

8. SPECIAL PROVISIONS

8.1. 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 legal 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 that is (a) not more intensive than the existing use, and (b) is more compatible with the neighborhood and zone.
3. No legal nonconforming use, and no portion of a building containing a nonconforming use, shall be extended or expanded.
4. No legal nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel of land.

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 legal nonconforming structure may only be enlarged horizontally, vertically, or both provided such enlargement complies with applicable parts of these Regulations for the specific use and zone.
3. A legal nonconforming structure which is damaged or destroyed by fire, explosion, act of God, or the public enemy, may be rebuilt with the same footprint and floor area and the use continued, but not to any greater extent than in the previously existing structure.
4. A legal nonconforming structure may be maintained, repaired, restored, rebuilt, replaced, or altered provided such work:
 - a. does not increase the non-conforming aspect of the structure, or
 - b. complies with other applicable parts of these Regulations for the specific use and zone.

C. NONCONFORMING LOTS

1. A lawfully existing parcel of land separately recorded by deed in the office of the town clerk prior to the effective date of these Regulations or any amendment hereto or any zoning change which fails to meet the area, shape, or frontage or any other applicable requirements of these regulations pertaining to lots, may be used as a lot and a building or other structure may be constructed, reconstructed, enlarged, extended, moved, or structurally altered thereon, provided that the building, structure, or any extension thereof, complies with all applicable requirements of these regulations as of the date of application for a zoning permit for any such improvement..
2. Where two (2) or more nonconforming lots are contiguous and in one ownership, such parcels shall be combined or merged to create a conforming lot or a more conforming lot to the extent possible.

8.2. Antenna Facilities

A. INTENT AND PURPOSE

These regulations are intended to establish guidelines and standards for the siting of antenna facilities in order to protect the public safety and general welfare and, through design, siting, and screening, to minimize any adverse visual and operational effects.

B. ANTENNAE ALLOWED WITH NO PERMIT REQUIRED

1. **Residential Household Antenna** - An antenna used solely for residential household television and/or radio reception provided any such antenna:
 - a. meets required setbacks, and
 - b. does not exceed 50 feet in height.
2. **Residential Satellite Dish Antenna** - A satellite dish antenna used solely for residential purposes in a residential zone provided the dish antenna measures 1 meter (3.28 feet) or less in diameter.
3. **Commercial Satellite Dish Antenna** - A ground-mounted or roof-mounted satellite dish antenna in a non-residential zone provided the dish antenna measures 2 meters (6.56 feet) or less in diameter.
4. **Existing Tower Repair** - Repair of existing towers and antennas, provided there are no changes in design, height or appearance.

C. ANTENNAE ALLOWED BY ZONING PERMIT

1. **Amateur Radio Antenna** - An amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC provided:
 - a. it is accessory to and on the same parcel as a residential use,
 - b. a ground-mounted installation is located in the rear yard.
 - c. a building-mounted installation is affixed to the rear of the structure.
 - d. any tower and antenna combination is less than 50 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. ANTENNAE ALLOWED BY SITE PLAN APPROVAL

1. **Commercial Satellite Dish Antenna** - A ground-mounted or roof-mounted satellite dish antenna in a non-residential zone that does not comply with Subsection 8.2.B.3.

E. RESIDENTIAL ANTENNAE ALLOWED BY SPECIAL PERMIT

1. **Other Residential Antenna** - An antenna that does not comply with Subsection 8.2.B.1, Subsection 8.2.B.2 or Subsection 8.2.C and is:
 - a. used solely for residential household television and radio reception,
 - b. a satellite dish antenna in a residential zone, or
 - c. an amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC.

