

## **ARTICLE IX - SUPPLEMENTARY REGULATIONS**

### **SECTION 900. OFF-STREET PARKING, LOADING AND VEHICULAR ACCESS**

#### 901. Background and Purposes

It is the intention of these Regulations that all structures and land uses be provided with a sufficient amount of off-street motor vehicle parking to meet the needs of persons employed at and/or making use of such structures or land uses, and sufficient off-street loading and unloading facilities and safe and adequate access to and from such off-street parking and loading facilities to meet the needs of such structures or land uses.

#### 902. Approval of Plans

Except for single-family residences, no Zoning Permit shall be issued until a plan for parking, loading and access is approved by the Commission in accordance with the applicable provisions of Section 1020. The Commission shall determine that traffic access, traffic circulation, parking dimensions, aisle width, lighting, screening and general layout of the parking facility and required improvements shall be planned with regard to safety, to traffic on the public street, and adequacy of access for cars and pedestrians using the parking facility. No Certificate of Zoning Compliance shall be issued for any building or land use until the required off-street parking spaces shall be established.

#### 903. General Requirements

##### 903.1 Exemption

Structures and land uses in existence, or for which Zoning Permits have been approved at the time of the adoption of these Regulations, shall not be subject to the parking or loading space requirements of these Regulations, provided that any parking and loading facilities then existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirements, in which case they shall not be reduced below such requirements. Required parking and loading facilities shall, however, be provided as a condition for the issuance of any Zoning Permit for any enlargement of such structures or uses in the future. In cases of exceptional difficulty or unusual hardship to such properties arising out of this requirement, appeal may be made to the ZBA.

##### 903.2. Dedication To Town

Required off-street parking facilities which, after development, shall be later dedicated to and accepted by the Town, shall be deemed to continue to satisfy the parking requirements for the uses or structures for which they were originally provided.

##### 903.3 Change of Use

No use of land or structure or combination thereof shall be established, expanded, changed or altered to a different use or a more traffic or parking intensive type use

without first complying with all provisions of these Regulations. Although two businesses may be within the same category (e.g. commercial sales and service), the use of the land and/or structures shall not be changed to a new or different type of business unless and until the adequacy of the parking has been approved by the Commission or its staff.

903.4 Overnight Parking or Storage

These requirements are generally designed to provide off-street parking of passenger automobiles necessary for the respective use of the premises. The overnight parking or storage of trucks, vans, utility or other trailers, or similar vehicles or equipment shall not be permitted unless specifically authorized by the Commission.

904. Off-Street Parking Spaces

Except as provided by Section 1000 and Subsection 1057, with respect to additional requirements as a condition for issuance of a Special Permit, the minimum off-street motor vehicle parking facilities shall be provided as follows:

a. One and two-family residences	2 spaces for each family unit.
b. Multi-family dwelling	2 1/2 spaces for each dwelling unit as provided in Section 512(a).
c. Housing for the Elderly	1 1/2 spaces for each dwelling unit except as provided in Subsection 514.2(e).
d. Roomers and Boarders accessory to a residence	1 1/2 spaces for each bedroom offered for rent.
e. Professional office or home occupation permitted by Special Permit in a residential zone as an accessory use	Up to 4 spaces maximum in addition to spaces required for residential units.
f. Hotel, Motel or Inn	1 space for each guest room, plus 1 space for each employee, plus additional space as required by these regulations for permitted accessory uses such as restaurants, dining rooms, lounges, and other similar spaces.
g. Church or other place of worship, theater, auditorium, athletic or recreational facility or other place of public assembly	1 space for each 3 seats or for each 200 square feet or for each 3 persons permitted by the Fire Marshal to occupy the building, whichever would be the greatest.
h. Restaurant or place dispensing food excluding patron bar area	1 space for each 100 sq. ft. of gross floor area. There is no parking requirement for areas in the basement or attic that are used exclusively for storage.
i. Patron bar area of restaurants taverns and cafes	1 space for each 20 sq. ft. of gross patron floor area.
j. Retail, Commercial sales and services, or personal service business	1 space for each 150 sq. ft. of gross floor area except where such areas are specifically exempted as per Section 1057.

k. Wholesale, storage or utility structure	1 space for each employee for which the building or use is designed or 1 space for each 500 sq. ft. of gross floor area whichever is greater.
l. Medical Offices	1 space for each 250 sq. ft. of gross floor area. In the DB-1 and DB-2 zones, the requirement shall be 4 spaces per physician and one space for each employee.
m. Executive and/or administrative, business and professional offices	1 space for each 250 sq. ft. of gross floor area
n. Research Laboratory	1 space for each 250 sq. ft. of gross floor area.
o. Motor Vehicle Service Stations	At least 14 parking spaces plus a disabled vehicle storage area of at least 500 sq. ft. for lots up to 21,780 sq. ft. or 1,000 sq. ft. for lots over 21,780 sq. ft. for overnight parking and/or storage of motor vehicles, equipment and parts of vehicles. An additional 5 parking spaces shall be required if an accessory towing service is permitted by Special Permit. Additional appropriate parking spaces are to be determined by the Commission for any other accessory uses.
p. Railroad Passenger Station	1 space for each 3 regular passengers commuting from the station, as determined by the average number of commuter ticket books in use per month, to be provided within 500 feet from said railroad station platforms.
q. Automobile or Truck Sales or Rental	20 percent of the area of the lot intended for sale and storage of vehicles shall be reserved for customer/employee parking.
r. Furniture and Carpet Stores	6 spaces for each 1,000 sq. ft. of gross floor area.
s. Dinner Theater	1 space for each 3 seats or customer stations for which the facility is designed, plus 1 space for each employee station.
t. Other Uses	Reasonable and appropriate off-street parking requirements for structures and uses which do not fall within the categories listed above shall be determined in each case by the Commission.
u. Catering Business	1 space for each 250 sq. ft. of gross floor area.
v. Outdoor seating/dining as allowed by Special Permit in conjunction with a non-residential use that has sufficient on-site parking to comply with the Zoning Regulations	Seventeen seats or over will require one space for each two seats thereafter. No spaces are required for the first sixteen outdoor seats.

