

SECTION 420. MUNICIPAL USE ZONE

[Added 3/12/2006]

421. Background and Purposes

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

422. Principal Uses Requiring Special Permit

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

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

423. Permitted Accessory Uses

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

- a. Signs in accordance with Section 920.
- b. Any building or use customarily incidental to a permitted use and specifically approved by the Commission.
- c. Reasonable and appropriate off-street parking and loading facilities in accordance with Section 900 as those requirements may be adjusted by the Commission in each instance based upon a review of the specific location, design and circumstances of the existing and/or proposed use.
- d. Accessory food services, consisting of the sale of prepared food for consumption on the premises by visitors and employees.

424. Area and Bulk Requirements

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

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

Notes:

- a. Minimum side and/or rear yard(s) may be reduced to not less than 8 (eight) feet where the abutting property is located in the same or less restrictive zone, and the Commission determines that the placement of the building and/or mechanical equipment such as air conditioning units relative to the property line will not be detrimental to the reasonable use and value of the adjacent property.
- b. In addition, the Commission may authorize a basement or two floors below ground level to be completely finished, habitable space without those areas being counted as a 'story.' Maximum building height as defined by Section 210 may be increased to 40 feet and/or 3 stories above ground and/or 45 feet (from the average grade to the highest point of the roof) provided, either: 1) all of the setbacks for the entire building are increased to at least two times the minimum requirement; or 2) the Commission finds that the unique use and design of the building combined with the location of the

site and the development plan will result in a project that will be appropriate for the community and the site specific circumstances and will not be detrimental to the reasonable use and values of the adjacent properties.

[Amended 6/19/2016]

425. Special Controls

- a. Necessary lighting of parking areas shall be permitted, but there shall be no unshaded/unshielded light sources and lights shall be so located that their beams are not directed into neighboring residential lots or onto an adjacent street. Due to the unique nature of the uses and the fact that many of the facilities will serve more than one function or use, and because it is not unusual for such facilities to be the location of special events, the number of onsite parking spaces shall be subject to a determination by the Commission regarding the adequacy of such parking for most activities and events to take place on the site.
- b. Reasonable and appropriate parking setback requirements as specified in Section 906.6 shall be provided except as those requirements may be adjusted or eliminated by the Commission in each instance based upon a review of the specific location, design and circumstances of the proposed use.
- c. Reasonable and appropriate landscaping, screening and buffering shall be provided in accordance with Section 940, as those requirements may be adjusted or eliminated by the Commission in each instance based upon a review of the specific location, design and circumstances of the proposed use.
- d. All uses shall be subject to Special Permit approval in accordance with Subsection 1000. In general the 25 foot minimum buffer from all property lines to all Special Permit buildings, parking areas and other active use areas shall be maintained, but the Commission may authorize the reduction or elimination of the buffer size in certain specific circumstances where they determine that it would be impossible and/or inappropriate to establish and/or maintain such buffers and the Commission determines that the reduction of the buffer size will not have an unreasonable detrimental impact upon the adjacent property or properties.
- e. The Municipal Use (MU) Zone shall be applied as an overlay zone that keeps the existing, underlying zone in place, and thus provides the property owner with an option to use and develop the site in accordance with the regulations of the existing zone or to utilize the flexibility of the MU zone. Any structures and/or facilities developed in accordance with the Municipal Use Zone are for the specific use as authorized and might not be easily adaptable for conversion to other uses once the municipal use has been discontinued.