F. OTHER ANTENNAE ALLOWED BY SPECIAL PERMIT

1. **Other Antennae on Existing Structures.** Any other antenna which is not attached to a tower, provided:
 - a. The antenna complies with all applicable FCC and FAA regulations;
 - b. The antenna complies with all applicable building codes;
 - c. The antenna does not extend more than 10 feet above the highest point of the structure; and
 - d. The antenna is completely screened or designed and installed to be architecturally compatible with the structure in question.
2. **New Public Safety Tower or Antenna** - A new antenna 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 located on property owned, leased or otherwise controlled by the Town of Ridgefield.
4. **Municipal Tower** - A new antenna to be controlled or managed by the Town of Ridgefield.
5. **New Tower or Antenna** - Any new tower or antenna not regulated by the Connecticut Siting Council.

G. REQUIREMENTS FOR SPECIAL PERMIT APPLICATIONS

1. Applicability

The requirements of this Subsection apply to any antenna proposed under the provisions of Subsection 8.2.F of these Regulations.

2. Considerations

The requirements of this Subsection apply in addition to the Special Permit criteria and other requirements contained in Subsection 9.2.A of these Regulations.

3. Application Requirements

- a. Each application shall include documentation that a licensed carrier or an authorized emergency services organization is either an applicant or a co-applicant on the application.
- b. Each application shall include documentation that the proposed facility will not cause any interference with any emergency or public safety radio system.
- c. Each application shall include documentation showing how the proposed facility will accommodate emergency service communications for police, fire and ambulance services or a statement from each organization that such accommodation is not desired.
- d. Each application shall include documents indicating that:
 - i. all towers, antennas, and/or equipment to be installed meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.
 - ii. if such standards and regulations are changed, then the owners of the towers and antennas governed by this regulation shall bring such towers and antennas into compliance.
- e. Each application shall include documentation regarding noise emission from equipment and identify appropriate steps to provide soundproofing so that any noise above ambient levels is inaudible at the property line.
- f. Each application shall include a written maintenance plan for the site, including, but not limited to, all facilities including landscaping at the site.
- g. Each application shall include a map showing the extent of planned coverage within the Town of Ridgefield and the location and service area of the proposed facilities.

4. Visual Considerations

- a. Towers and antenna and appurtenances shall be painted a neutral color or other such finish as determined by the Commission so as to minimize visual obtrusiveness.
- b. The design of the equipment, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- c. If an antenna is installed on a structure other than a tower, the antenna and supporting equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.
- d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority and specifically authorized by the Commission.
- e. No signs shall be allowed on any antenna, facility, or tower unless required by an overriding legal authority, except that a 2 square foot sign is required to be posted showing the emergency contact and telephone number.

5. Equipment Considerations

- a. 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
- b. 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.
- c. Landscaping, including buffering, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.

6. Facility Removal

- a. A facility not in use for six (6) months shall be removed by the service facility owner and such removal shall be completed within ninety (90) days of the end of the six-month period. Upon removal the site shall be restored to its previous appearance.
- b. The Commission may require the owner to submit a periodic report to the Commission or its agent (such as every six months) indicating whether the facility is still in use.
- c. The Commission may require the posting a bond to (1) secure compliance with the approved installation of any facility and (2) to ensure the timely and proper removal of said facility upon cessation of use.

8.3. Architectural Review / Village Districts¹

A. PURPOSE

This Section is intended to ensure that the exterior design of buildings and sites is in harmony with the character of the community, to encourage high quality building and site design, and to result in development which is compatible with the character of the community.

B. APPLICABILITY

The following types of applications shall be subject to the provisions of this Section:

1. Any exterior modification associated with a proposed development, construction, or use in the Central Business District (CBD) zone shall be reviewed in relation to the design guidelines in Subsection 8.3.D and the additional considerations in Subsection 8.3.E, and in accordance with Sec. 8-2j of the Connecticut General Statutes.
2. Any exterior modification associated with a principal use or activity permitted by Special Permit in any residence in the Central Business District (CBD) zone, except for establishment of an interior lot or accessway, a group home, or an agricultural use, shall be reviewed in relation to the design guidelines in Subsection 8.3.D.

