale of not less than one hundred (100) feet to the inch; and

25.8.1.3 such additional information as the Commission may deem reasonably necessary to make a decision on the application.

25.8.1.4 Stamped Envelopes addressed to each of the owners, as of the date of the application, of all properties which are subject to the application and all properties within five hundred (500) feet of any portion of such properties. Such names shall be those indicated on the most recent tax assessment list of the Town and shall include the actual owners of record where known.

25.8.2 Within ninety (90) days after the expiration of a S P granted under Section 25.8 of these S P Regulations, where the development contemplated by the S P has not been completed in accordance with the S P, the Commission shall conduct a public hearing to consider rezoning the land placed in the Designed District to its prior Zoning District.

25.8.2.1 Regardless of the foregoing requirements for a S P, no Certificate of Zoning Compliance shall be issued until after the completion of the curbs, sidewalks, roads, passageways, and landscaping requirements, or until the applicant files with the Commission a bond as provided for in Section 2.24 of the Zoning Regulations, conditioned upon the completion of the work within the time prescribed by the Commission, and in accordance with the plans as approved.

25.8.2 The duration of a S P shall be as provided in the Connecticut General Statutes.

25.9 Bond Release

If a bond is filed, and thereafter the work is substantially completed as evidenced by an interim inspection report of the Town Engineer, then upon the written request of the applicant, the Commission in its discretion may release not in excess of fifty (50) percent of the original amount or value of such bond. The release of the remainder shall be conditioned upon the following:

25.9.1 A further written request;

25.9.2 A public hearing with notice that such release has been requested, which notice shall be published in accordance with the requirements of Section 2.23 of the Zoning Regulations, and shall identify the site, the name of the applicant and the amount of the remainder of the bond sought to be released;

25.9.3 A post construction survey by a land surveyor licensed to practice in the State of Connecticut establishing the actual location of the required improvements, their grades, and such other matters as shall be required by the Town Engineer;

and

25.9.4 A final written inspection report of the Town Engineer.

SECTION 26.0 OPEN SPACE SUBDIVISION PLANS

26.1 Special Exception

Simultaneously with the approval of a subdivision plan under the Subdivision Regulations of the Town, the Commission may grant a Special Exception for an open space subdivision plan, hereinafter called "Open Space Plan", involving reduction of lot area and shape in Residence Districts AAA and AA.

26.2 Purpose

The Commission may grant a Special Exception to permit establishment of an Open Space Plan if it finds that the Special Exception will accomplish one or more of the following open space purposes:

- 26.2.1 To preserve land as un-subdivided and undeveloped open space which preserves or enhances the appearance, character and natural beauty of an area;
- 26.2.2 To preserve land for park and recreation purposes;
- 26.2.3 To preserve land for purposes of conserving natural resources;
- 26.2.4 To preserve and protect particular areas and terrain having qualities of natural beauty or historic interest; or
- 26.2.5 To protect streams, rivers ponds and wetlands to avoid flooding, erosion and water pollution.

26.3 Application

An application for a Special Exception pertaining to a proposed Open Space Plan shall be submitted to the Commission and shall be accompanied by the following:

- 26.3.1 A subdivision map shall be submitted in conformity with the Residence AAA or AA District Zoning Regulations.
 - 26.3.1.1 Such subdivision map shall show proposed street and lot lines, adjoining owners, existing and proposed contours of the premises and an area within fifty (50) feet thereof based on the Town of Fairfield Aerial Survey and the Inland Wetland Soil Boundary. The map shall be drawn to a scale of not less than one hundred (100) feet to the inch.
 - 26.3.1.2 The number of lots shown on such subdivision map shall take into account topography, physical characteristics and wetlands.

26.3.2 Additionally a map shall be submitted showing the proposed subdivision of the land as an Open Space Plan based on the standards and conditions specified herein.

26.3.2.1 The Open Space Plan shall show proposed street and lot lines, adjoining owners, existing and proposed watercourses, easements, existing and proposed storm drains and sanitary sewers, representative lot dimensions and approximate lot areas, proposed open spaces, and existing and proposed contours based on the Town of Fairfield Aerial Survey and the Inland Wetland Soil Boundary. The map shall be drawn to a scale of not less than one hundred (100) feet to the inch. In areas where sanitary sewers are not available, proposed individual house or community septic systems shall be outlined. Preliminary approval shall be obtained from the Health Department attesting to the suitability of the subdivision for said systems.

26.3.2.2 Profile drawings shall be submitted for all proposed roads, showing existing and proposed ground surfaces at the centerline of the proposed road and proposed storm and sanitary sewers. The profile shall be based on the Town of Fairfield Aerial Survey.

26.3.2.3 Such additional information shall be submitted as the Commission may deem reasonably necessary to make a decision on the application.

26.3.3 A written statement describing the open space purpose or purposes to be accomplished and the proposed method of preservation and disposition of the open space land.

26.4 The Standards

The application and the Open Space Plan shall conform to the following standards:

26.4.1 The area of the subdivision shall not be less than thirty (30) acres in Residence District AAA or ten (10) acres in Residence AA, except that in Residence District AA the acreage may be less than ten (10) acres if the proposed open space land is:

26.4.1.1 at least twenty-five (25) percent of the area of the subdivision; and

26.4.1.2 adjacent to existing open space outside the area covered by the application

26.4.2 The area of open space or spaces shall be not less than forty (40) percent of the area of the entire subdivision except as provided in Section 26.4.1 of these Open Space Subdivision Plan Regulations.

- 26.4.3 The Open Space Plan shall be located entirely in a Residence District AAA or AA, except that up to one third (1/3) of the area of the proposed subdivision may consist of land in another Residential District (other than Residence District AAA) if in the same ownership. In this event, the land in such other District shall be considered as if it were zoned as the adjacent subdivision land.
- 26.4.4 The number of lots shown on the open space plan shall not exceed the number that could be created in conformity with the requirements of Section 26.3.1 of these Open Space Subdivision Plan Regulations.
- 26.4.5 Each lot shall have a minimum area of twenty-four thousand (24,000) square feet when located in a Residence District AA Zone, and a minimum lot area of forty-eight (48,000) square feet in a Residence District AAA Zone.
- 26.4.6 Each lot shall be of such shape that a square with one hundred and twenty (120) feet on each side will fit in the case of Residence District AA and one hundred and fifty (150) feet on each side will fit in the case of Residence District AAA.
- 26.4.7 Building setbacks shall be in accordance with Residence District AAA and AA Zone setbacks specified in Section 5 of the Zoning Regulations.
- 26.4.8 Each building lot shall be served by public water supply.
- 26.4.9 The Open Space Plan shall result in preservation of open space land with suitable access, shape, dimension, character, location and topography to accomplish one or more of the open space purposes specified in Section 26.2 of these Open Space Subdivision Plan Regulations.
- 26.4.10 Any lot on an approved Open Space Plan shall be used for one or more of the proposes specified in Section 5 of the Zoning Regulations.

26.5 Open Space Preservation

The method used to preserve and dispose of open space land shall accomplish one or more of the open space purposes in Section 26.2 of these Open Space Subdivision Plan Regulations and shall be subject to the approval of the Commission. The Commission may require the developer to record a declaration of restrictions limited the use of the open space land for one or more of the purposes in Section 26.2 of these Open Space Subdivision Plan Regulations and giving the owner of each lot in the subdivision the right to enforce such restrictions. The method used to preserve and dispose of open space land may include, but is not limited to:

- 26.5.1 Transfer to the Town, subject to its acceptance;
- 26.5.2 Transfer to an association of property owners (which association may or may not

be limited to the owners of lots within the subdivision); or

26.5.3 Transfer of the land to a not-for-profit corporation.

In each case, the transfer shall be conditioned on the grantee's observance of one or more of the open space purposes in Section 26.2 of these Open Space Subdivision Plan Regulations.

26.6 Commission Action

26.6.1 The Commission shall hold a public hearing on the application in accordance with Section 2.23 of the Zoning Regulations. The Commission shall approve the application, if it finds that:

26.6.1.1 One or more of the open space purposes in Section 26.2 of these Open Space Subdivision Plan Regulations will be accomplished;

26.6.1.2 The standards of Section 26.4 of these Open Space Subdivision Plan Regulations have been met;

26.6.1.3 The Special Exception for the Open Space Plan will be in harmony with the purposes and intent of the Zoning Regulations; and

26.6.1.4 The Open Space Plan will not be detrimental to the health, safety and property values in the neighborhood.

26.6.1.5 After such approval, the applicant shall submit a map in conformity with the approved Open Space Plan which meets the requirements for the filing of a subdivision map.

26.6.2 Any Special Exception for an Open Space Plan, granted under these Open Space Subdivision Plan Regulations, shall become null and void one (1) year from the date it was granted, unless the subdivision map for which the Special Exception was granted has been filed in the Office of the Town Clerk.

26.7 Inapplicability of Section 27.0

The application for a Special Exception for an Open Space Plan adhering to the requirements of these Open Space Subdivision Plan Regulations shall not be required to comply with Section 27.0 of the Zoning Regulations.

SECTION 27.0 SPECIAL EXCEPTION REGULATIONS

27.1 General

The Commission may grant a Special Exception for the establishment of a use designated as a Special Exception use in these Zoning Regulations in accordance with these Special Exception Regulations, and provided that, in the case of the Designed Business Districts and the Designed Industrial District, the requirements of Sect. 25.0 of the Zoning Regulations, wherever applicable, have also been met. All requirements of this section are in addition to all other requirements applicable to the district in which the Special Exception use is located.

27.2 Application

An application for a Special Exception and any revision of an approved Special Exception application and any reconstruction, enlargement, extension, moving or structural alteration of an approved Special Exception use or any building or structure in connection therewith shall be submitted in writing to the Commission, accompanied by the following:

27.2.1 Written statement in quadruplicate describing the proposed use;

27.2.2 Site Plan and Architectural Plans as set forth in Sect. 25.2.2 of the Zoning Regulations. The Commission, however, in its discretion, may waive the requirement for a Site Plan where there is no change of the exterior building or structure, or where there is no change proposed on the site;

27.2.3 For hospitals, homes for the aged, rest homes, chronic, convalescent and nursing homes, a report from:

27.2.3.1 The Director of Health of the Town attesting to the adequacy of the proposed site plan, buildings and facilities for the intended use;

27.2.3.2 The Fire Marshal of the Town attesting to the safety of the proposed location; site plan, buildings and facilities, water supply and pressure at the location.

27.2.4 For day nurseries a report from the Director of Health of the Town attesting that the proposed location, site plan, buildings and facilities comply in all respects to applicable Town and State health laws and regulations and will be adequate, safe and suitable for the intended use.

27.2.5 Such additional information as the Commission may deem reasonably necessary to make a decision on the application.

27.3 Public Hearing

The Commission shall hold a public hearing on the application as set forth in Section 2.23 of the Zoning Regulations. The application shall also be governed by Section 2.23 of the Zoning Regulations.

27.4 Conditions for Approval

The proposed use, buildings and structures shall conform to the following standards:

- 27.4.1 The location, type, character and size of use and buildings and structures shall be in harmony with and conform to appropriate and orderly development of the Town and the neighborhood and not hinder or discourage appropriate development and use of adjacent property or impair its value;
- 27.4.2 The nature and location of the use and buildings or structures shall be such that there will be adequate access for fire protection;
- 27.4.3 The streets serving the proposed use shall be adequate to carry prospective traffic, provision shall be made for entering and leaving the property without creating undue hazard to traffic or congestion and adequate off-street parking and loading shall be provided on the same lot in accordance with Sect. 28.0 of the Zoning Regulations;
- 27.4.4 Landscaping shall be provided in accordance with Section 25.7.6 of the Zoning Regulations;
- 27.4.5 The proposed use shall be in conformity with the Master Plan of the Town;
- 27.4.6 With respect to hospitals, homes for the aged, rest homes, chronic convalescent and nursing homes, the applicable laws and regulations of the Health Code of the State of Connecticut pertaining to the operation and maintenance of hospitals and other institutions shall be met and, no building permit shall be issued until such time as the Applicant shall file with the Plan and Zoning Office a copy of the Certificate of Need issued/granted by the Connecticut Office of Health Care Access, to the extent that such a Certificate is required by State Law.
- 27.4.7 With respect to day nurseries, the use shall be situated and developed so as to create no nuisance, nor have a detrimental effect on the privacy, tranquillity or value of surrounding properties. The Special Exception shall be limited to group care programs for children and for a period of not more than five (5) years; and
- 27.4.8 With respect to gasoline filling stations, automobile repair facilities, including automobile, painting and upholstery, establishments for motor vehicle

washing, establishments for the sale or rental of new and used automobiles, also the following;

27.4.8.1 Provision for entering and leaving the premises to be in such a manner that no traffic hazards are created;

27.4.8.2 Outside storage and display of vehicles shall conform to the setback requirements of (1) Designed Business Districts in the case of gasoline filling stations, automobile repair facilities, garages, including automobile painting and upholstery, and (2) Center Designed Business District in the case of establishments for motor vehicle washing, and for the sale or rental of new and used automobiles;

27.4.8.3 No repair work, except of an emergency nature, is to be performed out-of-doors;

27.4.8.4 Fuel filling devices are to be located at least ten (10) feet from any street or property line; and

27.4.8.5 No more than five (5) motor vehicles awaiting repair work or having been repaired are to be stored or parked on the lot out-of-doors, unless such motor vehicles are located in an area suitably screened from streets and adjoining property in such a manner as to conceal the area from view to a height of five (5) feet with fences, walls or embankments in combination with other landscaping or shall be provided with evergreen shrubs and/or trees planted to grow so as to accomplish such screening within one (1) year. The Commission at the time of approval of a Special Exception may adjust the aforesaid landscape requirements to particular circumstances of lot lines, topography, soil conditions and site design, while preserving the purpose and intent of the Zoning Regulations.

27.4.9 With respect to assisted living facilities, also the following:

27.4.9.1 Floor area – minimum floor area for a dwelling unit shall be not less than 350 square feet.

27.4.9.2 Kind of dwelling unit – units may be studio, one bedroom or two bedrooms. Each unit shall contain a full bathroom and may contain a small kitchenette.

27.4.9.3 Occupancy – not more than two persons, at least one of whom shall be 55 years or older, shall occupy any one unit.

27.4.9.4 Location – no assisted living facility shall be allowed on parcels which are within the Flood Plain District or designated by the Federal

Emergency Management Agency as either a special flood hazard area of a floodway. Each lot shall have a frontage of fifty (50) feet or more and the main entrance on a public street which is classified as a major or collector road as shown on the Fairfield Master Plan map entitled "Fairfield Master Plan, Fairfield, Conn. 1980" or any amendment thereto.

27.4.9.5 Utilities – each facility must be served by and connected to public sanitary sewer and public water supply.

27.4.9.6 Density – the maximum allowable dwelling unit density shall be 16 units per acre.

27.4.9.7 Lot area – each lot shall have a minimum lot size of four (4) acres.

27.4.9.8 The site area accessible to residents shall have a slope no greater than 5%, and shall in all other respects be accessible to the residents as determined by the Americans with Disabilities Act and its requirements.

There shall be a van drop off area and parking space for the van located at the main entry for the convenience of residents.

Access to loading spaces shall be designed so as not to interfere with normal traffic, and such spaces shall be screened.

27.4.9.9 Height – no building or other structure shall exceed a height of three (3) stories or forty (40) feet, whichever is less.

