

MAYOR
CAROLINE SIMMONS



DIRECTOR OF OPERATIONS
MATTHEW QUIÑONES

LAND USE BUREAU CHIEF
RALPH BLESSING
(203) 977-4714

CITY OF STAMFORD
ZONING BOARD
LAND USE BUREAU
888 WASHINGTON BOULEVARD
P.O. Box 10152
STAMFORD, CT 06904-2152

RECEIVED

February 14, 2023

FEB 14 2023

Ms. Theresa Dell, Chair, Planning Board
Land Use Bureau, City of Stamford
888 Washington Blvd.
Stamford, CT 06904

PLANNING BOARD

RE: Application 223-10- City of Stamford – Zoning Board, 888 Washington Boulevard, Stamford, CT, - Text Change, - Proposing text change to simplify and clarify the definitions and standards for Adult Uses, Home Occupation, Medical Marijuana Dispensary Facility, Short-Term Rental and Group Day Care Home.

Dear Ms. Dell:

In accordance with Section C6-40-10 of the Charter of the City of Stamford, the above captioned Application for a Text Amendment is hereby referred to the Planning Board of the City of Stamford for its advisory report.

A public hearing has not yet been scheduled. Referral comments should be filed with the Zoning Board Office by **March 21, 2023**.

If you have any questions, please feel free to contact me at (203) 977-4716.

Sincerely,


Vineeta Mathur
Principal Planner



APPLICATION FOR TEXT CHANGE OF THE STAMFORD ZONING REGULATIONS

Complete, notarize, and forward **thirteen (13) hard copies and (1) electronic copy in PDF format** to Clerk of the Zoning Board with a **\$1,000.00 Public Hearing Fee** and the required application filling fee (**see Fee Schedule below**), payable to the City of Stamford.

NOTE: Cost of required Public Hearing advertisements are payable by the Applicant and performance of mailing of required property owners is the sole responsibility of the applicant. **LAND RECORDS RECORDING FEE:** \$60.00 for First page - \$5.00 for each additional page)

Fee Schedule

Minor Text Change	\$1,060.00
Major Text Change	\$5,060.00

APPLICANT NAME (S): CITY OF STAMFORD ZONING BOARD

APPLICANT ADDRESS: 888 WASHINGTON BOULEVARD, STAMFORD, CT 06901

APPLICANT PHONE 203-977-4711

IS APPLICANT AN OWNER OF PROPERTY IN THE CITY OF STAMFORD? NO

LOCATION OF PROPERTY IN STAMFORD OWNED BY APPLICANT (S): N/A

PROPOSED TEXT CHANGE: Proposing text change to simplify and clarify the definitions and standards for Adult Uses, Home Occupation, Medical Marijuana Dispensary Facility, Short-Term Rental and Group Day Care Home.

DOES ANY PORTION OF THE PREMISES AFFECTED BY THIS APPLICATION LIE WITHIN 500 FEET OF THE BORDER LINE WITH GREENWICH, DARIEN OR NEW CANAAN? NO (If yes, notification must be sent to Town Clerk of neighboring community by registered mail within 7 days of receipt of application – PA 87-307).

DATED AT STAMFORD, CONNECTICUT, THIS 14th DAY OF February 20 23

SIGNED: Ralph Blessing

NOTE: Application cannot be scheduled for Public Hearing until 35 days have elapsed from the date of referral to the Stamford Planning Board. If applicant wishes to withdraw application, please notify the Zoning Board at least three (3) days prior to Public Hearing so that the Board may have sufficient time to publicize the withdrawal.

STATE OF CONNECTICUT
 COUNTY OF FAIRFIELD ss STAMFORD February 14 20 23

Personally appeared Ralph Blessing, signer of the foregoing application, who made oath to the truth of the contents thereof, before me.

Mary Judge
 MARY JUDGE
 Notary Public - Commissioner of the Superior Court
 My Commission Expires 9/30/2023

FOR OFFICE USE ONLY

APPL. #: 223-10 Received in the office of the Zoning Board: Date: _____

By: _____

Narrative: Proposed Text Change to Amend certain Use Definitions (Section 5.E.)

(2/13/2023)

1. Purpose

The purpose of this proposed text change is to simplify and clarify the definitions and standards for Adult Uses, Home Occupation, Medical Marijuana Dispensary Facility, Short-Term Rental and Group Day Care Home.

2. Proposed Changes

a. Adult Uses

Definitions and standards for Adult Uses are currently contained in Sections 5.E. and 7.P. Relevant regulations would be moved from Section 7.P. to Section 5.E. No substantive changes are proposed.

b. Home Occupation

In accordance with State legislation, the proposed text would clarify that uses requiring a State Cottage Food License would be considered Home Occupations.

c. Medical Marijuana Dispensary Facility

The proposed change would eliminate the purpose section which is already contained in the State regulations.

d. Short-Term Rental

The language for the definition and standards for Short Term Rentals is clarified. No substantive changes are proposed. In single-family districts, short-term rentals are only permitted if the owner lives on premises and there are no more than two short term renters at any time. Separate housekeeping facilities are prohibited.

e. Group Daycare Home

Group Daycare Homes are facilities that provide day care services for 7 to 12 children. The proposed text change would allow those types of facilities in single-family districts as-of-right to address the shortage in childcare options in the city.

