

## SECTION 19 - VARIANCES AND SPECIAL PERMITS

### 19.A. BOARD OF APPEALS POWERS AND DUTIES

#### 19.A.1. Establishment

The Zoning Board of Appeals shall operate under Chapter 56 of the Stamford Charter and any other applicable provision of such Charter or the General Statutes. It shall hear and decide all matters upon which it is required to pass by the specific terms of these regulations and all matters upon which it is directed to act under state statutes.

All powers and duties shall be exercised subject to appropriate conditions and safeguards, in harmony with the purpose and intent of these regulations and in accordance with the public interest and the most appropriate *Development* of the neighborhood.

#### 19.A.2. Review of Administrative Orders

Any person claiming to be aggrieved, or any officer, department, board or bureau of the municipality aggrieved by any order, requirement or decision made by the *Zoning Enforcement Officer* may appeal to the Zoning Board of Appeals as provided in Section 8-7 of the Connecticut General Statutes as amended. In order to be considered, such appeal shall be duly filed with the Zoning Board of Appeals within thirty (30) days of the effective date of the action of the *Zoning Enforcement Officer*. Said Board may reverse or affirm wholly or in part, or may modify any order, decision or requirement appealed from and shall make such order, requirement or decision, consistent with these Zoning Regulations, the Zoning Map, or other provisions of applicable law, as in its opinion should be made in the premises. In deciding on any such appeal the Zoning Board of Appeals shall notice and conduct a public hearing in the manner prescribed under Section 8-3c of the General Statutes, as amended.

#### 19.A.3. Certificate of Approval of Location

##### a. Approval of Gasoline Filling Station location

The Board of Appeals shall hear and decide upon these matters in accordance with the provisions of these regulations and Secs. 14-321 and 322 of the General Statutes, as amended.

##### b. Dealers' and Repairers' Licenses

The Board of Appeals shall hear and decide upon these matters in accordance with the provisions of these regulations and Secs. 14-54 and 55 of the General Statutes, as amended.

#### 19.A.4. Variances

The Board of Appeals shall have the power, after public noticed hearing, to determine and vary the application of these Regulations as provided under Section 8-7 of the General Statutes, as amended. Provided however:

- a. Density requirements for multiple family uses as outlined in APPENDIX B, SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF BUILDINGS, under "Square Feet Per Family", shall be unalterable by a *Variance* except when the request for a *Variance* is for one (1) additional Dwelling Unit.
- b. No use shall be permitted by *Variance* in a residential district which is not otherwise allowed in that district.

#### 19.A.5. Special Permits

Where provided for in these regulations, the Zoning Board of Appeals may, in appropriate cases, after public notice and hearing, grant certain *Special Permits*. The consideration, granting and conditioning thereof shall be subject to all of the provisions enumerated in Section 19.C pertaining to *Special Permits*.

### 19.B. VARIANCES

#### 19.B.1. Statement of Purpose

Where there is unusual hardship in the way of carrying out the strict letter of these regulations solely with respect to a parcel of land where conditions especially affect such parcel but do not affect generally the district in which it is situated, the Board of Appeals shall have the power after public notice and hearing to determine and vary the application of these regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values.

#### 19.B.2. Standards and Conditions

- a. In considering a *Variance* application, the Board shall state upon its record the specific written findings regarding all of the following conditions:
  - (1) That there are special circumstances or conditions, fully described in the findings of the Board, applying to the land or *Building* for which the *Variance* is sought, which circumstances or conditions are peculiar to such land or *Building* and do not apply generally to land or *Buildings* in the district and have not resulted from any intentional act of the applicant in contravention of the Zoning Regulations.
  - (2) That for reasons fully set forth in the findings of the Board, the aforesaid circumstances

or conditions are such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of such land or *Building* and the granting of the *Variance* is necessary for the reasonable use of the land or *Building*.