27.4.9.10 Usable open space – outdoor space designed for use by the residents shall be at least 50 sq. ft. per unit, with a minimum of 2,000 sq. ft. landscaped, and provide benches, paved walkways, site lighting and beneficial views, and be shielded from heavy traffic. No less than 25% of the total area of such space shall be contiguous. Natural geological features and specimen trees should be preserved in these areas. The land so set aside shall be graded and landscaped, shall be of a passive recreation nature suited to the needs of the residents, and shall include open interior court yards. Such recreation areas shall be designed to provide security and privacy and to prevent the emission of objectionable noise and light on to abutting properties. No parking shall be allowed in the set backs adjoining residential zones.

27.5 Time for Completion The duration of a Special Exception shall be as provided in the Connecticut General Statutes.

SECTION 28.0 REGULATIONS FOR OFF - STREET PARKING AND LOADING

28.1 Scope

No off-street parking and loading spaces shall be established, constructed, enlarged, extended, relocated or altered, except in accordance with these Off-Street Parking and Loading Regulations, hereinafter called “Parking Regulations.”

28.2 General

Parking spaces and loading spaces shall be provided off the street for any use of land, buildings and other structures in accordance with these Parking Regulations. Off-street parking and loading spaces shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein required. If any existing use of land, buildings and other structures is changed to a use requiring additional off-street parking and loading spaces to comply with these Parking Regulations, the additional spaces shall be provided for the new use accordance with these Parking Regulations. Any existing use which does not conform to these Parking Regulations shall not be changed to a use which would need additional off-street parking and loading spaces to comply with these Parking Regulations, unless such additional spaces are provided. If in any Designed District the applicant has not specified the exact nature of the proposed use, the Commission may require the maximum number of spaces required by these Parking Regulations.

It is the purpose of these regulations to foster parking designs that accomplish the following goals:

Improve the quality of the streetscape, increase the tree canopy, increase permeability to mitigate storm runoff and improve pedestrian and vehicular circulation.

28.3 Subsurface Parking

Underground parking is permitted, subject to compliance with the requirements of these Parking Regulations. In computing the required number of parking spaces for buildings and structures having underground parking, areas devoted to parking, entrance and exit shall not be included.

28.4 Parking Space

One parking space shall be not less than nine (9) feet by eighteen (18) feet, with such shape, vertical clearance, access and slope as to accommodate one automobile and shall be striped in accordance with the diagram in Appendix A. Notwithstanding the above, a parking space to be utilized in conjunction with a railroad passenger station shall not be

less than 8.5 feet by 18 feet. In all cases the minimum area of a parking space shall be free of obstruction of any type unless otherwise provided in these regulations.

28.5 Loading Spaces

One loading space shall be not less than twelve (12) feet by thirty (30) with a vertical clearance of fifteen (15) feet with such shape, access and slope as to accommodate one truck having an overall length of thirty (30) feet.

28.6 Parking Space Standards

Off-street parking spaces, all of which must be on the same lot or contiguous lots under the same ownership as the building or structures shall be provided as follows:

| <u>The Buildings and Structures</u> | <u>Number of Spaces</u> |
|---|--|
| 28.6.1 Properties with dwelling units for 1 to 4 families | Two (2) for each family |
| Properties with dwelling units for 5 to 10 families | Two and one half (2.5) for each family |
| Properties with dwelling units for 11 or more families | Three (3) for each family |

When dwelling units are located in a Commercial District as permitted in Section 12 of these Regulations, the Residential Parking requirement may, at the Commission's discretion, be reduced by up to fifty (50) percent.

When dwelling units are located in a Designed Residential District, the required number of parking spaces shall be exclusive of any unit driveway spaces if such driveway spaces obstruct access to a unit garage space. A minimum of ½ space per unit of surface parking shall be designated as visitor parking.

In developments qualifying as a Fairfield Housing Authority, Pine Tree development as defined in Section 31.2.43, the Residential Parking requirement shall be 1.15 parking spaces per unit.

When dwelling units are located in any district falling within the Transit Oriented Design Overlay, the Residential Parking requirement shall be reduced to the lesser of one (1.0) parking space per bedroom or one and one half (1.5) parking spaces per household.

| | |
|-----------------------------------|--|
| 28.6.2 Leased rooms in a dwelling | One (1) for each lodger, roomer or boarder |
|-----------------------------------|--|

| | |
|--|---|
| 28.6.3 Developments designed | One (1) for each family exclusively for occupancy by three or more elderly families |
| 28.6.4 Churches, places of worship, theaters, assembly halls or stadium | One (1) for each five (5) seats |
| 28.6.5 Medical and dental offices and clinics, retail stores and banks | One (1) for each two hundred (200) sq. ft. of gross floor area in a building or portion thereof as determined by the exterior dimensions of the bldg., except for parking areas or basement and cellar areas used for maintenance equipment or storage; Except for medical, dental offices and clinics in buildings in excess of 100,000 sq. ft. of gross floor area and providing for a minimum of 400 parking spaces, in which event one (1) space for each two hundred fifty (250) sq. ft. of gross floor area. |
| 28.6.6 Other business and professional offices and post offices | One (1) for each two hundred and fifty sq. ft. (250) of gross floor area in a building or portion thereof as determined by the exterior dimensions of the building, except for parking areas or basement and cellar areas used for maintenance equipment or storage. Notwithstanding the above, within a Transportation/Commercial Park established pursuant to the provisions of Section 21.16, such use shall require one (1) for each three hundred (300) square feet of gross floor area as defined herein. Such parking in a Park may either be located within an individual lot or on a different lot likewise located within the park. |
| 28.6.7 Retail stores within the Center Designed Business District | One (1) parking space up to one thousand five hundred (1,500) square feet of retail space; over that, one (1) space for each additional two hundred and fifty (250) square feet of retail space or portion thereof. |
| 28.6.8 Gasoline filling stations, automobile repair facilities, and establishments for motor vehicle washing | Ten (10) |
| 28.6.8 (a) Gasoline filling stations | Five (5) spaces for gasoline filling and |

| | |
|--|--|
| with multiple uses other than automotive repair facilities or motor vehicle washing | sufficient parking spaces shall be provided for all multiple uses other than gasoline filling in accordance with Sect. 28.8. |
| 28.6.9 Undertaker's establishments | Fifteen (15) per funeral unit |
| 28.6.10 Chronic, convalescent and nursing homes | One (1) for each four (4) beds plus one (1) for each employee during the largest daily work shift period. |
| 28.6.11 Hotels and motels | One (1) for each sleeping room and when these buildings have restaurant or other facilities, the number of spaces shall be determined by adding the number required for each type of use and multiplying such total by seventy-five (75) percent. |
| 28.6.12 Restaurants, taverns, diners, cafes, bars, nightclubs and dance halls | One (1) space for each 40 square feet of patron floor area or portion thereof except that no additional parking is required for the first 400 square feet of outdoor dining area approved by the Commission through a Zoning Compliance application. |
| Take-out Restaurants | One (1) space for each two hundred (200) square feet or portion thereof of gross floor area. |
| 28.6.13 Warehouses, wholesale businesses, contractors' businesses, research laboratories, establishments for the manufacturing, processing or assembling of goods, and offices used in connection with the foregoing uses: | One (1) for each one and one-quarter (1.25) employees during the largest daily work shift period |
| 28.6.14 Bowling alleys | Four (4) for each alley |
| 28.6.15 Other uses | Sufficient parking spaces shall be provided in connection with any use not specified in Sections 28.6.1 through 28.6.14 to maintain the purpose and intent of these Parking Regulations. |
| 28.6.16 Assisted living facilities – six-tenths (0.6) of a parking space for each unit. | |

28.6a Bicycle Parking Standards

Bicycle parking shall be provided as required by this section. Bicycle parking shall be in addition to automobile parking spaces. Bicycle parking facilities shall comply with designs approved by the Commission and at a minimum must provide a bicycle rack that permits the locking of a bicycle frame and one wheel while supporting the bicycle in a stable position that will not damage the bicycle or its components or interfere with pedestrian access to the sidewalk and ingress, and egress to buildings or facilities.

| | |
|--|--|
| Properties with dwelling units for 3 or more families | One (1) for each family |
| Developments designed exclusively for occupancy by three or more elderly families | One (1) for every (4) families |
| All commercial establishments except animal sales and services, auto related uses, and warehousing: wholesale and distribution | One (1) for every ten (10) required parking spaces |
| Educational, recreational and public facilities | Sufficient bicycle parking as by the Commission |

28.7 Off-street loading spaces shall be provided as follows:

| 28.7.1 <u>Building and Structures</u> | <u>Number and Sizes of Spaces</u> |
|---|---|
| Motel, retail store, post office, restaurant, tavern, bar, night club, research laboratory and establishment for the for the manufacture, processing or assembling of goods | One (1) loading space for those uses having a gross floor area in excess of four thousand (4,000) square feet, but less than forty thousand (40,000) square feet of gross floor area and for those uses having a gross floor area in excess of forty thousand (40,000) square feet, one (1) for each forty thousand (40,000) square feet of gross floor area or fraction thereof as determined by the exterior dimensions of the building, excluding basements. |
| 28.7.2 <u>Warehouse and Wholesale Business</u> | Number and Size of Spaces (for uses having the following square feet of <u>gross floor area</u>) One (1) for up to twenty four thousand, nine hundred ninety-nine (24,999). Two (2) between twenty five thousand (25,000), and thirty nine thousand nine hundred ninety nine (39,999). |

Three (3) between forty thousand (40,000), and fifty nine thousand, nine hundred ninety-nine (59,999)

Four (4) between sixty thousand (60,000), and ninety nine thousand, nine hundred, ninety nine (99,999)

Five (5) between one hundred thousand (100,000), and two hundred forty nine thousand, nine hundred, ninety nine (249,999) and

One additional space for each additional two hundred thousand (200,000), square feet or major portion thereof.

28.8 Multiple Uses

Whenever two (2) or more classifications provided for in these Parking Regulations shall apply to a use of land, buildings or other structures, the requirements for the larger number of parking spaces shall apply. Where separate parts of a building or structure or of a floor of a building are used for purposes requiring different numbers of parking spaces, the number of spaces shall be determined by adding the number of spaces required for the area devoted to each type of use.

28.9 Shared Access

It is the intent of the Commission to minimize the number of curb cuts and access points in all commercial districts as well as to facilitate improved access between adjoining commercial properties. Where topographic and other conditions reasonably allow, provisions shall be made for vehicular and pedestrian connections between adjoining properties where such connections will enable the public to travel between two or more existing or potential land uses, open to the public generally, without need to travel upon a street.

28.9.1 No property shall be penalized for the elimination of existing parking spaces in order to accomplish shared access connections, if such elimination reduces the number of spaces below that are required by Section 28.6. New development providing access to adjoining property or properties may credit the number of parking spaces which would otherwise have been provided without such access toward the requirements of Section 28.6.

28.9.2 The provisions of this Section shall apply to any application for change in change of use or Special Permit. The site plan submitted by the applicant for any such application will designate areas in which shared vehicular and/or pedestrian access will be accommodated. Upon approval, the site plan showing areas of shared access or proposed shared access must be filed on the Land Records.

28.9.3 The Commission may modify or waive the requirements of this Section, where the character or arrangement of abutting properties make shared access impractical.

28.9a Joint Usage

The owners of two (2) or more abutting properties may establish a joint parking area to provide the total number of required parking spaces which may be located on any of the properties involved.

Subject to a Special Permit under Section 25.0, the owner or owners of two (2) or more properties may provide joint parking to provide the total number of required parking spaces which may be located on any of the properties involved, subject to the following standards:

1. All properties are located within the Center Designed Business District or Designed Industrial District.
2. The parcel on which the parking is to be provided shall be no more than 500 feet from the parcel requiring the parking, such distance being measured along the line between the closest two points between subject parcels.
3. A formal written agreement between the property owner(s) and the Town of Fairfield to be filed on the Land Records of such properties shall be filed with the application and shall be in effect for the duration of the proposed use(s) of property. A change in use of any property involved requires reapplication to the Commission.
4. Proper pedestrian access and lighting shall be available between the parking and subject properties.
5. The uses proposed must be of such a nature and off-site parking conveniently located so as to be likely that the off-site parking will be fully utilized in conjunction with the intended uses.
6. The Commission, in its discretion, may limit the percentage of parking required under Section 28.6 which may be provided off-site.

28.10 Construction: Require design compliance with DEP Storm Water Quality Manual and encourage Low Impact Development (LID) techniques.

All off-street parking and loading spaces shall be suitably improved, graded, striped and marked, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street or adjacent property. Drainage designs must meet all requirements of the CT DEP 2004 Storm Water Quality Manual or any amendment

thereto, with respect to storm water treatment and attenuation. The Commission encourages the use of Low Impact Development Best Management Practices (LID BMPS) including but not limited to vegetated swales, buffers and filter strips, bio-retention, rain garden areas or permeable surfaces. The Commission encourages flexibility in design techniques and recognizes that utilization of LID BMPS occupies site area that may otherwise be devoted to parking. The Commission shall maintain the discretion to credit the number of parking spaces that could have otherwise been provided in the absence of utilization of LID BMPS to the extent that implementation of such practices occupies more than five percent (5%) of the developed site area. Except for necessary driveway entrances and except for parking spaces provided in connection with a dwelling or leased rooms in a dwelling, all off-street parking and loading spaces shall maintain a minimum setback of ten (10) feet from any street line. The minimum setback area for parking and loading shall be suitably landscaped and permanently maintained for no other purpose. The Commission may adjust the aforesaid requirement to particular circumstances of lot lines, topography, soil conditions and site design while preserving the purpose and intent of these parking regulations.

- 28.10.1 Enclosure: Except for single family houses in flood zones where the regulations require the first habitable floor well above the ground elevation and the area between that floor and ground elevation enclosed with breakaway walls; off-street parking or loading areas which extend ten (10) feet or more under all or a portion of a building or other structure shall be enclosed. The facade of this enclosure shall be the same as the building or structure above it. Where the top of the roof or soffit of such parking areas is five (5) feet or more above ground level, it will be considered to be a story.

28.11 Design Standards

Except for parking spaces provided in connection with a dwelling for one (1) or two (2) families, and leased rooms in a dwelling, each parking space shall be provided with adequate area for approach, turning and exiting of an automobile having an overall length of eighteen (18) feet without need to use any part of a public street or right of way. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street.

28.11.1 Maneuvering

No off-street loading space and no truck loading bay, ramp or dock shall be designed or arranged in a manner that trucks must use any part of a public street or right of way for maneuvering.

28.11.2 Standards

The following will be deemed to be minimum standards in the design of parking areas. The Commission may vary these standards as it deems necessary to accomplish the objectives of these Parking Regulations:

- 28.11.2.1 Two way aisle with 90 degree parking shall be no less than twenty-four (24) feet in width.
- 28.11.2.2 One way aisle with 90 degree parking shall be no less than twenty-four (24) feet in width.
- 28.11.2.3 One way aisle with no parking shall be no less than twelve (12) feet in width.
- 28.11.2.4 Curb return radii at street shall be fifteen (15) feet (or subject to specifications determined by the Town Engineer to meet field conditions).
- 28.11.2.5 One way aisle with sixty (60) degree angle parking shall be no less than eighteen (18) feet in width.
- 28.11.2.6 One way aisle with forty-five (45) degree angle parking shall be no less than twelve (12) feet in width.
- 28.11.2.7 One way aisle with thirty (30) degree angle parking shall be no less than eleven (11) feet in width.
- 28.11.2.8 Handicapped parking spaces shall be no less than fifteen (15) feet in width.
- 28.11.2.9 Wheel stops or curbs shall be required where there is a fence or building wall on the property line along the row of cars, or where such row of cars abuts a walkway, or if the parking is abutting a street or a public walk. Areas for spaces as set forth above shall be determined without reference to the location of such wheel stops or curbs.
- 28.11.2.10 Refer to Appendix A for diagrams illustrating the above captioned standards.
- 28.11.3 Shade Trees

Shade trees, defined as single-trunked deciduous trees, which by virtue of their natural shape, provide at maturity a minimum shade canopy of 30 feet in diameter, shall be provided in parking lots with twenty (20) or more parking spaces. This requirement may apply to parking lots with fewer than twenty (20) parking spaces at the Commission's discretion. At least one tree for every ten (10) spaces shall be provided equally distributed throughout the parking area. Such trees when planted shall be a minimum of two and one-half (2 ½) inch caliper measured six (6) inches above the root flare; shall have a minimum height of ten (10) feet; and shall provide at least six (6) feet of vertical distance between the lowest branch and grade level. Such trees shall be selected, planted and maintained according to standards set forth by the American National Standards Institute, Inc. (ANSI) and shall be subject to approval and oversight by the Town of Fairfield Department of Public Works and Town Tree Warden. Invasive or potentially invasive plants listed by the Connecticut

Invasive Plants Council pursuant to Section 22a-381d of the Connecticut General Statutes are prohibited.

