



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: The purpose of this text change is to have a uniform definition for Substantial Renovations and Alterations in the Zoning Regulations and to clarify when requirements for providing sidewalks, electric vehicle charging and bicycle parking for existing developments are triggered.

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 8th DAY OF May 20 23

SIGNED: Ralph Blessing

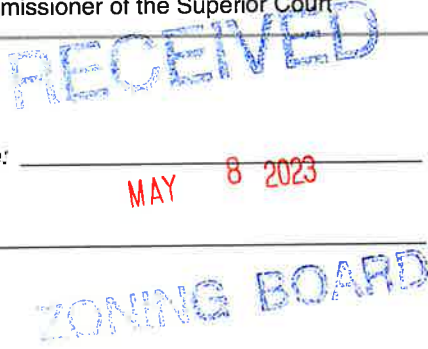
NOTE: Application cannot be scheduled for Public Hearing until 35 days have elapsed from the date of referral to the Stamford Planning Board. If applicant wishes to withdraw application, please notify the Zoning Board at least three (3) days prior to Public Hearing so that the Board may have sufficient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

STATE OF CONNECTICUT
 COUNTY OF FAIRFIELD ss STAMFORD May 8 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
 Notary Public, State of Connecticut
 My Commission Expires 9/30/2023
 Notary Public - Commissioner of the Superior Court

FOR OFFICE USE ONLY

APPL. #: 223-22 Received in the office of the Zoning Board: Date: MAY 8 2023
 By: _____



██████████
05/05/2023

1. Purpose

The purpose of this text change is to have a uniform definition for Substantial Renovations and Alterations in the Zoning Regulations and to clarify when requirements for providing sidewalks, electric vehicle charging and bicycle parking for existing developments are triggered.

2. Proposed Changes

a. Changes to the Substantial Renovations and Alterations Definitions

In flood-prone areas, Substantial Renovations and Alterations (i.e., improvements to a building that exceed 50% of its value) trigger requirements to bring the building up to FEMA standards for flood protection. The Substantial Renovations and Alterations standard would be a useful for triggering other zoning requirements as well, such as the requirement to provide sidewalks, while not create an undue burden where only a small improvement would trigger an expensive requirement.

The proposed Substantial Renovation or Alteration standard would be essentially the same as currently used in the flood-prone are regulations (Section 15.B. of the Zoning Regulations). It would be moved to Section 3.B., Definitions. Sections where currently different standards for substantial improvements are used would be deleted or updated.

b. Amendment to the Shared Parking Regulations (Section 12.I.)

Section 12.I. would be amended to clarify that electric vehicle and bike parking standards are also applicable to off-site shared parking.

c. Amendment to the Bicycle Parking Regulations (Section 12.J.)

The amendment would clarify when bike parking would be required for existing developments. The requirement would be triggered only in case of a Substantial Renovation or a change in use that would lead to a more intense than the current use – either because the floor area is expanded or the use generates more traffic. In addition, a bike parking requirement for hotels would be introduced and two Scribner’s errors corrected.

d. Amendment to the sidewalk regulations (Section 12.K.)

Current regulations set a very low threshold for when sidewalk requirements for existing

developments are triggered. In the proposed text the requirement would be triggered only in case of a Substantial Renovation or a change in use that is more intense than the current use – either because the floor area is expanded or the use generates more traffic. The proposed changes would also add an exception to the requirement if there are existing sidewalks of at least 5 feet in width. The text would also establish a cap for the cost for meeting the requirement at 20% of the estimated cost of the work. The amendment would also introduce a fee-in-lieu of \$250 per foot of street frontage in instances where a sidewalk cannot be provided.

e. Amendment to the Electric Vehicle Charging Regulations (Section 12.L.)