905. Joint Parking

Where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements for each individual use on the lot, except that the Commission may approve the joint use of parking space by two or more establishments on the same or on contiguous lots, the total capacity of which space shall be less than the sum of the spaces required for each, provided:

- a. The Commission finds that the proposed capacity shall meet the intent of the requirements;
- b. Approval of such joint use shall be automatically terminated upon the termination of the operation of any of such establishments;
- c. Legal documentation shall be furnished establishing such rights for the duration of such joint use.

Such shared parking arrangements shall be limited to use and shall not include shared parking by time. No parking spaces shall be reserved for any specific building tenant.

905.1 Due to the lack of municipal parking or on-street parking within the Noroton Heights Redevelopment Overlay Zone, the Commission there may waive only up to a maximum of fifty percent (50%) of the parking required per Section 904.

906. Location of Off-Street Parking Facilities (See Subsection 227 for illustration.)

906.1 On-Site Location

The required off-street parking facilities shall be provided on the same lot with the structure or land use it is to serve; except that off-street parking spaces required for structures or land uses on two adjoining lots may be provided in a single common facility on one or both of said lots.

906.2 Exception

The Commission may permit all or part of the required spaces to be located on any lot within 500 feet of the building, in any zone permitting such parking as a principal use, provided that:

- a. The Commission determines that it shall be impractical or unnecessary to provide such parking on the same lot with the building and provided that the following are complied with;
- b. Such parking use shall not interfere with the proper development of the area or zone in which it is located;
- c. Such parking area shall be in the same ownership as the property it is intended to serve.

### 906.3 Residential Zones

- a. No required off-street parking shall be developed within required front or side yard spaces. This provision shall not preclude temporary parking in the driveway.
- b. No parking permitted, other than that for one or two-family dwellings, shall be built or maintained within 25 feet of any boundary line of the site adjacent to a street or to a residential use.

### 906.4 Non-Residential Zones

- a. No required parking shall be provided in a Residential Zone.
- b. No parking shall be built or maintained within 25 feet of any boundary line of a Residential Zone, nor within 25 feet of the street line wherever the street contains the boundary line of a Residential Zone located directly across the street from the site.
- c. Where the depth of a Non-residential Zone is less than 150 feet, the parking setback may be reduced to not less than 10 feet subject to Commission approval.
- d. Any parking setback area as required above shall be suitably landscaped and screened in accordance with Section 940 to shield the parking from view from the adjoining residential area. The Commission may require that conservation restrictions be used to protect and permanently preserve the buffer areas.

### 906.5 Right-of-Way Lines

Where the parking facilities shall be located immediately adjacent to the right-of-way line of a limited access highway or a railroad, the requisite parking setback may be reduced to five feet from the said limited access highway or a railroad right-of-way line subject to Commission approval.

### 906.6 Parking Setbacks

Subject to other specific buffer or applicable restrictions of these Regulations, parking and off-street loading facilities (including stalls, turning areas, access drives, etc.) shall be located in accordance with the following setbacks and requirements:

<u>Use or Zone</u>	<u>Minimum Distance From:</u>		
	<u>Front Lot Line</u>	<u>Side Lot Line</u>	<u>Rear Lot Line</u>
<b>Special Permit Uses in Residential Zones (see Note a)</b>	25 ft.	25 ft.	25 ft.
<b><u>All Uses In:</u></b>			
<b>PR</b>	10 ft.	10 ft.	10 ft.
<b>DBR and DMR</b>	30	25	25
<b>DOR-(1 and 5)</b>	40	25	25
<b>NB</b>	10	4	4
<b>OB</b>	10	5	5
<b>DB-1</b>	20	4	10
<b>DB-2</b>	30	10	10
<b>DC</b>	6	10	10
<b>CBD</b>	none	none	none
<b>SB</b>	6	none	none
<b>SB-E</b>	18 (see 675 note e)	none	none

A buffer area of 25 feet shall be required adjacent to all residential zones. See Subsection 944.

Note a. In a Single-Family Open Space Development (Section 1052 of the Regulations), the parking setback shall be not less than 10 feet.

907. Parking Structures

Parking structures (whether above or below ground; or understructure) shall be permitted in appropriate situations subject to approval of a Special Permit per Section 1000 *et. seq.*, provided it is located below the finished elevation of surface parking or landscaped areas, or provided that the Commission makes an affirmative finding that, due to the location and/or design of the proposed use, no neighboring property will be adversely impacted by such structure. Any such parking structure shall be fully enclosed by or attached to a principal structure, and shall be limited to one story above the finished elevation of surface parking. In addition, appropriate measures shall be taken to minimize the street level view of such above ground, below ground, subgrade or understructure parking. The Commission shall require the submission of a sketch plan which clearly compares alternative proposals for surface parking and a parking structure including landscaping or other screening. Any parking structure approved under this section shall be subject to the setback requirements of the principal structure. The design of any parking structure must architecturally blend in with surrounding design aspects and not delineate itself as a parking structure.

908. Parking Design Specifications

a. Parking for non-residential uses shall be graded, surfaced, drained and suitably maintained to the satisfaction of the Director of Public Works to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across public ways or adjacent lands. The Director of Public Works may require the plan to provide for suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.

