

SECTION 8 HISTORIC PRESERVATION⁵⁸

8.A. PURPOSE

The purpose of this Section is to:

1. encourage the preservation, rehabilitation, enhancement and adaptive re-use of *Historic Structures* and *Historic Sites*; and
2. support contextual *Development* and *Redevelopment* within *Historic Districts*.

8.B. HISTORIC SITE AND ARCHITECTURAL PLAN REVIEW

8.B.1. Applicability

a. *Historic Structures* and *Historic Sites*

All proposed exterior alterations, expansion, redevelopment, additions or other modifications to *Historic Structures* or *Historic Sites* listed on the *Cultural Resources Inventory*, including but not limited to full or partial demolition of such *Structures* or *Sites*, shall be subject to Historic Site and Architectural Plan Review pursuant to the standards of Subsections 8.B.2.a. and 8.B.2.b. Landscaping or interior features of a *Structure* that are explicitly listed in the *Cultural Resources Inventory* shall also be subject to Historic Site and Architectural Plan Review under this Section.

b. New Construction in Local Historic Districts or Alterations to Structures in Local Historic Districts.

All new construction on sites in *Local Historic Districts* as well as additions or alterations to existing *Structures* in *Local Historic Districts* shall be subject to Historic Site and Architectural Plan Review pursuant to Subsections 8.B.2.a. and 8.B.2.c.

8.B.2. Review Procedures

a. Historic Site and Architectural Plan Review

- (1) All Historic Site and Architectural Plan Review applications pursuant to this Subsection shall be referred to *HPAC* for review and recommendations. Whenever a *Qualified Historic Preservation Expert* is engaged, that expert shall present their findings to *HPAC* and the Zoning Board.
- (2) All Historic Site and Architectural Plan Review applications shall require Administrative Review and approval by the Zoning Board.
- (3) Where Site and Architectural Plan Review pursuant to Sections 2.D, 7.5 or 9, or a *Special*

⁵⁸ [Formerly Section 7.3. (224-07).]

Permit application, is required, Historic Site and Architectural Plan Review shall be conducted in conjunction with such required review, following the respective standards and procedures of such sections.

- (4) The following activities shall be exempt from review and the requirements under this Section after determination by the Land Use Bureau Chief, or designee, who may consult with *HPAC*, the Chairperson of *HPAC*, or a *Qualified Historic Preservation Expert* in making this determination:
 - (a) *Minor Modifications* and repairs which include replacement of deteriorated elements of façade, minor landscaping that does not substantially alter the appearance of the property, roof replacement, window replacements, etc. The intent is to retain the historic character of the *Building*.
 - (b) Modifications and repairs to *Non-Contributing Structures* or Sites which do not significantly detract from the historical context.
 - (c) Activities that do not require a review by the Zoning Enforcement Officer as part of the granting of a Permit by the Building Department, such as mechanical permits, including, but not limited to electrical or plumbing permits, or roof top solar panels.
 - (d) Activities that require a *Zoning Permit* only, such as *Fences*, or certain *Accessory Structures* not requiring a Building Permit.
 - (e) Installation of generators, fuel tanks or HVAC equipment that require a review by the *ZEO*.

b. Application Requirements for Historic Site and Architectural Plan Review

- (1) Applicant shall provide the following information for the Historic Site and Architectural Plan Review for properties subject to Section 8. in addition to the submission requirements of Sections 2.D, 7.5, 9 and *Special Permit* applications:
 - (a) Application form and fee, if applicable;
 - (b) Elevations of *Building* existing facades visible from each public right-of-way and site survey showing currently existing conditions, including materials used on the façade and other *Building* and site features;
 - (c) Elevations of proposed *Building* facades visible from each public right-of-way and site plan showing proposed conditions, including materials and colors to be used on the façade and other *Building* and site features;
 - (d) If available, pictures, plans or other documentation showing the original condition and subsequent modifications of the *Building* and *Site*;
 - (e) A narrative describing the proposed work and how it deviates from the original condition or attempts to bring the *Building* back to its original condition; and
 - (f) Other pertinent information as may be requested by *HPAC* or the Zoning Board, e.g., request for Historic Tax Credits.
- (2) At least 35 days prior to a meeting at which such matter will be discussed by the Zoning Board,

the application shall be referred to *HPAC* for review and comment.