The proposed text would clarify when electric vehicle charging would be required for existing developments. The requirement would be triggered only in case of a Substantial Renovation or a change in use that is more intense than the current use – either because the floor area is expanded or the use generates more traffic. In addition, the EV charging requirement would be increased from currently ca. 5% to 10% of all required parking. In exchange, EV parking spaces would count as full parking spaces, and the minimum width required for an EV parking space would be reduced to the width of a standard parking space.

f. Other Changes

The proposed change would correct an error in table 12.6 (Location of Parking Areas and Loading Spaces in Yards) and simplify the table. The proposed change would not change where parking is currently prohibited in front yards.

Proposed Text Change to Clarify “Substantial Renovation and Alteration”, amend the Bicycle Parking, Electric Vehicle and Sidewalk Regulations, and make Corrections to Table 12.6, Location of Parking Areas and Loading Spaces in Yards

5/2/2023

ADD Definition “Substantial Renovation or Alteration” to Section 3.B. Definitions

Substantial Renovation or Alteration

Substantial Renovation or Alteration means any combination of repairs, reconstruction, alteration, addition, renovation or other improvements (collectively, “Alterations”) to a *Building, Structure*, infrastructure or mechanical devices, taking place during a five (5)-year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the *Structure* (excluding land value) at the start of such five (5)-year period. The five (5)-year period shall begin upon issuance of the building permit for the first Alteration of any *Building, Structure*, infrastructure or mechanical devices. The market value of the *Structure* is (1) the appraised value of the *Structure* as shown on the tax records of the City of Stamford at the start of Alterations, or (2) in the case of damage, the appraised value of the *Structure* as shown on the tax records of the City of Stamford immediately prior to the time the damage occurred.

Substantial Renovation or Alteration does not include:

1. any improvement project required to comply with existing health, sanitary or safety code specifications which are the minimum necessary to assure safe living conditions and which have been previously identified by the local code enforcement official, or
2. any Alterations of a *Historic Structure*, provided that the Alterations will not preclude the structure's continued designation as a *Historic Structure*.

DELETE Subsection 15.B.2.rr. and add [DELETED]

DELETE the last sentence in subsection 7.4.C.1.a.(2).

AMEND Section 7.4.C.1.a.(2) - Standards for All BMR Units – as follows

a. BMR Units Required.

[...] specified in Subsections 7.4.C.2. and 7.4.C.3. below, notwithstanding any provision of these Regulations to the contrary.

(2) For any ~~all~~ Substantial Renovation or ~~Upgrades~~ Alteration of existing rental residential

properties having ten (10) or more dwelling units prior to the renovation or upgrade and which have less than 5% *BMR* Units on-site (and for which no alternative means of meeting the *BMR* requirement pursuant to Subsection 7.4.D was made), there shall be a *BMR* requirement of 5% of all units existing following any such work (“Rehab Units”), affordable to Households at 65% of the *AMI*. Such Rehab Units shall comply with this Section 7.4; provided, however, that the applicant may make a fee-in-lieu payment pursuant to Section 7.4.D.3 without having to receive *Special Permit* approval by the Zoning Board. If, as part of such work, new units are also developed, then ~~then the number of required *BMR* Rehab Units may be reduced at a ratio of one new *BMR* unit = 1/2 *BMR* Rehab Unit.~~ S such new units shall be subject to all of the requirements of this Section 7.4. ~~For the purposes of this Section 7.4., “Substantial Renovations or Upgrades” shall mean investments in a residential property within a five (5) year period exceeding 66% of the fair market or assessed value of such property prior to the beginning of the renovations or upgrades.~~

ADD Definition for Alteration to Section 3.B. Definitions:

Alteration

SEE: *Substantial Renovation or Alteration*

ADD Definition for Renovation to Section 3.B. Definitions:

Renovation

SEE: *Substantial Renovation or Alteration*

REPLACE the terms “substantial reconstruction”, “substantial improvements” and “Substantial Renovations or Upgrades” with “*Substantial Renovation or Alteration*” throughout the regulations.

ADD new Subsection 12.B.5. as follows:

12.B.5. Lighting

All publicly accessible *Parking Areas* shall be lit at a minimum of 2 horizontal foot candles for all walkable areas and drive aisles and 0.5 horizontal foot candles for all other areas.