- (3) That taking into consideration the purpose and intent of the regulations, the *Variance*, as granted by the Board is the minimum *Variance* necessary to afford relief.
  - (4) That the granting of the *Variance* will be in harmony with the general purpose and intent of these Regulations, and will not be injurious to the neighborhood, impair the essential character of the area or otherwise be detrimental to the public welfare.
- b. In granting any *Variance*, the Board may attach such reasonable conditions and safeguards as are deemed necessary to protect the neighborhood, including, but not limited to the following:
- (1) requirement of front, side or *Rear Yards* greater than the minimum required by these regulations;
  - (2) requirement of screening of *Parking Areas* or other parts of the premises from adjoining premises or from the *Street* by walls, fences, planting or other devices, size, location and type to be specified by the Board;
  - (3) modification of the exterior features or appearance of any *Structure* where necessary to protect privacy and/or preserve property values;
  - (4) limitation of size, number of occupants, method or time of operation, or extent of facilities;
  - (5) regulation of the number, design and location of access drives or other traffic features.
- c. Granting of a *Variance* pursuant to the provisions hereof shall be deemed to authorize only the particular use, *Structure* or feature shown on the application therefore and proper modifications, if any, in the Board's decision. Any change in the approved plans or any subsequent change of any use, *Structure* or feature shown on the approved plans that materially affects an approved *Variance* shall require the further approval of the Board. Conditions of approval, when specifically imposed by the Board, shall be binding on the applicant, and failure to comply with any such conditions shall constitute a violation of these regulations.

### **19.B.3. Application Requirements and Procedure**

- a. Before deciding on any *Variance* application, the Board shall notice and conduct a public hearing, in the manner prescribed under Section 8-3c of the General Statutes, as amended.
- b. All applications for *Variances* shall include, as a minimum, site plans showing property boundaries, the location and size of *Buildings*, traffic access and circulation drives, and the extent of proposed construction, reconstruction or alteration. The Board of Appeals may require that such plans also show, where applicable, *Yards*, *Parking Areas*, all proposed activity, landscaping, utility vaults, location of all waterways, streams, wetlands and flood hazard areas, contours at intervals of not less than 5 feet and any other pertinent information

that may be necessary to determine whether all requirements of these regulations are met. In addition the applicant shall submit a written statement briefly describing the nature, size and intensity of operation proposed for the site. Such site plans shall be drawn to a scale of not less than 1 inch equals 30 feet, unless otherwise authorized by staff based on parcel size or unique circumstances. Such site plans shall be prepared and certified by a professional architect, landscape architect, land surveyor or engineer licensed by the State of Connecticut, provided that all property boundary, *Lot Area*, and existing conditions information shall be certified by a Registered Land Surveyor and prepared in accordance with the standards of a Class A-2 survey as defined by the Connecticut Association of Land Surveyors.

- c. The form of application, number of copies of plans to be submitted and the filing fee shall be established by the Zoning Board of Appeals.
- d. Referral to Planning Board
  - (1) All applications for *Variances* to authorize the operation of a use other than those specifically listed as "*Permitted Uses*" in the LAND USE SCHEDULE for the district in which the subject property is located, and all applications for *Variances* from the SCHEDULE OF REQUIREMENTS FOR AREA HEIGHT AND BULK OF *BUILDINGS*, approval of which would (1) reduce the required minimum number of square feet of *Lot Area* per family, (2) reduce off-street parking and loading requirements, (3) increase maximum permitted *Building Heights* or bulk beyond permitted limits in the SCHEDULE, or (4) result in greater *Building* bulk in ratio to *Lot Area* than permitted in the Regulations, shall be referred to the Planning Board for an advisory report of its recommendations, which recommendations shall outline all factors considered, and which shall not be binding upon the Zoning Board of Appeals. Each such application shall be referred to the Planning Board at least thirty (30) days prior to the date assigned for a public hearing thereon. Failure of the Planning Board to report within 30 days shall be construed as no response. A statement of the vote of the Planning Board recommending approval or denial, or proposing a modification of such application shall be publicly read at any public hearing thereon. The full report of the Planning Board regarding such application shall include the reasons for the Board's vote therein and shall be incorporated into the records of the public hearing held thereon by the Zoning Board of Appeals.
  - (2) The Planning Board, in reviewing such matters, shall set forth its opinion as to whether or not the proposed use or feature is in reasonable harmony with the various elements and objectives of the *Master Plan* and the comprehensive zoning plan, and in case of a recommendation for approval, may suggest conditions deemed to be necessary in the granting of any such application.
- e. Referral to other Agencies
  - (1) All applications for *Variances* shall be referred to the Department of Traffic and Parking

for an advisory report at least thirty (30) days prior to the date assigned for a public hearing thereon. Applications potentially affecting public utility systems or involving matters of a technical engineering nature may also be referred to the Bureau of Engineering in a like manner.