Notwithstanding the provisions of Section 28.4, parking spaces may be reduced in length by four and one-half (4 1/2) feet to accommodate tree planting islands provided that no more than two parking spaces are so reduced for each tree provided. The trees required in this section shall be deep rooted, so as not to disturb the surrounding pavement and shall be permanently maintained and replaced when diseased, damaged or destroyed. The requirements of this section shall be in addition to the landscaping requirements of Section 25.7.6.

28.11.4 Lighting

All lighting utilized for illumination of buildings and grounds shall aim downward and meet the specifications of the International Dark Sky Association and shall be fully cut-off fixtures. No parking lot pole lighting shall exceed a height of twenty-five (25) feet.

28.11.5 Pedestrian Amenities

Pedestrian walks shall be required to facilitate safe passage from the public sidewalk to a commercial building and throughout the parking area. Such pedestrian walks shall be visually delineated utilizing differentiated paving materials or pavement markings.

28.12 Exemption Area

The Commission, after due notice and public hearing as provided for in Section 2.23 of the Zoning Regulations, may delineate areas of the Town which shall be exempt from the parking provisions of these Parking Regulations. Such delineation may be made only after the Commission determines that the Town, or a combination of the Town and property owners, will provide sufficient and permanent off-street parking spaces to comply with the requirements of these Parking Regulations.

SECTION 29.0 REGULATIONS FOR SIGNS

29.1 General

Except as provided under Section 29.7 of these Sign Regulations, no sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered, (1) other than in accordance with these Sign Regulations and (2) unless a Certificate of Zoning Compliance has been obtained under Section 2 of the Zoning Regulations.

29.2 Alterations or Replacement

If any sign does not conform to these Sign Regulations, and is discontinued, altered, reconstructed, enlarged, extended or moved, its replacement or the alterations shall conform to these Sign Regulations. No existing sign shall be altered, reconstructed, enlarged, extended or moved except in accordance with these Sign Regulations. The repainting or repair of existing signs, however, is permitted.

29.3 Removal

Any sign which no longer advertises a bona fide business conducted, or a product sold, on the premises, shall be removed by the owner of the premises upon which such sign may be found, within ten (10) days after written notification from the Zoning Enforcement Officer. Upon failure to comply with such notice within the time specified in such order, the Zoning Enforcement Officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the premises.

29.4 Classification

No signs shall be permitted in any District except Identification Signs as described in Section 29.5.1.4 of these Sign Regulations.

29.5 Definitions

“Sign” shall mean and include every 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, when located out-of-doors in view of the general public. “Sign” shall also include any flag, banner or other device of any kind, designed to move by force of wind or air pressure and larger than one (1) foot in any dimension, whether with or without letters, figures, or other symbols thereon, intended to advertise or attract attention to any business or commercial establishment in any District, but not including flags of any government unit or branch, or of any charitable or religious organization.

29.5.1 The following shall have the meanings given below:

- 29.5.1.1 Ground Sign - a sign which has no clear area between the ground and the bottom of the sign area or a sign together with its supports which does not exceed six feet in height.
- 29.5.1.2 Pole Sign - a sign supported by uprights in or upon the ground which total height exceeds six feet.
- 29.5.1.3 Wall Sign - a sign attached to, painted on or erected against the exterior wall of a building, and projecting not more than fifteen (15) inches from the building wall, except in the case of an awning sign, and running approximately parallel with the face of the wall;
- 29.5.1.4 Identification Sign - a sign advertising the name or kind of business conducted, or the sale of goods, merchandise or services sold or provided at the premises where the sign is located, or the prospective sale or lease of said premises of the business conducted therein;
- 29.5.1.5 Light - any floodlight, searchlight, beacon or other source of illumination of any kind;
- 29.5.1.6 Flashing and Moving - a sign or source of light which flashes, rotates, moves or in any way simulates motion;
- 29.5.1.7 Continuous Strip Lighting - any source of illumination of the gas filled tube or continuous bulb lighting or of similar utility and design.

29.6 Sign Area

For the purposes of this Section, the sign area shall be the area of the smallest rectangle or circle which encompasses all letters, designs, symbols and logos, including the advertising surface. The sign area shall include any background material, if such material is designed to be an integral part of the sign because of its texture, color or building material.

29.7 Exemptions

These Sign Regulations shall not apply to the following signs, except with respect to the requirements set forth under Sections 29.8 and 29.12 of these Sign Regulations.

| Type of Permitted Sign | Size Requirements (not over the square footage stated below) | <u>Purpose of Sign</u> |
|---------------------------|---|------------------------|
|---------------------------|---|------------------------|

| | | |
|---|-----------------|---|
| Any Sign | Three (3) | Intended as a directional or warning sign with no advertising thereon. |
| One (1) Sign | Three (3) | Identifying a charitable or religious institution occupying the premises where the sign is located. |
| Any sign or source of illumination | Not applicable | Erected by the town, state or federal government or any or department thereof. |
| Single unlighted sign in a Residence District, Flood Plain Zone or Beach District | Three (3) | For any purpose except to advertise any commercial enterprise not permitted on the property. |
| Single unlighted ground sign in Designed Business, Designed Industrial or Designed Residential District or in a subdivision in excess of twenty lots. | Thirty Two (32) | To identify the premises during the course of construction on site. |

29.8 Standards for All Signs

All signs shall conform to the following;

29.8.1 Setbacks All ground and pole signs in other than a Residence District, Des. Residence District, Beach District or Flood Plain District shall conform to the setback requirements for other buildings and structures except that by a two-thirds vote of all the members of the Commission, ground and pole signs may extend within a lesser distance of a street line. No ground or pole sign, in other than a Residence District, shall be located within twenty-five (25) feet of the boundary line of any such District.

29.8.2 Connecticut Turnpike and Merritt Parkway Where a lot abuts the right-of-way or access road of the Connecticut Turnpike or Merritt Parkway, no sign on such lot shall be erected which faces or is primarily intended to be visible from the Connecticut Turnpike or Merritt Parkway, as the case may be.

29.8.3 Hazard or Nuisance No sign shall be:

29.8.3.1 so placed as to be a hazard to traffic or the public generally, or a nuisance or annoyance to the residents or occupants of any other building or premises; or

29.8.3.2 erected or maintained as to obstruct any fire escape, window, door or opening used for entrance or exit or for fire fighting purposes, or which interferes with any opening required for proper ventilation; or

29.8.3.3 erected in such a manner that it obstructs clear vision of any public way by either motorists or pedestrians.

29.8.4 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 any sign, and the owner of the premises on which it stands, shall be severally responsible for keeping such sign, and the area around it, in a safe, sanitary, neat and clean condition.

29.8.5 Direction of Lights Exterior illumination of buildings, signs or grounds shall be only for the purpose of illuminating a sign, walk, delivery service, or parking area and shall not be directed so as to create a hazard or cause a public or private nuisance. Lights shall be located or shielded so that their beams are not directed onto adjoining properties or onto the public highway, but shall be limited to the illumination of the subject property only.

The source of all lighting of signs and buildings (bulbs, tubes, reflectors, etc.), shall not be visible from any street or from any lot other than that in which the sign or building is located.

29.8.6 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 a manner that it obstructs clear vision for a distance of twenty (20) feet from any intersection.

29.8.7 Projecting Signs and Unattached Signs No sign projecting more than fifteen (15) inches from a building wall shall be permitted except that awning signs shall be permitted provided they do not overhang any property, street or right-of-way line and meet all size and design requirements of this section. The entire awning shall be used to calculate sign area. Signs not fixed either to a building or the ground in a permanent manner (such as sandwich signs), shall be prohibited.

29.8.8 Flashing, Moving, Animated or Intermittent Illuminated Signs No flashing, moving, animated or intermittent illuminated sign shall be permitted, including flags or banners, or other devices designed to move by force of wind or air pressure and larger than one (1) foot in any dimension.

29.8.9 Continuous Strip Lighting No building, sign, or any portion thereof, except under canopy lighting property shielded, shall be outlined in gas-filled tube type lighting, LED lighting or other similar lighting.

29.8.10 Floodlights No exterior flood lights or source of any kind shall be higher than twenty five (25) feet above the ground.

29.8.11 Exterior Illumination Exterior illumination of commercial structures (except in in the Center Designed Business District) is prohibited, unless open for business, and when open for business such illumination is not to exceed five (5) foot candles when measured at the nearest residence.

29.8.12 Roof Signs No signs shall be permitted on the roof of any building.

29.8.13 Rights-of-Way No sign shall be permitted to overhang or be located within the right-of-way of any street.

29.8.14 Window Signs Notwithstanding the definition of “sign” as found in Section 29.5 and 31.2.34 of these Regulations, indoor illuminated signs intended to be visible from the exterior of the building shall be prohibited. Flashing, rotating or intermittent illumination of any kind shall also be prohibited.

29.9 Signs permitted in Residence, Designed Residence, Beach and Flood Plain Districts, subject to securing a Certificate of Zoning Compliance from the Zoning Enforcement Officer.

| <u>Type and Number of Sign</u> | <u>Not Exceeding the Following Measurement</u> | <u>Purpose</u> |
|--|---|---|
| Single sign with no interior illumination | Twenty (20) square feet | Identifying the use the premises for which a special exception has been granted. |
| Two (2) ground signs with no interior illumination | Twenty (20) square feet and no higher than five (5) feet above ground level | Identifying the name of the condominium or apartment complex located on the premises. |

29.10 Signs Permitted in Designed Business, Designed Research & Designed Industrial Districts

No permit shall be issued for an individual sign unless and until an Overall Signage Plan for the premises on which the sign will be erected has been approved by the Plan and Zoning Commission. The Overall Signage Plan shall include all necessary information to accurately describe the number, size and location of all present and future signs on the

premises. The plan shall include a site plan indicating the location of all buildings and ground or pole signs and elevation drawings to indicate the location of all wall signs. The plan must be accompanied by a written narrative, signed by the property owner indicating the dimensions, materials, color and method of illumination (if any) for each sign indicated on the plan.

All signage proposed shall be of similar nature so as to represent a unified design so as to harmonize with the neighborhood and to preserve and enhance the appearance of the community while conforming to the standards of these sign regulations.

29.10.1 Size and Location of Wall Signs

Designed Business and Designed Research Districts

No letter, figure or device shall
(a) exceed a height of three (3) feet for a single line of copy or two (2) feet for multiple lines of copy;
b) project more than fifteen (15) inches from the building face;
(c) extend above the roof or parapet wall, and (d) extend beyond the outer edges of the wall to which it is attached.

A single tenant building may have up to two (2) signs provided they are not on the same wall. No sign may be on a side or rear wall unless such wall faces a street, driveway or parking area, or is at least fifty (50) feet from any other commercial structure. A sign may occupy up to twenty (20) percent of the area of the wall to which it is attached or seventy two (72) square feet, whichever is less.

For multiple tenant buildings, tenant signs may only be attached to a portion of the building that the tenant occupies and may not exceed seventy-two (72) square feet or twenty (20) percent of the tenant wall area, whichever

Designed Industrial District

No letter, figure or device shall
(a) exceed a height of three (3) feet for a single line of copy or two (2) feet for multiple lines of copy;
b) project more than fifteen (15) inches from the building face;
(c) extend above the roof or parapet wall, and (d) extend beyond the outer edges of the wall to which it is attached.

A single tenant building may have up to two (2) signs provided they are not on the same wall. No sign may be on a side or rear wall unless such wall faces a street, driveway or parking area or is at least fifty (50) feet from any other commercial structure. A sign may occupy up to twenty (20) percent of the area of the wall to which it is attached or one hundred (100) square feet, whichever is less.

For multiple tenant buildings, tenant signs may only be attached to a portion of the building that the tenant occupies and may not exceed one hundred (100) square feet or twenty (20) percent of the tenant wall area, whichever

is less. A single tenant may have up to two signs provided they are not on the same wall. No sign may be on a side or rear wall unless such wall faces a street, driveway or parking area, or is at least fifty (50) feet from any other commercial structure.

In multiple story buildings, no sign shall be located above the ground floor level.

is less. A single tenant may have up to two signs provided they are not on the same wall. No sign may be on a side or rear wall unless such wall faces a street, driveway or parking area, or is at least fifty (50) feet from any other commercial structure.

In multiple story buildings, no sign shall be located above the ground floor level.

29.11 Signs Which Face A Residence, Designed Residence, Beach or Flood Plain District

No sign on a side or rear wall shall be more than three and one-half (3.5) feet long and one (1) foot wide if located within three hundred (300) feet of any such District and, thirty-six (36) square feet if located within five hundred (500) feet of any such District.

29.12 Size and Location of Ground or Pole Signs

Designed Business and Research Districts

Designed Industrial District

Only one (1) ground or pole sign shall be permitted on any property (a double faced sign or two (2) signs placed back to back count as one sign. No other type of multiple faced signage shall be permitted.)

No letter, figure or device shall exceed a height of three (3) feet for a single line of copy or two (2) feet for multiple lines of copy.

No sign shall exceed a height of fifteen (15) feet (measured to the top of the sign) above the curb or ground level, whichever is higher, of the fronting street.

No sign shall be permitted beyond the side or rear wall of a main building where the rear property line upon which it is placed abuts a Residence, Designed Residence, Beach or Flood Plain District.

No ground or pole sign shall exceed the following number of square feet:

fifty (50)

one hundred (100)

29.13 Design Criteria

Signs constructed of natural materials (wood) or non-natural materials that simulate natural materials are preferred.

Internally illuminated signs shall be prohibited in the Center Designed Business District. In other Districts, internal illumination shall be strictly limited to the illumination of text or graphic symbols only, i.e. channel letter style or box signs with opaque background materials. Internally illuminated awnings are prohibited.

All ground or pole signs shall display the street number of the premises. Ground and pole signs shall conform to the following standards for minimum height of all letters, numbers, or symbols for the purpose of creating legible graphics which can be seen and responded to within safe distances to maneuver a car:

| <u>Lane Configuration</u> | <u>Posted Speed Limit</u> | <u>Minimum Character Height</u> |
|---------------------------|---------------------------|---------------------------------|
| 2 Lanes | 25 m.p.h. | 6 inches |
| | 30 m.p.h. | 7 inches |
| | 35 m.p.h. | 8 inches |
| | 40 m.p.h. | 9 inches |
| 4 Lanes | 25 m.p.h. | 8 inches |
| | 30 m.p.h. | 9 inches |
| | 35 m.p.h. | 10 inches |
| | 40 m.p.h. | 11 inches |

When, in the opinion of the Commission, a sign is intended primarily for view by pedestrians as opposed to vehicular traffic, the minimum character height may be reduced so as to maintain a pedestrian scale.

All pole signs shall have two (2) supporting uprights which are visually proportional to the sign they support.

