

Web Version

FOR PUBLICATION: THE ADVOCATE – TWO INSERTIONS – WED, NOV 6, 2024
WED, NOV 13, 2024

LEGAL NOTICE
ZONING BOARD – CITY OF STAMFORD

Application 224-31 MOD- Notice is hereby given that the Zoning Board of the City of Stamford, CT will conduct a Public Hearing on Monday, **November 18, 2024** at **6:30pm** through a web and phone meeting to consider the application of the City of Stamford’s Zoning Board for a Text Change to clarify the regulations for the users.

1. AMEND Section 3.B., “Permitted Obstructions”, as follows:

- [...]
- **Generators** for single-, two- and three-family *Buildings*; provided, (i) there is no more than one (1) generator per *Lot*, (ii) the generator does not exceed the dimensions of 6 feet (width) x 4 feet (height) x 4 feet (depth), (iii) the generator is within 10 feet of the *Principal Building*, and (iv) the generator is set back 20 feet from any *Street Line* and 10 feet from any other *Property Line*. Generators located in the *Front Yard* shall be suitably screened from view from the public right-of-way by evergreen plantings, *Fences* or similar features. On Lots up to 7,500 sf in area, generators shall only be permitted in the Rear or Side Yard. All other generators shall be considered Accessory Structures.
- [...]
- **Retaining Walls**; retaining walls exceeding eight feet (8’) in height shall be terraced with at least three foot (3’) wide planted steps between the vertical elements. No vertical element shall exceed a height of eight feet (8’).
- **Signs, Ground or Pole** meeting the requirements of Section 13 of these Regulations. Such *Signs* shall be Permitted obstructions in *Front Yards* only.
- **Terraces, patios or decks**, which are open, provided that they: ~~(i) are not more than eight inches (8”) above adjacent grade. and (ii) do not extend more than six feet (6’) into the Yard.~~ All terraces, patios and decks shall be at least five feet (5’) from any Property Line. Terraces, patios or decks not meeting these requirements shall be deemed Accessory Structures;
- [...]

2. AMEND Section 3.B., Definitions “Substantial Renovation or Alteration” ADD new Definition “Market Value” and DELETE section 9.B.2.cc. as follows:

Substantial Renovation or Alteration (223-22)

Substantial Renovation or Alteration means any combination of repairs, reconstruction, alteration, addition, renovation, or other improvements (collectively, “Alterations”) to a *Building* or *Structure*, 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 renovation or alteration of any *Building* or *Structure*. ~~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.

Market Value

The *Market Value* of the *Structure* or *Building* is:

1. the appraised value of the *Structure* or *Building* as shown on the tax records of the City of Stamford at the start of any combination of repairs, reconstruction, alteration, addition, renovation or other improvements, or
2. in the case of damage to the property 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"), the appraised value of the *Structure* or *Building* as shown on the tax records of the City of Stamford immediately prior to the time the damage occurred.
3. For non-residential *Buildings* or *Structures* the *Market Value* may be determined by utilizing the replacement value approach to establishing valuation and shall be based upon an appraisal conducted by an independent, licensed, professional who is a Member of the Appraisal Institute (MIA), or an equivalent certifying body.

DELETE Section 9.B.2.cc. and add "Deleted".

3. AMEND Section 4.E. "Pet Stores" as follows:

Pet Stores

~~Including Food & Accessories: means a retail business where domestic pets, pet supplies and pet accessories are sold to the public, are provided. (217-50)~~

Pet Stores, Supplies and Accessories Only, shall mean a retail business where pet supplies, pet accessories, and pets, excluding cats and dogs, are sold to the public, and services for pets, such as grooming, are provided.

Pet Stores, Full Service, shall mean a retail business where pet supplies, pet accessories, and pets including cats and dogs are sold to the public, and services for pets, such as grooming, are provided. Pet Stores, Full Service, shall only be permitted by Zoning Board *Special Permit* after a finding that the proposed facility will not substantially and unreasonably adversely impacts the reasonable use and enjoyment of property. No Certificate of Occupancy shall be issued

unless the appropriate State license(s) have been obtained, the store is operated by a responsible breeder as defined by the Humane Society of the United States or other animal welfare organizations.

DELETE Line “Pet Stores; Including Food & Accessories” from Appendix A, Table 1.