- b. No parking space shall be designed to allow a vehicle to protrude or overhang a sidewalk or any required landscaped area.
- c. No parking in connection with any non-residential use shall be so located that motor vehicles may enter or leave the parking or loading area across a sidewalk except at a point or points approved as part of the plan.
- d. Parking for the handicapped shall be in accordance with Article 5, Section 512 of the State Basic Building Code.
- e. All required parking areas shall be designed, shown on the required plan and laid out in conformance with the "Design Standards for Parking" which are declared to be a part of these Regulations. (See Subsection 226.)
- f. All parking spaces shall measure at least nine feet by twenty feet in accordance with Design Standards for Parking in Subsection 226.
- g. Required off-street parking facilities shall be maintained as long as the use or structure exists for which the facilities are designed to serve. Required parking areas developed for specific structures and uses shall be reserved at all times to those persons who are employed at or make use of such structures and land uses, except when dedicated to and accepted by the Town as public parking areas.

909. Off-Street Loading Requirements

Off-street loading and unloading facilities shall be located on the same lot with the use to be served, except that the Commission may modify the requirements where, in its sole judgment, the following requirements shall not be applicable to the specific conditions and use of the site:

909.1 Loading Spaces Required

- a. For retail and service business establishments, restaurants and other places serving food and beverages: one space for the first 4,000 square feet of floor area, or major portion thereof, used for business purposes; and one additional space for each additional 10,000 feet of business floor area.
- b. For other commercial establishments: one space for each 10,000 square feet, or major portion thereof, used for such purposes.
- c. Reasonable and appropriate off-street loading requirements for structures and land uses which do not fall within the categories listed above shall be determined, in each case by the Commission, which shall consider all factors entering into the loading and unloading needs of such use.

909.2 Location and Design Requirements (See Subsection 227 for illustration.)

- a. A loading space shall be not less than 15 feet wide, 30 feet long and 14 feet high.
- b. A loading space shall have direct usable access to the street.
- c. Any additional loading space lying alongside, contiguous to, and not separated from the first loading space, need not be wider than 12 feet.
- d. At least one of the required loading spaces shall be located immediately adjacent to a service entrance to the principal building.
- e. If a loading dock shall be provided, a loading space shall be located so as to allow direct service from the end of the loading space or rear of a truck.
- f. Loading spaces shall be so designed that trucks, when loading and unloading, shall have adequate maneuvering areas with a minimum turning radius of 45 feet to the outside wheels for perpendicular loading stalls and said trucks shall not project over any street line.
- g. No loading space shall encroach on any part of an access drive or parking aisle.

**SECTION 920. SIGN REGULATIONS**

921. Background and Purposes

These Sign Regulations are intended to avoid signage which is hazardous and detrimental to the public health, welfare and safety. Signs can present undue distractions to motorists and pedestrians, may tend to depreciate property values, may be incompatible with permitted land uses and may be detrimental to the preservation and enhancement of the aesthetic and historical values of the community. Accordingly, no sign, except as provided in this section, shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until a permit is issued by the ZEO. Application shall be made to the ZEO for initial review of compliance with these Regulations and will then be referred to the Architectural Review Board (ARB) for review. Upon a favorable report by the ARB, the ZEO shall issue a permit. If the ARB should give an unfavorable report, the ZEO shall then refer the application to the Planning and Zoning Commission for final action. All signs shall conform to the standards hereinafter specified, except where specific additional regulations may apply within a given zone.

922. Permitted Signs

The following unlighted signs shall be permitted without the necessity of obtaining a permit, provided all setback requirements shall be complied with:

- a. A sign not to exceed one square foot stating merely the name and/or the business of the owner or occupant of the premises where the sign is located.
- b. A temporary sign not exceeding three (3) square feet in area identifying the architect, engineer, house painter, contractor or subcontractor during the course of work or construction on the premises where the sign is located. There shall be only one temporary sign per lot permitted. A temporary sign shall be setback at least 30 feet from the edge of the road surface and shall not be affixed to any tree or utility pole within a public Right-of-Way. The sign shall be removed upon completion of work.
- c. One (1) "For Sale" or "For Lease" sign per lot, not exceeding three (3) square feet in area. Only the words "For Sale", or "For Lease", followed by "By Broker" or "By Owner", followed by a telephone number may appear on the sign. All other identifying words, symbols, logos or characters are prohibited. The "For Sale" or "For Rent" signs shall be setback at least 30 feet from the edge of the road surface and shall not be affixed to any tree or utility pole within a public right-of-way.
- d. Temporary (non-commercial wording) holiday decorations or lighting.
- e. A temporary sign displayed on public school grounds in connection with Board of Education regulated activities subject to requirements of Subsection 928.
- f. Any sign or source of illumination erected by the town, state or federal government or any branch or department thereof relating to traffic safety or identifying town property or an historic landmark.

923. Signs in CBD, DC, and NB Zones

All signs in CBD, DC, and NB Zones shall be identification signs and shall conform to the following standards:

923.1. Wall Signs (See Subsection 230 for illustration.)

Wall signs shall conform to the following standards:

- a. No wall sign shall project more than 12 inches from the face of the building wall to which it is attached nor extend above the eaves line or highest point of the facing wall of the building. In cases of covered porch or walkway, a wall sign may be hung from an overhang.
- b. No letter or figure on a wall sign shall be higher than 10 inches. The maximum sign area shall not exceed one square foot of signage for each three feet of front building face parallel to the street lot line.
- c. There may be only one wall sign for a commercial occupancy but an additional wall sign may be permitted on either a side or rear wall only if such wall abuts a street and is at least 100 feet from any other commercial structure.
- d. No sign on a side or rear wall shall be more than 15 feet above the curb level or the ground level, whichever is higher, of the fronting street, and there shall be a minimum clearance of three feet between the base of the sign and the ground.