AMEND Section 12.I. Shared Parking by adding a new Subsection 12.J.5. as follows:

12.I. SHARED PARKING

The shared use of parking may be permitted by administrative approval of the Zoning Board,

where a finding is made by the Zoning Board that individual uses such as residential, office, and retail, experience peak parking demand at different times. In such case, the Zoning Board may authorize a reduction in parking to be provided by and solely for the use by Applicant, by recognizing the opportunity to share common *Parking Spaces*, including off-street public *Parking Facilities*. If approved by the Zoning Board, Applicant's parking obligation shall not change, but part of such obligation may be satisfied by shared parking. Shared parking may be considered for multiple uses on individual parcels, between two or more parcels, or for commuter parking in existing or proposed surface lots or structured *Parking Facilities*.

Any shared parking is subject to:

1. submission and approval by TTP of a shared parking analysis which accounts for how parking demand is expected to vary by time of day/day of week for each applicable use and the overall cumulative effect on peak parking demand between uses, parcels, commuter *Parking Facilities*, etc.;
2. Zoning Board and Transportation, Traffic, and Parking Bureau approval;
3. Zoning Board and Transportation, Traffic, and Parking Bureau ~~their~~ approval of a suitable *Parking Management Plan*; and
4. the execution of a legal agreement, recorded on the land records, approved in form and substance by the City Law Department and the Zoning Board, granting the Applicant the right to use a specified number of shared spaces and assuring the continued availability of the shared *Parking Spaces* on the affected properties. It shall be a condition of approval that the applicant provide the specified number of shared spaces prior to issuance of the first certificate of occupancy (which includes a partial or temporary CO) and that such spaces be maintained for the life of the project (at the initial location or a subsequent location approved by the Zoning Board staff and TTP).

The Electric Vehicle parking requirement pursuant to Section 12.L shall be met by applicant (a) for all spaces for which the shared parking is sought or (b) at another location approved by the Zoning Board.

The Applicant shall also be required to submit semi-annual reports to the Land Use Bureau and Transportation, Traffic, and Parking Bureau on the actual usage of the shared *Parking Facility* for the first two years and annually thereafter. The reduction of required on-site parking through the use of shared parking shall be effective only upon satisfaction of items (1a), (2b), (3e) and (4d) in this Subsection I. All required on-site and shared parking shall be provided and be available and accessible prior to issuance of a Certificate of Occupancy (which includes a partial or temporary CO) and thereafter for the life of the proposed development or use.

AMEND Section 12.J.1 as follows:

12.J.1. Applicability

Bicycle Parking is required for:

- a. All new residential *Developments* with 10 or more dwelling units;
- b. All new non-residential *Developments* of 5,000 square feet or more of *Gross Floor Area*;
- ~~c. All changes of use that would generate 10 or more dwelling units or 5,000 square feet of *Gross Floor Area* or more of a different use.~~
- ~~d. All additions for non-residential uses which would bring the total *Gross Floor Area* square footage to 5,000 square feet or more.~~
- ~~e. All additions to residential uses that would bring the total number of dwelling units to 10 or more, or additions of three (3) or more dwelling units to developments having 10 or more dwelling units.~~
- ~~f. All substantial renovations of either non-residential *Gross Floor Area* of 5,000 square feet or residential uses having 10 or more dwelling units.~~
- c. All additions, alterations, modifications or other work that increase the *Gross Floor Area* by ten percent (10%) or 5,000 sf, whichever is more;
- d. All *Substantial Renovations or Alterations*; or
- e. All changes in use that increase trip or parking generation, as set forth by the Institute of Transportation Engineers (ITE).

AMEND Section 12.J.2.b as follows:

- b. **Class A *Bicycle Parking* Standards.**

[...]

In the event the number of required Class A *Bicycle Parking* spaces is ~~three~~ nine (9) or less, the Applicant may substitute Class B *Bicycle Parking*.