ADD Line “Pet Stores, Supplies and Accessories Only” to Appendix A, Table 1 and add “√” to the columns for the C-N, C-B, C-L, C-G, C-C, C-I, M-L, and M-G districts. Add “-“ to all other columns.

ADD Line “Pet Stores, Full Service” to Appendix A, Table 1 and add “B” to the columns for the C-I, M-L, and M-G districts. Add “-“ to all other columns.

In Section 5.B.2., B-D, Design Business District replace “Pet Store, including food and accessories” with “Pet Stores, Supplies and Accessories Only”.

In Section 5.II.3., TCD-D replace “Pet Store” with “Pet Stores, Supplies and Accessories Only”.

In Section 5.GG.4.b., SRD-N replace “Pet Store, including food and accessories” with “Pet Stores, Supplies and Accessories Only”.

4. AMEND Definition for “Lot, Corner” in Section 3.B. as follows:

Lot, Corner

A Lot situated at the intersection of two (2) or more Streets having an interior angle of intersection of not more than 135 degrees. A Lot abutting upon a curved Street shall be deemed a Corner Lot if the tangents to the curve at its points of beginning within the Lot or at the points of intersection of the side Lot Lines with the Street Line intersect at the interior angle of not more than 135 degrees. In the RA-3, RA-2, RA-1, R-10, R7^{1/2} and R-6 zoning districts all Districts, a Building erected on a Corner Lot shall be required to comply with the Front Yard setback standard on all Streets and all other Yards shall comply with the Side Yard setback standard. In all other zoning districts, the setback along the shorter Street Line shall follow the Front Yard requirements. The Property Line opposite the shorter Street Line shall follow the Rear Yard requirements. All other Property Lines shall follow the requirements for Side Yards. (91-025; 223-11)

5. DELETE Definition for “Public Charitable Institutions” in Section 4.E. and REPLACE with new Definition for Outpatient Counseling, Advisory Health Services and Social Services

Outpatient Counseling, Advisory Health Services, and Social Services

An Outpatient Counseling, Advisory Health Services, and Social Services Agency shall mean an institution providing, on an out-patient basis, counseling, consulting, advisory health services or related social services to the public. Outpatient Counseling, Advisory Health Services, and Social Services Agency shall not include any facility providing medical services (e.g., urgent care center or clinics) or any facility providing in-patient services including but not limited hospitals, Nursing Homes, institutions of a penal or correctional nature, or facilities for the care and treatment of people with mental or behavioral disabilities or substance abuse issues.

AMEND Appendix A Table I to replace Public or Charitable Agencies with Outpatient Counseling, Advisory Health Services, and Social Services Agency.

Replace Public or Charitable Agencies with Outpatient Counseling, Advisory Health Services, and Social Services Agency throughout the regulations.

6. MOVE Section 2.F. (Parking Management Plans) and 2.G. (Transportation Demand Management Plans) to Section 12 and RENAME to Section 12.M. and 12.N., respectively.

UPDATE numbering of Sections 2.H. to 2.J. to account for moved Sections 2.F. and 2.G. (current Section 2.H. renumbered to 2.F., etc.)

7. AMEND Section 9.R.5.b (SRD-N District) as follows:

b. Non-Residential Floor Area. Non-residential uses, in the aggregate, shall not exceed a ~~0.5 FAR, provided that:~~

~~(1) Retail uses shall not exceed a maximum of 0.375 FAR.~~

~~(2) The SRD-N shall include a Food Shop, Retail that is not less than 40,000 square feet. deleted~~

~~(3) A maximum of five (5) Large Format Retail uses (excluding the Food Shop, Retail) shall not exceed a maximum of 0.25 FAR.~~

8. AMEND Section 3.B., “Mixed-Use Building” as follows:

Mixed-Use Building (223-06)

A *Mixed-Use Building* is a *Building* with residential and non-residential uses where at least:

(a) forty percent (40%) of the *Gross Floor Area*, excluding *Parking Areas*, is used for residential uses, including residential *Indoor Amenity Space*, and

(b) in the C-D and DW-D zoning districts, ten percent (10%) of the *Gross Floor Area* (excluding parking) is used for non-residential uses.

