NEW CANAAN



ZONING REGULATIONS

Effective: June 16, 2007
As Amended, Effective July 1, 2026

PREAMBLE

These Zoning Regulations are intended to guide land use activities in New Canaan in ways that will maintain and enhance community character and protect the public health, safety, and welfare.

The Planning and Zoning Commission, in recognition of the need to balance numerous factors when establishing or revising Zoning Regulations, has given careful consideration to the following:

1. *Protecting natural resources;*
2. *Protecting existing properties and neighborhoods;*
3. *Allowing for new development that will be in keeping with overall community standards and meet community needs;*
4. *Establishing a positive approach to community development that will encourage appropriate development;*
5. *Promoting good civic design and arrangements;*
6. *Ensuring the reasonableness and legality of regulatory provisions; and*
7. *Furthering implementation of the New Canaan Plan of Conservation and Development.*

It is the general purpose and intent of these Regulations to foster the use and development of land in an orderly manner by both private and public interests with special consideration given to the appearance of the community as a result of such development.

It is recognized that the appearance of property has a direct bearing on the economic value of such property and also the economic value of adjacent and surrounding property. The appearance of a single property affects not only surrounding property, but the cumulative effect is to enhance or diminish the beauty of the entire Town, and consequently the values of property within the Town.

It is further recognized that the appearance of property not only has economic effects but also affects the general welfare, health, and safety of Town citizens. An aesthetically pleasing environment is a clean, healthy, and safe environment.

These Regulations provide standards and procedures by which development of property within the Town may be reviewed and modified in order to enhance the aesthetic beauty of the Town, and consequently, the economic value of property and general welfare of the citizens.

These Regulations are intended to be a dynamic document, not a static document. It is anticipated that these Regulations will be regularly reviewed and updated, as necessary, to anticipate and reflect the ever changing needs of the community and to guide land use activities in New Canaan in ways that will continue to maintain and enhance community character and protect the public health, safety, and welfare.

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APPENDICES

ARTICLE 1 - INTRODUCTION

SECTION 1.1. AUTHORITY

These Regulations are adopted under the authority of Chapter 124 of the General Statutes of the State of Connecticut, as amended.

SECTION 1.2. PURPOSES

These Regulations are adopted for the purposes of:

a. Guiding the future growth and development of the Town in accordance with the Plan of Conservation and Development.

b. Providing adequate light, air and privacy; securing safety from fire and other danger; and preventing overcrowding of the land and undue concentration of population.

c. Protecting the character and the historic, social and economic stability of all parts of the Town and ensuring that development is orderly and beneficial.

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

e. Bringing about the gradual conformity of the uses of land and buildings to the Comprehensive Zoning Plan set forth in these Regulations and minimizing conflicts among the uses of the land and buildings.

f. Promoting the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard for the avoidance of congestion in the streets and the provision of safe and convenient vehicular and pedestrian circulation appropriate to the various uses of land and buildings throughout the Town.

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

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

i. Conserving and protecting the natural resources of the Town, especially groundwater and drinking water, in recognition of their importance to the health, safety and general welfare of New Canaan and its larger environs.

j. Assuring that proper provision is made for sedimentation control and the control of erosion caused by wind or water for any project for which a permit is required or sought from the Town.

k. Encouraging the development of housing opportunities, including opportunities for multi-family dwellings, consistent with soil types, terrain and infrastructure capacity, which will promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and encouraging the development of housing which will meet identified housing needs.

SECTION 1.3. JURISDICTION

These Regulations apply to all areas within the Town of New Canaan and to the use to which any area and any and all buildings or structures may be devoted.

SECTION 1.4. ZONING DISTRICTS

A. Districts and Boundaries

1. To accomplish the purpose of these Regulations, the Town of New Canaan shall be and is divided into different classes of districts or zones as enumerated in these Regulations.
2. The boundaries of zoning districts shall be as shown on the official Zoning Map, as may be amended, which is on file in the office of the Planning and Zoning Commission.

B. Boundary Interpretation

If not clearly delineated on the Zoning Map, zone district boundaries shall be construed in the following sequence:

1. Following the center line of a street, railroad, right-of-way, or easement.
2. Following lot lines, such being lines of record at the time of adoption of these Regulations or relevant amendments hereto.
3. Where zone boundaries are set back from street lines, they shall be considered running generally parallel thereto, at distances indicated as follows:

Zone	Distance (feet)
Four Acre Residence Zone	500
Two Acre Residence Zone	400
One Acre Residence Zone	300
One-Half Acre Residence Zone	200
One-Third Acre Residence Zone	150
A Residence Zone	100
B Residence Zone	100
Retail A Zone	150
Retail B Zone	150
Business A Zone	150
Business B Zone	150
Business C Zone	150

4. Following the lines of a particular physical feature including brooks, streams, floodplains, or steep slopes.
5. In case of uncertainty regarding zone boundaries on the Zoning Map, the zone boundary shall be determined by the Commission.

SECTION 1.5. INTERPRETATION OF REGULATIONS

A. Permitted Uses and Activities

1. Any principal use of land, buildings or structures not expressly permitted by these Regulations in the various zoning districts is prohibited.
2. Any activity not expressly permitted in the Regulations is prohibited.
3. For a principal use permitted by these Regulations, accessory uses which are customarily incidental and are actually subordinate thereto are permitted.
4. In the event of uncertainty as to whether a use or activity is permitted, the Commission shall be responsible for interpreting these Regulations.

B. Minimum Requirements

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare, unless the context clearly indicates that such provision is intended to be a maximum limitation.

C. In The Event of Conflict

Where any conflict arises between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that imposes the highest standard or establishes the greatest restriction upon the use of land, buildings or structures shall control.

SECTION 1.6. CONFORMITY REQUIRED

A. Conformity Required

Except as may be provided in Subsection 1.6.B:

1. No building, structure or land shall be used or occupied except in conformity with these Regulations for the zone in which the land, building, or structure is located.
2. No building or other structure or part thereof shall be erected, moved, replaced, reconstructed, extended, enlarged, or altered except in conformity with these Regulations for the zone in which the building, structure, or land is located.
3. No land shall be sold or divided in a manner which results in a use of all or a part thereof ceasing to conform to these Regulations.
4. No land shall be sold or divided in a manner which results in a dimensional or any other standard that does not conform to the requirements of these Regulations.
5. No lot shall be diminished in area except in conformity with the provisions of these Regulations.
6. No yard, setback, or other minimum requirement shall be reduced except in conformity with the provisions of these Regulations.
7. No height, building coverage, or other maximum requirement shall be increased except in conformity with the provisions of these Regulations.

B. Exceptions

1. The following types of activities shall not, to the extent provided below, be required to:
   a. make any changes in the plans, construction, or designated use of any such building or structure authorized, or
   b. conform with any change in the Regulations or the boundaries of zoning districts taking effect during the indicated period of exception.

2. Certificate of Occupancy Applied For - An application for a Certificate of Occupancy for a building, structure, use, or activity was filed with the Building Official prior to the effective date of any regulation change or zoning district change.

Period of Exception	From the date the application for the Certificate of Occupancy was submitted until the Certificate of Occupancy is issued or the application is denied for non-compliance with the Zoning Regulations in effect on the date the Certificate of Occupancy was applied for
What Excepted	The improvements authorized by the original Building Permit and included in the application for the Certificate of Occupancy
Applicable Standard	The Zoning Regulations in effect on the date the Certificate of Occupancy was applied for

3. **Under Construction -** A building or structure has a valid Building Permit issued by the Building Official prior to the effective date of any regulation change or zoning district change.

   Period of Exception From the date the Building Permit was applied for and subsequently issued until the Certificate of Occupancy is issued or the Building Permit lapses

   What Excepted The improvements authorized by the valid Building Permit

   Applicable Standard The Zoning Regulations in effect on the date the valid Building Permit was applied for

4. **Building Permit Applied For -** An application for a Building Permit was filed with the Building Official prior to the effective date of any regulation change or zoning district change.

   Period of Exception From the date the Building Permit was applied for until the Certificate of Occupancy is issued, the Building Permit lapses, or the permit application is denied for non-compliance with the Zoning Regulations in effect on the date the Building Permit was applied for

   What Excepted The improvements shown on the application for the Building Permit

   Applicable Standard The Zoning Regulations in effect on the date the Building Permit was applied for

5. **Zoning Application Approved by the Commission or Board of Appeals -** A building, structure, use, or activity was approved by the Commission or Board prior to the effective date of any regulation change or zoning district change.

   Period of Exception From the date the zoning application was submitted to, and subsequently approved by, the Commission or Board until the Certificate of Occupancy is issued, the approval is otherwise implemented, or the time period for completion of improvements, if applicable, as provided in CGS 8-3 has elapsed

   What Excepted The improvements shown on the plan(s) submitted to the Commission or Board and subsequently approved

   Applicable Standard The Zoning Regulations in effect on the date the application was submitted to the Commission or Board

6. **Subdivision Application Approved by the Commission -** A subdivision or resubdivision plan was approved by the Commission prior to the effective date of any regulation change or zoning district change and the subdivision plan was filed or recorded with the Town Clerk.

Period of Exception	For each lot in the subdivision that was vacant, from the date the subdivision application was submitted to, and subsequently approved by, the Commission until the date a Building Permit is issued with respect to that lot and a foundation has been completed in accordance with such Building Permit
What Excepted	The improvements authorized by the Building Permit
Applicable Standard	The Zoning Regulations in effect on the date the subdivision application was submitted to the Commission and subsequently approved

7. **Application Filed with the Commission or Board -** An application was filed with the Commission or the Board prior to the effective date of any regulation change or zoning district change and subsequently approved.

Period of Exception	From the date the application was submitted to the Commission or Board until the Certificate of Occupancy is issued, the Building Permit lapses, the time period for completion of improvements, if applicable, as provided in CGS 8-3 has elapsed, or the application is denied for non-compliance with the Zoning Regulations in effect on the date the application was submitted
What Excepted	The improvements shown on the application submitted to the Commission or Board
Applicable Standard	The Zoning Regulations in effect on the date the application was submitted to the Commission or Board

SECTION 1.7. ADMINISTRATIVE PROVISIONS

A. Severability

Should any provision of these Regulations be declared unconstitutional or beyond the powers granted to the Commission by law, such action shall not affect the validity of any other provision or part hereof.

B. When Effective

These Regulations and any amendments hereto shall be effective from and after the effective date established by the Commission.

ARTICLE 2 - DEFINITIONS

SECTION 2.1. USE OF TERMS

A. Definitions to be Applied

In the interpretation and enforcement of these Regulations, the words and phrases set forth in these Regulations shall be construed as defined in this Article, unless otherwise clearly qualified by their context.

B. Specific Terms

In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:

1. The word "shall" is mandatory and not discretionary.
2. The word "may" is permissive.
3. When not inconsistent with the context:
   a. Words in the present tense include the future and vice-versa.
   b. Words in the singular include the plural and vice-versa.
   c. Words in the masculine include the feminine and neuter and vice-versa.
4. The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used."
5. The words "zone", "zoning district", and "district" have the same meaning.
6. The word "person" also includes a partnership, association, trust, corporation or other legal entity.
7. “Filed” shall mean “submitted” and vice-versa.

C. Terms Not Defined

In the interpretation and enforcement of these Regulations, words not defined in this Article shall be interpreted by the Commission after consulting one or more of the following:

1. The State Building Code, as amended.
2. The Connecticut General Statutes, as amended.
3. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended.
4. Black's Law Dictionary.
5. A comprehensive general dictionary.

SECTION 2.2. DEFINED TERMS

ACCESSORY – Subordinate and customarily incidental to a principal building, structure, or use on the same property.

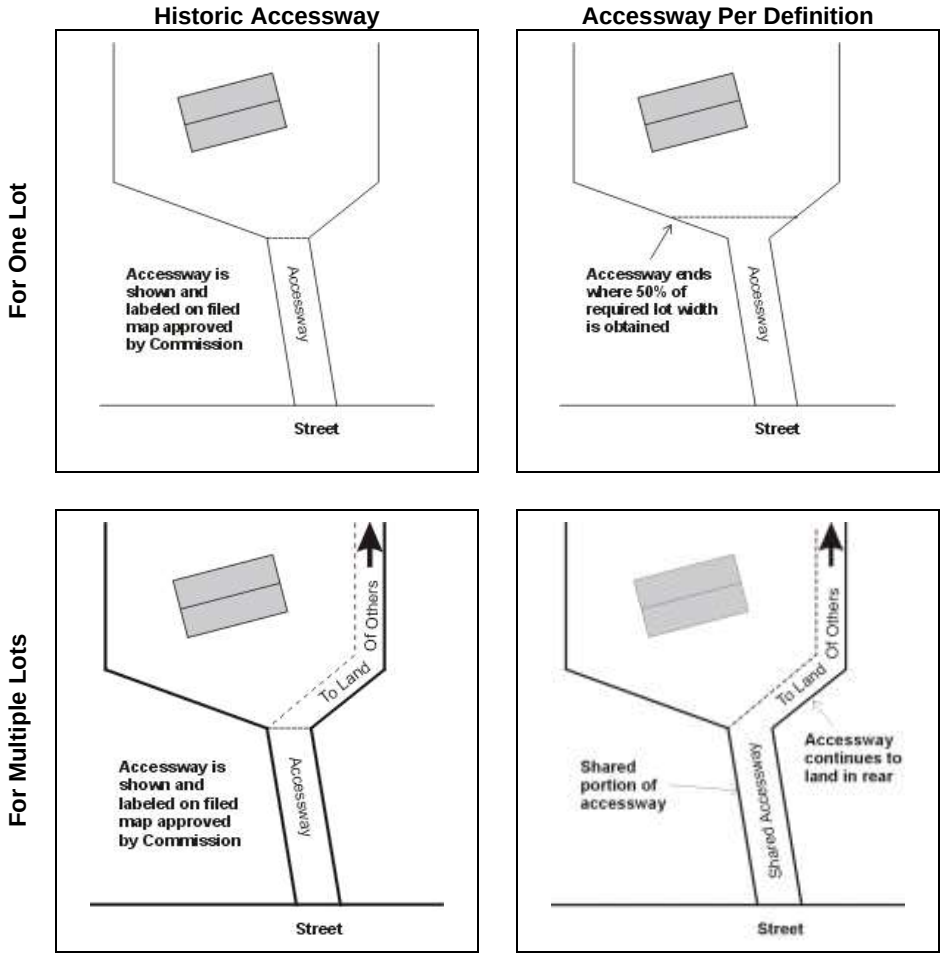
ACCESSORY DWELLING UNIT – *See "Dwelling Unit, Accessory"*.

ACCESSORY BUILDING -- *See "Building, Accessory"*.

ACCESSWAY – Land containing a driveway intended to provide access to a rear lot or to land(s) of others.

For lots established prior to June 18, 2005, the extent of an accessway shall be that area labeled as an accessway and shown on a map which has been approved by the Commission and is on file in the land records provided that the Commission may require legal documentation establishing the accessway and its location.

In all other situations, the extent of an accessway shall be that area beginning at the public street providing access and ending at the point where fifty percent (50%) of the required lot width is obtained, or that area as approved by the Commission.



AFFORDABLE HOUSING - A single-family dwelling, a unit in a multi-family building or complex, an accessory dwelling unit, or a residential unit in a mixed-use building or complex for which, as defined in CGS 8-39a, persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to the area median income (*see definition*).

AFFORDABLE HOUSING DEVELOPMENT - a housing development which:

1. contains or will contain one or more units of affordable housing, or
2. is or will be a set-aside development (*see definition*), or
3. is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, or
4. is, or will be, occupied by persons receiving rental assistance under chapter 319uu or Section 1437f of Title 42 of the United States Code.

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

ANTENNA - any device that transmits or receives electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other electromagnetic communication signals.

ANTENNA HEIGHT - *See "Height, Antenna"*.

ANTENNA MOUNT - The structure or surface upon which telecommunications antennas are mounted, including building roof mounts, building side mounts, ground mounted tower and structure mounted.

ANTENNA TOWER - Any structure, including a tower or building, and any support appurtenant thereto that is designed and constructed primarily for the purpose of supporting one or more antennas.

ARTICLE – A separate part of these Zoning Regulations. *See "Chapter" and "Section".*

ATTIC -- The space between the roof rafters and the ceiling beams or floor joists below. *See definition of "Story".*

AUTOMOTIVE SERVICES - Any building, place or location primarily providing motor vehicle repairs or service, or installation of motor vehicle-related components, including but not limited to mufflers, transmissions, brakes, lubrication, bodywork, and sound systems, but not including motor vehicle detailing.

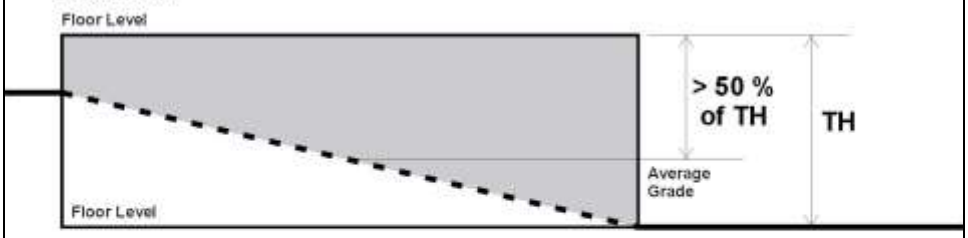
AVERAGE GRADE -- *See "Grade, Average"*.

BANKS- A financial service business that provides retail banking services at that location and is chartered and/or licensed as a bank, thrift, savings bank, savings and loan association or credit union by an authorized federal or state agency.

BASEMENT -- That part of a building that is partly below and partly above ground and having one-half (1/2) or more of its total height above average grade. *See "Story", "Cellar", and "Grade, Average."*

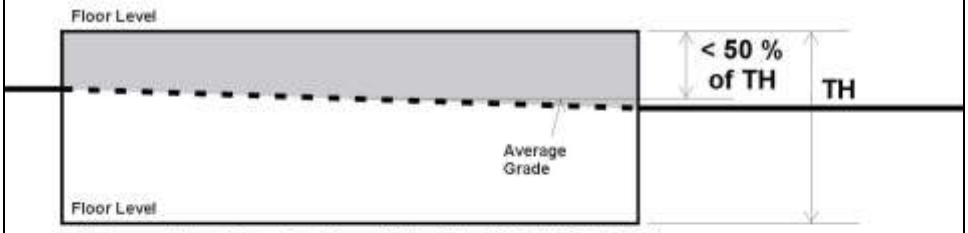
Basement / Cellar

Basement



This is a basement since 50% or more of the Total Height (TH) is above average grade

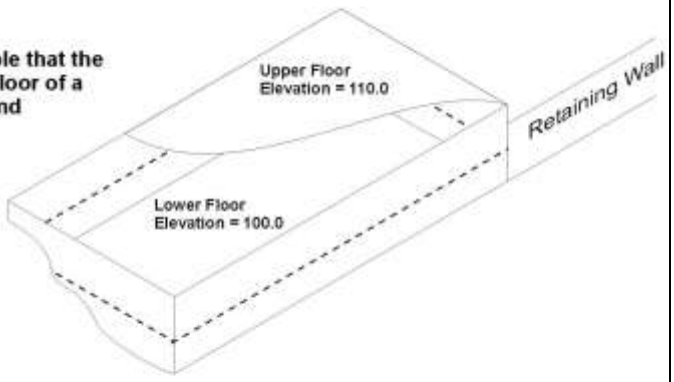
Cellar



This is a cellar since less than 50% of the Total Height (TH) is above average grade

Example

Assume for this example that the elevation of the lower floor of a building is 100.0 feet and that the elevation of the upper floor is 110.0 feet. Also assume that the elevation of average grade (see definition) is 103.8.



Elevation at One Half of Total Height = Lower Floor Elevation + (50% of Total Height)
= 100.0 + (50% of 10.0 feet)
= 100.0 + 5.0 = 105.0 feet

Elevation of Average Grade = 103.8 feet

This is a basement since the elevation of One Half of the Total Height (105.0 feet) is above the elevation of Average Grade (103.8 feet)

BED & BREAKFAST -- An owner-occupied residence that provides overnight accommodations in six (6) or fewer rooms and a morning meal to guests for compensation and where stays are limited to thirty (30) days or less.

BEDROOM -- A room which is designated and primarily used for sleeping and including, in the case of any multi-family development, libraries, dens, studios, studies, lofts and other similar spaces.

BOARD -- The Zoning Board of Appeals.

BOUTIQUE FITNESS CENTER - A facility that provides exercise programs and equipment for activities, such as yoga, Pilates, and dance.

BREEZEWAY -- A roofed passageway, which is open-sided or screened, connecting a building or structure to another building or structure.

BUFFER, BUFFER AREA or BUFFER STRIP -- A strip of land along a property line or zone boundary which is free of any building or use other than natural woody growth, landscaping, fencing or screening and which provides visual and noise separation.

BUILDABLE LAND -- Land area of a lot or parcel, exclusive of any area classified as wetlands, watercourses, 100-year floodplain, or containing predevelopment slopes greater than twenty-five (25) percent as defined by a ten (10) foot change of grade in a horizontal distance of less than forty (40) feet.

BUILDING -- Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, goods, or personal possessions.

BUILDING, ACCESSORY -- A building, the use of which is subordinate and customarily incidental to that of the principal building on the same lot. A building shall be considered an accessory building unless it shares a common wall or a common roof with the principal building (a breezeway roof shall not be considered a common roof).

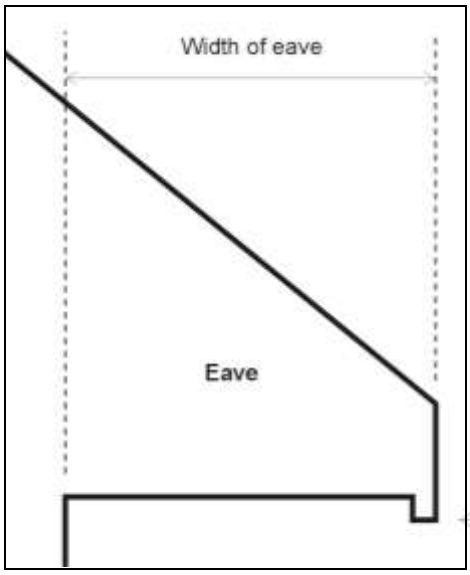
BUILDING, PRINCIPAL -- A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING CODE -- Regulations that govern building design, construction, and maintenance and require Building Permits, electrical permits, mechanical permits, plumbing permits, Certificates of Occupancy, and other approvals to do work pertaining to building construction, improvement, and occupancy in New Canaan.

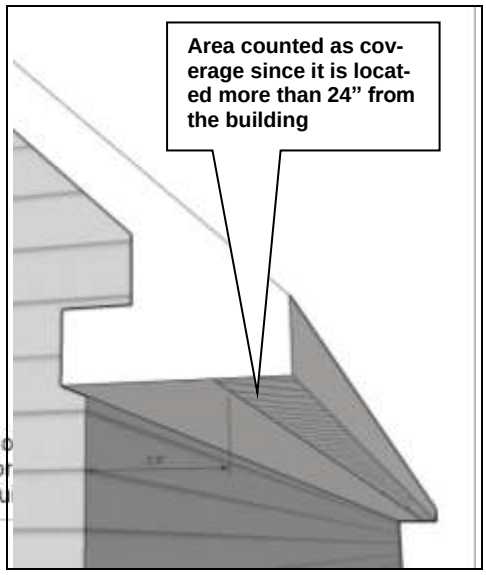
BUILDING COVERAGE – As provided below, the horizontal area covered by the indicated buildings and other structures on the lot:

Building coverage includes:	Building coverage excludes:
• The ground area of all buildings on the lot (buildings, garages, outbuildings, etc.) generally as measured by the exterior walls or columns	• Exterior stairs • Basement hatchway doors
• That portion of a roof overhang, gutter, or leader located more than 24 inches from the building • That portion of a bow or bay window projecting more than 24 inches • That portion of a chimney projecting more than 24 inches	• That portion of a roof overhang, gutter, or leader located no more than 24 inches from the building • That portion of bow or bay window projecting no more than 24 inches • That portion of a chimney projecting no more than 24 inches
• The ground area of all structures on the lot, generally as measured by the exterior walls or columns, except those specifically excluded in this definition	

Measurement of Eave



Measurement of Eave



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Building coverage includes:	Building coverage excludes:
	• Driveways
• Covered walkways and breezeways generally as measured by the exterior walls or columns • Carports • Porte cochere	• Uncovered walkways • Trellis, pergola, or other similar structure with no roof
	• Patios

• That portion of a deck or terrace, generally as measured by the area of the floor or decking, that:
  • has the surface elevated more than 36 inches above finished grade, or
  • is not attached to a building, or
  • is attached to a building and extends more than 10 feet from the building, or
  • exceeds 40 percent of the perimeter of the building measured at the points of attachment
	• That portion of a deck or terrace that:
	  • has the surface elevated no more than 36 inches above finished grade+o, and extends no more than 10 feet from, the building, and
	  • does not exceed 40 percent of the perimeter of the building measured at the points of attachment

• That portion of a porch attached to a building generally as measured by the area of the floor or decking, that:
  • has the porch surface elevated more than 36 inches above finished grade, or
  • extends more than 10 feet from the building, or
  • exceeds 40 percent of the perimeter of the building measured at the points of attachment
	• That portion of a porch attached to a building that:
	  • has the porch surface elevated no more than 36 inches above finished grade, and
	  • extends no more than 10 feet from the building, and
	  • does not exceed 40 percent of the perimeter of the building measured at the points of attachment

• Any above ground pool more than 400 square feet in area	In-ground pools • Above ground pools no more than 400 square feet in area
• Paddle tennis courts	• Tennis courts, sports courts, or other on-grade recreation surfaces

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Building coverage includes:	Building coverage excludes:

• Minor detached accessory structure if:
  • the second or greater on a lot, or
  • on a permanent foundation, or
  • greater than 200 square feet in area.
	• One minor detached accessory structure (less than 200 SF in area) not situated on a permanent foundation.
	• Small accessory or ornamental features such as a bird bath, trellis, well casing, etc.

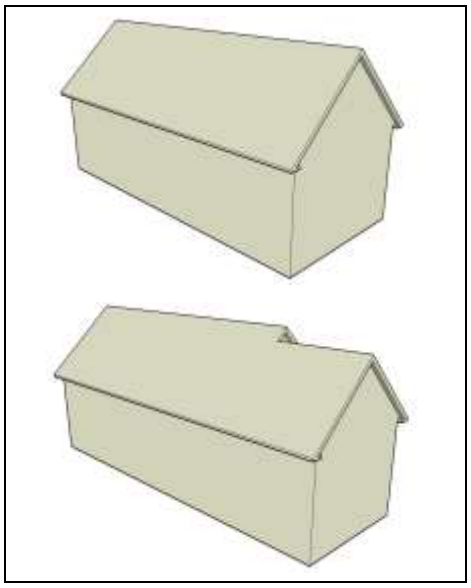
• Any dish antenna mounted off the ground on a base or riser on the ground	• Any dish antenna mounted on a building or structure
• That portion of an emergency generator or HVAC equipment located more than ten (10) feet from the principal structure	• That portion of an emergency generator or HVAC equipment located within ten (10) feet of the principal structure
	• Transformers or signal boxes on private property
	• Signs • Fences • Freestanding walls • Retaining walls

BUILDING HEIGHT - *See "Height, Building"*.

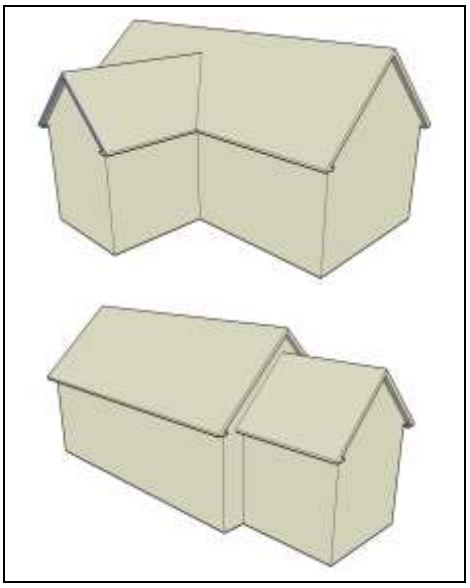
BUILDING LINE -- A line, established by the Commission or other competent municipal authority, in back of the street line defining an area between said lines upon which buildings or structures are regulated or prohibited.

BUILDING WING (or Distinct Portion) -- A portion of a building (defined by the footprint or outline), which does not share a roof plane with another portion of the same building and where the roof ridge is offset from another roof ridge.

Buildings Without A Building Wing or Distinct Portion



Buildings With A Building Wing or Distinct Portion



CANNABIS – means marijuana, as defined in section 21a–240 of the general statutes;

CANNABIS ESTABLISHMENT – means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter, as those terms are defined in Section 1 of Public Act 21-1.

CARPORT -- A roofed structure, generally located in a parking area, providing space for the parking of motor vehicles, usually attached to a structure and may be supported by columns.

CELLAR -- That part of a building that is partly below and partly above ground and having more than one-half (1/2) of its height below average grade. *See "Story", "Basement", and "Grade, Average."*

CERTIFICATION – With regard to a soil erosion and sediment control plan, a signed, written approval by the Commission or its designated agent that a soil erosion and sediment control plan complies with applicable requirements of these Regulations.

CGS – The Connecticut General Statutes, as amended.

CHAPTER – The entire Zoning Regulations. *See "Article".*

CHURCH – *See "Religious Institution".*

CLUB -- A voluntary or corporate association whose objects, purposes and pursuits are social, fraternal, religious, political, educational, recreational or charitable, operating without profit or division of any revenues to its members, ex-

cept as reasonable compensation for special services actually rendered, and devoting all net revenues received to supporting its purposes and objects or to eleemosynary uses.

COMMERCIAL VEHICLE -- *See "Vehicle, Commercial"*.

COMMISSION -- The New Canaan Planning and Zoning Commission.

COMPREHENSIVE ZONING PLAN -- These Regulations and the accompanying map(s) and schedules which address the use of all areas in the Town of New Canaan.

CONSERVATION AND TRAFFIC MITIGATION DISTRICT - A district in which the Town may require a minimum number of off-street motor vehicle parking spaces for a residential development that contains sixteen (16) and fewer dwelling units.

CONSERVATION RESTRICTION -- An encumbrance on real property filed on the land records of the Town for the protection and permanent preservation of fragile, vulnerable or valuable areas such as natural features, open space, natural habitats, buffer zones, scenic areas, historic sites, riding and walking trails, and land devoted to other similar purposes.

CONVALESCENT HOME -- A facility that provides nursing services and custodial care for compensation on a 24-hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age require such services.

CORNER LOT -- *See "Lot, Corner"*.

COTTAGE CLUSTER - A residential development consisting of a grouping of at least four (4) and no more than nine (9) detached dwelling units arranged around a common courtyard or open space. Such development shall be constructed pursuant to a master site plan and on a single lot.

COVERAGE, BUILDING -- *See "Building Coverage"*.

CRAFTSPERSON -- An individual having creative skills in manufacturing or arrangement of materials, resulting in a finished product or commodity such as wearing apparel, home decorations, jewelry, toys, furniture, dried flowers, or similar products.

CRAFTSPERSON SHOP -- An establishment primarily engaged in the manufacturing, fabrication, or assembling of wearing apparel, home decorations, jewelry, toys, furniture, dried flowers, or similar products.

CURB CUT -- The opening along the curb line at which point vehicles may enter or leave the roadway.

CURB LEVEL -- The permanently established grade of the sidewalk along the front of a lot based on a height of six (6) inches above the average street level at the gutter line in front of a lot, or along both fronts in the case of a corner lot.

DATE OF APPROVAL – The date an application is approved:

- by affirmative action of the Commission or Board under any provision of these Regulations or,

- by conclusion of any appeal which results in a judgment approving or affirming approval of the application, or
- by reason of failure of the Commission to act within the statutory timeframe in the case of a Site Plan application.

DAY CARE CENTER - A licensed facility which offers or provides a program of supplementary day care to more than twelve (12) related or unrelated people.

DAY CARE HOME, FAMILY– Day care provided in a private family home for not more than six (6) people and where the principal provider of the services resides on the premises.

DAY CARE HOME, GROUP– Day care provided in a private family home, licensed by the CT Office of Early Childhood, for more than six (6) but not more than twelve (12) people on a part-time, but regularly recurring, basis and where the principal provider of the services resides on the premises.

DECK -- A roof-less structure or portion of a structure which is usually constructed of wood with structural supports which hold the walking surface off the ground.

DEPOSIT -- With respect to the movement of earth material, the placement of earth material on land which includes, but shall not be limited to, fill, grade, dump, place, discharge, or emit.

DEVELOPMENT -- Any construction or grading activities to improved or unimproved real estate.

DISTURBED AREA -- An area where the ground cover is destroyed, removed, or changed, leaving the land subject to potential accelerated erosion.

DORMER -- A projection from a sloping roof, usually containing a window or a ventilating louver, which is clearly subordinate in area and volume to the sloping roof and does not exceed 50% of the linear distance of the sloping roof and does not exceed 50% of the linear distance of the sloping roof.

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

DRIVEWAY – An area primarily on private property used by vehicles to access or exit a property.

DWELLING -- A structure maintained for human habitation erected on a closed solid foundation, equipped with at least one customary form of heating apparatus and constructed with ceilings and walls finished in some acceptable manner to give proper insulation and to be capable of maintaining a healthful interior room temperature of sixty-eight degrees Fahrenheit (68° F.) and healthful ventilation when the outside temperature is zero.

DWELLING, MULTI-FAMILY -- A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other and doing their cooking upon the premises, or by four (4) or more unrelated individuals living independently.

DWELLING, SINGLE-FAMILY -- A building arranged, intended or designed to be occupied by one family.

DWELLING, TWO-FAMILY -- A building arranged, intended or designed to be occupied by two (2) families living independently of each other and doing their cooking upon the premises.

DWELLING UNIT - A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, ACCESSORY – A secondary dwelling unit on a single-family residential property which is clearly accessory to the single-family dwelling and is a complete independent living facility with provisions within the unit for cooking, eating, sanitation, and sleeping.

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

EAVE -- The portion of a roof overhanging the wall of a building.

EFFECTIVE DATE - In the case of a zone change application or a regulation amendment application, the date specified by the Commission and published in the legal notice of the decision.

ELEEMOSYNARY -- Organized and operated for the purpose of providing a public service or activity without profit.

EMERGENCY SERVICES COMMUNICATIONS - Communications service and equipment needed for local police, fire, or ambulance services.

ENCROACHMENT -- Any obstruction or illegal or unauthorized intrusion in a delineated area (such as property line encroachment or setback encroachment).

EROSION -- The process of wearing away and removal of the earth's surface by natural agents including weather, running water, waves, currents, ice, wind or gravity.

EXCAVATION -- The digging out, extraction, regrading or removal of earth, whether exposed or covered by water, so as to alter its pre-existing contour or its natural contour**.**

FAA - The Federal Aviation Administration.

FACADE -- The face of any exterior wall of a building exposed to public view.

FAMILY -- Any number of individuals related by blood, legal adoption, or marriage and up to two additional unrelated individuals living and cooking together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding or rooming house or hotel.

FAMILY DAY CARE HOME– *See "Day Care Home, Family"*.

FARMING -- The use of any tract of land or building, either as a principal use or an accessory use as outlined in §CGS 1-1 (q), except that gardens incidental to the dwelling on the premises shall not constitute a farm.

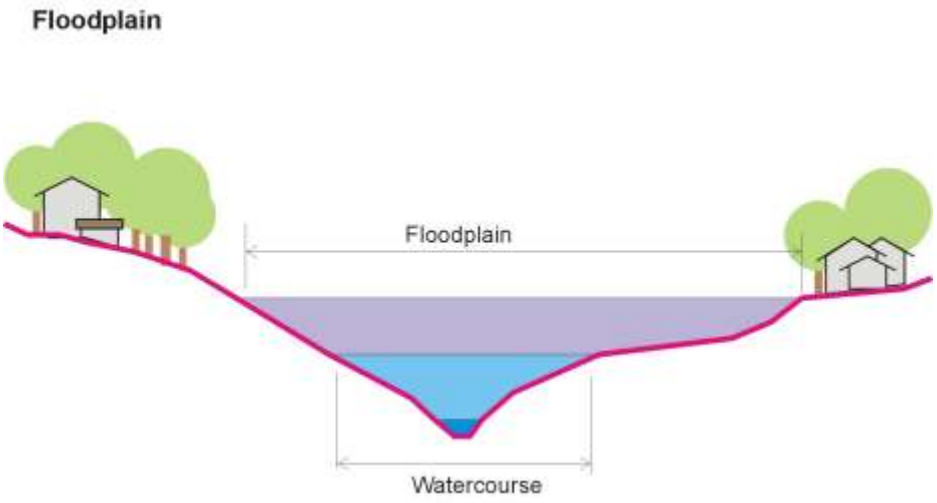
FCC - The Federal Communications Commission.

FENCE -- A barrier of any material or combination of materials, other than trees or other living plant material, erected to enclose, separate, screen or buffer areas of land.

FLOOD -- A general and temporary condition of partial or complete inundation of normally dry land from the overflow of water or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN OVERLAY ZONE – Any area designated by the Federal Emergency Management Agency in the Flood Insurance Study, as amended, as having a one percent (1%) chance of a theoretical flood event being equaled or exceeded in any given year (a "one-hundred-year-flood").

Floodplain



FLOOR AREA, GROSS -- The total of all floor area measured from the outside surface of the exterior walls of all stories of a building, exclusive of parking garage areas.

FLOOR AREA RATIO -- The ratio of the gross floor area of a building to the area of the lot.

FRONTAGE -- The extent of land along a front lot line. *See "Lot Width".*

FRONT YARD -- *See "Yard, Front"*.

FUR-BEARING ANIMAL -- An animal customarily bred and raised for the use of its pelt for clothing or decoration of clothing, such as mink, fox or rabbit**.**

GARAGE, COMMERCIAL -- Any lot, building or part thereof, used for the storage, service or repair of motors, engines or more than one vehicle or boat for remuneration, including any rental, lease or sale of any motors, engines, vehicles or boats.

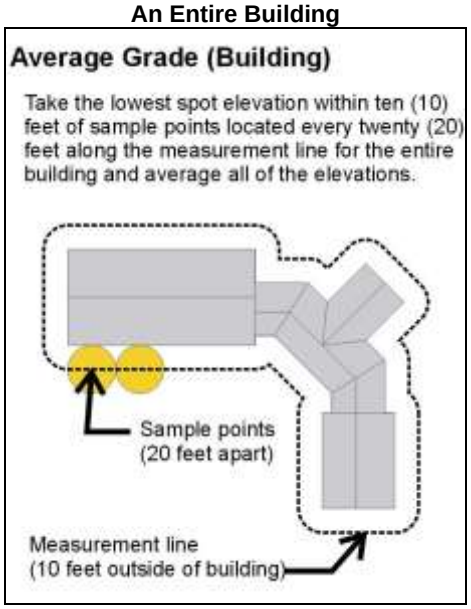
GAS STATIONS - A facility where gasoline, diesel, or other fuels are stored and dispensed into motor vehicles, and which may include accessory convenience sales and minor vehicle servicing incidental to fueling.

GRADE, AVERAGE --

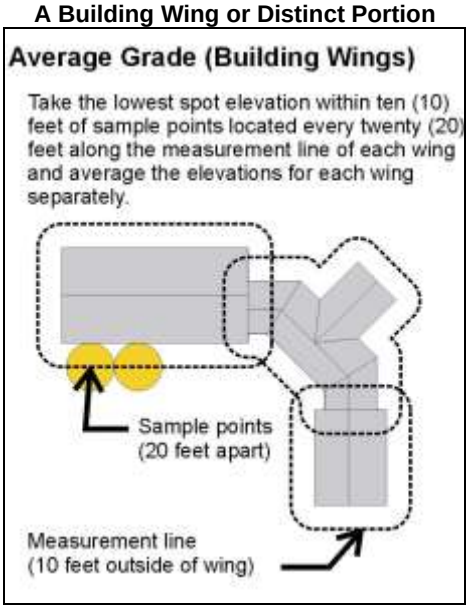
(Residential Zones and Special Zones) -- For Article 3 - Residence Zones and Article 5 - Special Zones, the average grade for a building or other structure or building wing or distinct portion is a horizontal plane, the elevation of which shall be determined by averaging the lowest exterior ground elevations on the same property within ten (10) feet of designated sample points, such sample points being located twenty (20) feet apart along a line located ten (10) feet outside of the building or other structure or building wing or distinct portion. For any building or other structure or building wing or distinct portion with less than four (4) measurement points, the Zoning Inspector shall determine the average grade.

(Business Zones) -- For other zoning districts, the average grade for a building or other structure shall be an elevation determined by averaging the finished grades at the four (4) outermost corners of the building or other structure.

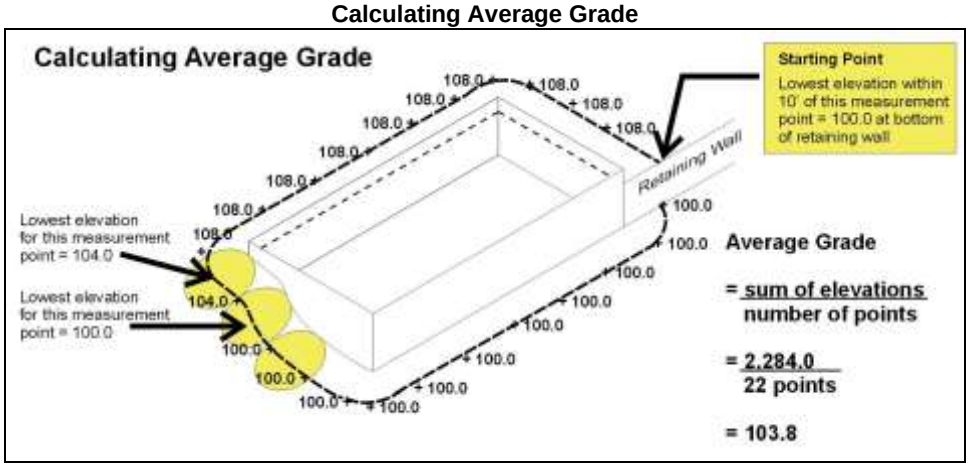
Average Grade For An Entire Building



Average Grade For A Building Wing or Distinct Portion



Calculating Average Grade



GRADE, FINISHED -- The elevation of a particular point above or below a given reference datum (such as mean sea level) measured after completion of construction, grading, landscaping, and similar improvements**.**

GRADE, PRE-EXISTING -- The elevation of a particular point above or below a given reference datum (such as mean sea level) measured prior to construction, grading, landscaping, or similar improvements intended to manipulate the overall contour of the land**.**

GRADING -- Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof which results in a change of contour or elevation, either permanent or temporary.

GREEN GROCER -- A retail establishment engaged primarily in the sale of groceries including perishable and non-perishable food items and food related items. In such stores, the sale of non-food items such as household, health and beauty goods and other miscellaneous wares may also be offered but the supply of such items must be clearly incidental and secondary to the primary purpose of the store which is the retail sale of groceries directly to the consumer for offsite consumption.

GROSS FLOOR AREA -- *See "Floor Area, Gross"*.

GROUP DAY CARE HOME– *See "Day Care Home, Group"*.

GROUP HOME -- A community residence as defined in CGS 17a-220 which is licensed under the provisions of CGS 17a-227, or a child-care residential facility and which is licensed under CGS 17a-145 to 17a-151, inclusive.

GUEST HOUSE -- An accessory building used solely by the owner or occupant of the premises for the temporary accommodation of guests or family members and for which use no rental or other charge is made or received; or an accessory building used solely as accommodations for an employee of the owner or occupant of the premises.

HEALTHCARE PROFESSIONAL - A practitioner with an advanced degree, certification, or a trained specialist who works primarily one on one to resolve health related issues. Such practitioners include but are not limited to psychiatrists, psychologists, social workers, counselors, and nutritionists.

HEIGHT, ANTENNA - The distance measured from the ground elevation at the base of an antenna or any appurtenances thereto to the highest point of the antenna or any appurtenances thereto.

HEIGHT, BUILDING -- The vertical distance from the average grade for a building or other structure, or for a building wing or distinct portion of a building or other structure, to the highest of the following elevations on the building or other structure:

- the elevation of the highest point of the highest dome, flat, shed, or mansard roof, including the top of any parapet;
- for roofs which are gable, hip, or A-frame roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave,
- for roofs which are gambrel roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave or the elevation of the highest pitch-break, whichever is greater, and

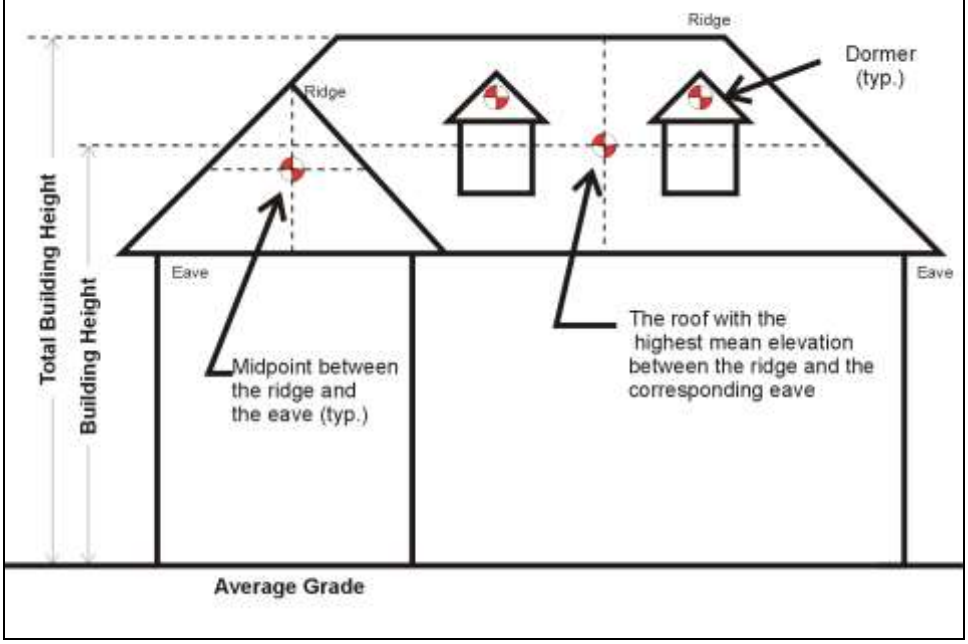
- for roofs which are salt box roofs, the mean elevation of the side of the salt box roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave.

August 1, 2013

HEIGHT, TOTAL BUILDING -- The vertical distance from the average grade for a building or other structure, or for a building wing or distinct portion of a building or other structure, to the highest of the following elevations on a building or other structure:

- the elevation of the highest point of the highest dome, flat, or mansard roof, including the top of any parapet; or
- the highest point of the highest ridge, including any dormer, of all gable, hip, gambrel, shed, A-frame, and salt box roofs.

Building Height / Total Building Height



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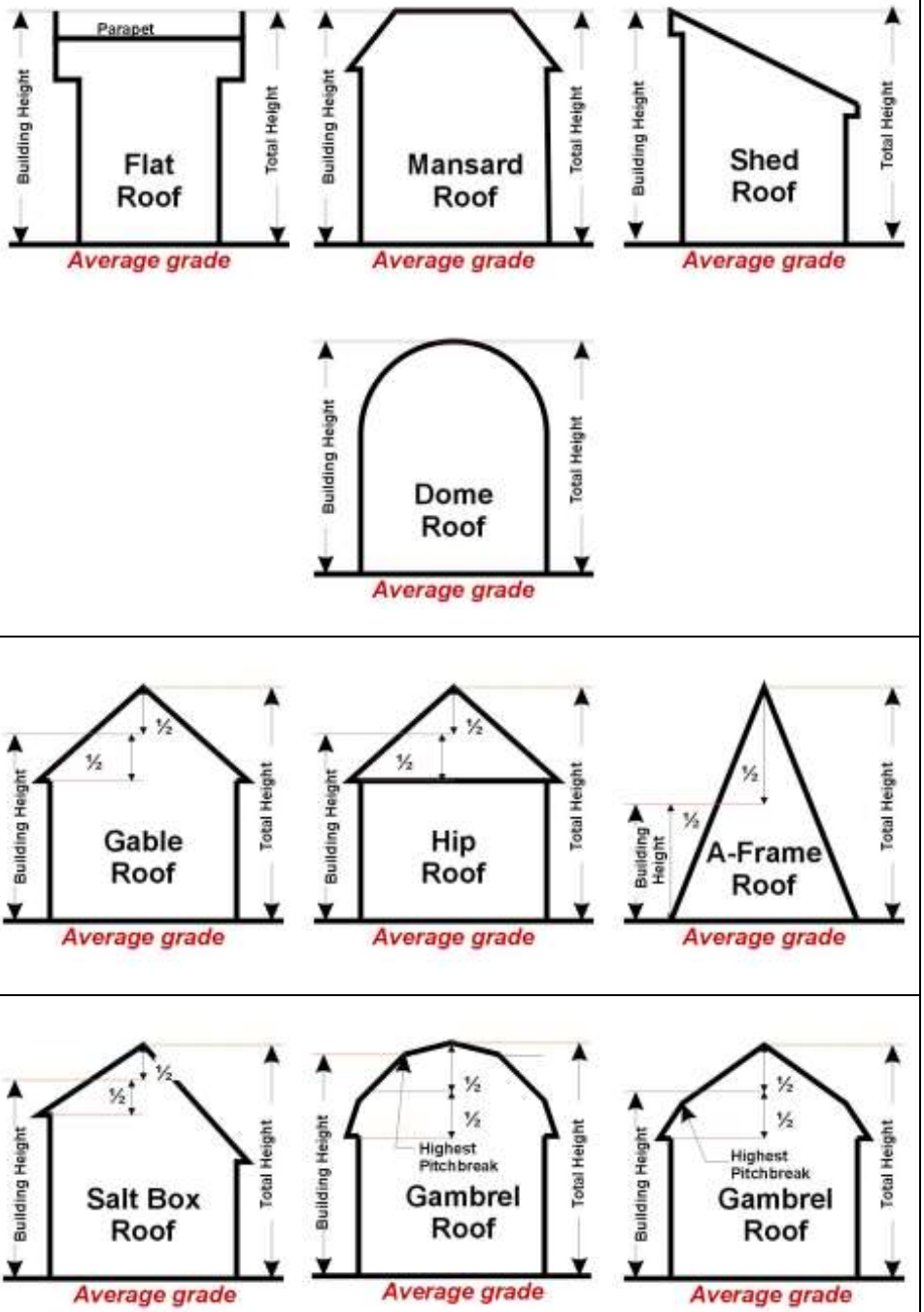
Building Height / Total Building Height



HIGH-TECHNOLOGY INCUBATOR BUSINESS -- Establishments primarily engaged in the research, design, development and marketing of a certain product and/or technology.