AMEND Table 12.10 as follows:

Use	Class A <i>Bicycle Parking</i>		Class B <i>Bicycle Parking</i>	
[...]				
<u>Hotels</u>	<u>1 per 10 guestrooms</u>		<u>1 per 20 guestrooms</u>	
All other non-residential uses	1 per 5,000sf (first 75,000sf)	1 per 10,000sf (for additional floor area in excess of 75,000 sf)	1 per 2,000sf (first 50,000 <u>75,000</u> sf)	1 per 5,000 sf (for additional floor area in excess of 75,000 sf)

AMEND Section 12.K. SIDEWALKS AS FOLLOWS

12.K. SIDEWALKS

12.K.1. Applicability

Sidewalks meeting the standards of this Section 12.K. shall be provided along all public and private roadways, subject to the exemptions set forth in Subsection 12.K.4, as follows:

- a. For all new *Developments* and *Redevelopments*;
- b. All additions, alterations, modifications or other work that increase the Gross Floor Area by at least ten percent (10%) or 5,000 sf, whichever is more;
- c. All Substantial Renovations or Alterations;
- d. All changes in use that increase trip or parking generation, as set forth by the Institute of Transportation Engineers (ITE); or
- e. Renovations or alterations exceeding \$250,000 in cost, as determined by the Building Department, except single and two family homes on individual lots; and
- e. As determined by the Zoning Board, for any application requiring a General Development Plan or Large-Scale Development Review, Site and Architectural Plan approval, Special Permit approval or any other Zoning Board approval.

12.K.2. Minimum Standards

[...]

12.K.4. Exemptions

- a. The following shall be exempt from the sidewalk requirements of Subsection 12.K.1, but

Subsections 12.K.4.a.(6)-(7) shall be subject to the fee-in-lieu requirement set forth in Subsection 12.K.4.c below:

- (1) Single or two-family properties on a cul-de-sac or dead-end street serving five (5) or fewer such properties.
- (2) Properties facing on *Alleys* or *Accessways*.
- (3) RA-3, RA-2, RA-1, R-20 and R-10 districts, unless they are located in R-D overlay districts, where sidewalks shall be required.
- (4) Redevelopment of individual single-family homes in built-up neighborhoods where no sidewalks exist.
- (5) Where there is currently a sidewalk of at least five (5) feet in width in a state of good repair meeting all ADA requirements.
- (6) A finding by the Zoning Board, pursuant to a Special Permit application, that:
 - (a) existing physical conditions do not allow for the construction of a sidewalk;
 - (b) the provision of a sidewalk would not serve the goal of providing a pedestrian network or safer pedestrian travel; or
 - (c) the provision of a sidewalk would create less safe conditions for pedestrians.
- (7) The cost of providing a sidewalk would exceed 20% of the cost of a *Development* or *Redevelopment* or other work performed, as determined by the Building Department, in connection with an alteration, modification, expansion or other work meeting the criteria of Section 12.K.1.

b. Sidewalks Requiring Third-Party Permit or Permission (for example, within a State Highway Right-of-Way). No applicant shall be required to build a sidewalk where to do so will require that a permit or permission must be obtained from a third-party owner, agency or department over which neither the Zoning Board nor the applicant has any control. In such event, applicant shall pay the fee-in-lieu payment to the City or, with Zoning Board approval, will build the sidewalk outside of, but as close as possible to, the area requiring such permit or permission.

c. Fee-in-Lieu Payments

(1) Applicant shall make a Fee-in-Lieu payment for sidewalks:

- (a) prior to issuance of a building permit if the Zoning Board approves a Special Permit pursuant to Subsection 12.K.4.a(6);
- (b) prior to issuance of a building permit if the applicant is exempt from the sidewalk requirement pursuant to Subsections 12.K.4.a(7);

- (c) prior to issuance of a building permit if the applicant is not required to build the sidewalk pursuant to Subsection 12.K.4.b; or
 - (d) prior to issuance of the first certificate of occupancy (which includes a partial or temporary CO) if the applicant has not completed the required sidewalks prior to such issuance.
- (2) Such fee-in-lieu payments shall be made to a City of Stamford account dedicated to sidewalks and pedestrian amenities, as determined by the Director of Administration.

