



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:

PROPOSING TO ADD SECTION 19.H FOR ADMINISTRATIVE APPROVALS AND MOVE STANDARDS FOR SWIM AND TENNIS CLUBS FROM SECTION 19.C (SPECIAL PERMITS) TO SECTION 5.E (USE REGULATIONS).

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 27TH DAY OF OCTOBER 2022

SIGNED: Ralph Buscino

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

ss STAMFORD
 COUNTY OF FAIRFIELD

October 27 2022

Personally appeared Ralph Buscino, signor of the foregoing application, who made oath to the truth of the contents thereof, before me.

Jessy Ann App
 Notary Public - Commissioner of the Superior Court

RECEIVED

FOR OFFICE USE ONLY

APPL. #: 222-34

Received in the office of the Zoning Board, Date: OCT 27 2022

By: _____

ZONING BOARD

Project Narrative

Dated October 26, 2022

Proposed Zoning Text Amendment to Add a new Section 19.H. for Administrative Approvals and to move the standards for Swim and Tennis Clubs from Section 19.C. (Special Permits) to Section 5.E. (Use Regulations)

The City of Stamford Zoning Board proposes to add a new Section 19.H. for Administrative Approvals and to move the standards for Swim and Tennis Clubs from Section 19.C. (Special Permits) to Section 5.E. (Use Regulations).

1. Administrative Approvals

a. Rationale

There are two reasons for adding a new Section 19.H. for Administrative Approvals to the City of Stamford Zoning Regulations:

- In many instances (for example for certain uses in certain Districts, approvals in connection with the BMR requirements or Shared Parking Plans) administrative approvals are required. However, the Regulations neither specify the application requirements nor the procedures for such approvals.
- The Regulations are rather vague with regard to the procedures for reviewing and approving changes to existing Zoning Board approvals, such as Special Permits or Site and Architectural Plans.

The proposed regulations would address both these issues.

b. Proposed Change

The proposed text would add a new Section 19.H. for Administrative Approvals to the Zoning Regulations.

Administrative Approvals would only be permitted if explicitly required in the Zoning Regulations or for modifications of existing Special Permits, Site and Architectural Approval and other Zoning Board approvals but only if the proposed changes are within what is allowed by zoning in the respective district AND if the proposed changes do not increase the previously approved “impact” by more than five percent.

Example 1:

Applicant received a Site and Architectural Plan approval for 100 Dwelling units. Per Zoning, 120 units are permitted. Applicant now proposes 103 units. Because the requested modification is permitted under zoning and the impact increases by less than 5%, an Administrative Approval would be appropriate.

Example 2:

Applicant received a Site and Architectural Plan approval for 100 Dwelling units. Per Zoning, 120 units are permitted. Applicant now proposes 108 units. Even though the requested modification is permitted under zoning,

the impact increases by more than 5%. Therefore, Applicant would have to modify the approval by a new Site and Architectural Plan approval.

In instances where the impact is reduced (e.g., instead of 100 approved units only 98 are provided) staff may sign off on the modification.

2. Moving Special Permit requirements for Swim and Tennis Clubs from Section 19.C. (Special Permits) to Section 5.E., Use Regulations

a. Rationale

Generally, the findings which are required in order to approve issuance of a Special Permit use are listed with the use descriptions in Section 5.E. of the Regulations. This keeps all requirements for a specific use in one place and makes it easier to find all regulations pertaining to a specific use. Currently, Special Permit Conditions for Swim and Tennis Clubs are listed in Section 19.C.2.d. (Special Permits) and Section 5.E., Use Regulation.

b. Proposed Change

The proposed change would move all standards pertaining to Swim and Tennis Clubs to Section 5.E. Swim and Tennis Clubs would remain Special Permit Uses. Some of the Special Permit requirements would be slightly modified, e.g., music would be permitted indoors and if not audible at the property lines.

Proposed Text Amendment – Administrative Approvals

Dated: October 26, 2022

ADD Section 19.H. Administrative Approvals

19.H. ADMINISTRATIVE APPROVALS

19.H.1. Purpose

The purpose of this Section is to set forth a procedure for the Zoning Board to consider and vote on requests to approve modifications to certain existing approvals with the goal of reducing procedural burdens for applicants while maintaining high standards of urban planning and design.