HISTORIC STRUCTURE -- Any structure which, in the opinion of the Commission, has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Town, state or nation.

HOME-BASED BUSINESS -- The use of a portion of a dwelling for business purposes by the resident occupants (specifically excluding barbershops; beauty parlors; manufacturing; commercial woodworking; animal hospitals; dance studios; mortuaries; restaurants; metal working; automobile, boat or other vehicle repair or painting; and other uses as may be determined by the Commission) in the following general hierarchy of intensity:

HOME OFFICE -- The use of a dwelling for occasional business use (as part of employment typically occurring elsewhere) or a home-based business involving minimal visits to the premises by non-residents.

HOME OCCUPATION, MINOR -- The use of a dwelling for a home-based business, which may include one (1) non-resident employee, involving no more than five (5) patron, client, or associate visits per week.

HOME OCCUPATION, MAJOR -- The use of a dwelling for a home-based business involving two (2) or more non-resident employees or six or more patron, client, or associate visits per week.

HOTEL - A building or portion thereof containing six (6) or more rooms used for sleeping accommodations for transient guests. In no case are hotel units to be used as dwelling units as defined in this section. The word "hotel" includes the word "inn," or similar names.

HOUSING AFFORDABILITY PLAN -- a written narrative which complies with the requirements of CGS 8-30g, the Regulations of Connecticut State Agencies, and the Housing Affordability Plan Requirements adopted by the Commission.

INSPECTION -- The periodic on-site review of property for the purpose of determining compliance with these Regulations, as authorized by these Regulations and the Connecticut General Statutes.

INSPECTOR -- The Zoning Inspector.

KITCHEN -- A room, place or space within a structure designed, equipped, or used for the preparation, cooking, and storage of food.

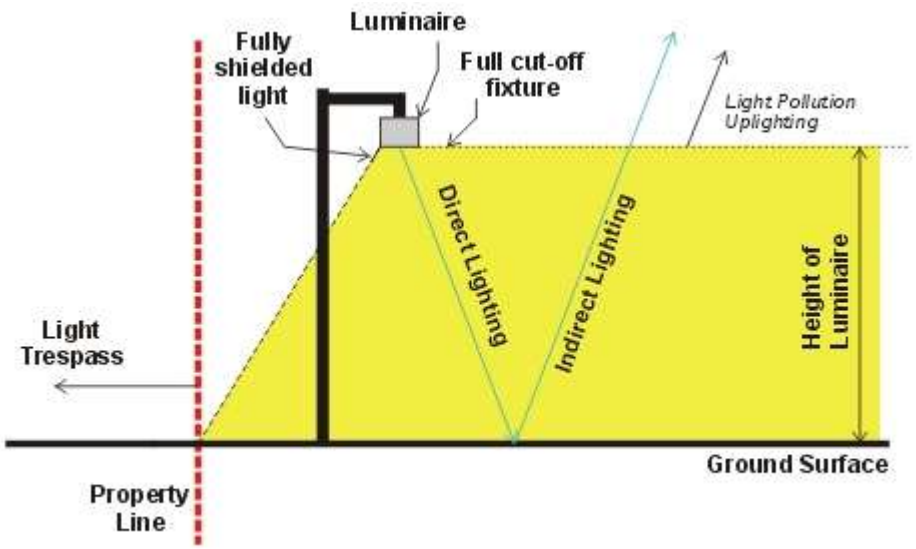
LAND FILLING -- The placement of any material over the surface of the natural ground, which has the effect of altering its natural contour.

LEVEL OF SERVICE (LOS) -- The ability of a road or intersection to move traffic safely and efficiently, measured by the ratio of traffic volume to its corresponding capacity and expressed in one of six letters as established by the Transportation Research Board of the National Academy of Sciences.

LICENSED CARRIER - A company authorized by the FCC to construct and operate a wireless communication facility.

LIGHT, DIRECT -- Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Lighting



LIGHT FIXTURE, FULL CUT-OFF TYPE -- A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the luminaire.

LIGHT, FULLY SHIELDED -- Fully shielded luminaire light fixtures which can control the glare in any direction.

LIGHT GLARE -- Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see.

LIGHT, INDIRECT -- Direct light that has been reflected or has scattered off of surfaces other than those associated with the light fixture.

LIGHT ISODIAGRAM -- A graphical representation of illuminance used to show the level and/or evenness of a lighting design and to show how light fixtures will perform on a given site.

LIGHT POLLUTION -- Stray or reflected light that is emitted into the atmosphere above the 90-degree horizontal plane from the luminaire and which can or does cause unwanted sky glow or which can or is seen from an abutting property.

LIGHT TRESPASS -- Direct light from an artificial light source on one property that is intruding into an area where it is not wanted or does not belong.

LIGHTING, OUTDOOR -- The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

LOADING SPACE -- The required off-street area for the vehicular loading or unloading of goods.

LOT -- A parcel of land capable of being lawfully built upon in conformity with these Regulations and may contain one or more zone units. Also see "Parcel."

LOT, CORNER -- A front lot that abuts two (2) intersecting streets and, as a result, has two front yards.

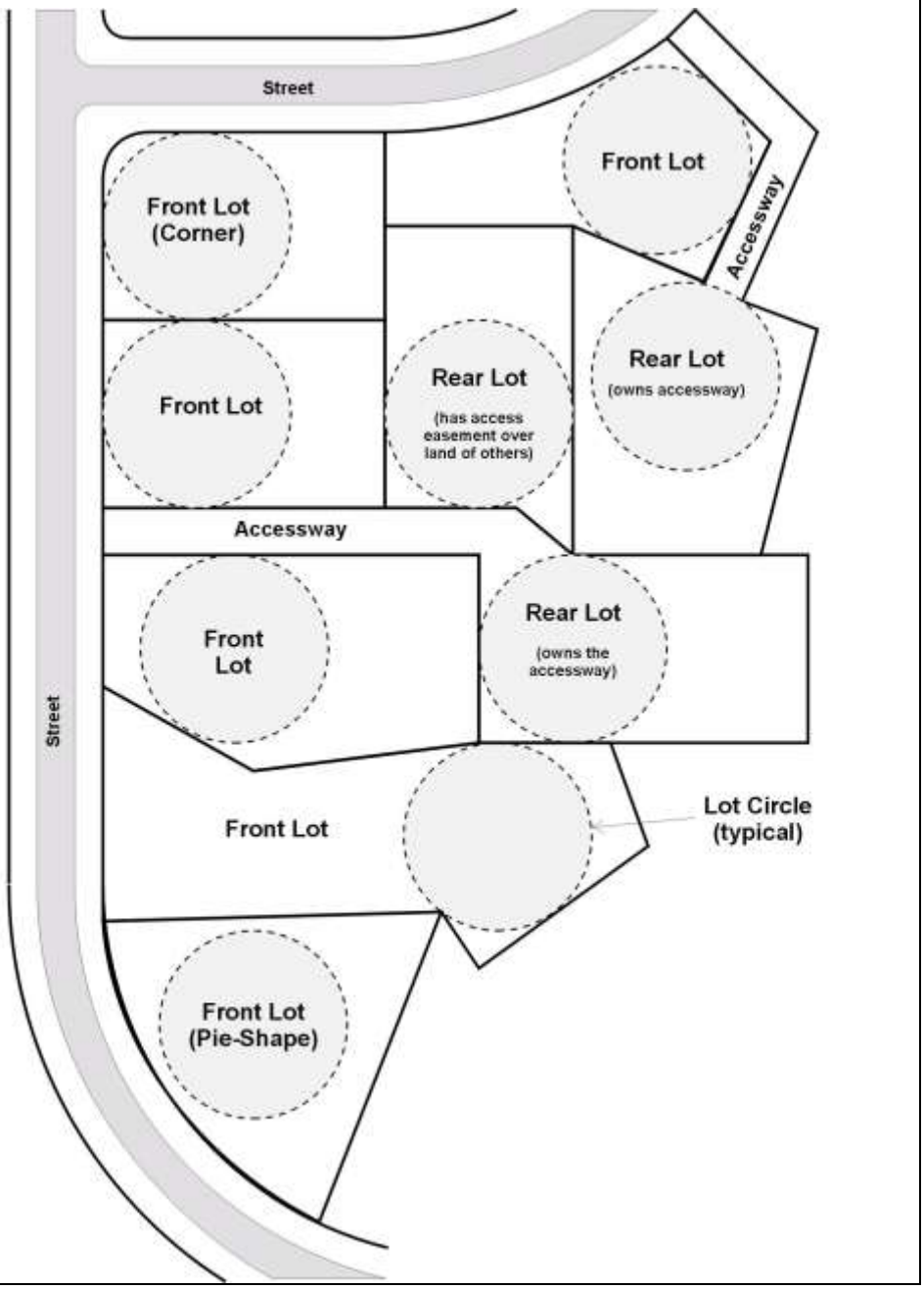
LOT, FRONT – A lot:

- fronting on a public street, and
- having direct driveway access to the street, and
- where the building site is generally located on or near the front yard setback as measured from the front lot line. *See "Lot, Rear".*

LOT, REAR -- A lot:

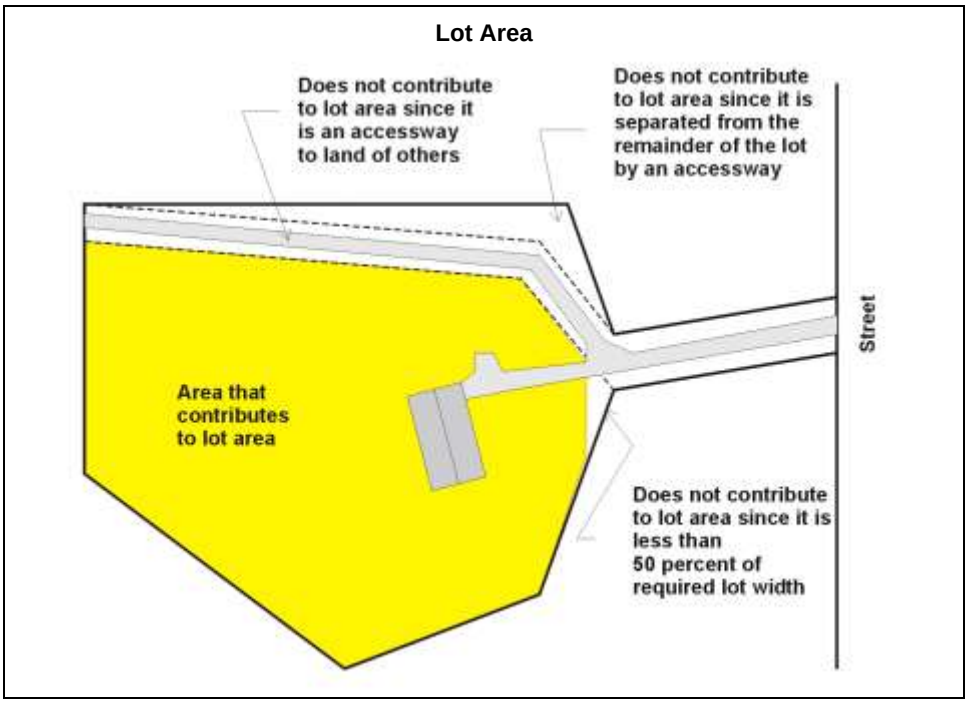
- not having the required lot width on a public street, and
- having access to the street via an accessway or a strip of land that may be part of the rear lot, and
- where the building site is located generally to the rear of other lots having frontage on the same street. *See "Lot, Front".*

Lot Types

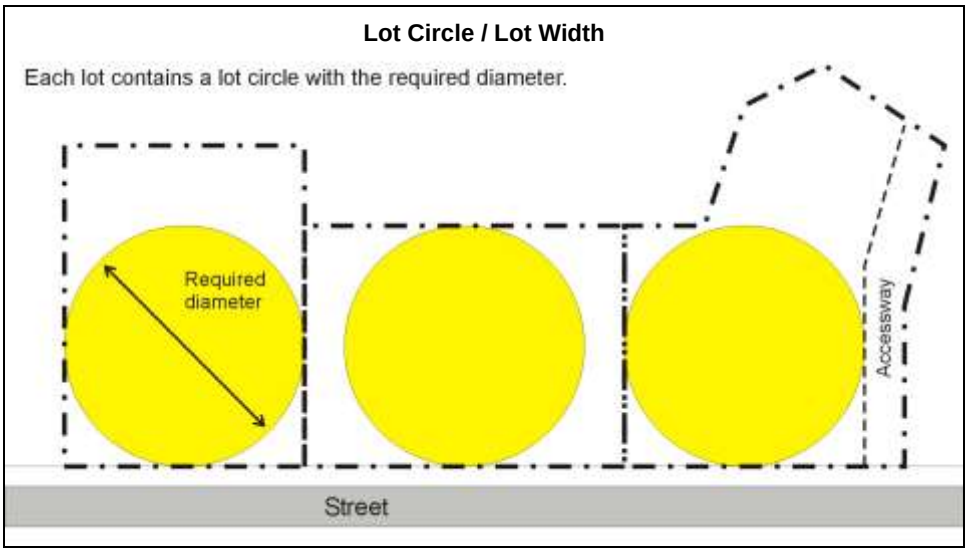

Street
Front Lot
(Corner)
Front Lot
Front Lot
Accessway
Rear Lot
(has access easement over land of others)
Rear Lot
(owns accessway)
Accessway
Front Lot
Rear Lot
(owns the accessway)
Street
Front Lot
Lot Circle
(typical)
Front Lot
(Pie-Shape)

LOT AREA -- The total horizontal area included within lot lines but excluding:

- the area of any accessway or vehicular easement or right-of-way for vehicular travel to the subject lot or any other lot,
- any portion of the parcel separated from the remainder of the parcel by an area used for vehicular access to any other parcel, and
- any portion of the lot having less than fifty percent (50%) of the required lot width.



LOT CIRCLE -- A circle of a diameter prescribed in Section 3.5.C, intended to control the shape of lots.



LOT DEPTH -- The mean horizontal distance between a front lot line and the opposite, most nearly parallel lot line measured in the general direction of the side lot lines or a line parallel thereto.

LOT LINE -- A boundary which separates a lot from another parcel or a street.

LOT LINE, FRONT -- A boundary which separates a lot from the street, or the boundary located adjacent to the accessway and most parallel to the street that provides access to the lot.

LOT LINE, REAR -- A boundary line which separates two (2) lots and is located most directly opposite the front lot line except that a corner lot, a through lot, or a pie-shape lot shall not be required to have a rear lot line**.**

LOT LINE, SIDE -- A boundary line which is not a front lot line or a rear lot line and which separates two (2) lots.

LOT WIDTH -- The "width" of a lot as measured generally parallel to the street front except that:

- it shall not include any portion of the parcel which is used for vehicular access to any other parcel, and
- it shall not include any portion of the parcel separated from the remainder of the parcel by an area used for vehicular access to any other parcel.

LUMEN -- A unit of luminous flux, determined from the initial lumen output ratings of a lamp, where one foot-candle is one lumen per square foot.

LUMINAIRE -- A complete lighting system, including a light source component (lamp or lamps that produce the actual light) and a fixture.

LUMINAIRE, HEIGHT OF -- The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

MEDIAN INCOME -- after adjustments for family size, the lesser of the most recently reported state median income or the most recently reported area median income for the Stamford-Norwalk PMSA as determined by the United States Department of Housing and Urban Development.

MEZZANINE – A mezzanine is an intermediate floor level as defined in Section 505.2.1 of the International Building Code.

MIXED-USE DEVELOPMENT -- A development which contains more than one type of use in a building or set of buildings. These developments must include residential units and may contain multiple combinations of allowed uses as outlined and permitted in that zone.

MODERN HOUSE -- A structure built in the style of the Modern Movement, generally between 1947 and 1968, which is identified on a list of Modern houses maintained by the New Canaan Historical Society.

MOTOR VEHICLE DEALERSHIPS - Sale or lease of new or operable used automobiles, light trucks, and motorcycles together with associated repair services and parts sales. This does not include automobile brokerages and other establishments which solely provide services of arranging, negotiating, assisting, or effectuating the purchase of a motor vehicle for others.

MOTOR VEHICLE JUNKYARD -- A parcel of land used for the storage or maintaining of two or more unregistered motor vehicles or two or more vehicles or equivalent parts thereof no longer in condition for legal use on the public roadways, other than the site of a duly-licensed "motor vehicle junkyard" or the site of a duly-licensed "general repairer" as provided for in Chapter 246 of the General Statutes.

MULTI-FAMILY -- *See "Dwelling Unit, Multi-Family"*.

MUNICIPAL FACILITY - Municipal facility, public school, park, recreation facility, or other public use on land owned or leased by the Town of New Canaan.

NONCONFORMING -- The situation where a use, activity, building, structure, or lot does not conform to the requirements of these Regulations.

NONCONFORMING BUILDING -- A building that does not conform to these Regulations with respect to size, area, height, setback or other requirement for the zone in which it is situated.

NONCONFORMING LOT -- A lot which fails to conform to these Regulations with respect to area, width, or other requirement for the zone in which it is situated.

NONCONFORMING USE -- A use of land or of a building that does not conform to these Regulations for the zone in which it is situated.

NONCONFORMITY, PRE-EXISTING -- The situation where a nonconforming use, activity, building, structure, or lot existed or was lawful prior to the time these Regulations or amendments thereto which created the nonconformity became effective.

OFFICE, GENERAL - An office used for conducting the affairs of a business, profession, service, or industry which may involve interaction with the public. Such uses may consist of architects, engineers, lawyers, accountants, financial or other consultants or real estate brokerage but excludes those associated with the medical profession or veterinary offices.

OFFICE, MEDICAL - An establishment engaged in the diagnosis, prevention and/or treatment of human medical conditions or mental ailments provided by persons certified or licensed by the State of Connecticut to perform such services, provided that no such office or facility shall offer services requiring overnight stays. Such establishments may also include imaging centers, blood-draw facilities, physical therapy and out-patient treatment facilities, but shall not include veterinary offices.

OPEN SPACE -- Land preserved in perpetuity for protection of natural resources, natural features, scenic resources, or community character.

PARCEL -- The land contained within one continuous property line. Also s*ee "Lot".*

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

PATIO -- An improved or graded area located at-grade, with no structural supports or roof, whose surface is no higher than 36 inches above the adjacent grade. A patio located at grade or ground level shall not be deemed a structure**.**

PATIO, elevated or raised -- *See "Terrace".*

PERSONAL SERVICE ESTABLISHMENT -- *See "Service Establishment, Personal"*.

PET GROOMING FACILITIES - An establishment that provides services for domestic pets, such as dogs or cats. These facilities must be completely indoors and shall not board pets.

PHILANTHROPIC -- *See "Eleemosynary".*

PITCHBREAK -- The intersection of two slopes of a gambrel roof, other than the ridge.

POOL HOUSE -- An accessory structure, incidental to a swimming pool on the same premises, which:

- may contain changing areas, showers, toilets and entertainment facilities,
- shall not contain bedrooms, kitchens or other types of daily living areas and
- shall not be used as a guest house or for the accommodation of domestic staff.

PORCH -- A portion of a structure which has a roof and a floor and is open to the air without walls or screened-in or glassed-in openings.

PORTE COCHERE -- A covered area at an entrance to a building which will allow a vehicle to pass through while allowing occupants to alight under cover, protected from the weather.

PREMISES -- The real property, either land or buildings or both, which is being evaluated**.**

PRIVATE EMERGENCY SHELTER -- A structure designed and available for use for protection of the occupants.

PUBLIC UTILITY USES - Telephone exchanges, electric substations, water towers or other public utility uses including railways, but not including switching or storage yards, industrial sidings, repair or service facilities.

QUASI-PUBLIC LIBRARY – A facility that is a) a private, non-profit corporation or b) an agency of the Town of New Canaan that is open to the general public and principally serving the local community, where professional librarians maintain services and collections of resources in many formats that reflect and support the intellectual and cultural interests of its constituents. A Quasi-Public Library may also include facilities for learning, cultural enrichment, and information exchange such as auditoriums, and spaces for community and events, teaching/learning, meeting rooms and workshops, gallery space, and digital technology.

REAR YARD -- *See "Yard, Rear"*.

RECREATION FACILITY, INDOOR -- A commercial establishment which provides indoor recreation facilities, such as tennis clubs, skating rinks, bowling alleys, health clubs, racquetball clubs and other similar uses**.**

RECREATIONAL VEHICLE -- Any type of vehicle used primarily for recreational pleasure including but not limited to motor homes, travel trailers, campers, camping trailers, boats, snowmobiles, and associated trailers**.**

REHABILITATION PROJECT - The repair, renovation, or rehabilitation of an existing building that retains the building's basic structural framework. Rehabilitation may include replacement or upgrading of structural elements, building systems, interior spaces, or exterior building components.

RELIGIOUS HOUSE -- A religion-related facility such as a parish house and, if used for dwelling purposes, housing persons associated with said religious facility and consisting of not more than four unrelated individuals or two family units.

RELIGIOUS INSTITUTION – A place where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body which is organized to sustain public worship.

REMOVE -- Includes, but is not limited to, drain, excavate, mine, dig, suck, bulldoze, dragline or blast.

REQUIRED YARD -- *See "Yard Setback"*.

RESIDENCE -- *See "Dwelling Unit"*.

RESTAURANTS -- A business or use whose principal function is the preparation and serving of food for consumption on the premises at tables, booths or similar sit-down accommodations.

RETAIL BUSINESSES -- A business whose primary activity is the sale of merchandise kept and displayed on the premises to customers visiting the premises, including food shops. This includes but is not limited to ice cream and coffee shops with less than eight (8) seats available to patrons.

SECTION – A separate part of an Article within these Zoning Regulations. *See "Article" and "Subsection".*

SEDIMENT -- Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

SERVICE ESTABLISHMENT, GENERAL -- Establishments primarily engaged in providing services to property, equipment, or household goods, such as laundries and dry cleaners, upholsterers and furniture repair, and appliance repair.

SERVICE ESTABLISHMENT, PERSONAL -- A service establishment whose primary activity or activities is the provision of services relating to personal care, including salons, optometrists, tailoring, and other similar services.

SET-ASIDE DEVELOPMENT - a development approved by the Planning & Zoning Commission in accordance with a Housing Affordability Plan (*see definition*) approved by the Planning & Zoning Commission in which:

1. not less than fifteen per cent of the dwelling units are or will be encumbered by covenants or restrictions which require that, for at least forty years after the initial occupancy, such dwelling units shall be sold or rented at, or below, prices where households earning sixty per cent of the median income (*see definition*) will pay thirty per cent or less of their annual income for such housing, and
2. not less than fifteen per cent of the dwelling units are or will be encumbered by covenants or restrictions which require that, for at least forty years after the initial occupancy, such dwelling units shall be sold or rented at, or below, prices where households earning eighty per cent of the median income (*see definition*) will pay thirty per cent or less of their annual income for such housing.

SETBACK -- *See "Yard Setback"*.

SHADE TREE - A tree, typically with a large, dense canopy and a mature height over 25 feet, planted or valued primarily for providing cooling shade and protection from the sun.

SIDE YARD -- *See "Yard, Side"*.

SIGN -- A letter board or plane or the like, placed on, within, or before a building or other object or otherwise displayed to advertise a business or products, including lettering on buildings or windows, flags or banners and any device with or without lettering used for such purposes.

SIGN, REAL ESTATE – A sign containing only the words "for sale" or "for lease," followed by "by broker" or "by owner," followed by a telephone number and no other identifying words, symbols, logos or characters.

SIGN, SECURITY – A sign indicating that the parcel on which it is located contains an alarm system or is protected by a professional security service and stating only the foregoing and the name and telephone number of the provider of the system or service.

SCHOOL -- A nursery school, kindergarten school or a school having a comprehensive curriculum of study comparable to that of a public school.

SHORT-TERM RESIDENTIAL RENTAL -- The temporary rental of part or all of a residential property for fewer than thirty consecutive nights at a time, for which the tenant compensates the owner of the property.

SOIL -- Any unconsolidated mineral and organic material of any origin.

SOIL EROSION AND SEDIMENT CONTROL PLAN -- A scheme that minimizes soil erosion and sedimentation in compliance with these Regulations.

STATE -- The State of Connecticut.

STOOP -- A landing and/or steps to a door of a building without a roof of any kind.

STORY -- A part of a building, a building wing or distinct portion, or other structure between any floor and the floor above or, in its absence, the ceiling or roof above; except that if a floor above a cellar, slab or crawlspace is elevated at the front wall of the building two-and-a-half (2.5) feet or more above the curb level (business zone per Article 4) or two-and-a-half (2.5) feet or more above the average level of the ground along the front wall of the building or building wing or distinct portion (any other zone district), then such cellar, slab or crawlspace shall be deemed to constitute one story. *See "Attic", "Basement", and "Cellar"*.

STORY, FULL -- Any story within a building, a building wing or distinct portion, or other structure, including any basement, except that the following shall not be considered a full story:

- a half-story, or
- an attic provided that no area of the attic has a height of seven feet six inches (7'-6") or greater between the top of the floor joists and the bottom of the rafters, or
- a cellar provided that the finished first-floor elevation of the building is less than two-and-a-half (2.5) feet above the curb level (business zone per Article 4) or less than two-and-a-half (2.5) feet above the average level of the ground along the front wall of the building, a building wing or distinct portion (any other zone district).

STORY, HALF -- Any story within a building, a building wing or distinct portion, or other structure that is an attic in which the area with a height of seven feet six inches (7'-6") or greater between the top of the floor joists and the bottom of the rafters:

- of the main roof of that building wing, excluding any dormers, is fifty percent (50%) or less of the attic floor area under that roof, and
- of the same roof and any dormers is sixty percent (60%) or less of the attic floor area under that roof.

Half-Story (Attic)

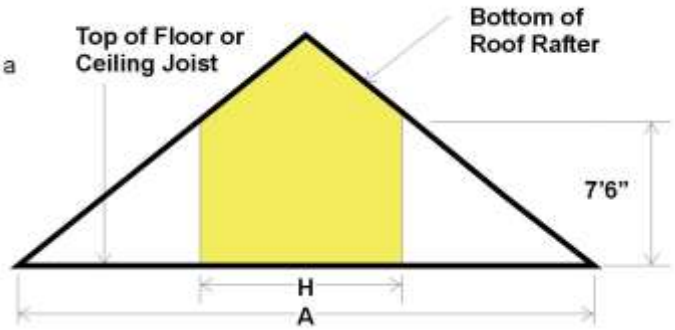
Attic

An attic is considered a half-story when:

- the floor area (H) under the rafters is 50% or less of the attic floor area (A)

OR

- the floor area (H) under the rafters and any dormers is 60% or less of the attic floor area (A)



H = The area (shaded) which has a height of 7.5 feet or more between the top of the floor (or ceiling) joists and the bottom of the roof rafters

A= The floor area of the attic

Full Story

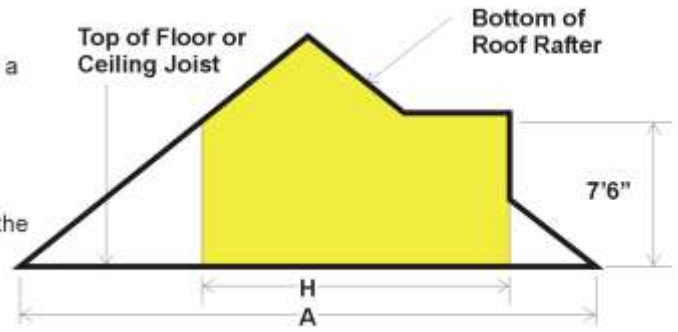
Attic

An attic is considered a full story when:

- the floor area (H) under the rafters and the dormers is more than 60% of the attic floor area (A)

OR

- the floor area (H) under the rafters (without any dormers) is more than 50% of the attic floor area (A)



H = The area (shaded) which has a height of 7.5 feet or more between the top of the floor (or ceiling) joists and the bottom of the roof rafters

A= The floor area of the attic

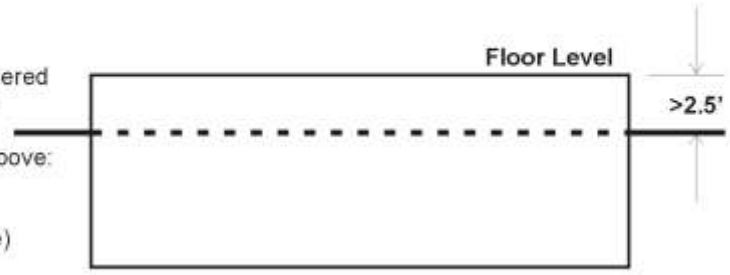
Cellar

A cellar is considered a full story when the first floor is more than 2.5' above:

- the curb level (business zone)

OR

- the average grade along the front wall (any other zone)



Basement

A basement is always considered a full story



STREET -- A public roadway or private roadway, laid out and maintained in accordance with the laws of the State of Connecticut and the ordinances of the Town of New Canaan, used or designed to be used for travel of vehicles and including the right-of-way and the traveled way.

STREET LINE -- The lot line between the street right-of-way and the abutting lot or parcel.

STRUCTURE -- Anything constructed or erected, the use of which requires location on, in or under the ground or attachment to something having location on, in or under the ground including, but not limited to, buildings, swimming pools, tennis and other game courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicap ramps, signs, a gas or liquid storage tank that is principally above ground, transformer or signal box that is above ground, ground-mounted antennas, ground-mounted solar panels and satellite dishes and fences or walls more than six (6) feet in height, including retaining walls and deer fences.

SUBSECTION -- A separate part of a Section within these Zoning Regulations. *See "Section".*

SUMMARY REVIEW - An approvals procedure in which a Site Plan Application shall be submitted to the Planning and Zoning Commission. The Application shall be reviewed by the Commission to confirm the Site Plan is compliant with all dimensional zoning and parking standards set forth in the applicable district's regulations, and that public health and safety will not be negatively impacted.

SUPERMARKETS - A retail establishment engaged primarily in the sale of groceries including perishable and non-perishable food items and food-related items. In such stores, non-food items such as household, health and beauty goods and other accessory uses like a pharmacy are also permitted.

SWIMMING POOL -- Any structure capable of containing water and intended for swimming, bathing or recreational use, provided that the same has a potential water depth of at least twenty-four (24) inches at any point or at least one hundred (100) square feet of water surface area**.**

TAG SALE -- The public sale of personal household goods by the owner of the premises and specifically excluding the sale of any goods brought to the premises for the purpose of public sale (includes "garage sale," "barn sale," "yard sale" and other similar activities).

TENNIS AND OTHER GAME COURTS -- A specially prepared level playing surface for tennis, basketball, paddle ball, platform tennis, racquetball or similar games which may include a full or partial enclosure or fence protecting the playing area. Any such court is considered a structure in these Regulations.

TERRACE -- An elevated, roofless structure that may be improved with retaining walls and may contain structural supports such as footings and is attached to a dwelling unit.

THEATERS - An establishment for showing motion pictures, or for dramatic, dance, musical, or other live performances. Such establishments may include related services such as food, beverage sales, and other concessions.

TOTAL BUILDING HEIGHT -- *See "Height, Total Building"*.

TOWN -- The Town of New Canaan.

TRAILER -- A vehicle on wheels, designed to be towed or propelled on public roadways by another vehicle which is self- propelled, and which may or may not be equipped to afford sleeping and cooking accommodations for its passengers or to afford traveling accommodations or for the transportation of goods, wares or merchandise.

TRANSIT COMMUNITY MIDDLE HOUSING DEVELOPMENT - A residential building or unified residential development containing between two and nine residential units with no business, retail or other commercial component. Types of developments include, but are not limited to townhouses, multifamily dwellings, and cottage clusters.

UNIVERSITY or COLLEGE -- An institution offering a program of higher learning leading to the award of an academic, professional or graduate degree and accredited and licensed as a college or university by the Commission for Higher Education of the State of Connecticut.

UPLIGHTING -- Any light source that distributes illumination above a 90-degree horizontal plane.

USE -- The specific purpose for which a building, structure or land is designed, arranged, intended or for which it is or may be occupied or maintained.

USE, ACCESSORY -- A use which is customarily incidental and subordinate to the principal use of a lot or a building and located on the same lot therewith.

USE, COMMERCIAL -- Activity carried out for monetary gain.

USE, PERMITTED -- A use allowed by these Regulations, but specifically excluding any nonconforming use.

USE, PRINCIPAL -- The primary or predominant use of any lot or building, except that, where multiple uses are allowed by these Regulations, this term may be used to refer to one or more of such use(s).

VEHICLE -- Any motor vehicle as defined by the General Statutes, as amended.

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

VEHICLE, RECREATIONAL -- Any vehicle designed or intended primarily for use in recreational activities, including boats, boat trailers, campers, camp trailers, horse trailers, horse vans, house trailers, motor homes, snowmobiles and utility trailers.

VETERINARY OFFICES - A place where animals are given medical care and the boarding of animals is limited to short term care incidental to hospital use.

WATERCOURSE -- Any river, stream, brook, waterway, lake, pond, marsh, swamp, bog or any other body of water, natural or artificial, vernal or intermittent, public or private which lies wholly or partially within the Town.

WELLNESS CENTER – A facility providing multi-disciplined exercise, fitness programs and equipment including some or all of the following: indoor recreation, strength training, personal training, cardio/aerobic programs, retail sale of related products and all necessary supportive equipment and facilities.

WETLAND -- Any land area, including submerged land, which consists of any soil types generally designated as "poorly drained," "very poorly drained," "alluvial" and "floodplain" by the National Cooperative Soils Survey, of the Soil Conservation Service of the United States Department of Agriculture.

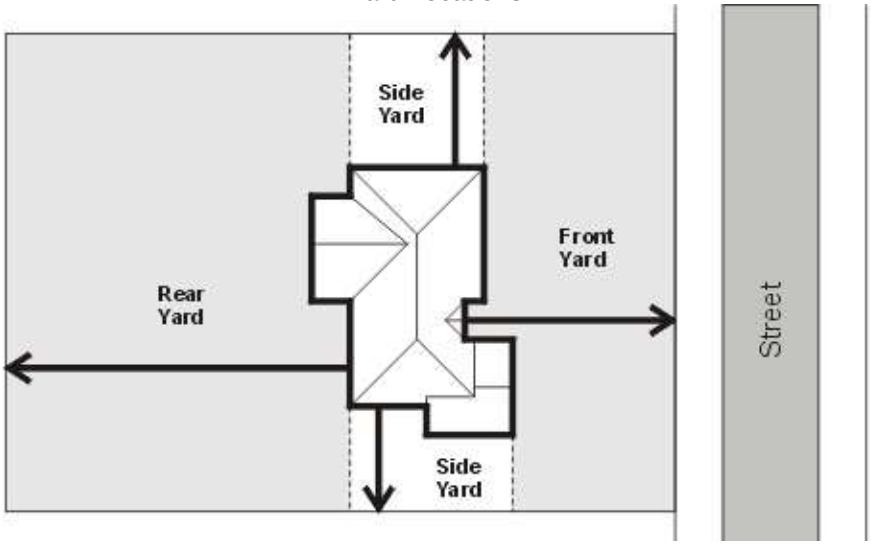
YARD -- An area on the same lot with a building or group of buildings, which space lies between the building or group of buildings and the nearest lot line or line of any easement for any traveled way. *See "Yard Setback".*

YARD, FRONT -- A yard extending across the full width of the lot and situated between the principal building and the street line(s) of the lot or, in the case of a rear lot, between the principal building and the location of the accessway serving that lot.

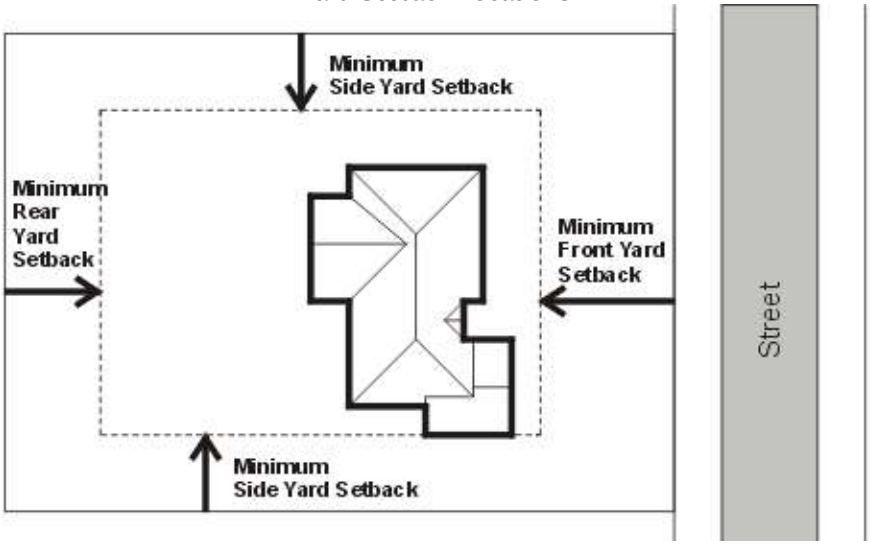
YARD, REAR -- A yard extending across the full width of the lot and situated between the principal building and the rear line of the lot.

YARD, SIDE -- A yard extending from the front yard to the rear yard between the principal building and the side line of the lot.

Yard Locations



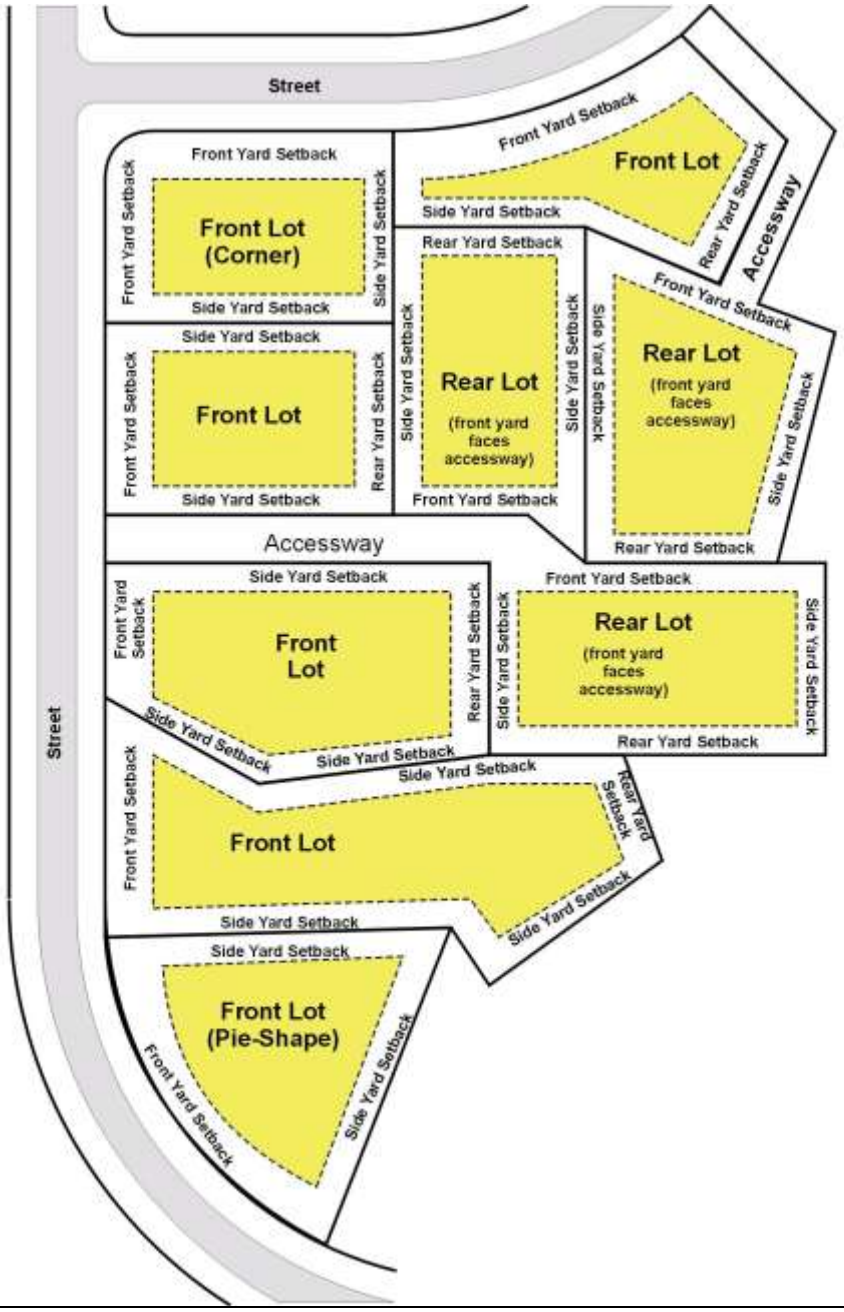
Yard Setback Locations



YARD, REQUIRED -- *See "Yard Setback"*.

YARD SETBACK -- The minimum required distance from any street line, lot line, or edge of an accessway (in the case of a parcel encumbered by an accessway) to a building, structure or use (for instance, see Section 3.5.E for yard setback requirements in residential zones). *See "Yard"*.

Yard Setback Locations



ZONE UNIT -- An area of land having the minimum width and area required by the schedule for a conforming use in any zone.

ZONING INSPECTOR -- As provided in CGS 8-12 as may be amended, the person or persons designated by the Commission to interpret and enforce the Regulations.

ARTICLE 3 - RESIDENCE ZONES

SECTION 3.1. PURPOSES

A. The various residential districts are intended to provide suitable areas for residential use and development appropriate to the environmental characteristics of the land and the character of the neighborhood.

B. The differentiation among the residential districts is intended to provide for variety in the size and density of residential neighborhoods and a diversity of housing opportunities after consideration of soil types, terrain, and infrastructure capacity.

C. The residential districts may allow for certain non-residential uses when it can be demonstrated that they are compatible with nearby residential uses and preserve neighborhood character and property values.

Single-family Residential Use



Multi-Family Residential Use



Special Permit Use



Accessory Structure



SECTION 3.2. PERMITTED PRINCIPAL USES & STRUCTURES

A. Permitted Without Permit

1. Open Space - Unimproved and undeveloped open space, a pedestrian or bicycle greenway trail, a wildlife sanctuary, flood protection, conservation area, or vacant land retained in a natural and undeveloped condition without structures of any kind.

B. Permitted by Zoning or Other Permit

1. Residential - Single-family dwelling.

C. Permitted by Special Permit

One or more of the following permitted principal uses may be allowed by the Commission under the procedures and criteria set forth for Special Permits in Section 8, below.

Residential-Type Uses

1. **Two-Family Dwelling** - In the B Residence Zone:
   a. One (1) two-family dwelling provided that:
      i. the building shall have side yards of at least fifteen (15) feet,
      ii. required parking spaces are provided behind the front lot line, and
      iii. the lot has continuously been used for a two family structure since prior to July 25, 1969; or the lot contains at least 12,000 square feet, has a lot width upon a public street of at least 100 feet, and contains a lot circle diameter of at least 100 feet.
   b. Two (2) detached dwelling units on common land provided that:
      i. the building shall have side yards of at least fifteen (15) feet,
      ii. required parking spaces are provided behind the front lot line,
      iii. the lot has continuously contained two detached, single-family structures since prior to July 25, 1969; or the lot contains at least 15,000 square feet, has a lot width upon a public street of at least 100 feet, and contains a lot circle diameter of at least 100 feet, and
      iv. the Commission shall determine the appropriate separation between the units.

2. **Elderly Housing Facility** - Multi-family dwelling(s) specifically designed for and occupied by persons over fifty-five (55) years of age when located in any vacated public school building within the sewer district and served by public water.

3. **Adult Housing Development** - Independent dwelling units specifically designed for and occupied by persons over fifty-five (55) years of age, whether constructed as attached or detached units, where:
   a. the lot is located on and served by a collector or arterial road as identified in the Plan of Conservation and Development, and
   b. the facility is served by public water and is located within the sewer district, and
   c. the facility has no more than 1.5 times the number of units per acre of buildable land allowed in the zone, and
   d. building coverage does not exceed that allowed by Subsection 3.5.D unless modified by the Commission as provided in Subsection 3.7.E, and

e. adequate parking will, in the opinion of the Commission, be provided for residents, and visitors.

4. **Congregate Housing** - Congregate housing units, assisted living units, and/or skilled nursing accommodations in a continuing care facility or life care facility for persons age fifty-five (55) and over provided that:
   a. the lot is located on and served by a collector or arterial road as identified in the Plan of Conservation and Development, and
   b. the facility is served by public water and is located within the sewer district, and
   c. the facility has no more than twice the number of congregate units per acre of buildable land allowed in the zone and where an assisted living unit shall equate to 0.5 congregate units and skilled nursing accommodations shall equate to 0.25 congregate units, and
   d. building coverage does not exceed that allowed by Subsection 3.5.D unless modified by the Commission as provided in Subsection 3.7.E, and
   e. adequate provision has been made for dining areas, kitchen facilities, medical or clinical care rooms, physical therapy rooms, meeting or activity rooms, recreation rooms, administrative offices, and similar uses in support of the residents of the facility, and
   f. adequate parking will, in the opinion of the Commission, be provided for residents, employees, and visitors.

Lodging-Type Uses

5. **Rooming House** - Rooming house in the B Residence Zone when it is the sole permitted use on the parcel and provided that:
   a. the property is occupied by the owner of the premises at all times as his principal residence, and
   b. no more than four (4) rooms, all located in the principal building, are used for the rooming house, and
   c. it complies with the provisions of § 32-6 of the Town Code relating to rooming houses, and
   d. the lot shall contain at least 15,000 square feet, and
   e. the lot width upon a public street shall be at least 125 feet, and
   f. the lot shall contain a lot circle in accordance with Subsection 3.5.C.1 except that the lot circle diameter shall be 125 feet, and
   g. the principal building shall have side yards of at least 15 feet, and
   h. required parking spaces are provided behind the front lot line.

6. **Bed And Breakfast** - Bed and breakfast operation conducted by the owner resident(s) of the premises provided that:
   a. all requirements of the Public Health Code, Building Code, and Fire Code as they apply to Bed and Breakfasts shall be met, and
   b. the residential character of the building, the property, and the neighborhood is maintained, and
   c. a maximum of six (6) guest rooms are provided, and
   d. the maximum length of stay per guest is 30 days, and
   e. additional off-street parking in the amount of one (1) space per guest room is provided and is adequately screened from the street and adjacent property.

Education-Type Uses

7. **Private Schools** - private schools, colleges and universities and uses and activities accessory thereto.

8. **Day Care Center / Nursery School** - Day care centers and nursery schools provided that:
   a. adequate provision is made for parking / pick-up / drop-off areas, and
   b. the facility is operated by a resident of the property.

Office-Type Uses

9. **Medical Office** - A medical office building in the B Residence Zone when located on a lot containing at least two (2) acres and when having the required frontage on and access from a through street which, in the sole opinion of the Commission, has adequate capacity for the anticipated usage.

Institutional-Type Uses

10. **Municipal Facility** - Municipal facility, public school, park, recreation facility, or other public use on land owned or leased by the Town of New Canaan.

11. **Governmental Facility** - Governmental buildings, facilities and uses.

12. **Nursing Home** - Nursing home or convalescent home in the B Residence Zone provided that:
    a. the lot is located on and served by a collector or arterial road as identified in the Plan of Conservation and Development, and
    b. the facility is served by public water and is located within the sewer district, and
    c. the facility has no more than 20 beds per acre of buildable land, and
    d. building coverage does not exceed 25 percent, and
    e. adequate provision has been made for dining areas, kitchen facilities, medical or clinical care rooms, physical therapy rooms, meeting or activity rooms, recreation rooms, administrative offices, and similar uses in support of the residents of the facility, and
    f. adequate parking will, in the opinion of the Commission, be provided for residents, employees, and visitors.

