

MAYOR
Caroline Simmons



**CITY OF STAMFORD
ZONING BOARD
LAND USE BUREAU**
888 WASHINGTON BOULEVARD
STAMFORD, CT 06904 -2152

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RECEIVED

February 23, 2024

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

FEB 23 2024

PLANNING BOARD

RE: Application 224-10- City of Stamford – Zoning Board, 888 Washington Boulevard, Stamford, CT, - Text Change, The purpose of this text change is to streamline the existing regulations for non-conforming uses, add provisions for non-conforming buildings, structures, and lots, eliminate Special Permit provisions and facilitate the conversion of obsolete structures and uses to viable uses.

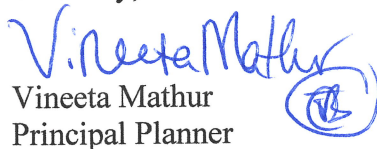
Dear Ms. Dell:

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 29, 2024**.

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 filing 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 streamline the existing regulations for non-conforming uses, add provisions for non-conforming buildings, structures, and lots, eliminate Special Permit provisions and facilitate the conversion of obsolete structures and uses to viable uses.

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 22 DAY OF February 20 24

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 Feb 22 20 24

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 9/30/2028

Mary Judge
 Notary Public - Commissioner of the Superior Court

FOR OFFICE USE ONLY

APPL. #: 224-10 Received in the office of the Zoning Board: Date: _____

By: _____

**NARRATIVE: PROPOSED TEXT CHANGE TO MODIFY SECTION 10, NON-
CONFORMING USES, STRUCTURES AND BUILDINGS OF THE STAMFORD
ZONING REGULATIONS**

02/15/2024

1. Purpose

The purpose of this text change is to streamline the existing regulations for non-conforming uses, add provisions for non-conforming buildings, structures, and lots, eliminate Special Permit provisions and facilitate the conversion of obsolete structures and uses to viable uses.

2. Background

As zoning regulations change, uses, buildings, structures and lots may no longer conform with the new regulations. Section 8-2.d.4. of the Connecticut General Statutes requires that existing uses may continue after regulations change, a provision that is called grandfathering. While the State Statute provides a general rule for uses it does not specify what happens to non-conforming buildings or structures, i.e. buildings that exceed maximum height, setback, or other requirements, and if and how these buildings could be reused.