923.2. Hanging Signs (See Subsection 230 for illustration.)

Hanging signs shall conform to the following standards:

- a. Hanging signs shall be permitted provided they are located at least four feet from any property line.
- b. No letter or figure on a hanging sign shall be higher than six inches.
- c. There may only be one hanging sign per property. Multiple occupancy buildings may use one combined hanging sign listing occupants.
- d. The maximum total square footage of a hanging sign shall not exceed six square feet.
- e. The maximum height of a hanging sign post shall not exceed nine feet.

923.3. Blade Signs (See Subsection 230 for illustration.)

Blade signs shall conform to the following standards:

- a. No blade sign shall project more than forty (40) inches from the wall or surface to which it is affixed. In cases of covered porch or walkway, a blade sign may be hung from an overhang.
- b. The maximum total size sign area shall not exceed seven square feet (7 square feet), and the bottom of the blade sign shall provide a minimum clearance of at least seven (7) feet above the adjacent ground. The top of the blade sign shall be a maximum of twelve feet (12 feet) above the adjacent ground.
- c. In cases where the property does not have any marquee or existing signs that project from the wall of the building, nor a hanging sign, blade signs are permitted. The blade sign(s) shall be in lieu of (not in addition to) the hanging sign or marquee for the property. There may be one blade sign per each ground floor tenant.
- d. The blade sign may overhang a public sidewalk/street right of way by a maximum of three feet provided the applicant submits written permission from the owner of the affected property (the Town of Darien Board of Selectmen or State of Connecticut Department of Transportation, depending on the owner of the sidewalk/street right of way).
- e. No blade sign shall be internally illuminated.

923.4. Number of Signs

A commercial use may have one wall sign, except as provided by either Subsection 923.1(c) or 923.6. Each ground floor commercial use may also have one blade sign in lieu of a hanging sign. If the commercial property shall have the required minimum setback, it may also have one hanging sign, or it may have one blade sign per ground floor tenant. A double-faced hanging sign or blade sign shall count as one sign.

923.5. Prohibited Signs

Pole, roof, and internally illuminated signs are prohibited in these zones.

923.6. Signs Facing a Public Parking Lot

A commercial use adjoining and having a direct entrance on a publicly-owned parking lot may be allowed the following additional signage provided such signage shall be visible from the parking lot:

- a. One additional sign having an area not greater than six square feet;

- b. Two small directional signs provided each such sign meets all the requirements herein, does not exceed a total area of one square foot and is limited to indicating the location of the public entrance to the establishment.

924. Signs in DB-1 and DB-2 Zones

All signs in DB-1 and DB-2 Zones shall be identification signs and shall conform to the following standards:

924.1. Wall Signs

Wall signs shall conform to the following standards:

- a. All the requirements of Subsection 923.
- b. Wall signs shall be compatible with the architectural style of the building and enhance the historic and architectural character of the site and the surrounding area.

924.2. Hanging Signs

Hanging signs shall conform to the following standards:

- a. All the requirements of Subsection 923.2.
- b. Hanging signs shall be compatible with the architectural style of the building and enhance the historic and architectural character of the site and surrounding area.
- c. Hanging signs may be located in the required front yard provided that the sign is at least ten feet behind the front property line.

924.3. Additional Requirements

All signs in DB-1 and DB-2 Zones shall also comply with the requirements and prohibitions of Subsections 923.3 - 923.5.

925. Signs in OB, DOR-1 and DOR-5 Zones

All signs in OB, DOR-1 and DOR-5 Zones shall be identification signs and conform to the following standards:

925.1. Ground Signs (See Subsection 230 for illustration.)

- a. The maximum total square footage of a ground sign shall not exceed 20 square feet.
- b. The maximum height of a ground sign shall not exceed four feet.

- c. No letter or figure on a ground sign shall be higher than four inches.
- d. Multiple occupancy buildings may have one combined ground sign listing all occupants.

925.2. Wall Signs

- a. No wall sign shall project more than 12 inches from the face of the building wall to which it is attached nor extend above the eaves lines or highest point of the facing wall of the building.
- b. No letter or figure on a wall sign shall be higher than six inches.
- c. Multiple occupancy buildings may have one combined wall sign listing all occupants.

925.3. Number of Signs

There shall be one sign per building, either a ground or wall sign.

925.4. Directional Signs (See Subsection 230 for illustration.)

If a wall sign for a building shall be visible from a town road, one directional sign may be permitted which shall not exceed three feet in height and shall be limited to indicating traffic flow pattern. If a building identification sign shall not be visible from a town road, then the one directional sign permitted may indicate occupant of building as well as traffic flow pattern.

925.5. Additional Requirements

All signs in OB, DOR-1 and DOR-5 Zones shall also comply with Subsections 923.4 and 923.5.

926. Signs in Service Business and Service Business East Zones

926.1. Wall Signs

All the requirements of Subsection 923.1(a-d). Wall signs shall not be internally illuminated.

926.2. Pole Signs (See Subsection 230 for illustration.)

Freestanding pole signs, including posts, shall not exceed a height of 15 feet overall above the surface of the ground where located. Sign area shall not exceed 18 square feet per side. There shall be clear space underneath the signage of at least seven feet measured above the center line of the intersecting street to the bottom of the sign. Pole signs shall have the same setback requirements as buildings and structures and in the case of gas stations shall be no closer to a public street than the gas service island.