- (2) All applications for *Variances* on a *Lot* not served by a public sewer shall be referred to the Health Director and Environmental Protection Board for an advisory report at least thirty (30) days prior to the date assigned for a public hearing thereon. Failure of a referral agency to report within 30 days shall be construed as no response.

#### **19.B.4. Limitations**

- a. Any *Variance* granted by the Board shall automatically expire if a full *Building* Permit for work on the *Structure* or feature for which the *Variance* was granted is not issued within 12 months of the date of such approval. If no *Building* permit is required, any use for which a *Variance* has been granted shall be established within 12 months of the date of approval thereof or such *Variance* shall be void. The time that elapses during any litigation challenging a granted *Variances*, until final judgement or settlement, shall not count toward the time limits set out in this Section. The Board of Appeals shall have the authority to grant no more than one 12 month extension of such time period.
- b. Any *Variance* which is granted by the Zoning Board of Appeals shall be placed by said Board upon the land records of the City by filing a record of the *Variance* with the Town Clerk.

#### **19.C. SPECIAL PERMITS**

##### **19.C.1. Statement of Purpose**

The *Development* and execution of comprehensive zoning regulations is based upon the division of the City into districts, within which the use of land and *Structures* and the location of *Structures* in relation to the land are substantially uniform. It is recognized, however, that there are certain uses and *Structures* which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts without consideration, in each case, of the impact of such uses and *Structures* upon neighboring uses and the surrounding area, compared with the public need for them at particular locations. Such uses and *Structures* are therefore treated as *Special Permits*. Where provided for elsewhere by these regulations, the Zoning Board of Appeals or the Zoning Board may, in appropriate cases, after public notice and hearing, grant certain *Special Permits*. Where an existing use or *Structure* which is permitted only by *Special Permit* is proposed to be extended or altered in a manner which would in any way change the character or intensity of the use or feature, such proposed extension or alteration shall be treated as a *Special Permit* under this section.

### 19.C.2. Standards and Conditions

- a. *Special Permits* shall be granted by the reviewing board only upon a finding that the proposed use or *Structure* or the proposed extension or alteration of an existing use or *Structure* is in accord with the public convenience and welfare after taking into account, where appropriate:
- (1) the location and nature of the proposed site including its size and configuration, the proposed size, scale and arrangement of *Structures*, drives and *Parking Areas* and the proximity of existing *Dwellings* and other *Structures*.
  - (2) the nature and intensity of the proposed use in relation to its site and the surrounding area. Operations in connection with *Special Permit* uses shall not be injurious to the neighborhood, shall be in harmony with the general purpose and intent of these Regulations, and shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, artificial lighting or other potential disturbances to the health, safety or peaceful enjoyment of property than the public necessity demands.
  - (3) the resulting traffic patterns, the adequacy of existing *Streets* to accommodate the traffic associated with the proposed use, the adequacy of proposed off-street parking and loading, and the extent to which proposed driveways may cause a safety hazard, or traffic nuisance.
  - (4) the nature of the surrounding area and the extent to which the proposed use or feature might impair its present and future *Development*.
  - (5) the *Master Plan* of the City of Stamford and all statements of the purpose and intent of these regulations.
- b. In granting a *Special Permit* the reviewing board may attach reasonable conditions and safeguards as it deems necessary to protect the general health, safety, welfare and property values of the neighborhood. Failure to comply with any such conditions shall constitute a violation of these Regulations. At the discretion of the reviewing board, conditions may include but are not limited to those issues previously listed as well as the following:
- (1) Require shading of artificial light sources so that no direct rays fall on other than the subject property and to reduce glare from such sources.
  - (2) Require screening of *Structure* and/or *Parking Areas* of the premises or from *Streets* by walls, fences, planting or other devices, size, type and location to be specified by the reviewing board.
  - (3) Limit hours of operation.
  - (4) Require rearrangement and re-design of *Buildings*, *Structures*, *Parking Areas* or driveways to minimize any adverse impact on the neighborhood.
  - (5) Require landscaping of such type, number and size as necessary for sedimentation and erosion control, screening or enhancement of the property.