- (3) The Zoning Board shall receive and consider *HPAC*'s comments. The Board may accept, reject or modify in full or in part any part of *HPAC*'s report. The failure of *HPAC* to timely submit a report shall not prevent the Board from acting on the application.
- (4) No *Zoning Permit* shall be issued for any property subject to Subsection B.2.b without Zoning Board approval of the Historic Site and Architectural Plan Review application.
- (5) No *Certificate of Zoning Compliance* shall be issued until the Land Use Bureau confirms that the as-built conditions meet the approved plans and a *Historic Preservation Easement*, if required, was recorded on the land records.

c. Procedures for Additions to and Deletions from the Cultural Resources Inventory.

- (1) Addition of Individual Buildings or Sites. *Historic Structures* and *Sites*, shall be listed on the *Cultural Resources Inventory* in accordance with the following requirements:
 - (a) an application form provided by the City of Stamford Land Use Bureau has been filed and an application fee, if applicable, is paid; no fees shall be payable unless an applicant is seeking zoning bonuses or relief from zoning requirements pursuant to Section 8.C. below;
 - (b) the application has been reviewed by Land Use Bureau staff based on review criteria for historic or architectural significance established by the Land Use Bureau in consultation with *HPAC*; provided, however, that if a Structure or Site is listed on the National Register of Historic Places, such review is not required;
 - (c) the property owner has been notified in writing at least 30 days prior to the scheduled *HAPC* meeting at which the matter will first be discussed, unless the applicant seeking addition of the property to the *Cultural Resources Inventory* is the property owner; (223-11)
 - (d) the Land Use Bureau has not received a written objection from the property owner prior to or at the Zoning Board public hearing to the listing on the *Cultural Resources Inventory*. If no written objection by the property owner is received prior to or at the public hearing, the property owner will be deemed to have consented to the listing on the *Cultural Resources Inventory*; (223-11)
 - (e) the Zoning Board has duly noticed and conducted a public hearing pursuant to Section C6-40-11-of the City of Stamford Charter, as amended; (223-11)
 - (f) *HAPC* has recommended that the *Structure* or site to be added to the *Inventory* is historically or architecturally significant. Such recommendation shall detail the *Structure's* compliance with the current standards for designation on the National Register of Historic Places or the *Cultural Resources Inventory*, and justify any findings based on the *Structure's* or *Site's* architectural, social or other significance to the history of the City of Stamford; and
 - (g) the Zoning Board has approved in full or in part the recommendation of *HAPC*. (223-11)

Following approval of an addition to the *Cultural Resources Inventory* by the Zoning Board, a notice shall be posted on the City of Stamford Land Records noting development controls

pursuant to this Section 8. of the City of Stamford Zoning Regulations.

- (2) **Addition of a Local Historic District.** Any *Local Historic District* shall automatically be listed on the *Cultural Resources Inventory*.
- (3) The Land Use Bureau, in consultation with *HAPC*, may establish additional rules regarding the *Cultural Resources Inventory* and the application procedure to add *Structures* and sites to the Inventory.
- (4) **Deletion of Properties from the *Cultural Resources Inventory*.** A property listed on the *Cultural Resources Inventory* may be removed from such Inventory if it is approved for listing on the *Historic Preservation White List*.
- (5) When a *Qualified Historic Preservation Expert* is engaged for an application which includes adding a *Building* or *Site* to the *Cultural Resources Inventory* in conjunction with a *Special Permit* application pursuant to Section 8.C., or deleting a *Building* or *Site* from the CRI, the Applicant shall be responsible for paying for the services of such expert. (223-11)

d. Procedures for Additions to the Historic Preservation White List.