Proposed Text Change to Amend certain Use Definitions (Section 5.E.)

02/13/2023

DELETE Section 7.P and AMEND Definition “Adult Establishment” in Section 5.E. “Use Regulations” as follows:

Adult Establishment

A commercial establishment where a substantial portion of the premises includes an Adult Bookstore, Adult Eating or Drinking Establishment, Adult Theater, Adult Commercial Establishment, or Adult Physical Culture Establishment or any combination thereof, as defined herein:

1. An **Adult Bookstore** is a bookstore that has as a substantial portion of its stock-in-trade any one or more of the following:
 - a. books, magazines, periodicals or other printed matter which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - b. photographs, films, motion pictures, videocassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
2. An **Adult Eating or Drinking Establishment** is a cafe, restaurant, cabaret, tavern, club or other similar establishment that regularly features any one or more of the following:
 - a. live performances which are characterized by an emphasis on specified anatomical areas or specified sexual activities; or
 - b. films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
 - c. employees who, as part of their employment, regularly expose to patrons specified anatomical areas;

and which is not customarily open to the general public during such features because it excludes minors by reason of age.
3. An **Adult Theater** is a theater that regularly features one or more of the following:
 - a. films, motion pictures, videocassettes, slides or similar photographic reproductions characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or

- b. live performances characterized by an emphasis on specified anatomical areas or specified sexual activities; and which is not customarily open to the general public during such features because it excludes minors by reason of age. An Adult Theater shall also include commercial establishments where such materials or performances are viewed from individual enclosures.
4. An **Adult Commercial Establishment** is a facility, other than an Adult Bookstore, Adult Eating or Drinking Establishment, Adult Theater, commercial studio, which features employees who as part of their employment, regularly expose to patrons specified anatomical areas and which is not customarily open to the general public during such features because it excludes minors by reason of age.
 5. An **Adult Physical Culture Establishment** is any establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, oil rubs, alcohol rubs, baths or other similar treatment, except for activities which are excluded below:
 - a. treatment by or under the direction of a licensed physician, a licensed chiropractor, a licensed osteopath, a Connecticut licensed masseur or masseuse, a licensed physical therapist, a licensed practical nurse or a registered professional nurse;
 - b. electrolysis treatment by a licensed operator of electrolysis equipment;
 - c. hospitals, nursing homes, medical clinics or medical offices;
 - d. barbershops or beauty parlors which offer massage to the scalp, the face, the neck, the shoulders, the feet or back only; and
 - e. athletic facilities of an educational institution or of a philanthropic or charitable institution.

Adult Physical Culture Establishments are not permitted in any District. (93-002; 202-02)

For the purpose of defining **Adult Establishments** “specified sexual activities” are:

- a. human genitals in a state of sexual stimulation or arousal;
- b. actual or simulated acts of human masturbation, sexual intercourse or sodomy; or
- c. fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast.

For the purpose of defining **Adult Establishments**, “specified anatomical areas” are:

- a. less than completely and opaquely concealed: (i) human genitals, pubic region, (ii) human buttock, anus, or (iii) female breast below a point immediately above the top of the areola; or
- b. human male genitals in a discernibly turgid state, even if completely and opaquely concealed.

For the purpose of determining whether a “substantial portion” of an establishment includes an Adult Bookstore, Adult Eating or Drinking Establishment, Adult Theater, Adult Commercial Establishment, or Adult Physical Culture Establishment, or combination thereof, the following factors shall be considered:

- a. the amount of *Floor Area* accessible to customers and allocated to such uses; and
- b. the amount of *Floor Area* accessible to customers and allocated to such uses as compared to the total *Floor Area* accessible to customers in the establishment; and
- c. the gross receipts allocated to such uses as compared to the total gross receipts of the establishment.

For the purpose of determining whether a bookstore has a “substantial portion” of its stock in materials defined in paragraphs 1.a or 1.b hereof, the following factors shall be considered:

- a. the amount of such stock accessible to customers as compared to the total stock accessible to customers in the establishment; and
- b. the amount of *Floor Area* accessible to customers containing such stock;
- c. the amount of *Floor Area* accessible to customers containing such stock as compared to the total *Floor Area* accessible to customers in the establishment; and
- d. the gross receipts allocated to such stock as compared to the total gross receipts of the establishment.

For the purpose of defining an Adult Establishment, the term "regularly features" means a consistent and substantial course of conduct, such that the sexually explicit films or semi-nude performances exhibited constitute an ongoing and intentional objective of the business and are promoted as such.

For purposes of determining whether a proposed commercial establishment is an Adult Establishment, the *Zoning Enforcement Officer* may review, inter alia, the layout, design, square footage, signage and window display area of the proposed use.