C. PROCEDURE

1. Applications subject to the provisions of this Section shall be referred to the Village District Consultant (VDC), which may be the Architectural Advisory Committee (AAC) or another Board or individual(s) appointed by the Commission as appropriate, upon acceptance of a complete application.
2. The application shall be reviewed by the VDC in relation to the design guidelines of this Section.
3. The application shall be commented upon by the VDC prior to the opening of any public hearing on the application and such report be issued no more than thirty-five (35) days from the date of acceptance of a complete application.
4. Failure to act within the prescribed period shall be construed as approval of the design of the proposed application by the VDC .
5. A request from the VDC for resubmission of the application based on the VDC recommendations shall not be considered failure to act.
6. The Commission shall take action on the application upon receipt of the report from the Village District Consultant.
7. In accordance with §8-2j(f) and 8-3c of the Connecticut General Statutes, approval of a Village District Application is effective upon filing in the office of the Town Clerk.

¹ 2008-024 Amended effective 5/2/08

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 shall be selected for its ultimate growth, for hardiness, for compatibility with the character of the area, and for interest in its shape, texture, and color.
- c. Planting materials used for landscaping and screening shall be native to Connecticut. The use of any plant designated by the Connecticut Department of Environmental Protection as invasive species is prohibited.
- d. Pedestrian sidewalks, walkpaths, and trails shall provide safe and convenient connections within the site and between adjacent sites and shall generally be constructed of brick, concrete or paving blocks and not be gravel, earth or loose stone.
- e. 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 public safety, the building design, and the 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", as amended; or
 - ii. the distinctive characteristics of the district identified in the Ridgefield 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.

8.4. Temporary Trailers

A. LIMITATIONS

1. Temporary construction trailers may be utilized during a construction project provided that the location of any such trailer shall, unless modified by the Zoning Enforcement Officer, comply with yard setback requirements.
2. No trailer of any kind shall be used for human habitation except, as determined by the Zoning Enforcement Officer, for an emergency and then only:
 - a. on a temporary basis until construction of a damaged or destroyed principal structure is complete, and
 - b. when the temporary basis is guaranteed by a bond or other form of surety acceptable to the Zoning Enforcement Officer.
3. Except as provided above, no trailer shall be used or employed for any use of any kind (including storage) without approval of a Special Permit by the Commission.

8.5. Character Resource Preservation²

A. PURPOSE

In order to encourage the preservation of structures and other resources 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 or dimensional requirement (such as maximum building coverage and floor area ratio) to be exceeded in accordance with the following standards.

B. DESIGNATION CRITERIA

1. For purposes of this Section, structures may, upon application by the owner, be designated as character resources by the Commission where said structures:
 - 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; or
 - f. are identified in Ridgefield's "Historic Resources Inventory" and/or the National or State Register of Historic Places; or
 - g. are located in any State, National or Town designated Historic District; or
 - h. by virtue of architecture or design, contribute to the rural or agrarian character of the Town.
2. The Commission encourages property owners to seek designation of historic significance from local, state or federal organizations and to display appropriate historic plaques.

² 2014-090-A Amended effective 11/21/14

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 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 B above and any other standards contained in these regulations as determined applicable by the Commission.

D. CONSIDERATIONS

1. When considering an application under this Section the Commission may solicit pertinent information from outside experts such as the Historical Society, Historic District Commission, 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 these Regulations, consider and determine in each case whether the proposal will:
 - a. permit the retention of historic or significant structures that would be in scale and compatible with surrounding structures, and
 - b. allow for the preservation of historic or significant structures having special historical, cultural and/or architectural merit.
3. In granting a Special Permit under this section, the Commission shall determine 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; and
 - c. based upon the standards and considerations set forth herein and in Section 9.2.A, area and dimensional requirements shall be determined for the property which may increase but not exceed 140% of the lot coverage and/or floor area, and/or decrease but not exceed a 40% reduction of the setbacks in the zone in which the property is located.