13. **Group Home** - A group home licensed under the applicable provisions of the Connecticut General Statutes.

14. **Religious Institution** – Places of worship intended primarily to serve religious needs of the local community.

15. **Religious Residential Facility** - A housing facility, such as a convent or monastery, for persons affiliated with a religious institution.

16. **Clubs and Organizations** - Clubs and other organizations providing social, cultural and recreational uses serving a community need or convenience and not including any activity carried on primarily for profit.

17. **Philanthropic or Eleemosynary Institutions** - Institutions of philanthropic or eleemosynary organizations serving a significant community need.

18. **Hospital** – [this provision is intended to apply only to the facility currently known as Silver Hill] In the 2 Acre Residence Zone only, a hospital providing treatments of mental illness or chemical dependency with levels of care that may include inpatient treatment, residential treatment, and a range of outpatient programs provided that:
    a. the hospital campus contains a minimum of 30 acres, and such requirement must be satisfied by contiguous parcels which may be divided by a public road; and
    b. the facility was licensed by the State of Connecticut as a hospital for mentally ill persons at the site as of June 16, 2007, and
    c. the use has continually existed on some portion of the entire parcel since 1940; and
    d. adequate provision has been made on the hospital campus for dining areas, kitchen facilities, medical or clinical care rooms, meeting or activity rooms, recreation rooms, administrative office and similar uses in support of residents or patients of the facility; and
    e. any new buildings, structures, or additions shall be designed to minimize an institutional appearance, promote a residential appearance, and shall include adequate buffers, screening, and landscaping pursuant to Section 6.1 of these Regulations.

Other Uses

19. **Public Utility Uses** - Telephone exchanges, electric substations, water towers or other public utility uses provided that, if there shall be a conflict between a demonstrated public necessity and the Special Permit criteria set forth in these Regulations, the Commission may establish whatever conditions it finds necessary to minimize that conflict.

20. **Railways** - Railways, but not including switching or storage yards, industrial sidings, repair or service facilities.

21. **Private Recreation** - use of the facilities and/or grounds of public or private schools, colleges, or universities for recreational or non-educational activities by other organizations.

22. **Farming**

SECTION 3.3. PERMITTED ACCESSORY USES

A. Permitted Without Permit

1. **Customary Uses** - Accessory uses customarily and reasonably incidental to a permitted principal use.

2. **Outside Parking** - Outside parking of motor vehicles provided:
   a. required parking spaces shall not be located within the front yard set-back, and
   b. unregistered motor vehicles shall be screened from view from the street and adjacent properties, and
   c. such parking shall be in accordance with any other provisions of these Regulations and other applicable laws and ordinances.

3. **Animals** - Keeping of animals by the resident(s) for their personal use in accordance with Chapter 6 of the Town Code.

4. **Home Office** - A home-based business where such business is located within the same dwelling used by such person as his or her primary residence and involves minimal visits to the premises provided that:
   a. the area devoted to such accessory use shall not exceed twenty percent (20%) of the total square footage of the dwelling, exclusive of garage, attic and cellar, and
   b. the home office does not have any non-resident employees, and
   c. the accessory use shall:
      i. not change the exterior residential appearance or character of the building or be noticeable from the exterior of the building, and
      ii. not materially change the traffic characteristics of the neighborhood, and
      iii. not have any outside storage or parking of commercial vehicles, and
      iv. not involve the display of signs or products in, on, or about the premises except as permitted by these Regulations, and
      v. not create any electrical, radio, television or similar interferences.

5. **Maintenance Vehicles / Equipment** - Vehicles or equipment necessary for, used for, and accessory to farming operations on the premises or upkeep of the premises provided that:
   a. outside backhoe storage is not permitted, and
   b. such vehicles or equipment shall not be used elsewhere for any purpose, except snow plowing.

6. **Commercial Vehicle Storage** - When housed in an enclosed structure, maintenance or storage of not more than one (1) commercial vehicle of over one-thousand (1,000) pound capacity or one (1) self-propelled heavy-construction equipment unit provided that no vehicle for the transportation of refuse, garbage, or septic waste shall be maintained or stored in a residential zone.

   For purposes of this section “maintenance” means causing or allowing a commercial vehicle to be parked or otherwise kept on site or on any adjacent driveway, accessway, or public or private road, for more than four (4) hours, except that when the commercial vehicle is transportation for a contractor actually engaged in permitted work on site (e.g., the commercial vehicle of a builder, plumber, electrician, painter or landscaper that is used for transportation to and from the site and that is parked only while the contactor is present and engaged in construction or repairs in or on the residence or on the grounds of the residence).

   For purposes of this section “storage” means to keep or put aside for use when needed, and storage is presumed when a commercial vehicle is present on site or on any adjacent driveway, accessway or public or private road for more than twenty-four hours.

B. Permitted by Zoning or Other Permit

1. **Attached Garage** - An attached garage accessory to a residence provided that it does not result in garage space for more than five (5) vehicles on the property, one (1) of which may be a commercial vehicle.

2. **Tag Sale** - The use of land and buildings for a tag sale provided that:
   a. a tag sale shall not exceed two (2) consecutive days in any calendar year, and
   b. no signs related in any way to a tag sale, other than the permit issued by the Town, shall be placed or displayed in any manner within the right-of-way of any public or private road, street, or other public place.

3. **Day Care** - Family day-care home or group day care home.

4. **Minor Home Occupation** - A home-based business where such business is located within the same dwelling used by such person as his or her primary residence and involving no more than five (5) patron, client or associate visits to the premises per week provided that.
   a. a home occupation permit is obtained, and
   b. the area devoted to such accessory use shall not exceed twenty percent (20%) of the total square footage of the dwelling, exclusive of garage, attic and cellar, and
   c. not more than one (1) nonresident person shall be employed on the premises, and
   d. The accessory use shall:
      i. not change the exterior residential appearance or character of the building or be noticeable from the exterior of the building, and
      ii. not materially change the traffic characteristics of the neighborhood, and
      iii. not have any outside storage or parking of commercial vehicles, and
      iv. not involve the display of signs or products in, on, or about the premises except for a sign as permitted by these Regulations, and
      v. not create any electrical, radio, television or similar interferences, and
   e. no parking areas for residents, employees or the general public shall be located between any street line and a front yard setback.

5. **Recreational Vehicle Parking** - Parking for not more than two (2) recreational vehicles, as defined in these Regulations, provided that such vehicles shall, when on the premises:
   a. be parked or stored at all times in a fully enclosed structure or, if parked outdoors shall:
      i. not be located in the front yard of the existing dwelling or other principal building on the same lot,
      ii. not be located within any required accessory building yard space, and
      iii. be effectively screened from view of adjacent premises to the satisfaction of the Zoning Inspector.
   b. not be used for living, recreation or business purposes while parked or stored on a residential lot.
   c. be directly owned or leased by the owner or tenant of the premises on which they are stored.

6. **Accessory Dwelling Unit** - An accessory dwelling unit within or attached to the main dwelling unit provided that:
   a. only one accessory dwelling unit shall be permitted for each lot and no accessory dwelling unit shall be approved as part of a two-family dwelling or any multi-family use
   b. the lot shall conform to the minimum lot width and area requirement for the zone in which the property is located, and an accessory dwelling unit in the B Residence Zone shall only be located on a lot containing at least 9,000 square feet and shall maintain side yard setbacks of at least twelve (12) feet, and
   c. the owner of the property shall occupy either the principal dwelling unit or the accessory dwelling unit, and
   d. the accessory dwelling unit shall:
      i. be accessible from the principal dwelling by an operable door along a common wall, and
      ii. not exceed 1,000 square feet or 40% of the combined floor areas of the single-family dwelling and the accessory dwelling unit, whichever is less unless in the opinion of the Commission a greater amount of floor area is warranted by the specific circumstances of the particular building, and
   e. both the accessory dwelling unit and the principal dwelling shall meet the requirements of the Building and Public Health Codes, and
   f. upon establishment of the accessory dwelling unit, the building shall:
      i. maintain the exterior appearance and style (roof line, roof pitch, building materials, window style and spacing, etc.) of the principal residence, and
      ii. have any secondary entrance incorporated into the principal residence to reflect the architectural style of a single-family unit, and
   g. parking and access from the public right-of-way shall serve both the principal and accessory units, and shall not be distinguishable as separate facilities, and
   h. adequate off-street parking as required by these Regulations shall be provided for both uses and such parking shall not be located in the front yard.

7. **Temporary Use** - Temporary use of land and buildings for any musical, educational, charitable, religious, recreational, or fraternal purpose or entertainment, provided that such use is without financial profit except compensation to individuals for services devoted solely to the promotion of the objects and purposes for which such use is permitted, for a period not exceeding ten (10) days in any calendar year unless approved for a longer period of time by the Commission.

8. **Short-Term Residential Rental –** The temporary rental of part or all of a residential property for fewer than thirty consecutive nights at a time, for no more than three (3) instances in a rolling six (6) month period, for which the tenant compensates the owner of the property, provided that:
    a. Short-Term Rentals shall be the owner's primary residence. Sub-letting of existing rental property shall not be allowed, and
    b. The accessory use of the property as a Short-Term Rental shall not materially disrupt the character of the neighborhood, and
    c. The Short-Term Rental shall not be rented more than three (3) lease instances during a rolling six-month period, and
    d. Any property offered for Short-Term Rental must meet the requirements of Chapter 186, Housing Code as amended. and
    e. The Short-Term Rental shall only be used for lodging-type uses. Non-lodging uses, including, but not limited to, parties, receptions, weddings, filming, photo shoots, corporate retreats and fundraisers, shall not be allowed as Short-Term Rentals, and
    f. Owners of Short-Term Rental properties shall obtain a Zoning Permit and a Short Term Rental Permit from the Zoning Inspector, prior to offering their properties for Short-Term Rental. Conditions of the zoning permit and Short Term Rental permit for Short-Term Rentals shall include any or all of the following as well as any additional conditions deemed appropriate by the Zoning Inspector based on the configuration and topography of the site:
        i. The owner is limited to one permit for one rental unit per property. Short-Term Rental units shall include a room(s) on the property, OR an accessory dwelling unit, OR the entire house, condominium or apartment; only one of the aforementioned Short Term Rental types shall be rented on each property at any one time.
        ii. The Short Term Rental owner shall be required to provide a copy of the appropriate insurance coverage that specifically covers their activity and level of risk., and
        iii. Any advertisement of the Short-Term Rental shall include the Town of New Canaan's Short Term Rental permit number as well as a reference to the date the Zoning Permit was issued.
        iv. If the ownership of the property is transferred or if a Zoning Permit and/or a Short Term Rental permit are not renewed after expiration, a new permit application shall be required.
        v. The Short-Term Rental permit issued pursuant to this section shall expire one (1) year from the date of approval, and may be revoked at any time if the Zoning Inspector receives information showing that such minor Short-Term Rental has violated section 3.3.B.8 or imposed a nuisance on neighbors.
        vi. The owners of Short-Term Rental properties shall maintain up to date records of all rental transactions, including the contact information for and number of tenants and the dates and duration of their stays. These records shall be provided to the Zoning Inspector annually to initiate a permit renewal.
        vii. No additional signage other than what is permitted in Sect. 6.3 shall be allowed.

viii. An inspection by the Building official and/or Fire Marshall shall be required prior to the issuance of a permit to determine whether the proposed dwelling is in compliance with the pertinent Building Codes and the property shall have no current violations and shall comply with all applicable laws and regulations, including the Town of New Canaan Zoning Regulations and the building, health and fire codes.

ix. The Owners of Short-Term Rental Properties shall provide on-site parking.

C. Permitted by Special Permit

1. **Large Attached Garage** - An attached garage accessory to a residence that results in garage space for:
   a. more than five (5) vehicles on the property, or
   b. more than one (1) commercial vehicle on the property.
2. **Major Home Occupation** - A home-based business where such business use does not comply with the requirements of Subsection 3.3.B.4.
3. **Special Living Accommodations** - Living accommodations or a dwelling unit, in conjunction with an approved principal use allowed by Special Permit under Subsection 3.2.C., provided:
   a. the application clearly demonstrates a reasonable safety, security or similar need to have an employee reside on the premises, and
   b. such approval shall terminate upon change of ownership or cessation of the need for an employee or caretaker to reside on the premises.
4. **Farming**
5. **Accessory Dwelling Unit** - An accessory dwelling unit within or attached to the main dwelling unit that does not comply with the provisions of Subsection 3.3.B.6.
6. **Other Uses** - Other accessory uses not customarily or reasonably incidental, as determined by the Commission, to a permitted principal use.

SECTION 3.4. PERMITTED ACCESSORY STRUCTURES

A. Permitted Without Permit

1. **Minor Attached Accessory Structure** - Accessory structures customarily and reasonably incidental to a permitted principal use and attached to the principal structure such as solar panels, and similar structures.
2. **Minor Detached Accessory Structure** - One tool shed, play house, gazebo, or similar detached accessory structure that:
   a. does not have a permanent foundation, and
   b. has no plumbing or electrical service or heating equipment, and
   c. does not exceed 200 square feet in area, and
   d. complies with the yard requirements for an accessory building.

B. Permitted by Zoning or Other Permit

1. **Detached Garage** - A detached garage accessory to a residence provided that:
   a. it is not located within a front yard unless it is located 75 feet or more from a front property line, and
   b. it does not exceed building coverage of 1,000 square feet, and
   c. it does not result in garage space for more than five (5) vehicles on the property or, one (1) commercial vehicle on the property.
2. **Signs** - Sign(s) pertaining to a permitted principal use on a lot, as permitted by these Regulations.
3. **Minor Detached Accessory Structure** - A tool shed, play house, gazebo, or similar detached accessory structure:
   a. in addition to the one permitted in Subsection 3.4.A.2, or
   b. that does not comply with Subsection 3.4.A.2, and
   c. that does not exceed building coverage of 1,000 square feet.
4. **Non-Illuminated Outdoor Recreation Facility** - Outdoor recreation facility such as a tennis court, paddle tennis court, swimming pool, or similar facility with no above-ground artificial lighting provided that:
   a. a Building Permit is also obtained, and
   b. the facility is not located within a front yard unless it is located 75 feet or more from a front property line, and
   c. the facility complies with all yard and other applicable Regulations,
   d. any swimming pool deck, patio, mechanical equipment, filtration equipment, and storage tanks or containers shall be visually screened and shall not be located within the yard setback required for accessory buildings and shall be located more than 50 feet from any public or private roadway or easement, and
   e. in the absence of a pool deck or patio, the yard setback for a swimming pool shall be measured to the back of the coping.
5. **Accessory Recreation Structure** - A pool house or similar structure not used as a dwelling unit that is customarily and reasonably incidental to a permitted principal use provided that:
   a. a Building Permit is also obtained, and
   b. the facility is not located within a front yard unless it is located 75 feet or more from a front property line, and
   c. it does not exceed building coverage of 1,000 square feet, and
   d. the facility complies with all yard and other applicable Regulations.

6. **Windmills** - Windmills and similar energy conservation systems provided that:
   a. the lot shall have a minimum area of one acre (43,560 square feet) or as required by the applicable zone, whichever is greater, and
   b. the windmill or similar structure shall be set back from all lot lines and from the principal building a distance at least equal to the total building height of the windmill structure, and
   c. no windmill or similar structure shall:
      i. exceed forty (40) feet in total building height, or
      ii. be located within a front yard unless it is located 75 feet or more from a front property line, or
      iii. be located in any required yard setback.

7. **Ground-Mounted Solar Panels** - Ground-mounted solar panels, provided that they shall:
   a. not exceed fifteen (15) feet in height including all supporting structures, and
   b. not be located within a front yard unless it is located 75 feet or more from a front property line, and
   c. not be located within any required yard setback, and
   d. be fully screened from any adjacent property line and the street line, and
   e. be permanently anchored in compliance with the State Building Code.

8. **Private Emergency Shelter** - Private emergency shelter provided that it shall conform to applicable yard requirements and, if not constructed as an integral part of any dwelling or other conforming principal or accessory building or structure, it shall be covered with at least two (2) feet of soil and the finished ground level shall not be above natural ground level.

C. Permitted by Special Permit

1. **Detached Garage** - A detached garage accessory to a residence which does not comply with Subsection 3.4.B.1 since it is proposed to:
   a. contain space for more than five (5) vehicles on a property provided that any such garage space shall not be occupied by more than one (1) commercial vehicle, or
   b. be located within a front yard, or
   c. exceed building coverage of 1,000 square feet. Such detached garage shall comply with the yard setback for a principal structure in that zone.

2. **Illuminated Outdoor Recreation Facility** - Outdoor recreation facility, including tennis courts and pools, in compliance with the requirements of Subsection 3.4.B.4. and which are artificially illuminated, provided that such lighting shall not create a hazard or nuisance upon adjacent properties with reference to the following standards:
   a. the source of such lights shall be concealed from surrounding residential properties.
   b. all lighting shall be located and be of such design that no illumination shall be directed toward surrounding residential properties.
   c. no lighting facilities shall be mounted at a height greater than twenty (20) feet above grade.

3. **Detached Accessory Residential Structure** - a detached guest house or a detached accessory dwelling unit provided that:
   a. the property is located in a Residence Zone where the minimum area for a single-family dwelling is one (1) acre or more, and
   b. the property shall have one (1) full zone unit, as required by these Regulations for the existing house on the premises except that, in the Four Acre Zone, such accessory structure may be permitted on a lot having less than one (1) full zone unit provided that such lot shall have at least two (2) acres of buildable land, and
   c. both the existing house and the proposed accessory dwelling shall demonstrate compliance with the requirements of the Health Code, and
   d. any detached accessory dwelling unit shall comply with the requirements of Subsection 3.3.B.6 except that access from the principal dwelling by an operable door along a common wall shall not be required.
   e. the detached accessory residential structure complies with the yard setback for a principal structure in that zone.

4. **Agricultural Use** - Farm stand.

5. **Other Structures** - Other accessory buildings or structures not customarily and reasonably incidental, as determined by the Commission, to a permitted principal use.

6. **Accessory Structures In A Front Yard** - Accessory buildings or structures listed in Section 3.4.A or Section 3.4.B located within a front yard and located within 75 feet of the street.

7. **Accessory Buildings That Exceed Building Coverage of 1,000 Square Feet** – Accessory Buildings listed in Section 3.4.B.3 or Section 3.4.B.5 that exceed building coverage of 1,000 square feet. Such accessory building shall comply with the yard setback for a principal structure in that zone and if proposed to be located in a front yard, must be at least 75 feet from the street.

8. **Windmills and Ground Mounted Solar Panels** - Windmills and ground mounted solar panels that do not comply with the provisions of §3.4.B.

SECTION 3.5. AREA AND DIMENSIONAL REQUIREMENTS

A. Minimum Lot Area

1. Basic Requirement

Except as may be otherwise provided in these Regulations, every lot shall contain the required minimum lot area for the zone within which the lot is situated.

	Minimum Lot Area [1] (Square Feet)
Four Acre Residence Zone	174,240
Two Acre Residence Zone	87,120
One Acre Residence Zone	43,560
One-Half Acre Residence Zone	21,780
One-Third Acre Residence Zone	14,520
A Residence Zone	10,000
B Residence Zone	7,500

1. Unless otherwise provided in Subsection 1.6.B.6, if two (2) or more adjoining lots or parcels are or have ever been in single ownership at the time of, or subsequent to, the adoption of any change to these Regulations that made one (1) or more of them non-conforming as to minimum lot area and if one (1) or more of the lots or parcels do not or did not conform to these Regulations for minimum lot area, then such lot(s) and/or parcel(s) shall be considered to be an undivided lot or parcel for the purpose of these Regulations, and no portion of said lot or parcel shall be used or sold so as to diminish conformance with these Regulations.

2. Potential Exceptions

Potential exceptions to minimum lot area requirements in Residential zones may be found in Section 3.6 and/or Section 3.7.

B. Maximum Density

1. Basic Limitation

Except as may be otherwise provided in these Regulations, no parcel in existence as of June 18, 2005 shall be:

a. Divided, subdivided, or re-subdivided in such a way as to exceed the following maximum number of lots per acre of buildable land and any calculation resulting in a fractional remainder shall be rounded down to the next whole number.
b. Used in such a way as to exceed the following maximum number of families per zone unit.
c. Used in such a way as to exceed the following maximum number of families per building.

	Lots / Acre of Buildable Land	Families / Zone Unit [1]	Families / Building [2]
Four Acre Residence Zone	Density Limitation Does Not Apply	1	1
Two Acre Residence Zone		1	1
One Acre Residence Zone		1	1
One-Half Acre Residence Zone	1.00	1	1
One-Third Acre Residence Zone	1.50	1	1
A Residence Zone	2.20	1	1
B Residence Zone	2.90	1	1

1. Two (2) families per zoning unit are permitted with approval of:
   - an attached accessory dwelling unit per Section 3.3.B.6, or
   - a detached accessory dwelling unit or guest house per Section 3.4.C.3, or
   - a two-family dwelling in the B Residence Zone per Section 3.2.C.1.
2. Two (2) families per building are permitted with approval by the Commission of:
   - an attached accessory dwelling unit per Section 3.3.B.6, or
   - a two-family dwelling in the B Residence Zone per Section 3.2.C.1.a.

Illustrative Example (A Residence Zone)

1.	Gross area of parcel (acres)	1.92 acres
2.	Minus areas classified as wetland, watercourse, 100-year floodplain, or containing slopes greater than 25 percent	(0.43 acres)
3.	Equals the buildable land on the parcel (acres)	1.49 acres
4.	Times the maximum number of lots per acre of buildable land for the A Residence zone	2.20 lots/acre
5.	Equals maximum number of lots	3.278 lots
6.	Rounded down to three (3) lots.	

2. Potential Exceptions

Potential exceptions to maximum density limitations in Residential zones may be found in Section 3.6 and/or Section 3.7.

C. Minimum Width and Shape

1. Basic Requirement

a. Except as may be otherwise provided in these Regulations, every front lot shall contain the required minimum width upon a public street for the zone within which the lot is situated.

	Minimum Width (Feet)
Four Acre Residence Zone	350
Two Acre Residence Zone	225
One Acre Residence Zone	150
One-Half Acre Residence Zone	125
One-Third Acre Residence Zone	100
A Residence Zone	100
B Residence Zone	75

b. Every lot shall contain, totally within itself and without including any area of the lot that is part of an accessway, a lot circle with a diameter equal to the required minimum width for the zone within which the lot is situated.

c. After June 18, 2005, at least fifty percent (50%) of the area of such lot circle shall be classified as contiguous non-wetland soils.

d. Where it is proposed to divide, subdivide or re-subdivide land containing an existing house, the new lot that contains the existing house shall meet the minimum width required for the zone at the location of said existing structure, and the lot shall not be reduced below that minimum width at such point.

e. No new rear lots shall be established in the A Residence Zone, the B Residence Zone, or the One-Third Acre Residence Zone.

2. Potential Exceptions

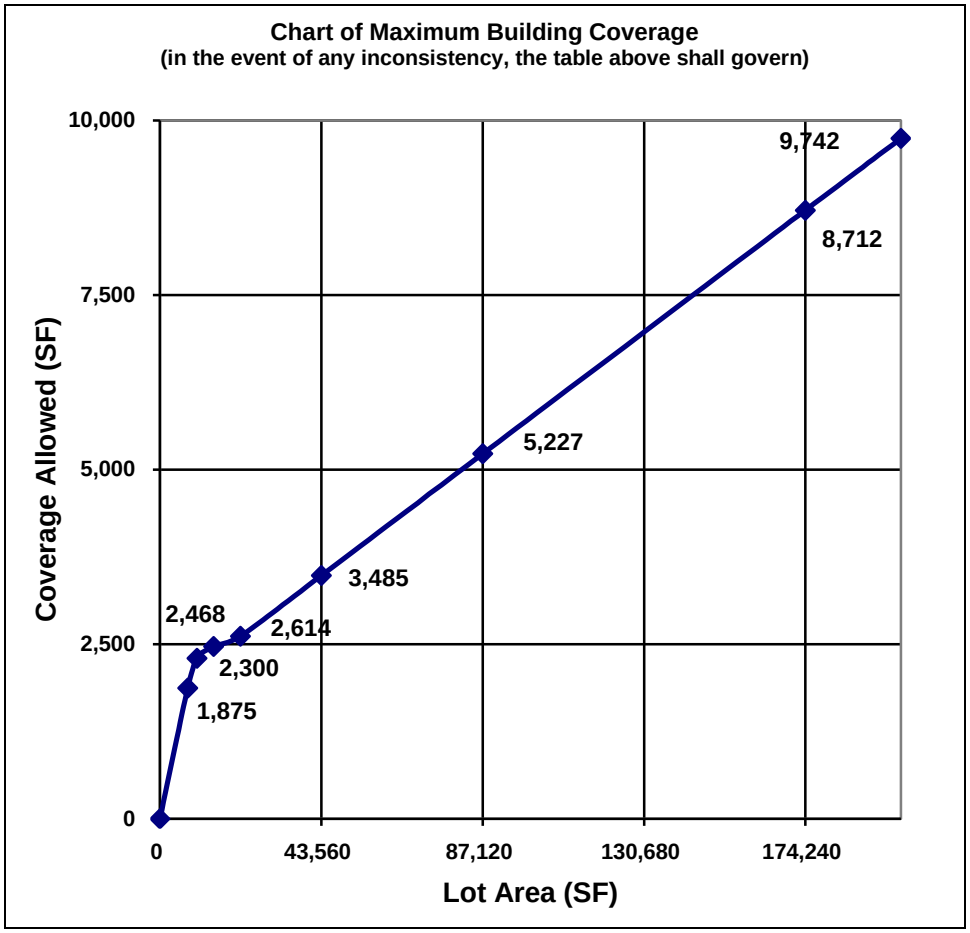
Potential exceptions to minimum width and shape requirements in Residential zones may be found in Section 3.6 and/or Section 3.7.

D. Maximum Building Coverage

1. Building Coverage Limitation

After June 18, 2005, unless otherwise provided in these Regulations, the building coverage in any Residence zone shall not exceed the following:

Lot Area	Allowed Building Coverage
Less than 7,500 SF	25% of the lot area
7,500 to 9,999 SF	1,875 SF plus 17% of the lot area in excess of 7,500 SF
10,000 to 14,519 SF	2,300 SF plus 3.7% of the lot area in excess of 10,000 SF
14,520 to 21,779 SF	2,468 SF plus 2.0% of the lot area in excess of 14,520 SF
21,780 to 43,559 SF	2,614 SF plus 4.0% of the lot area in excess of 21,780 SF
43,560 to 87,119 SF	3,485 SF plus 4.0% of the lot area in excess of 43,560 SF
87,120 to 174,239 SF	5,227 SF plus 4.0% of the lot area in excess of 87,120 SF
174,240 or more SF	8,712 SF plus 4.0% of the lot area in excess of 174,240 SF



2. Potential Exceptions

Potential exceptions to maximum building coverage limitations in Residential zones may be found in Section 3.6 and/or Section 3.7.

E. Minimum Yard Setbacks

1. General Requirements

a. Except as may be otherwise provided in these Regulations, every building and structure shall comply with the required minimum yard setbacks for the zone within which the lot is situated.

b. A rear yard setback shall be required on every lot in a residential zone except a corner lot, a through lot, or a pie-shape lot.

c. No building or accessory building shall be constructed within forty (40) feet of an interstate natural gas pipeline.

2. Minimum Yard Setbacks For Principal Buildings

	Front Lots			Rear Lots
	Front Yard Setback (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)	Front, Side, and Rear Yard Setbacks (feet)
Four Acre Residence Zone	50	50	50	50
Two Acre Residence Zone	45	35	50	40
One Acre Residence Zone	35	25	35	30
One-Half Acre Residence Zone	35	20	25	25
One-Third Acre Residence Zone	35	15	25	25
A Residence Zone	30	15	25 feet or 25% of lot depth, whichever is less	25 feet or 25% of lot depth, whichever is less
B Residence Zone	25	8		

3. Minimum Yard Setbacks For Accessory Buildings / Structures

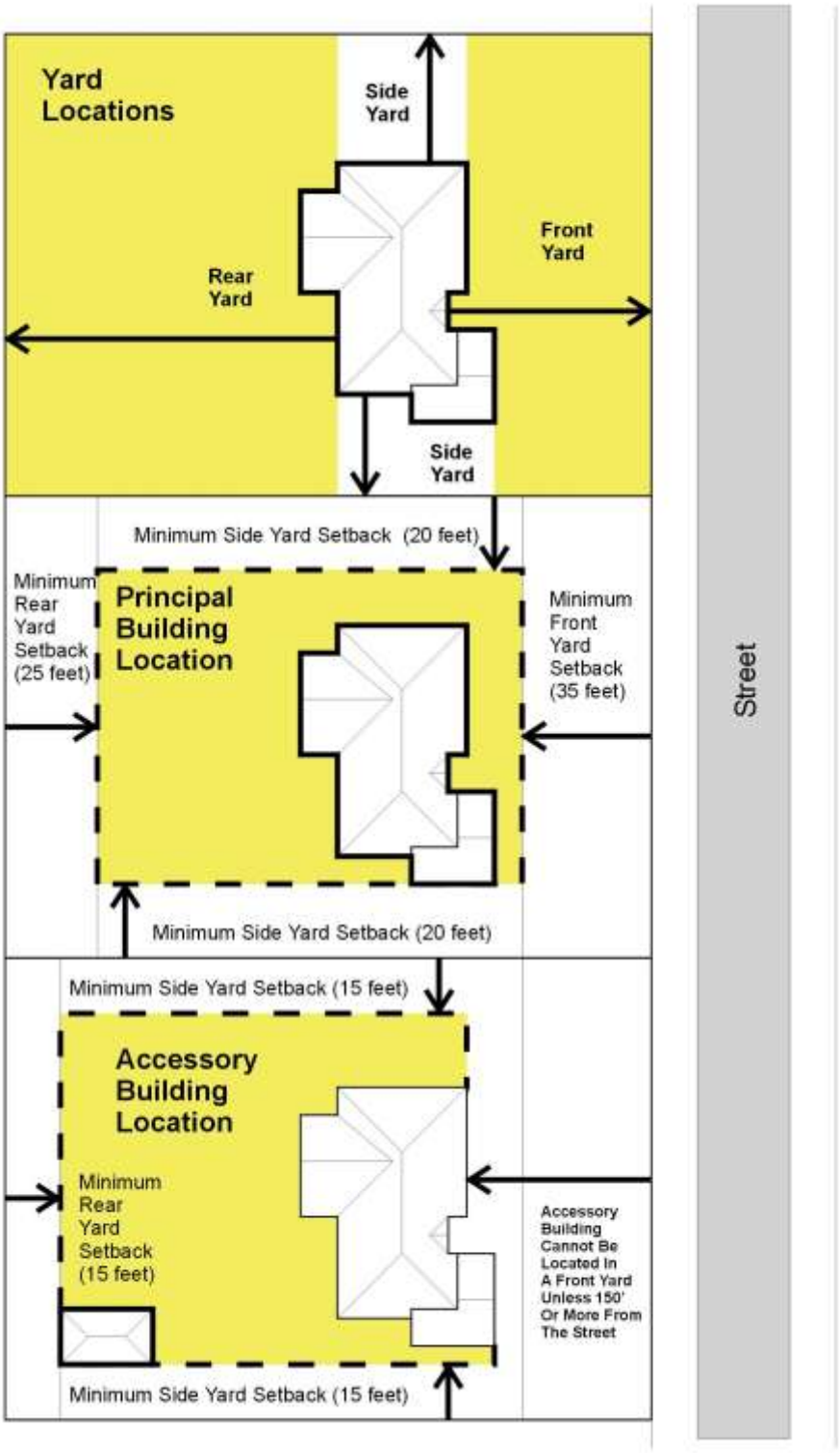
An accessory structure shall comply with the following yard setbacks and shall not be located in a front yard except as may be permitted by these Regulations.

	Front Lots			Rear Lots
	Front Yard Setback (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)	Front, Side, and Rear Yard Setbacks (feet)
Four Acre Residence Zone	50	50	50	50
Two Acre Residence Zone	45	35	35	35
One Acre Residence Zone	35	25	25	25
One-Half Acre Residence Zone	35	15	15	15
One-Third Acre Residence Zone	35	15	15	15
A Residence Zone	30	10	10	10
B Residence Zone	25	8	8	8

4. Potential Exceptions

Potential exceptions to minimum yard requirements in Residential zones may be found in Section 3.6 and/or Section 3.7.

Example: One-Half Acre Zone



F. Height of Buildings and Walls

1. Maximum Height in Feet (Finished Grade)

Except as may otherwise be provided in these Regulations, no principal building or accessory building and no building wing or distinct portion thereof shall exceed the following:

a. building height above finished average grade, or
b. total building height above finished average grade.

	Building Height (Feet)		Total Building Height (Feet)	
	Principal Building	Accessory Building	Principal Building	Accessory Building
Four Acre Residence Zone	40	20	45	30
Two Acre Residence Zone	35	15	40	25
One Acre Residence Zone	35	15	40	25
One-Half Acre Residence Zone	35	15	40	25
One-Third Acre Residence Zone	35	15	40	20
A Residence Zone	30	15	35	20
B Residence Zone	30	15	35	20

See Subsection 3.5.F.4 for additional building height limitations.

2. Maximum Height in Feet (Pre-Existing Grade)

Except as may otherwise be provided in these Regulations, no principal building or accessory building and no building wing or distinct portion thereof shall exceed the following:

a. building height above pre-existing average grade, or
b. total building height above pre-existing average grade.

	Building Height (Feet)		Total Building Height (Feet)	
	Principal Building	Accessory Building	Principal Building	Accessory Building
Four Acre Residence Zone	45	25	50	35
Two Acre Residence Zone	40	20	45	30
One Acre Residence Zone	40	20	45	30
One-Half Acre Residence Zone	40	20	45	30
One-Third Acre Residence Zone	40	20	45	25
A Residence Zone	35	20	40	25
B Residence Zone	35	20	40	25

See Subsection 3.5.F.4 for additional building height limitations.

3. Maximum Number of Stories

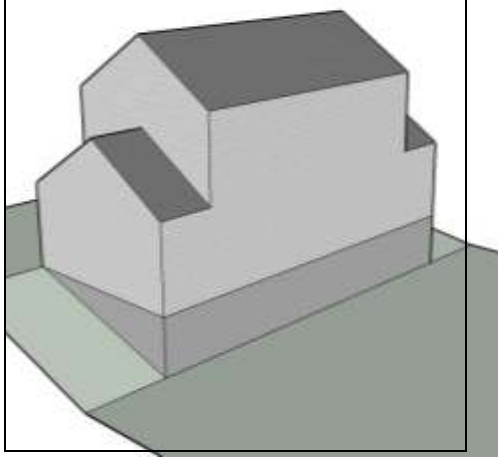
Except as may be otherwise provided in these Regulations, no part of a principal building or accessory building and no building wing or distinct portion thereof shall exceed the following number of stories.

	Principal Building	Accessory Building
Four Acre Residence Zone	2 ½	1 ½
Two Acre Residence Zone	2 ½	1 ½
One Acre Residence Zone	2 ½	1 ½
One-Half Acre Residence Zone	2 ½	1 ½
One-Third Acre Residence Zone	2 ½	1 ½
A Residence Zone	2 ½	1 ½
B Residence Zone	2 ½	1 ½

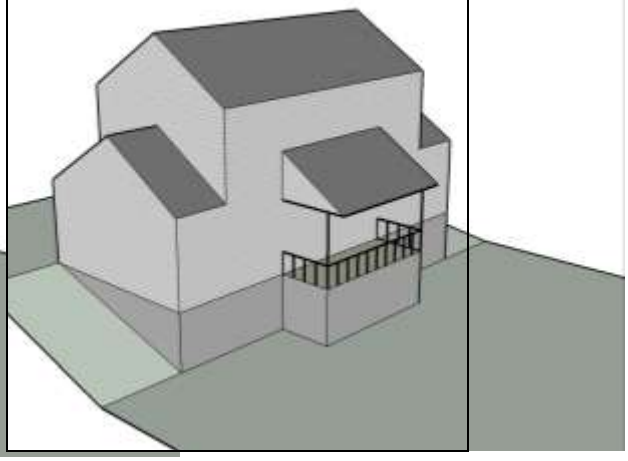
4. Maximum Wall Height In Feet

After June 18, 2005, except as may be permitted by the Commission by Special Permit, no more than fifty percent (50%) of the horizontal dimension of an exterior wall of a principal building or accessory building shall exceed twenty-five (25) feet in vertical height from the lowest finished ground elevation at the bottom of the wall segment being evaluated to the eave or parapet without being broken by a roof or being offset from another generally parallel wall by at least eight (8) feet. This requirement shall not apply to the gable end of a gable, gambrel, or salt box roof.

Back Wall Not In Compliance With Wall Height Limit



Porch Used To Bring Wall Into Compliance With Wall Height Limit



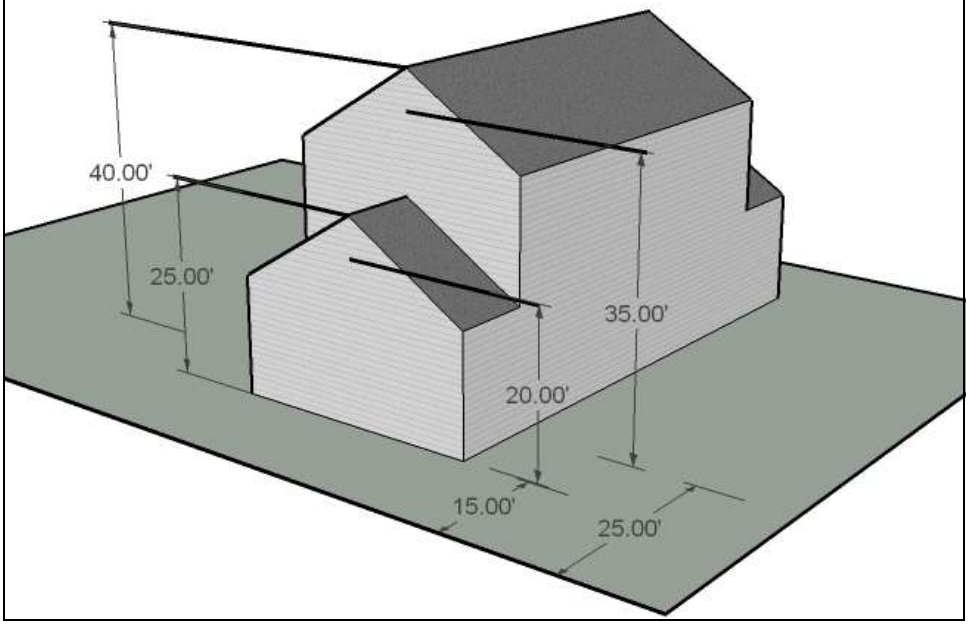
5. Maximum Side Yard Height

a. No part of a principal building or accessory building shall, within the side yard setbacks identified below, exceed the following:
   i. maximum building height above finished average grade, or
   ii. maximum total building height above finished average grade.

b. For the purposes of side yard height limitations, building height and total building height shall be determined on the basis of:
   i. the portion of the building within the reduced height setback distance specified below, and
   ii. the finished average grade for that building wing or distinct portion of the building.

Zone	Setback Distance (feet)	Building Height (feet)	Total Building Height (feet)
One-Half Acre Residence Zone	20 to 30	20	25
One-Third Acre Residence Zone	15 to 25	20	25
A Residence Zone	15 to 25	20	25
B Residence Zone	8 to 16	20	25

Side Yard Height Limitations (One-Third Acre Zone)



6. Potential Exceptions

Potential exceptions to building height in Residential zones may be found in Section 3.6 and/or Section 3.7.

SECTION 3.6. SPECIAL PROVISIONS FOR RESIDENCE ZONES

A. Preservation of Modern Houses

1. In order to encourage the preservation and architectural integrity of Modern houses, the Commission may, by Special Permit, allow a minimum area or dimensional requirement (such as minimum yard setback) to be reduced or a maximum area or dimensional requirement (such as maximum building coverage) to be exceeded provided that:

   a. the New Canaan Historical Society or other source acceptable to the Commission shall have recognized the principal structure on the property as a Modern house worthy of continued preservation, and

   b. the Modern house shall be preserved, and

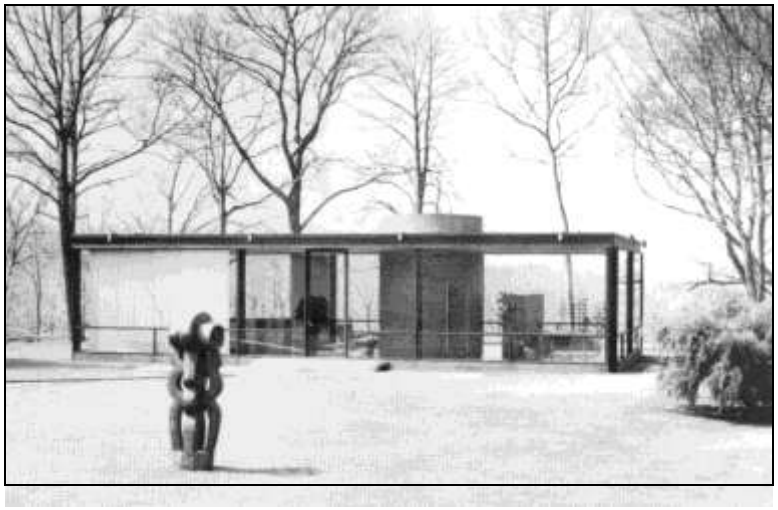
   c. the New Canaan Historical Society or other source acceptable to the Commission shall have determined that any proposed improvement shall retain the architectural integrity of the Modern house, and

   d. the extent of the requirement to be exceeded or reduced shall be clearly identified on the application presented to the Commission, and

   e. any such exception shall only be the minimum amount and geographic extent required to authorize the improvements approved by the Commission.

2. Any Special Permit granted by the Commission shall only remain effective so long as the Modern house is preserved and maintained as the principal structure on the property.

Modern House



B. Flexibility for Open Space Provision

In order to encourage the permanent preservation of open space and the establishment of greenways and trails in residential areas, the Commission may, by Special Permit, allow a minimum area or dimensional requirement (such as minimum lot area or minimum yard setback) to be reduced or a maximum area or dimensional requirement (such as maximum building coverage) to be exceeded on a developed residential lot when a portion of the lot will be dedicated for permanent preservation of open space and the establishment of greenways and trails in residential areas provided that:

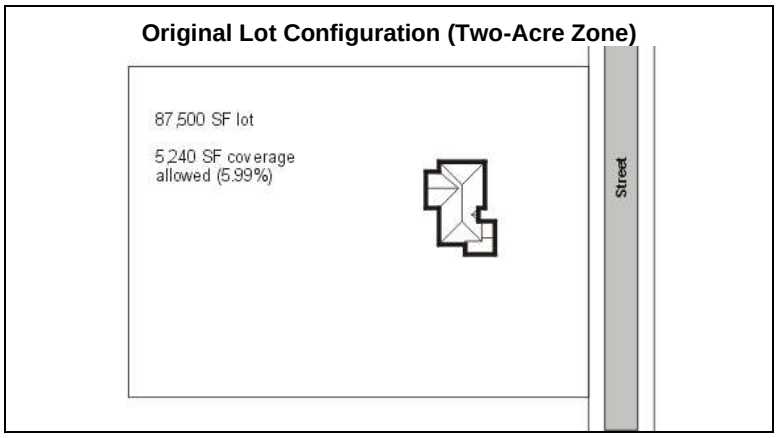
a. the proposed open space dedication is referred, at least 30 days prior to the public hearing, to the Environmental Commission, the Park and Recreation Commission, and other appropriate Town agencies for an advisory recommendation, and

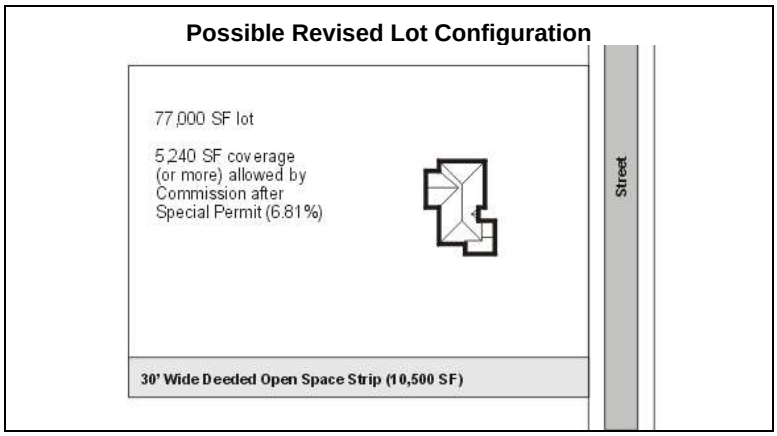
b. the portion of the developed lot to be so dedicated in perpetuity as open space is deeded to the Town of New Canaan, the New Canaan Land Trust, or similar organization acceptable to the Commission, and

c. the proposed open space dedication is not encumbered by an accessway or other easement in favor of other parties, and

d. any encumbrance placed on the land so dedicated shall not restrict possible future establishment of a greenway trail, and

e. the applicant shall submit a copy of the proposed document of dedication with the application.





C. Design Review

In residential zones, new construction or remodeling of the exterior of any non-residential building or a multi-family residential use of four (4) or more units shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

D. Driveways In Residence Zones

1. After June 16, 2007, except as may be permitted by the Commission by Special Permit, no residential driveway shall be located within three (3) feet of a side or rear property line on any lot or within an accessway in any residential zone.
2. Any driveway constructed for vehicular access to another parcel shall be located within the required accessway.
3. In a residence zone, no accessway, driveway, right-of-way or walk shall be maintained or used for access to any other land which is:
   a. being used for a use other than a dwelling or other use allowed by Section 3.2.A or 3.2.B; or
   b. located in a zone in which, under applicable Regulations, there is permitted a residential use of greater density than is permitted in the zone in which the accessway, driveway, right-of-way or walk is located.
4. Any driveway shall comply with the provisions of Section 6.9 of these Regulations.

SECTION 3.7. DIMENSIONAL EXCEPTIONS

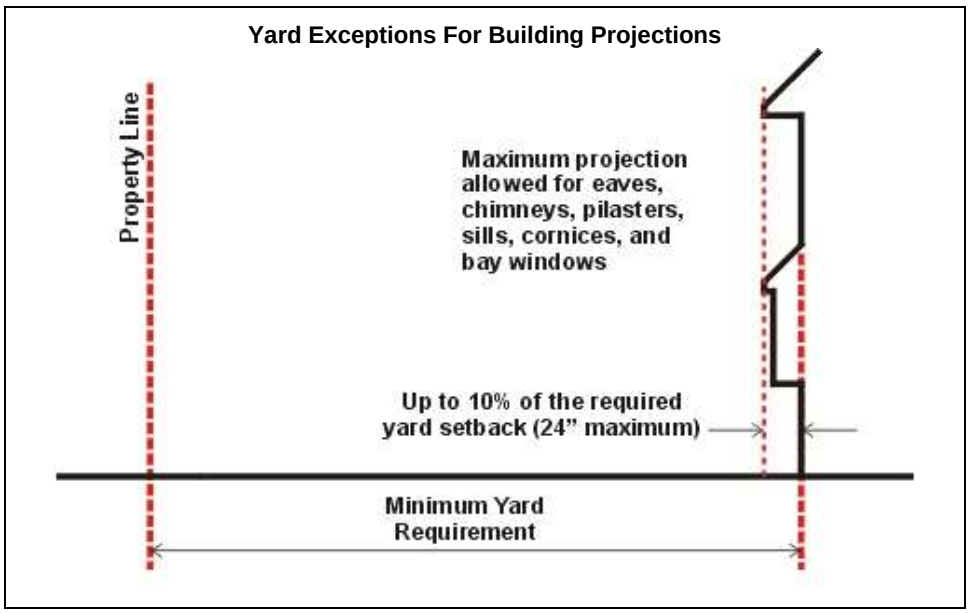
A. Height Exceptions

In residence zones, the basic building height limitations of these Regulations may be exceeded in the following situations, provided that such features shall only be erected to such heights as are necessary to accomplish the purpose they are intended to serve:

1. A spire or belfry on a religious institution, school, public library, or public museum provided that:
   a. the total building height of the spire or belfry shall not exceed fifty (50) feet unless a Special Permit has been approved by the Commission, and
   b. the total area covered by such features shall not exceed ten percent (10%) of the roof area unless a Special Permit has been approved by the Commission.
2. Cupolas or chimneys provided that:
   a. the total building height of the cupola or chimney shall not be more than twenty percent (20%) higher than the total building height allowed unless a Special Permit has been approved by the Commission, and
   b. the total area of such features which exceed the total building height limitation shall not exceed five percent (5%) of the roof area unless a Special Permit has been approved by the Commission.
3. Flagpoles less than fifty (50) feet in height unless a Special Permit has been approved by the Commission.
4. Water tanks where the Commission has granted a Special Permit for an increase in height.
5. Roof-top equipment for non-residential buildings (such as HVAC equipment, ventilators, skylights, bulkheads, or similar features) provided that:
   a. adequate appropriate screening shall be provided, and
   b. such equipment which exceeds the total building height limitation shall not have a horizontal area greater than five percent (5%) of the roof area of the building on which it is located unless a Special Permit has been approved by the Commission.
6. The Commission may, by Special Permit, allow a greater building height and/or an additional half-story for a single-family residential dwelling provided:
   a. such dwelling shall exhibit a historically appropriate architectural style (such as Victorian),
   b. the Commission can request and/or consider design guidance from the Historic District Commission, the Historical Society, or Village District consultant, or others, and
   c. the total building height limitation for the zoning district shall not be exceeded, and
   d. no area encumbered by a height restriction as provided in Subsection 3.7.E.1.a shall b eligible for such greater building height or additional half-story.