- (6) Provide that no Certificate of Occupancy shall be granted until certification is made to and approved by the reviewing board that the project has been completed and is in compliance with all conditions of approval.
- c. Granting of a *Special Permit* pursuant to the provisions hereof, shall be deemed to authorize only the particular use, *Structure* or feature shown on the application therefore and proper modifications, if any, in the reviewing board's decision. Any change in the plans for, enlargement in the size of, or change in the location of any *Structure, Parking Area* or planned activity, or any enlargement in the size and intensity of the operation thereafter, shall require the further approval of the reviewing board.
- d. Swim and/or Tennis Club Use [*deleted*.<sup>21</sup>] (222-34)
- e. Special Standards for Single Family Districts

Special Standards for Single Family Districts: In addition to the other standards and requirements of these Regulations, all applications for *Special Permit* uses within the RA-3, RA-2, RA-1, R-20, R-10 and R-7<sup>1</sup>/<sub>2</sub> single family districts shall conform to the review standards of Section 19.D.3. Site Plan Review Standards for Review, and to the following additional special standards. The special standards of this section shall not however apply to Yacht Clubs, Group Day Care Home, Hospital Complex or Senior Housing & Nursing Home Facility Complex. Existing non-residential uses and non-residential *Structures*, established or erected prior to September 13, 1993 which do not conform to the standards of this Section 19.C.2.e, may be continued, rehabilitated, altered, extended, expanded or changed to a new *Special Permit* use provided that required approvals are obtained and provided that existing non-conformities with the standards of this Section shall not be increased and no new non-conformities shall be created. (94-012, 216-13)

- (1) *Minimum Lot Size*: the area of the *Lot* shall be not less than twice the minimum *Lot* size required for a single family dwelling.
- (2) *Floor Area Ratio*: the total *Gross Floor Area* of all uses contained within *Buildings*, including residential use and parking *Structures*, divided by the area of the *Lot* shall not exceed the following standards: RA-3 and RA-2 Districts 0.10; RA-1 and R-20 Districts 0.15; R-10 District 0.20; R-7<sup>1</sup>/<sub>2</sub> District 0.25.
- (3) *Ground Coverage*: the total percentage of a *Lot* occupied by *Buildings, Parking Areas*, driveways, walkways, patios, terraces and other impervious surface areas shall not exceed the following standards: RA-3 and RA-2 Districts: 25%; RA-1 and R-20 Districts: 35%; R-10 District: 45%; R-7<sup>1</sup>/<sub>2</sub> District: 60%.
- (4) *Building Setbacks*: All *Buildings* shall be setback from front and side property boundaries by an amount not less than the minimum setback specified in Appendix B plus six (6) inches for each foot of *Building* length in excess of forty (40) feet, such length measured

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<sup>21</sup> [Moved to Section 5.E. "Club, Swim or Tennis".]

parallel to the property boundary. *Building* setback from a side property line shall not be required to exceed forty (40) feet and setback from a front property line shall not be required to exceed twice the minimum front setback standard of Appendix B.