29.14 Purpose

The purpose of these sign regulations is to permit signs that do not confuse or obstruct the vision necessary for traffic safety or otherwise endanger public health and safety and to improve the physical appearance of commercial areas and to preserve and enhance the aesthetics of the community.

SECTION 30 ALCOHOLIC BEVERAGES

30.1 General

It shall be unlawful for any individual, partnership, firm or corporation to sell, offer for sale, or keep with intent to sell any intoxicating liquors or alcoholic beverages in any Residence District or in the Beach District, except as herein specifically provided in these Alcoholic Beverage Regulations, and except further in a building or a membership club organized and existing for bona fide social or recreational purposes; provided, however, that nothing herein contained shall limit or prohibit anyone licensed to sell alcoholic beverages by the Liquor Control Commission of the State of Connecticut on the date hereof from continuing said business and under the present license or renewals thereof.

30.2 Location and Classification

No building or premises shall be used either in whole or in part for the purpose of selling alcoholic liquors, beer, ale or wine, under any drug store permit, package store permit or tavern permit, cafe permit, if any entrance to such building or premises is within a radius of one thousand five hundred (1,500) feet from any entrance to another building or premises where any alcoholic liquors, beer, ale or wine are sold under any permit when of the same class or kind of permit or where sale of alcoholic liquors, beer, ale or wine, under any permit has been abandoned or discontinued for less than ninety (90) days. The foregoing prohibition shall not apply to the establishment of restaurants where customers are served only when seated at tables or counters and at least three-quarters of the customer seats are located within an enclosed building or to full service restaurant permits, restaurant service bar permits, restaurant permits for beer and wine only or restaurant permits for beer only, nor to a restaurant or hotel/motel permit for a restaurant located on the same premises as a hotel or motel, nor to café permits at for-profit movie theaters.

30.2.1 For purposes of these Alcoholic Beverages Regulations a drugstore permit and a package store permit shall be considered a single class of permit; a restaurant permit for beer only, restaurant permit for beer and wine service bar permit or full service restaurant permit shall be considered a single class of permit; and a tavern permit, or cafe permit shall be considered a single class of permit.

30.2.2 No building or premises shall be used either in part for the purpose of selling alcoholic liquors, beer, ale or wine under any drug store permit or tavern permit.

30.3 Discontinuance

No building or premises used either in whole or in part for the purpose of selling alcoholic liquors, beer, ale or wine, in which the sale of such alcoholic liquors, beer, ale or wine is abandoned or discontinued for a period of twelve (12) months shall thereafter be used for the purpose of selling any alcoholic liquors, beer, ale or wine, except in compliance with Section 30.1 and 30.2 of these Alcoholic Beverage Regulations.

SECTION 31.0 - DEFINITIONS

31.1 General The words used in these regulations shall have the meaning commonly attributed to them. Doubts as to their precise meaning shall be determined by the Town Plan and Zoning Commission in accordance with the purpose and intent of these regulations.

31.2 Special Definitions - Certain words used in these regulations are defined and explained as follows:

31.2.1 Accessory Apartment: Shall be defined as a separate, self-contained living unit within, and subordinate to, an existing single family residence.

31.2.2 Accessory Use: A use customarily incidental and subordinate to the principal use of a building or property and located on the same lot with said building or use.

31.2.3 Affordable Housing: Housing as defined in Section 8-39a of the Connecticut General Statutes, or any amendment thereto.

31.2.4 Charitable Institution: Organizations or corporations of public or eleemosynary character which provide benefits or services.

31.2.5 Commercial Greenhouse: Structures in which trees, shrubs, flowers and vegetable plants are propagated or grown indoors, for a period of at least six months, or where flowers and vegetables of an annual variety are germinated before being offered for sale and transplanting. Such definition shall not include those retail establishments that buy the majority of their horticulture stock for re-sale not propagating it themselves.

31.2.6 Commercial Vehicle: Vehicles which have commercial, livery or wrecker license plates or any vehicle which has signage thereon or has mechanical equipment affixed or stored. This definition shall also include any vehicle which capacity exceeds three quarters (3/4) ton.

31.2.7 Corner Lot: A corner lot is defined as a lot having an interior angle of less than 135 degrees at the intersection of two streets whether public or private. A lot abutting upon a curved street shall be considered a corner lot if the central angle of the curve is more than 45 degrees.

31.2.8 Customary Home Occupation: An accessory use customarily conducted entirely within a principal dwelling carried on solely by the residents therein, which use is incidental and subordinate to the residential use of the building. Such uses may include: art studio, teaching, including musical instruction, limited to a single pupil at a time; sales, advertising or management activities strictly limited to telephone contacts; dressmaking, millinery and similar domestic homemaking activities that are a customary adjunct to housekeeping.

- 31.2.9 Day Nursery: A facility which offers or provides a program of supplementary care to related or unrelated children outside their own homes on a regular basis for part of the twenty-four hours in one or more days in the week.
- 31.2.10 Detached Dwelling for One, Two, Three, or Four Families: A single residential building entirely surrounded by open space on the same lot containing not more than one, two, three, or four dwelling units respectively.
- 31.2.11 Dwelling Unit: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate facilities for cooking and sleeping.
- 31.2.12 Elderly Family Developments: Developments of dwelling units (a) to be occupied exclusively by elderly families consisting on one (1) or more persons, one (1) of whom is fifty five (55) years of age or over, and (b) which conform to the requirements of State and/or Federal programs providing for housing for the elderly, except with regard to maximum floor area, and shall include a certification from State and/or Federal agencies that such housing conforms to the requirements of elderly housing programs.
- 31.2.13 Family: Except as otherwise provided in Section 11.0 a family shall be:
- (a) Persons living together as a single housekeeping unit who are all related by blood, marriage or adoption. Two (2) roomers, boarders or lodgers shall also be permitted, provided there is one (1) off-street parking space for each roomer, boarder, lodger, in addition to the parking otherwise required for such uses, bona fide domestic servants in the paid employ of a resident family may be included in the single housekeeping unit, provided the number of servants shall be limited to three (3) ; or
 - (b) Persons living together as a single housekeeping unit who are unrelated by blood, marriage or adoption except that such a group shall not exceed five (5) individuals.
- 31.2.14 Farm: Any parcel of land containing at least five (5) acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes any necessary farm structures within prescribed limits and the storage of equipment used. It excludes the raising of pigs, more than three (3) fur bearing animals and laboratory animals, riding academies, livery or boarding stables, dog or animal kennels.

31.2.15 Floor Area Requirements: The measurement of floor area for any building shall be taken to the outside surfaces of exterior walls on all stories.

In determining compliance with maximum floor area requirements (bulk) for dwellings, all floor area shall be counted, including any portion of an attic, which has a height of seven (7) feet or greater to the underside of the ridge or rafters, whether finished as living space or not. Total floor area shall also include garages, enclosed porches and all detached accessory structures. Basements, decks and open porches shall be excluded.

In determining compliance with minimum floor area requirements for dwellings, only finished livable floor area having a ceiling height of at least seven (7) feet, be counted, excluding garages, terraces, bay windows, basements, cellars, utility rooms for heating apparatus, attics, open porches and enclosed porches not heated by a central heating system for the dwelling.

31.2.16 Height: The height of a building or other structure shall be measured from the average ground elevation to the mid-point between the main eave line and the highest ridge. For flat or mansard roofs, the measurement shall be taken to the roof deck. For the purposes of this section, the average ground elevation shall be established as follows:

- (a) A closed polygon, with sides parallel to, and everywhere ten (10) feet outside the perimeter footprint of the building or structure shall be established and shown on the site plan. This shall be deemed to be the girth of building or structure and its length shall be shown on the site plan.
- (b) The full length of the girth shall be traversed by examination and it shall be divided into sections. A section exists when the vertical distance between two fixed points is two feet. The contribution of each section to the average ground elevation is established as follows and the sum of these contributions is the average ground elevation.

Given: (Example)

| | |
|-------------------------------------|---------------------|
| Length of Girth | 1568 |
| Length of Section | 118 |
| Elevation of each end of Section | 23 feet and 25 feet |

Contribution of section to average ground elevation.

| | | |
|--------------------------|---|--------------------------|
| <u>Length of Section</u> | | Sum of elevations |
| | X | <u>at end of section</u> |
| Length of Girth | | 2 |

| | | |
|------------|---|--------------------|
| <u>118</u> | X | <u>23 & 25</u> |
| 1568 | | 2 |
| .07526 | X | 24 |

Contribution of this section is 1.8062 feet. The sum of the contributions of all sections is the average ground elevation. The average ground elevation shall be established as above for the pre-construction and post construction conditions. The lower of the two results shall be used to determine the height of the building or structure.

Exceptions: The provisions of these regulations pertaining to height shall not apply to flag poles, church steeples, ornamental towers, silos, chimneys and water towers. In all districts except AAA, AA, R-3, R-2, A, B and C, elevator machine rooms, heating, ventilating, air conditioning and similar equipment may extend over the roof, provided that not more than 10% of the gross area of the roof is used for this purpose. Except that elevator machine rooms shall not extend more than ten (10) feet, and all other equipment not more than five (5) feet above the roof, and further provided that all such items are set back a minimum of two (2) feet from all edges of the building for each foot or portion thereof that the equipment extends above the roof, provided that in a Transportation Commercial Park such height limitations for elevator machine rooms and other equipment may extend to seventeen (17) feet above the roof, if said rooms and equipment are located within an enclosed structure.

31.2.17 Indoor Recreational Facility: Facilities which provide one or more leisure activities in an enclosed building including but not limited to: bowling alleys; billiard pool halls; fitness centers, racquetball, tennis and other sports facilities. No such facility shall contain more than two (2) amusement devices as defined in Section 38.1, except as provided in Section 38.2.

31.2.18 Junk Yard: The term “junk yard” shall be construed to include any “junk yard”, “motor vehicle junk business” and “motor vehicle junk yard” as defined in the General Statutes of the State of Connecticut. The terms shall also include any place of outside storage or deposit, whether in connection with a business or not, one or more motor vehicles or motorcycles which are not in condition for legal use on the public highways and shall also include any of outside storage or deposit of used parts of motor vehicles, or motorcycles and metals, iron, glass, paper, cordage, and other waste materials which on any lot have an aggregate bulk equal to one automobile (17 cubic yards or more) or any lot in which a lesser amount of such materials are stored in such a manner so they are not properly enclosed or covered so as to be visible to adjoining landowners or general public. In Residence Districts, Designed Residence Districts, Flood Plain District and the Beach District the term shall also include the outside storage of unregistered motor vehicles or motorcycles for periods longer than 30 days and the outside storage or deposit of parts or bodies of motor vehicles or motorcycles.

31.2.19 Leasing of Rooms and Taking of Boarders: Boarders in a dwelling shall be limited to not more than two (2) persons (except as otherwise provided herein) and shall not be construed to include the provision of cooking facilities for such rooms but may include table board or sharing of the cooking facilities of a dwelling and further subject to the following conditions:

- (a) An owner of not less than a fifty (50) percent interest in the residence must reside in the dwelling during the duration of the lease.
- (b) One (1) off-street parking space shall be provided for each roomer or boarder.
- (c) The lease period shall not be less than thirty (30) days.

31.2.20 Lot: A parcel of land which is owned separately from any adjoining parcel or parcels as evidenced by deed or deeds or maps recorded on the land records of the Town and which separation is also evident by use or which is shown as a building lot on a subdivision map approved by the Commission, filed in the Town Clerk's Office and which conforms in all respects to the requirements of the Zoning Regulations and any amendment thereto.

31.2.21 Lot Area and Shape: In determining compliance with the minimum lot area and shape requirements of the Zoning Regulations, land subject to underground easements may be included, but no street or highway, easement for vehicles or easement for above ground public utilities (other than utility easements serving a private residence) may be included. The area of any portion of a lot which has a width of less than 50 percent of the minimum lot square width in the District in which it is located shall not be included in the lot area calculation. This provision is not intended to exclude the area between two intersecting property lines that meet at an angle equal to or greater than sixty (60) degrees. All contributing portions of a lot for purposes of minimum lot area shall be contiguous, meaning that no contributing area of a lot shall be separated by non-contributing areas of the lot. The area of the minimum square required on each lot shall be exclusive of wetlands, watercourses, conservation easements, or any other restriction other than setbacks which would prevent actual house construction within the square.

Areas consisting of rivers, ponds, lakes or marsh shall not be used for compliance with more than 25 percent of the minimum lot area requirement and shall not be included in the calculation for lot coverage and bulk. Land in a Zoning District having a higher lot area requirement shall not be used to satisfy a lot area requirement in a Zoning District having a lesser lot area requirement; land in a Residence, Designed Residence, Beach or Flood Plain Districts shall not be used to satisfy a lot area requirement in any other District.

- 31.2.22 Lot Coverage: Except as otherwise provided in Section 11.0, lot coverage shall mean the combined percentage of the land covered by the roof area or outside dimensions of all structures on the lot excluding eaves. Coverage shall include dwellings, garages, storage/accessory buildings, commercial buildings, porches, decks, pools covered by a roof and other structures that are located on or above the ground. Driveways, uncovered walks, patios, terraces and other at grade surfaces less than one foot above the ground shall not be included.
- 31.2.23 Membership Clubs: A voluntary organization, not conducted for gain, with facilities catering exclusively to members, and their guests, for recreational cultural, educational or social purposes.
- 31.2.24 Nursery: A place where trees, shrubs, vines and/or flower and vegetable plants are propagated or grown outdoors for a period of at least six (6) months. Such definition shall not encompass those retail establishments that buy the majority of their stock wholesale, (not propagating it themselves).
- 31.2.25 Premises: The term premises shall include the street and adjoining public right-of-way, and shall be subject to all uses both prohibited and permitted within each Zoning District.
- 31.2.26 Property Line - Rear: Any lot line which is parallel with or within forty-five (45) degrees of being parallel with a street line, except for a lot line which is itself a street line, and except that in the case of a corner lot, only one lot line shall be considered a rear property line.
- 31.2.27 Property Line - Side: Any lot line which is not a rear property line or street line.
- 31.2.28 Rear Lot: A lot which does not have frontage on an improved public street or which, if it does have such frontage, is not of such shape that some portion of the required square on the lot is located within the area required for setback from such street.
- 31.2.29 Research - Applied: Research which is put into practice involving processes typically associated with manufacture and assembly.
- 31.2.30 Research - Basic: Research used to gain an underlying or fundamental knowledge.
- 31.2.31 Setbacks - Fences, Walls and Terraces: Except as otherwise provided in Section 11.0, the provisions on setbacks in the Zoning Regulations shall not be construed to apply to fences or walls six (6) feet or less in height or to necessary retaining walls or to paved unroofed terraces.
- 31.2.32 Setbacks – Railroad: No setback is required from a railroad right-of-way on the side of a building or structure where a railroad siding is located.