B. Yard Exceptions

1. Typical residential building projections such as eaves, cornices, gutters, and belt courses may extend into any required yard setback not more than the lesser of:
   a. 10 percent of the required yard setback, or
   b. 24 inches maximum.
2. Typical residential building projections such as chimneys, pilasters, sills, leaders, and bay windows may, for a maximum horizontal extent of ten (10) feet for each occurrence, extend into any required yard setback not more than the lesser of:
   a. 10 percent of the required yard setback, or
   b. 24 inches maximum.



3. A basement hatchway may project into a required rear yard setback not more than six (6) feet.
4. A one-story open porch and any associated stairs may project into the required front yard setback not more than twenty (20) percent of the minimum front yard requirement.
5. Entry stairs, stoops, and fire escapes may extend into any required yard setback not more than five (5) feet.
6. To accomplish the intended purpose, access ramps for the handicapped may, with approval of the Zoning Inspector, extend into any required yard setback.
7. The front yard, side yard, and rear yard setback requirements for the Two-Acre Zone shall apply to any parcel of land in the Four-Acre Zone which:
   a. was in different ownership than all abutting land on December 1, 1956, and had an area on that date of less than four (4) acres, or
   b. was an approved lot or parcel of land having an area of less than four (4) acres in a subdivision approved by the Commission and the subdivision map was filed for record in the Office of the Town Clerk on or before December 15, 1956.

8. The Zoning Inspector may allow an exception to the yard requirement or setback requirement for minor detached accessory structures such as generators, transformers or mechanical equipment when it is determined that the topography or lot configuration makes compliance with the regulations unreasonable. In such instances the structure must be thoroughly screened and not visible from adjoining properties.
9. Accessory structures, excluding outdoor recreation facilities, may be located in the front yard less than 75' from the front property line without the issuance of a special permit, if
    a. the proposed structure is located on a rear lot, as defined in these regulations, or
    b. the proposed structure is located on a corner lot, as defined in these regulations, and if the structure will not be located in the primary front yard.
    c. the proposed structure is visually screened from the street with landscaping, fencing, or other type of buffer.
    d. all exterior lighting on the structure shall have fixtures that are fully shielded.

C. Lot Width Exceptions

1. These Regulations shall not prohibit the erection of a single-family dwelling on any parcel which is smaller in width than that required for a single-family house by these Regulations provided that, at all times subsequent to the adoption of the zoning regulation which resulted in such lot being nonconforming as to width, such lot was in a different ownership from that of all abutting land.
2. In One-Half-Acre, One-Acre, Two-Acre and Four-Acre Zones, where a parcel of land is located on a public street and has sufficient area for no more than two (2) zone units and one (1) of the zone units does not have the required lot width on a public street for the zone involved, Zoning Permits may be issued for both zone units, provided that:
    a. The zone unit not having the required lot width on a public street has access thereto by means of an accessway serving such zone unit.
    b. Such accessway shall not be less than twenty-five (25) feet in horizontal width.
3. Where a parcel of land is located on a nonpublic roadway and has sufficient area and lot width for more than one zone unit, Zoning Permits may be issued for those zone units provided the private roadway has a width of at least fifty (50) feet, and has a traveled way to town standards of at least twenty (20) feet of asphalt, unless approved by the Commission through the granting of a Special Permit.
4. Where a parcel of land is located on a nonpublic roadway and has sufficient area for more than one zone units and one or more of the zone units do not have the required lot width for the zone involved, Zoning Permits may be issued for these zone units provided that:
    a. The zone unit not having the required lot width on a nonpublic street has access thereto by means of an accessway serving such zone unit(s); and
    b. Such accessway shall not be less than twenty-five (25) feet in horizontal width; and

c. The private roadway has a width of at least fifty (50) feet, and has a traveled way to town standards of at least twenty (20) feet of asphalt, unless approved by the Commission through the granting of a Special Permit.

5. One (1) Zoning Permit may be issued for any tract of land that does not comply with the lot width requirement provided it was in different ownership than all abutting land on December 15, 1956, and has continued to be in different ownership than all abutting land, if such tract of land has access to a public street by means of a private accessway having a width of at least 16.5 feet.

6. For lots of record as of June 16, 2007, Zoning Permits may be issued for front lots having the required area and having an average width (minimum width plus maximum width divided by two) which is greater than or equal to the required minimum width but where the road frontage is less than the required minimum width, when such frontage is at least two-thirds (2/3) of the required lot width, and, if on a circle, the measurement may be on the arc of the circle.

D. Lot Area Exceptions

1. These Regulations shall not prohibit the erection of a single-family dwelling on any parcel which is smaller in lot area than that required for a single-family house by these Regulations provided that, at all times subsequent to the adoption of the zoning regulation which resulted in such lot being non-conforming as to lot area, such lot was in a different ownership from that of all abutting land.
2. Any parcel or lot of land located in the Four-Acre Zone, which is less than four (4) acres in area and which lot or parcel was an approved lot or parcel on a subdivision map approved by the Commission and which subdivision map was filed for record in the Office of the Town Clerk of the Town of New Canaan on or before December 15, 1956, shall be considered to conform to the area requirements of the Four-Acre Zone, but no resubdivision of any such lot or parcel having an area of less than four (4) acres located in such subdivision shall be allowed except in accordance with the requirements of the Four-Acre Zone.

E. Exceptions for Building Coverage

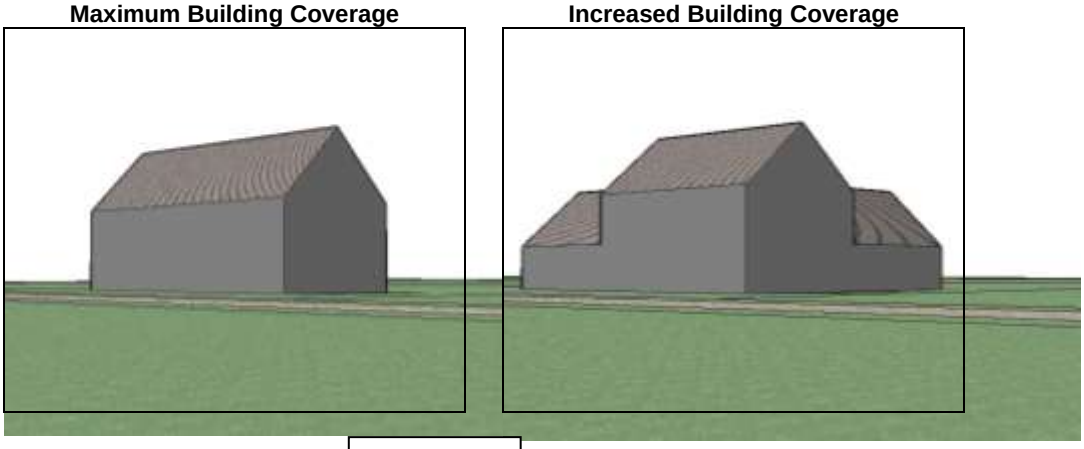
1. The Commission may, by Special Permit, allow the maximum building coverage on a residential lot to be increased above the building coverage limitation specified in Subsection 3.5.D provided that:
   a. a restriction shall be placed on the land records:
      i. limiting the maximum building height on a portion of the lot that is or will be covered by a building to eighteen (18) feet and 1.5 stories, and
      ii. encumbering with such limitation an area that is or will be covered by a building pursuant to the Special Permit which encumbered area is at least twice as large as the increased building coverage allowed by the Commission, and
   b. no such building coverage exception shall allow the total building coverage to exceed one-hundred forty percent (140%) of the area allowed for building coverage by Subsection 3.5.D.

Examples:

Area Requested For Increased Building Coverage	Minimum Area To Be Restricted to Reduced Height
575 square feet	1,150 square feet
2,000 square feet	4,000 square feet

House Built To Maximum Height and Maximum Building Coverage

House Built With Reduced Height and Increased Building Coverage



c. Based on Town of New Canaan Tax Assessor Records or Building Permit files, the principal structure on the lot shall be constructed at least 50 years prior to the date of the special permit application submission.

2. The Commission may, by Special Permit, increase the permitted building coverage in a residential zone for the following uses:
   a. Municipal facility.
   b. Governmental facility.
   c. Hospital in the Two Acre Residence Zone if permitted under Subsection 3.2.C.18 of these Regulations.
   d. Recreational clubs, in recognition that such clubs can provide unique facilities, programs and services serving a community need or convenience not provided by the Town, provided that:
      i. The club is open to the general public through paid memberships and financially-assisted memberships; receives widespread financial and volunteer support from the New Canaan community; and provides charitable services or programs to the New Canaan community;
      ii. The club is located on a parcel of at least 6 acres, and the portion added to the buildings and structures under this subsection shall meet the setback requirements for the zone;
      iii. The increase in coverage will enable the club to provide or improve a facility or use that will serve a community need or convenience not provided by the Town; and
      iv. The increase in building coverage that may be permitted by special permit shall be in addition to the existing building coverage as of the date of this amendment, and the aggregate of all such special permit increases from the date of this amendment shall not exceed 6 percent (6%) of the total lot size of the subject lot existing as of the date of this amendment. Further, such permitted increase in building coverage shall be mitigated by attractive building and site design and by enhancements in screening and landscaping that will improve the overall appearance of the parcel (see Section 6.12-Design Review).
   e. Historical society in the One-Half Acre Residence Zone permitted under Subsection 3.2.C.17 of these Regulations, provided that:
      i. The historical society is a not-for-profit cultural institution that is open to the public, owns and operates historic house museums, and provides exhibits, programs, library services, and events;
      ii. The historical society focuses on collections, research, programs, and events that celebrate the history of New Canaan;
      iii. The increase in coverage will enable the institution to provide or improve a facility or use that will serve a community need, and the use of such facility shall be consistent with the mission of a historical society described herein;
      iv. The increase in building coverage that may be permitted shall not cause total building coverage to exceed 12 percent (12%) of the total lot size; Further, such permitted increase in building coverage shall be mitigated by attractive building and site design and by enhancements in screening and landscaping that will improve the overall appearance of the parcel (see Section 6.12-Design Review); and
      v. The historical society is located on a parcel that:
         (1) Is at least 1.5 acres;
         (2) Has access to public water and sewer;
         (3) Is located in a historic district; and
         (4) Has frontage on Oenoke Ridge

f. Parking structures may be exempt from building coverage if it is used and regulated as described below:
    i. Such parking structure is on the grounds of an accredited private school.
    ii. The parking structure is single level, with the parking of passenger vehicles solely being on one level at or below grade.
    iii. The vehicles using the parking structure shall primarily be passenger vehicles of students, students' parents, visitors to the school and/or staff of the school where the parking structure is located.
    iv. The parking structure shall be properly sized to demonstrate benefits to the community and meet a demonstrated school need, such as alleviating existing traffic congestion.
    v. The negative impact of the parking structure shall be minimal to abutting neighbors.
    vi. The roof of the parking structure can be used for athletic purposes if covered with natural or artificial grass, if such usage is demonstrably of benefit to the school and to the community as well, or be fully planted as a green roof.

F. Maximum Density Exceptions

1. The Commission may, by Special Permit, increase the maximum density (lots / acre of buildable land) permitted in a residential zone above the limitation established in Subsection 3.5.B by:
    a. allowing a calculation resulting in a fractional remainder of three-quarters (0.75) or above to be rounded up to the next whole number, or
    b. considering some other method proposed by the applicant that will, in the sole discretion of the Commission, help preserve open space or the feeling of "openness" in New Canaan.

ARTICLE 4 - COMMERCIAL ZONES

SECTION 4.1. GENERAL PURPOSES

1. The two commercial districts are intended to provide suitable areas for business development appropriate to overall community needs, consistent with historic development patterns and in keeping with the New England village qualities of the neighborhood.

2. The differentiation between the Retail and Business District is intended to provide for variety in the size and intensity of business development appropriate to community needs.

3. The Business District may allow for certain non-business uses when it can be demonstrated that they shall be compatible with nearby uses and enhance the vibrancy of the neighborhood and community experiences.

Retail District



Retail District



Business District



Business District



SECTION 4.2. RETAIL ZONE (VILLAGE DISTRICT)

A. Purpose

The Retail Zone is intended to provide a compact and cohesive, pedestrian-oriented shopping district which is scaled to serve the needs of the community, designed to retain the attractive New England village-style qualities valued by so many residents and restricted in area to limit the major public investment required to provide municipal parking to serve such a district. The Retail Zone also extends to include areas adjacent to the compact core where parking can be provided on-site yet where buildings are located close to the sidewalk for pedestrian access. It is also the purpose of this district to allow for smaller residential units, particularly in existing structures, so that such buildings, which may be historic or architecturally significant, can contribute to diversifying housing stock, thereby providing for more housing opportunity.

B. Design Review Authorized

The Retail Zone is hereby designated as a Village District as authorized by CGS 8-2 and any new construction or remodeling of the exterior of a building shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

C. Uses Permitted in the Retail Zone

The uses of land, buildings and other structures shall be solely for the purposes listed in the table below. Additional standards corresponding to permitted uses are listed in the text following the table.

Use	Permitted As-of-Right with a Zoning Permit	Permitted with Site Plan Approval	Special Permit
Retail businesses	✓[1]		✓[2]
Real estate brokerage	✓[3]		
Personal service establishments	✓[4]		
Banks	✓[5]		
Offices and healthcare professionals	✓[6]		
Medical offices		✓[7]	
Restaurants, excluding any designed for patrons in motor vehicles	✓		
Outside dining on municipal sidewalks or walkways	✓[8]		
Outside dining on a deck, porch, terrace or patio		✓[9]	
Theaters		✓[10]	
Wellness centers and boutique fitness centers	✓[11]		
Municipal facilities; cultural facilities, such as museums; and public utilities			✓[12]
Religious institutions		✓[12]	
Dwelling units contained within a mixed-use development		✓[13]	
Transit community middle housing development		✓[14]	

1. Retail businesses containing a gross first-floor area of not more than 5,000 square feet per store shall be permitted as-of-right with a Zoning Permit.

2. Retail businesses containing a gross first-floor area of more than 5,000 square feet (not to exceed 10,000 square feet) per store shall require a Special Permit.

3. Real estate brokerages shall be permitted on the first floor only within spaces in which such use was established prior to July 1, 2026.

4. Personal service establishments shall be permitted on the first floor in accordance with the following guidelines:
    a. A retail component is required and must be located along the entire tenancy facing the street except for an access or common hallway to the street line.
    b. The personal service establishment cannot be located along any portion of the building's frontage except for an access or common hallway leading to the establishment.

c. The retail area must be a minimum of 15 feet in depth, measured from exterior building line or 20% of total floor area, whichever is greater.

5. Banks shall not contain a drive-through component.

6. Offices and health care professionals shall not be permitted on the first floor of any building, and:
   a. shall not be more than 10,000 square feet of total gross floor area of office use in any one building, and
   b. any floor used for office shall be located more than seven feet in vertical height above or below the curb level of the adjacent street.

7. Medical offices shall not be permitted on the first floor of any building, and:
   a. shall not be more than 5,000 square feet of total gross floor area of medical office use in any one building, and
   b. any floor used for medical office shall be located more than seven feet in vertical height above or below the curb level of the adjacent street.

8. Outside dining on municipal sidewalks or walkways shall be a seasonal accessory use to an adjacent restaurant or food-serving establishment, subject to the Sidewalk Café Permit Procedures approved by the Board of Selectman and the Commission.

9. Outside dining on a deck, porch, terrace or patio as an accessory use shall be in a safe location that does not cause pedestrian or vehicular hazards or be a nuisance to adjacent properties. No outdoor entertainment is permitted.

10. Theaters or groups of adjacent theaters shall contain a total gross floor area of not more than 7,500 square feet.

11. Wellness centers and boutique fitness centers shall contain a gross floor area of not more than 5,000 square feet per business, and:
   a. fitness activities are not permitted to be visible from windows at street level, and
   b. a retail component must be visible from street level, and
   c. the retail area must be a minimum of 15 feet in depth, measured from exterior building line or 20% of total floor area, whichever is greater. Anything less than 15 feet in depth is subject to administrative approval.

12. Municipal facilities; cultural facilities, such as museums; religious institutions; and public utilities shall not contain more than 7,500 square feet of gross floor area for each use.

13. Dwelling units contained within a mixed-use development of multi-family dwellings and other permitted uses shall be permitted by Summary Review provided that:
    a. buildings with five or more units are subject to Inclusionary Zoning (Section 7.6.A), and
    b. no such unit shall be permitted on the first floor of any building, and
    c. any floor used for such a unit shall be located more than seven feet in vertical height above the curb level of the adjacent street, and
    d. a minimum of 25% of all dwelling units shall be studio or one-bedroom units, and such units shall be no larger than 900 square feet in gross floor area**.** Any fractional unit shall be rounded to the nearest whole number, rounding up at 0.5 or greater. No unit shall be larger than 2,000 square feet in gross floor area.

14. Transit community middle housing developments shall be permitted by Summary Review provided that:
    a. individual units shall not contain a gross floor area that exceeds 750 square feet, and
    b. developments with between five (5) and nine (9) units shall provide one affordable unit compliant with Sect. 8-30g of the CT General Statutes, and
    c. a maximum of nine (9) residential units shall be permitted per property.

D. Prohibited Uses

Pursuant to Section 1.5.A.2, any unlisted use is prohibited. In addition, the following uses are explicitly prohibited in the Retail Zone:

1. Cannabis Establishments

    a. In accordance with the authority granted under Section 148 of Public Act No. 21-1 of the June 2021 Special Session, “An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis,” all Cannabis Establishments are prohibited in all zoning districts in the Town of New Canaan.

2. Residential developments containing exactly sixteen (16) units
    a. Prior to October 1, 2026 no developments containing exactly sixteen (16) residential units shall be permitted in the Retail Zone, regardless of the development’s ability to meet all applicable dimensional standards.

E. Parking as an Accessory Use

1. Surface-Level Parking as an Accessory Use
   a. Surface-level parking as an accessory use shall be permitted As-of-Right with a Zoning Permit.
2. Underground Parking as an Accessory Use

   Underground parking as an accessory use shall be permitted via Site Plan Approval provided that:

   a. at least 50% of the structure is below finished average grade, and
   b. the underground parking is hidden from view from abutting properties, and
   c. the street level views of such underground parking access are minimized, and
   d. any first-floor level above such parking does not exceed the curb level of the street by more than two (2) feet.
   e. Public parking shall not be required to be hidden from public view or be a substitute for surface parking.

SECTION 4.3. BUSINESS ZONE (VILLAGE DISTRICT)

A. Purpose

The Business Zone is intended to provide areas for shopping and services which require on-site parking facilities. Retail sales of large or bulky items which would be difficult to carry any distance, automotive services, offices, and drive-in banking and certain medical, professional, and personal services which often represent a special-purpose trip are appropriate uses in this area. Residential uses are also permitted to provide a greater variety of use alternatives, and to include uses which generate less traffic and contribute to the housing resources for smaller households, thereby providing for diversity in housing choices and opportunity.

B. Design Review Authorized

The Business Zone is hereby designated as a Village District as authorized by CGS 8-2 and any new construction or remodeling of the exterior of a building shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

C. Permitted Uses in the Business Zone

The uses of land, buildings and other structures shall be solely for the purposes listed in the table below. Additional standards corresponding to permitted uses are listed in the text following the table.

Use	Permitted As-of-Right with a Zoning Permit	Permitted with Site Plan Approval	Special Permit
Retail businesses	✓		
Retail sales of garden supplies, hardware, lumber or other products without extensive storage areas		✓[1]	
Supermarkets			✓[2]
Personal service establishments	✓		
Banks	✓[3]		✓[4]
Automotive services			✓[5]
Gas stations			✓
General services		✓[6]	
Motor vehicle dealerships			✓[7]
Pet grooming facilities			✓[8]
Veterinary offices			✓[9]
Offices and healthcare professionals	✓[10]		✓[11]
Medical offices	✓[12]	✓[13]	✓[14]
Restaurants, excluding any designed for patrons in motor vehicles	✓		
Outside dining as an accessory use		✓[15]	
Outside entertainment, as an accessory use			✓

Theaters			✓
Wellness centers		✓	
Boutique fitness centers	✓		
Municipal facilities; cultural facilities, such as museums; and public utilities			✓
Religious institutions		✓	
Municipal public parking lots		✓[16]	✓[17]
Hotels			✓
Day care center or nursery school			✓
Dwellings units contained within a mixed-use development		✓[18]	
Transit community middle housing development		✓[19]	

1. Retail sales of garden supplies, hardware, lumber or other products which may require extensive storage areas shall not include outdoor storage of used or scrap materials, unless properly screened from view of adjacent property owners and adjacent streets.

2. Supermarkets shall not exceed a gross floor area of 30,000 square feet per store.

3. Banks which do not contain a drive-through component shall be permitted as-of-right with a Zoning Permit.

4. Banks which contain a drive-through component shall require a Special Permit.

5. Automotive services shall be permitted provided that:
    a. outdoor storage of used auto parts is prohibited, and
    b. the outdoor storage of inoperable vehicles is prohibited, except for businesses that were operating as a nonconforming use in the Apartment Zone prior to July 1, 2026. These may have up to three (3) inoperable vehicles stored outside.

6. General services shall not include dry cleaning establishments that clean or launder materials on the premises.

7. Motor vehicle dealerships shall be permitted provided that:
    a. any repair garage is clearly accessory and incidental to the principal use and located on the same parcel as the principal use or, with approval of the Commission, on a parcel within 300 feet of the principal parcel, and
    b. there is no outdoor storage of auto parts or inoperable motor vehicles, and
    c. any used motor vehicle sales exclusively offer refurbished, investment grade, high-end collectible inventory, and
    d. used motor vehicle dealerships are prohibited from parking inventory outdoors for sale purposes; but inventory may be displayed for limited special events during business hours with advance notice and approval from the Town Planner/Zoning Enforcement Officer.

8. Pet grooming facilities shall be permitted on lots with a minimum area of 20,000 square feet. Such facilities must operate as an accessory use to pri-

mary business on the premises and shall be located in a separate, designated room within the building. These facilities must be completely indoors and shall not board pets.

9. Veterinary offices shall not exceed a gross floor area of 10,000 square feet.

10. Offices and health care professionals whose total gross floor area is equal to or less than 10,000 square feet shall be permitted as-of-right with a Zoning Permit.

11. Offices and healthcare professionals whose total gross floor area exceeds 10,000 square feet shall require a Special Permit.

12. Medical offices shall be permitted As-of-Right with a Zoning Permit provided that no more than 5,000 square feet of total gross floor area of medical office use shall be in any one building.

13. Medical offices shall be permitted with Site Plan Approval provided that no more than 10,000 square feet of total gross floor area of medical office use shall be in any one building.

14. Medical offices shall require a Special Permit provided that their total gross floor area is more than 10,000 square feet but does not exceed 35,000 square feet.

15. Outside dining as an accessory use shall be permitted given it is in a safe location that does not cause pedestrian or vehicular hazards or a nuisance to adjacent properties.

16. Municipal public parking lots that are on-grade and one level shall be permitted via Site Plan Approval.

17. Municipal public parking lots that are multi-level parking structures shall be permitted via Special Permit.

18. Dwellings units contained within a mixed-use development of multi-family dwellings and other permitted uses shall be permitted provided that:
    a. buildings with five or more units are subject to Inclusionary Zoning (Section 7.6.A), and
    b. the total number of dwelling units on the lot shall not exceed one unit per 1,500 square feet of lot area except where Inclusionary Zoning is applied, and
    c. no more than 30% of dwelling units shall be larger than 2,000 square feet in gross floor area, and
    d. non-residential permitted uses shall comprise at minimum 50% of the street frontage with a minimum depth of 40 feet.

19. Transit community middle housing developments shall be permitted by Summary Review provided that:

a. individual units shall not contain a gross floor area that exceeds 1,300 square feet, and
b. developments with between five (5) and nine (9) units shall provide one affordable unit compliant with Sect. 8-30g of the CT General Statutes, and a maximum of nine (9) residential units shall be permitted per property.

D. Prohibited Uses

Pursuant to Section 1.5.A.2, any unlisted use is outright prohibited. In addition, the following uses are explicitly prohibited in the Business Zone:

1. Cannabis Establishments

    a. In accordance with the authority granted under Section 148 of Public Act No. 21-1 of the June 2021 Special Session, "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis," all Cannabis Establishments are prohibited in all zoning districts in the Town of New Canaan.

2. Residential developments containing exactly sixteen (16) units

    a. Prior to October 1, 2026 no developments containing exactly sixteen (16) residential units shall be permitted in the Business Zone, regardless of the development's ability to meet all applicable dimensional standards.

E. Parking As an Accessory Use

1. Surface-Level Parking as an Accessory Use

    a. Surface-level parking as an accessory use shall be permitted As-of-Right with a Zoning Permit.

2. Underground Parking as an Accessory Use

    Underground parking as an accessory use shall be permitted via Site Plan Approval provided that:

    a. at least 50% of the structure is below finished average grade, and
    b. the underground parking is screened from view from abutting properties, and
    c. the street level views of such underground parking access are minimized, and
    d. any first-floor level above such parking does not exceed the curb level of the street by more than two (2) feet.
    e. Public parking shall not be required to be hidden from public view or be a substitute for surface parking.

2. Structured Parking as an Accessory Use

    a. Structured parking as an accessory use shall be permitted via Special Permit.

SECTION 4.4. AREA AND DIMENSIONAL REQUIREMENTS

A. Area and Dimensional Requirements Table for Retail and Business Zone

The following Area and Dimensional Requirements shall apply to all properties within the Commercial Zones. The last column outlines standards specifically for transit community middle housing developments. If not explicitly stated in this column, the underlying Retail and Business Zone Area and Dimensional Requirements shall apply for transit community middle housing. Area and Bulk exceptions described in Inclusionary Zoning (Section 7.6.A) shall not apply to transit community middle housing.

Area & Bulk Requirement	**Retail Zone**	**Business Zone**	**Transit Community Middle Housing***
Min. Lot Size	None	5,000 sq ft	
Min. Frontage	50 ft of frontage on a public street		
Min. Front Yard Setback	Building line only	5 ft	15 ft
Max. Front Yard Setback	5 ft	10 ft	20 ft
Building Lines	No structure shall be erected on land between the building line and the street line.		
Min. Side Yard Setbacks	None	10 ft min. each	10 ft min. each
Min. Rear Yard Setbacks	12 ft	12 ft	25 ft
Min. Distance between Buildings on the Same Lot	Each principal building or accessory building shall be at least 12 ft from any other building on the same lot, as measured in a straight line between the nearest points of any two buildings.		
Max. Total Building Height	35 ft	35 ft	35 ft
Max. Building Height	30 ft	30 ft	30 ft
Max. Number of Stories	2.5 stories	2.5 stories	2.5 stories
Max. Building Wall Length	None	No length of continuous building wall shall exceed 80 ft unless there is a wall offset of at least 10 ft for a distance of at least 20 ft.	
Max. Floor Area Ratio	None	0.6	Maximum building coverage shall be determined by the existing Residence Zone requirements of Section 3.5.D.

*The following Area & Bulk Requirements shall also apply to transit community middle housing developments:

1. A minimum of seventy percent (70%) of the front yard area shall be landscaped with lawn, groundcover, shrubs, ornamental grasses, trees, or similar living plant materials.

2. No off-street parking spaces, drive aisles, loading areas, trash enclosures, dumpsters, or vehicular storage areas shall be permitted within the front yard setback.

3. Driveways shall at a minimum be twenty (20) feet wide for two-way traffic and twelve (12) feet wide for one-way vehicular circulation. If providing access to parking located to the side or rear of the structure, driveways may cross the front yard perpendicular to the street.

4. A minimum of one (1) locally native shade tree shall be planted within the front yard for every forty (40) feet of lot frontage, unless existing preserved trees satisfy this requirement.

5. In the Business Zone, existing structures that do not comply with the requirements of this section (Section 4.4.A) may be converted to a transit community middle housing use, so long as no physical expansion of the structure occurs.

SECTION 4.5. SPECIAL PROVISIONS

A. Building Rehabilitation in the Business Zone

1. Building Rehabilitation by Zoning Permit

   Buildings that were constructed before July 1, 2026 and are non-conforming to the Area and Bulk standards of the Business Zone shall be treated as conforming structures in terms of rehabilitating, refurbishing, or upgrading the existing building. Any existing building within the Business Zone may be refurbished or rehabilitated for any principal permitted use in the zone and may use all of the existing square footage within the building even if the building exceeds permitted Area and Bulk standards. This provision needs only a Zoning Permit. This provision shall not result in any expansion of the degree of nonconformity of any structure.

B. Height Exceptions for Structures

The height limitations of these Regulations shall not apply in the Business Zone to:

a. a parapet wall or cornice extending above the height limit not more than three (3) feet,
b. flagpoles less than fifty (50) feet in height above finished grade,
c. schools, public libraries, municipal buildings, and museums which may be built to a height not to exceed three (3) stories and a total building height of 40 feet.

2. In the Business Zone, total building height may be increased to 40 feet and building height may be increased to 35 feet when measured from pre-existing average grade, provided total building height and building height measured from finished average grade along all front, street facing walls comply with the height requirements listed in the table of Section 4.4.A.

C. Height Exceptions for Roof-Top Appurtenances

In Commercial Zones, the building height limitations of these Regulations may be exceeded in the following situations provided that such features shall only be erected only to such heights as are necessary to accomplish the purpose they are intended to serve:

1. Roof-top solar panels provided that:

   a. horizontal solar panels shall be mounted no more than nine (9) inches above roof level, and
   b. sloping solar panels shall not project more than ten (10) feet in vertical height above the actual roof level of the building and shall be located so that no part of any such panel shall project above a forty-five-degree slope up from the edge of the roof, and
   c. such panels shall be screened on all sides by a solid appearing wall constructed of materials that shall be harmonious in color and texture with the adjacent facade of the building, except that the Commission may modify these requirements upon proper showing that such screening would materially interfere with the reception of sunlight on solar panels and adversely affect the efficiency of the system.

2. Roof-top appurtenances, including but not limited to HVAC equipment, stairwell housings, elevator shafts, air-conditioning units, cooling towers, heat pumps, cellular transmission equipment in accordance with Section 7.8, or similar mechanical equipment provided that:

    a. no such appurtenance shall be located within ten (10) feet of the edge of the roof of the building, and
    b. such appurtenances shall not project more than ten (10) feet in vertical height above the actual primary roof level of the building, and
    c. all such appurtenances shall be screened on all sides by a solid appearing wall constructed of materials that shall be harmonious in color and texture with the adjacent facade of the building so as to prevent the view of the appurtenances, and
    d. such equipment shall not have a horizontal area greater than twenty percent (20%) of the roof area of the building on which it is located.

D. Driveways and Accessways

Any driveway constructed for vehicular access to another parcel shall be located within the required accessway.

E. Yard Exceptions

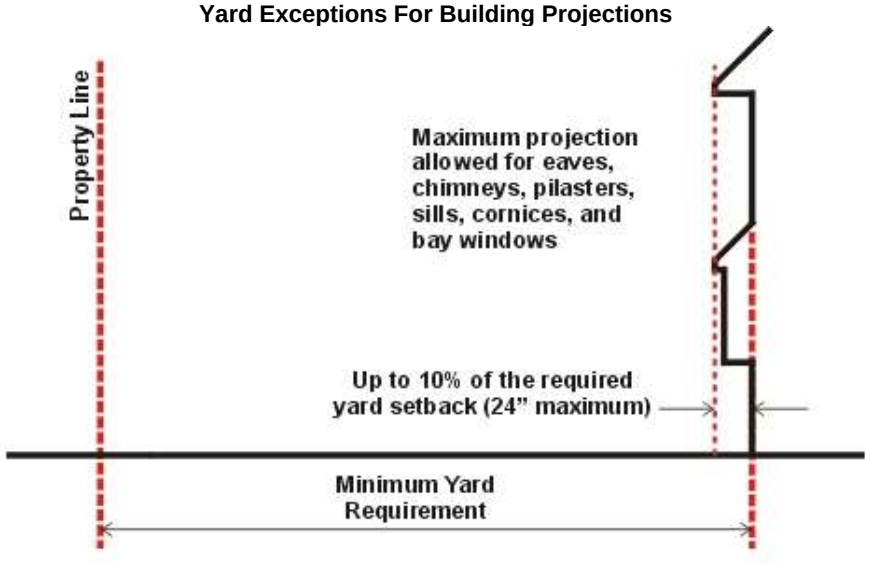
1. Provided that such projections do not extend over a building line, typical building projections such as eaves, cornices, gutters, and belt courses may extend into any required yard setback not more than the lesser of:

    a. 10 percent of the required yard setback, or
    b. 24 inches maximum.

2. Provided that such projections do not extend over a building line, typical building projections such as chimneys, pilasters, sills, leaders, and bay windows may, for a maximum horizontal extent of ten (10) feet for each occurrence, extend into any required yard setback not more than the lesser of:

    a. 10 percent of the required yard setback, or
    b. 24 inches maximum.

Yard Exceptions For Building Projections



ARTICLE 5 - SPECIAL ZONES

SECTION 5.1. WAVENY ZONE

A. Purposes

The Waveny Zone is intended to provide for the diverse range of activities and functions that occur on the Town-owned Waveny property while providing for the establishment of flexible guidelines that will protect neighborhood and community interests.

B. Uses Permitted by Right

A single-family dwelling existing as of the effective date of this Section.

C. Uses Permitted in Accordance with Guidelines

1. Recreational uses in and on land and facilities under the jurisdiction of the Town of New Canaan, including buildings, structures and playing fields with or without customary spectator amenities.
2. Educational uses in and on land and facilities under the jurisdiction of the Town of New Canaan, whether for profit or otherwise, subject to the approval of the owner of the land and or/facilities.
3. Temporary uses as specified in Subsection 3.3.B.7, where it is reasonably expected and affirmed by the sponsor that the net profits are to be devoted to the charitable purposes of the sponsoring organization.
4. Community activities, whether for profit or otherwise, including shows, entertainments, concerts, displays, and rehearsals (but not to include flea markets), where such events are approved by the owner or lessee of the land or facilities, or the agency charged with its management.
5. Not-for-profit community health facilities.

D. Use Guidelines

1. The Park & Recreation Commission shall be the sole authority to prepare written guidelines for the uses permitted for buildings and land under its jurisdiction under Subsection 5.1.C.1 through 5.1.C.4.
2. The Board of Education shall be the sole authority to prepare written guidelines for the uses permitted for buildings and land under its jurisdictions under Subsection 5.1.C.1 through 5.1.C.4.
3. The Waveny Care Center shall be the sole authority to prepare written guidelines for the uses permitted for buildings and land under its jurisdiction under Subsection 5.1.C.5.
4. These written guidelines shall be subject to the review and approval of the Commission.
5. Each cited agency shall provide to the Commission on an annual basis, a list of activities approved thereunder
6. Any driveway constructed for vehicular access to another parcel shall be located within the required accessway.

E. Uses Permitted by Special Permit

1. New permanent buildings and facilities for recreational, educational, municipal, or other uses.
2. Water towers or other public utility uses provided that, if there shall be a conflict between a demonstrated public necessity and the Special Permit criteria set forth in these Regulations, the Commission may establish whatever conditions it finds necessary to minimize that conflict.
3. The Commission may, by Special Permit, modify the height limitations in the Waveny Zone for a municipal facility or a public utility use as follows:
   a. a parapet wall or cornice may extend above the height limit not more than three (3) feet
   b. flagpoles may project up to fifty (50) feet in height above finished grade.
   c. schools, public libraries, municipal buildings, and museums may be built to a height not to exceed three (3) stories.
   d. public utility facilities may be built to a height not to exceed fifty (50) feet.
4. In connection with a Special Permit application under Section 5.1.E.1. of these Regulations for an addition to an existing building devoted to a not-for-profit community health facility use, the Commission may modify the height and coverage limitations in Section 5.1.F. when it finds that all of the following conditions have been satisfied:
   a. The increase in building coverage that may be permitted shall not cause total building coverage to exceed 25 percent (25%) of the total leasehold area;
   b. The increase in building height that may be permitted shall not cause total building height to exceed 41' and two and one half (2 1/2) stories;
   c. The granting of the modification(s) furthers one or more of the stated purposes in Section 5.1.A. of these Regulations;
   d. The granting of the modification(s) will not negatively impact other permitted uses in the Waveny Zone;
   e. The granting of the modification(s) will not hinder or discourage the appropriate use or development of adjacent property or the neighborhood; and f. The proposed new construction is consistent with all other standards contained in these Regulations.

F. Dimensional Standards

	Requirement
Maximum Building Height [1]	Thirty (30) Feet Two and One Half (2 1/2) Stories
Maximum Building Coverage	Five (5%) Percent
Minimum Front Yard	Fifty (50) Feet
Minimum Side Yard	Fifty (50) Feet
Minimum Rear Yard	Fifty (50) Feet

1. Exceptions to the building height limitations in the Waveny Zone may be applied in accordance with the criteria established in Subsection 3.7.A.

G. Special Setback Standards

Within fifty (50) feet of the boundary line of a parcel of land or a lease line for land which is used and occupied by a community health care facility:

1. No stadiums, bleachers or other structures shall be erected.
2. No public address system or exterior lighting shall be installed.
3. The following may be permitted subject to the issuance of a Zoning Permit:
   a. fences constructed of material which does not substantially obstruct light, air or ventilation.
   b. low-level, low-intensity lighting.
   c. bleachers which are neither affixed to the ground nor exceed three levels of seats.
   d. baseball backstops and similar appurtenances oriented to direct principal sports activities away from said boundary line.
   e. sports scoreboards designed to be visible principally to spectators not in said setback area.

H. Temporary Signage Limitations

1. Temporary signs shall be permitted only on the sign wall at the corner of South Avenue and Farm Road, subject to the guidelines established for signs at that location.
2. On the day or days of the use or activity, a temporary sign may be erected at the South Avenue entrance, the Lapham Road entrance or the Farm Road entrance to the Waveny property, most appropriate to the actual location of the activity or use and such signs shall be removed within 24 hours of completion of the use or activity.

I. Lighting Limitations

1. Lighting facilities within the Waveny Zone shall be mounted at a height of 20 feet above grade or less except that, on land under the jurisdiction of the Board of Education, the Commission may, by Special Permit, allow lighting facilities to be mounted up to a height of 70 feet above grade after the Commission has determined that said lighting shall not have a substantially adverse impact on adjoining uses or properties.
2. Any application to erect lighting facilities in excess of 20 feet above grade, as provided above, shall be prepared by a professional engineer licensed in the State of Connecticut and specializing in lighting design and shall include complete technical details including the height and location of proposed lighting, a plan showing proposed foot-candle levels, methods of shielding adjoining properties from the source of illumination, together with all steps that have been or shall be taken to minimize the impact on adjoining properties and the neighborhood.

SECTION 5.2. PARK, RECREATION & OPEN SPACE ZONE

A. Purposes

The Park, Recreation and Open Space zone is intended to provide for the diverse range of activities and functions that occur on Town-owned properties while providing for the establishment of flexible guidelines that shall protect neighborhood and community interests.

B. Uses Permitted by Right

1. A single-family dwelling existing as of June 18, 2005 and accessory buildings or structures incidental and subordinate to the principal use.
2. Parks, playgrounds, recreation areas, greenways, and open space.
3. Temporary uses as specified in Subsection 3.3.B.7, where it is reasonably expected and affirmed by the sponsor that the net profits are to be devoted to the charitable purposes of the sponsoring organization.

C. Uses Permitted by Special Permit

1. Golf courses and uses and activities accessory thereto.
2. Buildings or structures accessory to a park, playground, recreation area, or open space provided that
   a. such building or structure shall have residential design, scale, architecture, and exterior materials compatible with the residential or recreational character of the area, and
   b. such accessory building or structure is set back and buffered from adjacent residentially used properties.
3. Community activities, whether for profit or otherwise, including shows, entertainments, concerts, displays, and rehearsals (but not to include flea markets).

D. Dimensional Standards

	Requirement
Maximum Building Height [1]	Thirty (30) Feet Two and One Half (2 1/2) Stories
Maximum Building Coverage	Five (5%) Percent
Minimum Front Yard	Fifty (50) Feet
Minimum Side And Rear Yard	Fifty (50) Feet

1. Exceptions to the building height limitations in the Park, Recreation & Open Space Zone may be applied for in accordance with the criteria established in Subsection 3.7.A.

SECTION 5.3. MULTI-FAMILY ZONE

A. Purposes

The Multi-family Zone is intended to allow for a diversity of housing types in New Canaan while retaining community character.

B. Permitted by Zoning or Other Permit

1. Single-family dwelling.
2. For a single-family dwelling:
   a. accessory uses subject to the same conditions and limitations provided in Section 3.3, and
   b. accessory structures subject to the same conditions and limitations provided in Section 3.4.
3. For a multi-family dwelling, a home office, keeping of animals and other customary uses subject to the same conditions and limitations provided in Subsection 3.3.A.

C. Permitted by Special Permit

The following uses may be permitted by the Commission by Special Permit provided that the construction, alteration or use shall comply with the requirements of this Section:

1. Individual dwelling units in detached buildings or multiple dwelling units in one or more buildings at a density of up to 4.0 units per acre of buildable land.
2. Individual dwelling units in detached buildings or multiple dwelling units in one building by a not-for-profit organization at a density of up to 6.0 units per acre of buildable land.
3. Common recreational facilities such as swimming pools or tennis courts and other uses accessory to a permitted use.

D. Dimensional Standards

1. Lot- Related Standards

Minimum zone unit area	30,000 square feet
Minimum zone unit width	100 feet
Minimum front yard setbacks	25 feet
Minimum side and rear yard setbacks for a principal building	25 feet
Minimum side and rear yard setbacks for an accessory building	15 feet
Maximum building coverage	30%
Minimum landscaped area	50%

2. Building-Related Standards

Maximum principal building height	2 ½ stories 30 feet
Maximum total principal building height	40 feet
Maximum accessory building height	20 feet 1 ½ story
Minimum gross floor area per unit	750 square feet excluding basements, attic space and garage space

E. Specific Lot-Related Standards

1. Landscaped front, side and rear yard buffer areas shall be provided adjacent to each property line of the subject parcel except that if adjacent properties have been developed with a similar use, the Commission may, by Special Permit, modify the buffer area requirement.
2. Side and rear yard buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order and present a reasonably opaque, natural barrier to a height of at least ten (10) feet.
3. Parking areas, including garages, shall:
   a. comply with Section 6.2 hereof,
   b. not be located in any required yard setback,
   c. be suitably screened from adjoining residential uses, and
   d. to the extent feasible, be designed so that vehicle headlights do not shine directly into the window of any dwelling unit on or off the premises.
4. Driveways and entrance and exit drives shall:
   a. have a minimum width of twenty (20) feet for two-way travel and fifteen (15) feet for one-way travel,
   b. not be permitted within any side or rear yard setback,
   c. be surfaced with asphalt or another suitable non-erodible surface, and
   d. be laid out so as to prevent traffic hazards and nuisances.
5. Exterior lighting shall:
   a. be provided and maintained by the owner at all access points to streets, parking areas, building entrances and elsewhere where required for the safety of vehicular or pedestrian traffic, and
   b. not be directed into any abutting properties.
6. Sidewalks shall:
   a. have a minimum width of five (5) feet,
   b. be concrete, brick, or other surface acceptable to the Commission, and
   c. be provided between dwelling units and parking areas, streets and driveways.
7. Any outdoor recreation facilities shall comply with the criteria specified in Subsection 3.4.B.4 or Subsection 3.4.C.2.

F. Specific Building-Related Standards

1. No residential building shall contain more than four (4) dwelling units.
2. Every principal and accessory building shall be at least twenty (20) feet distant from any other building on the lot.
3. No length of continuous building wall or continuous building roof shall exceed (sixty) 60 feet unless there is an offset of at least ten (10) feet for a distance of at least twenty (20) feet.
4. In accordance with Subsection 3.6.C, new construction or remodeling of the exterior of any building in a Multi-family Zone shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.
5. All dwelling units and other uses shall be connected to and served by public water and shall be located within the sewer district.

SECTION 5.4. APARTMENT ZONE

A. Purposes

The Apartment Zone is intended to allow for a diversity of housing types in New Canaan while retaining community character.

B. Permitted By Zoning or Other Permit

1. Single-family dwelling in accordance with the use, area, and dimensional requirements of the B-Residence zone.
2. For a single-family dwelling on lots of less than 10,000 square feet in area:
   a. accessory uses subject to the same conditions and limitations provided in Section 3.3, and
   b. accessory structures subject to the same conditions and limitations provided in Section 3.4.
3. For a multi-family dwelling, a home office, keeping of animals and other customary uses subject to the same conditions and limitations provided in Subsection 3.3.A.

C. Permitted By Special Permit

The following uses may be permitted by the Commission by Special Permit provided that the construction, alteration or use shall comply with the requirements of this Section:

1. Attached or detached two family dwellings on lots of less than 15,000 square feet in area, in accordance with the use, area and dimensional requirements of the B Residence Zone except for maximum building coverage which shall comply with § 5.4.D.1.
2. Multi-family dwelling(s).
3. Common recreational facilities such as swimming pools or tennis courts and other uses accessory to a permitted use.
4. Quasi-Public Libraries
5. Religious Institutions.
6. A nonconforming multi-family dwelling in the Apartment Zone that was built in conformance with all applicable zoning regulations effective at the date of construction may:
   a. be rebuilt at the same or lesser density, and
   b. may utilize the setbacks effective at the date of construction, but at no point be less than fifteen (15) feet for side yards and 25’ for front and rear yards, and
   c. increase, allowable building coverage to 30%; provided that the Commission determines that:
      i. the proposed development is consistent with the overall development pattern of the area, and
      ii. the size of the proposed structure(s) will be in harmony with the existing development of the zone, and
      iii. the proposed design is of high-quality, including high-quality construction materials consistent with the design standards of the Business Zones and Village District Guidelines.

Dimensional Standards

1. Lot- Related Standards

Minimum zone unit area	15,000 square feet
Minimum zone unit width	100 feet
Minimum front yard setbacks	25 feet
Minimum side and rear yard setbacks for a principal building	25 feet
Minimum side and rear yard setbacks for an accessory building	15 feet
Maximum density	One (1) unit per 5,000 square feet of lot area
Maximum building coverage	25%
Minimum landscaped area	50%

2. Building-Related Standards

Maximum principal building height	2 ½ stories 30 feet
Maximum total principal building height	40 feet
Maximum accessory building height	20 feet 1 ½ story
Minimum gross floor area per unit	750 square feet excluding basements, attic space and garage space

D. Specific Lot-Related Standards

1. Landscaped front, side and rear yard buffer areas of at least fifteen (15) feet in width shall be provided adjacent to each property line of the subject parcel.
2. Side and rear yard buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order and present a reasonably opaque, natural barrier to a height of at least ten (10) feet.
3. Recreational areas shall be provided with:
   a. A minimum of 200 square feet per dwelling unit.
   b. No dimension less than twenty (20) feet.
   c. Not more than one-quarter of any such area to have a grade greater than five percent.
   d. No boundary line to be less than ten (10) feet from any building or less than five (5) feet from any interior lot line.

4. Modification of Standards
   When considering a special permit application for new construction of multi-family dwellings pursuant to Section 5.4.C.2. of these Regulations, the Commission may reduce the required width of no more than one (1) landscaped side yard buffer and the required minimum area, dimensions, and boundary line requirements of the required recreational areas set forth in Section 5.4.D. of these Regulations when it finds that all of the following conditions have been satisfied:
   a. The subject property is legally nonconforming as to lot width, provided that the property was in different ownership than all abutting land on December 15, 1956, and has continued to be in different ownership than all abutting land;
   b. The subject property will only be used for multi-family residential use;
   c. Such modification(s) will facilitate the creation of additional housing in furtherance of the purposes of the Apartment Zone set forth in Section 5.4.A.;
   d. Such modification(s) will facilitate the elimination of a legally nonconforming commercial use;
   e. When considering the totality of the circumstances, such modification(s) will bring the subject property closer to conformity with these Regulations;
   f. The granting of the modification(s) will not hinder or discourage the appropriate use or development of adjacent property or the neighborhood or impair the value thereof; and
   g. The proposed new construction is consistent with all other standards contained in these Regulations.