9. UPDATE Sections 5.E.4. (C-D District), 5.U.3 (NX-D District) and 5.II.4. (TCD District).

AMEND Section 5.E.4, C-D, Standards, as follows:

	Non-Residential Uses <u>Buildings</u> and Mixed-Uses <u>Buildings</u>	Residential Uses-<u>Buildings</u>³⁾
...		

AMEND Section 5.U.3, NX-D, Development Standards, as follows:

5.U.3. Development Standards (223-08; 223-09)

Standard	Residential Uses		Mixed-Use Buildings (residential and commercial or industrial)	Commercial and Industrial Uses Buildings (no residential)
	1 and 2 family Dwellings <i>Buildings</i>	Multi (3+) family Dwellings <i>Buildings</i>		
<i>Minimum Lot Size</i>	5,000 square feet	6,000 square feet	5,000 square feet	10,000 square feet
...				

AMEND Section 5.II.4., TCD District, Standards, as follows:

5.II.4. Standards (222-30)

The following standards shall apply to all *Buildings* and *Structures* within the TCD District

	Zoning Lots less than one acre	Zoning Lots one acre and more
a. Minimum <i>Lot</i> size	none	43,560 sf
b. Minimum <i>Lot Frontage</i>	40 ft	100 ft
c. <i>Density</i>		
<i>FAR</i> Commercial <i>Buildings</i> only	3.0	6.0
<i>FAR</i> Residential <i>Buildings</i> only and Mixed-Use residential – non-residential ¹⁾ <i>Buildings</i>	4.0 (<i>Premium FAR</i> 0.75)	7.5 (<i>Premium FAR</i> 1.5)
[...]		

10. REPLACE references to mixed-use *Development* with *Mixed-Use Building* throughout the Regulations.

11. AMEND Section 12.J.1. Bicycle Parking Applicability Requirement, 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 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).

No Bicycle Parking is required for residential units with private parking garages serving an individual unit and direct pedestrian access at street-level.

12. AMEND Section 12.L.2, Standards for Electric Vehicle Parking, as follows:

12.L.2. Standards (223-22)

a. Number of EV Parking Spaces Required

- (1) Where Group Parking Facilities are provided, the number of Electric Vehicle Charging Spaces which shall be provided under Section 12.L.1., shall be ten percent (10%) of the greater of (i) all parking spaces or (ii) the required number of parking spaces before any reduction, or such greater percentage required by Connecticut statutes. 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.
- (2) For all residential units in a Development, where designated parking is separately provided for each unit, such as in condos or townhouses, then one Parking Space per Unit shall be wired to receive at least a Level 2 wall box for Electric Vehicle charging. The wall box is not required to be provided. Where guest Parking Spaces are required or otherwise provided, and which are not assigned to any specific Unit, ten percent (10%) of all guest Parking Spaces shall be Electric Vehicle charging spaces. If the number of required or provided guest Parking Spaces is less than 10, but more than 3, at least one (1) Electric Vehicle charging space shall be provided.

13. AMEND Section 12.K.6.a. and b., Street Tree Planting Requirement, as follows:

12.K.6. Street Tree Planting Requirement

- a. Whenever sidewalks are required pursuant to this Subsection 12.K.1, or where a sidewalk is not required under Subsection 12.K.4.a(5), street trees shall be provided along all such sidewalks 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”). (223-22) “Provided” shall mean all trees necessary to satisfy an applicant’s required number of trees and shall include trees growing at the Lot at time of application and any new trees planted by applicant.
- b. Where street trees are provided (planted or existing trees) pursuant to this Subsection 12.K.6, the property owner shall warrant those trees for three (3) full growing seasons, starting with the issuance date of the Certificate of Occupancy for the accompanying Development. A cash

deposit or bond of ~~\$2,500~~ \$1,000 shall be posted by property owner for each tree provided (planted or existing trees), and shall only be eligible for return if, after three (3) full growing seasons, the street trees are deemed in good health by the City of Stamford Tree Warden. If after three (3) full growing seasons the Tree Warden determines that a tree is not in good health, then the property owner shall replace such trees within three (3) months after a notice from the Tree Warden that the tree is not in good health. Upon certification by the Tree Warden that the replacement trees are in good health, the ~~\$2,500~~ \$1,000 cash deposit or bond per tree shall be returned to the property owner. Funds from cash deposits and bonds which are either (a) not entitled to be reclaimed, or (b) entitled to be reclaimed but which are not reclaimed within four (4) years after the date of the issuance of the Certificate of Occupancy shall be retained by the City and transferred to an account specified by the Director of Operations for off-site tree plantings or replacement of damaged street trees.