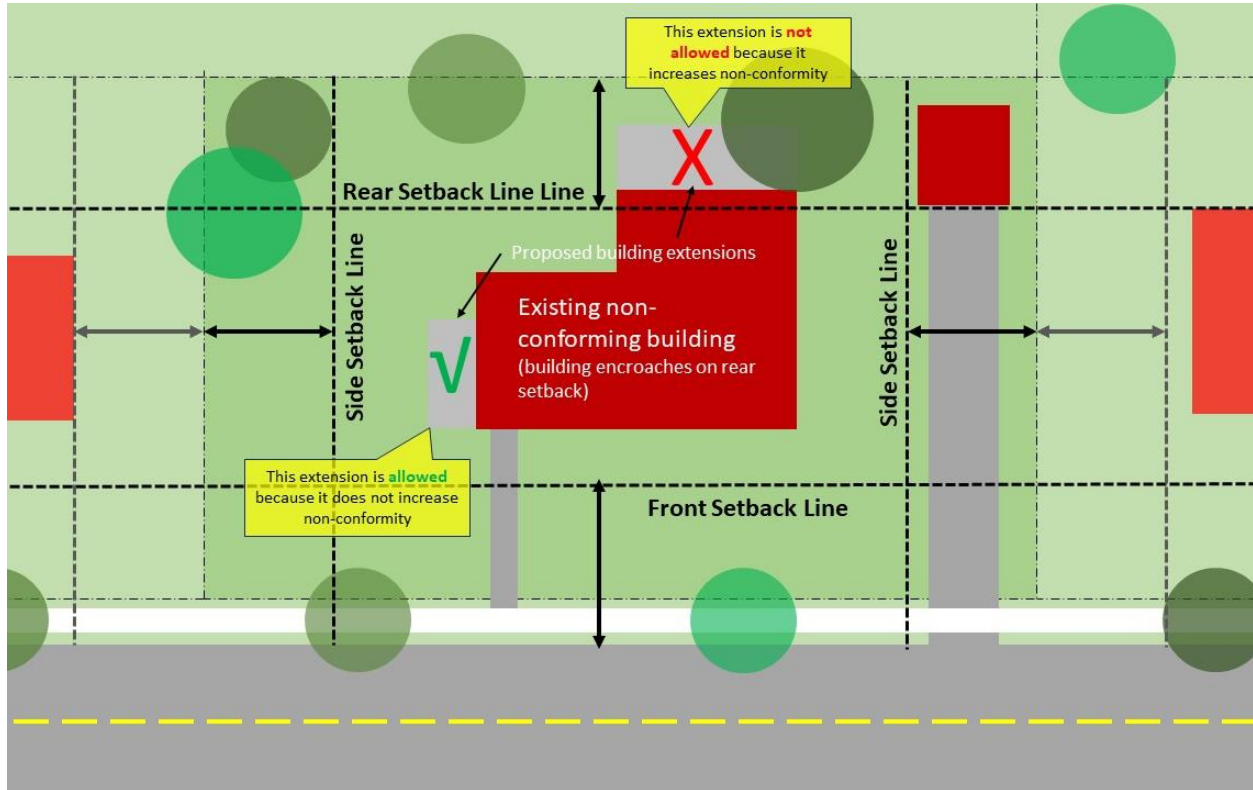
3. Proposed Regulations

The proposed regulations are based on the principle that existing non-conforming uses and buildings can continue but that the non-conformity cannot be increased unless it is required by safety or other requirements. For example, if a building already exceeds the permitted coverage on the lot, it may only be expanded to allow for access for people with disabilities. The second principle is that non-conforming uses may be modified to more conforming uses or buildings. Thirdly, the proposed regulations align the continuation of non-conforming use with case law.

Specifically, the proposed changes include the following:

- Section 10.A. – Clarifies that the regulations for non-conforming uses are also applicable for non-conforming buildings, structures and lots.
- Section 10.B.1. – Develops criteria for which uses are more conforming than others. This will help the Zoning Enforcement Officer determine whether or not a change of a non-conforming use or building increases the non-conformity.
- Section 10.B.2. – Clarifies when, in accordance with State Statute, a discontinued use is deemed to be abandoned. Expiration of time cannot be used as the sole criteria for abandonment. The revisions provide guidance to the Zoning Enforcement Officer assessing when an abandonment of a use has occurred.
- Section 10.B.3. – Establishes new regulations for rebuilding of non-conforming uses after accidents and disasters.
- Section 10.C.1. – Establishes criteria for non-conforming buildings. Non-conforming buildings cannot be modified if the non-conformity of the building is increased. However,

other modifications are possible. The following graphic illustrates how this is applied in the case where an existing building is non-conforming with regard to setback requirements. The same rules apply to other building characteristics (height, density, coverage, etc.)



- Section 10.C.2. – Establishes rules for rebuilding non-conforming buildings after accidents and disasters.
- Section 10.D. – Modifies rules for subdivision and consolidation of non-conforming lots. As in the current regulations, subdivisions of non-conforming lots are prohibited. The proposed regulations introduce the concept of a conditional subdivision, i.e. a subdivision that only becomes effective once a non-conformity is removed.
- Section 10.E. – Specifies rules for non-conforming signs. These regulations are currently in Section 13.K. of the Regulations. As part of this amendment, Section 13.K. would be eliminated.
- Section 13.F. – Creates rules for other non-conforming building-related issues. This Section would, for example, allow the Zoning Board, by Special Permit, to reduce the parking or Usable Open Space requirements for conversion of non-residential buildings to residential buildings.
- Section 19.C.5.d. – Clarifies that abandoned Special Permit uses would need to reapply.

**PROPOSED TEXT CHANGE TO MODIFY SECTION 10, NON-CONFORMING USES,
OF THE STAMFORD ZONING REGULATIONS**

02/06/2024

AMEND Section 10 as follows:

SECTION 10 - NON-CONFORMING USES, BUILDINGS, STRUCTURES AND LOTS

10.A. NON-CONFORMING USES, BUILDINGS, STRUCTURES AND LOTS

It is the policy of the City of Stamford Zoning Board that non-conforming, Uses, Buildings, Structures and Lots should be abolished or reduced to conformity as quickly as the fair interest of the parties will permit, but in no case shall such non-conformities be increased, except as provided below. It is the intent of these regulations that the non-conforming aspects of any non-conforming Lots, Uses, Buildings and Structures shall not be enlarged, expanded, or extended.