All properties added to the *White List* shall meet the following requirements:

- (1) an application form provided by the City of Stamford Land Use Bureau has been filed and an application fee, if applicable, is paid;
- (2) the application has been reviewed by Land Use Bureau staff based on review criteria for historic or architectural significance established by the Land Use Bureau in consultation with *HAPC*, and a preliminary determination has been made that the Structure or site is no longer historically or culturally significant. Accidental destruction of a *Historic Structure* pursuant to Section 8.D.3 and 4 of this Section, or a finding by *SHPO*, the Attorney General's Office or any other governmental agency having jurisdiction in making such finding that a Structure is no longer historically significant shall be considered sufficient evidence;
- (3) the property owner has been notified in writing at least 30 days prior to scheduled *HAPC* public hearing, unless the applicant seeking addition of the property to the *White List* is the property owner;
- (4) *HAPC* has duly noticed and conducted a public hearing pursuant to Section C6-40-11-of the City of Stamford Charter, as amended;
- (5) *HAPC* has recommended that the *Structure* or site is not historically or architecturally significant; and
- (6) the Zoning Board has administratively approved the listing after consideration of the recommendation by *HAPC*.

The Land Use Bureau, in consultation with *HAPC*, may establish additional rules regarding the *Historic Preservation White List* and the application procedure to add *Structures* and sites to the *White List*.

8.C. SPECIAL USE, BULK AND DENSITY STANDARDS FOR HISTORIC STRUCTURES AND SITES

The provisions of this subsection 8.C. shall apply to all *Historic Structures* and *Sites* in Stamford listed on the *Cultural Resources Inventory*. Properties which are not *Historic Structures* or *Sites* wishing to benefit from this Section 8.C. must be placed on the *Cultural Resources Inventory* pursuant to Subsection 8.B.2.c of these Regulations prior to or simultaneously with applying for a *Special Permit* under this Section 8.C. (223-11)

8.C.1. Special Permit Required for Special Standards

For *Historic Structures* and *Historic Sites* listed on the *Cultural Resources Inventory*, the Zoning Board, at its sole discretion, may modify by *Special Permit* use, bulk, height, *Light and Air*, setback, coverage, *Density* and parking standards based on the standards listed in this Section. All *Special Permit* applications pursuant to this Section shall be referred to *HAPC* and whenever a *Qualified Historic Preservation Expert* is employed, that expert shall present their findings to *HAPC* and to the Zoning Board. An application for *Special Permit* under this Subsection shall be required to meet the criteria of Section 2.C.2 and the following findings and conditions:

- a. Proposed use and site plan are compatible with and implement the objectives and policies of Stamford's *Master Plan*;
- b. Proposed use and site plan are superior to a plan conforming to the standard dimensional requirements and use standards of the underlying zoning district and will not impair the future *Development* of the surrounding area;
- c. Proposed use and site and architectural plans serve to rehabilitate, restore, *Critically Reconstruct*, or preserve *Historic Structures* or *Sites*, and meet the *HAPC* guidelines for Historic Preservation (once they are recommended by *HAPC* and adopted by the Zoning Board), or the appropriate Standards and Guidelines of the Secretary of the Interior, as amended from time to time and published on the National Park Service website, as applied by *HAPC* and the Zoning Board; and
- d. The loss of said *Historic Structure* or *Historic Site* would be detrimental to the neighborhood character, *Local Historic District* or the cultural and historical heritage and identity of the City of Stamford.

Alternate standards approved by the Zoning Board pursuant to this section shall be restricted to the minimum amount deemed necessary to encourage preservation or rehabilitation of *Historic Structures* and *Sites*. Nothing in this section shall be deemed to preclude the relocation and/or incorporation of such *Historic Structures* or *Sites* into a larger plan of development subject to Historic Site and Architectural Plan Review by the Zoning Board.

A suitable *Historic Preservation Easement* shall be recorded to ensure that the continued maintenance of any such *Historic Structure* or *Historic Site* properties is in accordance with such Standards and Guidelines. Any subsequent alteration to the *Historic Structure* or *Historic Site* shall require administrative approval by the Zoning Board.

8.C.2. Use Standards

In addition to the uses permitted as of right or by *Special Permit* as otherwise provided in these Regulations, the Zoning Board may permit the following uses:

- a. In Zoning Districts prohibiting residential uses, *Historic Structures* may, in addition to the uses permitted in the respective district, be allowed all of the as-of-right and *Special Permit* uses permitted in R-MF, R-H and P-D Districts. The permitted number of *Dwelling Units* shall be determined by dividing the *Gross Floor Area* by 800.
- b. Uses that were historically located in or on the *Historic Structure* or *Historic Site*, or non-historic uses which the *Historic Structure* or *Historic Site* lends itself to, provided that adverse impacts on neighboring uses, and in particular residential uses, including, but not limited to traffic, parking, noise, light, smell, vibration, run-off and pollution are minimal and minimized as determined by the Zoning Board. The permitted number of *Dwelling Units* shall be determined by dividing the *Gross Floor Area* by 800. In Districts where densities are determined by units per acre, the maximum permitted non-residential *Density* (in square feet) shall be determined by multiplying the allowable *Building Area* (coverage in square feet) by 2.