14. AMEND Section 6.B.12., General Requirements for PAAS, as follows:

12. Subject to *Special Permit* approval by the Zoning Board, in zoning districts where there is a PAAS requirement, such requirement may be satisfied, in whole or in part, by a fee-in-lieu cash contribution to a City of Stamford account dedicated to pedestrian and open space improvements, as designated by the Director of Administration, pursuant to *Special Permit* approval by the Zoning Board. (222-26)
- a. In granting a *Special Permit*, the Zoning Board shall consider ~~Granting of any such *Special Permit* is at the sole discretion of the Zoning Board. In making its decision, the Board shall consider~~ (i) the nature and location of the subject property, including its existing and proposed uses, and (ii) the proximity to, and condition of, existing public open space, amenity areas or pedestrian infrastructure.
 - b. Where a fee-in-lieu cash contribution is utilized, applicant shall not be eligible for any *Bonus Floor Area* that may be associated with the provision of a *PAAS*.
 - c. Where the provision of waterfront access is required by Section 6.A.2 of these Regulations or other Coastal Area Management regulations, a fee-in-lieu cash contribution may not be utilized.
 - d. The fee-in-lieu cash contribution shall be calculated at a rate of \$35 for each square foot of required PAAS area; provided, however that if the PAAS qualifies as a Trail pursuant to Subsection 6.C.7., the fee-in-lieu shall be \$XX.X per square foot. The fee per square foot shall be automatically adjusted annually on January 1st of each year by the Construction Cost Index, as published by the Engineering News Record (ENR), with January 2024 ~~2022~~ as the base.
 - e. All fee-in-lieu payments under this section must be received prior to issuance of a building permit. (222-26)

15. AMEND Section 6.C.1.i. as follows:

- i. Where a proposed *Development* includes publicly accessible sidewalks within the boundaries of the subject property, such sidewalk areas may be counted toward any *PAAS* requirement, as determined by the Zoning Board in consultation with the Land Use Bureau and the Transportation, Traffic and Parking Bureau; provided, however, that the sidewalk area counted towards the *PAAS* requirement shall not exceed 5% 15% of the required *PAAS* area in the C-C, C-G, R-HD and TCD-D districts and 5% in all other zoning districts where *PAAS* are required. (222-26)

16. DELETE Footnote 22 from Appendix B.

17. AMEND the Zoning Regulations by replacing “Section 7.K.” with “Paragraph 3 in the Definition for *Yard*” throughout the Regulations.

18. AMEND Section 2.E.3. as follows:

2.E.3. SPECIAL PERMIT REQUIREMENT

Any new non-residential *Structure* having a *Gross Floor Area* of twenty thousand (20,000) square feet or more, or any new residential *Structure* containing ten (10) or more *Dwelling Units*, or any project developing or altering 40,000 square feet of *Lot Area* or creating one-hundred (100) or more new *Parking Spaces* shall be subject to the issuance of a *Special Permit* by the Zoning Board, in conformance with the application requirements and review standards of Section 2.C. and Section 2.D. of these Regulations and all other applicable zoning standards of these Regulations, provided that ~~Section 7.K.~~ Paragraph 3 in the Definition for *Yard* shall not apply when adjacent to property developed under ~~Section 7.R.~~ APPENDIX B, Footnote 6 of these Regulations. This requirement shall not apply to *Special Permit* uses subject to review and approval by the Zoning Board of Appeals, as defined in Appendix A of these Regulations. (204-40, 207-44)

19. DELETE in Appendix A, Table 1 line for "Golf Course, Miniature or Simulated" and ADD line for "Golf, Simulated or Miniature Indoor SEE Amusements, Indoor" and add grey shade.

Details regarding how to access the meeting will be posted on the City of Stamford Zoning Board webpage (www.stamfordct.gov/zoning) in advance of the Public Hearing.

At the above time and place all interested persons shall be given an opportunity to be heard. The hearing may be continued to such time and place as will be announced by the Zoning Board. Hearing impaired persons wishing to attend this meeting that require an interpreter may make arrangements by contacting the Department of Social Services administration office at 977-4050 at least five (5) working days prior to the meeting.

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

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