Any Use, Building, Structure or Lot which does not conform with the provisions of these Regulations for the Use Zoning District in which it is located, and which was ~~of land or Building~~ (1) legally existing at the time of enactment of these Regulations or of any amendment hereto which created the non-conformity, or (2) authorized by lawful permit issued prior to the adoption of these Regulations or any amendment hereto which created the non-conformity, ~~which does not conform to or comply with the provisions of these Regulations for the Use Zoning Districts in which it is located~~ may be continued, and under certain conditions modified where such modification reduces the non-conformity. ~~but may not be extended or expanded, or changed to a less restrictive Use as listed in the LAND USE SCHEDULE in APPENDIX A.~~

10.B. NON-CONFORMING USES

10.B.1. Continuation of Non-Conforming Uses

- a. A non-conforming Use may continue if it is not enlarged, expanded, or extended.
- b. A non-conforming Use may be converted to a different non-conforming Use only if the proposed Use is a less non-conforming Use, as determined by the Zoning Enforcement Officer (ZEO).The following criteria shall be taken into consideration by the ZEO in making their decision:
 - (1) Residential Uses (including Multi-Family and Dormitory Uses) may be considered less intensive and more restrictive than commercial or industrial Uses, provided that Buildings located in zoning districts where residential Uses are prohibited shall not be converted to residential Uses;

- (2) Uses allowed exclusively in the M-L and the M-G districts may be considered the most intense and least restrictive Uses;
- (3) Uses allowed exclusively in the C-C district may be considered more intense and less restrictive than Uses permitted in all other districts, except Uses permitted exclusively in the M-L and the M-G districts;
- (4) Number of *Parking Spaces* required, or traffic generated, pursuant to Section 12 of these regulations or the ITE;
- (5) Number of employees or residents;
- (6) Number of customers or visitors;
- (7) Hours of operation; or
- (8) Other impacts on neighboring Uses such as light and noise.

10.B.2. Abandonment of Non-Conforming Uses

Any non-conforming Use which has been abandoned shall not be re-established. Any *Structure, Building* or *Lot*, or combination thereof, which was formerly devoted to a non-conforming Use which has been abandoned, shall not again be devoted to any Use other than those Uses which are permitted in the district in which the *Structure, Building* or *Lot*, or combination thereof, is located.

The term abandonment, as used in this Section, shall mean the voluntary discontinuance of a Use, when accompanied by an intent not to re-establish such Use. The *Zoning Enforcement Officer* shall determine the status of the Use and may infer the intent to abandon from the following criteria.

- a. If the Use has been discontinued or abandoned for a continuous period of at least twelve (12) months;
- b. If the *Building, Structure*, equipment, fixtures or other physical assets related to and necessary for the Use have been purposefully demolished, dismantled, abandoned or removed with the intent to not reestablish such Use;
- c. If the Use has been unlawfully converted to any other non-conforming use, irrespective of whether said use is less non-conforming; or
- d. After an affirmative statement by the owner of their intent to discontinue the Use.

10.B.3. Continuation of Non-Conforming Uses after Accidents or Disasters

Any non-conforming Use which has been discontinued due to fire, flood, explosion, earthquake, war, civil unrest, or any accident, act of God or act of any governmental authority (collectively, “accident or disaster”), may be continued if the following conditions are met:

- a. The Use is reestablished or a building permit for such has been issued within twelve (12) months of such accident or disaster;
- b. The Use does not enlarge, expand, or extend the prior use;

- c. The Use is not more intense or is not less restrictive than the prior Use as set forth in section 10.B.1.b(1) – (8); and
- d. The Building or Structure associated with the non-conforming Use either:
 - (1) conforms to the height, setback, coverage, density and all other regulations of the zoning district in which it is located; or
 - (2) if the Building or Structure associated with a non-conforming Use was non-conforming prior to the accident or disaster, the replacement Building or Structure is more conforming.

10.C. NON-CONFORMING BUILDINGS OR STRUCTURES

Non-conforming Buildings or Structures may remain and may be modified, provided they are not enlarged, extended, or expanded or otherwise modified in a way that would increase the existing non-conformity or result in a new non-conformity.

10.C.1. Modification of Non-Conforming Buildings or Structures

Any modification of a non-conforming Building or Structure shall be made with the goal of reducing the non-conformity. For the modification of non-conforming Buildings or Structures, the following rules shall apply.