926.3. Ground Signs

One ground sign may be permitted in lieu of one pole sign. All ground signs shall comply with the requirements of Subsection 925.1(a-d) and shall be subject to the same setback requirements as pole signs.

926.4. Number of Signs

A commercial use may have one wall sign and one pole or ground sign.

926.5. Continuous Strip Lighting

No building or any exterior portion thereof, except under-canopy lighting properly shielded, shall be outlined in neon or other similar type lighting. Under-canopy lighting shall be fully recessed into the canopy or adequately shielded.

926.6. Internally Illuminated Signs

A pole sign may be internally illuminated if illumination shall be confined to the surface of the sign. No flashing, rotating or intermittent illumination shall be permitted. The sign shall be so designed and shielded that the light sources cannot be seen from any adjacent Residential Zone or from the street.

926.7. Hotel Signs

In addition to the other provisions of Subsection 926, hotel signs shall conform to the following:

- a. No sign shall be greater than 50 square feet in area.
- b. No more than one such sign shall be located on the site, except that an accessory restaurant may have one additional sign, but no such additional sign shall be greater than 25 square feet in area. Necessary small directional signs shall be permitted on site.

927. Signs in Residential Zones

All signs in Residential Zones shall be identification signs and shall conform to the following standards:

- a. One sign not exceeding two square feet in area and located back of the front lot line, giving only the name of the dwelling or its occupant.
- b. One sign not exceeding two square feet in area and not located in the required front yard, identifying only a permitted professional office which is a permitted accessory use in a Residential Zone.

- c. One hanging sign not exceeding six square feet in area with a post not exceeding nine feet in height or one ground sign not exceeding ten square feet in area and five feet in height, such sign being located back of the front lot line, and one wall sign not exceeding six square feet in area identifying only the name of a permitted special use occupying the premises.
- d. No letter or figure on a sign in a Residential Zone shall be higher than four inches.
- e. Permitted signs in accordance with Subsection 922.
- f. Any sign maintained in a Residential Zone shall be non-internally illuminated, non-moving, non-flashing and noiseless. Any indirect lighting shall be white light installed in a manner that will prevent direct lighting from shining on to any street or nearby property. No sign shall be illuminated after 11:00 P.M. The sign shall be in harmony in its general construction and materials with nearby buildings and the neighborhood.

928. General Sign Standards

All signs shall conform to the following standards:

928.1. Setbacks

All ground signs and pole signs shall conform to the setback required for principal buildings and structures. No ground sign or pole sign in other than a Residential Zone shall extend within less than 40 feet of any Residential Zone boundary line.

928.2. Connecticut Turnpike

Where a lot abuts or is within 100 feet of the right-of-way of the Connecticut Turnpike, no sign on such lot shall be erected which faces or is primarily intended to be visible from the Connecticut Turnpike.

928.3. Hazard or Nuisance

No sign shall be so placed as to be a hazard to traffic or the public generally, or a nuisance to the residents or occupants of any other building or premises. No sign shall be erected or maintained so as to obstruct any window, door or opening used for ingress or egress or for fire-fighting purposes, or which interferes with any opening required for proper ventilation. No sign shall be erected in such a manner so that it obstructs clear vision of any public way or drive by either motorists or pedestrians.

928.4. Direction of Signs

No sign in other than a Residential Zone shall be located so as to face any Residential Zone on the same side of the street on which the property bearing the sign fronts. This provision shall not apply to signs at right angles to the street line of such street.

928.5. Maintenance of Signs

All signs, together with their supports, braces, guys and anchors, shall be kept in good repair and in a safe condition. The owner of a sign, and the owner of the premises on which it stands, shall be responsible for keeping such sign and ground around it in a safe, sanitary, neat and clean condition.

928.6. Direction of Lights

Exterior illumination of buildings, signs or grounds shall be only for the purpose of illuminating a building, sign, walk or delivery service or parking area, shall be white light and shall not be directed so as to create a hazard or nuisance. The source of all lighting of signs and building (bulb, tube, reflectors, etc.) shall not be visible from any street or from any lot other than the lot on which the sign is located. No flood or spot-lighting shall be mounted higher than 20 feet above ground level.

928.7. Conflict with Traffic Signals

No source of illumination shall be erected in such a location or in such a manner so as to interfere with motorists' vision of a traffic signal light, street or directional signs or any other sign or device intended primarily for the public safety and welfare. No sign shall be erected in such manner so that it obstructs clear vision for a distance of 20 feet from any intersection.

928.8. Identification Signs

A sign shall be affixed only to that portion of a building or structure which encloses the use to which the sign pertains.

928.9. Maximum Sign Area

In addition to any other restrictions imposed by these Regulations, in no event shall any sign have an aggregate area exceeding one square foot for each three square feet of building face parallel or substantially parallel to a street lot line.

928.10. Integrated Signs

All store units in the same building or in separate buildings in an integrated shopping center shall have a uniform design and placement of signs.

928.11 Unattached Signs

Sandwich signs and other signs not affixed either to a building or the ground in a permanent manner shall be prohibited.

#### 928.12 Directional Signs

Directional signs shall be allowed where found to be appropriate so long as they do not exceed two square feet and are solely directional and contain no advertising.

#### 928.13 Window Signs (See Subsection 230 for illustration.)

A window sign is a sign affixed to a window or displayed within three feet of the interior of the window.

- a. Temporary window signs shall be permitted without a sign permit provided the sign shall not be displayed more than 30 consecutive days, the area of such sign shall not exceed 25 percent of the window surface to which applied, and shall not be affixed to the same window to which a permanent window sign is affixed.
- b. Permanent window signs are all non-temporary window signs. Permanent signs are permitted subject to Subsection 921, a sign permit and provided the area of such sign shall not exceed 30 percent of the window surface to which applied and no more than two window surfaces shall be utilized for window signs.