Such fee-in-lieu payment shall be the lesser of:

- (i) linear feet of all street frontages x \$250; or
- (ii) 20% of the value of all *Development or Redevelopment*, additions, alterations or modifications or other work performed, as determined by the Building Department.

The sidewalk cost per linear foot shall be increased automatically on every January 1st by the increase of the Construction Cost Index as published by the Engineering News Record with December 2022 as the base month.

12.K.5. Modification of Requirements

For *Redevelopment*, ~~and~~ adaptive reuse projects, renovations or alterations that are not subject to the exemptions in Subsection 12.K.4.a. and b., Zoning Board Staff, in consultation with the Transportation, Traffic and Parking Bureau, for as-of-right projects, or the Zoning Board, in instances where any approval is required, may approve more narrow sidewalks and may modify, or waive the requirement for a planting or amenity strip, if the applicant demonstrates to such staff or the Zoning Board, that existing conditions preclude the minimum sidewalk widths established in Section 12.K.2. Unless otherwise specified in this Subsection 12.K.5 or Subsection 12.K.3.d. ~~or 12.K.5.~~, a sidewalk shall not be less than five feet (5') wide.

12.K.6. Street Tree Planting Requirement

- a. Whenever sidewalks are required pursuant to Subsection 12.K.1., street trees shall be provided along all rights-of-way in accordance with the requirements of this Subsection 12.K.6. and the current City of Stamford Street Tree Planting Manual, as amended (the “Tree Manual”).
- b. [...]
- c. Where the Zoning Board determines, in consultation with the Transportation, Traffic and Parking or Engineering Bureaus, that it is not physically possible for the applicant to provide the required number of street trees, as specified in the Tree Manual, (for example, because of sight line issues, the presence of utilities or insufficient sidewalk width due to existing

buildings), ~~as certified by the Transportation, Traffic and Parking or Engineering Bureaus~~ ~~the property owner~~ then prior to issuance of ~~the Building Permit a Certificate of Occupancy,~~ the property owner shall make a one-time lump sum payment of \$2,500 per tree that cannot be planted to an account specified by the Director of Administration for off-site tree plantings and replacement of damaged street trees. The amount of the payment shall be determined as follows:

(Street Frontage in feet (measured along the entire *Street Line*) / 25) x \$2,500 = required payment

The required payment shall be adjusted automatically on every January 1st by the increase in the Construction Cost Index as published by the Engineering News Record with December 2022 as the base month.

AMEND Section 12.L.1 as follows:

12.L.1. Applicability

~~The following standards shall apply when 10 or more off street *Parking Spaces* are required. These requirements shall also apply to shared *Parking Spaces* used to satisfy required parking (i.e., Applicant shall meet these requirements (charging stations, *Electric Vehicle Parking Spaces*, etc.) for the shared spaces.~~

Electric Vehicle Charging Spaces are required for:

- a. All new residential and non-residential *Developments* where 10 or more off-street *Parking Spaces* are required;
- b. All additions, alterations, modifications or other work that increase the *Gross Floor Area* by at least ten percent (10%) or 5,000sf, whichever is more;
- c. All *Substantial Renovations or Alterations*;
- d. All changes in use that increase trip or parking generation, as set forth by the Institute of Transportation Engineers (ITE);
- e. For all parking facilities that are comprehensively redesigned pursuant Section 12.B.4; or
- a. ~~Renovations or alterations exceeding \$250,000 in cost, as determined by the Building Department, except single and two family homes on individual lots; and~~
- f. As determined by the Zoning Board, for any application requiring a General Development Plan or Large-Scale Development Review, Site and Architectural Plan approval, Special Permit approval or any other Zoning Board approval.