- a. **Building Coverage.** If a Building or Structure exceeds the permitted Building Coverage, then the footprint of that Building or Structure may only be enlarged or expanded if required to meet federal, state or local life or safety codes. Areas under an existing permanent roof may be enclosed and converted to Floor Area and shall not constitute an enlargement or expansion of a non-conforming Building Coverage.
An increase in Building Height or Permitted Density shall not constitute an expansion of a non-conforming Building Coverage unless it would result in a new non-conformity or increase an existing non-conformity.
- b. **Setbacks or Yards.** If a Building or Structure encroaches on required setbacks or Yards, such encroachments may only be enlarged or expanded if required to meet federal, state or local life or safety codes. Areas under an existing permanent roof encroaching on required setbacks or Yards may be enclosed and converted to Floor Area and shall not constitute an enlargement or expansion of a non-conforming setback. This subsection shall not apply to building features that are Permitted Obstructions pursuant to Section 3.B. of these Regulations. An increase in Permitted Density or Building Coverage or Height shall not constitute an expansion of a non-conforming Setback unless it results in a new or increased non-conformity.
- c. **Height.** If a Building or Structure exceeds the permitted Building Height, then the Height may only be increased if required to meet federal, state or local life or safety codes or to allow for the installation of green roofs or solar panels. This subsection shall not apply to building features exempt from the Building Height regulations pursuant to Section 3.B. of these Regulations. The Height of another portion of the Building may be increased if the resulting

- Height does not exceed the permitted *Building Height* and if it would not result in a new or increased non-conformity with other zoning regulations (e.g., *Permitted Density* or *Coverage*).
- d. **Density – Floor Area.** If an existing *Building* or *Structure* exceeds the permitted *Floor Area Ratio (FAR)*, its *Floor Area* may only be increased or enlarged if required to provide access, or meet health, safety or other legal requirements such as the *Americans with Disabilities Act*. Unenclosed areas under an existing permanent roof may be enclosed and converted to *Floor Area* notwithstanding that the *Building* or *Structure* already exceeds the permitted *FAR*.
 - e. **Density – Units per Acre.** In zoning districts where *Permitted Density* is defined in units per acre, an existing *Building* or *Structure* may exceed such *Permitted Density* where the applicable conversion factor in Section 3.B. results in more units per acre than permitted and the *Floor Area* of the *Building* or *Structure* is not increased.
 - f. **Demolition.** If a *Building* or *Structure* is completely demolished, then the new *Building* or *Structure* must be fully conforming with the respective zoning district regulations. For the purposes of this definition, “completely demolished” shall mean that more than 50% of the outside building volume is removed. Reduction to core and shell that does not affect the outside volume of a *Building* or *Structure* shall not be considered a demolition for the purposes of this Section 10.
 - g. **Partial Demolition.** If a *Building* or *Structure* is partially demolished (i.e., 50% or less of the outside building volume is removed) then the remaining parts of the *Building* or *Structure* may remain non-conforming, provided, that any non-compliance is not increased or result in any new non-compliance. All new construction must comply with the respective district regulations. Reduction to core and shell that does not affect the outside volume of a *Building* or *Structure* shall not be considered a partial demolition for the purposes of this Section 10.

10.C.2. Reconstruction of Non-Conforming Buildings after Accidents or Disasters

Any non-conforming *Building* or *Structure* which has been damaged or destroyed by fire, flood, explosion, earthquake, war, civil unrest, or any accident, act of God or act of any governmental authority (collectively, “accident or disaster”), may be rebuilt if all the following conditions are met:

- a. A building permit has been issued within twelve (12) months of such accident or disaster.
- b. The non-conformance of the *Building* or *Structure* is not increased as compared to immediately prior to the accident or disaster.
- c. The *Building* or *Structure* is in conformance with the *Use* regulations of the zoning district in which it is located; or if the *Use* was non-conforming, then such non-conforming *Use* may continue, or another non-conforming use may be established, provided that such *Use* is not less conforming or more intense than the *Use* extant immediately prior to the accident or disaster.

10.D. SUBDIVISION OR CONSOLIDATION OF LOTS CONTAINING NON-CONFORMING USES, BUILDINGS OR STRUCTURES

10.D.1. Subdivision of Lots Containing Non-Conforming Uses, Buildings or Structures

Subdivisions of Lots containing non-conforming Uses, Buildings or Structures shall only be permitted if existing non-conformities are not expanded or enlarged or no new non-conformities are created.

Conditional subdivisions (i.e., subdivisions where the subdivision would make an existing Building non-conforming or increase the non-conformity of an existing Building) may be permitted if the intent is to remove the non-conformity caused by such subdivision. However, a conditional subdivision shall only go into effect and be recorded on the land records once the non-conformity is removed (e.g., a non-conforming building demolished)¹.