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 as proposed is minor in nature, the Commission may authorize administrative approval to the Planning Director 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 or its designated agent(s) 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 Planning and Zoning office 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.

8.6 Uses Subject to Moratorium³

A. INTENT AND PURPOSE

The Planning and Zoning Commission has determined that the following uses have the potential to impair the health, safety and welfare of its citizens, and that a temporary, limited moratorium is needed in order to properly develop restrictions and standards for the implementation of these uses.

³ A-22-4 Amended effective 11/04/2022

8.7 Long Island Sound - Riparian Zoning⁴

A. PURPOSE

As required by PA 21-29, and in recognizing the environmental impact of local development across all Connecticut municipalities on the coastal water quality of the Long Island Sound, the review of all development applications received by the Town of Ridgefield shall consider the importance of riparian buffers as a means to reduce nonpoint source pollutants entering the Sound.

B. STANDARDS

Where development abuts the Norwalk River, Saugatuck River, Silvermine River, and/or Titicus River, a 100-foot non-infringement area shall be provided. Such non-infringement area shall remain undisturbed with the exception of any public trails, stormwater detention/retention ponds and/or wetland plantings required to eliminate nonpoint source pollutants from stormwater before entering the river. The use of pesticides and fertilizers within the non-infringement zone are prohibited except where an applicant can demonstrate that such applications are for existing agriculture following best management practices. In no case shall pesticides or fertilizers be applied within 25 feet of any designated non-infringement area.

⁴ A-21-7: Amended effective 11/05/2021 to add new section to comply with 21-29

Section 8.8. Inclusionary Zoning⁵

A. PURPOSE

These regulations are intended to encourage the development of affordable housing within the Town of Ridgefield, consistent with Section 8-2(i) of the General Statutes of the State of Connecticut.

B. Applicability

These regulations shall apply to all zones within the Town of Ridgefield, except RAAA and RAA.

C. Requirements

1. Basic Requirement. All applications for development resulting in the creation of five (5) or more dwelling units shall designate a minimum number of dwelling units **as per the Minimum Affordable Housing Chart** in a manner such that the units would qualify to be counted as either “assisted housing” or “set-aside development” as defined by Section 8-30(g) of the Connecticut General Statutes (herein “Affordable Units”). In calculating the minimum requirement, fractions shall be rounded up to the nearest whole number (see sample table attached).
2. Phasing. For any phased project (e.g., multiple buildings/structures or other construction that will be completed in stages at separate times), the Affordable Units shall be constructed within the first phase, unless the Commission specifically permits otherwise in the application approval.
3. Integrated Site. Unless permitted by the Commission within the application approval, all projects shall be designed to mix Affordable Units evenly throughout the site (i.e., not clustered), sharing the same common amenities and services available to traditional units (e.g., parking, common room access, etc.), and generally the Affordable Units should not be physically identified or otherwise distinguishable from traditional units, and shall be constructed of similar materials and workmanship to the traditional units.

D. Incentives

1. Developments subject to the provisions of this section which exceed the Basic Requirement (defined above) pursuant to the Minimum Affordable Housing Chart by at least five percent (5%) may be eligible for the below incentives, based upon the specific project and scope and consistent with the purpose and intent of these regulations, at the sole and absolute discretion of the Commission:
 - a. Density Bonus. The Commission may grant a density bonus of additional dwelling units, in a quantity up to 30% of the otherwise permitted limit. Fractions in the density bonus shall be rounded up to the nearest whole number. The density bonus units may be a combination of Affordable Units and traditional units as determined by the Commission, provided the Basic Requirement is exceeded by at least the percentage set forth above.
 - b. Dimension & Bulk. The Commission may alter the dimensional standards established in these regulations (including lot area, lot coverage, set-back, yard, floor area, frontage, height, or similar restrictions), by no more than 25%, based upon the specific project and scope.