- 31.2.33 Setback - Rear: Setbacks from rear property lines shall be measured from the property line toward the structure. If the direction of such measurement is away from the streetline (s) then the setback shall be reduced to that required for a side yard.
- 31.2.34 Signs: “Sign” shall mean and include every 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, when located out-of-doors in view of the general public. “Sign” shall also include any flag, banner or other device of any kinds, designed to move by force of wind or air pressure and larger than one (1) foot in any dimension, whether with or without letters, figures or other symbols thereon, intended to advertise or attract attention to any business or commercial establishment in any District, but not including flags of any governmental unit or branch, or of any charitable or religious organization.
- 31.2.35 Story: That portion of a building between the surface of any floor and the surface of the floor, ceiling or roof next above. Attics with a height of seven (7’) feet or more between the top of the floor joists and bottom of the roof rafter for 50 percent or more of the attic floor area shall be considered a full story. Attics with such a height for less than 50 percent of the attic floor area shall be considered a half story. If no portion of an attic has such a height, then it shall not be considered a story.
- When the ceiling of a basement or cellar is five (5) feet or more above average grade, the basement or cellar shall be considered a story. Any basement or cellar exclusively used for parking or storage of automobiles shall not be considered a story.
- For structures within a 100-year flood zone, an unfinished, unheated crawl space built in accordance with the standards of the National Flood Insurance Program regulations with a clear height not exceeding six (6) feet shall not be considered a story.
- 31.2.36 Street Line: The right-of-way easement or taking line of any public or private street, or of any easement of access or private right-of-way twenty five (25) feet or more in width.
- 31.2.37 Swimming Pools: Swimming pools having a depth of more than four (4) feet or having a ground coverage of more than two hundred and fifty (250) square feet shall, together with all accessory equipment, and all above ground pools, be considered buildings and structures and shall have the same setbacks as required for accessory buildings; but, if not covered by a roof, shall not be counted in determining maximum permissible lot coverage or floor area.

- 31.2.38 Truck Garden: The growing of vegetables for sale provided that all items sold are produced on site.
- 31.2.39 Used: The term “used” shall include “arranged, designed or intended to be used.”
- 31.2.40 Assisted Living Facility: The term “Assisted Living Facility” shall mean a managed residential community consisting of private residential units and common facilities such as common rooms, entertainment facilities, auditorium/chapel, communal dining facilities, kitchen and supportive food preparation areas, laundry facilities, administrative offices, area for periodic medical examination, limited treatment and therapy, or similar uses, and providing assistance with activities of daily life such as meal service, laundry service housekeeping, social and recreational activities and transportation, in a group setting to persons who require help or aid with activities of daily living. Services at the Facility shall be provided by an Assisted Living Service Agency, licensed by the State of Connecticut.
- 31.2.41 Formula Neighborhood Business: A “Formula Neighborhood Business” means any Permitted Use in a Neighborhood Designed District pursuant to Section 12.5, other than uses permitted pursuant to Section 12.5.10 and 12.5.13, that includes, incorporates or utilizes any two or more of the following standardized items that cause it to be substantially identical to more than five other stores, restaurants, businesses, offices or institutions regardless of ownership or location: A standardized array of products or merchandise, a standardized menu, uniform apparel, standardized architectural design, layout or façade, standardized décor or color scheme and/or standardized signs, trademarks, service marks or logos.
- a. “Standardized” does not mean identical but means “substantially the same.”
 - b. A standardized array of products or merchandise shall be defined as 50% or more of in-stock products or merchandise from a single distributor bearing uniform markings.
 - c. Uniform apparel shall be defined as standardized items of clothing worn by employees including but not limited to standardized aprons, pants, shirts, smocks or dresses, hats and pins (other than name tags) as well as standardized colors of clothing.
 - d. Façade shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.
 - e. Décor shall be defined as the style of interior furnishings, which may include but is not limited to style of furniture, wall coverings or permanent fixtures.
 - f. Color scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures and wall coverings or as used on the façade.

- g. Sign shall be defined and include every 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.
- h. Trademark shall be defined as a word, phrase, symbol or design, or a combination or words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.
- i. Service mark shall be defined as work, phrase, symbol or design, or a combination or words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

31.2.43 Fairfield Housing Authority, Pine Tree Development

A development of dwelling units located on Pine Tree Lane, (a) consisting of only one and two bedroom units, (b) conforming to the requirements of an “Affordable Housing Development” as defined by Section 8-30g of the Connecticut General Statutes.

SECTION 32.0 - FLOOD PROTECTION

32.0 Flood Protection

32.0 General The underlying purpose of the floodplain management regulations is to protect the public health, safety, and general welfare and to minimize the harmful impacts of flooding upon the community in specific areas by provisions designed:

- i. To protect human life and health, and prevent damage to property;
- ii. To minimize expenditure of public funds for costly flood control projects;
- iii. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- iv. To minimize prolonged business interruptions and other economic disruptions by requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- v. To minimize damage to public facilities, infrastructure and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges, located in the floodplain;
- vi. To help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood damage;
- vii. To insure that potential buyers are notified that property is in a flood hazard area;
- viii. To prevent increases in flood heights that could further increase flood damage by limiting alteration to natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;
- ix. To ensure that activities such as filing, grading, dredging and other development that may create obstructions to flow do not increase erosion or flood damage, or divert flood waters onto adjacent properties.

Proposed uses, buildings, structures, in flood prone areas as delineated on the Flood Insurance Rate Map shall conform to the following standards:

32.1 In all special flood hazard areas, designated A, AE, Coastal AE, and VE Zones, the following provisions shall apply:

- a. Proposed development shall be reviewed to assure that all necessary federal, state, and local permits have been received, including those from governmental agencies where approval is required by the Federal Water Pollution Control Act. Proposed development shall be

reviewed to determine whether proposed building sites will be reasonably safe from flooding.

- b. All proposed developments shall include within such proposals base flood elevation data.
- c. Permits shall be required for all new construction, substantial improvements, including the placement of prefabricated buildings, and other development and shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, be constructed with materials resistant to flood damage, and be constructed by methods and practices that minimize flood damage. Plans shall be designed and certified for flood compliance by a CT registered architect and/or engineer.
- d. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- e. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of the flood waters into the systems and discharges from the system into flood waters and on-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- f. The bottom of all electrical, heating, ventilation, plumbing, and 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. Electric utility meters and service panels shall be elevated to (1) foot above the base flood elevation (BFE) and located with a landing or deck area of minimum 3' x 3' dimension that has unrestricted stair or ladder access.

Any HVAC, generator, or utility meter platforms, in addition to being (1) foot above BFE must also meet the required setbacks and lot coverage requirements of the underlying zone. In the VE zone, gas meters must be mounted on the rear side of a pier or column protected from the directional wave action flow. Systems, fixtures, equipment and components shall not be mounted on or penetrate through breakaway walls intended to fail under flood loads. Electrical wiring systems that must be located below the BFE plus 1.0 foot shall conform to the standards for wet locations, as well as not be located on breakaway walls.

- g. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated at least (1) foot 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/vent extended at least (1) one foot above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water. No underground tanks are permitted.

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, docks, 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.

- i. 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.)
- j. If the Town acquires data or studies that changes the base flood elevation within a FEMA mapped Special Flood Hazard Area (SFHA) and/or floodway boundaries, such information shall be submitted to FEMA within six months after such data and information becomes available. Such data and information may include that which is necessary to maintain or modify FIRMs, including hydrologic and hydraulic engineering analyses prepared for flood zone areas within the Town of Fairfield.

32.2 In all special flood hazard areas designated as A Zones, the following shall additionally apply:

- a. The Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation, limit of moderate wave action (LiMWA) boundary line, and floodway date available from a Federal, State or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A have the lowest floor, including basement, elevated to (1) one foot or more above the base flood elevation and all new construction and substantial improvements of non-residential structures have the lowest floor, including basement, elevated or flood proofed to (1) one foot or more above the base flood elevation.
- b. For the purpose of the determination of applicable flood insurance risk premium rates, the applicant shall provide the elevation in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures and whether or not such structures contain a basement; obtain, if the structure has been flood proofed, the elevation, in relation to mean sea level, to which the structure was flood proofed, and a record of all such information shall be maintained with the Zoning Enforcement Officer. Upon completion of the applicable portion of construction, the applicant shall provide the Zoning Enforcement Officer verification of the as-built lowest floor elevation and utility elevation or in the case of flood proofed buildings, the elevation to which the flood proofing is effective.
- c. In riverine situations, the applicant shall notify adjacent communities and the Connecticut Department of Environmental Protection prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Zoning Enforcement Officer and Federal Emergency Management Agency.
- d. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

- e. Manufactured Homes and Manufactured Home Parks and Subdivisions are prohibited in all flood hazard areas, designated Zones A, AE and VE.

32.3 In all special flood hazard areas designated as Zones A and AE, the Following additionally shall apply:

- a. All new construction, substantial improvements and repair to structures that have sustained substantial damage which are residential structures shall have the lowest floor, including basement, and associated utilities elevated to (1) one foot or more above the base flood level.
- b. All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are non-residential structures, shall have the lowest floor, including basement, elevated to (1) foot or more above the base flood level, or together with attendant utility and sanitary facilities, be designed to be dry flood-proofed so that below one foot above the base flood level the structure is water tight 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.
- c. Where flood proofing is utilized for a non-residential structure in accordance with paragraph 32.3b of this section, a Connecticut registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction and shall certify that the flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. Such certification shall be provided to the Floodplain Administrator on the FEMA Floodproofing Certificate, FEMA Form 086-0-34.
- d. For all new construction, substantial improvements, and repair to structures that have sustained substantial damage, fully enclosed areas below the lowest floor that 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. Designs for meeting this requirement must either be certified by a CT registered professional engineer or architect or 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 (measured to the exterior enclosure walls) of each enclosed area shall be provided. Flood openings shall be provided on at least two separate enclosure walls and if the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside. Garage doors do not meet the flood vent requirements unless equipped with flood openings. The bottom of all openings shall be no higher than one foot above original exterior grade. Openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. Fully enclosed areas below the BFE within the AE zone area are limited to building access only, cannot exceed 299 square feet in size and shall be constructed of flood resistant materials per FEMA Technical Bulletin 2, Flood Damage-

Resistant Requirements. Enclosures below 1.0 foot above the BFE can only be used for vehicle parking, building access, or limited storage and are prohibited for use as living area.

- e. Recreational vehicles placed on sites within Zones A, AE, VE shall either (1) be on the 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 (3) meet all the general standards of Section 32.1 and the elevation and anchoring requirements of Section 32.3 for A or AE Zones or 32.5 for VE Zone.
- f. Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.
- g. Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

- 32.4 In the floodway as delineated on the Flood Insurance Rate Map, any encroachments, including fill, new construction, substantial improvements, and other development that would result in any 0.00 feet increase in flood levels within the community 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 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. Buildings and structures meeting the standard above and located in whole or in part in the floodway shall be designed and constructed in accordance with ASCE 24. Fences in the floodway must be aligned with the flow and be of an open design.

- a. The Town may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data are available from any other source (in response to the Town's request or otherwise), the Town shall designate regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the elevation more than one (1) foot at any point along the watercourse.
- b. In "A" zones where base flood elevations have been determined but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevation more than one (1) foot any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

32.5 In the coastal high hazard zones, designated as VE and the Coastal AE (LiMWA), the following provisions shall additionally apply:

- c. The applicant shall obtain the elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor, excluding pilings or columns of all new and substantially improved structures, and whether or not such structures contain a basement. A record of all such information shall be maintained with the Zoning Enforcement Officer.
- b. All new construction shall be located landward of the reach of mean high tide with the exception of accessory uses that include ~~boat houses~~, landings, docks and piers.
- c. All new construction, substantial improvements, and repair to structures that have sustained substantial damage shall be elevated on adequately anchored pilings or columns, designed not to exceed a maximum 30" x 30" dimension including any cladding material, and securely anchored to such piles, and columns so that the lowest horizontal structural member, excluding piles or columns, is elevated to (1.1) one point one foot or more above the base flood level. Any pier or column section which exceeds the maximum dimension shall be oriented parallel to direction of wave flow and shall achieve a design that provides greater free of obstruction area with a smaller number of structural supports than the maximum 30" x 30" design. A CT registered professional engineer or architect shall certify that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash, and the space beneath the lowest floor shall be free of obstruction or be constructed with breakaway walls intended to collapse under stress without jeopardizing structural support; said space shall not be used for human habitation. The top of foundation grade beams shall be located a minimum of 5 feet below existing grade to protect from scour damage.

Enclosures with breakaway walls are not to exceed 299 square feet including any elevator enclosures designed to meet FEMA requirements. The remainder of the building's exterior perimeter may be screened with open-work lattice or slat materials compliant with FEMA Technical Bulletin 5 (Free of Obstruction) that also provide 40% visibility into screened areas.

A breakaway wall shall have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered engineer or architect has certified that the designs proposed meet the following conditions:

Breakaway wall collapse shall result from a water load less than that would occur during the base flood, 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 acts simultaneously on all building components (structural and non-structural). Wind loading values used shall be those required by applicable State or local standards. Such enclosed space shall be used solely for parking of vehicles, building access, or storage. Areas enclosed by breakaway walls shall contain hydraulic flood vents per the requirements of Section 32.3.d.

- d. No use of fill for structural support of buildings shall be permitted. Minor grading and the placement of minor quantities of non-compacted fill shall be permitted for landscaping and drainage proposed under and around buildings, and for support of parking slabs, pool decks, patios, and walkways installed at current grade. The fill must wash out from storm surge, thereby rendering the building free of obstruction, prior to generating excessive loading forces, ramping effects, or wave deflection.
- e. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- f. Concrete slabs located at grade below an elevated structure within the VE zone shall be “frangible” or intended to break into smaller pieces during storm and surge events. Frangible slabs must be constructed independent of structural columns and piers, without reinforcement, and to a maximum thickness of 4 inches thick.
- g. An exterior door shall be installed at the top of any stairs that provide access to the to the lowest (habitable) floor of the structure.
- h. The base of a chimney or fireplace shall not extend below the BFE plus one foot. When vertical support is required, a chimney or fireplace shall be vertically supported on pile or column foundations embedded at least as deep as the rest of the structure foundation or deeper where needed to support the chimney against water and wind loads. The chimney and fireplace system shall be designed to minimize transfer of water and wind loads to the structure or structure foundation.

The applicant shall file with the commission a performance bond, in form and with surety acceptable to the commission, in an amount sufficient to insure proper performance of those elements of the proposed work which have a bearing on protection from flooding.

32.7 Variances

- a. Variances from the flood protection regulations of this section shall only be issued by the Zoning Board of Appeals upon making the following findings:
- (i) a showing of good and sufficient cause,
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant that are based on unusual or unique physical characteristics of the property in question that are also not shared by other adjacent parcels,
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
 - (iv) variances shall not be issued within any designated regulatory floodway if any increase will result in flood levels during the base flood discharge.
- b. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions as required in paragraph c of this section.
- c. The Town shall maintain record of all variance actions, including justification for their issuance, and report such variances issued in its annual report submitted to the Administrator.
- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility, as defined herein, provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meet all the requirements of Section 32.7.a.

32.8 Definitions

- a. Administrator - means the Federal Emergency Management Agency, to whom the Secretary has delegated the administration of the Program.
- b. Area of Special Flood Hazard - is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.
- b. Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year as designated on the Flood Insurance Rate Map and measured in

accordance with the North American Vertical Datum of 1988 - is expressed and measured on a vertical scale that corresponds to 14.5 feet below Town of Fairfield datum.