10.D.1. Consolidation of Lots Containing Non-Conforming Uses, Buildings or Structures

Lots containing conforming Buildings or Structures shall not be merged or consolidated with Lots containing non-conforming Uses, Buildings or Structures unless such consolidation cures or reduces a non-conformity, and no new non-conformities are created. After consolidation, a non-conforming Use, Building or Structure shall not be moved or relocated to the portion of the consolidated Lot that was formerly conforming.

10.E. NON-CONFORMING SIGNS

A non-conforming Sign may only be repaired, replaced, or otherwise altered if the non-conformance, as determined by the Zoning Enforcement Officer, is not increased. No non-conforming Sign shall not be relocated unless such relocations would make the Sign conforming or less non-conforming. In making this determination, the ZEO may consider the following:

1. Size of the Sign Area;
2. Height of the Sign;
3. Conformance with Yard regulations; and
4. Sign Illumination.

10.F. OTHER CONFORMANCE RELATED REGULATIONS

10.F.1. Parking Facilities and Loading Spaces

Where a Lot is non-conforming with regard to the requirements for parking and loading, including but not limited to the design requirements, then the Parking Facility or Loading Space, to the extent possible, shall be brought into conformance or made less non-conforming; provided

¹ Only permitted if allowed by the subdivision regulations and shall be subject to such regulations.

however the Zoning Board, subject to *Special Permit* approval, may reduce the number of *Parking or Loading Spaces* if it finds that such reduction would lead to:

- a. a superior design;
- b. improve access or circulation;
- c. reduces other non-conformities, for example with regard to *Building or Lot Coverage or setbacks*; or
- d. is required to comply with federal, state or local safety or access requirements.

10.F.2. Additional Provisions for Residential Conversions

All conversions of *Buildings* from non-residential *Uses* to residential *Uses* shall also be subject to the following requirements and regulations:

- a. All residential conversions shall be subject to the *BMR* requirements for new *Developments* pursuant to Section 7.4. of these Regulations, based on the zoning district they are located in.
- b. Residential conversions shall not be required to meet the *Light and Air* requirements pursuant to Section 3.B. of these Regulations, provided that any non-compliance with these requirements is not increased or result in any new non-compliance.
- c. Residential conversions shall be subject to the Sidewalk, Bike Parking and *EV* Parking requirements of Section 12; provided, however, that subject to *Special Permit* approval, the Zoning Board may reduce these requirements based on a finding that existing conditions prevent compliance with these requirements.
- d. Not less than seventy-five (50) square feet of *Usable Open Space* shall be provided per *Dwelling Unit*. Such space shall be satisfied at grade, on balconies and/or on roof decks. Up to 25% of required open space may be satisfied with *Indoor Amenity Space*. Except as set forth in this subsection, *Usable Open Space* shall comply with the requirements of Section 3.B, *Open Space, Usable*. Subject to *Special Permit* approval, the Zoning Board may reduce or modify (e.g., allow for a higher proportion of *Indoor Amenity Space*) this requirement based on a finding that existing conditions prevent compliance with this requirement.

10.F.3. Application of Premium and Bonus Provisions

All zoning *Bonus* and *Premium* provisions pursuant to these Regulations, including but not limited to the provision of on-site *Premium BMR Units* or Historic or other *Bonuses* shall only be applied if the use of such *Bonuses* or *Premiums* does not decrease conformance with these Regulations.

ADD new Section 19.C.5.d. as follows:

- a. **Expiration of Special Permit Uses.** If a *Use* requiring a *Special Permit* is discontinued or abandoned, such *Use* shall not be resumed but a new *Special Permit* application and approval for such *Use* shall be required. Determination of such discontinuance or abandonment shall

be made by the Zoning Enforcement Officer based on the criteria established in Section 10.B.2. of these Regulations.

AMEND Section 13.K. as follows:

13.K. NON-CONFORMING SIGNS AND USES

SEE: Section 10.E.