E. Specific Building-Related Standards

1. Each dwelling unit shall have access to a service entrance opening into a rear or side yard.
2. No length of continuous building wall or continuous building roof shall exceed sixty (60) feet unless there shall be an offset of at least ten (10) feet for a distance of at least twenty (20) feet.
3. Any open courtyard surrounded by a building or buildings shall be at least twice as wide as the highest wall of the courtyard and shall, in area, be at least twice the square of the smallest dimension.
4. For an open courtyard between buildings, buildings separated at nearest points by at least the average of their combined heights may overlap for a distance not to exceed ten (10) feet.

F. Specific Parking-Related Standards

1. Parking areas shall:
   a. comply with Section 6.2 hereof,
   b. be located at least 10 feet from any dwelling unit within the development unless it is an attached garage or underground parking, and
   c. be suitably screened from adjoining residential uses.
2. Enclosed garage spaces, if provided, shall be considered as satisfying the minimum off-street parking requirement for the development provided there shall be at least 0.25 visitor spaces per dwelling unit.
3. No portion of any parking area shall be more than 300 feet from the entrance of any building served thereby.
4. To the extent feasible, parking areas and access drives shall be designed so that vehicle headlights do not shine directly into the window of any unit.

G. Other Standards

1. In accordance with Subsection 3.6.E, new construction or remodeling of the exterior of any multi-family residential building containing four (4) or more units shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.
2. All dwelling units and other uses shall be connected to and served by public water and shall be located within the sewer district.
3. Driveways and entrance and exit drives shall:
   a. have a minimum width of twenty (20) feet for two-way travel and fifteen (15) feet for one-way travel,
   b. not extend within ten (10) feet of any building used wholly or in part for dwelling purposes unless it is an attached garage or underground parking,
   c. be surfaced with asphalt or another suitable non-erodible surface, and
   d. be laid out so as to prevent traffic hazards and nuisances.
4. Exterior lighting shall:
   a. be provided and maintained by the owner at all access points to streets, parking areas, building entrances and elsewhere where required for the safety of vehicular or pedestrian traffic, and
   b. not be directed into any abutting properties
5. Sidewalks shall:
   a. have a minimum width of five feet (5’),
   b. be concrete, brick, or other surface acceptable to the Commission, and
   c. be provided between dwelling units and parking areas, streets and driveways.
6. Any outdoor recreation facilities shall comply with the criteria specified in Subsection 3.4.B.4 or Subsection 3.4.C.2.

SECTION 5.5. FLOODPLAIN OVERLAY ZONE

A. Purpose

The Floodplain Overlay Zone is intended to provide reasonable notice regarding property that may be subject to the effects of flooding.

B. Standards

Principal and accessory buildings, structures, uses, and activities allowed in the underlying zone are permitted in the Floodplain Overlay Zone provided that they comply with the requirements of the Town Code relating to floodplains and any requirements of the Environmental Commission, acting as the administrator of the floodplain standards.

SECTION 5.6. AQUIFER PROTECTION OVERLAY ZONE

A. Purpose

The purpose of the Aquifer Protection Zone is to preserve the quality and quantity of the groundwater supply by regulating land uses which may cause contamination of designated aquifers and aquifer recharge areas.

B. Standards

Principal and accessory buildings, structures, uses, and activities allowed in the underlying zone are permitted in the Aquifer Protection Overlay Zone provided that they comply with the requirements of the Town Code relating to aquifer protection and any requirements of the Environmental Commission, acting as the administrator of the aquifer protection standards.

SECTION 5.7. MILLPORT HOUSING ZONE

A. Purpose

The Millport Housing Zone is intended to increase economic diversity of housing types in New Canaan by allowing a small, well-designed and landscaped multi-family development.

B. Properties Eligible for Rezoning to Millport Housing Zone

To be eligible for rezoning to Millport Housing Zone, a parcel or parcels to be merged must total at least four (4.0) acres and have no less than 300 feet of frontage on Millport Avenue.

C. Uses Permitted by Site Plan Approval

Multi-family residential dwellings with a maximum of forty (40) units per building, with a total density of not more than thirty (30) units per gross acre.

D. Accessory Uses Permitted by Site Plan Approval

1. Free-standing garage structures of not more than six spaces, with a minimum side yard of ten (10) feet.

2. Home offices and minor home occupations allowed by Sections 3.3.A.4 and 3.3.B.4.

E. Dimensional Standards

1. Lot-Related Standards

Maximum building coverage	30 percent
Maximum combined impervious coverage	65 percent

2. Principal Building Standards

Maximum height (vertical distance from average grade of building to highest mean elevation between highest ridge and lowest corresponding eave)	**40 feet**
Maximum total height	**50 feet**
Maximum stories	**4.0 stories**
Minimum front yard	10 feet
Minimum side yard	12 feet
Minimum rear yard	15 feet
Minimum separation distance between buildings	5 feet
Parking	**1.0 space** per apartment home

F. Site Plan Standards

1. In accordance with Subsection 3.6.C, new construction or renovation of the exterior of any multi-family residential building or any detached garage shall be reviewed using the criteria set forth in subsection 6.12.D of these Regulations.

2. All dwelling units and other uses shall be located within the sewer district, and shall be connected to public water.

3. Driveways and entrance and exit drives shall:

   a. have a minimum width of eighteen (18) feet for two-way travel and twelve (12) feet for one-way travel;

   b. be surfaced with asphalt or another suitable non-erodible surface; and

   c. be laid out so as to prevent traffic hazards and nuisances.

4. Parking stalls shall be eight (8) feet, six (6) inches wide and twenty (20) feet long, and the site plan shall provide for driving aisles at least twenty-four (24) feet wide.

5. Exterior lighting shall:

   a. be provided and maintained at all access points to streets, parking areas, building entrances, and elsewhere where required for the safety of vehicular or pedestrian traffic;

   b. not be directed into any abutting properties; and

   c. comply with Section 6.11.

6. Sidewalks shall:

   a. have a minimum width of four (4) feet;

   b. be concrete, brick, or other surface acceptable to the Commission; and

   c. be provided between dwelling units and parking areas, streets, and driveways.

7. Retaining walls shall:

   a. have a maximum height of fifteen (15) feet;

   b. when tiered, be separated by at least four (4) feet;

   c. be no closer to a side property line than **five (5) feet;**

   d. have a surface treatment / appearance that is suitable to a residential development; and shall be screened from abutting property by planting or landscaping.

8. Stormwater Management: In addition to compliance with Section 6.4.J of these Regulations, applicant shall use Low Impact Design practices and techniques to the maximum extent possible, including the use of a "green roof" to collect and renovate stormwater.

9. Grading, Excavation, Soil Disturbance.

   a. Excavating, grading, or soil disturbance, including removal of trees and vegetative ground cover, shall occur only as specifically approved by the Commission as part of site plan approval, and shall be granted only as essential to the construction or alteration of residential and accessory buildings, and installation of driveways, utilities, or amenities.

   b. The applicant shall provide the Commission, in connection with its site plan application, a calculation and specification of the amount, lateral extent, and depth of earth materials to be excavated; materials to be reused on-site; materials to be imported; and a net cut / fill calculation.

   c. The application erosion control plan shall specifically address controls tailored to the amount, location, and timetable for cut, fill, excavation, and import / export.

   d. The applicant shall comply with the provision of Section 6.4.H and 6.4.I of these Regulations.

G. Standards and Regulations for Household Income and Sale / Resale Price Limitations

A development in a Millport Housing Zone shall be either a "set aside development" or "assisted housing" in compliance with General Statutes § 8-30g.

H. Affordable Apartment Home Requirements

The purpose of the Millport Housing Zone is to facilitate a residential community containing household income / price-restricted dwellings that comply with § 8-30g of the General Statutes. The following requirements shall apply:

1. Affordable apartment homes shall be of a construction quality that is comparable to a baseline specification for market-rate homes (if any) within the community. The Affordability Plan shall identify the locations within the community of the affordable apartment homes.

2. Calculation of the maximum monthly payment for affordable apartment homes, so as to satisfy General Statutes § 8-30g, shall utilize the median income data as published by the U.S. Department of Housing and Urban Development in effect on the day a lease is executed.

3. The maximum monthly payment that the owner of an affordable apartment home shall pay shall not be greater than the amount that will preserve such unit as defined in General Statutes § 8-30g.

4. An affordable apartment home shall be occupied only as a principal residence. Sub-leasing of affordable apartment homes shall be prohibited.

5. Notice of availability of the apartment homes shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of New Canaan, by providing notice to the New Canaan Town Council, the New Canaan Town Clerk, and the New Canaan Planning and Zoning Commission, and through the procedures outlined in the affirmative fair housing marketing plan in the Affordability Plan.

6. Each lease for an affordable apartment home will contain substantially the following provision:

   "This apartment home is an affordable housing unit and is therefore subject to a limitation at the date of leasing and occupancy on the maximum annual income of the household that may occupy the apartment home, and is subject to a limitation on the maximum monthly rent. These limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of New Canaan."

7. The forty (40) year affordability period shall be calculated separately for each affordable apartment home in a Millport Housing Zone, and the period shall begin on the date, as stated in the lease, of occupancy of the affordable apartment home.

8. A violation of the Regulations contained in this Section shall not result in a forfeiture or reversion of title, but the New Canaan Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

I. Conflicts

Where any provision of this Section conflicts with any other provisions of the New Canaan Zoning Regulations, the provisions of this Section shall govern.

J. Submission Requirements

1. As applicant seeking approval of a site plan for a Millport Housing Zone development shall submit all information required by Section 8.2 of these Regulations.

2. The applicant shall also submit an Affordability Plan explaining how household income and rental price limits will be calculated and administered, and how the development will comply with General Statutes § 8-30g.

Adopted – November 29, 2016
Effective – December 29, 2016
Corrected Version – April 7, 2017 Corrected Language Underlined

SECTION 5.8. PEDESTRIAN ORIENTED MULTI-FAMILY ZONE (POMZ)

A. Purpose

The Pedestrian Oriented Multi-Family Zone (POMZ) is intended to add to the diversity of housing types in New Canaan located within walking distance (less than 1,000 feet) of the Metro North train station and downtown, and in an area that has the potential for development of higher density multi-family buildings within the Apartment Zone that supports transit and local demand for shops and services. The POMZ is an overlay zone, which enables an applicant to request Special Permit approval of a development using the provisions of this Section instead of those for the Apartment Zone, the underlying zone. The POMZ modifications to the Apartment Zone regulations are in conformance with the Plan of Conservation and Development and are designed to preserve health, safety, property values, and the residential character of New Canaan, broaden the housing opportunities in and near downtown, provide additional residential development within walking distance of the train station and the downtown shopping area, provide open spaces and opportunities for public access and connectivity, establish mid-block links in the pedestrian circulation system, minimize land area for surface parking, provide workforce housing, and establish parking requirements that support transit use and reduce land invested in parking.

B. Properties Eligible for rezoning to POMZ Zone

To be eligible for rezoning to POMZ:

1. The lot size must be at least three and one-quarter (3.25) acres;

2. The three and one-quarter (3.25) acre minimum shall have been held as a single parcel of land, whether by one owner or successive owners, for at least ten (10) consecutive years prior to an application for a zone change to POMZ zone;

3. The lot must have been located within the Apartment Zone for at least ten (10) years and in walking distance (less than 1,000 feet) to downtown and Metro North Train station;

4. At the time of the application the property must be connected to public water supply;

5. At the time of the application the property must be served by the Town sewage system; and

6. The planned multifamily buildings and units must comply with this Section of the Regulations as well as all other applicable provisions of the Regulations. In the event of any conflict between the provisions of this Section and any other Section of the Regulations, the provisions of this Section shall control.

C. Uses Permitted by Special Permit Approval

Multi-family residential dwellings units in one or more buildings located on at least a three and one-quarter (3.25) acre lot as set forth in Subsections 5.8.B.1 and 2.

Uses customarily associated with services for multi-family residential dwellings (i.e. indoor fitness facilities, storage facilities, dry cleaning drop off and pick up, storage of lawn and maintenance equipment, etc.)

D. Accessory Uses Permitted by Special Permit

A home office, keeping of animals and other customary uses subject to the same conditions and limitations provided in Subsection 3.3.A.

E. Dimensional Standards

1. Lot- Related Standards

Minimum zone unit area	140,000 square feet
Minimum zone unit width	200 feet
Minimum front yard setbacks	25 feet
Minimum side and rear yard setbacks for all buildings	25 feet[1]
Maximum density	One (1) unit per 1,200 square feet of lot area
Maximum building coverage	35%
Minimum open space area[2]	50%

2. Building-Related Standards

Maximum building height[3]	45 feet
Maximum total building height	55 feet
Maximum stories	4 stories
Maximum accessory building height	20 feet 1 ½ story
Minimum gross floor area per unit	650 square feet
Maximum number of units	One hundred and twenty-five (125) units

[1] The Commission may reduce the minimum side yard to no less than 12 feet in areas where the building on the adjacent property is more than 40 feet away. [2] Includes walks and open space over underground garages and excludes buildings and vehicular drives and parking. [3] In order to accommodate the underground parking, peaked roofs, and open space requirements, building height is determined by measuring from the entry level to the eave line and total building height is measured from the entry level.

3. Minimum Parking

Parking Spaces	1.5 spaces per unit

F. Specific Lot-Related Standards

1. Landscaped front, side and rear yard buffer areas of at least twelve (12) feet in width shall be provided adjacent to each property line of the subject parcel.

2. Side and rear yard buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order and present a reasonably opaque, natural barrier to a height of at least ten (10) feet.

3. Open space areas shall be provided with improvements that encourage pedestrian circulation for mid-block connections and a sense of community and place.

G. Specific Parking-Related Standards

1. Eighty percent (80%) of the parking spaces on the site must be located underground.

2. Parking areas shall:

   a. comply with Section 6.2 of these Regulations, except as otherwise provided within this section; and

   b. be suitably screened from adjoining residential uses.

3. Parking stalls shall be at least nine (9) feet wide and eighteen (18) feet long, and the site plan shall provide for driving aisles for perpendicular parking of at least twenty-four (24) feet wide.

4. No portion of any parking area shall be more than 300 feet from the entrance of any building served thereby.

5. To the extent feasible, parking areas and access drives shall be designed so that vehicle headlights do not shine directly into the window of any unit.

6. Tandem Parking shall be allowed by the Site Plan Approval if the spaces in tandem configuration are allocated to one dwelling unit. No parking attendant shall be required.

H. Site Plan and Other Standards

1. The POMZ development shall be reviewed using the criteria set forth in Subsection J of this Section.

2. All dwelling units and other uses shall be connected to and served by public water and shall be located within the sewer district.

3. Driveways and entrance and exit drives shall:

a. have a minimum width of twenty (20) feet for two-way travel and twelve (12) feet for one-way travel;

b. not extend within ten (10) feet of any building used wholly or in part for dwelling purposes unless it is an attached garage or underground parking;

c. be surfaced with asphalt or another suitable non-erodible surface; and

d. be laid out so as to prevent traffic hazards and nuisances.

4. Exterior lighting shall:

a. be provided and maintained by the owner at all access points to streets, parking areas, building entrances and elsewhere where required for the safety of vehicular or pedestrian traffic; and

b. not be directed into any abutting properties.

5. Sidewalks shall:

a. have a minimum width of five feet (5');

c. be concrete, brick, or other surface acceptable to the Commission; and

d. be provided between dwelling units and parking areas, streets and driveways.

I. Submission and other Approval Requirements

1. An applicant seeking approval for the rezoning of land to POMZ and of an accompanying Special Permit for development of multi-family residential dwellings in accordance herewith shall submit all information required in this Section and by applicable Sections of Article 8 of these Regulations.

2. Before the commission approves such special permit and rezoning application, it shall review the applications in accordance with applicable Sections of Article 8 if these Regulations and shall determine that the application is in conformance with this section of the Regulations as well as all other applicable provisions of the Regulations. In the event of any conflict between the provisions of this Section and any other Section of the Regulations, the provisions of this Section shall control.

J. Design Review

1. Purpose

This Subsection is intended to govern the design aspects for POMZ and aid applicants in ensuring that their designs for a POMZ development encourage high quality building and site design, comply with the Plan of Conservation and Development, are designed to preserve health, safety, property values, and the residential character of New Canaan, broaden the housing opportunities near downtown, provide additional residential development in walking distance to the train station and downtown, reduce land utilized for

parking, and encourage public transit use and pedestrian access to downtown.

2. Procedure

The Commission shall review an application submitted pursuant to this Section in relation to the design guidelines of this Subsection.

3. Guidelines

a. Relationship of Buildings to Site and Adjoining Areas

1. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and residential characteristics.

2. A unified design theme for building massing, exterior treatments and signage shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.

3. Parking areas shall be treated appropriately in relation to the building(s), and preserve the residential quality of the neighborhood and the community while supporting transit use, encouraging pedestrian acess to downtown, and reducing the amount land utilized for parking.

4. Each building shall: provide suitable multi-family housing opportuni ties for seniors and young adults be compatible with its site; be designed to preserve health, safety, property values, and the overall residential character of New Canaan; provide suitable multi-family housing opportunities within walking distance to the train station and downtown; and designed to encourage public transit use and pedestrian access to downtown.

5. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

6. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

b. Landscape and Site Treatment

1. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.

2. Plant material that is non-invasive and native or adapted species, indigenous to the area shall be selected for its ultimate growth and for interest in its shape, texture, and color.

3. Pedestrian walkways shall provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all-weather materials appropriate for the location (such as brick, concrete, or paving blocks but not earth, gravel, or loose stone).

4. Existing trees at four (4) inches or greater caliper shall be incorporated into the site plan to the extent feasible.

c. Building Design

1. Architectural features shall be of high quality and maintain a residential quality, while at the same time providing multifamily housing opportunities suitable for a transit oriented zone in walking distance of the train station and downtown.

2. Facades and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.

3. Building materials shall have good architectural character and durable quality and maintain a residential quality, while at the same time providing multifamily housing opportunities suitable for a transit oriented zone in walking distance of the train station and downtown.

4. Building textures, colors, and components shall be in harmony with a residential neighborhood.

5. Utility and service equipment areas shall be screened from public view with materials harmonious with the building(s).

d. Signs and Lighting

a. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates and shall be coordinated with the building architecture.

b. Exterior lighting, where used, shall enhance the building design and the adjoining landscape.

c. Lighting shall be restrained in design and excessive brightness avoided.

SECTION 5.9. CANAAN PARISH HOUSING ZONE

A. Purpose

The Canaan Parish Housing Zone is intended to increase economic diversity of housing types in New Canaan by allowing a small, well-designed and landscaped multi-family development.

B. Properties Eligible for Rezoning to Canaan Parish Housing Zone

To be eligible for rezoning to Canaan Parish Housing Zone, a parcel or parcels to be merged must total at least four (4.0) acres and have no less than 200 feet of frontage on Lakeview Avenue.

C. Uses Permitted by Site Plan Approval

Multi-family residential dwellings with a maximum of sixty-five (65) units per building, with a total density of not more than thirty (30) units per gross acre.

D. Accessory Uses Permitted by Site Plan Approval

1. Free-standing garage structures of not more than six spaces, with a minimum side yard of ten (10) feet.

2. Home offices and minor home occupations allowed by Sections 3.3.A.4 and 3.3.B.4.

3. Free-standing bus shelter structure with no front yard minimum.

4. Clubhouse/community space for use by tenants.

E. Dimensional Standards

1. Lot-Related Standards

Maximum building coverage	30 percent
Maximum combined impervious coverage	65 percent

2. Principal Building Standards

Maximum height (vertical distance from average grade of building to highest mean elevation between highest ridge and lowest corresponding eave)	**56 feet**
Maximum total height	**67 feet**
Maximum stories (a ground-level parking area shall not constitute a story)	**4.0 stories**
Minimum front yard	10 feet
Minimum side yard	12 feet
Minimum rear yard	15 feet
Minimum separation distance between buildings	5 feet
Parking	**1.5 spaces** per apartment home

F. Site Plan Standards

1. In accordance with Subsection 3.6.C, new construction or renovation of the exterior of any multi-family residential building or any detached garage shall be reviewed using the criteria set forth in subsection 6.12.D of these Regulations.

2. All dwelling units and other uses shall be located within the sewer district, and shall be connected to public water.

3. Driveways and entrance and exit drives shall:

    a. have a minimum width of eighteen (18) feet for two-way travel and twelve (12) feet for one-way travel;

    b. be surfaced with asphalt or another suitable non-erodible surface; and

    c. be laid out so as to prevent traffic hazards and nuisances.

4. Parking stalls shall be nine (9) feet wide and twenty (20) feet long, and the site plan shall provide for driving aisles at least twenty-four (24) feet wide.

5. Exterior lighting shall:

    a. be provided and maintained at all access points to streets, parking areas, building entrances, and elsewhere where required for the safety of vehicular or pedestrian traffic;

    b. not be directed into any abutting properties; and

    c. comply with Section 6.11.

6. Sidewalks shall:

    a. have a minimum width of four (4) feet;

    b. be concrete, brick, or other surface acceptable to the Commission; and

    c. be provided between dwelling units and parking areas, streets, and driveways.

7. Retaining walls shall:

    a. have a maximum height of fifteen (15) feet;

    b. when tiered, be separated by at least four (4) feet;

    c. be no closer to a side property line than one (1) foot;

    d. have a surface treatment/appearance that is suitable to a residential development; and shall be screened from abutting property by planting or landscaping.

8. Stormwater Management: In addition to compliance with Section 6.4.J of these Regulations, applicant shall use Low Impact Design practices and techniques to the maximum extent possible.

9. Grading, Excavation, Soil Disturbance.

    a. Excavating, grading, or soil disturbance, including removal of trees and vegetative ground cover, shall occur only as specifically approved by the Commission as part of site plan approval, and shall be granted only as essential to the construction or alteration of residential and accessory buildings, and installation of driveways, utilities, or amenities.

    b. The applicant shall provide the Commission, in connection with its site plan application, a calculation and specification of the amount, lateral extent, and depth of earth materials to be excavated; materials to be reused on-site; materials to be imported; and a net cut/fill calculation.

    c. The application erosion control plan shall specifically address controls tailored to the amount, location, and timetable for cut, fill, excavation, and import/ export.

    d. The applicant shall comply with the provision of Section 6.4.H and 6.4.1 of these Regulations.

G. Standards and Regulations for Household Income and Sale/Resale Price Limitations

A development in a Canaan Parish Housing Zone shall be either a "set aside development" or "assisted housing" in compliance with General Statutes § 8-30g.

H. Affordable Apartment Home Requirements

The purpose of the Canaan Parish Housing Zone is to facilitate a residential community containing household income/price-restricted dwellings that comply with § 8-30g of the General Statutes. The following requirements shall apply:

1. Affordable apartment homes shall be of a construction quality that is comparable to a baseline specification for market-rate homes (if any) within the community. The Affordability Plan shall identify the locations within the community of the affordable apartment homes.

2. Calculation of the maximum monthly payment for affordable apartment homes, so as to satisfy General Statutes § 8-30g, shall utilize the median income data as published by the U.S. Department of Housing and Urban Development in effect on the day a lease is executed.

3. The maximum monthly payment that the owner of an affordable apartment home shall pay shall not be greater than the amount that will preserve such unit as defined in General Statutes § 8-30g.

4. An affordable apartment home shall be occupied only as a principal residence. Sub-leasing of affordable apartment homes shall be prohibited.

5. Notice of availability of the apartment homes shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of New Canaan, by providing notice to the New Canaan Town Council, the New Canaan Town Clerk, and the New Canaan Planning and Zoning Commission, and through the procedures outlined in the affirmative fair housing marketing plan in the Affordability Plan.

6. Each lease for an affordable apartment home will contain substantially the following provision:

   "This apartment home is an affordable housing unit and is therefore subject to a limitation at the date of leasing and occupancy on the maximum annual income of the household that may occupy the apartment home, and is subject to a limitation on the maximum monthly rent. These limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of New Canaan."

7. The forty (40) year affordability period shall be calculated separately for each affordable apartment home in a Canaan Parish Housing Zone, and the period shall begin on the date, as stated in the lease, of occupancy of the affordable apartment home.

8. A violation of the Regulations contained in this Section shall not result in a forfeiture or reversion of title, but the New Canaan Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

I. Conflicts

Where any provision of this Section conflicts with any other provisions of the New Canaan Zoning Regulations, the provisions of this Section shall govern.

J. Submission Requirements

1. As applicant seeking approval of a site plan for a Canaan Parish Housing Zone development shall submit all information required by Section 8.2 of these Regulations.

2. The applicant shall also submit an Affordability Plan explaining how household income and rental price limits will be calculated and administered, and how the development will comply with General Statutes § 8-30g.

SECTION 5.10. QUASI-PUBLIC LIBRARY OVERLAY ZONE (LZ)

A. Purpose

The Quasi-Public Library Zone (LZ) is intended to facilitate an excellent Quasi-Public Library facility in the downtown to provide services and collections, and enhanced facilities for lifelong learning, cultural enrichment and information exchange for the local community. It recognizes a library's contribution to New Canaan's overall quality of life, economic vitality, property values, and capacity to enhance and sustain the downtown area. The LZ Zone is an overlay zone that enables the applicant to request Special Permit approval of a development that complies with the provisions of this Section instead of the mandatory base standards of the underlying zone(s) to address its unique spatial needs, and to encourage it to provide a downtown venue for community and non-profit events; to add open space; and to enhance pedestrian connectivity to shops and services. It promotes efficiencies in the use of land and energy to lessen the environmental impact on the Town's built environment. The LZ Zone supports and is consistent with the goals and objectives of the Plan of Conservation and Development.

B. Properties Eligible for Rezoning to LZ Zone

To be eligible for rezoning to the LZ Zone:

1. The minimum proposed lot area shall be 2 acres;

2. The lot shall have frontage on a State Route;

3. The lot(s) is currently located in a Retail, Business, and/or an Apartment Zone.

4. The lot shall currently be served by public water and located within the town sewer district; and

5. The planned building and site improvements shall comply with this Section of the Regulations as well as all other applicable provisions of the Regulations not modified by this Section. In the event of conflict between the provisions of this Section and any other Section of the Regulations, the provisions of this Section shall control.

C. Uses Permitted by Special Permit Approval

1. A Quasi-Public Library.

D. Accessory Uses Permitted by Special Permit

1. A Private Park, privately-owned and open to the public, available for use for library programs, cultural purposes and civic events;

2. An auditorium;

3. An indoor, commercial-grade Kitchen for educational use in conjunction with library programs and available for catering a function or event held in the facility's community room(s), auditorium, or outdoor civic space;

4. An indoor café as an on-site amenity for library patrons and visitors, operated by the property owner or an outside vendor; and

5. A rooftop terrace.

E. Dimensional Standards

1. **Lot-Related Standards**

Minimum Zone Unit area	87,120 square feet
Minimum Zone Unit width	100 feet
Minimum Front Yard setback	20 feet
Minimum side yard setbacks	5 feet
Minimum rear yard setback	25 feet
Maximum building coverage	30 %
Minimum open space area[1]	50 %

2. **Building-Related Standards**

Maximum building height	40 feet
Maximum total building height	50 feet
Maximum number of stories	2.5 stories
Maximum total accessory building height	25 feet/1.5 stories

3. **Minimum Parking Required for a Quasi-Library Use**

As determined by the Commission after review and consideration of a parking needs study prepared by a qualified professional traffic engineer or traffic consultant submitted by the applicant, and as may be modified pursuant to Subsection G. of this Section.

F. Specific [Special] Lot-Related Standards

1. A new open space area shall be provided with improvements for library programs, cultural and passive recreational, and civic use and open to the public during reasonable days and times as determined by the Applicant. Public access to such open space area shall have direct pedestrian access from a public right-of-way.

2. Landscaped buffers at least 15 feet in depth shall be provided along the front lot line(s) of the lot.

3. Landscaped buffers at least 5 feet in depth or a fence at least 4 feet in height shall be provided adjacent to any side or rear lot lines of the lot abutting a commercially-zoned lot, and a landscaped buffer of at least 20

[1] Includes landscaped and lawn areas, walkways, terraces and site walls, and excludes buildings, vehicular drives and service courts, and parking.

feet in depth adjacent to any side or rear lot lines abutting a residentially-zoned lot.

G. Specific Parking-Related Standards

1. Parking areas shall comply with dimensional standards and Section 6.2 of these Regulations except as otherwise set forth within this Section.

2. Up to 20 percent (20%) of the total minimum number of required parking spaces may be compact car spaces, with a minimum dimension of 8 feet by 16 feet. Compact car spaces shall be grouped together in uniform bays and striped with yellow paint, and with signage posted or painted on each space stating “Compact Cars Only”.

3. All required parking shall be located on the same lot as the use served, or an off-site parking facility within 500 feet as measured from the most distant off-site parking space reserved for library use to the building.

4. Subject to Site Plan and Special Permit approval and, if required, approval of a Municipal Improvement pursuant to Section 8-24 of the Connecticut General Statutes, the minimum parking requirement for a Quasi-Public Library use may be met in total or in part on Town-owned land, or on privately-owned land, or a combination thereof, provided the following conditions, as applicable, are met:

   a. The off-site parking area shall provide sufficient spaces to comply with the parking requirement for all uses served by the off-site parking facility.

   b. The Town-owned land abuts or is located directly across the street from the subject lot. On-street public parking spaces are not eligible to meet this requirement; and

      i. The Town-owned lot has enough excess land to construct additional parking spaces in conformance with the parking dimensional standards set forth in Section 6.12 of the Regulations that, once built, will accommodate both the general public’s peak parking demand and the library’s projected peak parking demand;

      ii. The Town-owned parking facility, inclusive of any improvements, shall continue to be wholly owned by the Town.

      I. The applicant shall enter into an agreement (license, lease, or easement) with the Town for use of a specified number of parking spaces in the subject Town-owned lot to meet, in part or in whole the minimum parking requirement under this Section and shall maintain such lease agreement to ensure continued zoning compliance with this Section.

   c. In the case of the proposed use of off-site parking on privately-owned land for library staff only:

i. Any prior Special Permit approval allowing required parking for library staff parking to be satisfied off-site shall remain in effect; or if a new off-site parking location is proposed, such parking facility shall be located in a Retail, Business, or Apartment Zone.

ii. An agreement (license, lease, or easement) allowing such use by library staff shall be entered into between the library and the private property owner, a notice of which shall be filed on the Town land records.

5. If the agreement for use of such off-site private parking facility expires, the applicant shall return to the Commission for approval of a modification of its Special Permit with respect to parking.
6. For Library uses in the LZ Overlay Zone at least one (1) electric vehicle charging station shall be provided on site, the PZC shall make a determination whether additional electric vehicle charger are required and how many.

H. Site Plan Standards

1. In reviewing the proposed LZ Zone development, the Commission shall use the design guidelines set forth in Subsection K. of this Section.

2. All site utility connections shall be located underground.

3. The Commission may require Applicants to take appropriate actions in order to preserve various natural and/or manmade features on the site.

I. Continued Use of Existing Facilities While New Approved Facilities under Construction

The Commission, by Special Permit, may authorize the applicant to continue the use and operation of existing facilities on the lot during construction of any new improvements approved under this Section, upon finding that the proposed construction phasing and logistics plan submitted by the applicant demonstrates that adequate library patron and staff parking, loading, and public safety measures will be provided and enforced throughout construction.

J. Submission and Other Approval Requirements

1. An applicant seeking approval for the rezoning of land the LZ Zone and of an accompanying Special Permit and Site Plan for the construction, additions to and/or alterations of a Quasi-Public Library in accordance with this Section shall submit all information required under the Section and by any applicable Sections of Article 8 of these Regulations.

2. The Site Plan application shall include a preliminary construction phasing and logistics plan that details the location of construction access, staging area(s) and contractor parking, and public safety measures to be implemented during construction.

3. Before granting an approval, the Commission shall review the application for rezoning the lot to an LZ Zone, Special Permit and Site Plan in accordance with applicable provisions set forth in Article 8 of these Regulations and shall determine that the applications are in conformance with this Section and any other applicable provisions of the Regulations. In the event of any conflict between the provisions of this Section and any other Section of the Regulations, the provisions of this Section shall control.

K. Design Review

1. **Purpose**

This Subsection is intended to guide the aesthetic design of the proposed buildings and site improvements in a LZ Zone encourage a high quality building and site design, complement the general purpose and intent of Section 6.12 of these Regulations, and are consistent with applicable goals of the Plan of Conservation and Development to preserve and enhance the public health, safety and welfare, promote pedestrian connectivity to the downtown, and to reduce the amount of land used for parking in order to conserve environmental resources. These design guidelines also encourage, to the extent practicable, the incorporation of site and building materials and systems to increase the efficiency with which a building uses energy and natural resources and materials to reduce building impacts on public health and environment during the building's lifecycle.

2. **Procedure**

The Commission shall review an application made pursuant to this Section in relation to the design guidelines of this Subsection.

3. **Design Guidelines**

a. Site Infrastructure Standards

i. Site planning shall promote the control of stormwater and stormwater pollutants exiting the site. Incorporation of Low-Impact Development ("LID") Principles set forth in the 2004 Connecticut Stormwater Quality Manual is encouraged.

b. Exterior Building Design

i. The overall building design shall be of superior quality, cohesive with site design features, and express the library's function as an institutional use.

ii. Exterior building walls and rooflines shall be varied in plane and/or materials to reduce the appearance of bulk, and provide architectural interest.

iii. To ensure a diverse street wall façade and promote the pedestrian scale in the downtown, no length of continuous building wall at grade level shall exceed 75 feet without being separated by a variation in its horizontal plane at grade level by an inset or projection of a minimum of 7 feet for a minimum horizontal distance of at least 15 feet, or by a window with a minimum width of 15 feet. At least 30% of the wall plane on each side of the building's upper stories shall be transparent.

iv. Building textures, colors and other exterior architectural features shall be harmonious with the building project's site design. Use of natural materials such as stone, wood or brick for building walls is encouraged.

v. Utility and service equipment areas located at grade or on a rooftop shall be screened from public view with materials complementary to the building's architecture or landscape design.

vi. A proposed new building or building addition shall incorporate to the extent practicable materials and systems that provide optimized energy reduction strategies, including but not limited to: daylight sensors and optimization; high efficiency mechanical, electrical and lighting systems; low emitting glazing; window shades; photovoltaic panels; and high-albedo surfaces that reduce heat island effect.

vii. Use of low-emitting materials and moisture management systems indoors to improve indoor air quality is encouraged.

viii. Electric and water conservation measures such as daylight sensors for shutting off lights during inactive or after-hours periods, and low-flow plumbing fixtures.

c. Landscape and Hardscape Treatments and Design

i. Proposed landscape and hardscape treatments shall represent a unified plan and aesthetically relate to and enhance architectural and site features, and screen unsightly areas.

ii. Additional landscaping beyond that minimally required by this Section is encouraged to further "green" the downtown and enhance the facility's public health benefits.

iii. Plans shall include a desirable streetscape that offers a pleasing transition from the central retail district to the neighboring residential areas. At least one (1) shade tree having a caliper of not less than 2 inches as measured at 4 feet above grade shall be provided within the front landscaped area for each 50 feet of street frontage or fraction thereof unless precluded by natural topographic conditions (such as depth to bedrock), or the location of utility lines or easements.

iv. Interior lot lines adjacent to commercial uses shall be suitably screened by a decorative fence or wall and/or closely planted evergreen shrubs to a height of 6 feet.

v. Planting beds are recommended along exposed building edges, foundations and uninterrupted walls. Plantings shall provide either a formal pattern or a naturalistic blend of heights, colors, and textures for visual relief and lessen the heat-island effects of adjacent paved surfaces. Planted areas located adjacent to a building shall be a minimum of 7 feet in width.

vi. Plant material that is hardy, non-invasive and locally native and tolerant to drought and urban conditions shall be selected for its ultimate growth at maturity, and for interest in shape, texture and color.

vii. Parking Area Landscaping Standards set forth in Section 6.1 D. of these Regulations shall apply.

viii. Outdoor Loading and service areas shall be adequate to safely and efficiently serve the facility, designed to minimize conflict points for pedestrians, and screened from view from public rights-of-way to the extent practicable.

ix. Convenient pedestrian use and connections within the site and surrounding streets. These features shall be constructed of all-weather materials such as semi-pervious asphalt, brick, concrete, or paving blocks.

x. Site Signage and Exterior Lighting

a) Each sign shall be designed as an integral architectural building or site element and coordinated with the design vocabulary of the building architecture.

b) The number, location and maximum dimensions of signs allowed in the LZ Zone shall be permitted by Site Plan approval by the Commission after consideration of the proposed signage relationship to the size, location, topography, or other unique conditions pertaining to the lot or building(s) thereon.

c) The provisions of Section 6.3., Subsections E. through H. of these Regulations shall apply.

d) In addition to the provisions of Section 6.11 of these Regulations, exterior lighting, where used, shall enhance the building design and site landscaping, and shall be restrained in design and excessive brightness.

4. **Outdoor Civic Spaces**

Property owners in the LZ Zone are encouraged to create outdoor open spaces that benefit a greater number of the public. Such outdoor spaces can be small, integrated into the site or buildings, and serve dual purposes. Such areas may include, but are not limited the following:

- Courtyards and Forecourts
- Private Parks
- Playgrounds
- Rooftop Gardens and Terraces
- Areas for visual and performing arts, or passive recreation.

L. Decision Considerations

In addition to the criteria set forth in Sections 8.2.A.3., 8.2.B.3., and 8.2.D.3 of these Regulations, the Commission shall consider whether the submitted Zone Change Application, the Site Plan Application, and the Special Permit Application meet the intent of the stated Purpose and Design Guidelines, and comply with the dimensional, Site Plan and Special Permit standards set forth in this Section.

M. Expiration and Completion

1. Any Site Plan approval under which no work has commenced within twenty-four (24) months from the date of Site Plan approval shall become null and void, unless the Commission approves prior to the expiration date a six (6) month extension of time based on good cause shown. The Commission shall not grant more than two (2) such six (6) month extensions.

2. All work in connection with a Site Plan shall be completed within the timeframe, as may be extended by the Commission, set forth in Section 8.2.A.6. of these Regulations.

SECTION 5.11. CONSERVATION AND TRAFFIC MITIGATION DISTRICT OVERLAY ZONES

The conservation and traffic mitigation districts are overlay zones established districts are to provide standards for parking minimums for multifamily residential pursuant to Public Act 25-1. The purpose of the conservation and traffic mitigation developments containing sixteen (16) and fewer dwelling units that are proposed within the boundaries of the district. Within the conservation and traffic mitigation districts, for a residential development that contains sixteen (16) and fewer dwelling units, the Planning and Zoning Commission shall condition through Summary Review the approval of such development on the construction of off-street parking spaces not exceeding one such space for each studio or one-bedroom dwelling unit and two such spaces for each dwelling unit with two or more bedrooms, or the number of such spaces recommended for the development by a parking needs assessment as specified in Section 6.2.F, whichever results in the least required number of off-street parking spaces

ARTICLE 6 - BASIC STANDARDS

SECTION 6.1. LANDSCAPING

A. Applicability

This Section of the Regulations shall apply whenever any proposed building, structure, or development activity requires the submission of a Site Plan application or a Special Permit application. These provisions shall not apply to the construction or development of a single-family dwelling or a two-family dwelling unless part of a multi-family development except that tree removal, grading, and excavation activities incidental to or in preparation for landscaping, demolition, construction, or site development (including single-family dwellings and two-family dwellings) may be regulated under Section 6.4, Section 6.6, and/or Section 6.7 of these Regulations.

B. Overall Landscaping Standards

1. All portions of a property not required for buildings, structures, parking, driveways, or sidewalks shall be landscaped with ground cover, trees, and evergreen shrubs.
2. To the extent possible, existing trees, vegetation, and unique site features, such as stone walls, shall be retained and protected.
3. Existing healthy, mature trees expected to survive shall be fully credited against the requirements of these Regulations.
4. The required landscaped areas may include sidewalks, but there shall be a minimum of sixty (60) percent of the required landscaped area used for planting in any Retail Zone or any Business Zone.
5. In any Retail Zone or any Business Zone, planted areas adjacent to a building shall be a minimum of three (3) feet in width and all others a minimum of five (5) feet in width.
6. In accordance with Town Code Section 54-19, the property owner shall landscape and maintain any area between the front lot line and the edge of the street pavement.
7. In any Retail Zone or any Business Zone, at least one (1) shade tree having a caliper of not less than two (2) inches, measured at four (4) feet above the ground, shall be provided within the front landscaped area for each fifty (50) feet or fraction thereof of lot frontage and along the roads bordering the property lines.
8. Where physical characteristics of the lot or existing structures make it unfeasible to comply with the requirements for a front landscaped area or landscaped parking area in any Retail Zone or any Business Zone, the Commission may approve the substitution of planters, plant boxes or pots containing trees, shrubs and/or flowers to comply with the intent of these Regulations.

C. Perimeter Landscaping Standards

1. In any Retail Zone or any Business Zone, property lines which are adjacent to residential properties shall be screened by a decorative fence or wall and/or closely-planted evergreen trees and shrubs to provide visual screening.
2. In any Retail Zone or any Business Zone, perimeter landscaping, fencing or wall treatment shall be of such type, height, spacing and arrangement which, in the judgment of the Commission, shall effectively screen the activity on the subject lot from the neighboring residential area and provide protection from noise, headlight glare and visual intrusion to dwellings and residential yards.

D. Parking Area Landscaping Standards

1. In addition to the other provisions of this Section, parking areas which contain twenty (20) or more parking spaces shall have landscaped islands providing shade trees and shrubs.
2. At least ten (10) square feet of interior landscaping within the paved portion of the parking area shall be provided for each parking space.
3. There shall not be more than ten (10) parking spaces in a row without being broken with curbing and a landscaped area to provide relief from the expanse of pavement and to provide plant materials, which have a moderating effect on noise, air pollution and temperature.
4. A landscaped area shall also be provided at the ends of parking rows to separate parking spaces from the circulation aisles.
5. Spaces which cannot be used for parking, such as perimeter corners between parking stalls, shall be incorporated into the landscaped area rather than being paved.
6. At least one (1) shade tree of not less than a two-inch caliper, measured at four (4) feet above the ground, shall be provided within the parking islands and adjacent to the parking area for every ten (10) parking spaces.
7. Each landscaped area shall contain a minimum of 100 square feet, shall have a minimum dimension of at least eight feet and shall be planted with ground cover, grass or shrubs, in addition to any shade tree requirements.
8. All landscaping, trees, and planting material adjacent to parking areas, loading areas or driveways shall be properly protected by barriers, curbs or other means from damage by vehicles.
9. The location and selection of plant materials shall provide for easy identification of traffic barriers and islands without obstructing vision of other vehicles, pedestrians or traffic signage.
10. Landscaping plans shall be designed to accommodate storage areas for piling snow.

E. Maintenance

1. Landscaping, trees and plants required by these Regulations shall be planted and maintained in a healthy, growing condition according to accepted horticultural practices.
2. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of these Regulations shall be replaced by the property owner during the next planting season for the particular plant material.
3. Any screening fence, wall, or curbing required by these Regulations shall be maintained by the property owner in good condition throughout the period of the use of the lot.

F. Landscaping Materials

Landscaping materials selected for use shall be acceptable to the Commission and native, non-invasive species are preferred.

G. Bonding

1. The Commission or the Zoning Inspector may require that a performance bond, in an acceptable form and an amount to be set by the Zoning Inspector, be provided to insure the faithful performance of the landscaping work to be undertaken.
2. Following the completion of landscaping for a project where a bond was required, the Zoning Inspector may require an as-built plan to be filed with the Commission, showing the relationship between the approved plan and the actual landscaping.

H. Modification of Requirements

1. The Commission may, by Special Permit, allow these standards to be reduced in special circumstances where other adequate landscape treatment is provided.
2. During construction, the Zoning Inspector may allow field substitutions of plant material provided the original intent of the landscape is maintained.

SECTION 6.2. PARKING AND LOADING

A. Purpose

This Section is intended to provide adequate parking and loading facilities to serve all existing and proposed uses.

B. Applicability

1. Off-street motor vehicle parking facilities and off-street loading spaces, together with adequate exits and entrances thereto and interior aisles, shall be installed and permanently maintained as provided in this Section for each building erected, enlarged or altered and for any land or premises hereafter used, except that no off-street motor vehicle parking facilities or off-street loading spaces shall be required within the Retail Zone, except as further described in Section 6.2.C.6.
2. On land owned or leased by the Town and located in any zone, the parking of motor vehicles is a permitted use, and any charge made for parking of motor vehicles thereon shall not constitute a business use in the interpretation of these Regulations.

C. Minimum Amount of Parking and Loading Facilities

1. The minimum amount of parking and loading facilities required for any property shall be determined by applying the standards of this Section to the actual and proposed uses. When the requirements result in a fractional number, fractions less than 0.5 shall be rounded down to the nearest whole number, and fractions greater than or equal to 0.5 shall be rounded up to the next whole number.
2. Where different uses occur on a single parcel of land, the parking and loading spaces to be provided with respect to such parcel shall be the aggregate of the requirements for each such use, unless otherwise indicated in the regulations.
3. Except as may be provided in Subsection 6.2.E and F, all required parking spaces shall be maintained for the exclusive use of residents, patrons, employees or tenants of the building(s) on the site and shall not be used to meet the parking requirements of any other use.
4. Any parking rights acquired from another parcel shall be recorded in the land records in the deed of each parcel involved in such agreement.
5. In the Business Zone, any use (other than warehousing) which has more than twenty-five percent (25%) of its gross floor area in the form of storage facilities may have up to fifty percent (50%) of such storage area deducted from the total building gross floor area for the purpose of computing parking requirements provided:
    a. such storage area shall be clearly identified on any application for a Zoning Permit,
    b. such storage area shall be certified by the applicant as not housing any employee rest area, office area, work area or sales area,
    c. use of such area for purposes other than storage shall constitute a violation of these Regulations, and
    d. the required loading spaces shall still be based upon the total building gross floor area.

6. Table of Minimum Parking Facilities

Residential Uses	**Minimum Parking Facilities**	**Minimum Loading Spaces**
Single-family dwelling	2 spaces	None
Single-family dwelling with ADU	2 spaces + 1 for the ADU	
Single-family dwelling with minor or major occupation	2 spaces + 1 space per nonresident employee	
Two-family dwelling	1 space per studio or one-bedroom unit and 2 spaces for units with greater than one bedroom, except where a parking needs assessment results in a lower number of spaces.	
Multi-family dwellings	1 space per studio or one-bedroom unit and 2 spaces for units with greater than one bedroom, except where a parking needs assessment results in a lower number of spaces.	
Multi-family dwellings in Retail Zone	Dwelling units with 2 bedrooms or greater shall require a minimum of 1 parking space per unit except where a parking needs assessment results in a lower number of spaces.	
Retail, Business, Bank, or Office Uses	**Minimum Parking Spaces**	**Minimum Loading Spaces**
Retail businesses and personal services	1 space per 300 SF of gross floor area	For uses with a gross floor area exceeding 5,000 SF, at least 1 loading space per building[2]
Office and bank	1 space per 350 SF of gross floor area	
Medically-Related Uses	**Minimum Parking Spaces**	**Minimum Loading Spaces**
Healthcare Professionals	1 space per 225 SF of gross floor area on that floor	None
Medical offices or clinics	1 space per 200 SF of gross floor area on that floor	
Hospitals, sanatoriums or nursing homes	1 space per 5 beds and at least 1 space per 2 employees and associated professional personnel	At least 1 loading space per building[1]
Other Business Uses	**Minimum Parking Spaces**	**Minimum Loading Spaces**
Restaurants	1 space per 100 SF of gross floor area	At least 1 loading space per building
Hotels	1 space per guest room	At least 1 loading space per building[1]
Industrial, wholesale, or manufacturing establishments	1 space per 500 SF of gross floor area	
Car washes	Usable off-street stacking space of 10 cars plus off-street parking facilities as determined by the Commission	None

Other Uses	**Minimum Parking Spaces**	**Minimum Loading Spaces**
Clubs	1 space per 300 SF of gross floor area	As determined by the Commission based on the requirements applicable to comparable uses[1]
Unlisted Uses	As determined by the Planning and Zoning Department based on Institute of Transportation Engineers (ITE) standards and/or the requirements applicable to comparable uses.	

[1] Additional off-street loading spaces may be required by the Commission if, in its opinion, such additional off-street loading spaces are necessary to adequately meet the needs of the location where they are to be provided.

D. Handicapped Parking Facilities

Accessible spaces must be provided as specified by the Federal ADA accessibility standards.

E. Reduction of Parking Facilities

For applications eligible to submit a parking needs assessment as described in Section 6.2.F of these regulations, the following parking reduction options shall not apply.

1. Permanent Shared Use Reduction - The Commission may, by Special Permit, allow a reduction of up to 25% of the required parking spaces, up to a maximum of five (5) spaces, within Business Zone for the uses on one or more sites due to shared use of parking facilities when:
    a. the parking facilities provided on the site(s) are interconnected with adjacent parking facilities to create a functional parking arrangement, and
    b. appropriate access and parking easements are executed between the adjacent properties, and
    c. the Commission is satisfied that the parking needs of the joint users on the sites occur at different hours of the day or that adequate parking will be available for the current and potential future uses, and
    d. a traffic and parking study be submitted and a subsequent peer review of such study is conducted on any application requesting a reduction of five (5) or more parking spaces. The thorough peer review must definitively confirm that there is adequate parking on site and there will be no negative impacts on the street or surrounding properties.