#### 928.14 Special Devices

The exterior use of a single banner, not exceeding 18 square feet in area, may be allowed for a seven day period not to exceed once in a 12 month period under a permit issued by the ZEO for special events such as openings, new management, and special promotional events.

#### 928.15 Temporary Identification Sign

A temporary identification sign for a property may be permitted by the ZEO to be displayed during the period from the submission of a complete application for a permanent sign until 30 days after action has been taken on the application, provided that the temporary sign shall conform with all dimensional regulations, is in fact a temporary sign not involving any substantial expense, and shall be displayed in such a manner which shall not deface the building facade or interfere with the review of the application.

#### 928.16 Conformity and Removal of Certain Signs

Except as hereinafter stated, if any sign or light shall not conform to these Regulations, and shall be discontinued, altered, reconstructed, enlarged, extended or moved, its replacement or the alterations shall conform to this Section. The repainting or repair of existing non-conforming signs (so long as the sign remains unchanged) and lights, however, shall be permitted. No legally existing sign shall be altered, reconstructed, enlarged, extended, or moved except in accordance with the standards of these

Regulations. Nothing in this Section, however, shall prevent a sign from being altered so as to become more conforming with these Regulations provided that a permit shall be obtained.

A sign which shall no longer advertise a bona fide business conducted, or a product sold on the premises, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which the sign is located within one month from the time the premises are vacated or within ten days after written notification from the ZEO, and, upon failure to comply with such notice within the time specified in such order, the ZEO shall hereby be authorized to cause removal of such sign and any expense incidental thereto shall be paid by the owner of the premises.

#### 928.17 Gas Station Product Signs

Due to the unique nature of automobile fuel marketing, gas stations may have one product sign in addition to one wall and one pole or ground sign. A product sign may indicate the product sold, service provided or product price. Gas station product signs shall not exceed six square feet, shall not be illuminated and shall not be located between the gas island and the street.

#### 928.18 Signs Prohibited in All Zones

The following signs shall be prohibited in all zones presently or hereafter established within the Town:

- a. Billboards and other advertising signs.
- b. Signs located other than on the lot to which they refer.
- c. Flashing (cold cathode electric discharge neon type gas), dayglow, iridescent, intermittent light reflecting, revolving or moving signs, pennants, spinners, streamers, sales signs, special promotional signs, A-frame or other eye-catching devices.
- d. Banners, except as per Subsection 928.14, and flags, except as excluded by the definition of sign as found in Section 210.

#### 929. Measurement of Sign Area

- a. The area of a sign shall be considered to include all lettering, wording and accompanying designs or symbols together with any background different from the building whether painted or applied when it is designed as an integral part of and obviously related to the sign, and when the sign consists of individual letters or symbols attached to, or painted on, a building wall or window, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters or symbols.

- b. In the case of a freestanding or pole sign, the area shall be determined by multiplying the outside dimensions of the sign, not including the vertical, horizontal or diagonal supports which affix the sign to the ground, unless such supports are evidently designed to be part of the sign.
930. A sign otherwise authorized by these Sign Regulations may contain non-commercial content, provided that the sign otherwise conforms to the provisions set forth in these Sign Regulations.
931. If any provision of Section 920 through Section 930 of these Sign Regulations, or the application thereof to any person or circumstances, shall be held invalid, the invalid provisions shall be severable and such invalidity shall not affect other provisions or applications of Section 920 through Section 930 of these regulations which can be given effect without the invalid provisions or application.

**SECTION 940. LANDSCAPING, SCREENING AND BUFFER AREAS**

941. Background and Purposes

The following standards are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation of existing vegetation and planting of new screening and landscaping material. Specifically, these standards are intended to reduce excessive heat, glare and accumulation of dust, to provide shade and privacy from noise and visual intrusion and to prevent the erosion of the soil, excessive runoff of storm water, and the consequent depletion of the groundwater table and the pollution of water bodies, watercourses, wetlands and aquifers.

942. General Requirements

The following provisions shall apply to any use requiring a Special Permit or Site Plan Approval:

- a. Landscaping, trees and shrubs required by these Regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and shrubs which shall be shown on an approved Site Plan and which shall be in a condition that does not fulfill the intent of these Regulations shall be replaced by the property owner during the next planting season for the particular plant material. Permanent watering systems shall be encouraged.
- b. A screening fence or wall required by these Regulations shall be maintained by the property owner in good condition throughout the period of the use of the lot.
- c. All landscaping, trees, shrubs and other planting material adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs or other means to prevent damage from vehicles.
- d. To the extent possible, existing trees, vegetation and unique site features such as stone walls shall be retained and protected during construction. Existing healthy, mature trees, if properly located, shall be considered in meeting the requirements of these Regulations.
- e. Where the Commission determines that the lot size and shape or existing structures shall make it infeasible to comply with the requirements for a front landscape area, buffer area, or landscaped parking area, the Commission may accept alternative landscaping provided it shall be necessary, reasonable and in compliance with the intent of these Regulations.
- f. In cases where the edge of the pavement or sidewalk within the public right-of-way shall not coincide with the front lot line, the property owner shall plant grass and maintain the area between the front lot line and the edge of street pavement or sidewalk.

- g. All portions of non-residential properties which shall not be proposed as locations for buildings, structures, off-street parking and loading areas, sidewalks or similar improvements, shall be landscaped and permanently maintained in such manner as to minimize stormwater runoff and harmoniously blend such non-residential uses in with the residential character of the Town.