8.C.3. Parking Standards

Parking for *Historic Structures* to be preserved shall be subject to approval by the Zoning Board based on the proposed use, the available information and a determination that the proposed plan provides for adequate parking in the vicinity and that no adverse impact will be created. Notwithstanding the other applicable parking standards of these Regulations, the Zoning Board, in its sole discretion, may approve the following minimum parking standards:

- a. No less than 0.5 *Parking Spaces* per *Dwelling Unit* within *Master Plan Categories* 9, 11 and 16, or less where permitted by these Regulations, and no less than 1.0 *Parking Spaces* per *Dwelling Unit* in all other *Master Plan Categories*, or less where permitted; provided, however, that no on-site parking shall be required if the *Building* is within 1,000 feet of a public parking garage, as measured from the entrance of the *Building* to the garage entrance, as the crow flies, or if sufficient on-street parking is available, as determined by the City of Stamford Transportation, Traffic and Parking Bureau; and
- b. No less than 0.5 *Parking Spaces* per 1,000 sf of *Gross Floor Area* for non-residential uses within *Master Plan Categories* 9, 11 and 16, or less where permitted by these Regulations, and no less than 1.0 *Parking Spaces* per 1,000 sf of *Gross Floor Area* for non-residential uses in all other *Master Plan Categories*, or less where permitted; provided, however, that no on-site parking shall be required for non-residential uses with a *Gross Floor Area* of 2,000 sf or less per establishment or if located within 1,000 feet of a public parking garage, as measured from the entrance of the *Building* to the garage entrance, as the crow flies, or

if sufficient on-street parking is available, as determined by the City of Stamford Transportation, Traffic and Parking Bureau.

- c. For *Historic Buildings* and *Sites* which are on the *Cultural Resources Inventory*, the Zoning Board may reduce or waive the development standards of Table 12.5. (Minimum Distances of *Parking Areas* from *Lot Lines* and *Buildings*) in order to facilitate the provision of on-site parking. Reduction or waiver in setback from internal *Lot Lines* shall be limited to no more than 50% of the length of such *Lot Line*. Where reduction in setback is granted, *Parking Areas* shall be screened from adjoining properties through a privacy *Fence* such as a solid vinyl *Fence*. (223-39)

8.C.4. Development Standards

Historic Structures or *Sites* or *Lots* where *Historic Structures* or *Sites* are located must meet the requirements for the underlying Zoning District. The Zoning Board may modify the development standards as follows:

a. **Density:**

- (1) In the R-6, R-7.5, R-10, R-20, RA-1, RA-2 and RA-3 Zoning Districts, increases in *Floor Area Ratio (FAR)*, *Dwelling Unit Density* and *Building Area* shall not exceed what is permitted as-of-right, provided, however, that *Dwelling Unit Density* shall be calculated by dividing the *Lot Area* of the subject property by the minimum *Lot Area* requirement of the underlying Zoning District, regardless of the “Maximum Families Per Plot” limitation in Appendix B, Table II of these Regulations. If such calculation results in a fractional amount of .60 or larger, a full additional unit may be permitted.
- (2) In all other Zoning Districts, the *Gross Floor Area* or *Dwelling Units* per acre bonus for residential *Buildings* shall be:
 - (a) where six (6) or fewer *Dwelling Units* are permitted as-of-right: The lesser of the number of *Dwelling Units* or amount of *Gross Floor Area* in the *Historic Structure* or fifty percent (50%) of the *Dwelling Units* or *Gross Floor Area* permitted as-of-right; and
 - (b) where seven (7) or more *Dwelling Units* are permitted as-of-right: The lesser of the number of *Dwelling Units* or amount of *Gross Floor Area* in the *Historic Structure* or twenty five percent (25%) of the *Dwelling Units* or *Gross Floor Area* permitted as-of-right.