6. **Standards.** Adult Establishments shall conform to all of the following standards and provisions:

- a. An Adult Establishment shall be located a minimum of 1,000 feet from another Adult Establishment and a minimum of 500 feet from any religious institution, school, community center, public park, municipal boundary, property zoned for residential use or property zoned for mixed residential/ commercial use where not less than 50% of total Building Floor Area is committed to residential use. Such distances shall be determined as the nearest horizontal distance between any portion of any Lot or parcel of land supporting a proposed Adult Establishment and any portion of any residentially zoned property, mixed residential/commercial property, municipal boundary

or property supporting any religious institution, school, community center, public park or another Adult Establishment.

- b. Signage shall be governed by the standards of the C-N Neighborhood Commercial District, provided that no display, device or Sign that depicts or describes specified sexual activities or specified anatomical areas shall be visible from any public way or surrounding property.
- c. Not more than one Adult Establishment permitted under this section shall be located on a zoning Lot.
- d. An Adult Establishment shall not exceed a total of 5,000 square feet of Gross Floor Area.
- e. An Adult Establishment shall be permitted by right within the M-L Light Industrial and M-G General Industrial districts, provided the Gross Floor Area of the adult establishment shall not exceed 2,000 square feet and the Adult Establishment shall be located not less than 1,500 feet from another Adult Establishment and satisfies all other standards of these Regulations. An Adult Establishment exceeding a Gross Floor Area of 2,000 square feet or located less than 1,500 feet from another Adult Establishment may be located within the M-L and M-G Industrial Districts, subject to issuance of a Special Permit by the Zoning Board of Appeals pursuant to the criteria and standards of Section 19.C.2 and Section 19.D. of these Regulations. (93-002; 202-02)

AMEND Section 5.E., “Home Occupation”, as follows:

Home Occupation

Any use customarily conducted for remuneration entirely within a dwelling and carried on solely by the inhabitants thereof, which use is clearly incidental and ~~secondary~~ customarily subordinate to the principal use of the dwelling for dwelling purposes. Activities requiring a State of Connecticut Cottage Food license pursuant to PA 18-141 shall be considered a Home Occupation. The conducting of a clinic, hospital, retail store or any similar use shall not be deemed to be a Home Occupation.

AMEND Section 5.E. Use Regulations as follows:

Medical Marijuana Dispensary Facility

[...]

Purpose

~~The Zoning Board acknowledges the enactment of Public Act #12-55 and adoption of regulations concerning the “Palliative Use of Marijuana”. This Public Act and the associated regulations establish the local regulatory framework for the palliative use of marijuana pursuant to Chapter~~

~~420f of the Connecticut General Statutes. It helps to guide the appropriate location and operation of Medical Marijuana Dispensaries (“Dispensaries”) in the City of Stamford. The purpose of this Section U is to minimize the impact of Dispensaries on neighbors, while at the same time recognizing the essential services these Dispensaries will provide to the citizens of Stamford.~~

[...]

AMEND Section 5.E. Use Regulations Definition “Short-Term Rental” as follows:

Short-Term Rental

A Short-Term Rental shall mean the offering for lease or sublease of, or otherwise providing, one or more rooms on a Short-Term Rental Property by a Short-Term Rental Operator pursuant to a Short-Term Rental Transaction.

~~Short-Term Rentals shall be permitted in all Zoning Districts where residential uses are permitted; provided, however, that~~ In the RA-3, RA-2, RA-1, R-20, R-10, R-7½ or R-6 Zoning Districts no Short-Term Rentals shall be permitted in the RA-3, RA-2, RA-1, R-20, R-10, R-7½ or R-6 Zoning Districts, unless the Short-Term Rental Operator resides in such Short-Term Rental Property at all times when guests occupy such property and such property is the Short-Term Rental Operator’s primary residence.

There shall be no more than two short-term renters on premises at any time. Short-term renters must be accommodated within the Principal Dwelling without separate housekeeping facilities. Accessory Dwelling Units (ADUs) shall not be used for Short Term Rentals.

In all other Zoning Districts where residential uses are permitted, Short Term Rentals shall be permitted unless prohibited by private agreements between owner and tenant of the Short-Term Rental Property.

Short-Term Rentals shall be prohibited on any non-residential property.

Short-Term Rental Operator shall mean the owner, lessee, sub-lessee or other provider of a Short-Term Rental Property ~~who resides at the property as their primary residence~~ who offers the Short-Term Rental Property for occupancy pursuant to a Short-Term Rental Transaction.

Short-Term Rental Property means a Dwelling Unit, or any portion thereof, that is (1) a property designed for residential use (commercial and industrial spaces are not eligible), (2) the subject of a Short-Term Rental Transaction, and (3) not a hotel, lodging house, bed and breakfast establishment, any other commercial residential establishment, below market rate unit, a public housing unit or a homeless shelter.

Short-Term Rental Transaction shall mean a Short-Term Rental for a period of one (1) to 27 consecutive days but for no more than 90 days per calendar year in total.

AMEND APPENDIX A Table 1

Change use 24.1 “Group Day Care Home” to a Permitted Use in all listed districts except M-G and M-L and replace “A” and “B” with “X”. Add “–” against this use in Table 1 for M-L and M-G to indicate the use is not permitted. Add Group Day Care Home as a Permitted Use in all District Regulations in Section 4 and Section 9 except M-L and M-G.