~~A *Sign* that complied with the then applicable provisions of this Section when it was erected, but that does not comply with this Section as amended, is a non-conforming *Sign*. A non-conforming *Sign* may not be replaced, altered or relocated except to make the *Sign* comply with all of the standards of this Section. A non-conforming *Sign* that is discontinued or abandoned for a continuous period of one (1) year may not thereafter be re-used, repaired or replaced except with a *Sign* that conforms to the standards of this Section for the district in which the property is located. Minor repairs to and maintenance of non-conforming *Signs* shall be permitted. No existing *Sign* for any non-conforming use may be enlarged or relocated unless such *Sign* conforms with this Section.~~

~~10.B. [LIMITATIONS TO THE CONTINUATION OF NON-CONFORMING USES]~~

~~The total structural repairs and alterations that may be made in a *Structure* which is non-conforming in *Use* only shall not exceed fifty percent (50%) of its replacement value at the time of application for the first structural change, unless changed to a conforming *Use*. The foregoing provision in this Subsection with reference to limitations on structural repairs and alterations need not apply to that part of any *Building* used for residence purposes located in any Business or Industrial District, not conforming to the SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF BUILDINGS in APPENDIX B, except that no additional Dwelling Units shall be permitted in any such *Building* in which structural repairs or alterations are undertaken unless the density provisions of SCHEDULE OF REQUIREMENTS for minimum number of square feet of *Lot Area* per family can be complied with for the district in which such *Building* is located.~~

~~10.C. [REBUILDING OF NON-CONFORMING USES AFTER DISASTERS]~~

~~Any non-conforming *Building* or *Structure* or one or more of a group of non-conforming *Buildings* or *Structures* which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, act of God or act of any governmental authority, may be reconstructed and used as before, if reconstruction is started within twelve (12) months of such calamity, provided that the restored~~

~~*Building* covers no greater area or has no greater cubic content and has equal or greater front, side and *Rear Yards*.~~

~~10.D. [EXPIRATION OF GRANDFATHERED NON-CONFORMING USES]~~

~~A *Building Structure* or portion thereof, non-conforming as to *Use*, which is, or hereafter becomes vacant or remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a *Use* which conforms to the *Use* regulations of the district in which it is located.~~

~~10.E. [GRANDFATHERED STATUS FOR BUILDINGS AND LOTS IN EXISTENCE PRIOR TO 1955]~~

~~Any *Building* constructed prior to July 1, 1955, or any *Plot* for which a *Building* permit has been issued prior to that date having area, front, side and/or *Rear Yard* insufficient to comply with the Regulations then in effect shall nevertheless be deemed to be lawfully non-conforming with respect thereto and may be continued.~~

~~10.F. [PROHIBITION OF SUBDIVISION FOR NON-CONFORMING USES IN RESIDENTIAL DISTRICTS]~~

~~Any *Lot* located within a residence district and supporting a commercial *Use* of land or *Use* of a *Structure* that is non-conforming with respect to the *Permitted Uses* of Appendix A – LAND USE SCHEDULE, where such non-conforming commercial *Use* exceeds either 50% ground coverage or a *Floor Area Ratio* of 0.30 of such *Lot*, shall not be reduced with respect to the original acreage, frontage, width, or configuration of such *Lot* existing at the time that the *Use* first became non-conforming. Such *Lots* may however be modified or combined with adjacent lands provided that the non-conforming *Use* shall not be expanded, intensified or extended into adjacent lands. No new *Permitted Uses*, *Structures* or *Buildings* shall be established on any *Lot* supporting a *Use* of land or *Use* of a *Structure* that is non-conforming with respect to the *Permitted Uses* of Appendix A that would increase the degree of non-conformity or exceed the maximum intensity of *Use* permitted for the district. Intensity of non-residential *Uses* shall be equated on a residential density basis of not more than 800 square feet of gross non-residential floor area per Dwelling Unit, or such lesser amount deemed appropriate based on the character of the non-residential *Use*. (86-015)~~

~~10.G. [DORMITORY USE FOR CERTAIN HISTORIC BUILDINGS IN R-10 DISTRICTS]~~

~~In order to preserve historic and legally non-conforming *Buildings* that contribute to the character of the neighborhood, *Building(s)* in the R-10 District originally designed and used for religious and/or educational purposes for a period in excess of forty (40) years may be used for dormitories serving children high school aged or younger with accessory onsite staff living quarters pursuant~~

~~to a *Special Permit* granted by the Zoning Board. Incidental *Uses* may also be allowed, such as school or educational *Uses*, tutoring and extra-curricular classroom and lecture areas, and art studio space, and other supplemental *Uses* provided that:~~