Example 1:

Lot Area: 10,000 sf *FAR* 2.0 as-of-right
 Maximum permitted *Gross Floor Area* as-of-right: 20,000sf
Historic Building Gross Floor Area: 18,000sf

Floor Area premium = The lesser of the *Gross Floor Area* of the historic building (18,000sf), or 25% of as-of-right *Gross Floor Area* permitted (5,000sf): Bonus = 5,000sf

Total permitted *Gross Floor Area*, including *Bonus*: 25,000sf

Existing *Gross Floor Area* currently used by *Historic Building*: 18,000sf

Remaining *Gross Floor Area* available: 7,000sf (25,000sf-18,000sf)

Example 2:

Lot Area: 10,000 sf *FAR* 2.0 as-of-right

Maximum permitted *Gross Floor Area* as-of right: 20,000sf

Historic Building Gross Floor Area: 3,000sf

Gross Floor Area premium = The lesser of the *Gross Floor Area* of *Historic Building* (3,000), or 25% of as-of-right *Gross Floor Area* permitted (5,000sf): Bonus = 3,000sf

Total permitted *Gross Floor Area*, including *Bonus*: 23,000sf

Existing *Gross Floor Area* currently used by *Historic Building*: 3,000sf

Remaining *Gross Floor Area* available: 20,000sf (23,000sf-3,000sf)

- (3) Notwithstanding Subsection 8.C.4.a.(1) and (2) above, conversion of non-residential *Floor Area* to residential use in any Zoning District shall be permitted if the *Gross Floor Area* of the existing *Building* is not increased and the average *Dwelling Unit* size is 800 square feet or more, even if the existing or resulting residential *Density* exceeds the *Permitted Density* of the underlying Zoning District.
- (4) Bonus *Gross Floor Area* for mixed-use and non-residential Buildings shall be limited to the lesser of the *Gross Floor Area* of the *Historic Structure* or twenty five percent (25%) of the *Permitted Density*.

b. Setbacks

- (1) Rear and *Side Yard* setbacks may be reduced by up to fifty percent (50%) of the required setbacks, but to no less than the *Light and Air* requirement, as set forth in Subsection 8.C.4.e below. *Front Yard* setbacks may be reduced by up to the setback of existing adjacent *Historic Buildings*.
- (2) A *Corner Lot* where *Historic Structures* or *Sites* are located, which are on the *Cultural Resources Inventory*, shall comply with the *Front Yard* setback standard on all *Streets*, but may reduce the setback on one (1) frontage to no less than 5' in the C-B or C-L zoning district, and shall comply with the *Side Yard* setback standard (as may be modified by b.1 of this subsection) for all other *Yards*. There shall be no *Rear Yard* requirement. (223-39)

c. Height.

- (1) In the R-7.5, R-10, R-20, RA-1, RA-2 and RA-3 Zoning Districts, *Building Height* and *Building* setback standards for attached or detached additions may be modified to not

- exceed the height or setback of an existing feature of the *Historic Structure* that is legally non-conforming.
- (2) In all other Zoning Districts, increase in height for attached or detached additions to the *Historic Structure*, shall be limited to the lesser of one (1) story or 15 feet where the maximum *Building Height* in the underlying Zoning District is the lesser of four (4) stories or 45 feet, and the lesser of two (2) stories or 25 feet where the maximum *Building Height* in the underlying Zoning District is five (5) stories or 55 feet or more.
- d. **Building Area.** Increases in *Building Area* shall be limited to no more than twenty five percent (25%) of the *Building Area* permitted as-of-right.
- e. **Light and Air.** In districts where the *Light and Air* requirement is 20 feet, the *Light and Air* requirement may be reduced to no less than 10 feet. In districts where the *Light and Air* requirement is 30 feet, said requirement may be reduced to no less than 20 feet.
- f. **Minimum Size of Plot (Frontage, Minimum Lot Size, and Circle Diameter) pursuant to Appendix B Table II.** The Zoning Board may modify the Minimum Plot Size Standards to accommodate the additional *Density* afforded to Historic Structures pursuant to Subsection 8.C.4.a.
- g. **Lot Coverage and Impervious Surface.** Increases in *Lot Coverage or Impervious Surface* shall be limited to no more than twenty five percent (25%) of the permitted as-of-right requirements.
- h. **Usable Open Space.** At least the required amount of *Usable Open Space* shall be provided per Dwelling Unit. Provided; however, the minimum dimensions of required *Usable Open Space* may be modified to no less than fifteen (15) feet on each side when the Zoning Board finds the modification supports preservation of a *Historic Structure* or *Historic Site* which is on the *Cultural Resources Inventory*. (223-39)