19.H.2. Applicability

a. Administrative Approvals by the Zoning Board shall only be permitted when:

- (1) Explicitly allowed by these Regulations; or
- (2) For Special Permits (including Large Scale Development Review) - pursuant to Subsection 19.C.4. of these Regulations;
- (3) For Site and Architectural Plans and/or Requested Uses - pursuant to Section 19.D.5. of these Regulations; and
- (4) For other Zoning Board approvals – where the modification is *de minimis*. *De minimis* shall mean that (i) the modification sought is in compliance with the base standards (i.e., without any premiums or bonuses) of the respective Zoning District; and (ii) will not result in an increase (where the requirement is governed by a maximum amount) or decrease (where the requirement is governed by a minimum amount) of more than 5% beyond what was previously approved, as determined by the Zoning Board.

The Zoning Board, at its sole discretion, may elect to review modifications to a prior approval pursuant to the original approval procedure even if a modification meets the requirements for an Administrative Approval.

19.H.3. Standards

Applications for Administrative Approvals shall meet the following standards:

- a. Completion of an Application Form provided by the Land Use Bureau;
- b. Payment of an Application Fee, if applicable; and
- c. Submission of any additional information that clearly and concisely explains the modification sought, as specified by the Land Use Bureau or Zoning Board.

19.H.4. Procedures

The following procedures shall apply for all *Administrative Approvals*:

- a. Completed applications for *Administrative Approvals* shall be scheduled for the next regular Zoning Board meeting, where the agenda permits, if received at least ten (10) days prior to such meeting;
- b. *Administrative Approvals* shall not require a public hearing but must meet all FOIA requirements;
- c. *Administrative Approvals* shall not require referral to other boards, departments, bureaus or agencies; provided, however, that at the discretion of the Land Use Bureau Chief, or designee, or Zoning Board, applications may be referred to other boards, departments, bureaus or agencies for review and recommendations. In such event, the scheduling of the application shall not take place until receipt of the recommendations from the other boards, departments, bureaus or agencies; and
- d. In granting any *Administrative Approval*, the Zoning Board may attach conditions and safeguards to protect or benefit general health, safety, welfare and property values.

ADD new Section 19.C.4., and renumber current Section 19.C.4. to 19.C.5.

19.C.4. Modification of Special Permits

- a. All modifications of approved *Special Permits* shall be subject to the requirements of Section 19.C.2.
- b. All modifications of approved *Special Permits* that will result in an increase (where the requirement is governed by a maximum amount) or decrease (where the requirement is governed by a minimum amount) of 10% or more beyond what was previously approved shall be subject to the requirements of Section 19.C.3.
- c. All modifications of approved *Special Permits* that will result in an increase (where the requirement is governed by a maximum amount) or decrease (where the requirement is governed by a minimum amount) of less than 10% beyond what was previously approved shall be subject to *Administrative Approval* pursuant to Section 19.H.
- d. If the proposed modification will result in no change, or in a decrease from what was previously approved (where the requirement is governed by a maximum amount) or increase (where the requirement is governed by a minimum amount), as determined by the Land Use Bureau, then Land Use Bureau staff may approve the modification without *Administrative Approval*.
- e. Modification of *Special Permits* shall be subject to such conditions or requirements as the Zoning Board, or if applicable, the Land Use Bureau staff, shall attach.

ADD new Section 19.D.5., and renumber current Section 19.D.5. to 19.D.6.

19.D.5. Modification of Site and Architectural Plans

- a. All modifications of approved Site and Architectural Plans shall be subject to the requirements of Section 19.D.4.
- b. All modifications of approved Site and Architectural Plans pursuant to this Section that will result in an increase (where the requirement is governed by a maximum amount) or decrease (where the requirement is governed by a minimum amount) of 10% or more beyond what was previously approved shall be subject to the requirements of Section 19.D.2.
- c. All modifications of approved Site and Architectural Plans that will result in an increase (where the requirement is governed by a maximum amount) or decrease (where the requirement is governed by a minimum amount) of less than 10% beyond what was previously approved shall be subject to *Administrative Approval* pursuant to Section 19.H.
- d. If the proposed modification will result in no change, or a decrease from what was previously approved (where the requirement is governed by a maximum amount) or increase (where the requirement is governed by a minimum amount), as determined by the Land Use Bureau, then Land Use Bureau staff may approve the modification without *Administrative Approval*.
- e. Modification of Site and Architectural Plans shall be subject to such conditions or requirements as the Zoning Board, or if applicable, the Land Use Bureau staff, shall attach.