⁵ A-22-5 Amended effective 05.26.2023

- c. Parking. The Commission may reduce the parking requirements by up to twenty-five percent (25%), based upon the specific project and scope.

E. Fee-In-Lieu

When this section would apply to a development application intended to be exclusively single-family dwelling units, the Commission may allow the payment of a cash fee in lieu of constructing some or all of the affordable units. The fee shall be equal to 300% of the Danbury, CT HUD Metro FMR Area Median Income (i.e., \$134,700 in FY2022), multiplied by the number of Affordable Units not to be constructed. The fee shall be paid to either: (a) a housing trust fund for the Town of Ridgefield, if one exists, or otherwise (b) another Commission-designated entity focused on providing affordable housing within the Town of Ridgefield.

F. Administration

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

Any application under this Section shall identify the non-profit entity or property manager who will be responsible for program administration. The program administrator is subject to the approval of the Commission or its designated representative.

1. The program administrator shall:

- a. Annually review and certify to the Commission the annual income of households residing in below market rate dwelling units in accordance with a procedure established in advance and approved by the Commission.
- b. Maintain a list of eligible households in each category, who have applied for participation in the program. Applicants within each category shall be selected by lottery, conducted in accordance with a procedure established in advance of said lottery and approved by the Commission, or its designated representative.
- c. Annually certify to the Commission that the selected household actually resides in the below market rate dwelling unit.
- d. Certify to the Commission that below market rate dwelling units sold or re-sold do not exceed the maximum purchase price as calculated in a manner consistent with the methodology for maximum housing payment calculations in set-aside developments outlined in Section 8-30g of the Regulations of Connecticut State Agencies, as adjusted for family size.
- e. Certify to the Commission that below market rate dwelling units for rent shall not exceed the maximum monthly rent as calculated in a manner consistent with the methodology for maximum housing payment calculations in set-aside developments outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies, as adjusted for family size.

2. Deed Restrictions: In order to maintain below market rate units for at least forty years or the life of the unit, whichever is longer, the following restrictions shall apply:

- a. Below market rate units for sale shall be restricted by title to require that, in the event of any resale by the owner or any successor, the resale price shall not ex-

ceed the then maximum allowable sales price for said dwelling unit, or the sum of the original purchase price and the cost of any documented fixed improvements made by the owner, whichever is greater.

b. Below market rate units for rent shall be restricted by title to require that the rents for said units shall not exceed the maximum rent as determined annually in accordance with (e) above.

Affordable Housing Minimum Units Chart for Inclusionary Zones	
# Housing Units	Minimum # Affordable Units
5	1
6	1
7	1
8	1
9	1
10	1
11	2
12	2
13	2
14	2
15	3
16	3
17	3
18	3
19	3
20	3
21	3
22	4
23	4
24	4
25	4
26	4
27	4
28	4
29	5
30	5
Further calculations would be 14% of the total housing units rounded up.	

8.9 Outdoor eating areas.⁶

Each of the following uses is permitted in each district to the extent indicated for that use and district, subject to all provisions of the applicable district, except as specifically provided for in this section. Every application for the use of property subject to conditions set forth herein shall be filed in accordance with the provisions of these regulations, and shall be subject to approval by any commission, board or agency stipulated in this section.

For use of Town-owned property including sidewalks, parking spaces, roads, or road right-of-way, contact the Selectman's Office for their approval process.

Outdoor Eating Areas as defined in §2.2 shall be permitted in all Non Residential Zones on privately-owned property or public sidewalks and pedestrian pathways subject to the following requirements:

- The total number of indoor and outdoor seats shall not exceed the total number of seats approved for the site. For example, if a restaurant is limited to 100 seats, the total number of indoor and outdoor seats shall not exceed 100 seats.