8.C.5. Replacements and Reconstructions

The Zoning Board may, at its sole discretion and by *Special Permit* under this Subsection C, apply the Standards of Subsection 8.C.4 to certain *Developments* if the Board, in consultation with *HAPC*, finds that these projects meet the criteria for *Critical Reconstruction*, as defined in Section 3 of these Regulations.

8.C.6. Performance

Prior to issuance of a Building Permit for projects approved under this Subsection 8.C., the Zoning Board or Land Use Bureau may require the applicant to post a bond to assure completion of the historic preservation work in accordance with the approved Historic Site and Architectural Plan. The amount of said surety shall be based on the cost of the proposed rehabilitation work, as

determined by the Land Use Bureau, *HAPC* or a *Qualified Historic Preservation Expert*.

No Final Certificate of Occupancy shall be issued, and no bond shall be returned, for any *Development* or *Redevelopment* under this Subsection 8.C. unless:

- a. A *Historic Preservation Easement* is recorded on the City of Stamford Land Records; and
- b. The historic rehabilitation has been completed to the satisfaction of the Land Use Bureau and in accordance with approved Historic Site and Architectural Plans.

8.D. DEVELOPMENT LIMITATIONS FOR SITES WHERE HISTORIC STRUCTURES ARE DEMOLISHED

If a *Historic Building* or *Site* listed or under consideration for listing on the *Cultural Resources Inventory* or located in a *Local Historic District* or is located in an area considered for listing as such a *District*, is demolished then the development rights as defined for the respective Zoning Districts in these Regulations shall be limited to the lesser of (i) the development rights of the underlying Zoning District or (ii) the development rights used by such *Historic Structure* or *Historic Site* on the demolition date, unless one of the following requirements are met:

1. Applicant was granted a *Special Permit* by the Zoning Board that includes such demolition. In addition to the requirements of Section 2.C.2, when requesting such a *Special Permit*, Applicant shall provide information as to why the demolition is necessary, including why the preservation of the *Historic Structure* or *Site* is not feasible, and present evidence as to why the structure to be demolished is not historically significant. The *Special Permit* application shall be referred to *HAPC* for its review and comment at least 35 days prior to a meeting at which such matter will be discussed by the Zoning Board. The Zoning Board shall consider *HAPC*'s comments. The Board may accept or reject in full or part any part of *HAPC*'s report. The failure of *HAPC* to timely submit a report shall not prevent the Zoning Board from acting on the application;
2. The *Historic Structure* or *Site* is listed on the *Historic Preservation White List* on the demolition date;
3. Applicant was approved for a *Special Permit* that includes such demolition, pursuant to Subsection 8.C. of these Regulations;
4. For partial demolitions, if the parts of the structure demolished are not classified as a *Historic Structure* or *Site*;
5. The *Historic Structure* or *Site* was fully destroyed, or significantly damaged or destroyed (i.e., repair or reconstruction of the structure would exceed fifty percent (50%) of the structure's appraised value) by an Act of God; damage or destruction as a result of insufficient or deferred maintenance, shall not be considered to have met this requirement;
6. The *Historic Structure* or *Site* was fully destroyed, or significantly damaged or destroyed (i.e., repair or reconstruction of the structure would exceed fifty percent (50%) of the structure's appraised value), by an accident. *Historic Structures* or *Sites* destroyed or damaged by

negligence, or as a result of insufficient or deferred maintenance, shall not be considered to have met this requirement;

7. The National Register or the *State Historic Preservation Office* have determined that the *Historic Structure* or *Site* is no longer historically significant; or
8. Applicant presented the demolition to the *State Historic Preservation Office*, Attorney General's Office or a court of competent jurisdiction and the final resolution of the matter allows for such demolition.

As used in this Section D, "development rights" includes but is not limited to square footage, *Floor Area Ratio*, *Density*, *Building Coverage*, *Building Height*, *Light and Air*, and Setbacks of the property demolished.