- c. Base Flood Elevation (BFE) – means the elevation of the crest of the base flood or 100-year
- d. 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.
- e. Basement – any area of the building having its floor sub-grade (below ground) on all sides.
- e. Breakaway walls – means type of walls, whether solid or lattice and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which are not part of the structural support of the building, and which are so designed as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building.
- g. Building – means see the definition for “Structure”.
- h. Coastal AE Zone – The portion of the Coastal High Hazard Area with wave heights between 1.5 feet and 3.0 feet during the base flood and seaward of the line labeled the “Limit of Moderate Wave Action” (LiMWA) on a Flood Insurance Rate Map (FIRM).
- i. Coastal High Hazard Area – means the area of special flood hazard subject to high velocity waters, including but not limited to hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone VE and Coastal AE (LiMWA).
- j. Development - means 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; 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.
- k. Federal Emergency Management Agency (FEMA) – is the federal agency that administers the National Flood Insurance Program (NFIP).
- l. Flood or Flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.
- m. Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

- n. Flood Insurance Study (FIS) - means the official report provided in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map (FIRM) and water surface elevation of the base flood.
- o. Flood Plain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and flood plain management regulations.
- p. Flood proofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- q. Floor - means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
- r. Floor (lowest) - means 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, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section.
- s. Functionally Dependent Facility - means a facility which cannot be used for its intended purpose unless it is located in close proximity to water. The term includes only docking facilities or port facilities necessary for the loading and unloading of cargo or passengers; shipbuilding, and ship repair. The term does not include seafood processing facilities or the long-term storage, manufacture, sales or service facilities.
- t. Historic Structure – means 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.

u. Hydrodynamic Loads - means loads that are caused on building or structures by the flow of flood water moving at moderate or high velocity around the buildings or structures or parts thereof, above ground level which allow the free flow of flood water. Hydrodynamic loads are basically of the lateral type and relate to direct impact loads by the moving mass of water, and to drag forces as the water flow around the obstruction.

v. Hydrostatic Loads - means loads that are caused by water, either above or below the ground surface, free if confined, which is either stagnant or moves at slow velocities or up to 5' per second. Hydrostatic pressures at any point are equal in all directions and always are perpendicular to the surface on which they are applied and are divided into the following types: Vertical Loads, Lateral Loads and Uplift.

w. Limit of Moderate Wave Action (LiMWA) – The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are seaward of the line labeled “Limit of Moderate Wave Action (LiMWA) on a Flood Insurance Rate Map (FIRM).

x. Manufactured Home – means a structure, transportable in one (1) 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 also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

y. Manufactured Home Park or Subdivision – means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

z. Market Value – means the market value of the structure shall be determined by the property's 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.

a.a. Mean Sea Level – means the average height of the sea for all stages of the tide and is to be considered elevation zero (“O”), North American Vertical Datum of 1988 is expressed and measured on a vertical scale that corresponds to 14.5 feet below Town of Fairfield datum.

b.b. New Construction – Structures for which the “start of construction” commenced on or after the effective date of the initial firm, August 15, 1978, and includes any subsequent improvements to such structures.

c.c. Pilings – means columnar support members which may be of any approved type capable of resisting all applied loads and shall, as far as practicable, be compact and free from unnecessary appendages which would trip or restrict free passage of debris during a flood.

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

e.e. Recreational Vehicle – means a vehicle which is: (1) built on a single chassis (2) 40 square feet or less when measured at the largest horizontal projections (3) designed to be self-propelled or permanently towable by a light-duty truck and (4) designed primarily not for use as a permanent dwelling but as 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 structures for the purpose of this ordinance.

f.f. Riverine – means relating to, formed by or resembling a river, including tributaries, stream, brook, creek.

g.g. Sand Dunes – means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

h.h. Start of Construction – (for other than new construction or substantial improvements under the Coastal Barrier Resources Act)(P.L. 97-348) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the state of excavation or 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 of streets and/or walkways; nor does it include excavation for a basement, footing, 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 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.

i.i. Structure – means a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

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

l.l. Substantial Improvement - means any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the

structure either (1) before the “start of construction” of the improvement or repair is started, or (2) 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 shall include the cumulative cost of any repairs, reconstruction or improvement for which less than one year has transpired between issuance of a certificate of occupancy and the issuance of a subsequent permit. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a 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.

m.m. Variance – means a grant of relief by a community 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.

n.n. Violation – Failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

o.o. Water Surface Elevation – means 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 flood plains of coastal or riverine areas.

32.9 Abrogation and Greater Restrictions

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

32.10 Warning and Disclaimer of Liability

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply

or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Fairfield or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made there under. The Town of Fairfield, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Fairfield.

SECTION 37.0 – EROSION AND SEDIMENTATION CONTROL

- 37.1 General The disturbance of any area for development which is cumulatively more than one half an acre, in any of the zoning districts of the Town, shall require an erosion and sedimentation control plan certified by the Commission in accordance with the provisions of this regulation.
- 37.2 Purpose The purpose of this regulation is to reduce the danger from storm water runoff on any disturbed parcel and minimize non-point sediment pollution from land being developed.
- 37.3 Exclusions A single family dwelling that is not a part of a subdivision of land shall be exempt from the soil erosion and sediment control regulations.
- 37.4 Action by Commission The Plan and Zoning Commission shall either certify that the soil erosion and sediment control plan as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- 37.5 Erosion and Sediment Control Plan To obtain 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 are found in the Connecticut Guidelines for Soil and Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

Application Before certification shall be granted, four copies of the plan shall be submitted to the Town Plan and Zoning Commission with a certification fee and the necessary information.

37.5.1 Maps and plans showing the following:

- a. Location of the proposed development and adjacent properties.
- b. Existing contour lines of the area to be developed and proposed contour lines shown on a map drawn to a scale not less than one hundred feet to the inch and with a contour interval not to exceed two feet.
- c. Existing and proposed structures on the parcel.
- d. Existing and any proposed fill material.
- e. Existing rivers and their streams, ponds, lakes, reservoirs and watercourses.

- f. Existing tidal and coastal wetlands, inland wetlands, salt and fresh water marshes and flood plains.
 - g. Existing geographical features and vegetation.
 - h. Existing buildings and other structures within one hundred feet of the parcel.
 - i. Surrounding properties and streets.
 - j. Proposed alterations, including clearing, excavating, filling or grading.
 - k. Proposed location for utilities and roads, to include temporary roads used for development purposes only.
 - l. Location and design for all proposed soil erosion and sediment control measures and storm water management facilities.
- 37.5.2 A written statement describing the proposed development and including the following:
- a. Description of the proposed project.
 - b. Sequence of grading and construction activities.
 - c. Sequence for installing and applying soil erosion and sedimentation control measures.
 - d. Sequence for final stabilization of the parcel.
 - e. Proposed time of completion of project and periods of operation.
 - f. Design criteria for proposed soil erosion and sediment control measures, and storm water management facilities.
 - g. Construction details for proposed soil erosion and sediment control measures, and storm water management facilities.
 - h. Installation procedures for proposed soil erosion and sediment control measures, and storm water management facilities.
 - i. Maintenance and operation procedures for proposed soil erosion, and sediment control measures, and storm water management facilities.
- 37.5.3 The Commission may request such additional information it shall deem necessary to decide this application.

- 37.5.4 The Commission may grant exemptions when requested by the applicant if in its opinion exemption is deemed appropriate.
- 37.6 Certification The Plan and Zoning Commission may certify a soil and erosion plan, if it finds that such plan will not result in soil erosion, sedimentation, drainage or other flooding problems, pollution problems, depressed land values or create any hazard to human environmental health, safety or welfare, or other conditions which would impair the use of the property in accordance with the Zoning Regulations.
- 37.7 Alteration of Certification The Commission may alter a certification as provided for in this section, if, in its opinion, such alteration is in harmony with the original intent of the certification granted.
- 37.8 Bond The applicant may be required to file a performance bond with the Town Plan and Zoning Commission.
- 37.8.1 Bonds Performance bonds shall be in a form and with surety acceptable to the Commission, in such amount as the Commission shall deem sufficient to insure the faithful performance of the work to be undertaken pursuant to the certification.
- 37.8.2 Release No such bond shall be released nor shall the applicant be deemed to have complied with the certification provided for herein until the applicant has filed with the Commission a written report from the Department of Public Works of the Town of Fairfield that said requirements have been performed and that such bond be released.
- 37.9 Revocation and Suspension A certification issued pursuant to the provisions of this section may be revoked by the Town Plan and Zoning Commission, after notice in writing for (1) violation of the requirements of certification, (2) violation of any provision of this section, or any other law or other regulation relating to the work permitted, or, (3) the existence of any condition or the doing of any act constituting or creating a nuisance or endangering the life or property of another.
- 37.9.1 Notice The notice shall describe the violation charged and may be either delivered personally or deposited in the United States mail in a sealed envelope, postage prepaid, directed to the address appearing on the application.
- 37.9.2 Suspension Certification may be suspended by the Director of Public Works or the Zoning Enforcement Officer for a period not to exceed 30 days. Notice of suspension is to be presented to the Plan and Zoning Commission within 30 days. The Commission shall direct such remedies as deemed appropriate. Certification for any plan of development may be revoked by the Commission for due cause.
- 37.10 Enforcement Officer The Zoning Enforcement Officer or any persons designated and

authorized by the Town Plan and Zoning Commission shall inspect and enforce the provisions of this section.

- 37.11 Civil Action In addition to any other provisions contained herein, the Town of Fairfield, acting through the Selectman, Town Plan and Zoning Commission or the Director of Public Works, may take such action as may be deemed advisable to enforce any of the provisions of this section.

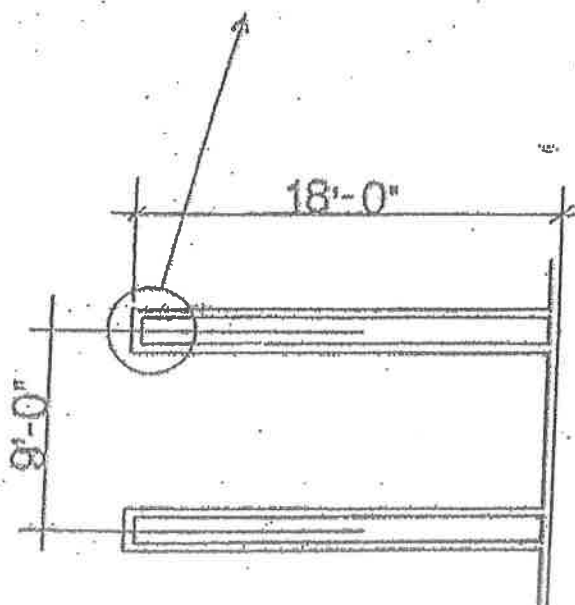
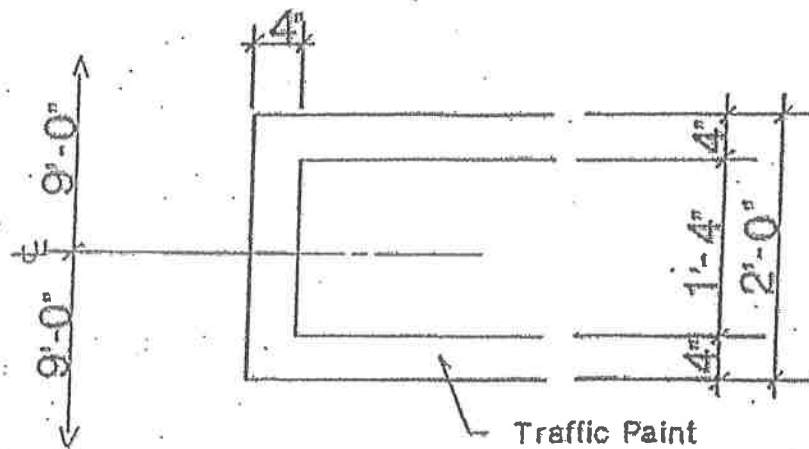
SECTION 38.0 – AMUSEMENT DEVICES

- 38.1 Definition For purposes of this section, amusement device shall mean any mechanical, electric or electronic device used or designed to be operated for entertainment or as a game of skill by the insertion of a piece of money, coin, token or other article into said device or by paying money to have it activated. This definition does not include: jukebox, rides, bowling alleys or any such device maintained within a residence for the use of the occupants thereof and their guests.
- 38.2 Permitted Use It shall be unlawful in any District for any business, store, or other commercial or industrial establishment to have on its premises for use by customers or invitees more than two amusement devices except an Indoor Recreational Facility, as defined in Section 31.2.7, which exceeds 10,000 sq. ft. of gross floor area may have in excess of two amusement devices subject to an application to the Commission for a certificate of zoning compliance under Section 2.22 of the zoning regulations and subject to the design standards set forth in Section 38.3.
- 38.3 Design Standards
- i. Amusement devices shall be an accessory use to an Indoor Recreational Facility;
 - ii. Amusement devices shall not occupy more than 5% of the gross floor area;
 - iii. No more than ten (10) amusement devices are permitted in an Indoor Recreational Facility;
 - iv. The amusement devices shall only be operated during the hours that the principal use is open for business;
 - v. No entrance to such building or premises on which the amusement devices are located shall be within 200 feet from any entrance to a school or public library, and
 - vi. No one under the age of twenty-one (21) shall be permitted in the Indoor Recreational Facility unless accompanied by a parent or guardian.

PURPOSE: To allow up to ten amusement devices in Indoor Recreational Facilities in excess of 10,000 square feet.