2. Permanent Site Use Reduction - The Commission may, by Special Permit, allow a reduction of up to 25% of the required parking spaces, up to a maximum of five (5) spaces, within the Business Zone on an individual site that is not interconnected with one or more adjacent parking facilities when the Commission is satisfied that:
    a. the parking needs of the uses on the site occur at different hours of the day, and
    b. adequate parking will be available for the current and potential future uses, and
    c. a traffic and parking study be submitted and a subsequent peer review of such study is conducted on any application requesting a reduction of five (5) or more parking spaces. The thorough peer review must definitively confirm that there is adequate parking on site and there will be no negative impacts on the street or surrounding properties, and
    d. if proposed within a mixed-use development there is adequate parking for both the commercial and residential tenants.

3. Temporary Installation Deferral - The Commission may, by Special Permit, defer the immediate installation of up to 25% of the required parking spaces where:
    a. sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use,
    b. the applicant shall show upon the Site Development Plan the complete layout for the full parking requirements,
    c. the applicant accepts, in writing, a requirement that the owner will file the Site Development Plan in the -Office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will

install as many of the deferred parking spaces as the Commission deems necessary within 6 months of the Commission's request, when, in the opinion of the Commission, such Installation is needed.

4. Curb-Cut Reduction Credit - The Commission may, by Special Permit, permanently grant a property a reduction of one (1) on-site parking space for each on-street public parking space added through the removal and or reduction of curb-cuts, provided the Commission makes affirmative findings that the proposed development will result in a significant community benefit such as:
    - consolidation of two or more parcels into a meaningful master plan,
    - excellence in design which enhances the pedestrian experience and overall streetscape (such as avoiding driveways interrupting the sidewalk), and/or
    - other meaningful public amenities.

5. Fee-in-lieu-of Parking

    a. By a **2/3's** vote, the Commission may, by Special Permit, allow for a permanent reduction of all or a portion of the parking spaces required, provided the applicant pays a fee-in-lieu-of the required parking spaces, pursuant to Section 8-2c of the Connecticut General Statutes. The Special Permit is applicable to any non-residential new commercial construction or addition, or Business Zone, which requires additional parking spaces pursuant to Section 6.2.C of these regulations.

    b. Fees collected from such payments shall be placed into a fund to be used solely for the acquisition, development, expansion or capital repair of public parking facilities.

    c. The fee shall be determined as follows:

        1. For any proposed new construction and/or addition, the fee for one (1) parking space shall be no less than $17,500. Final price per space will be determined as follows:

            Number of Spaces x $17,500

        2. The price per space can be reduced to $15,000 if the applicant attains LEED Silver Certification for the proposed construction. The price per space can be reduced to $12,500 if the applicant attains LEED Gold Certification.

            The price reduction would be returned to the applicant upon written notification from the US Green Building Council or its equivalent that Certification had been granted.

            The Commission may also approve the same price reductions per space should the applicant seek accreditation from an alternative rating agency based on their equivalent rating to LEED standards.

        3. For any proposed change in Use that requires additional parking spaces per Section 6.2.C of these regulations, the final price per space will be determined as follows:

            Number of Spaces x $10,000

        4. The fees listed above will be reviewed by the Commission on an annual basis to determine whether they need to be adjusted based on such factors as materials costs, construction costs and/or inflation.

d. The fee shall be paid prior to the issuance of a Zoning Permit.

e. As part of this Special Permit Application, the applicant shall submit a Traffic Report, prepared by a professional traffic engineer or qualified traffic consultant, to study the impacts that added development will have, if none of or less than the required off-street parking is provided.

f. No Special Permit under this section shall be approved unless the Commission finds and declares that the number of parking spaces which would be required in connection with such use of land pursuant to any applicable planning or zoning regulation:

1. Could not be physically located on such parcel of land for which such use is proposed;

2. Will not detract from the village feel and quality of life in the downtown; and

3. The proposed development will be beneficial to the community and is consistent with the Plan of Conservation and Development and is in keeping with the Village District Design Guidelines.

F. Parking Needs Assessment

1. A parking needs assessment may be submitted under the scenarios further described in this section to reduce the required amount of parking.

a. In the event that a proposed mixed use, transit community middle housing, or other multi-family residential development will not meet the minimum parking requirements as described in Section 6.2.C.6, a parking needs assessment shall be submitted by the applicant to the Commission as part of the site plan application for Summary Review of the proposed development The parking needs assessment shall be paid for by the applicant and shall be prepared by a professional traffic engineer or qualified traffic consultant. The parking needs assessment shall include an analysis of:

i. Unit mix and bedroom count;
ii. Anticipated household composition and vehicle ownership rates;
iii. In a mixed-use development, the parking demand of commercial uses on the site;
iv. A description of whether parking is reserved or unreserved;
v. A description of whether parking is shared between uses in the same building;
vi. Comparable developments in similar geographic and demographic contexts;
vii. Availability, proximity, and reliability of public transportation;
viii. Walkability and access to goods, services, and employment;
ix. Available existing public and private parking within five hundred (500) feet that may be used by residents of the proposed use;

x. Projected future needs for off-street parking for such proposed development;
xi. Shared parking opportunities and peak demand variations; and
xii. Any other factors affecting parking demand.

b. In the event a proposed change of use to a permitted non-residential use in the Business Zone results in additional required parking that is not available onsite, the applicant may submit a parking needs assessment to permit the change of use without increasing onsite parking. This provision shall only be applicable if no expansion of the existing building is proposed. The parking needs assessment shall be submitted to the Planning & Zoning Department or Commission based on the approval required for the use, as described in the use tables of Sections 4.2.C and 4.3.C. The parking needs assessment may be conducted by a professional traffic engineer or qualified traffic consultant. The parking needs assessment shall include an analysis of:
    i. Current available onsite parking counts;
    ii. Peak hour anticipated number of employees and patrons/customers;
    iii. A description of whether parking is reserved or unreserved;
    iv. A description of whether parking is shared between uses in the same building;
    v. Available existing public and private parking within five hundred (500) feet;
    vi. Shared parking opportunities; and
    vii. Any other factors affecting parking demand.

2. The Commission may only approve a reduction below the minimum parking requirements when a complete parking needs assessment as described in Section 6.2.F.1.a or b has been submitted, and after an affirmative finding that the applicant has provided clear and quantifiable empirical evidence demonstrating that:
    a. Estimated vehicle ownership or parking demand for the proposed use will be lower than the minimum parking requirements; and
    b. The reduced parking supply will not result in overflow parking, congestion, or adverse impacts to adjacent properties or public rights-of-way.

G. Location of Parking and Loading Facilities

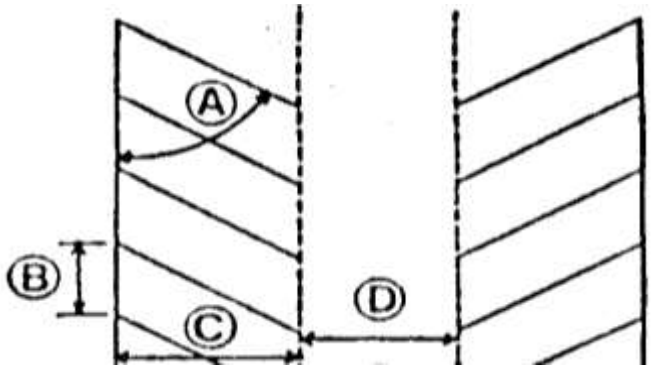
1. The off-street motor vehicle parking facilities and off-street loading spaces required by this Section in the Commercial Zones shall be located on the same land as the use or building served thereby except that:
    i. The Commission may permit two (2) or more abutting properties to be served by a common facility situated on one (1) or more of said properties.
    ii. The Commission may permit parking facilities to be on land within five hundred (500) feet of a building or use if it determines that it is

impractical to provide parking facilities on the same land where the building or use is located, provided that any parking rights acquired from another parcel shall be recorded in the land records in the deed of each parcel involved in such agreement.

2. Within the Commercial Zones, off-street parking facilities shall be located to the rear of any proposed building. Any parking proposed to be located to the side of the building must demonstrate, to the satisfaction of the Commission, that some or all of the parking cannot be located at the rear of the building and that the parking will be screened to the extent possible.
3. The Commission may, through the granting of a Special Permit, allow parking in the front of the building, provided that the Commission finds that:
    a. The proposed parking improves pedestrian safety, or
    b. There are unique circumstances to this site that make parking in front of the building a necessity, or
    c. The proposed use, which the Commission finds will benefit the community, requires parking in front of the building.
4. Within the Commercial Zones, no parking shall be located within the required side or rear yard setbacks, unless the Commission finds that there is suitable screening to prevent any adverse impacts on neighboring properties.
5. Parking lots within the Commercial Zones shall be located at least five (5) feet from a building, except as may be required for loading facilities.
6. Where the required parking spaces in the Commercial Zones are provided by garage or other covered space, the location of such garage or other covered space shall be in conformity with the Zoning Regulations relating to the zone and class of building involved.
7. Underground parking:
    a. may be provided in lieu of required surface facilities,
    b. may be permitted as a substitute for, or in addition to, surface parking to allow the area normally occupied by surface parking to remain undisturbed or to provide open space, landscaping and similar amenities,
    c. may permit a larger above-ground structure or intensification in use of the site to an above-ground floor area exceeding the applicable floor ratio by up to fifteen percent (15%),
    d. shall be hidden from view from abutting properties, and street-level views of underground parking access shall be minimized, and
    e. shall be designed such that any first-floor level above such parking shall not exceed the curb level of any adjacent street by more than two (2) feet.
8. No parking facility shall be established without adequate driveway and aisle access except that the Commission may, by Special Permit, allow tandem parking and may require a full-time parking attendant, provided such arrangement is approved by the Fire Marshal.

H. Size of Parking and Loading Facilities

1. Except as provided below, off-street parking spaces and aisles shall be installed and maintained as follows:



A	Parking angle	30°	45°	60°	90°
B	Curb length	18'-0"	12'-9"	10'-5"	9'-0"
C	Stall depth	16'-6"	19'-10"	21'-0"	18'-0"
D	Vehicular aisle width – Two-way circulation	24'-0"	24'-0"	24'-0"	24'-0"
D	Vehicular aisle width – one-way circulation	11'-0"	13'-0"	18'-0"	24'-0"

2. Each off-street loading space shall be at least ten (10) by twenty-five (25) feet, with a height clearance of at least fourteen (14) feet.

3. All residential parking spaces shall have a minimum twenty (20) foot backup area.

I. Specifications for Parking and Loading Facilities

1. Except for private residences, every parking facility shall be graded, hard-surfaced, drained, and permanently marked to delineate both the individual parking spaces and the uses served thereby.
2. Every parking facility shall be maintained by the owner of the premises.
3. Where required parking areas abut upon public streets or sidewalks, permanent barriers or bumpers shall be provided.
4. Completion of the off-street motor vehicle parking facilities and off-street loading spaces required by this Section shall be a condition precedent to the issuance of the Certificate of Occupancy.

J. Access Drives

1. No exit from or entrance to an off-street motor vehicle parking facility or off-street loading space shall be so laid out as to constitute or create a traffic hazard or nuisance.
2. Driveways to the street in the Commercial Zones shall be a minimum of twelve (12) feet wide for one-way traffic, shall not exceed twenty-four (24)

feet in width, and shall not exceed two (2) in number. This standard shall not apply to transit community middle housing uses, see section 4.4.A.1.

3. Lots containing less than one hundred fifty (150) feet of street frontage in the Commercial Zones shall be limited to one (1) driveway to the street, except where the nature of the business requires drive-through service, i.e., drive-in banks and gas stations.
4. Driveway access in the Commercial Zones shall be permitted to a street or parking facility on an adjacent lot and connections to adjacent parking lots shall, at the Commission's discretion, be made wherever practical.
5. Driveways to adjacent lots in the Commercial Zones shall be a minimum of twelve (12) feet wide for one-way traffic, shall not exceed twenty-four (24) feet in width, and shall not exceed two (2) in number.
6. Lots in the Commercial Zones with a side property line of less than two hundred (200) feet in length shall be limited to one (1) driveway connecting with an adjoining lot for each side.

K. Existing Off-Street Parking and Loading Facilities

1. Where, as of the effective date of this Section, off-street motor vehicle parking facilities and off-street loading spaces are provided conforming in whole or in part to the provisions of this Section, such off-street parking facilities and off-street loading spaces shall not be altered or reduced in area below the requirements set forth herein.
2. In the event, however, that there shall be an enlargement or alteration of any building served by such off-street motor vehicle parking facilities or off-street loading spaces requiring additional off-street parking facilities or off-street loading spaces under the provisions of this Section, such additional off-street parking facilities or off-street loading spaces shall be provided as required herein.

L. Policing of Parking Spaces

Nothing contained in this Section shall be construed to prohibit the owner or owners of the land on which such off-street parking facilities are located from policing the same and from forbidding the parking of motor vehicles thereon when the owner or user of such motor vehicle is not making use of the facilities, uses or buildings for which such parking area is provided.

SECTION 6.3. SIGNS

A. Purpose

This Section is intended to control the number, size, location, lighting, and type of signs in order to protect the public safety and general welfare.

B. Applicability

No sign, billboard, signpost or structure displaying advertising or other matter shall which is visible and legible from a public street be erected, attached to, or maintained on property subject to these Regulations, except as permitted by the provisions of this Section.

C. Signs Permitted In Residential Zones

1. Permitted By Right

Type of Sign	Maximum Number	Maximum Size / Area
Lawn sign bearing the name of the property and/or the name of the occupant	One sign per lot	Twenty-four by six (24 x 6) inches
Real estate sign as defined in these Regulations	One sign per lot	Three (3) square feet
Sign identifying a minor home-occupation as defined in these Regulations	One sign per lot	One square foot
Detached security sign as defined in these Regulations	Two signs per lot	One square foot per sign
Political signs associated with an official election or referendum provided that such signs are removed within seven (7) days after the election or referendum	Not Applicable	Not Applicable

2. Permitted By Zoning Permit

Type of Sign	Maximum Number	Maximum Size / Area
Sign identifying a major home occupation as defined in these Regulations	One sign per lot	One square foot
Approved multi-family developments, churches, schools, public libraries, and commercial farming operations	One sign per street frontage	Four (4) square feet

3. Permitted By Site Plan Approval

Type of Sign	Maximum Number	Maximum Size / Area
Other approved Special Permit uses	One sign per street frontage	Four (4) square feet
Any sign not meeting the specifications of Section 6.3.C.	As approved by the Commission after considering the size, location, use, or other unique conditions.	

D. Signs Permitted In Business Zones

1. Permitted By Zoning Permit

Signs complying with the following may be authorized by the Zoning Inspector upon submission of a complete application with all required supporting materials:

Sign Number	One sign per business, except that: • a second sign may be allowed on a corner lot • a secondary identification sign (< 1 SF) may be allowed for the back entrance of a first-floor use • a secondary street level identification sign (<1 SF) may be allowed for the front entrance of a second floor use
Sign Type	Wall-mounted signs only. No additional signage is permitted on window glass.
Sign Mounting	On or against the wall of the structure
Sign Location	No portion shall be located more than four (4) feet above the top of the doors or windows on the ground floor on such side of the building No sign shall extend above the eaves line on any building
Maximum Dimensions If Rectangular	20 inches vertical 15 feet horizontal
Maximum Dimension If Circle Or Oval	Four (4) feet
Maximum Letter Height	
• Single line of lettering	12” letters
• Double line of lettering	8” letters, one (1) line; 4” letters, other line
Max. Area of All Signage [1]	25 square feet per lot [2]

1. The maximum area limitation per lot is irrespective of the number of separate businesses conducted thereon.
2. For signs with two (2) sides, only one (1) side shall count for measurement purposes.

2. Permitted By Site Plan Approval.

Any proposed sign(s) not meeting the above specifications may be approved by the Commission by Site Plan Approval. The Commission shall review the proposal, giving due regard to its relationship to the size, location, topography, occupancy or other unique conditions pertaining to the lot or building(s) thereon, and may authorize the Zoning Inspector to issue such permit where it is found to be warranted.

E. Sign Illumination

Signs which are visible from a public street or other public space may be illuminated, directly or indirectly, by white lights only. Light emitting diodes (LED's), CFL's and fluorescent bulbs must be in the color range of 2,700K-3,000K.

F. Prohibited Signs

1. No sign illumination shall involve the use of neon or any other method resulting in a similar appearance to neon, including, but not limited to, illumination through fiber optics or similar media. Light boxes are not permitted.
2. No signs or parts thereof, streamers, balloons, or other devices which flash, move or give the impression of movement in any fashion shall be permitted.
3. Construction signs, painter signs, landscape company signs and the like shall not be allowed in any Residence Zone.
4. In any Retail Zone or any Business Zone, no sign shall be located forward of the building or setback line.
5. Except for retractable canvas or cloth awnings, no sign or other device identifying a business or other use shall hereafter be erected or maintained extending over and beyond the street line or beyond the building line as now or hereafter established, and:
   a. no permit for any such sign or structure shall be issued,
   b. any such legally existing sign may be maintained but shall not be increased in size of sign, size of lettering, or the extent it projects or is illuminated as the same exists at the effective date of these Regulations, except as ordered by the Zoning Inspector for reasons of public safety, and
   c. each such sign shall be completely and totally removed at such time as the place of business which such sign advertises shall change in ownership or occupancy, subsequent to the effective date of these Regulations.
6. No sign shall contain a logo which is recognized as a company or entities trademark.
7. Sandwich Board and easel type signs.

G. Fees

The Commission may determine and fix fees to be charged and paid to the Town upon issuance of a permit for a business sign, the schedule of which fees shall be filed for public record in the office of the Town Clerk of the Town within a reasonable time after their adoption by the Commission.

H. Applications

1. No sign shall be erected, lettered or otherwise displayed in any Retail Zone or any Business Zone or on any parcel in a Residence Zone that contains a legally nonconforming business or commercial use unless a written application for a Sign Permit has been made and a permit issued by the Zoning Inspector.
2. Each sign application shall show the method of attaching the sign to the building or other support in detail, and the Zoning Inspector shall determine the adequacy and safety of said method before issuing the permit.

SECTION 6.4. GRADING, DRAINAGE, AND TREE REMOVAL

A. Purposes

This Section is intended to control soil disturbance (including removal of trees and vegetative ground cover), excavation, site grading, and drainage changes associated with building demolition, building construction, and site development in order to:

- protect the public safety and general welfare;
- prevent adverse impacts to other property due to erosion, sedimentation, and increases in storm water runoff;
- prevent sedimentation of public and private streets;
- prevent sedimentation of public storm sewer and drainage systems;
- reduce the risk of flooding caused by increased runoff and sedimentation of drainage channels, wetlands, and watercourses; and
- protect water quality by reducing the risk of sediment pollution of reservoirs.

B. Removal of Trees or Vegetative Ground Cover

The Commission finds that trees and other vegetative ground cover play an important role in controlling erosion by: protecting the soil surface from the impact of falling rain; holding soil particles in place; enhancing the soil's capacity to absorb water; slowing the velocity of runoff; removing subsurface water between rain falls through the process of evapo-transpiration; and improving infiltration rates.

Therefore, for purposes of this Section, clear-cutting or removal of trees and other vegetative ground cover, regardless of whether stumps and root systems are removed, shall be considered an erosion factor equivalent to grading and other forms of soil disturbance, and references in this Section to soil disturbance and/or grading shall include clear-cutting or removal of trees and vegetative ground cover.

C. Applicability

Within the Town of New Canaan, there shall be no excavation, grading, or other soil disturbance (including removal of trees or vegetative ground cover) except as herein provided. The occurrence of any off-site sedimentation, flooding, or erosion caused by excavation, grading and/or soil disturbance is prohibited and shall be grounds for enforcement action.

D. Other Approvals May Be Required

Any approval or exemption under this Section does not relieve any person from having to obtain any other approvals that may be required, such as for:

1. Regulated activities under the New Canaan Inland Wetlands & Watercourses Regulations;
2. Activities within a floodplain area;
3. Activities regulated by other local, state, or federal agencies.

E. Allowed Without Permit

The following activities are allowed without a separate zoning permit, provided the proposed use of the property otherwise complies with these Regulations, and no off-site sedimentation, flooding, or erosion occurs. The Zoning Inspector may require a permit and compliance with Subsections H., I., and J. of this Section in the event that any off-site sedimentation, flooding, or erosion occurs as a result of these activities:

1. Farming.
2. Excavation or grading of less than 100 cubic yards of earth material;
3. Soil disturbance (including removal of trees and vegetative ground cover) of 5,000 square feet in area or less;
4. Excavation, grading and/or soil disturbance associated with specific plans for a subdivision, site plan, or special permit approved by the Commission, where the proposed excavation, grading and/or soil disturbance is specified in such other approval.

F. Permitted by Zoning or Other Permit

The following activities may be permitted by the Zoning Inspector provided: the proposed use of the property otherwise complies with these Regulations; the provisions of Subsections H., I., and J. of this Section are satisfied; and a zoning permit, a demolition permit, a building permit, or a septic permit has been issued for such activity and the proposed excavation, grading, and/or soil disturbance is specified in such permit:

1. Excavation or grading of 100 to 1,000 cubic yards of earth material;
2. Soil disturbance (including removal of trees and vegetative ground cover) of more than 5,000 square feet but less than 10,000 square feet in area;
3. Any excavation, grading or soil disturbance (including removal of trees and vegetative ground cover) in connection with and clearly essential to:
   a. construction or alteration of a building or structure (including the area of the building or structure plus the surrounding twenty-five feet);
   b. installation of driveways, utilities or amenities (e.g., septic systems, utility service lines, swimming pools, walls or fencing).

G. Permitted by Special Permit

The following activities may be permitted provided the proposed use of the property otherwise complies with these Regulations, and the Commission issues a Special Permit for the activity:

1. Excavation or grading of more than 1,000 cubic yards of earth material;
2. Soil disturbance (including removal of trees and vegetative ground cover) of 10,000 square feet in area or more.

H. Bonding and As-Built Plan

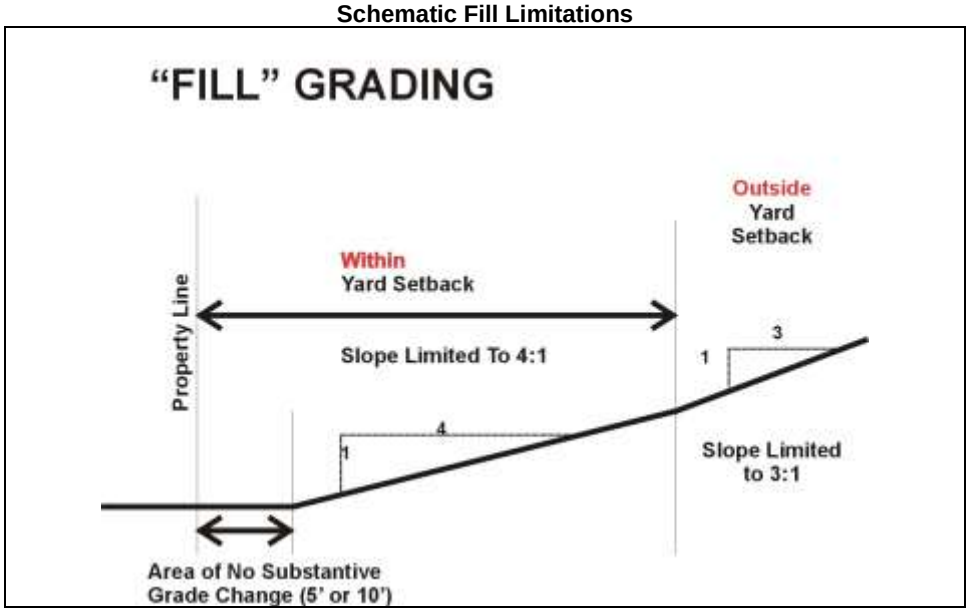
1. Prior to the commencing of any excavation or grading of more than 200 cubic yards of material per acre of lot area, and/or more than 5,000 square feet of soil disturbance (including removal of trees and vegetative ground cover), the Commission or the Zoning Inspector may require that a bond be provided in an acceptable form and in an amount to be set by the Commission or Zoning Inspector to insure the faithful performance of the work to be undertaken pursuant to the conditions of the permit.
2. Following the completion of excavation or grading for a project where a bond was required, the Zoning Inspector may require that the permit holder file a certified as-built plan with the Commission, showing the relationship between the approved plan and the actual grading.

I. Permit Standards and Conditions

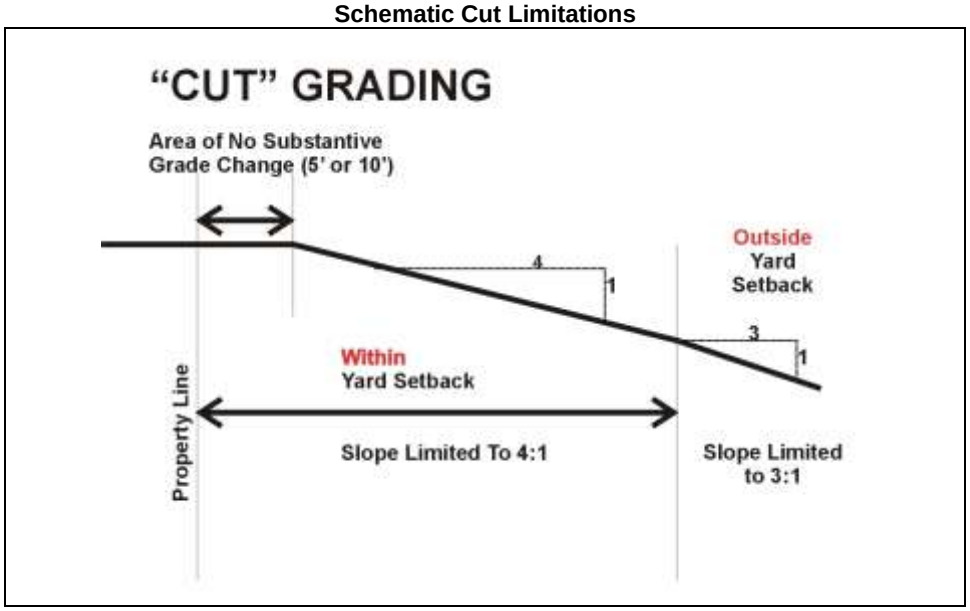
1. The occurrence of any off-site sedimentation, flooding, or erosion caused by excavation, grading and/or soil disturbance is prohibited.
2. All allowed or permitted excavation, grading, and soil disturbance activities shall be conducted with appropriate soil erosion and sediment control measures installed and maintained at all times until the site is fully stabilized. The Commission or the Zoning Inspector may require soil erosion and sediment control measures and project phasing as a condition to the issuance of any permit. Control measures may include (without limitation) silt fencing, hay bales, sediment barriers, mulch, temporary erosion control blankets, turf reinforcement mats, stone slope protection, or other soil stabilization measures set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) necessary to prevent off-site sedimentation, flooding, and erosion.
3. All earth materials to be stockpiled on site shall be contained within a sediment control barrier.
4. All earth materials to be transported onto or off the site shall be covered to minimize flying dust or rock.
5. Truck access/egress to and from the site shall be conducted as to minimize danger to off-site traffic, and nuisance to surrounding properties. The Commission or the Zoning Inspector may require that tracking pads or dust-less driveway aprons be utilized until the site is stabilized.
6. Grading shall not result in the creation of any stagnant water, sharp pits, depressions, soil erosion, drainage or sewerage problems or other conditions which would impair the use of the property or other property in accordance with the Regulations.
7. Except as provided in Section 6.4.I.9, unless modified by the Commission through granting of a Special Permit, finished grades shall blend with existing grades at the property line and no grade change of one (1.0) foot or more shall occur:
   a. in the One-Half Acre and smaller lot area zones, within five (5) feet of a side or rear property line, or
   b. in the One-Acre and larger lot area zones, within six (6) feet of a side or rear property line where a retaining wall is installed and ten (10) feet otherwise.

8. Except as provided in Subsection 6.4.I.9, unless modified by the Commission through granting of a Special Permit, no grading activity that increases the finished slope shall result in a finished slope in any filled or excavated area that exceeds:
   a. a slope of four horizontal to one vertical (4:1) within the yard setback.
   b. a slope of three horizontal to one vertical (3:1) elsewhere.

Schematic Fill Limitations



Schematic Cut Limitations



9. The Commission or the Zoning Inspector may allow grading activity in excess of the foregoing standards within the yard setback for one or more of the following reasons:
   a. For the installation or construction of a berm, swale, level spreader, reverse slope bench or similar measures to better protect down-gradient parcels from storm water runoff; or
   b. For grading of a slope of up to three horizontal to one vertical (3:1) provided that the total grade change within the yard setback is no greater than would otherwise be permitted.

J. Drainage Standards

a. Any construction or site development activity shall comply with the Drainage Certification Policy of the Town of New Canaan dated July 22, 1999, as amended.

b. Peak flow rates and runoff volumes shall be determined by using the Rational Method, the Time of Concentration Method, the Tabular Method or the Unit Hydrograph Method and a 25-year design storm.

SECTION 6.5. FENCES AND WALLS

A. Purposes

This Section is intended to control the size, location, and type of perimeter fences, freestanding walls, and retaining walls in all zoning districts in order to provide for protection of private property while not infringing on the public safety and general welfare, or on adjoining properties. In addition, this Section is specifically intended to allow such structures to be located within yard setbacks to the extent authorized by this Section.

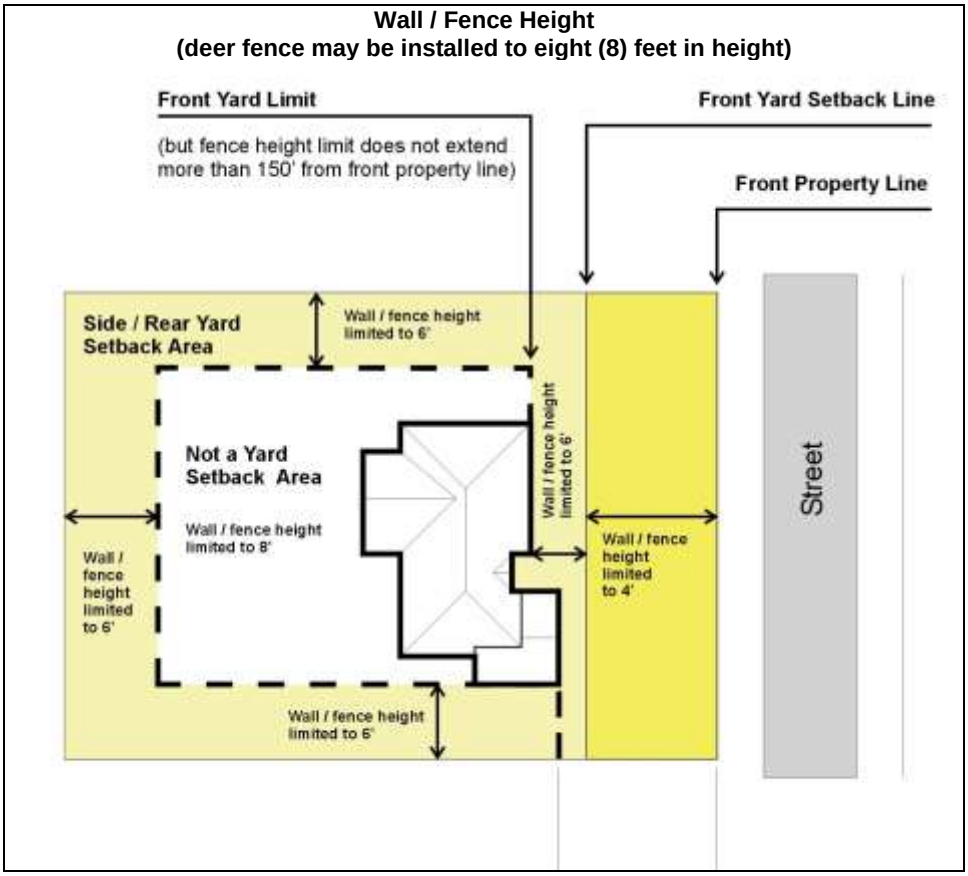
B. Retaining Walls

1. No retaining wall of any kind shall be constructed in a way so as to obstruct corner visibility, as required by Section 6.9 of these Regulations, at intersections of roads, driveways, accessways, or other travel ways.
2. In Residence Zones and Special Zones, no retaining wall shall:
   a. be located closer than eight (8) feet from any property line in the B Residence Zone,
   b. ten (10) feet from any property line in any other Residential Zone or a Special Zone.
3. A series of retaining walls shall be separated by a distance at least twice the height of any other generally parallel retaining wall and the area between the retaining walls shall be planted or landscaped to mitigate the appearance of the retaining wall(s).
4. Unless modified by the Commission through granting of a Special Permit, no proposed retaining wall in any Zone shall exceed four (4) feet in height.
5. The construction of any proposed retaining wall shall comply with the Drainage Certification Policy of the Town of New Canaan dated July 2, 1999, as amended.
6. A retaining wall four (4) feet or higher above ground level requires the issuance of a Zoning Permit and the plans shall address construction design and drainage within ten (10) feet of the wall.
7. After June 16, 2007, unless modified by the Commission through the granting of a Special Permit, a retaining wall may be combined with an open fence (such as a wrought iron fence or a fence where no more than fifty percent (50%) of the fence is opaque) provided that such fence is not more than forty-two inches (42”) high.

C. Fences and Freestanding Walls

1. No fence, post, column, freestanding wall, or portion thereof shall be constructed in a way so as to obstruct corner visibility, as required by Section 6.9 of these Regulations, at intersections of roads, driveways, accessways, or other travel ways.

2. No fence and no fence and freestanding wall combination shall exceed the following height limitations:
   a. Four (4) feet in height above finished grade when in the front yard and located between a front property line and a front yard setback line.
   b. Six (6) feet in height above finished grade when in a front yard and located behind the front yard setback line.
   c. Six (6) feet in height above finished grade between a side or rear property line and a side or rear yard setback line (when not in the front yard setback).
   d. Eight (8) feet in height above finished grade when located behind the yard setback lines and not in the front yard.



3. In a front yard, no gate or associated columns/pillars shall exceed four (4) feet in height above finished grade; except that in the Two Acre and Four Acre Residential Zones, they may be erected to a maximum height of six (6) feet in height above finished grade, provided the gate is an open gate, such as wrought iron, where no more than fifty percent (50%) of the gate is opaque. If lighting is proposed on top of the columns, the top of the light fixture shall be no more than twenty-four (24) inches above the top of the column. Columns and pillars shall not exceed twenty-four (24) inches in diameter.

4. Notwithstanding the limitations of Subsection 6.5.C.2, unless permitted by the Commission through the granting of a Special Permit, deer fences may be installed to a height not to exceed eight (8) feet provided that:
   a. a deer fence installed in a front yard shall be installed in a wooded area and/or shall be screened from the street by landscaping,
   b. the deer fence and associated appurtenances shall be of a dark or other color to blend with the natural landscape, and
   c. such fence shall be of open design such that it is not especially visible at a distance of fifty (50) feet.

5. Within the required minimum yard setbacks, the finished or more attractive side of any fence shall face the neighboring property or street.

6. A fence higher than six (6) feet above ground level, except for a deer fence in accordance with Section 6.5.C.3, requires the issuance of a Zoning Permit.

7. Unless modified by the Commission through the granting of a Special Permit, barbed wire shall not be allowed in a Residential zone or within eight (8) feet of ground level in any Retail Zone or any Business Zone, measured above the highest finished grade.

8. Razor wire or its equivalent shall not be permitted in any zone.

SECTION 6.6. IMPORT / EXPORT OF EARTH MATERIALS

A. Purposes

This Section is intended to control the importation and exportation of earth materials (such as loam, topsoil, humus, sand, gravel, clay, stone or quarry stone) in order to protect the public safety and general welfare while allowing for normal and customary construction practices.

B. Permitted by Right

1. Importation and exportation of earth material for the purpose of site development in conjunction with construction or alteration of a building or structure is permitted provided such activity is conducted in accordance with:
    a. the standards of this Section, and
    b. plans submitted as part of the Zoning Permit and Building Permit issued for the construction or alteration of the building or structure.
2. Importation and exportation of earth material for the purposes of landscaping is permitted provided such activity involves less than 200 cubic yards of material per acre of lot area and the standards of this Section are complied with.

C. Permitted by the Zoning Inspector

Importation and exportation of less than 1,000 cubic yards of earth material per acre of lot area is permitted for other purposes with approval of a Zoning Permit by the Zoning Inspector provided the standards of this Section are complied with.

D. Permitted by the Commission

Unless permitted by Subsection 6.6.B or Subsection 6.6.C, the importation or exportation of earth material shall only occur with the approval of a Special Permit by the Commission.

SECTION 6.7. EROSION AND SEDIMENTATION CONTROL

A. Purpose

This Section is intended to prevent accelerated erosion and sedimentation of land during and after development; reduce the danger from storm water runoff; minimize sediment pollution from land being developed; and prevent detrimental impacts to soil and water resources.

B. Applicability

1. Grading, tree removal, excavation, and similar activities resulting in disturbance of soil or removal of ground cover that is cumulatively more than one-half (1/2) acre in area shall require a soil erosion and sediment control plan certified by the Commission in accordance with the provisions of this Section.
2. Activities resulting in cumulative disturbance of less than one-half (1/2) acre shall not require a certified soil erosion and sediment control plan under this Section, but may be regulated under Section 6.1, Section 6.4, and/or Section 6.6 of these Regulations.

C. Exemptions

1. Farming shall be exempt from the requirement to have a soil erosion and sediment control plan certified by the Commission.
2. The construction of a single family dwelling that is not a part of a subdivision of land shall be exempt from the requirement to have a soil erosion and sediment control plan certified by the Commission. However, development activities accessory to the construction of a single family dwelling, such as but not limited to tennis courts, swimming pools, driveways, septic systems, and cutting of trees, shall not be exempt and may be regulated pursuant to Section 6.1, Section 6.4 and/or Section 6.6 of these Regulations.

D. Minimum Acceptable Standards

1. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
2. Plans for soil erosion and sediment control shall be developed in accordance with this Section, and shall include the information set forth in the plan checklist in the Appendix, using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended.
3. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

E. Issuance or Denial of Certification

1. The Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this Section or shall deny certification when the development proposal does not comply with the requirements and objectives of this Section.
2. Nothing in this Section shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.
3. Prior to certification, any plan submitted to the Commission may be reviewed by the County Soil and Water Conservation District (established under section 22a-315 of the Connecticut General Statutes and section 22a-315-11 of the Regulations of Connecticut State Agencies) which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan.
4. The Commission may forward a copy of the development proposal to the Environmental Commission or other review agency or consultant for review and comment.

F. Conditions Relating to Soil Erosion and Sediment Control

1. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be required to be covered in a bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 8.1.K of these Regulations.
2. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
4. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.
5. Failure to install or maintain control measures in an appropriate manner shall be grounds for enforcement action.

G. Inspection

1. Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained.
2. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

SECTION 6.8. TRAFFIC MANAGEMENT

A. Purpose

This Section is intended to provide for the maintenance of public safety and avoidance of congestion on public streets by requiring an analysis of the traffic impacts of development activities and requiring mitigation measures, where appropriate.

B. Applicability

A quantitative analysis of traffic to be generated by the proposed development and its probable impact on existing roads and intersections in the area shall be provided by the developer for:

1. any proposed non-residential development containing a gross floor area of ten thousand (10,000) square feet or more, or
2. any development which, in the Commission's judgment, could generate high levels of traffic.

C. Traffic Impact Analysis

The traffic analysis shall be prepared by a qualified traffic engineer and shall include information on:

1. past and present roadway conditions including accidents,
2. existing roadway capacity,
3. existing and proposed sight lines,
4. existing and projected traffic volumes (average daily traffic, peak A.M. and P.M.), and
5. existing and projected volume/capacity ratios based on facts and reasonable generation factors of the site, affected road networks, and intersections.

D. Review Considerations

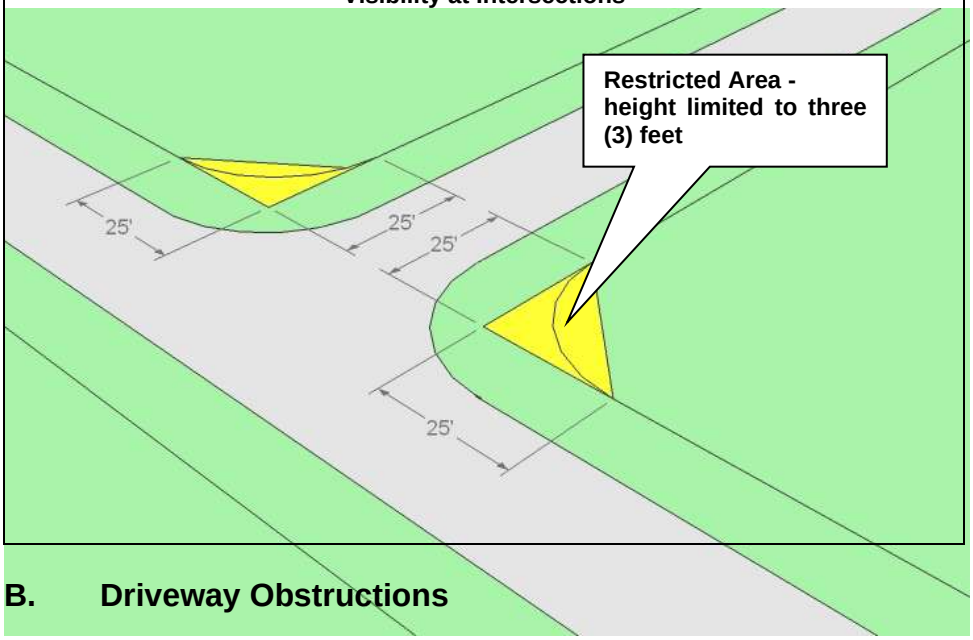
1. In analyzing the traffic impacts of development proposals, the Commission shall consider:
   a. the effect of the proposed development on traffic conditions on abutting streets,
   b. the patterns of vehicular circulation in relation to the adjoining street system,
   c. the adequacy of traffic signalization, traffic channelization, left-turn lanes and roadway widths of adjoining streets,
   d. the adequacy of vehicular stacking lanes and/or distances,
   e. the adequacy of pedestrian drop-off areas and,
   f. the adequacy of other traffic or transportation facilities to accommodate the proposed development.
2. A significant traffic impact shall be presumed where it is projected that the additional traffic resulting from a proposed development shall:
   a. exceed a volume/capacity ratio of eight-tenths (0.8) on adjacent streets,
   b. increase the peak hour volume by ten (10) percent or more, or
   c. reduce the level of service to “D” or lower or further reduce the level of service when it is already at “D or below.
3. The Commission shall not approve a proposed development with a significant traffic impact unless the proposal is revised to mitigate the adverse impacts.

SECTION 6.9. OBSTRUCTIONS AT INTERSECTIONS

A. Visibility at Intersections

On a corner lot or one not on a corner but abutting an accessway at its intersection with a street in any residential zone, no building, structure, fence, wall or obstruction to vision more than three (3) feet in height above the gutter elevation shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which points is twenty-five (25) feet distant from the point of intersection.

Visibility at Intersections



B. Driveway Obstructions

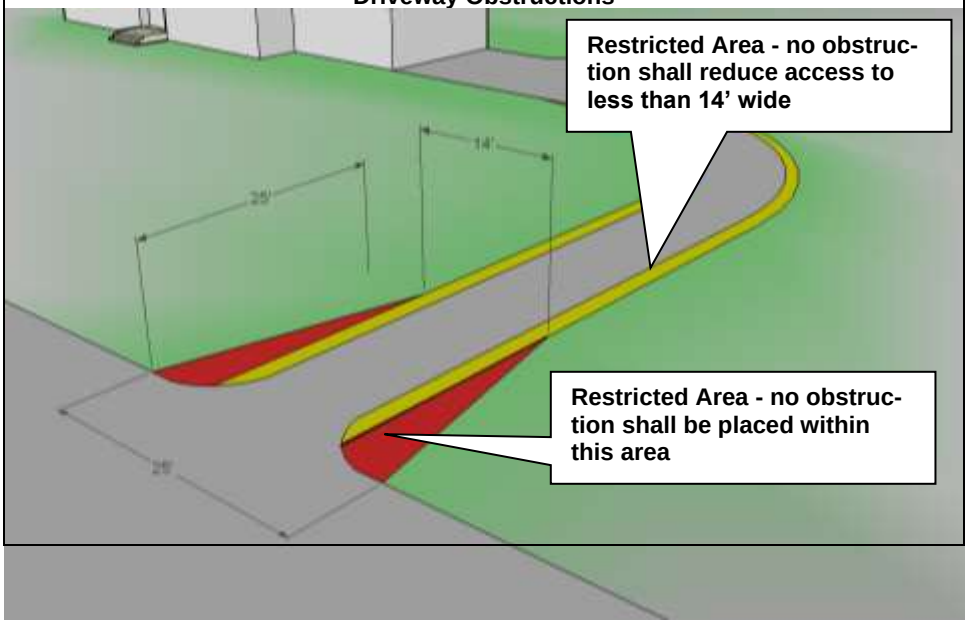
In order to provide adequate room for emergency vehicles to turn into driveways and access all buildings and parcels within the Town of New Canaan, all driveways (including alleys, private roads, and other accessways) shall provide the following minimum clearances for emergency vehicles, regardless of the paved width of the driveways:

1. No building, fence, wall, lamp post, telephone pole, mailbox, or other structure, nor any trees, boulders, or other obstructions shall be erected, placed or installed alongside any driveway so as to reduce the access to less than fourteen (14) feet wide.
2. No building, fence, wall, lamp post, telephone pole, mailbox or other structure, nor any trees, boulders, or other obstructions shall be erected, placed or installed within the triangular areas on either side of the driveway at its intersection with the travel portion of the road, formed by connecting the outer points of a line measured twenty-five (25) feet on the road (centered on the driveway), and a parallel line fourteen (14) feet wide (centered on the driveway) at a distance of twenty-five (25) feet from the travel portion of the road.

3. Where there are automatic gates at driveways, an emergency means of opening the gates shall be provided to the Fire Department.

If all buildings on the parcel are within fifty (50) feet from the traveled portion of the road and can be easily accessed from the road, the Commission or the Zoning Inspector may exempt the parcel from the requirements of this subsection.

Driveway Obstructions



SECTION 6.10. SIDEWALKS

Any subdivision or any site plan for commercial or multi-family development located in any zone other than the Four-Acre Residence Zone or the Two-Acre Residence Zone shall include new or reconstructed sidewalks at least four (4) feet in width along the street frontage or frontages of the parcel or parcels, unless the Commission determines that sidewalks are either impractical or unnecessary at that location, considering prospective pedestrian traffic.

SECTION 6.11. OUTDOOR LIGHTING

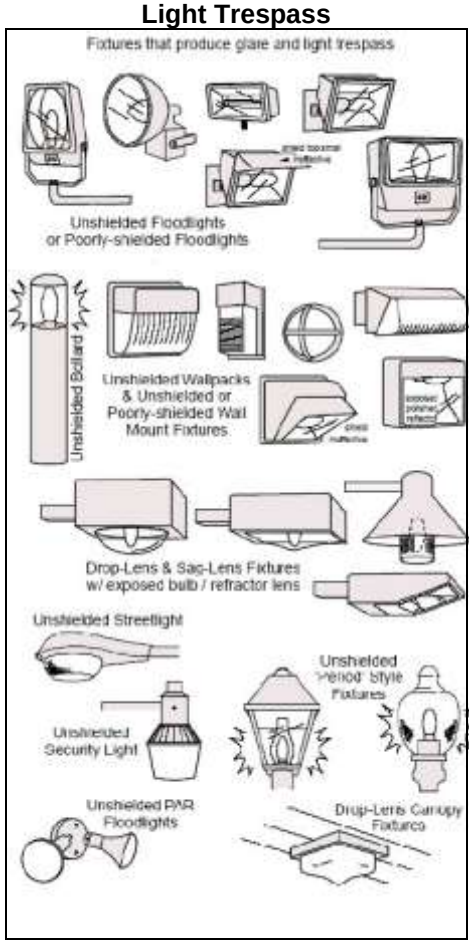
A. Purpose

These Regulations are intended to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare.