943. Front Landscape Area

The purpose of a front landscape area is to enhance the appearance of the subject property and the street. The desired effect is, where appropriate, to partially screen and separate the use from public view.

Front landscape areas, where required by these Regulations, shall extend across the full width of the lot along the interior side of the front lot line, except where driveway entrances and exits are located, to the depth required by these Regulations. Every required landscape area shall be planted with trees (shade or ornamental), shrubbery and ground cover or grass.

As a minimum, one deciduous shade tree having a caliper of at least two and one-half inches (measured four feet above the root crown) and a height of eight feet shall be planted within the front landscape area for each 50 feet or fraction thereof of lot frontage. The spacing of trees or groups of trees shall not exceed 50 feet.

- a. In all Residential, NB, DB-1, DB-2, DMR, DBR, DOR-1, DOR-5 and OB Zones, every use shall have a front landscape area of not less than the required front yard for that zone.
- b. In the SB-E Zone, the front landscape area shall be 18 feet (see Subsection 675, Item 11). In all other zones which require a minimum front yard (SB), every use shall have a front landscape area of not less than 10 feet.
- c. In zones which do not require a minimum front yard (DC, CBD and PR), a front landscape area may not be required, except if a front yard shall be provided, it shall be landscaped.

944. Buffer Area

The primary purpose of the buffer area is to provide privacy from noise, headlight glare, and visual intrusion to residential dwellings. A buffer area shall be required along and within all boundaries of a lot abutting or directly across a local street from any lot in a Residential Zone. Single-family dwellings shall not be required to provide a buffer. Required buffer areas shall be a minimum of twenty-five (25) feet in width except as these Regulations may otherwise permit. The buffer area shall not be used for parking, storage, refuse collection, utilities, or any other use.

- a. The buffer area may include fencing together with evergreen planting of such type, height, spacing and arrangement as, in the judgment of the Commission, shall effectively screen the activity on the lot from the neighboring residential area. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.

- b. A decorative wall or earthen berm of location, height, design and materials approved by the Commission may be used in conjunction with the required planting and/or buffer area.
- c. Where the existing topography and/or landscaping provides natural screening, the Commission may modify the planting and/or buffer area requirements.

945. Landscaped Parking Areas

All parking areas shall be designed in such a manner that visual impact upon the surrounding area shall be minimized. Acceptable methods may include, but not be limited to, the use of earthen berms, landscaping, walls, fences or other screening techniques. Street trees and landscaped areas shall be incorporated within the paved areas to further minimize visual impacts of such facilities. Parking areas shall comply with the following minimum standards:

945.1 Perimeter Landscaping

For all uses except single-family residences, a landscaped area shall be provided along the perimeter of the parking area (except where the parking area is functionally integrated with an adjoining parking area on an abutting lot and the accessway(s) to the street). The landscaped area shall have a minimum dimension as per Subsection 906.6 and shall be planted with grass, shrubs, trees and other vegetation. It shall include at least one deciduous tree having a caliper of at least two and one-half inches (measured four feet above the root crown) and at least eight feet in height when planted for every 50 feet along the perimeter of the parking area.

Where the Commission shall determine that the lot size and shape or that the existing topography or structures make it impractical to comply with this landscaping requirement, the Commission may approve modification of this standard provided the intent is satisfied.

Parking areas adjoining or across the street from a Residential Zone shall comply with the standards for a buffer area (Subsection 944) rather than those above.

945.2 Open Streams

Parking, sidewalks and all paved areas shall be set back at least ten feet from any open stream. Each strip of land thus provided shall be protected by curbing and shall be landscaped and maintained with grass and trees or shrubbery or, if acceptable to the Commission, left in a natural and undisturbed condition.

## **SECTION 950. WIRELESS TELECOMMUNICATIONS**

### 951. Background And Purpose:

In accordance with the terms of the Federal Communications Act of 1996, it is the intent and purpose of these regulations to accommodate the communication needs of residents and businesses and the general public while protecting public health, safety, and the general welfare of the Town and minimizing any adverse visual and operational effects of towers and wireless communications facilities through careful analyses, design, siting and screening. In addition, these regulations are necessary in order to:

- Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements;
- Minimize any health hazards associated with the use of such equipment;
- Reduce the number of towers needed to serve the community by maximizing the use of existing and approved suitable facilities to accommodate new wireless telecommunication antennas including existing towers, buildings and other facilities.
- Minimize the diminution of adjoining property values due to the location of such devices;
- Prevent electro-magnetic radiation interference to receptor devices on adjoining and nearby properties.

### 952. Definitions:

For the purposes of this section the following definitions shall apply:

Antenna - a device used to receive and/or transmit telecommunications or radio signals. Examples are panels, microwaves, dishes, and whips.

Carrier - a company that provides wireless services.

Co-Location - the use of a single mount on the ground by more than one carrier and/or several mounts on an existing building or structure by more than one carrier. This reduces the need to build new communications towers.

Federal Communications Commission - the Federal agency responsible for licensing and regulating wireless communications providers. The FCC has primary regulatory control over carriers through its powers to control interstate communications commerce and to provide a comprehensive national system in accordance with the Federal Communications Act.

Tower - a structure intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures include monopoles and lattice construction steel structures. The term shall not include amateur radio

operator's equipment as licensed by the Federal Communications Commission (FCC).

Tower Height - the distance from the lowest ground elevation at the base of any tower to the topmost point of the tower.

953. General:

The following guidelines, standards, application requirements, procedures and considerations for approval shall apply to the installation, placement, replacement, expansion, extension height, setbacks, construction, and screening of telecommunications towers and antennae within the Town of Darien.