ADD new Section 19.E.4. Large Scale Development Review

19.E.4. Modification of Large Scale Development Plans

- a. All modifications of approved Large Scale Development Plan approvals pursuant to this Section that will result in an increase (where the requirement is governed by a maximum amount) or decrease (where the requirement is governed by a minimum amount) of 10% or more beyond what was previously approved shall be subject to the requirements of Section 19.E.3.
- b. All modifications of approved Large Scale Development Plans that will result in an increase (where the requirement is governed by a maximum amount) or decrease (where the requirement is governed by a minimum amount) of less than 10% beyond what was previously approved shall be subject to *Administrative Approval* pursuant to Section 19.H.
- c. If the proposed modification will result in no change, or in a decrease from what was previously approved (where the requirement is governed by a maximum amount) or increase (where the requirement is governed by a minimum amount), as determined by the Land Use Bureau, then Land Use Bureau staff may approve the modification without *Administrative Approval*.
- d. Modification of a Large Scale Development approvals shall be subject to such conditions or requirements as the Zoning Board, or if applicable, the Land Use Bureau staff, shall attach.

ADD new Definition “Administrative Approval” to Section 3.B., Defined Terms

An Administrative Approval is a discretionary approval by the City of Stamford Zoning Board subject to the requirements set forth in Section 19.H. of these Regulations.

DELETE Section 19.C.3.e and AMEND Section 5.E. Swim or Tennis Club as follows:

Club, Swim or Tennis Club

A Swim or Tennis Club is a voluntary or corporate association owned solely by its members, the objectives, pursuits and purposes of which are social or recreational, operating or formed for the purposes of operating a club on a membership basis and not operated for profit. The principal facilities of which a Swim or Tennis Club shall be a swimming pool or pools and/or tennis court or courts owned by it and maintained on land owned or leased by the Club it, A Swim or Tennis Club and which may maintain and operate on the same premises such accessory facilities owned by it as are usually provided by a Swim or Tennis Club. Accessory facilities shall not include Bowling Alleys except as set forth below.

Standards

The following standards shall apply to all Swim or Tennis Clubs:

- a. Swim or Tennis Clubs shall be permitted by Special Permit only in the zoning districts specified in Appendix A;
- b. The minimum size of a Swim or Tennis Club shall be at least five (5) acres;
- c. Any Building whether principal or accessory and any lounging area or other area designed for active use shall be not less than one hundred feet (100') from the nearest property line of abutting residential property, and no part of any Parking Area shall be less than fifty feet (50') from any such property line;
- d. The minimum Front Yard setback shall be governed by the regulations applicable to the district or districts in which such use is to be located;
- e. There shall be at least one (1) off-street Parking Space for each employee and for every two (2) memberships;
- f. There shall be no facilities for over-night accommodations except for employee's quarters;
- g. All outdoor noise-making and amplifying devices except for a public address system are prohibited. Such system may only be permitted with speakers not nearer than three hundred feet (300') to any Street or property line, and the volume of sound shall be so regulated as to be inaudible beyond a point two hundred feet (200') away from the sound amplifying equipment;

- h. Live or amplified music shall only be permitted indoors with closed doors and windows, and the volume of sound shall be so regulated as to be inaudible beyond a point two hundred feet (200') away from the sound amplifying equipment; and
- i. Unless explicitly approved by *Administrative Approval*, the facilities shall not be rented to any outside organization or to any individual on a term basis or for a particular function.

Swim Club

SEE: Club, Swim or Tennis

Tennis Club

SEE: Club, Swim or Tennis

AMEND Appendix A, Table 1 as follows:

Uses Permitted in Residential, Commercial and Industrial Districts	RA-3	RA-2	RA-1	R-10	R-10	R-7 ¹ / ₂
[...]						
Club, Swim or Tennis	<u>A B</u>	<u>A B</u>	<u>A B</u>	<u>A B</u>	<u>A B</u>	<u>A B</u>
[...]						

Swim and Tennis Clubs to remain prohibited in all other zoning districts