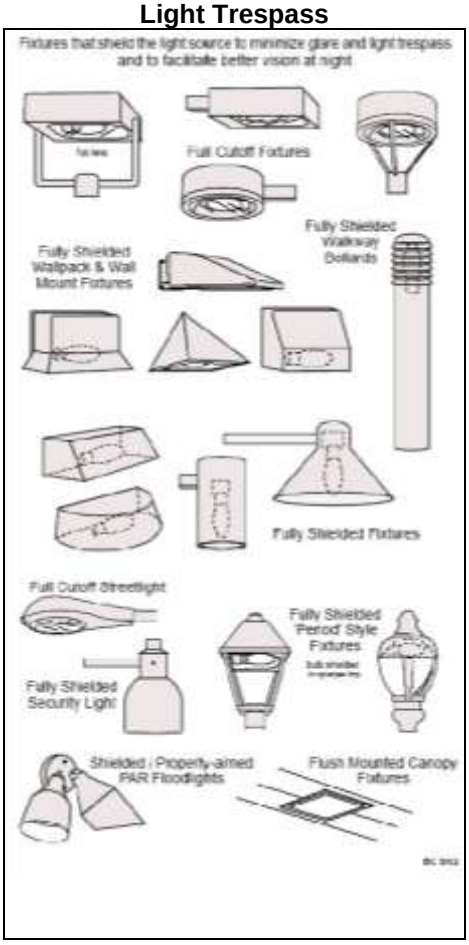
B. Standards

1. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
   a. prevent direct light trespass,
   b. be shielded to the extent possible,
   c. employ soft, transitional light levels which are consistent from area to area,
   d. minimize contrast between light sources, lit areas and dark surroundings, and
   e. be confined within the target area.
2. In all Residential zones and in all areas adjacent to residential property, no externally-mounted, direct light source directed towards the property line shall be visible at the property line at ground level or above.
3. To reduce off-site glare, lighting fixtures for all parking and pedestrian areas shall be:
   a. full cut-off type fixtures, or
   b. fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
4. Lighting fixtures for building security or aesthetics and any display purposes shall, except as may otherwise be approved, be:
   a. top downward (not upward or sideways), and
   b. full cut off or fully shielded/recessed.
5. Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that:
   a. their beams fall within the primary playing area and immediate surroundings, and
   b. no direct illumination is directed off the site.
6. Lighting designed to highlight flagpoles shall be low level and shall be targeted directly at the flag.
7. All non-essential lighting (such as display, aesthetic, parking and sign lighting) shall be configured for “photocell on - time clock off” operation.
8. Where necessary, lighting for site security may be configured for motion or infrared sensor operation.
9. The height of luminaires, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of thirty (30) feet.

Fixtures Which <u>Might</u> Produce Glare or Light Trespass



Fixtures Which <u>Might Not</u> Produce Glare or Light Trespass



C. Exemptions and Modifications

1. Traditional seasonal lighting is exempt from these Regulations.
2. Temporary lighting used by the Police Department, Fire Department or Emergency Services is exempt from these Regulations.
3. The Commission may, by Special Permit, allow lighting that does not comply with the requirements of this Section provided the Commission determines, in its sole discretion, that such proposed lighting is consistent with the purpose of these Regulations, in the following cases:
   a. where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists,
   b. where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas,
   c. where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation,
   d. where special lighting is indicated for historic buildings,
   e. where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity, or
   f. where ornamental up-lighting of sculpture, buildings or landscape features shall enhance the character of the area.
4. The Commission may modify the requirements of this Section for a temporary use approved under these Regulations.

SECTION 6.12. DESIGN REVIEW

A. Purpose

This Section is intended to aid applicants in ensuring that their designs are in harmony with the character of the community, encourage high quality building and site design, and result in development which is compatible with the character of the community.

B. Applicability

The following types of applications shall be reviewed as indicated below:

1. Any proposed development, construction, or use in any Retail Zone or any Business Zone shall be reviewed in relation to the design guidelines in Subsection 6.12.D and the design guidelines in Subsection 6.12.E.
2. A principal use or activity permitted by Special Permit in any Residence Zone, except for a two-family house, a rooming house, a bed and breakfast, a group home, or an agricultural use, shall be reviewed in relation to the design guidelines in Subsection 6.12.D.
3. A Special Permit use or activity in a Multi-family Zone, an Apartment Zone, a Waveny Zone, or a Park, Recreation and Open Space Zone shall be reviewed in relation to the design guidelines in Subsection 6.12.D.

C. Procedure

1. The Commission shall review an application in relation to the design guidelines of this Section or may request the assistance of a Design Review Committee or similar organization, if available, in evaluating such plans.
2. Any recommendations or suggestions so received from any Design Review Committee shall not be binding upon the Commission.

D. Design Guidelines

1. Relationship of Buildings to Site and Adjoining Areas

a. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas.

b. A unified design theme for building massing, exterior treatments and signage shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.

c. Parking areas shall be treated appropriately in relation to the building, the neighborhood, and the community.

d. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

e. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

f. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

2. Landscape and Site Treatment

a. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.

b. Plant material that is indigenous to the area shall be selected for its ultimate growth and for interest in its shape, texture, and color.

c. Pedestrian walkways shall provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all-weather materials appropriate for the location (such as brick, concrete, or paving blocks but not earth, gravel, or loose stone).

d. Existing trees at four (4) inches or greater caliper shall be incorporated into the site plan.

3. Building Design

a. Architectural features shall be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.

b. Facades and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.

c. Building materials shall have good architectural character and durable quality and shall be selected for harmony of the building with adjoining buildings.

d. Building textures, colors, and components shall be selected for harmony of the building with adjoining buildings.

e. Utility and service equipment areas shall be screened from public view with materials harmonious with the building.

4. Signs and Lighting

a. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates and shall be coordinated with the building architecture.

b. Exterior lighting, where used, shall enhance the building design and the adjoining landscape.

c. Lighting shall be restrained in design and excessive brightness avoided.

E. Additional Village District Considerations

1. Design Guidelines

a. Special attention shall be paid to protecting the distinctive character, landscape, and historic structures within the Village District.

b. The removal or disruption of historic, traditional, or significant structures or architectural elements shall be avoided or minimized.

c. The conversion, conservation, and preservation of existing buildings and sites in a manner that maintains the historic or distinctive character of the Village District is encouraged.

d. The exterior of structures or sites shall be consistent with:
   i. the "Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", revised through 1990, as amended; or
   ii. the distinctive characteristics of the district identified in the New Canaan Plan of Conservation and Development.

e. Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, the terrain in the district, and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.

f. All spaces, structures, and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area of the Village District in and around the proposed building or modification.

g. The color, size, height, location, proportion of openings, roof treatments, building materials, and landscaping of commercial or residential property, and any proposed signs and lighting, shall be evaluated for compatibility with the local architectural motif.

h. Maintenance of views, historic buildings, monuments, and landscaping shall be encouraged.

2. Procedures

a. The Commission shall select and contract with one or more Village District consultants.

b. Such Village District consultant shall be:
   i. a registered architect or an architectural firm,
   ii. a licensed landscape architect, or
   iii. a planner who is a member of the American Institute of Certified Planners.

c. Alternatively, an architectural design review board may be designated as the Village District consultant provided the members shall include at least one (1) architect, landscape architect or planner who is a member of the American Institute of Certified Planners.

d. All applications shall be subject to review and recommendation by the Village District consultant designated by the Commission as the Village District consultant for such application.

e. The Village District consultant shall review an application and report to the Commission within thirty-five (35) days of receipt of the application.

f. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.

g. Failure of the Village District consultant to report within the specified time shall not alter or delay any other time limit imposed by these Regulations.

h. The Commission may seek the recommendations of any Town or regional agency or outside specialist including, but not limited to, the regional planning agency, the New Canaan Historical Society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources.

i. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

ARTICLE 7 - SPECIAL PROVISIONS

SECTION 7.1. NONCONFORMING CONDITIONS

A. Nonconforming Uses

1. Any nonconforming use of buildings or land lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming use.
2. No nonconforming use may be changed except to a conforming use or, with the approval of a Special Permit by the Commission, to another nonconforming use of a less objectionable character.
3. No nonconforming use shall, once changed to a more conforming use, be changed to a less conforming use.
4. No nonconforming use which has been discontinued for a period of one (1) year shall thereafter be resumed or replaced by the same or any other nonconforming use unless:
   a. the owner or owners of the property containing said nonconforming use, prior to the expiration of said one-year period, shall have filed with the Commission a notarized statement of intent not to discontinue such nonconforming use and a copy thereof is filed on the Town Land Records, or
   b. the building containing the nonconforming use is being restored, in accordance with Subsection 7.1.B.4, following damage by fire, explosion accident, force majeure, act of nature, or act of a public enemy.
5. No nonconforming use, and no portion of a building containing a nonconforming use, shall be extended or expanded unless such extension or expansion receives approval of a Special Permit by the Commission.
6. Alterations to a structure containing a nonconforming use may be made provided:
   a. the alterations are structural in nature and do not materially alter the characteristics or exterior appearance of the structure, or
   b. the alterations are solely cosmetic in nature and, in the opinion of the Commission, shall reduce any potential negative impacts of the nonconforming use, or
   c. the structure has been damaged by fire, explosion, accident, force majeure, act of nature, or act of a public enemy and shall be replaced in accordance with Subsection 7.1.B.4.

B. Nonconforming Structures

1. Any nonconforming structure lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming structure.
2. A nonconforming structure in a single-family residential zone (A-zone and larger lot size zones) may only be enlarged provided such enlargement:
   a. complies with applicable parts of these Regulations for the specific use and zone, or
   b. receives a variance from the Zoning Board of Appeals.
3. A nonconforming structure in any business or commercial district, B Residence Zone, Apartment Zone or Multi-Family Zone may only be enlarged provided such enlargement:
   a. complies with applicable parts of these Regulations for the specific use and zone, or
   b. receives approval of a Special Permit by the Commission in accordance with the standards of Subsection 8.2.B.4.
4. Any nonconforming structure which has been damaged by fire, explosion, accident, force majeure, act of nature, or act of a public enemy may be repaired, restored, rebuilt, or replaced to the same extent as it was immediately prior to said destruction provided:
   a. such repair, restoration, rebuilding, or replacement:
      i. does not extend nor expand the previously existing nonconforming structure unless approved by the Commission by granting of a Special Permit in accordance with the standards of Subsection 8.2.B.4,
      ii. shall be initiated within six (6) months of the date of such destruction, and
      iii. shall be completed within eighteen (18) months of the date of such destruction.
   b. the Commission may, upon written application made to it, extend the time period for initiation and/or completion for an additional period, not to exceed six (6) months.
   c. in the event of a failure to begin such repair, restoration, rebuilding, or replacement in accordance with the above time period, said right shall be lost, and such nonconforming structure shall not thereafter be restored or continued.
5. A nonconforming structure may only be otherwise repaired, restored, rebuilt, replaced, or altered if such alterations:
   a. do not increase the non-conforming aspect of the structure, and
   b. comply with other applicable parts of these Regulations for the specific use and zone, and do not result in the repair or replacement of more than fifty percent (50%) of the existing structure.

C. Nonconforming Parcels

Any nonconforming parcel lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming parcel provided that such parcel has not, once becoming non-conforming, been in the same ownership as an abutting parcel. If such parcel has been in the same ownership as an abutting parcel, such parcels shall, for zoning purposes, be considered to be merged to create a conforming lot or a more conforming parcel.

SECTION 7.2. TEMPORARY AND CONDITIONAL PERMITS

1. The Commission may authorize the Zoning Inspector to issue a Zoning Permit on a temporary and conditional basis for principal or accessory uses or activities not conforming to these Regulations.
2. Any such temporary and conditional permit shall not be extended beyond what may be authorized by the Commission nor shall any such use or activity be converted or altered to a nonconforming use.

SECTION 7.3. LAND IN TWO MUNICIPALITIES

Where a parcel of land is located partially in New Canaan and partially in an adjoining town, no Zoning Permit shall be issued for the construction of a building on such parcel unless:

1. all of that part of the building used for human habitation is located entirely within one Town, and
2. all accessory buildings used for human habitation in connection therewith are located in the same Town.

SECTION 7.4. TRAILERS

1. Temporary construction trailers shall obtain a Zoning Permit.
2. Trailers shall not be used for human habitation except for an emergency as determined by the Zoning Inspector and then only on a temporary basis.
3. Except as provided above, trailers shall not be used or employed for any use of any kind without approval of a Special Permit by the Commission.

SECTION 7.5. SALE OF ALCOHOLIC LIQUOR

No building, premises or land or any part thereof shall hereafter be used for the sale of alcoholic liquors as defined in the Liquor Control Act, except:

1. In a Waveny Zone,
2. In any Retail Zone or any Business Zone, or
3. By a club or hotel legally conducted in a Residence Zone.

SECTION 7.6. AFFORDABLE HOUSING

A. Inclusionary Zoning Fee

1. Authority

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

2. Applicability

a. All applications for a zoning permit for any new building construction or addition (excluding interior renovation) in any zone shall be accompanied by an inclusionary zoning fee of $10.00 per $1,000 of construction value, to be paid into a Housing Trust Fund to be used for constructing, rehabilitating or repairing affordable housing.

b. The money collected in the Housing Trust Fund shall only be disbursed by the Town of New Canaan to the New Canaan Housing Authority and/or other non-profit entities as authorized by the Town and Planning and Zoning Commission for the construction, rehabilitation or repair of affordable housing.

c. Market rate units in an affordable development shall be assessed the inclusionary housing fee.

3. Exemptions

The following shall be exempt from this fee:

a. Any application submitted on behalf of the United States of America, the State of Connecticut, the Town of New Canaan, the New Canaan Board of Education, the New Canaan Housing Authority, or any of their agencies.

b. The affordable housing units included in any application for construction in an affordable housing development approved in accordance with the requirements of CGS 8-30g. The fee would still be applicable for the market rate units in any such affordable development.

c. Any application for a dwelling unit(s) as affordable housing that complies with the affordability criteria and other requirements of CGS 8-30g in effect on the date of approval. The fee would still be applicable for the market rate units in any such affordable development.

d. Any application that pays the fee in lieu cash contribution to the Housing Trust Fund as described in Section 7.6. C (4) (b).

B. Housing Affordability Plan Requirements

For any affordable housing development, the following requirements shall apply:

1. After June 18, 2005, any proposed affordable housing development shall submit a Housing Affordability Plan to the Commission in compliance with CGS 8-30g(b)(1). The development shall thereafter conform to the Housing Affordability Plan approved by the Commission.
2. Any affordable housing development approved prior to June 18, 2005 shall comply with the affordability criteria and other requirements of CGS 8-30g which were in effect on the date the application was applied for and subsequently approved.
3. Unless otherwise provided in the Housing Affordability Plan approved by the Commission, the Housing Affordability Plan shall state:
    a. Construction quality of affordable housing units shall be comparable to market-rate units within the development,
    b. Affordable housing units shall be dispersed throughout the development,
    c. Affordable housing units shall be built on a pro rata basis as construction proceeds,
    d. Occupancy of affordable housing units shall be restricted to persons and families eligible under State law,
    e. The Town of New Canaan shall be designated as the municipal agent monitoring the enforcement of the standards contained in the definition of an affordable housing development.

C. Inclusionary Zoning

1. Authority & Purpose

This Subsection is adopted under the authority of Section 8-2i of the Connecticut General Statutes and is intended to assist the Town of New Canaan in providing a diverse housing portfolio and to create income restricted dwellings at or below eighty percent (80%) of median income in an effort to move New Canaan towards the ten percent (10%) housing affordability requirement of CGS 8-30g.

2. Applicability

The inclusionary zoning requirements of this section apply to projects resulting in the creation of five (5) or more dwelling units in the Multi-Family Zone (Section 5.3), Apartment Zone (Section 5.4), or the Commercial Zones in Article 4.
The inclusionary zoning requirements will only apply to projects in the foregoing zoning districts that have access to public water and sewer.

3. Inclusionary Zoning Requirements
    a. Where a project results in the creation of at least five (5) dwelling units, fifteen percent (15%) of the units must be provided as affordable housing, at or below eighty percent (80%) median income, and deed restricted for a minimum of forty (40) years from the date of first occupancy. *See Inclusionary Zoning Calculations 7.6. C (6).*
    b. When a calculation performed to determine the number of affordable housing units to be provided results in a number that is less than one (1), one (1) unit of affordable housing shall be provided.
    c. When a calculation performed to determine the number of affordable housing units to be provided includes a fraction greater than one (1), the fractional amount may be provided as a fee in lieu cash payment to the Housing Trust Fund as per Section 7.6. C (4) (b). If the option to pay the

fractional amount as a fee in lieu cash payment is not desired, the number of affordable housing units to be constructed shall be rounded up to the next whole number.

d. Projects subject to the inclusionary zoning requirements in Section 7.6 C (3) (a) shall comply with applicable zoning regulations of the underlying zoning district, including parking.

e. Notwithstanding the provisions of (d), above, where a project provides fifteen percent (15%) of its units as affordable housing on site, the Commission may allow a bonus to the total number of permitted dwellings (density) of up to one (1) unit per 1,250 square feet in the Business Zone. In all other zones, the Commission may allow a bonus to the total number of permitted dwellings (density) of up to fifteen percent (15%), so long as the overall affordability of the project remains above ten percent (10%). Total project density including all units shall not exceed one hundred thirty percent (130%) of the underlying zone when all the affordable units are provided on site. *See Inclusionary Zoning Calculations 7.6. C (6).*

f. If a project uses the bonus in (e), above, the Commission may allow additional modifications in order to accommodate the increased density on site:

i Maximum Building Coverage

Zone (s)	Existing	Inclusionary Zoning Max. Modification
Multi-Family Zone	30%	40%
Apartment Zone	25%	35%

ii. Minimum Landscaped Area

Zone (s)	Existing	Inclusionary Zoning Max. Modification
Multi-Family Zone	50%	40%
Apartment Zone	50%	40%

iii. Maximum Floor Area Ratio

Multi-family developments in the Business Zone that provide affordable housing units onsite in accordance with 7.6 C (3) may have an FAR greater than 0.6 but shall not exceed a maximum FAR of 1.5.

iv. Maximum Building Height and Total Building Height

Zone (s)	Existing	Inclusionary Zoning Max. Modification
Multi-Family Zone	2.5 stories	3.5 stories
Max. Building Height	30 feet	40 feet
Max. Total Building Height	40 feet	50 feet
Apartment Zone	2.5 stories	3.5 stories
Max. Building Height	30 feet	40 feet
Max. Total Building Height	40 feet	50 feet
Retail Zone	2.5 stories	3 stories
Max. Building Height	30 feet	35 feet
Max. Total Building Height	35 feet	40 feet
Business Zone	2.5 stories	3 stories
Max. Building Height	30 feet	40 feet
Max. Total Building Height	35 feet	45 feet

Basement levels dedicated in their entirety to storage and/or non-living space (ex. Vehicular garage access and/or parking, utility, circulation, or other common storage, etc.) shall not be counted as a story in the calculation of height.

The Commission may require that any building height above 30 feet or two-and-one-half stories be set back from the façade of the building so as to maintain a cornice line along the street and/or not overwhelm the street.

4. Application Requirements

Projects required to provide affordable housing units through the Inclusionary Zoning Requirements of Section 7.6 C (3) shall follow the permit process required for residential dwelling units in the underlying zoning district.

Submitted with the appropriate permit application, the Applicant will also include the following:

a. A “Housing Affordability Plan” in accordance with CGS 8-30g(b)(1) et seq. of the Regulations of Connecticut State Agencies will be submitted as part of the permit application. Such plan, unless otherwise approved by the Commission, shall include the requirements under Section 7.6 B (3).
b. The Commission may accept payment of fee in lieu of construction for some, or all, of the required affordable housing units. If fee in lieu of payment is desired by the Applicant, the Applicant will submit to the Commission a written statement requesting such payment. If fee in lieu is accepted by the Commission:

    i. It will take the form of a one-time cash contribution to the Housing Trust Fund referenced in Section 7.6 A equal to 500% of the state median income for a family of four per required affordable housing unit.
    ii. The calculation of the number of affordable housing units required to be paid for by a fee in lieu cash contribution is the same as in Section 7.6 C (3).
    iii. The fee in lieu shall be paid in full prior to the issuance of the first Zoning Permit.

5. Inclusionary Zoning Calculations in the Business Zone
    a. Calculating the Number of Units Allowed without Density Bonus (if fee-in-lieu is paid for affordable units)

        1 unit per 1,500 square feet

        Example: Existing zoning allows for a maximum of 29 multi-family units to be constructed on a one-acre site (1 unit per 1,500 square feet). The number of affordable units to be provided is 4.35 (0.15 * 29). If the Applicant does not include these affordable units onsite, they would be required to pay the fee-in-lieu for 4.35 affordable units. The total number of units that can be built is 29.

    b. Calculating the Number of Units Allowed with Density Bonus (if affordable units are provided onsite)

        1 unit per 1,250 square feet

        Example: With the density bonus (1 unit per 1,250 square feet), a maximum of 34 units can be constructed on a one-acre site. The number of affordable units to be provided is 5.1 (0.15 * 34). If the Applicant proposes to include the affordable units onsite, they would be required to build 5 affordable units and pay the fee-in-lieu for the remaining 0.1 affordable unit or provide an additional affordable unit. The total number of units that can be built, inclusive of the affordable units, is 34.

6. Inclusionary Zoning Calculations for All Other Zones
    a. Calculating the Number of Units Allowed (without Density Bonus)

        X = Number of units allowed under existing density
        Y = Number of affordable units to be provided (0.15 * X)
        Z = Total number of units (X + Y)

        Example: Existing zoning allows 20 multi-family units to be constructed on site. The number of affordable units to be provided is 3 (0.15 * 20). The total number of units that can be built, inclusive of affordable and bonus units is 23 (20+3).

    b. Calculating the Number of Units Allowed with Density Bonus

        X = Number of units allowed under existing density
        Y = Number of affordable units to be provided (0.15 * X)
        B = 15% density bonus when 15% of units are provided as affordable (0.15 * X)
        Z = Total number of units (X + Y +B)

        Example: Existing zoning allows 20 multi-family units to be constructed on site. The number of affordable units to be provided is 3 (0.15 * 20). The density bonus allows an additional 3 units to be built (0.15 * 20). The total number of units that can be built, inclusive of affordable and bonus units is 26 (20+3+3).

7. Calculating the Overall Affordability of a Project:
   a. X = Number of units allowed under existing density

      Y = Number of affordable units to be provided (0.15 * X)

      B = 15% density bonus when 15% of units are provided as affordable (0.15 * X)

      Z = Total number of units (X + Y +B)

      OA = Overall project affordability (Y / Z)

      Example: The total number of units that can be built on a site inclusive of affordable and bonus units is 26. The number of affordable units being provided is 3 (0.15 * 20). The overall affordability of the project is 11.5%. The overall affordability of the project is above 10%.

SECTION 7.7. PRESERVATION OF HISTORIC STRUCTURES

A. Purpose

In order to encourage the preservation of structures contributing to positive aspects of community character, the Commission may, by Special Permit, allow a minimum area or dimensional requirement (such as minimum yard setback) to be reduced or a maximum area, density or dimensional requirement (such as maximum building coverage or density calculation) to be exceeded in accordance with the following standards.[3]

B. Historic Structure Designation Criteria

1. For purposes of this Section, structures may, upon application by the owner, be designated as historic structures by the Commission where said structures are seventy five (75) years old or older, and are found by the Commission to be directly associated with the history of the subject property and:
   a. exemplify or reflect the broad cultural, political economic or social history of the nation, state or Town; or
   b. are identified with historic personages or with important events in the national, state or local history; or
   c. embody the distinguishing characteristics of an architectural type inherently valuable for study of a period, style, method of construction or of indigenous materials or craftsmanship; or
   d. are representative of a notable work of a master builder, designer or architect who influenced his or her age; or
   e. have yielded, or may be likely to yield, information important to history.
2. The Commission encourages property owners to seek designation of historic significance from local, state or federal organizations and to display appropriate historic plaques.

C. Application Requirements

1. Application for the Special Permit shall be made in the form prescribed by the Commission, consistent with all applicable provisions of these regulations particularly Subsection 8.2.B.4 and shall contain, at a minimum:
   a. accurate exterior elevations or photographs of each side, of each historic structure proposed to be preserved,
   b. a survey map and other documentation sufficient to establish the historic, cultural, or architectural significance of the historic structure and compliance with the standards set forth in Subsection 7.7.B and any other standards contained in these regulations as determined applicable by the Commission.

[3] When two conforming lots, each with an existing single family dwelling are merged and at least one of the original lots contains a single family dwelling and/or accessory dwelling unit which meet the criteria of historic structure(s) as set forth in this Section, continuation of the pre-existing uses as single family dwelling units shall be permitted without requiring a Special Permit. However, should the historic structure(s) be removed a new single family dwelling cannot be erected unless the parcel is resubdivided or permission to erect a new single-family dwelling is allowed in accordance with these regulations. Once the properties have been merged under this Section, the historic dwelling unit(s) shall not be relocated or modified in any way unless such modification or relocation is approved by the Commission or its agent.

2. The Commission shall determine, in its sole discretion, from factual evidence or expert opinion that:
   a. the structure in question contributes to community character or possesses a degree of historic significance (which may be evidenced by its age, architectural uniqueness, or cultural value) which would represent a cultural benefit to the community if preserved, and,
   b. the structure in question requires some measure of regulatory relief to allow for its preservation.

D. Considerations

1. When considering an application or any action regarding a use or a structure under this Section the following shall apply:
   a. the maximum variation allowable by the Commission, of any applicable regulation, shall be 75% of the regulation requirement, and
   b. the Commission may solicit pertinent information from outside experts such as the Historical Society, architectural consultants, historians or any other person(s) it may find as qualified to comment and provide information on the subject application.
2. When reviewing Special Permits under this Section, the Commission shall, in addition to the Special Permit Criteria of Section 8.2.B.4, consider and determine in each case whether the proposal will:
   a. have a positive or negative effect on the orderly growth and development of the area,
   b. promote the general welfare of the residents of the Town,
   c. adversely affect safety in the streets,
   d. permit the retention of historic structures that would be in scale and compatible with surrounding structures,
   e. allow for the preservation of historic structures having special historical, cultural and/or architectural merit, including in the Commission's sole discretion, but not limited to structures retaining historical integrity of those features related to history, architecture and/or construction methods, and
   f. further the stated goals and policies of the current Plan of Conservation and Development.
3. After the required Public Hearing is held and findings are made, the Commission may, in its sole discretion, allow an area, density, or dimensional requirement to be reduced or exceeded, up to the maximum allowed by Subsection 7.7.D.1.a. Bonuses approved by the Commission shall be restricted to the minimum amount deemed necessary to encourage preservation of the historic structure.
4. Where a historic structure is preserved in connection with a first cut or subdivision application:
   a. A suitable historic conservation easement shall be recorded on the New Canaan Land Records to ensure the continued maintenance of any such historic structure or property in accordance with the aforementioned standards; and,
   b. The Commission may retain architectural review jurisdiction over the structure proposed on the newly established lot to ensure compatibility with the preserved, historic structure on the adjacent lot.

E. Limitations

1. Once a Special Permit has been granted under this Section, the historic structure shall not be relocated or modified in any way unless such modification or relocation is approved by the Commission. If a modification is proposed as minor in nature, the Commission may delegate approval to the Zoning Inspector upon submission of appropriate information.
2. Any Special Permit granted under this Section shall prescribe the specific conditions to be observed and structural appearance to be maintained for the preserved structure. Any unauthorized deviation from these conditions shall constitute a nullification of the Special Permit approval. Upon such nullification, the property may be subject to any and all legal means available to the Commission to correct any unauthorized work at the property owners expense, or may be subject to any other enforcement action the Commission, through the Zoning Inspector, deems necessary. In addition, any permits issued subsequent to the granting of the Special Permit may be voided and the work associated with any such permit may be required to be removed.
3. Any proposed modifications to the structure or the use of the structure shall be made known to the Commission at the time of the Special Permit application. Any subsequent changes to the use or the structure shall only be accomplished as specified herein. Emergency repairs may be made by the owner as a result of fire or other similar type damage and the Zoning Inspector shall be notified not later than 72 hours after the repair or stabilization is initiated.
4. Any significant maintenance requirements to any structure covered by this regulation shall be done promptly by the owner. Failing this, the owner shall be notified that, if the maintenance requirements of the original Special Permit are not complied with, the Special Permit may be determined to be violated and may be nullified by the Commission.
5. Any change in use of any structure which has an approved Special Permit may only be authorized by application to, and approval by, the Commission. Said application shall contain all relevant information pertaining to the previously approved and proposed change of use for the historic structure. The Commission shall determine if the proposed change in use is appropriate and in keeping with the intent of the original Special Permit granted for the subject historic structure according to the standards referenced in this Section.

SECTION 7.8. TELECOMMUNICATION FACILITIES

A. Purpose

These regulations are intended to establish guidelines and standards for the siting of different types of antenna facilities in New Canaan in order to protect the public safety and general welfare and, through design, siting, and screening, to minimize any adverse effects.

The Town of New Canaan recognizes that wireless communication services have become an important means of communication relied upon by residents and visitors. Wireless telecommunication services also have a public safety component since they can be used to summon police, fire and other emergency services, if or when needed. The Town intends to balance the public need or benefit resulting from wireless communications service in New Canaan while seeking the least obtrusive means of having such services available and minimizing possible negative impacts.

B. Antennae Permitted Without Zoning Permit

1. Residential Household Antenna - An antenna used solely for residential household television / radio reception provided any such antenna meets required setbacks and:
    a. if attached to the principal building, does not extend more than ten feet (10') above the height of the building, or
    b. if detached from the principal building, does not exceed the maximum total building height limitation for the zoning district in which it is located.

2. Residential Satellite Dish Antenna - A satellite dish antenna in a residential zone provided it is not visible from the street and:
    a. the dish antenna measures 1 meter (3.28 feet) or less in diameter.
    b. a building-mounted installation complies with yard setback and total building height standards for a principal structure.
    c. a ground-mounted installation is located in the rear yard and complies with yard setback and total building height standards for an accessory structure.

C. Antennae Permitted by Zoning or Other Permit (Staff)

1. Commercial Satellite Dish Antenna - A ground-mounted or roof-mounted satellite dish antenna in a Retail or Business zone provided:
    a. the dish antenna measures 2 meters (6.56 feet) or less in diameter.
    b. the dish antenna is screened from public view.

2. Amateur Radio Antenna - An amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC provided:
    a. a ground-mounted installation is located in the rear yard.
    b. a building-mounted installation is affixed to the rear of the residential structure.

c. any tower and antenna combination is less than 40 feet in total height and is erected no nearer to any property line than a distance equal to the vertical height of the tower and antenna.
d. a suitable safety fence may be required to be erected to preclude unauthorized access.

3. Repair Of Existing Antennas And/Or Tower - Repair of existing antennas and/or towers, provided there are no changes in design, height or appearance.

D. Antennae Permitted by Site Plan Approval (PZC)

1. Other Residential / Commercial Antenna - An antenna of the type permitted by Subsection 7.8.B. or Subsection 7.8.C. that does not comply with the standards for such antenna specified therein.

E. Antennae Permitted by Special Permit (PZC)

For the following antennae and/or telecommunication facilities requiring a Special Permit from the Planning and Zoning Commission, the proposed facility shall be reviewed for consistency with:

- The purposes of this Section 7.8,
- The Special Permit criteria contained in Section 8.2.B.4 of these Regulations, and
- The Standards contained in Section 7.8.G of these Regulations.

1. Other Antennas on Existing Structures - Any other antenna which is not attached to a tower (such as antennae mounted on a building, water tank, or other structure not specifically constructed for the antennae installation).

2. New Public Safety Tower or Antenna - A new antenna and/or tower intended and used primarily for the purpose of police, fire, ambulance, and/or other emergency services or similar emergency communications.

3. New Tower or Antenna on Town-Owned Property - A new antenna and/or tower located on property owned, leased or otherwise controlled by the Town of New Canaan.

4. New Tower or Antenna - Any new antenna and/or tower not regulated by the Connecticut Siting Council or by the Public Utilities Regulatory Authority including but not limited to radio towers, meteorological towers, or similar towers.

F. Antennae Regulated By State Authorities (State)

For telecommunication facilities regulated by the Connecticut Siting Council (CSC) or the Public Utilities Regulatory Authority (PURA), the standards contained in Section 7.8.G of these Regulations shall be submitted to such regulatory agency and shall be considered part of the "location preferences or criteria" as that term is used in CGS Chapter 277a.

1. Connecticut Siting Council - As provided in Chapter 277a of the Connecticut General Statutes (CGS Section 16-50g et seq.) and the rulings of the Connecticut Siting Council, telecommunications towers owned or operated by the state, a public service company, certified telecommunications provider or used in a cellular system including:
    a. Establishment of new towers (or built to support telecommunications antennae),
    b. Co-location of new antennae on existing towers,
    c. Modification of approved towers, and
    d. Applications to attach small cells to a new structure, an electric transmission pole or other freestanding structure.

Applicants to the Connecticut Siting Council are strongly encouraged to *meet with the Planning and Zoning Commission* within 30 days of the pre-application notice to a municipality as required by CGS Section 16-50l.(f)(1), to review technical reports concerning:

- **the need for the facility including a map indicating the area of need and the location of existing surrounding facilities,**
- **a description of the site selection process undertaken by the prospective applicant**
- **the proposed and any alternate sites under consideration and a listing of other sites or areas considered and rejected,**
- **the location of all schools and places of public assembly near the proposed facility,**
- **an analysis of the potential aesthetic impacts of the facility as well as efforts or measures to be taken to mitigate such aesthetic impacts, and**
- **the potential environmental effects of the proposed facility.**

Such meeting with the Commission shall not be in lieu of the public informational meeting as provided for by CGS Section 16-50l.(f)(1).

2. Public Utilities Regulatory Authority – As provided in Chapter 283 of the Connecticut General Statutes (CGS Section 16-228 et seq.) and the rulings of the Public Utilities Regulatory Authority (PURA), the placement of small cell or similar (telecommunication) facilities on utility poles (including replacement or convenience poles) that are part of the electric distribution system.

G. Standards

The following standards apply to applications submitted to the Commission under Section 7.8.E and to applications submitted to the CSC or PURA under Section 7.8.F.

Location

1. Protect the Town's visual quality and minimize any adverse visual impacts of wireless communication facilities through proper design, siting, and screening.

2. Avoid locating wireless communication facilities in:
    - Special Flood Hazard areas.
    - Regulated wetland areas.

3. Avoid locating wireless communication facilities in locations which will have adverse visual impacts upon:
    - recognized historic places (properties listed in the National Register of Historic Places and/or the State Register of Historic Places),
    - designated historic districts (National Register Historic Districts, State Register Historic Districts, and/or local historic districts),
    - scenic resources designated in the Plan of Conservation and Development or elsewhere,
    - Areas shown on the:
        i. Connecticut DEEP Natural Diversity Database, and/or
        ii. Federal Listed Species and Natural Communities Maps.

Antenna Type

4. For new towers, New Canaan expresses its preference that the number of towers be minimized, especially visually prominent ground-mounted towers.

5. New Canaan expresses its preference for wireless communication facilities in the following order / hierarchy:

PREFERRED	
Existing Utility Poles	1. Small cell or other similar telecommunication facilities on existing utility distribution poles.
Structure Mounted (provided that such installation preserves the character and integrity of those structures)	2. Totally enclosed within: • an existing structure. • a new steeple, chimney, or similar architecturally compatible structure.
	3. Externally mounted on the wall of: • an existing structure. • a new steeple, chimney, or similar architecturally compatible structure.
	4. Mounted on or within a new purpose-built structure designed to fit New Canaan's overall character (such as a structure designed to look like a water tank, bell tower, clock tower, silo, barn, or similar).
	5. Externally mounted on the roof of: • an existing structure. • a new steeple, chimney, or similar architecturally compatible structure.
Internal Mount on Tower	6. New internally-mounted antennae on existing tower (monopole or flagpole). 7. New monopole or flagpole (up to 10 feet above tree height) containing internally-mounted antennae. 8. New monopole or flagpole (more than 10 feet above tree height) containing internally-mounted antennae.
NOT PREFERRED	
Up-sized Utility Poles	9. Small cell or other similar telecommunication facilities on utility poles that are substantially larger in size or scale compared to existing utility poles.
External Mount on Tower	10. New antennae externally-mounted on existing pole (co-location). 11. New "monopine" with externally-mounted antennae, at least three "branches" per vertical foot (or equivalent), and less than 10 feet above tree height. 12. New "monopine" with externally-mounted antennae, with fewer than three "branches" per vertical foot (or equivalent), or extending more than 10 feet above tree height. 13. New monopole with externally-mounted antennae less than 10 feet above tree height). 14. New monopole with externally-mounted antennae extending more

	than 10 feet above tree height). 15. New lattice tower. 16. New guyed tower.

Design

6. For new installations, all wireless communication facilities and associated equipment and material shall be visually shielded, camouflaged, and/or minimized to be as visually unobtrusive as possible when viewed from nearby properties and public roadways.
    - The design of the equipment, buildings and related structures shall, to the extent possible, use materials, neutral colors, finish, textures, screening, and landscaping that will blend them into their location.
    - Any building mounted antenna shall not extend more than 10 feet above the highest point of the structure unless specifically approved by the Commission due to unusual circumstances.
    - Any building mounted antenna shall be completely screened or shall be designed and installed to be architecturally compatible with the structure in question.

7. New towers shall be located away from property lines and habitable buildings at least as far as the height of the tower, including any antennas or other appurtenances unless adequate information has been provided to demonstrate that a "yield point" or other approach has been designed into the tower to avoid a tower falling on adjacent properties or habitable buildings.

8. With regard to installations on utility poles:
    - Any replacement poles or convenience poles shall retain the general height and visual characteristics of the utility pole they are replacing.
    - All equipment shall be placed within one enclosure mounted in the least visually obvious location on the pole.

9. Lighting of any wireless communication facilities shall be clearly disclosed and shall not exceed what is clearly necessary for public safety. No towers shall be artificially lighted unless required by the FAA or other applicable authority and specifically authorized by the Commission.

10. Signage shall be clearly disclosed and should not exceed what is clearly necessary for public safety.

11. Site development shall minimize impervious surfaces, avoid soil erosion and runoff problems, maintain natural buffers, and provide for security and safe access.

12. Towers shall be protected to prevent unauthorized climbing.

Equipment Shelters

13. For equipment shelters associated with telecommunications facilities:
    - the presence of wireless communication equipment shall be concealed within buildings that resemble sheds and other building types found in New Canaan.
    - Such buildings shall not exceed one story in height and shall not exceed the maximum height in feet for an accessory building as specified in Section 3.5.F.2 of these Regulations.
    - Such equipment and shelters shall be set back from property lines in accordance with the requirements in the zoning district for the minimum yard setbacks for principal buildings.
    - such equipment shelters shall, in the opinion of the Commission, be appropriately scaled (floor area, height) and designed for the setting and the number of carriers provided.
    - In unusual situations where the above is not practical or desirable, the Commission may allow the use of underground vaults or ground-mounted equipment shielded by extensive landscaping and/or fencing.

14. For building mounted antennae, equipment vaults shall be concealed or use screening appropriate to the building shall be used to shield equipment from view.

15. Any equipment cabinets or other appurtenances used in association with the tower or antenna shall be clearly shown as part of the application including how such equipment is designed to blend with the surrounding landscape or be obscured from adjacent properties and streets.

16. Security fencing, no more than six feet in height, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.

17. Landscaping, including buffering, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.

Operation / Maintenance of Towers / Antennae

18. All antennae and equipment shall be operated in a manner consistent with FCC guidelines for radio frequency emissions and other requirements.

19. All antennae and equipment shall, under normal operating conditions, be consistent with the noise standards as stated in the Town of New Canaan Noise Ordinance, Chapter 6B of the Town of New Canaan Code.

H. Application Requirements / Requests

For applications filed with the Planning and Zoning Commission (PZC) under Section 7.8.E, the information identified below as relevant will generally be required unless modified or waived by the Commission. For applications filed with the Connecticut Siting Council (CSC) or the PublicUtilities Regulatory Authority PURA), the information identified below as relevant is requested.

	PZC	CSC	PURA
1. Carrier Identified –			
a. A statement identifying which licensed carrier is either an applicant or a co-applicant on the application.	☑	☑	☑
2. **Emergency Service Needs Considered** –			
a. A statement identifying whether an authorized emergency services organization (police, fire and/or ambulance services) is either an applicant or a co-applicant on the application.	☑	☑	
b. If an authorized emergency services organizations is not a co-applicant, statements from police, fire and ambulance services indicating whether they have any emergency service communication needs which could be addressed by the proposed facility.	☑	☑	
c. Documentation that the proposed facility will not cause any interference with any emergency or public safety radio system.	☑	☑	☑
3. Regulatory Compliance–			
a. A statement that all towers, antennas, and/or equipment will, at all times, be operated in accordance with relevant local, state, and federal regulations.	☑	☑	☑
b. Documentation regarding noise emission from equipment and steps to be taken so that any equipment noise is inaudible at the property line.	☑	☑	☑
4. **Coverage** –			
a. Coverage parameters used in the analysis of potential sites.	☑	☑	☑
b. Information on all tower sites considered and the reasons for rejection of any site.	☑	☑	

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	PZC	CSC	PURA
5. **Visual Impact And Extent** –			
a. For a new tower, the boundaries of the tower's viewshed (the area within which the tower can be seen based upon the topography surrounding the site).	☑	☑	
b. For a new tower, notice of a "balloon test" for the proposed height and site shall be published in a newspaper having a general circulation in New Canaan at least twice, at intervals of not less than two days, the first not more than 15 days or less than 10 days and the last not less than two days before the date set for the balloon test.	☑	☑	
c. Illustrations, dimensioned and to scale, of the proposed tower, antennas, equipment shelters, and any other construction or development attendant to the facility.	☑	☑	☑
d. Visual simulation of the proposed tower, antennae and equipment enclosure(s)	☑	☑	☑
e. A statement indicating whether utilities serving the facility will be overhead or underground.	☑	☑	
f. A statement indicating whether the site will require lighting per the FAA regulations and, if so, what type of lighting is proposed	☑	☑	
g. A statement as to whether any commercial logo or identification will be placed on any equipment so as to be visible from adjacent property or a public street.	☑	☑	☑
6. **Construction Plans** –			
a. For towers, site plans with two-foot contour intervals showing all proposed changes to the existing property, including vegetation removal, grading, structure and equipment location(s), temporary or permanent roads or driveways, existing and proposed drainage facilities, stormwater management, and other considerations.	☑	☑	
b. For utility pole installations, site plans showing all proposed changes within the street right-of-way or on nearby property including vegetation removal, grading, and other considerations.			☑
c. For towers, drawings of the tower and key dimensional parameters including any built-in "yield point" or other parameter.	☑	☑	
d. Drawings of any building, underground vault, fence, screening, or other enclosure for equipment	☑	☑	
e. For towers or for any ground based equipment or structures, landscaping drawings.	☑	☑	☑

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	PZC	CSC	PURA
7. **Other Requirements** –			
a. A statement shall be submitted indicating whether there are any deed restrictions or easements or other encumbrances that would affect the installation of wireless communication facilities.	☑	☑	
b. For applications to PURA, the applicant shall submit a statement indicating their willingness to schedule a public information meeting in New Canaan if requested by the Town.			☑
8. **Operational Considerations** –			
a. A statement about whether the site will require lighting per the FAA regulations or be installed for any reason and, if so, what type of lighting is proposed.	☑	☑	
b. The applicant's program for annual reporting of the contact person.	☑	☑	☑
c. The applicant's proposal for documenting, upon request by the Town: • whether radio frequency emissions from the antennae and/or equipment exceed FCC guidelines and actions taken to correct any non-compliance. • whether equipment at the site complies with noise limitations and actions taken to correct any non-compliance	☑	☑	☑
d. For new towers, the applicant shall prepare and submit an affidavit acceptable to the Commission, for recording on the land records, declaring responsibility for the orderly removal of towers, antennas and associated equipment and restoration of the site at the operator's expense.	☑	☑	
e. A written maintenance plan for the site, including, but not limited to, all facilities including landscaping at the site.	☑	☑	

Taxonomy of Towers / Antennae

No Zoning Permit Required

Household Antenna



Residential Dish



Zoning Permit

Commercial Dish



Amateur Radio



Repair Of Existing

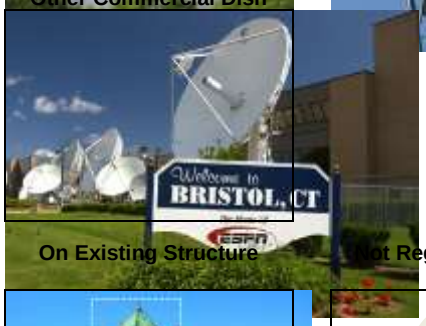


Site Plan Approval

Other Residential Antenna



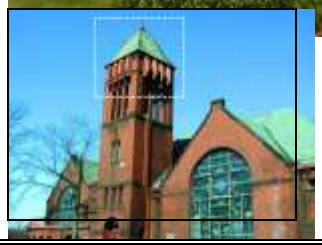
Other Commercial Dish



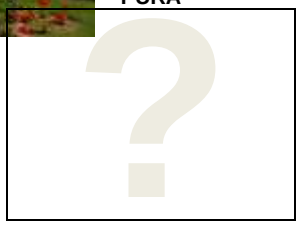
Town-Owned / Public Safety



On Existing Structure



Not Regulated By CSC / PURA



Public Utility Regulatory Authority

120 Ponus Ridge

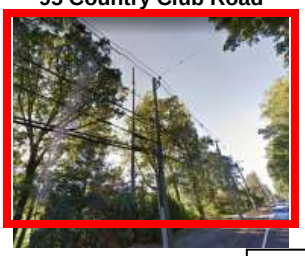


70 Pine Street



Connecticut Siting Council

95 Country Club Road



208 Valley Road



135 Main Street



Jurisdiction Of Connecticut Siting Council

95 Country Club Road



208 Valley Road



135 Main Street



163 Lakeview Avenue



Jurisdiction Of Public Utility Regulatory Authority

120 Ponus Ridge



70 Pine Street



Jurisdiction Of Town of New Canaan

77 Main Street



Waveny Park



39 Locust Street



Other

258 Elm Street (local IP)



ARTICLE 8 - PROCEDURES

SECTION 8.1. GENERAL PROCEDURES

A. Application Submittal Requirements

1. Applications to the Commission or Board shall be submitted to the Planning and Zoning Office.
2. Applications shall be submitted on forms obtained from the Planning and Zoning Office for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any application fee.
4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant and, if applicable, the owner of the property affected.

B. Date of Receipt

For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission or the Board shall be:

1. the day of the next regularly scheduled meeting of the Commission or the Board immediately following the day of submission of the application to the Planning and Zoning Office, or
2. thirty-five (35) days after submission, whichever is sooner.

C. Incomplete Applications

1. Each application shall be reviewed by the Planning and Zoning Office to determine whether the application is substantially complete.
2. An application requiring approval from the Commission or Board shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the Board has been received by the Commission or the Board at a regularly scheduled meeting.
3. An incomplete application or an application submitted without the requisite fee may be denied.

D. Sequence of Hearings

Where a proposed development or activity requires multiple applications, the Commission or the Board may conduct any public hearings simultaneously or in the order they deem appropriate.

E. Consultations

1. On any application, the Commission or Board may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.

2. On any application, the Commission or Board may retain an architect, engineer, landscape architect, professional land use planner, and/or other consultant to review, comment, and guide its deliberations on any application. If the Commission or Board determines that such consultant(s) are necessary, the Zoning Inspector shall obtain estimates from such consultant(s). The Zoning Inspector shall collect 150% of the estimate from the applicant which shall be held in escrow until the technical reviews are completed. Any excess amount collected over the actual cost shall be refunded to the applicant. This payment shall be considered as an integral part of the application. The failure by the applicant to make this payment shall render the application incomplete.

F. Notice by Newspaper

1. When a public hearing is required by these Regulations or scheduled by the Commission or Board, the Planning and Zoning Office shall cause notice of the hearing to be published in a newspaper having a substantial circulation in New Canaan.

2. Such notice shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing.

G. Notification of Property Owners

1. When required by these Regulations, the applicant shall notify owners of property within one hundred (100) feet of the subject property (including owners of individual condominium units), whether inside or outside New Canaan, of a pending application by mailing a notice at least ten (10) days prior to the first scheduled hearing. In accordance with CGS 8-7d(d) as amended by PA 06-80, the Commission is exempt from this requirement.

2. At a minimum, such notice shall consist of:
   a. a description of the proposed activity,
   b. notification of the date, time, and place of the first scheduled hearing, and
   c. a copy of the application form submitted to the Commission or the Board.

3. Notices to such property owners shall be sent either by “Certified United States Mail” or the applicant must provide a “Certificate of Mailing” except that where any property owner shall have listed with the Assessor an address outside the United States, the requisite notice shall be sent by International Express Mail or equivalent.

4. The latest records of the Town Assessor shall be utilized to determine the owner of each property and if such information is not readily available the fact shall be made known to the Zoning Inspector and the Commission or Board.

5. Prior to the first scheduled hearing regarding the application, the applicant shall submit the following to the Planning and Zoning Office or the application shall be considered incomplete:
   a. a copy of the complete package of information sent to abutters,
   b. a list of the abutters to whom the notices were sent, and

c. proof of mailing such as “Certificates of Mailing” issued by the United States Postal Service.