Appendix A

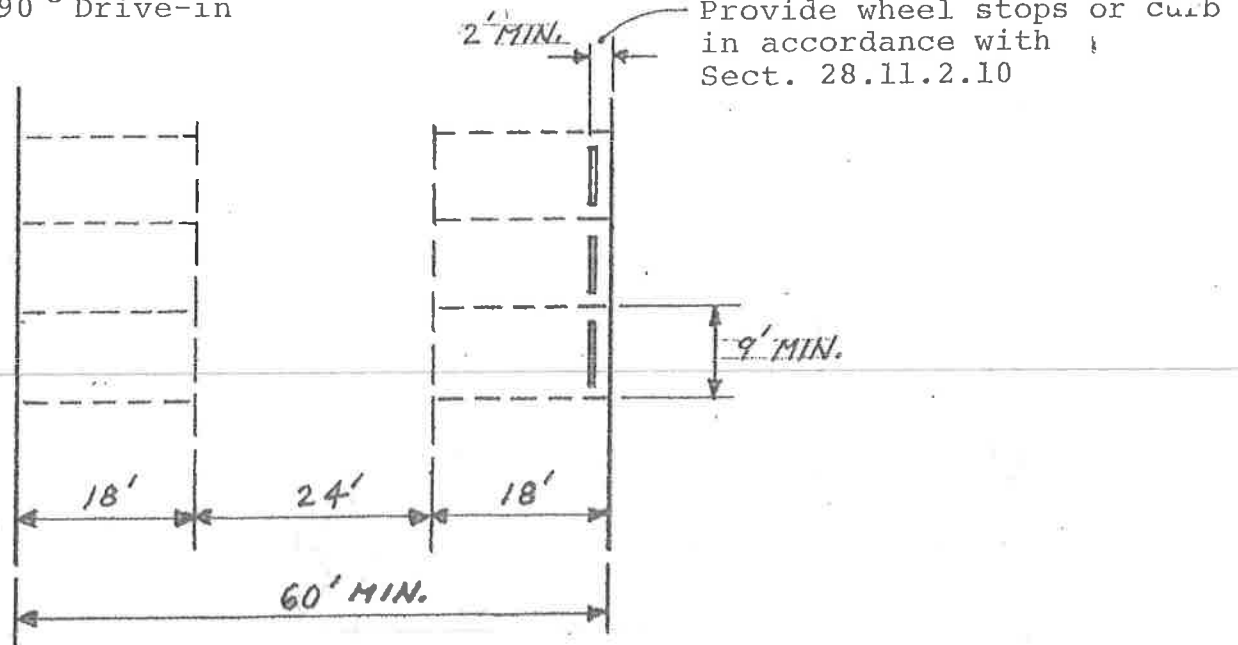
Required Parking Space Striping



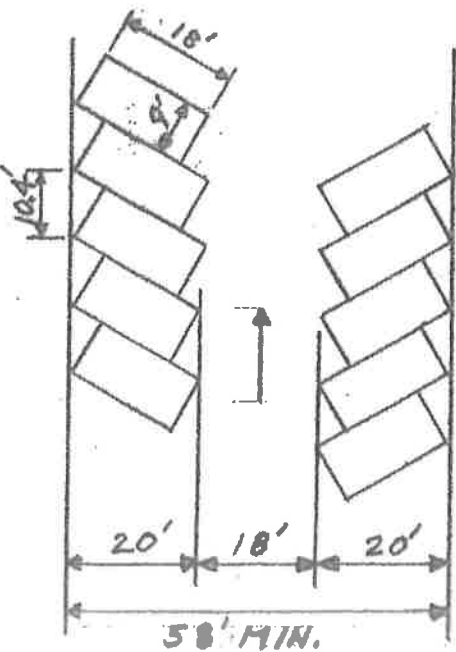
Typical Parking Space

Appendix A Design Standards for Off-Street Parking

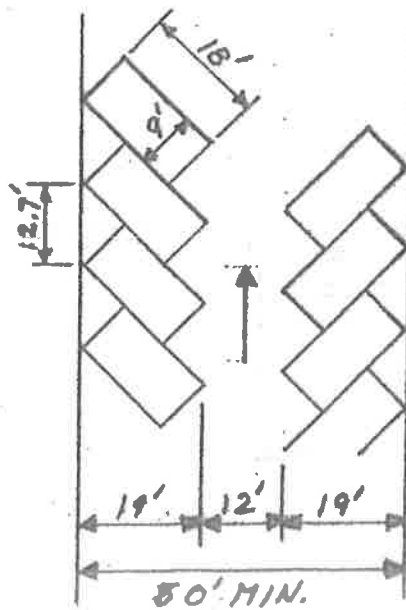
90° Drive-in



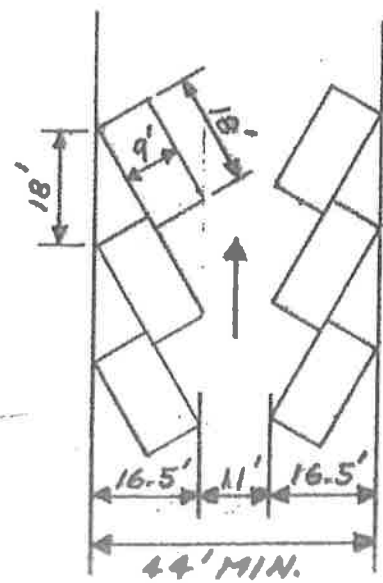
60° Drive-in



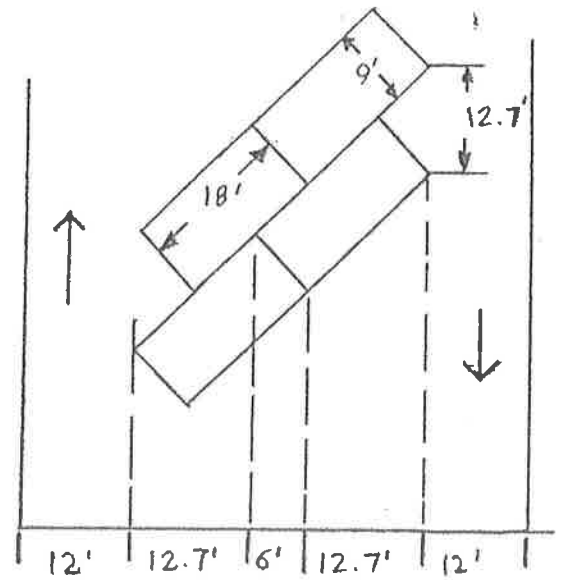
45° Drive-in



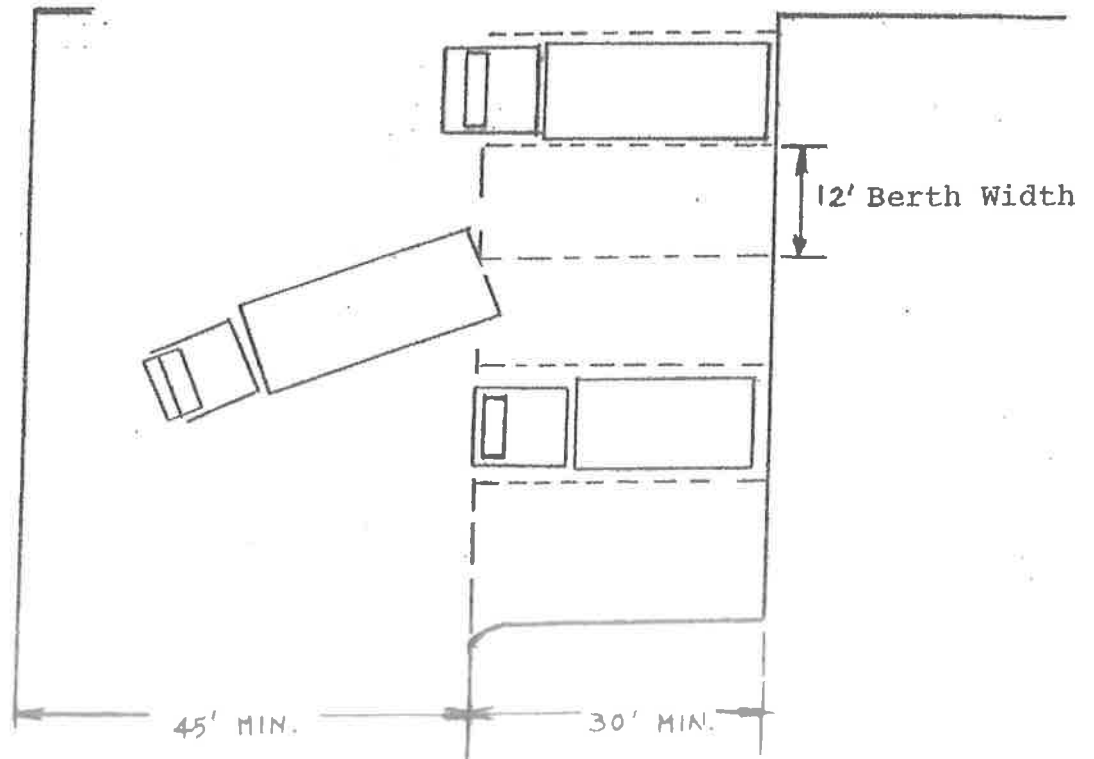
30° Drive-in



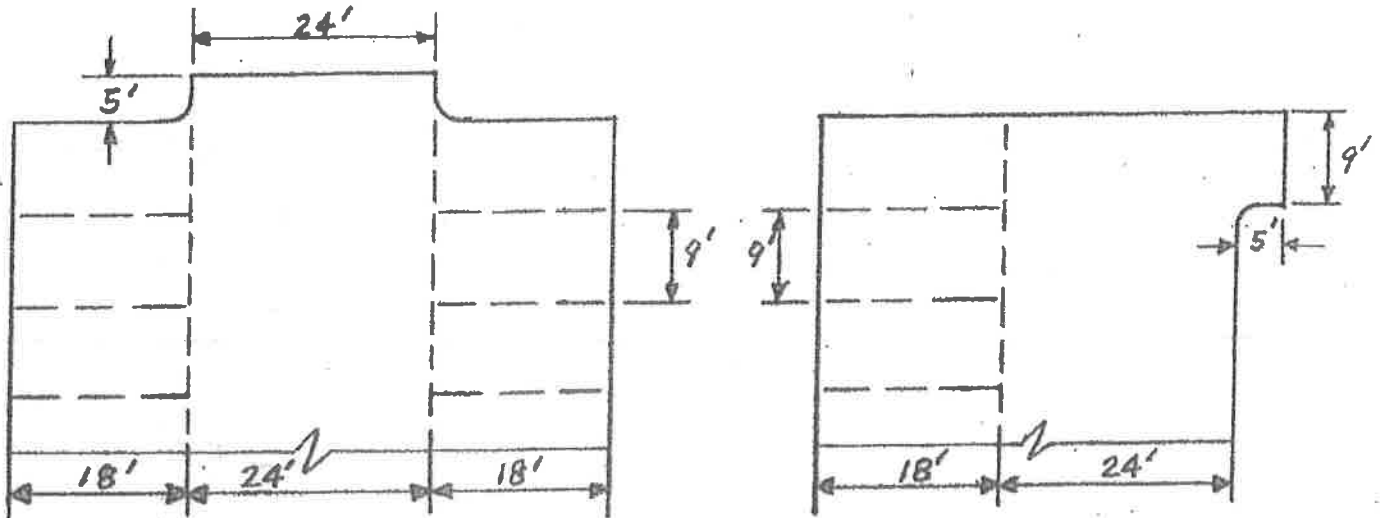
Herringbone Pattern



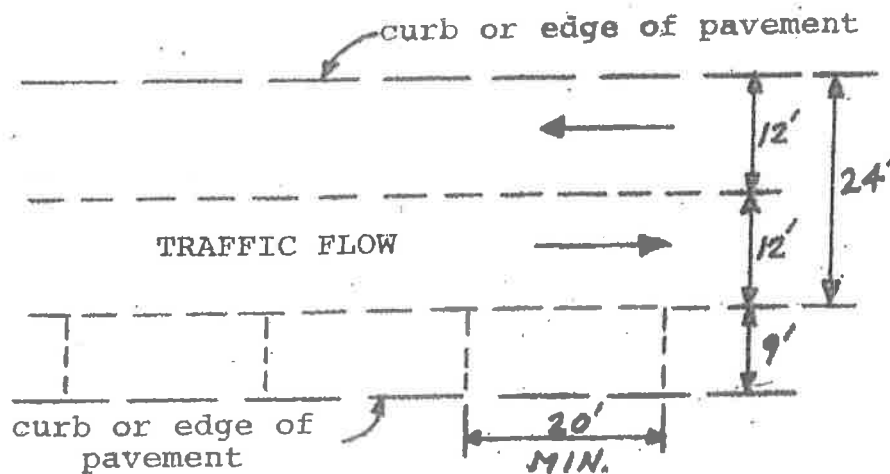
Truck Loading Berths and Apron Space



END OF AISLE CONFIGURATIONS



PARALLEL PARKING



NOTE:

For Handicapped Spaces Refer To
State Building Code

APPENDIX B

EFFECTIVE DATES

SECTION

AMENDED TO

| | | |
|------------|--|-----------------------------|
| 1.0 | | |
| 2.0 | GENERAL PROVISIONS | 10/28/89 |
| 2.7 | ACCESS AND REAR LOTS | 07/24/94 |
| 2.7 | (additional frontage requirements) | 09/10/13 |
| 2.8.2.5 | FLOOD ELEVATION RELIEF | 06/11/13 |
| 2.12 | FLOOD MANAGEMENT | 05/11/10, 06/11/13, 7/28/20 |
| 2.12 | SPECIAL FLOOD HAZARD IDENTIFICATION | 06/11/13 |
| 2.17 | PUBLIC TREES | 07/08/14 |
| 2.23 | PUBLIC HEARING AND DECISION | 07/24/94 |
| 2.23 | PUBLIC HEARING AND DECISION | 02/08/11 |
| 2.23.6 | TIME LIMITS | 01/23/92 |
| 2.33.1 | PENALTIES (violation notice) | 11/17/06 |
| 2.33.2 | PENALTIES (violation notice) | 11/17/06 |
| 2.36.1 | INCLUSIONARY ZONING FEE | 08/28/18 |
| 2.44 | AFFORDABLE HOUSING | 11/07/06 |
| 5.0 | REGULATIONS FOR RESIDENCE DISTRICTS | 06/06/91 |
| 5.1.2 | LEASING OF ROOM & HOME OCCUPATIONS | 07/24/94 |
| 5.1.3 | NURSERIES, TRUCK GARDENS AND FARMS | 07/24/94 |
| 5.1.4c | ASSISTED LIVING | 01/12/99 |
| 5.1.4f | CHILD DAYCARE CENTER | 04/13/99 |
| 5.1.5 | ACCESSORY USES | 07/24/94 |
| 5.15a | ACCESSORY USES (residential district) | 03/04/97 |
| 5.2.1 | ACCESS (additional frontage requirements) | 02/24/09, 09/10/13 |
| 5.2.1 | REQUIRED LOT SQUARE | 09/10/13 |
| 5.2.2 | HEIGHT (a, b, c, zones) 2 ½ stories | 11/17/07 |
| 5.2.5 | TOTAL FLOOR AREA (AAA) | 03/14/02 |
| 5.2.5.1 | COVERAGE AND BULK | 11/13/93 |
| 5.2.5.2 | COVERAGE AND BULK (AAA) | 03/14/02 |
| 5.2.5.3 | COVERAGE AND BULK (Town R3) | 12.14/10 |
| 5.2.5.4 | COVERAGE AND BULK (univ. parking structures) | 3/12/19 |
| 5.2.5.5 | COVERAGE AND BULK (Univ. R3) | 3/8/22 |
| 6.0 | ACCESSORY APARTMENTS | 06/14/86 |
| 6.1 | | 2/9/21 |
| 6.3.2 | REDUCE TO 450 SQ. FT. | 01/20/10 |
| 6.3.2 | ELIM. MIN SIZE SET MAX AT 1,500 SQ.FT | 2/9/21 |
| 6.3.3 | PREVIOUS SECTION DELETED (5 Year rule) | 2/9/21 |

| <u>SECTION</u> | | <u>AMENDED TO</u> |
|-----------------------|---|------------------------------|
| 6.3.5 | MIN 60 DAY LEASE TERM | 2/9/21 |
| 6.3.6 | PROVISION FOR AFFORDABLE HOUSING | 10/12/91 |
| 6.3.8 | PROVISIONS FOR AFF. HOUSING | 2/9/21 |
| 6.3.9 | AAA ZONE DETACHED UNIT | 2/9/21 |
| 6.4.3 | OWNER/RESIDENT | 10/12/91 |
| | | |
| 10.0 | DESIGNED RESIDENCE DISTRICT | 04/16/88 |
| 10.3 | PINE TREE DEVELOPMENT | 10/07/14 |
| 10.4 | SPECIAL PERMIT USES (home occupations) | 07/24/94 |
| 10.4 (2)a | ACCESSORY USES (Des. Res. Dist.) | 03/04/97 |
| 10.6 | DENSITY & MINIMUM LOT AREA | 03/29/03 |
| 10.6.7 | TRANSIT ORIENTED DEVELOPMENT | 05/03/11 |
| 10.6.9 | | 02/01/92 |
| 10.6.9 | AFFORDABLE HOUSING COMM/ AMENDS | 09/08/15 |
| 10.6.10 | AFFORDABILITY (reference to 8-30g) | 11/18/06 |
| 10.6.11 | ELDERLY DENSITY | 03/29/03, 01/27/06 |
| 10.6.12 | | 08/30/08 |
| 10.6.13 | PINE TREE DENSITY | 10/07/14 |
| 10.7.1 | ACCESS FOR ELDERLY HOUSING | 05/13/00, 10/17/14 |
| 10.7.2 | TRANSIT ORIENTED DEVELOPMENT | 05/03/11 |
| 10.7.3 | FRONTAGE FOR DID DEVELOPMENT | 05/23/17 |
| 10.9.3 | PINE TREE AMENDMENTS | 10/07/14 |
| 10.10 | SETBACK (10.6.12 set aside development) | 08/30/08 |
| 10.10(5) | ELDERLY SETBACK | 03/29/03, 01/27/06 |
| 10.10.1 | SETBACK BETWEEN BUILDINGS (set-aside) | 08/30/08 |
| 10.12 | PROVISIONS FOR AFFORDABLE HOUSING | 02/01/92 |
| 10.12 | COVERAGE AND BULK (DID elderly) | 03/29/03, 01/27/06 |
| 10.12 | COVERAGE AND BULK (10.6.12 set-aside) | 08/30/08 |
| 10.13 | FLOOR AREA Pine Tree | 10/7/14 |
| 10.17 | PROVISIONS FOR AFFORDABLE HOUSING | 02/01/92 |
| 10.17.3 | BEDROOMS (10.6.12 set-aside) | 08/30/08, 09/18/15, 10/07/14 |
| 10.17.5 | AFFORDABILITY PLAN (reference to 8-30g) | 11/18/06, 09/18/15 |
| 10.18 | TRANSIT ORIENTED DOWNTOWN DISTRICT | 09/26/17 |
| 10.18.3 | GROUND FLOOR CORRIDOR CONNECTION | 04/10/18 |
| | | |
| 11.0 | BEACH DISTRICT | 09/01/89 |
| 11.12 | CUSTOMARY HOME OCCUPATIONS | 07/24/94 |
| 11.1.4.1 | ACCESSORY USES (Beach District) | 03/04/97 |
| 11.7 | HEIGHT, GRADE & BASE FLOOD ELEVATION | 06/11/13 |