- ~~1. No structural change is made to the exterior of the *Building* except as is necessary to provide access for handicapped persons, for code compliance, or for customary repair and maintenance; and no increase in legally nonconforming floor area.~~
- ~~2. Where the existing number and design of *Parking Spaces* and access thereto is legally nonconforming, the Zoning Board may (a) allow such nonconformities to remain, and/or (b) approve an alternate design that decreases the nonconformities and where the Zoning Board makes a determination that the proposed plan provides for adequate parking. Drive aisles serving fifteen (15) or fewer spaces may be not less than ten (10) feet in width for one way access.~~
- ~~3. The *Building* is connected to the city sanitary sewer system~~
- ~~4. On *Corner Lots*, ground mounted mechanical equipment may be located in a *Front Yard* provided such equipment is not less than ten (10) feet from a property line and suitably screened from public view.~~
- ~~5. For applications under this Section 10.G, the requirements of Section 19.C.2.e. shall not apply, provided that: total ground coverage shall not exceed 52.5%; any new *Parking Spaces* shall be a minimum of 20 feet away from the longest street frontage and 10 feet away from all other street frontages and residential properties; and not less than 50% of the total perimeter of all *Buildings* shall satisfy the landscape buffer requirement. (87-028, 214-36)~~

~~10.H. [CONVERSION OF COMMERCIAL BUILDINGS TO RESIDENTIAL BUILDINGS IN CERTAIN DISTRICTS]~~

~~Subject to *Special Permit* Approval by the Zoning Board, any existing *Building* located within any commercial zone listed in Appendix A Table II or in the R-MF or R-H Zone, and used for commercial purposes including *Buildings* that are non-conforming with respect to Appendix B—SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF *BUILDINGS*, may be converted, in whole or in part, to residential purposes provided that (218-14):~~

- ~~1. Notwithstanding the limitations of Appendix B, residential density shall not exceed one (1) Dwelling Unit per 800 square feet of converted gross commercial floor area. Residential density may not to exceed one (1) Dwelling Unit per 600 square feet of converted gross commercial floor area provided that all required *BMR Units*, except for fractional units, are provided on-site. *Below Market Rate* Housing shall be provided pursuant to Section 7.4 of these Regulations. (206-54; 210-27; 220-13)~~
- ~~2. The number of *Parking Spaces* provided shall satisfy the standards of Section 12 of these Regulations provided that the Zoning Board may authorize a reduction in the number of spaces~~

~~in accordance with the standards of Section 12.D.1(b), and such spaces may include any *Parking Space* originally serving the commercial *Use* including offsite spaces within 500 feet of the site, and spaces that are nonconforming. The Zoning Board may reduce the required parking in the Downtown Core to one (1.0) space per Dwelling Unit of one bedroom or less. (208-31; 210-27; 214-22)~~

- ~~3. Existing *Loading Spaces*, ramps and drive aisles which may or may not conform to the dimensional standards of Sections 12.A, 12.B and 12.C may continue to be used. (218-14)~~
- ~~4. Expansion of usable *Floor Area* shall be limited to the infill of unenclosed areas that are below the existing perimeter walls of the *Principal Building*, or to the conversion of portions of Structured parking garage floors for tenant storage, amenity space or *Uses* to further below market rate housing objectives. Expansion beyond the walls of the existing *Building* shall be limited to exterior stairways, canopies, architectural features to enhance the residential character, *Usable Open Space*, or other improvements necessary to comply with Building Codes or other Municipal, State or Federal Public Safety Codes, not to exceed two and one-half percent (2.5%) *Building Coverage*. (207-06, 218-14)~~
- ~~5. Notwithstanding standards set forth elsewhere in these regulations, useable open space shall be provided on site, with the amount, location and design of such open space subject to determination and approval of the Zoning Board. (93-011; 94-005)~~
- ~~6. Notwithstanding paragraph 10.H.4. above, expansion of a commercial building to be converted, in whole or in part, to residential *Use* shall be permitted under the following conditions: (220-13)~~
 - ~~a. A parcel is contiguous to, under common ownership with, and in the same zoning district as the commercial building to be converted. (218-31)~~
 - ~~b. The residential density, in addition to that derived from conversion per paragraph 1 above, shall not exceed the permitted density of the contiguous lot. Residential density in addition to paragraph 1 above shall not exceed the as-of-right density of the combined parcels. Building coverage of the expansion shall not exceed that as-of-right for the contiguous parcel. (218-31)~~
 - ~~c. The height of the expansion shall not exceed one additional Story in case a building is non-conforming with respect to height, but in no event greater than one (1) Story above the height permitted in Appendix B, excluding roof top structures as permitted pursuant to Section 8-B of the Zoning Regulations; provided that any such addition is set back not less than ten (10) feet from each face of the existing building facing a public street. (218-31)~~
 - ~~d. The contiguous parcel shall be merged with the lot of the converted commercial building prior to the issuance of a Certificate of Occupancy. (218-31)~~
 - ~~e. New Dwelling Units constructed by expansion of the converted commercial building shall follow the same density standards as defined in Subsection 10.H.1. above.~~