A. Required

1. **Planning and Zoning Approvals.** A Zoning Permit application shall initially be submitted to the Planning and Zoning Office and is eligible for approval by the Planning and Zoning Director or ZEO and will be subject to obtaining a Zoning Permit. After the initial Zoning Permit is granted, the use shall be subject to an annual Zoning Permit from the Planning and Zoning Office renewed by May 1st each year thereafter provided there are no changes, or a new Zoning Permit application must be obtained.
2. **Other Department Approvals.** Prior to submission of a Zoning Permit application, an Outdoor Patio approval must be obtained directly from:
 - a. The Ridgefield Health Department
 - b. Approval by WPCA if on sewer
 - c. The Fire Marshal's Office.
 - d. The Building Department when utilizing tents, membrane structures, other temporary or permanent structures utilized for occupancy.
 - e. The Police Department for any Outdoor Eating Areas that abut drive-ways, parking lots and streets or are located within parking areas.
 - f. Parking Authority if parking spaces are being used.
 - g. Highway Dept. for any right of way encroachments.
 - h. The licensed restaurant operator, at its cost and expense, shall keep the public sidewalk and pedestrian pathways leading to, and area to be used for, outdoor dining free and clear of debris, garbage, bottles, food, glassware, dishes, and utensils.

B. Location

Outdoor Eating Areas may be located on privately-owned as follows: On-site, or on an abutting property with the approval of the property owner, in either case subject to providing a pathway constructed in compliance with Federal ADA requirements that is at least four-feet wide.

⁶ A-23-3 Adopted 08-01-2023 effective 08-11-2023

1. Outdoor Eating Areas may be located on a public or privately-owned sidewalk or pedestrian pathway in front of the principal use, provided a four-foot-wide clear path shall be maintained consistent with the federal ADA requirements.
2. Outdoor Eating Areas may be located within parking areas to support the principal use provided a Barrier Protection Plan is submitted that is subject to approval by the Ridgefield Police Department.
3. Fire Department Appurtenances. No Outdoor Eating Area or related Structure shall impede access to fire hydrants, fire lanes, or fire department connections.
4. Outdoor dining areas shall not interfere with public, state or municipal use of any public street, sidewalk or property, shall not create a disturbance or hazard to pedestrians or traffic and shall not interfere with the safe and free flow of pedestrians or traffic.

C. Size

The Outdoor Eating Area shall not exceed 30% of the total Floor Area of the Principal use.

D. Parking Requirements

There are no minimum parking requirements for Outdoor Eating Areas.

E. Setbacks/Coverage

Outdoor Eating Areas shall not be permitted within 50-feet of a residential zoning district boundary line unless separated from the Residential Zone by a public street or a waterbody. No Front Landscape Area may be removed to accommodate an Outdoor Eating Area. Structures used for an Accessory Outdoor Eating Area are exempt from Coverage requirements.

F. Lighting

Any lighting shall be down directed and not shed light beyond the property line.

G. Covers

Enclosures and structures consisting of the use of, tents, awnings, igloos, pergolas and covers with rigid supports, fabric or non-rigid sides is permitted per the Connecticut State Building Code and the Connecticut State Fire Safety Code provided they meet the requirements under such sub-sections.

Following the granting of a Zoning Permit, a Building Permit and permit from the Office of the fire Marshal shall be obtained for the following:

1. Installing temporary or permanent electrical service to any outdoor structure.
2. Installing temporary or permanent heating or air conditioning.
3. Any tent in excess of 400 SF.
4. Any tent in excess of 700 SF with open sides.
5. Or multiple tents set side by side without a 12-foot fire break whose aggregate area is in excess of 700 SF.

H. Hours of Operation

The hours of operation shall be limited to 6:30 a.m. to 11:00 pm Sundays through Thursdays and 6:30am to 12:00 midnight on Fridays and Saturdays. There shall be no music in any Outdoor Eating Area after 9:00 p.m.

I. Signage

No additional signage shall be permitted.