It is strongly recommended that, at the earliest stages of developing a proposal, the applicant arrange to have an informal, pre-application meeting with staff to discuss these requirements.

1. Co-Location is strongly encouraged in all applications where feasible for any telecommunications facility. The Commission may require co-location after independent outside evaluation of such determination of the feasibility of co-location at the applicant's expense. The applicant shall incur any and all such costs of such needed analyses for which payment shall be made prior to any decision being rendered by the Commission on the application.
2. A fence with a height of eight (8) feet shall be required around the tower and other related equipment.
3. Landscaping may be required around the fence which shall consist of a minimum of one row of evergreen trees planted not more than ten (10) feet on center. The evergreen plantings shall be a minimum of six (6) feet tall at planting and shall reach a minimum height of fifteen (15) feet at maturity. Such screening shall be maintained by the owners of the property to insure its effectiveness.
4. The related unmanned equipment areas and/or building shall not exceed four hundred (400) square feet of gross floor area per carrier per location and not more than twelve (12) feet in height. Manned equipment incidental to the business office, maintenance depot and/or vehicle storage is prohibited.
5. No signage or illumination of any form shall be permitted on the tower or antenna unless required by the Federal Communications Commission, Federal Aviation Agency or the Connecticut Siting Council.
6. Any communications equipment or devices shall not cause electro-magnetic interference with receptor devices located on adjoining or nearby properties. As part of the application process the name, address and telephone number of the appropriate contact person shall be provided for each carrier and location. The purpose of this procedure is that members of the public will have a contact person at the carrier's place of business and prompt action will be taken by the carrier to remedy any interference caused by or reasonably attributed to the communications system.

7. Directional or panel antenna(e) shall not be larger than needed, but in no case shall exceed six (6) feet in height or two (2) feet in width. Omni-directional antenna(e) shall not exceed twenty (20) feet in height or seven (7) inches in diameter.
8. Satellite and microwave dish antenna(e) shall not exceed six (6) feet in diameter and building or roof-top mounted antenna(e) shall be located or screened so as not to be visible from abutting public streets or adjoining residences, if appropriate and/or necessary and feasible.
9. Any tower and/or antenna shall be designed and certified by a Connecticut Licensed Professional Engineer to withstand sustained winds in compliance with prevailing standards and an “as-built” certification shall be submitted upon completion of construction.
10. Service providers shall submit full information establishing that they have exhausted all possible avenues for sharing space or using an existing facility or structure before any permit for a new tower shall be granted.
11. In all cases in which the Commission determines that an expert peer review of the applicant’s service area, tower sharing, alternative location or other technical issues is reasonably warranted, the applicant shall be required to reimburse the Town for the cost of performing such peer review. Where a residential district is involved, the applicant shall fully demonstrate that no commercial district or area can fulfill the requirements. This payment shall be made to the Town prior to the decision by the Commission on the subject application. The decision-making period shall be in compliance with the State Statutes.
12. The Commission may require the posting of a bond to secure compliance with the approved installation of all towers and/or antennae and/or to ensure the timely and proper removal of said tower and/or antenna upon abandonment.

954. Application Requirements:

All applications for a telecommunications tower and/or antennae shall require a Special Permit. In addition to the requirements under Section 1000 of these Regulations, applications pursuant to this section shall be accompanied by the following:

954.1 New Towers

Where new antennae towers are proposed, the following shall be submitted:

- a. A description of the proposed tower and associated equipment including, height, design features, access roads and power lines, if any.
- b. A map showing the extent of planned coverage within the Town of Darien and the location and service area of the proposed facilities.

- c. A map showing the extent of existing and proposed coverage in adjacent communities.
- d. Plan and elevation drawings showing the proposed tower, associated equipment, antennae, landscaping and other structures proposed for the site.
- e. An architectural rendering, photo simulation or similar product of the view of the tower from adjoining properties.
- f. A statement containing a description of the siting criteria and the process by which other potential sites were considered and eliminated.
- g. The proposed support structure shall be required to accommodate a minimum of three users, including other wireless telecommunication companies and local police, fire and ambulance companies unless it is determined to be technically unfeasible based on information submitted by the applicant.
- h. A description of technological alternatives and their costs for the proposed tower and a statement containing the reasons for the choice of the proposed facility.
- i. A statement describing the impact on human health, if any, of radio frequency and power density at the proposed site to be transmitted by the proposed facility.
- j. Towers shall be a non-contrasting blue, gray or other neutral color.
- k. Every proposed tower and its antenna(e) shall not be greater than the minimum height necessary to satisfy the technical requirements of the applicant and potential future uses.

954.2 New Antenna(e):

Where any new antenna is proposed, the following shall be submitted.

- a. A description of the proposed antenna(e) and associated equipment.
- b. A map showing the extent of the planned coverage within the Town of Darien and the location and service area of the proposed antenna(e).
- c. Plan and elevation drawings showing the proposed antenna(e).
- d. A description of technological alternatives and their costs for the proposed antenna and a statement containing the reasons for the choice of the proposed location.

- e. A statement describing the impact on human health, if any, of signal frequency and power density at the proposed site either transmitted and/or received by the proposed antenna.
- f. Any antenna(e) attached to or mounted on an existing building or structure shall be of a material and/or color which matches or is compatible with that existing facility.

954.3 Abandonment:

The following shall apply to the removal of abandoned towers and related appurtenances:

- a. The owner/operator of any antenna(e) shall submit a report annually indicating that the facility is still in active use.
- b. A facility not in use for more than six (6) months shall be removed by the service facility owner. This removal shall be completed within ninety (90) days of the end of the six-month period. Following the removal the site shall be restored to its original condition.