~~f. All required *BMR Units*, except fractional units, shall be provided on-site pursuant to Section 7.4 of these Regulations. (210-27)~~

~~10.I. [CONVERSION OF NON-CONFORMING BUILDINGS IN RM-1 DISTRICTS TO RESIDENTIAL USE]~~

~~Subject to *Special Permit* Approval by the Zoning Board, any existing *Building* located in the RM-1 Zone that is non-conforming with respect to Appendix A — LAND USE SCHEDULE and Appendix B — SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF BUILDINGS, may be converted to residential purposes provided that:~~

- ~~1. Notwithstanding the limitations of Appendix B, residential density shall not exceed one (1) Dwelling Unit per 2,000 square feet of converted *Gross Floor Area*.~~
- ~~2. The number of *Parking Spaces* provided shall satisfy the standards of Section 12 of these regulations, and may, subject to determination and approval of the Zoning Board, include existing *Parking Space* serving the nonconforming *Use* including offsite spaces within 500 feet of the site, and spaces and aisle widths that are nonconforming;~~
- ~~3. No expansion of nonconforming *Building(s)* shall be permitted, except modifications not exceeding two and one half percent (2.5%) coverage shall be limited to exterior stairways, canopies, or other improvements necessary to comply with the *Building Code* or other Municipal, State or Federal Public Safety Code;~~
- ~~4. Notwithstanding standards set forth elsewhere in these regulations, useable open space shall be provided onsite, with the amount, location and design of such open space subject to determination and approval of the Zoning Board.~~
- ~~5. *Below Market Rate* Housing shall be provided pursuant to Section 7.4 of these Regulations. (220-13)~~
- ~~6. The non-conforming *Use* shall not be extended, expanded or changed to a less restrictive *Use*. (202-08)~~

~~10.J. [ADAPTIVE REUSE OF NON-CONFORMING BUILDINGS IN C-N DISTRICTS]~~

~~Subject to *Special Permit* Approval by the Zoning Board, sites located in the C-N zoning district, that as of November 28, 2005 have a minimum of two acres containing an existing non-conforming *Building* or *Building(s)*, may be adaptively reused or redeveloped in whole or in part, provided the following special standards are satisfied:~~

- ~~1. All non-conforming *Uses* with respect to Appendix A shall be eliminated and office *Use* shall not exceed 0.1 FAR for the entire property. (208-42)~~
- ~~2. The existing amount of floor area in excess of 0.30 FAR shall be reduced by not less than fifty percent (50%).~~

- ~~3. *Building Coverage* may be increased by one square foot for every two square feet of reduction of *Building* floor area in excess of 0.30 *FAR*, provided that total *Building Coverage* shall not exceed forty five percent (45%).~~
- ~~4. Not less than fifty percent (50%) of required parking shall be located beneath the *Building* or integrated into the *Building* and screened from sensitive views to the satisfaction of the Zoning Board.~~
- ~~5. Vehicular access and egress shall both be limited to State Highways.~~
- ~~6. Individual *Uses* and changes of *Use* with a floor area in excess of twelve thousand (12,000) square feet shall require administrative approval by the Zoning Board. (205-26)~~

~~10.K. [EXPANSION OF NON-CONFORMING BUILDINGS IN C-B AND C-WD DISTRICTS]~~

~~Subject to *Special Permit* approval by the Zoning Board and notwithstanding the limitations in Section 10, any non-conforming *Building* located within the C-B or C-WD Zoning District may expand usable Floor Area provided the following standards are satisfied:~~

- ~~1. Any increase in total Floor Area shall not result in an increase in new or additional *Building Coverage* or height; and~~
- ~~2. Any additional Floor Area shall be devoted to collaborative work space, common areas or lobbies and shall be in furtherance of *Adaptive Reuse* or *Redevelopment* of the *Building* for modernization, aesthetic, safety, efficiency, and technological capability or sustainability purposes. (218-39)~~

~~Expansion beyond the *Building* envelope of the existing *Building* shall be limited to canopies and architectural features which enhance the aesthetic appearance of the *Building*. Said improvements shall not be considered new or additional *Building Coverage* provided same do not exceed two and one half percent (2.5%) *Building Coverage*.~~

~~Conditions placed on granting of a *Special Permit* pursuant to this subsection by the Zoning Board shall be deemed to supersede and replace any conditions or limitations previously imposed by the Zoning Board or Zoning Board of Appeals. (210-21)~~