SECTION**AMENDED TO**

| | | |
|-------------|---|--------------------|
| 12.0 | REGULATIONS FOR Des. Bus. Dist. | 06/10/87 |
| 12.2 | SPECIAL PERMIT USES | 06/27/92 |
| 12.3 | VETERINARY HOSPITALS | 06/25/96 |
| 12.10 | ARCHITECTURAL & COMM. APPEARANCE | 09/18/08 |
| 12.2 | FORMULA NEIGHBORHOOD BUSINESS | 07/14/07 |
| 12.3.9 | REVISIONS TO DRY CLEANERS AND | 07/24/94 |
| 12.3.10 | | 07/24/94 |
| 12.3.15 | REMOVE REFERENCE TO % OF OUTDOOR SEATS | 01/24/23 |
| 12.3.16 | | 07/01/89 |
| 12.3.17 | | 10/12/91 |
| 12.4.9 | SELF SERVICE LAUNDRIES | 07/24/94 |
| 12.4.10 | | 07/24/94 |
| 12.4.17 | REMOVE REFERENCE TO % OF OUTDOOR SEATS | 01/24/23 |
| 12.4.18 | DWELLING UNIT SIZE FOR ELDERLY | 07/01/89, 07/24/94 |
| 12.4.18 | TRANSIT ORIENTED DEVELOPMENT | 05/03/11 |
| 12.4.19 | PROVISION FOR AFFORDABLE HOUSING | 10/12/91 |
| 12.4.28.6 | ASSISTED LIVING | 01/12/99 |
| 12.4.28.7 | DOG DAY CARE | 08/25/15 |
| 12.5 | VARIOUS USES 4,000 SQ. FT. LIMIT | 07/14/07 |
| 12.5.1 | ART STUDIO | 04/27/10 |
| 12.5.1 | ART GALLERIES | 06/26/12 |
| 12.5.1 | DRIVING SCHOOLS | 05/26/15 |
| 12.5.2 | OFFICE USE 4,000 SQ. FT. LIMIT | 01/08/13 |
| 12.5.4 | | 07/24/94 |
| 12.5.5 | | 07/01/89 |
| 12.5.5 | RES. USE WITH MULTIPLE BUILDINGS | 10/15/19 |
| 12.5.6 | | 10/12/91 |
| 12.5.9 | PACKAGE STORES 1,500 SQ FT LIMIT | 4/25/17 |
| 12.5.15 | REMOVE REFERENCE TO % OF OUTDOOR SEATS | 01/24/23 |
| 12.5.16 | VETERINARY HOSPITALS | 05/26/90 |
| 12.5.17.5 | DANCE STUDIOS | 01/23/92 |
| 12.5.17.5 | EXERCISE STUDIOS 4,000 FT | 2/13/18 |
| 12.5.17.6 | ASSISTED LIVING | 01/12/99 |
| 12.7.4 | HEIGHT (Des. Comm. Flood Zone) | 05/16/09 |
| 12.7.5.2 | TOTAL FLOOR AREA LIMIT 14,000 | 01/08/13 |
| 12.9 | PERFORMANCE STANDARDS | 07/07/88 |
| 13.0 | REGULATIONS FOR COMMERCE DRIVE DESIGNED DISTRICT | 05/03/11 |
| 13.14.2 | Dog Day Care | 02/08/22 |
| 13.14.2 | REMOVE REFERENCE TO % OF OUTDOOR SEATS | 01/24/23 |
| 13.14.2 | CO-WORKING OFFICE | 05/09/23 |
| 13.14.4 | DENSITY | 05/09/23 |

| <u>SECTION</u> | | <u>AMENDED TO</u> | |
|----------------|-------------|--|----------|
| | 13.14.7 | BELOW MARKET RATE 12% | 05/09/23 |
| | 13.14.9 | HEIGHT 70 FEET | 05/09/23 |
| | 13.14.9.1 | HEIGHT | 03/27/18 |
| | 13.14.10 | SETBACK | 05/09/23 |
| | 13.14.14 | LANDSCAPING | 05/09/23 |
| | 13.14.15 | BICYCLE PARKING | 05/09/23 |
| 21.0 | | REGULATIONS FOR DESIGNED INDUSTRIAL DISTRICT | 10/28/89 |
| | 21.2 | PERMITTED USES | 06/27/94 |
| | 21.2.13 | FARM MARKETS | 11/18/14 |
| | 21.2.14 | DOG DAY CARE | 05/08/18 |
| | 21.10 | COVERAGE AND BULK | 07/24/94 |
| | 21.13 | OFF STREET PARKING (exception) | 02/10/09 |
| | 21.16 | TRANSPORTATION/COMMERCIAL PARK | 10/19/02 |
| | 21.16 | RESIDENTIAL USE, ET AL | 04/28/20 |
| | 21.16..3.12 | REMOVE REFERENCE TO % OF OUTDOOR SEATS | 01/24/23 |
| | 21.16.7 | PARKING AND LOADING (80% exception) | 07/29/05 |
| | 21.16.10.2 | HEIGHT (15 feet above average grade) | 07/29/05 |
| 22.0 | | DESIGNED RESEARCH DISTRICT | 03/31/90 |
| | 22.2.1 | PERMITTED USES | 08/18/90 |
| | 22.2.2 | PERMITTED USES | 08/18/90 |
| | 22.9 | COVERAGE AND BULK | 07/24/94 |
| 23.0 | | FLOOD PLAIN DISTRICT | 08/31/91 |
| | 23.3.1 | NURSERIES, TRUCK GARDENS AND FARMS | 07/24/94 |
| 24.0 | | LAND EXCAVATION AND FILL REGULATIONS | 10/28/89 |
| | 24.4.4 | EXEMPTION | 07/24/94 |
| 25.0 | | SPECIAL PERMITS IN DESIGNED DISTRICTS | 10/28/89 |
| | 25.2.2.8 | LANDSCAPE PLAN | 07/08/14 |
| | 25.2.2.9 | BIKE/PED PLAN | 06/10/14 |
| | 25.2.5 | STAMPED ENVELOPES | 02/24/09 |
| | 25.7.9 | INCLUSIONARY PROVISION FOR AFF. HOUSING | 09/18/15 |
| | 25.8.1.4 | STAMPED ENVELOPES | 02/24/09 |

| <u>SECTION</u> | | <u>AMENDED TO</u> |
|-----------------------|--|--------------------------|
| 26.0 | OPEN SPACE SUBDIVISION PLANS | 08/31/91 |
| 27.0 | SPECIAL EXCEPTION REGULATIONS | 10/28/89 |
| 27.1 | GENERAL | 07/24/94 |
| 27.4.6 | CERTIFICATE OF NEED | 05/31/08 |
| 27.4.9 | ASSISTED LIVING | 01/12/99 |
| 28.0 | REGULATIONS FOR OFF-STREET PARKING | 06/10/87 |
| 28.2 | PURPOSE STATEMENT | 01/08/13 |
| 28.4 | PARKING SPACE | 10/19/02 |
| 28.4 | DOUBLE STIPING REQUIREMENT | 01/08/13 |
| 28.6a | BICYCLE PARKING | 05/03/11 |
| 28.6.1 | RESIDENTIAL PARKING | 06/02/88 |
| 28.6.1 | RES. PARKING (trans. oriented) | 05/03/11 |
| 28.6.1 | RES. PARKING (driveway spaces) | 01/08/13 |
| 28.6.1 | RES. PARKING (Pine Tree) | 10/07/14 |
| 28.6.5 | MEDICAL OFFICE (>100,000 sq. ft.) | 11/17/01 |
| 28.6.6 | OTHER BUSINESSES, PROFESSIONAL OFFICES & POST OFFICES | 10/19/02 |
| 28.6.8 | GASOLINE FILLING STATIONS | 01/23/92 |
| 28.6.12 | RESTAURANTS | 07/02/94 |
| 28.6.12 | NO PARKING FOR 150 ft. OF OUTDOOR DINING | 01/08/13 |
| 28.6.12 | 400 sq ft | 01/24/23 |
| 28.9 | SHARED ACCESS | 10/27/01 |
| 28.9a | JOINT USAGE | 02/11/97, 10/27/01* |
| 28.10 | CONSTRUCTION | 07/02/94 |
| 28.10 | CONSTRUCTION (storm water quality) | 01/08/13 |
| 28.10.1 | ENCLOSURE | 04/21/90 |
| 28.11.3 | SHADE TREES | 07/02/94 |
| 28.11.4 | LIGHTING | 01/08/13 |
| 28.11.5 | PEDESTRIAN AMENITIES | 01/08/13 |
| 29.0 | REGULATIONS FOR SIGNS | 01/12/91 |
| 29.5.1 | DEFINITIONS | 11/10/98 |
| 29.7 | EXEMPTIONS | 07/24/94 |
| 29.12 | HEIGHT | 11/10/98 |
| 29.8.5 | WINDOW SIGN | 01/10/98 |
| 29.8.9 | CONTINUOUS STRIP LIGHTING | 07/24/94 |
| 29.8.14 | ILLUMINATED WINDOW SIGNS | 01/08/13 |

| <u>SECTION</u> | | <u>AMENDED TO</u> |
|-----------------------|---|--|
| | 29.13 DESIGN CRITERIA | 11/10/98 |
| 30.0 | ALCOHOLIC BEVERAGES | 02/16/93 |
| | 30.2 FOR PROFIT THEATER CAFÉ | 12/11/18 |
| 31.0 | DEFINITIONS | 09/26/92 |
| | 31.2.3 AFFORDABLE HOUSING (reference to 9-30g) | 11/18/06 |
| | 31.2.6 COMMERCIAL VEHICLE | 07/24/94 |
| | 31.2.13 ELDERLY FAMILY DEVELOPMENTS | 11/12/96 |
| | 31.2.15 FLOOR AREA REQUIREMENTS (reduction to 7") | 11/17/07 |
| | 31.2.16 HEIGHT (reference points for measure) | 04/15/05 |
| | 31.2.16 HEIGHT (exception from trans./commerce park) | 07/29/05 |
| | 31.2.17 INDOOR RECREATIONAL FACILITIES | 06/25/96 |
| | 31.2.21 LOT AREA AND SHAPE | 01/17/98, 01/12/99, 06/08/99 10/27/01, 02/24/09 |
| | 31.2.28 REAR LOT (add "an improved" before public street) | 02/24/99 |
| | 31.2.35 STORY | 11/17/07, 06/11/13 |
| | 31.2.35 HEIGHT STANDARDS | 06/11/13 |
| | 31.2.40 ASSISTED LIVING | 01/12/99 |
| | 31.2.41 FORMULA NEIGHBORHOOD BUSINESS | 07/14/07 |
| | 31.2.43 PINE TREE DEVELOPMENT | 10/07/14 |
| 32.0 | FLOOD PROTECTION | 05/11/10, 06/11/13, 7/28/20 |
| 37.0 | EROSION AND SEDIMENTATION CONTROL | 09/26/85 |
| 38.0 | AMUSEMENT DEVICES | 06/25/96 |

*Section changed from 28.9 to 28.9a (no content change)

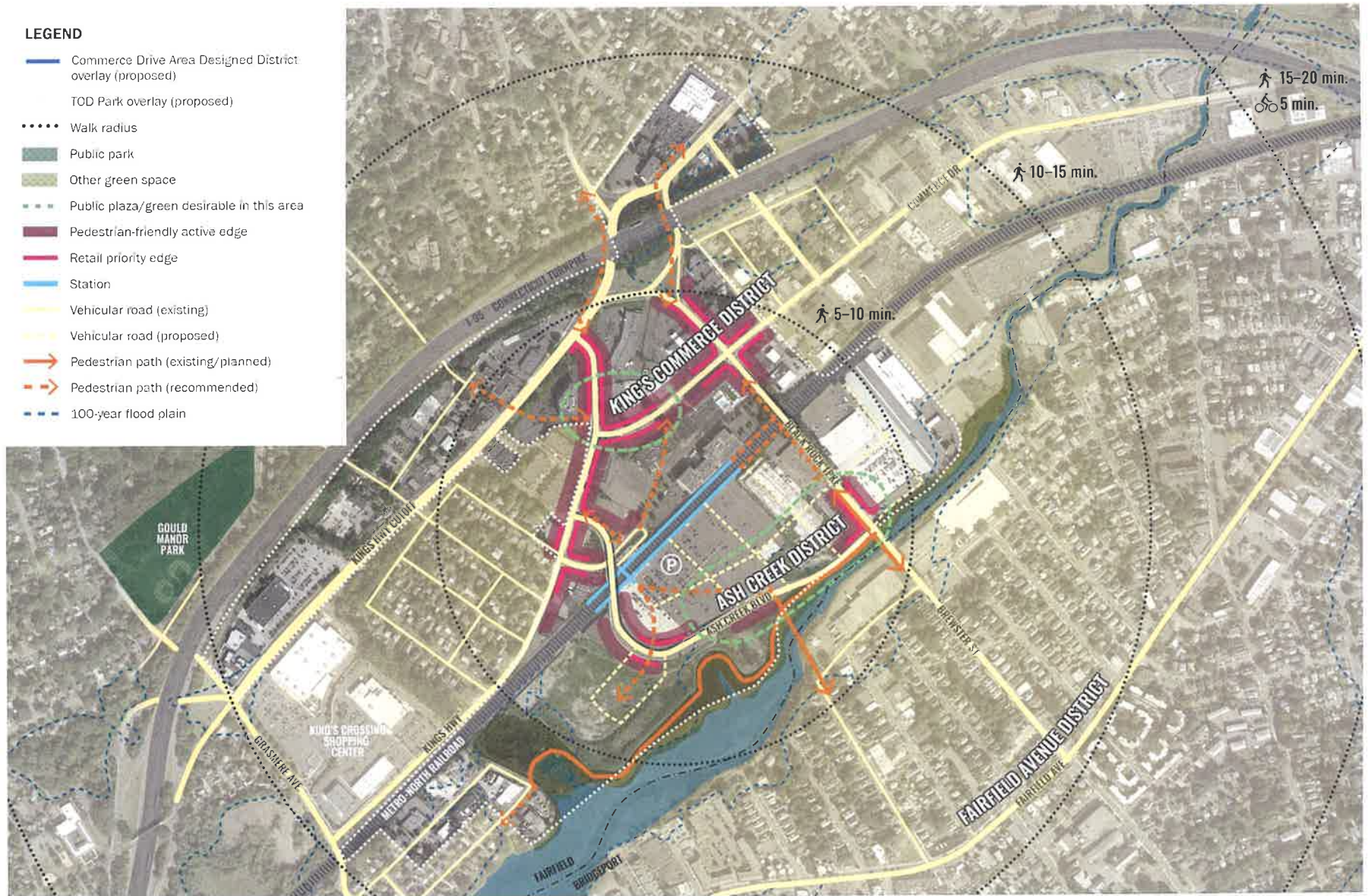


FIGURE 10: Map of preferred locations for focused retail, dining, and entertainment uses or other street-friendly non-residential uses.