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To: Ralph Blessing
Land Use Bureau Chief

From: Kathryn Emmett, Corporation Counsel *Kathryn Emmett*
Cynthia Anger, Asst. Corporation Counsel *Cynthia Anger*

Date: December 23, 2021

Re: Petition to refer Zoning Board Approval No. 221-20 to the Board of
Representatives

You have asked whether signatures on a petition to refer Zoning Board Approval No. 221-20 to the Board of Representatives which are from property owners within the entire City should count toward the minimum number of signatures needed to satisfy the requirements of Charter sec. C6-40-9. Based on our review of the Charter and the City's Zoning Regulations, our opinion is that only the signatures of property owners within the C-D District or within 500 feet of a C-D District should be counted.

The petition signature requirements in Charter sec. C6-40-9 differ depending on whether the proposed zoning regulation amendment applies to one or more zoning districts or to the entire City. Specifically, "the number of signatures required on any such written petition shall be one hundred, or twenty percent of the owners of privately-owned land within five hundred feet of the area so zoned, whichever is least, if the proposed amendment applies to only one zone. All signers must be landowners in any areas so zoned, or in areas located within five hundred feet of any areas so zoned. If any such amendment applies to two or more zones, or the entire City, the signatures of at least three hundred landowners shall be required, and such signers may be landowners anywhere in the City." *Id.*

Zoning Board Approval No. 221-20 amends Section 9.G - C-D Designed Commercial District of the City's zoning regulations. The C-D district is one of 38 zoning districts listed in our Regulations. See Section 4 - Districts and Districts Regulations ("The territory of the City of Stamford is hereby divided into the following classes of districts.") There are 6 geographic areas located throughout the City that are zoned C-D Designed Commercial District.

The requirements of the C-D district zone apply equally to all properties within the zone, irrespective of where the zone is located.¹ Zoning Board Approval No. 221-20 does not create new zones and amends only the regulations applicable to properties in the C-D zoning district. The C-D district is simply a single zoning classification that is located in 6 geographic areas within the City.² Accordingly, Zoning Board Approval No. 221-20 does not have city-wide application and the signatures of property owners from within the entire City do not count toward the minimum number of signatures needed to satisfy the requirements of Charter sec. C6-40-9. Only the signatures from owners of privately-owned land located within each geographic area zoned C-D Design Commercial District and owners within 500 feet of each such geographic area comply with the Charter requirements.

Please let us know if you have additional questions.

¹ General Statutes § 8-2 requires intra-district uniformity. *Raba v. Westport Planning & Zoning Comm.*, No. FBTCV176064000S, 2019 WL 1875468, at *9.

² The application of a single zoning classification to multiple locations throughout the City is a common practice employed in our Zoning Regulations.