- (5) **Landscape Buffers:** Landscaped buffer areas shall be provided along the front property line with a width not less than 50% of the minimum front setback standard of Appendix B, and shall be provided along all side and rear property boundaries with a width of not less than ten (10) feet. Required buffer areas shall be maintained as unoccupied landscaped open space and shall not be used for parking, driveways, or *Accessory Structures*, other than required curb cuts necessary to access the site and pedestrian walkways and similar improvements as approved by the reviewing board. The perimeter of all *Buildings* shall be suitably landscaped with a planted area an average width of not less than ten (10) feet for not less than 75% of the *Building* perimeter, provided that up to 6 feet of this buffer width may consist of pedestrian walkways. Not less than 10% of the interior area of vehicle *Parking Areas* shall be devoted to landscaped islands and dividers which shall be planted with not less than one shade tree with a minimum caliper of 2.5 inches (dbh) for every ten *Parking Spaces* or fraction thereof.
- (6) **Separation of Uses:** In order to preserve the essential character of residential neighborhoods and avoid undue concentration of non-residential uses, no *Special Permit* application shall be approved authorizing a new nursing home (#69), church (#23), clinic (#23.1) or public charitable institution (#79) within 1000 feet of any other such uses. Existing uses authorized prior to the effective date of this regulation shall be exempt from this separation requirement and may be continued, altered, changed in use or expanded in conformance with applicable standards of these Regulations.
- (7) **Staff Review:** All applications for *Special Permit* within single family districts shall be referred to the Planning and Zoning Director for staff review of site and architectural plans at least thirty (30) days prior to the scheduling of a public hearing on such application. (93-013)

### **19.C.3. Application and Procedure**

- a. Before deciding on any *Special Permit* the reviewing board shall hold a public hearing on each application. Notice of the time and place of such hearing shall be given in accord with the requirements of Section 8-3c of the General Statutes, as amended.
- b. All applications for *Special Permit* shall include as a minimum site plans prepared to the standards and specifications of Section 19.B.3.b. of these Regulations. The form of application, number of copies of plans to be submitted, and the filing fee shall be established by the reviewing board.
- c. All applications for *Special Permit* shall be referred to the Planning Board for an advisory report and acted on in the same manner as provided under Section 19.B.3.d. of these



Regulations. If the Planning Board recommends denial of an application for *Special Permit*, such *Special Permit* shall not be granted except by the affirmative vote of four members of the Zoning Board; the Zoning Board of Appeals must follow Section 8-6, CGS and vote by four affirmative votes whether or not the Planning Board recommends approval or denial. (91-019)

d. Referral to other Agencies

- (1) All applications for *Special Permits* shall be referred to the Bureau of Engineering and Department of Traffic and Parking for an advisory report at least thirty (30) days prior to the date assigned for a public hearing thereon.
- (2) All applications for *Special Permits* on a *Lot* not served by a public sewer shall be referred to the Health Director and Environmental Protection Board thirty (30) days prior to the date assigned for a public hearing thereon. Failure of a referral agency to report within 30 days shall be construed as no response.

**19.C.4. Modification of Special Permits (222-34)**

The modification of Special Permits approved under this Section shall be subject to the requirements of Section 19.C.3., except as follows:

- a. Any *Minor Modification* meeting the requirements of Section 19.H. may be approved by *Administrative Approval*; and
- b. Any modification which 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), and which change is *de minimis* as determined by the Land Use Bureau, may be approved by the Land Use Bureau without *Administrative Approval*.

**19.C.5. Limitation**

- a. Except as provided in Subsection 19.C.5.b of these Regulations, any *Special Permit* granted by a reviewing board shall automatically expire at the expiration of 12 months after the date of the approval. Notwithstanding the foregoing, the reviewing board upon timely application and good cause shown, may grant not more than three one-year extensions of the expiration date. (91-026; 94-026, 222-34)
- b. Where the Zoning Board approves a *Special Permit* application for a *Development* to be constructed in more than one phase, it shall authorize the number of years from the date of approval, within which all phases of the *Development* shall be completed. (205-33)
- c. Any *Special Permit* granted by a Board shall be placed by said Board upon the land records of the City by filing a record of the *Special Permit* with the Town Clerk.