AMEND Section 12.L.2.a. as follows

- a. Level 2 or higher electric charging facilities, or similar technologies, ~~as specified in the *Parking Management Plan*, must be provided for ten percent (10%) of the greater of (i) all parking spaces provided or (ii) the required number of parking spaces before any reduction, or such greater percentage required by Connecticut statutes, pursuant to Table 12.14. Where ADA Parking Spaces are required, charging facilities shall be provided for 10% of all such spaces. If 10% of the required ADA Spaces is a number smaller than one, at least one ADA compliant Charging Space shall be provided.~~

~~**Table 12.14 Required Level 2 Charging Facilities**~~

Number of required <i>Parking Spaces</i>	Minimum Number of charging spaces
10-19 required <i>Parking Spaces</i>	1
20-49 required <i>Parking Spaces</i>	3
50-99 required <i>Parking Spaces</i>	5
100+	1 additional charging space for each 25 required <i>Parking Space</i> increment in excess of 99 spaces

- ~~b. A charging space may count as one half ($\frac{1}{2}$) of a required off-street *Parking Space*. Provided, however, if Applicant provides double the number of required charging spaces, then each charging space shall count towards required off-street parking~~
- b. Charging Spaces shall be used exclusively by *Electric Vehicles* for charging only.
- c. Charging stations shall be equipped with adapters to allow charging for the widest range of different vehicle models.
- ~~d. For each charging space, there shall be one reserved *Parking Space* for *Electric Vehicles* only. These reserved *Parking Spaces* shall count towards required off-street parking.~~
- e. Charging Spaces shall count towards the off-street parking requirement.
- f. Charging Spaces ~~and reserved *Parking Spaces* for *Electric Vehicles*~~ shall be conveniently located and as closely as possible to the entrances of residential, office and other buildings.
- g. There shall be no charges or fees for the use of *Electric Vehicles* as compared to conventional gas-powered vehicles except for the cost of electricity to charge such vehicles. If there is an extra fee for electricity said fee shall not exceed the net cost charged by the utility for the electricity used plus a convenience cost of no more than 10% of the electricity cost.

- h. h. The signs used for identifying Electric Vehicle ~~Parking Spaces~~ and Charging Spaces shall be compliant with the City of Stamford Curb Regulations Style Guide, as amended.
- i. i. In every Parking Facility required to provide Electric Vehicle Charging ~~and Parking Spaces~~ there shall be directional signs guiding potential users to said spaces using the symbology below (Figure 12.14). If a Parking Facility is open to the general public, then all Electric Vehicle Charging ~~and Parking Spaces~~ must also be available to the public, and all directional signs in the public right-of-way shall indicate that Electric Vehicle charging ~~and parking~~ is available.

[remainder of Section unchanged]

AMEND Table 12.6 as follows:

Table 12.6 Location of *Parking Areas* and *Loading Spaces* in Yards

Zoning District	<i>Parking Areas</i> and <i>Loading Space</i> permitted in Front Yard between the <i>Building Lines</i>	<i>Parking Areas</i> and <i>Loading Space</i> permitted in Front Yard outside the <i>Building Lines</i>	<i>Parking Areas</i> and <i>Loading Spaces</i> permitted in Side Yards	<i>Parking Areas</i> and <i>Loading Spaces</i> permitted in Rear Yards
RA-3, RA-2, RA-1, R-20 C-D, IP-D, HT-D	YES	YES	YES	YES
R-10, R-7½, R-6, R-5 (lots less than 7,500 square feet only)	NO	NO ¹⁾	NO ¹⁾	YES
C-D, IP-D, HT-D	YES	YES	YES	YES
CC, C-G, NX-D, V-C	YES	NO	YES	YES
All other Zoning Districts	YES <u>NO</u>	NO <u>YES</u>	YES	YES

¹⁾ A turn-around area for one (1) vehicle not exceeding 175sf in area may be permitted.