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H. Notification of Abutting Municipalities

1. In accordance with CGS 8-7d(f), the Commission or Board shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
   a. any portion of the property affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality,
   b. a significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site,
   c. a significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
   d. water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Planning and Zoning Office of the application, petition, request or plan.
3. No hearing shall be conducted on any application, petition, request or plan unless the adjoining municipality has received the notice required under this Section.
4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

I. Notification of Water Companies

1. In accordance with CGS 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application, petition, request or plan is filed with the Commission or Board concerning any project on any site that is within:
   a. an aquifer protection area, provided such area has been delineated in accordance with CGS 22a-354c, or
   b. the watershed of a water company, provided such water company or said commissioner has filed a map with the Commission or the Board and on the New Canaan land records showing the boundaries of the watershed.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the Planning and Zoning Office.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning and Zoning Office or the application shall be considered incomplete:
   a. a copy of the complete package of information, and
   b. proof of mailing.
4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

J. Beneficiaries of a Trust

Any person who makes an application to the Commission or Board pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner (s) of such real property or the beneficiary(ies) of the trust.

K. Bonds

1. Where a bond is required by any Section of these Regulations, it shall be in one (1) of the following forms and the Zoning Inspector shall require evidence of compliance with the following standards before accepting any bond:
   a. Cash deposited with the Town.
   b. Certified check to the order of the Town when the amount of the check is fully insured by the FDIC.
   c. Bank deposit assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC.
   d. Irrevocable letter of credit naming the Town as sole beneficiary provided that:
      i. such letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut provided that:
         a) such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, “NAIC”) as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
         b) the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.
      ii. The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town and substantially in the form of the model letter of credit in the Appendix,
      iii. if and when such letter of credit shall, through the passage of time, have less than thirty (30) days remaining until its expiration or lapse date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the bond.
   e. Other form of bond (such as a performance bond) acceptable in form and substance to the Town.

2. Any required bond shall not be released by the Commission until:
   a. the release has been requested, in writing, by the applicant,
   b. the Town Engineer has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied, and
   c. the applicant's engineer or surveyor has certified to the Commission, through submission of a set of detailed "Record" plans on mylar, that all improvements and other work are in accordance with submitted site plans.

3. Any cost of collecting a bond, including without limitation, attorney, bank and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released in Subsection 8.1.K.2.

SECTION 8.2. COMMISSION PROCEDURES

A. Site Plan Application

1. Application Requirements

a. A Site Plan Application shall be submitted:
   i. for any activity designated in the Regulations as requiring Site Plan Approval,
   ii. in a Residential zone, for any construction, development, expansion, or major alteration of a multi-family use or non-residential use, or,
   iii. in any Retail Zone or any Business Zone, for any construction, development, expansion, or major alteration of any use including any alteration in site improvements such as parking, pedestrian or vehicle circulation, public utilities or reduction of landscaping.

b. A Site Plan Application shall be accompanied by five (5) full-size (24" by 36") and twelve (12) reduced-size (11" by 17") copies of detailed plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with the requirements in the Appendix of these Regulations.

c. The Commission may, in accordance with the requirements of these Regulations and the Appendix of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.

d. If a Site Plan Application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Environmental Commission not later than the day such application is filed with the Commission.

e. Where the Commission determines that, because of the particular size, location or nature of a proposal, the public interest would be best served by a three dimensional physical representation or a computer simulation of the project, the Commission may require that the applicant provide a digital model of the proposal or a physical model of the proposal at such appropriate scale as the Commission may approve. The Commission may also require that the model include three dimensional representation of all or portions of the abutting properties where this would significantly aid the Commission and the public to visualize and understand the proposal.

2. Proceedings

a. The date of receipt for the Site Plan Application shall be determined in accordance with Subsection 8.1.B.

b. An incomplete Site Plan Application may be denied in accordance with Subsection 8.1.C.

c. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission:
   i. may hold a public hearing on the application, and
   ii. if such hearing is to be held, shall require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G. of these Regulations.

d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.

e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.

f. Whenever a Site Plan Application is required in conjunction with another application requiring a public hearing (such as a Special Permit Application or a Zone Change Application):
   i. the time period for acting on the Site Plan Application shall coincide with the time period for acting on the related application, and
   ii. a decision on the application shall be rendered within sixty-five days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.

g. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five days after the date of receipt of such Site Plan Application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.

h. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Environmental Commission, the time period for a decision shall be extended to thirty-five days after the decision of such agency.

i. Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered within the applicable time period specified above (approval as a result of failure of the Commission to act).

j. The applicant may, at any time prior to action by the Commission, withdraw such application.

3. Decision Considerations

a. On a Site Plan Application involving an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the Commission shall:
   i. wait to render its decision until the Environmental Commission has submitted a report with its final decision, and
   ii. give due consideration to any report of the Environmental Commission when making its decision.

b. On a Site Plan Application involving notice to adjoining municipalities under Subsection 8.1.H or notice to water companies under Subsection 8.1.I, the Commission shall give due consideration to any report or testimony received.

c. Before the Commission approves a Site Plan Application, it shall determine that the application is in conformance with the applicable provisions of these Regulations.

d. Before the Commission approves a Site Plan Application, it shall consider the following:
   i. the nature, location, height, and design of buildings, structures (including walls and fences), and landscaping on the site,
   ii. the nature, adequacy, and arrangement of driveways and parking facilities,
   iii. the nature and arrangement of any site lighting and any loudspeakers or noise-making devices,
   iv. the availability of adequate sewerage, water supply, drainage, and fire and police protection,
   v. the proposed location and configuration of any signage, including any sign lighting and any signage for traffic control,
   vi. the proposed location and configuration of any outdoor storage areas including trash receptacles and proposed screening,
   vii. the preservation or enhancement of the character of the neighborhood,
   viii. conformity with any other applicable laws, codes or ordinances, and
   ix. the recommendations, if any, of all solicited departments, boards and commissions.

e. In approving a Site Plan Application, the Commission may impose conditions deemed necessary to protect the public health, safety, welfare, convenience, and property values.

f. The Zoning Inspector may require that a bond be posted, in an amount and form acceptable to the Zoning Inspector, to ensure:
   i. that adequate erosion and sediment control measures are installed and maintained, before any Zoning Permit is issued for activities shown on the approved plan, and
   ii. that all of the improvements shown on the approved plan are implemented before a Zoning Permit related to issuance of a Certificate of Occupancy is granted.

g. The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless such Site Plan application will remedy such violation.

4. Action Documentation

a. Whenever it grants or denies a Site Plan Application, the Commission shall state upon its record the reason(s) for its decision.

b. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.

c. The Commission shall cause notice of the approval or denial of site plans to be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision is rendered.

d. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.

e. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period expires.

5. Following Approval

a. Following approval of a Site Plan Application, two (2) fixed-line mylar copies of the approved plan(s) shall be submitted to the Planning and Zoning Office:
   i. bearing the raised seal and signature of the appropriate professionals which prepared the drawing(s),
   ii. bearing a copy of the decision letter of the Commission and any other town regulatory agencies authorizing the activity, and
   iii. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.

b. Following signature by the Chairman, such plans shall be filed in the office of the Building Official before any Building Permits are issued for the activities shown on the approved plan.

c. Proposed modifications to approved site plans shall be submitted to the Zoning Inspector for review and such proposed modifications may be:
   i. approved by the Zoning Inspector if minor in nature, or
   ii. submitted to the Commission for additional review if they propose major changes (i.e., additional building floor area, alteration of building location, etc.).

d. Within a Village District, no approval shall be effective until a copy thereof, certified by the Commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision, is recorded by the applicant in the land records, indexed in the grantor's index under the name of the then record owner.

6. Expiration and Completion

a. Any Site Plan Application under which no work is commenced within twelve (12) months from the date of approval, shall expire unless the Commission shall provide for a longer time period not to exceed twenty-four (24) months from the date of approval.

b. All work in connection with a site plan shall be completed within five (5) years after the date of approval of the plan and failure to complete all work within such five-year period shall result in automatic expiration of the approval of such site plan unless the Commission shall have granted an extension of the time to complete work in connection with such site plan.

c. The Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such site plan.

d. The Commission may condition the approval of such extension on a determination of the adequacy of any bond or other surety.

B. Special Permit Application

1. Application Requirements

a. A Special Permit Application shall be submitted for any activity designated in the Regulations as requiring a Special Permit.

b. Each application for a Special Permit shall be accompanied by a Site Plan Application unless the Zoning Inspector finds that there are no physical changes proposed to the site or any building or structure and the submission of a Site Plan Application is not necessary for the Commission to evaluate the proposal.

c. A Special Permit Application shall be accompanied by twelve (12) copies of the following information:
   i. a detailed statement describing the existing and proposed use or uses,
   ii. a detailed statement describing how the Special Permit criteria in Subsection 8.2.B.4 are satisfied, and
   iii. any approval from any local, regional, state or federal agency or department having jurisdiction over any aspect of the application, if such approval has been obtained at the time of application.

d. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

e. If a Special Permit Application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.

2. Proceedings

a. The date of receipt of the Special Permit Application shall be determined in accordance with Subsection 8.1.B.

b. An incomplete Special Permit Application may be denied in accordance with Subsection 8.1.C.

c. The Commission shall hold a public hearing on the Special Permit Application and:
   i. publish a legal notice in accordance with the requirements of Subsection 8.1.F. of these Regulations, and
   ii. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G of these Regulations.

d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.

e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.

f. The Commission shall process the Special Permit Application within the period of time permitted under CGS 8-7d:
   i. the public hearing shall commence within sixty-five (65) days after receipt of the application,
   ii. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
   iii. all decisions shall be rendered within sixty-five (65) days after completion of such hearing, and
   iv. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.

g. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.

h. The applicant may, at any time prior to action by the Commission, withdraw such application.

i. The applicant shall bear the burden of demonstrating that any applicable Special Permit Criteria in these Regulations are satisfied.

3. Decision Considerations

a. On a Special Permit Application involving an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the Commission shall:
   i. wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
   ii. give due consideration to any report of the Inland Wetlands Commission when making its decision.

b. On a Special Permit Application involving notice to adjoining municipalities under Subsection 8.1.H or notice to water companies under Subsection 8.1.I, the Commission shall give due consideration to any report or testimony received.

c. Before the Commission approves a Special Permit Application, it shall determine that the application:
   i. is in conformance with the applicable provisions of these Regulations,
   ii. has, in the sole discretion of the Commission, satisfied all applicable Special Permit criteria in these Regulations, and
   iii. is in harmony with the purposes and intent of these Regulations.

d. Before granting a Special Permit, the Commission shall determine that any accompanying Site Plan Application is in conformance with the applicable provisions of these Regulations.

e. In granting a Special Permit, the Commission may:
   i. stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility, and
   ii. impose additional requirements, conditions or safeguards as a prerequisite to the issuance of the Zoning Permit by the Zoning Inspector, if it shall be found necessary in order that the spirit of these Regulations may be observed, public safety and welfare secured or substantial justice done.

f. Any condition or safeguard attached to the granting of a Special Permit:
   i. shall remain with the property as long as the Special Permit use is still in operation, and
   ii. shall continue in force and effect regardless of any change in ownership of the property.

g. The Commission shall not approve any Special Permit for any property on which there exists a zoning violation, unless such Special Permit application will remedy such violation.

4. Special Permit Criteria

In considering any application for a Special Permit, the Commission shall evaluate the merit of the application with respect to the following factors:

a. Suitable Location For Use

The location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it are such that the use shall be in harmony with the appropriate and orderly development in the district in which it is located and shall promote the welfare of the Town.

b. Appropriate Improvements

i. The design elements of the proposed development will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the character and desirable development of the area or neighborhood in which the use is proposed to be located.

ii. The location, nature and height of buildings, walls, and fences, planned activities and the nature and extent of landscaping on the site will be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

iii. The proposed use or activity shall have no adverse effect upon the neighboring area resulting from the use of signs, exposed artificial lights, colored lights of any nature, flashing lights, loudspeakers or other noisemaking devices.

iv. In cases where it is proposed to convert a structure designed and built originally for other uses, the structure is adaptable to the proposed use from the point of view of public health and safety.

c. Suitable Transportation Conditions

i. The design, location and specific details of the proposed use or activity shall not adversely affect safety in the streets nor unreasonably increase traffic congestion in the area nor interfere with the pattern of vehicular circulation in such a manner as to create or augment unsafe traffic conditions.

ii. Parking area or areas will be of adequate size for the particular use, shall be suitably screened from adjoining residential uses, and entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.

iii. Streets and other rights-of-way shall be of such size, condition and capacity (in terms of capacity, width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use.

d. Adequate Public Utilities and Services

i. The provisions for water supply, sewage disposal, and storm water drainage conform to accepted engineering practices, comply with all standards of the appropriate regulatory authority, and shall not unduly burden the capacity of such facilities.

ii. The proposed use or activity shall provide easy accessibility for fire apparatus and police protection and is laid out and equipped to further the provision of emergency services.

e. Environmental Protection and Conservation

Appropriate consideration shall be given to the protection, preservation, and/or enhancement of natural, scenic, historic, and unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.

f. Long Term Viability

Adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

g. Plan of Conservation and Development

The proposed use or activity does not conflict with the purposes of the Regulations set forth in Section 1.2, and promotes the goals, objectives, policies, or recommendations of the Plan of Conservation and Development, as amended.

5. Action Documentation

a. Whenever it grants or denies a Special Permit, the Commission shall state upon its record the reason(s) for its decision. The Commission shall state the merits or demerits of the proposal and why approving or disapproving the application will positively or negatively affect the Town of New Canaan or the area or neighborhood impacted.

b. The decision to grant a Special Permit shall:
   i. state the name of the owner of record,
   ii. contain a description of the premises to which it relates,
   iii. identify the Section and/or Subsection of the Regulations under which the Special Permit was granted or denied, and
   iv. specify the nature of the Special Permit.

c. The Commission shall send, by certified mail, a copy of any decision on a Special Permit Application to the applicant within fifteen (15) days after such decision is rendered.

d. The Commission shall cause notice of the approval or denial of the Special Permit Application to be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision is rendered.

e. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

6. Following Approval

a. A Special Permit granted by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS 8-3d.

b. A Special Permit shall only authorize the particular use or uses specified in the Commission's approval.

c. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations and the Commission shall have the authority to revoke the permit at any time the operation is found to be in noncompliance with the original permit.

d. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit except that amendments which shall be found to be of a minor nature or which do not materially alter the Special Permit, as determined by the Commission, may be authorized with Commission approval only, without another public hearing.

C. Regulation Amendment Application

1. Application Requirements

a. A Regulation Amendment Application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.

b. Any such application shall be accompanied by twelve (12) copies of the precise wording of the existing and proposed text and any other supporting information.

c. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

d. A Regulation Amendment Application shall only be submitted by:
   i. an owner of real property in New Canaan,
   ii. residents or persons having an interest in land in Town, or
   iii. by the Commission on its own initiative.

e. The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of twelve (12) months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

2. Proceedings

a. The date of receipt for the Regulation Amendment Application shall be determined in accordance with Subsection 8.1.B.

b. An incomplete Regulation Amendment Application may be denied in accordance with Subsection 8.1.C.

c. The Commission shall hold a public hearing on the Regulation Amendment Application and:
   i. shall cause a legal notice to be published in accordance with the requirements of Subsection 8.1.F. of these Regulations.
   ii. may publish the full text of such proposed regulation in full in such notice.

d. The Commission shall give written notice to the regional planning agency when any portion of the land affected by a regulation change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality and:
   i. such notice shall be made by certified mail, return receipt requested.
   ii. such notice shall be made not later than thirty (30) days before the public hearing.
   iii. the regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

e. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.

f. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.

g. A copy of the proposed regulation shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

h. The Commission shall process the Regulation Amendment Application within the period of time permitted under CGS 8-7d:
   i. the public hearing shall commence within sixty-five (65) days after receipt of the application.
   ii. the public hearing shall be completed within thirty-five (35) days after such hearing commences.
   iii. all decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   iv. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
   v. these provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.

i. The applicant may, at any time prior to action by the Commission, withdraw such application.

3. Decision Considerations

a. The Commission shall act upon the changes requested in such Regulation Amendment Application.

b. Any report from an adjacent municipality or a regional planning agency shall be made a part of the record of such hearing.

c. On a Regulation Amendment Application involving notice to adjoining municipalities, water companies, or a regional planning agency, the Commission shall give due consideration to any report or testimony received.

d. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS 8-23.

e. Before approving any Regulation Amendment Application, the Commission shall determine that the proposed regulation change will aid in:
   i. protecting the public health, safety, welfare, or property values, and
   ii. attaining the purposes of these Regulations.

f. Such Regulation(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

4. Action Documentation

a. Whenever the Commission acts upon a Regulation Amendment Application, it shall state upon the record the reasons for its decision.

b. In making its decision, the Commission shall state upon the record its findings on consistency of the proposed establishment, change or repeal of such Regulations with the Plan of Conservation and Development, as amended.

c. As part of approving a Regulation Amendment Application, the Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in New Canaan before such effective date.

d. The Commission shall send, by certified mail, a copy of any decision on a Regulation Amendment Application to the applicant within fifteen (15) days after such decision is rendered.

e. The Commission shall cause notice of the approval or denial of the Regulation Amendment Application to be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision is rendered.

f. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

5. Following Approval

A regulation amendment approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

D. Zone Change Application

1. Application Requirements

a. A Zone Change Application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

b. A Zone Change Application shall be:
   i. signed by the affected property owner(s),
   ii. initiated by petition, or
   iii. commenced by the Commission on its own initiative.

c. A Zone Change Application shall be accompanied by twelve (12) copies of a map signed and sealed by a land surveyor licensed in the State of Connecticut for review by the Commission and its designees that complies with the requirements in the Appendix of these Regulations.

d. The Commission shall not be required to hear a Zone Change Application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

2. Proceedings

a. The date of receipt of the Zone Change Application shall be determined in accordance with Subsection 8.1.B.

b. The Commission shall hold a public hearing on the Zone Change Application and:
   i. shall cause a legal notice to be published in accordance with the requirements of Subsection 8.1.F. of these Regulations.
   ii. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G. of these Regulations.

c. The Commission shall give written notice to the regional planning agency when any portion of the land affected by a Zone Change Application is located within five hundred (500) feet of the boundary of another municipality and:
   i. such notice shall be made by certified mail, return receipt requested.
   ii. such notice shall be made not later than thirty (30) days before the public hearing.
   iii. the regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.

e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.

f. A copy of the proposed zone change shall be filed by the applicant in the Office of the Town Clerk for public inspection at least ten days before the public hearing.

g. An incomplete Zone Change Application may be denied in accordance with Subsection 8.1.C.

h. The Commission shall process the Zone Change Application within the period of time permitted under CGS 8-7d:
   i. The public hearing shall commence within sixty-five (65) days after receipt of the application.
   ii. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
   iii. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   iv. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
   v. these provisions shall not apply to any action initiated by the Commission regarding a Zone Change Application.

i. The applicant may, at any time prior to action by the Commission, withdraw such application.

3. Decision Considerations

a. The Commission shall act upon the Zone Change Application.

b. On a Zone Change Application involving notice to adjoining municipalities under Subsection 8.1.H, notice to water companies under Subsection 8.1.I, or notice to a regional planning agency under Subsection 8.2.D.2.c, the Commission shall give due consideration to any report or testimony received.

c. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS 8-23.

d. Before approving any Zone Change Application, the Commission shall determine that the proposed zone change:
   i. is in accordance with the Plan of Conservation and Development,
   ii. is suitable for the intended location,
   iii. will aid in protecting the public health, safety, welfare, or property values, and
   iv. will aid in attaining the purposes of these Regulations.

e. Such Zone Change shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed with the Commission at or before a hearing, signed by the owners of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred (500) feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

4. Action Documentation

a. Whenever the Commission acts upon a Zone Change Application, it shall state upon the record:
   i. the reason for its decision, and
   ii. its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.

b. As part of approving a Zone Change Application, the Commission shall establish an effective date for the zone change provided a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in New Canaan before such effective date.

c. The Commission shall send, by certified mail, a copy of any decision on a Zone Change Application to the applicant within fifteen (15) days after such decision is rendered.

d. The Commission shall cause notice of the approval or denial of the Zone Change Application to be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision is rendered.

e. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

5. Following Approval

A Zone Change Application approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

E. Change in Use Application

1. Unless waived by the Commission, a Change In Use application shall be submitted when a land or building use is proposed to be changed to a use that has different requirements in these Regulations for setbacks, parking, building coverage, or other requirements.
2. A Change In Use Application shall meet the same standards and be treated as a Site Plan Application unless the Regulations clearly indicate that it should be treated as a Zone Change Application, Special Permit Application, or similar application.

F. Concept Plan Submission

1. If an application is of such size or nature that providing a Site Plan Application may produce an unreasonable hardship, the applicant may submit a Concept Plan for informal presentation to the Commission.
2. The Concept Plan shall provide information on the location of significant natural features (wetlands, watercourses, steep slopes, flood plain) and other relevant information and shall provide sufficient information for the Commission to visualize how the finished use or development shall look and how it shall be built.
3. The Commission shall informally review the Concept Plan for general conformance with these Regulations and may request additional information where deemed necessary.
4. A Concept Plan shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any Concept Site Plan.
5. Such review shall not be binding on the applicant or the Commission.
6. In accordance with PA 03-184, such review and any results or information obtained from it may not be appealed under any provision of the Connecticut General Statutes.
7. A Concept Plan shall be placed on file in the Commission's office for continuing reference purposes for any subsequent application.

G. Soil Erosion and Sediment Control Plan

1. A Soil Erosion and Sediment Control Plan shall be submitted with or prior to any application for development requiring a Zoning Permit, Special Permit, Site Plan or Subdivision, when the disturbed area of any such development is more than one-half (1/2) acre.
2. Upon receipt of an application for approval of a Soil Erosion and Sediment Control Plan, the Commission or its agent shall refer the plan to the Environmental Commission for action by delivering a copy of the plan to the Wetlands Enforcement Agent.
3. The Commission shall incorporate any action taken by the Environmental Commission on the Soil Erosion and Sediment Control Plan into its decision.
4. The Zoning Inspector shall issue a Soil Erosion and Sediment Control Permit for a plan conforming to the approval granted by the Environmental Commission.

SECTION 8.3. ZONING BOARD OF APPEALS PROCEDURES

A. General Provisions

1. Appointment

There shall be a Zoning Board of Appeals appointed pursuant to the provisions of any special or public act adopted by the General Assembly and any Charter provisions adopted by the Town of New Canaan.

2. Powers and Duties

The Board shall have the following powers and duties:

a. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Inspector.

b. To determine and vary the application of the Zoning Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship and only when such determination or variance shall:
   i. be in harmony with the general purpose and intent of these Regulations,
   ii. give due consideration for conserving the public health, safety, convenience, welfare and property values, and
   iii. result in substantial justice being done and the public safety and welfare secured.

c. To hear and decide all matters referred to it and upon which it shall be required to pass under any provision of these Regulations.

d. The Board will not grant variances for the number of parking spaces required for any property in the Retail B, Business A, Business B or Business C Zones.

3. Meetings

a. All hearings of said Board shall be held at the call of the Chairman or Secretary at such times as the Board may determine and shall be open to the public.

b. The Board, in considering and determining matters brought to it, may hold meetings to review and deliberate after the public hearing duly held on such matter.

c. The Chairman or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

d. The Board shall keep Minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, shall indicate such fact, and shall keep records of its examinations and other official acts.

e. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the office of the Board and shall be a public record.

f. If a regular member of the Board is absent, the member may designate an alternate from the panel of alternates to act in his or her place but if he or she fails to make such designation or if he or she is disqualified, the Chairman shall designate an alternate from such panel.

g. In choosing an alternate, the Chairman shall choose alternates in rotation so that they shall act as nearly equal a number of times as possible and, if any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

4. Conflict of Interest

A member of the Board shall disqualify himself to act in a given case by reason of his relationship to any party involved or of financial interest in the matter before the Board.

5. Jurisdiction

No order, requirement or decision made by the Commission or by any administrative officer charged with the enforcement of any of these Regulations and made under the powers of the State of Connecticut by Chapter 126 of the General Statutes of Connecticut shall be subject to a review by the Board.

B. Appeal of Order

1. Authority

In accordance with CGS 8-7, an appeal may be taken to the Board by any person aggrieved, where it is alleged that there is an error in any order, requirement or decision made by the Zoning Inspector.

2. Application Requirements

a. Any such appeal shall be taken by filing with the Commission or the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof.

b. An appeal shall be taken within fifteen (15) days of the issuance of the order by the Zoning Inspector.

c. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

d. The Board may fix a reasonable fee to be paid by the appellant in any appeal brought before the said Board and may include therein the cost of any newspaper advertisement necessary in connection with such appeal.

e. The Board may require the filing of a survey prepared by a land surveyor if, in their opinion, such survey is relevant to the interpretation of the order, requirement or decision made by the Zoning Inspector.

3. Effect of Appeal

a. An appeal of an order, requirement or decision made by the Zoning Inspector which prohibits further construction or expansion of a use in violation of the Zoning Regulations shall not be cause for such construction or expansion to continue except to such extent that the Board may allow.

b. An appeal from any other order, requirement or decision made by the Zoning Inspector shall stop all enforcement and proceedings with regard to such order, requirement or decision unless the Commission or the Zoning Inspector certifies to the Board after the appeal has been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

c. If the Commission or the Zoning Inspector certifies to the Board that a stay would cause imminent peril to life or property, enforcement and proceedings shall only be stayed by a Restraining Order granted by a court of record, on notice to the Commission or the Zoning Inspector and on due cause shown.

4. Proceedings

a. The date of receipt of the Appeal of Order shall be determined in accordance with Subsection 8.1.B.

b. The Board shall hold a public hearing on the Appeal of Order and:
   i. publish a legal notice in accordance with the requirements of Subsection 8.1.F. of these Regulations, and
   ii. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G. of these Regulations.

c. At such hearing, any party may appear in person or may be represented by agent or by attorney.

d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.

e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.

f. An incomplete Appeal of Order may be denied in accordance with Subsection 8.1.C.

g. The Board shall process the Appeal of Order within the period of time permitted under CGS 8-7d:
   i. The public hearing shall commence within sixty-five (65) days after receipt of the appeal.
   ii. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
   iii. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   iv. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.

h. The applicant may, at any time prior to action by the Board, withdraw such application.

5. Decision Considerations

a. The Board shall have all the powers of the officer from whom the appeal has been taken but only in accordance with the provisions of this Section.

b. The application of a regulation affirming a statute shall not be subject to an appeal of order.

c. The Board shall make such order, requirement, or decision as in its opinion should be made in the premises.

d. The Board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from.

e. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, or decision of the official charged with the enforcement of the Regulations.

6. Action Documentation

a. Whenever it grants or denies an Appeal of Order, the Board shall state the reason(s) for its decision upon the record.

b. Notice of the decision of the Board shall be sent by certified mail to any person who appeals to the Board within fifteen (15) days after such decision has been rendered.

c. Notice of the decision of the board shall be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision has been rendered.

d. In any case in which such notice is not published within such fifteen-day period, the person who took such appeal may provide for the publication of such notice within ten (10) days thereafter.

C. Variance

1. Authority

In accordance with CGS 8-6, the Board shall have the power and duty to determine and vary the application of the Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship.

2. Application Requirements

a. A Variance Application shall be accompanied by ten (10) copies of sufficiently detailed plans for review by the Board and its designees.

b. The Board shall require the filing of a survey prepared by a licensed land surveyor when the variance is dimensional in nature or such survey is integral to the understanding of the application.

c. The Board may fix a reasonable fee to be paid by the applicant and may include therein the cost of any newspaper advertisement necessary in connection with such appeal.

d. The Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the Board or by a court on an earlier such application.

e. If a Variance Application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Environmental Commission not later than the day such application is filed with the Commission.

3. Nature of Variance

a. Any variance granted by the Board shall run with the land and shall not be personal in nature to the person who applies for and receives the variance.

b. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.

4. Proceedings

a. The date of receipt for the Variance Application shall be determined in accordance with Subsection 8.1.B.

b. The Board shall hold a public hearing on the Variance Application and:
   i. publish a legal notice in accordance with the requirements of Subsection 8.1.F. of these Regulations, and
   ii. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G. of these Regulations.

c. At such hearing, any party may appear in person or may be represented by agent or by attorney.

d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.

e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.

f. An incomplete Variance Application may be denied in accordance with Subsection 8.1.C.

g. The Board shall process the Variance Application within the period of time permitted under CGS 8-7d:
   i. The public hearing shall commence within sixty-five (65) days after receipt of the application.
   ii. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
   iii. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   iv. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.

h. The applicant may, at any time prior to action by the Commission, withdraw such application.

5. Decision Considerations

a. Whenever a Variance Application is joined with an Appeal of Order Application, the Board shall first decide the issues presented by such Appeal of Order.

b. The application of a regulation affirming a statute shall not be subject to variance.

c. The Board shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:
   i. solely with respect to the parcel of land that is the subject of the application,
   ii. owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated.

d. The Board shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:
   i. in harmony with the general purpose and intent of the Regulations.
   ii. with due consideration for conserving the public health, safety, convenience, welfare and property values, and
   iii. so that substantial justice shall be done and the public safety and welfare secured.

e. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.

6. Additional Considerations for Use Variances

a. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.

b. No use variance for a business use or an industrial use shall be granted in a Residence Zone.

c. No use variance shall be granted for an industrial use in any Retail Zone or any Business Zone.

d. A use variance shall only be granted where, without the use variance, the private property would be rendered valueless.

7. Action Documentation

a. Whenever it grants or denies a Variance Application, the Commission shall state upon its records:
   i. the reason for its decision,
   ii. the Regulation which is varied in its application, and
   iii. a specific description of the exceptional difficulty or unusual hardship on which its decision is based.

b. Notice of the decision of the Board shall be sent by certified mail to any person who appeals to the Board within fifteen (15) days after such decision has been rendered.

c. Such notice shall:
   i. state the name of the owner of record,
   ii. contain a description of the premises to which it relates,
   iii. state the nature of the hardship claimed, and
   iv. specify the nature of such variance including the Regulation which is varied in its application.

d. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision has been rendered.

e. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

8. Following Approval

a. A variance granted by the Board shall only become effective upon the filing of a copy, certified by the Board, in the land records of the Town, in accordance with the provisions of CGS 8-3d.

b. A variance shall only authorize the particular activity specified in the Commission's approval.

SECTION 8.4. STAFF PROCEDURES

A. Zoning Permit

1. Application Requirements

a. An application for a Zoning Permit shall be made to the Zoning Inspector on a form provided for that purpose before:
   i. any land, building, or structure is devoted to any new or changed use of premises within the category of business or residential uses,
   ii. the erection or alteration of any building or structure is commenced in any zone,
   iii. any other activity which requires a Zoning or other permit as required by these Regulations, or
   iv. any Building Permit or Certificate of Occupancy is issued by the Building Official relating to any of the foregoing.

b. Such application for a Zoning Permit shall be accompanied by:
   i. a plot plan and other drawings and documentation showing the information required in the Appendix of these Regulations, and
   ii. the appropriate fee as determined by the Commission.

c. Any application for a Zoning Permit may be summarily rejected and may be considered void and of no effect if:
   i. another application for a Zoning Permit as to the same land, building, structure, or use of all parts or portions thereof is still pending before the Zoning Inspector or the Commission,
   ii. an appeal is pending before the Board or any legal proceeding is pending before any court of competent jurisdiction or pending in any other form of dispute resolution relating to a Zoning Permit or on an application for a Zoning Permit on the same land, building, structure or use thereof as to which such application is being made,
   iii. a Zoning Permit is outstanding on the same land, building, structure or use, but neither Certificates of Compliance nor Occupancy, nor both, have been approved in conjunction therewith, or
   iv. two (2) or more applications are filed simultaneously with the Zoning Inspector, whether similar or dissimilar, each application applying to the same land, building, structure or use thereof.

2. Proceedings

a. A decision on a Zoning Permit Application shall be made as soon as feasible but in no event shall such decision take longer than thirty (30) days from the date of acceptance of a complete submittal.

b. If the proposed new or changed use or if the proposed erection or alteration of any building or structure is found from the application to be in compliance with these Regulations, the Zoning Inspector shall issue a Zoning Permit setting forth the date on which the permit was issued and shall forward a copy thereof to the office of the Town Assessor.

c. No Zoning Permit shall be issued for the erection, the interior or exterior enlargement of gross floor area or the external alteration of any building or structure in a Retail Zone or a Business Zone, unless a Site Plan Application therefore has been approved by the Commission in accordance with the provisions of these Regulations.

d. Any application for a Zoning Permit shall be rejected if the Zoning Inspector finds that:
   i. the application is incomplete and has notified the applicant in writing of the reason(s) why the application is incomplete, or
   ii. the application is not in compliance with the Zoning Regulations and has notified the applicant in writing of the reason(s) why the application does not comply with the Zoning Regulations.

e. An application for a Zoning Permit may be withdrawn by the applicant at any time prior to final action by filing a formal written request to that effect with the Zoning Inspector, except that there shall be no rebate of any portion of the fees which may have been paid by the applicant for a Zoning Permit application that is subsequently withdrawn.

f. The Zoning Inspector is not authorized to approve, and shall not approve, any zoning permit for any property on which there exists a zoning violation, unless such zoning permit application will remedy such violation.

3. Notice Provisions

a. In accordance with CGS Section 8-3(f), the Zoning Inspector shall inform the recipient of a Zoning Permit that notice of issuance of a zoning permit may be published by the recipient in a newspaper having substantial circulation in New Canaan in order to establish the appeal period per CGS 8-7.

b. Any such notice to be published by the recipient shall contain:
   i. a description of the building, use or structure,
   ii. the location of the building, use or structure,
   iii. the identity of the applicant, and
   iv. a statement that an aggrieved person may appeal to the Board of Appeals in accordance with the provisions of CGS 8-7.

4. As-Built Plan Required

a. Unless waived by the Zoning Inspector due to clear compliance with the Zoning Regulations, an as-built plan shall be:
   i. prepared by a licensed Land Surveyor demonstrating that the location of the foundation of any building or addition to an existing building or structure for which a Zoning Permit has been issued is in compliance with the Zoning Regulations and the approved site plan,
   ii. filed with the Zoning Inspector by the holder of the Zoning Permit upon completion of the foundation of any building or addition to an existing building or structure for which a Zoning Permit has been issued.

b. The Zoning Inspector may also request an interim as-built survey during construction to verify any height measurement of any proposed building, building wing or distinct portion in instances where the applicant has proposed to construct to or near the maximum height(s) allowed under the regulations. The interim height(s) shall be measured after the roof sheathing, but prior to other roofing materials are applied.

   Should the applicant fail to provide this As-Built as requested, the applicant will be proceeding with construction at their own risk. If the final As-Built survey indicates the structure exceeds any of the maximum height(s) allowed under the regulations, this shall not constitute a hardship.

c. For a tennis court, swimming pool or other construction or use not requiring a Certificate of Occupancy, no further work shall be permitted until a certified interim location survey shall have been submitted to the Zoning Inspector showing full compliance with the applicable Zoning Regulations for:
   i. the location of forms or other construction devices prior to the pouring of concrete or placing of footings or non-concrete walls into the excavation; or
   ii. the actual areas prepared to be surfaced for courts or other uses prior to the laying of surface material.

5. Zoning Permit Expiration

Any Zoning Permit issued by the Zoning Inspector under the provisions of these Regulations, but under which no work is commenced within twelve (12) months from the date of issuance, shall expire by limitation.

SECTION 8.5. ENFORCEMENT

A. Enforcement Authority

1. These Regulations shall be administered and enforced by the Commission.
2. The Commission shall appoint an administrative agent, with the title of Zoning Inspector, with full power to administer and enforce these Regulations on behalf of the Commission.
3. The Commission may designate one or more Assistant Zoning Inspectors to aid in the enforcement of these Regulations.
4. The Commission or an Inspector may file information with the prosecuting authority upon violation of any of these Regulations.

B. Inspections

The Zoning Inspector and members of the Commission shall have authority to cause an inspection to be made of any premises and the building and structures thereon and the use of any land and any kind of work upon any building or structure being erected or altered, whether or not such work is being done under authority of a Zoning Permit.

C. Violations

1. If the Zoning Inspector shall find a violation of these Regulations, he shall serve upon the owner, lessee, tenant, architect, engineer, builder, contractor, manager, or any agent, a violation notice and an order to discontinue such work and violation and to correct or abate the condition complained of within ten (10) days from service of such notice and order, or earlier in the case of earth removal, grading, erosion or sediment control, or other matters requiring more immediate attention.
2. The Zoning Inspector shall have the authority to remove or to cause the removal of any sign erected on, attached to, maintained on or displayed on any property or public right-of-way in any zone where no permit has been issued in accordance with these Regulations or where such sign is in violation of any provision of these Regulations.
3. Any person violating any of the provisions of these Regulations shall be subject to the fines, injunctive procedures, and any other penalties prescribed by Chapter 124 of the Connecticut General Statutes, as amended, including, when warranted, a separate violation for each day that a violation exists.

APPENDIX

The following forms, checklists, and other materials are considered part of the Appendix of these Regulations. Such materials may be obtained from the Planning and Zoning Office at Town Hall.

Schedules

Type	Description
Schedules	Comprehensive schedule of residential zoning Comprehensive schedule of commercial zoning

Application / Permit Forms

Type	Description
Application Forms **(often with instructions)**	Site Plan application form Special Permit application form Zone Change application form Regulation Change application form Zoning Board of Appeals application form Subdivision application form
Permit Forms **(often with instructions)**	Zoning permit application form Sign permit application form Fill and excavation permit application form Lot line revision application form First cut application form Erosion / sedimentation control permit application form

Checklists / Worksheets

Type	Description
Checklists	Site Plan checklist with instructions Subdivision application checklist
Worksheets	Building height worksheet with instructions Building coverage worksheet with instructions

Technical Requirements

Type	Description
Plan / Survey Requirements	A-2 survey requirements As-built survey requirements Digital submission standards (future).
Engineering Requirements	Drainage calculation requirements
Bonding Requirements	Bonding requirements, with instructions Model letter of credit

Other Materials

Type	Description
Property Owner Notification	Property owner notification instructions Property owner notification letter model
Telecommunication Policy Preferences	Telecommunication Policy Preferences
Affordable Housing	Housing affordability Plan Requirements
Other materials	Model application extension letter Public hearing request / extension forms Exempt structure certification letter model with instructions

APPENDIX

AMENDMENT AMENDMENT DATES

Section	Title	Hearing Date	Effective Date	Page Numbers (at application)	Page Numbers (currently)
	Adoption of Zoning		06/14/32		
	Major Modification of Zoning Districts		12/15/56		
	Comprehensive Reorganization / Redrafting	04/05/05 04/19/05	06/18/05		
	Review and Update	03/06/07 04/10/07 05/01/07	06/16/07		
4.5.C.10	New Car Sales *(note: now listed as 4.5.C.13)*	09/25/07	10/04/07	77	83
4.2.C, 4.3.C 4.4.C	Six-month Moratorium on Banks in Retail A and B Zones	06/24/08	07/03/08	71-78	75-80
4.2.C, 4.3.C, 4.4.C, 4.6.D	Determination on Where Banks can be Located Within Business Zones	09/30/08	10/09/08	71-78	75-85
3.4.B, 3.4.C	Square Footage Limitations on Accessory Structures	09/30/08 10/28/08	12/01/08	51-54	53-55
4.6.C, 4.6.D	To Correct Sections Regarding Banks	12/16/08	12/24/08	78	85
4.2.C, 4.2.D, 4.2.E, 4.3.C, 4.3.E, 4.4.E, 4.5.C, 4.5.E, 4.6.C, 4.6.D	Outdoor Dining on Municipal Sidewalks and Private Properties and Restaurants in Business B Zone	07/28/09	08/21/09	71-78	75-85
8.2.B	Special Permit Application	09/29/09	11/01/09	152-157	199-204
4.4.D, 5.4.C	Quasi-Public Libraries	07/26/11	08/19/11	76 & 92	80 & 104
4.3.D, 4.7.C, 4.7.E, 4.7.G, 4.7.I & 4.8.E	Modifications to the Retail B Zone, Area & Dimensional Requirements, Special Provisions for Business Zones. Note: (4.7 is now 4.8 & 4.8 is now 4.9)	10/25/11	01/01/12	75, 79-82 & 84	79, 88-92 & 96
6.2.E.1&2, 6.2.E.4 & 8.3.A.2 mod.	Modified §6.2.E (25% parking reduction). Added §6.2.E.4 (fee-in-lieu-of parking) & amended § 8.3.A.2 no longer allowing variances for required parking spaces.	12/20/11	02/01/12	104 -105, & 166	138-139 & 212
4.4.D	Wellness Centers	02/28/12	04/01/12	76	80
2.2 4.3.D	Definition of Wellness Centers Tiered or Decked Parking Structure, Ret B	04/24/12	05/01/12	37 & 75	39 & 79
3.7.E.2	Exceptions for Building Coverage Recreational Clubs	05/22/12 6/26/12	07/16/12	70	70
5.4.C	Two-Family Dwellings in Apartment Zone	08/28/12	09/21/12	92	104

Section	Title	Hearing Date	Effective Date	Page Numbers (at application)	Page Numbers (currently)
2.2, 3.2.C, 3.3.A, 3.3.C, 3.4.B, 3.4.C, 3.7.B, 4.2.C, 4.2.D, 4.3.C, 4.4.C, 4.5.C, 4.5.D, 4.6.C, 4.6.D, 5.4.B, 6.3.E, 6.3.F, 6.11.B, 8.1.E, 8.1.G, 8.4.A	Comprehensive changes including definitional changes & changes to the business zones.	6/25/13	8/1/13	11,13, 15-19, 21, 23, 24, 29, 30, 36, 42, 45, 46, 49, 51, 53, 68, 72-79, 93, 112, 127, 146 & 177	16-19, 21, 23-24, 30-31, 44-46, 48-49, 52-55, 69-70, 75-76, 78,70, 82-85, 104, 146, 162-163, 192, 221
4.1	Moratorium regarding medical marijuana dispensaries and growing facilities.	10/22/13	10/24/13	71-72	73-74
2.2 & 3.5.F.5	Amendments to the definition of building coverage as it relates to porches, decks & patios. Revised the side yard height set-back from P&Z to ZBA.	3/25/14	4/1/14	13,15,30, 31, 36 & 62	13, 15, 40-41, 62-64
4.7.G, 4.8.E & 6.2.G	Amendments to the Business B Zone for residential F.A.R. exceptions, building height & number of stories and for the maximum stall depth reduced to 18'. *(now 4.8.G & 4.9.E)*	11/24/14	12/15/14	82, 86, 109	90-91, 96, 141-142
5.7	Millport Housing Zone (New)	1/27/15	2/15/15	98-102	108-112
4.7	Added Business Zone D	3/31/15	4/15/15	79-81	86-87
3.7.C	Exceptions for Lot Width	6/23/15	7/15/15	68	70
4.7.D	Added Medical Office, up to 10,000 SF, by Special Permit	08/25/15	9/10/15	81	87
4.1	1 Year Extension of Moratorium regarding medical marijuana dispensaries and growing facilities.	9/29/15	10/24/15	71-72	73-74
7.7.A & 7.7.D	2 Text Amendments; 1) allowing density as addition criteria; and 2) a footnote added to 7.7.A exempting certain lot mergers.	12/15/15	1/8/16	145-146	176-177
4.8.D, 4.8.E & 4.9.E	Allow building line to be reduced by Special Permit, allowed side and rear setbacks in Business A Zone to = Retail A Zone and allowed residential units to be excluded from F.A.R. in Business A Zone as well.	3/29/16	4/15/16	82, 83 & 88	89, 96
3.2.C.1	Allow legally non-conforming two-family to be rebuilt under certain conditions.	6/28/16	7/10/16	42	44
4.5 4.8.C, 4.8.D (new), 4.8.E, 4.8.F, 4.8.H, 4.8.I, 4.8.J, 4.8.K, 6.2.C, 6.2.E, 6.2.F	Rewrite of the Business B Zones. Changes to the Area and Dimensional Requirements Changes to residential parking standards, changes to parking reductions and fee-in-lieu.	7/26/16	8/8/16	77-78 82-86 108-110 112-114	82-84, 88-92, 134-136, 138-142
5.8	New Special Zone for the Pedestrian Oriented Multi-Family Zone (POMFZ).	11/29/16	12/30/16	n/a	113-118
6.5.C.2, 6.5.C.2.b 6.5.C.3	Modified standards for fence, gates, pillar and lights heights.	1/31/17	2/28/17	136-137	153-154
4.5.C.14	To permit limited used car sales in Business B Zone.	5/30/17	6/1/17	78	83
2.2	Modified definition of Use, Principal.	7/25/17	8/25/17	37	39
3.2.C	Added language to permit more the one Principal Use by Special Permit.	7/25/17	8/25/17	42	44
2.2	Modified definition of Use, Principal.	1/16/18	2/26/18	37	39
3.2.C	Added language to permit more than one Principal Use by Special Permit.	1/16/18	2/26/18	42	44
4.8.H	Added language for mixed-use story calculation of height.	1/30/18	2/26/18	86	91
4.1	Extension of Medical Marijuana Dispensary or Production Facility for six (6) months.	1/30/18	2/26/18	72	73-74

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2.2	Added definition of Medical Marijuana Dispensary and Production Facility	4/24/18	5/14/18	29	29
2.2	Modified definition of Service Establishment, Personal to include Wellness activities	4/24/18	5/14/18	32	34
4.1	Added language prohibiting Medical Marijuana Dispensaries and Production Facilities in all zones.	4/24/18	5/14/18	71	73
4.2	Added language permitting Personal Service Establishments and/or Service Establishments on the floor.	4/24/18	5/14/18	73	76-77
7.8	Telecommunications Facilities	5/29/18	6/18/18	160-162	179-180
5.9	Canaan Parish Housing Zone	8/28/18	9/20/18	116-119	119-122
4.4	Business A Zone (Village District)	11/27/18	12/13/18	78	80
2.2, 3.3	Short-Term Residential Rental	7/30/19	8/16/19	34, 50	35, 51-52
2.2, 5.10	Added definition of Quasi-Public Library Overlay Zone (LZ) and new Section Quasi-Public Library Overlay Zone (LZ)	7/13/2021	8/16/21	119	32, 123-130
4.2.D.5; 7.6	Revisions to Section 4.2 Retail A Zone and Section 7.6 Affordable Housing	9/28/21	10/18/21	77, 175	77, 175-180
2.2; 4.1	Added definition of Cannabis and Cannabis Establishment; Revisions to Section 4.1 General Purposes	09/28/21	12/17/21	29, 73, 74	15, 29, 73, 74
5.10.E	Amend Sections 5.10.E.1 (Lot-Related Standards) and 5.10.E.2 (Building-Related Standards) to modify i) the side yard setback; and ii) the maximum total accessory building height requirements in the Quasi-Public Library Overlay Zone ("LZ")	10/25/22	12/19/22	124	124
5.4.C.5	To include Religious Institutions as a permitted Special Permit Use in the apartment zone	04/17/23	05/01/23	104	104
3.7.E.2.e	To add subsection (e), which would allow, by Special Permit, increases to the permitted building coverage for historical societies in the One-Half Acre Residence Zone permitted under Section 3.2.C.17	06/27/23	07/05/23	72	72 & 73
2.2; 3.3.B and 3.3.C	Modified definition of Day Care Home, Group; added language or group day care home and deleted Day Care – Group day care home.	08/29/23	09/29/23	17, 49 and 52	17, 49 and 52
6.5.B	Amend Section 6.5.B.2.c and 6.5.B.4.	09/26/23 and 10/24/2023	11/10/23	154	154
3.4.A, 3.4.B, 3.4,C	Permitted Accessory Structures	02/28/24	03/22/24	53, 54, 55	53, 54, 55
3.7.B	Dimensional Exceptions	02/28/24	03/22/24	68, 69, 70	68, 69, 70
3.7.E.2	Add subsection f to Section 3.7.E.2 of Exceptions to Building Coverage	05/28/24	06/28/24	74	74
5.4.D.4	Add subsection D.4 Modification of Standards	08/27/24	09/09/24	108	108
4.2.D.5	Uses Requiring Special Permit – amend D.5	10/29/24	11/04/24	79	79
3.7.E.1.c	Added language to E.1.c	11/19/24	12/06/24	73	73
4.4.D	Added #6 language	02/25/25	03/03/25	82	82, 83
5.1.E.	Added #4 language	02/25/25	03/03/25	100	100
5.4.C.6	Added #6 language	06/24/25	07/07/25	106	106
3.2.C	Revised the language for Religious Institutions	11/18/25	12/08/25	46	46
4.6.D	Added #4 language	12/16/25	12/22/25	87	87, 88
4.1; 4.2; 4.3; 4.4; 4.5; 4.6; 4.7; 4.8	Commercial Zones	06/23/26	07/01/26	75-99	79-93
5.11	New Section – Conservation and Traffic Mitigation District Overlay Zones	06/23/26	07/01/26	n/a	128
6.2	Parking and Loading	06/23/26	07/01/26	137-146	132-140
7.6	Affordable Housing	06/23/26	07/01/25	178-183	172-177

Technical assistance in the comprehensive revision
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