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**LEGAL NOTICE
ZONING BOARD – CITY OF STAMFORD**

Application 224-10 – Notice is hereby given that the Zoning Board of the City of Stamford, CT, at its regular meeting held on Monday, November 4, 2024, **UNANIMOUSLY APPROVED AS MODIFIED** the application of the City of Stamford’s Zoning Board for a Text Change 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.

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*.

- 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*).
- d. **Expansion of Buildings and Structures**
 - (1) In zoning districts where *Floor Area Ratio (FAR)* is defined, and an existing *Building* or *Structure* exceeds the permitted *Floor Area Ratio*, 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*.
 - (2) In zoning districts where no *Floor Area Ratio* is defined and the density is regulated by units per acre, the *Floor Area* of a *Building* or *Structure* may only be expanded if such expansion does not result in exceeding any of the standards of the respective zoning district, unless 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*.
- e. **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.
- f. **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.

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

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 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 non-conforming Buildings from non-residential Uses to residential Uses shall also be subject to the following requirements and regulations:

- a. **BMRs Required.** All residential conversions shall be subject to the BMR requirements for new Developments pursuant to Section 7 of these Regulations, based on the zoning district they are located in.
- b. **Conversion Rates.** An existing Building or Structure may be converted to Dwelling Units notwithstanding the Permitted Density in the respective zoning district

<u>District</u>	<u>RDD</u>
<u>C-C, C-G</u>	<u>800 (700 if all required BMR Units are provided on-site)</u>

<u>C-L, C-I, C-N, C-B, C-WD, DW-D, I-PD, P-D</u>	<u>1000 (800 if all required BMR Units are provided on-site)</u>
<u>RA-3, RA-2, RA-1, R-10, R-10, R-7¹/₂, R-6, RM-1</u>	<u>2,000 (1,750 if all required <i>BMR Units</i> are provided on-site)</u>
<u>All other Zoning Districts without a defined <i>Residential Density Divider (RDD)</i></u>	<u>1,500 (1,250 if all required <i>BMR Units</i> are provided on-site)</u>

- c. **Light and Air.** Residential conversions shall be required to meet the *Light and Air* requirements pursuant to Section 3.B. of these Regulations, however, subject to Administrative Approval pursuant to Section 2.H. of these Regulations, the Zoning Board may reduce these requirements further based on a finding that existing conditions prevent compliance with these requirements.
- d. **Mobility Requirements.** Residential conversions shall comply with the Sidewalk, Bike Parking and *EV* Parking requirements of Section 12; provided, however, that subject to Administrative Approval pursuant to Section 2.H. of these Regulations and Review by TTP, the Zoning Board may reduce these requirements based on a finding that existing conditions prevent compliance with these requirements.
- e. **Usable Open Space.** *Usable Open Space* shall comply with the requirements of Section 3.B. *Open Space, Usable.* Subject to Administrative Approval pursuant to Section 2.H. of these Regulations, 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.
- f. All conversions of non-conforming *Buildings* and *Structures* shall be subject to Site and Architectural Plan and Requested Uses Approval pursuant to Section 2.D. of these Regulations by the Zoning Board, and any other review requirements established by the zoning district regulations the site is located in.
- g. As-of-right conversions shall be reviewed pursuant to the review requirements in the respective zoning district they are located in. An as-of-right conversion is a conversion of a *Building* that meets all zoning requirements in the respective zoning district, including, but not limited to, bulk regulations, parking and *Usable Open Space*. For *Buildings* in zoning districts where no *Floor Area* maximums are defined, the conversion rates of this Subsection shall be applied.

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 2.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 11.K. as follows:

11.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 nonconforming 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. ~~Vehicle 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)

Effective date of this Decision: November 18, 2024

ATTEST: DAVID STEIN
CHAIRMAN, ZONING BOARD
CITY OF STAMFORD, CT

Dated at the City of Stamford, CT, this 6th day of November 2024