## 19.D. SITE PLAN REVIEW<sup>22</sup>

### 19.D.1. Purpose

It is the purpose of this Section to establish uniform procedures and standards for the review of site and architectural plans required under Section 9 - Design Districts, *Special Permits* required under Section 19.E. “Large-Scale Development Review”, as well as other site plan reviews as stipulated elsewhere in these Regulations to assure that such plans meet the stated objectives and standards of these Regulations, conform to the stated objectives of other agencies, provide for the safety and convenience of the general public as well as those using the subject site, and preserve important site features, identified conservation values, and landscaping where desirable. The goal of such review is to achieve attractive, functional and efficient Development on the subject site while mitigating impacts to environmental and public infrastructure resources and protecting adjacent properties through appropriate design considerations and siting of Buildings, Structures, uses, access, parking, landscaping and other site Development features. As used in these regulations, “Site Plan” shall mean “Final Site Plan”. (204-40; 223-18)

### 19.D.2. Procedure

- a. In all cases where these Regulations require review under this Section, no Building permit shall be issued until after the required plans have been reviewed and approved by the Zoning Board and after a *Zoning Permit* has been issued by the Zoning Enforcement Officer. Building permits shall be issued only in conformity with such approved plans including any modifications or conditions imposed by the Zoning Board. No certificate of occupancy shall be approved until after certification by the Zoning Enforcement Officer that the completed project substantially conforms to the approved plans.
- b. Pursuant to P.A. 87-533, site plan applications involving regulated inland wetlands or watercourses shall not receive final action by the Zoning Board until after a permit has been issued by the Stamford Environmental Protection Board. The Zoning Board, in its sole discretion, may refuse to accept for review any such application when a timely approval by the E.P.B. cannot be reasonably anticipated.
- c. The Board shall notify the Town Clerk of any adjoining municipality regarding any site plan proposal within five-hundred feet of the municipal boundary. Such notice shall be made by registered mail within seven days of the date of receipt of the application. Such notice shall also be provided for any site plan where a significant portion of the site generated traffic, sewer discharge or storm water discharge may impact an adjoining municipality, as more particularly defined by P.A. 87-307.
- d. Upon application and submission of a site plan, the Zoning Enforcement Officer, after consultation with the Director of Planning and Zoning, may issue a *Zoning Permit* for minor

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<sup>22</sup> [As part of Application no. 220-31, this Section was moved here from Section 7.2.]

changes of use or alterations of site and architectural plans or permitted Signs, provided such modifications are in keeping with the Designed District approval issued by the Zoning Board.

### 19.D.3. Application Requirements

Unless otherwise authorized by the Zoning Board staff, eleven copies of all plans and documents, certified by an architect, landscape architect, engineer or surveyor, registered within the State of Connecticut, shall be submitted to the Zoning Board showing the following information:

- a. An existing conditions site survey, drawn to a scale preferably of not less than 1 inch = 30 feet but in no case less than 1 inch = 60 feet, showing dimensions and area of the site, Street and property lines, curbs, pavements, sidewalks, existing easements and rights-of-way, the location of existing Structures, walls, fences, utility facilities, and trees of 8-inch caliper or more, and existing land contours at a maximum two-foot interval, said information to be certified by a Registered Land Surveyor and prepared in accordance with the standards of a Class A-2 survey as defined by the Connecticut Association of Land Surveyors.
- b. The location of abutting Streets, nearest cross Streets, driveways on adjacent Lots, and Structures on adjacent Lots within twenty feet of the property line.
- c. The location and dimensions of all proposed Buildings, Structures, facilities, walls, fences, utility installations, site improvements, and finished land contours at maximum two-foot intervals.
- d. Location of all existing watercourses, inland and tidal wetlands, flood hazard and encroachment lines, principal wooded areas and rock formations, slopes greater than 25%, and other significant natural features.
- e. Zoning data including for all proposed Structures: height, number of Stories, *Yards*, Floor Area Ratio, Building Coverage, number of *Parking Spaces*, number of *Dwelling Units*, total Building Area and proposed uses.
- f. The title of the Development, date, revision dates, north arrow, scale, name and address of owner and name and address of applicant if different from owner.
- g. Location, dimensions and surface treatment of existing and proposed off-street parking and Loading Spaces, traffic access, circulation drives and pedestrian walks.
- h. Location, size and type of proposed landscaping and buffer planting and the designation of those areas of natural vegetation not to be disturbed, including any areas to be preserved as open space.
- i. Location, type, design, shielding, power and hours of operation of all existing and proposed exterior and garage lighting.
- j. Architectural elevations depicting the exterior designs and the color, materials and finishes of all proposed Structures.

- k. Location, type, size, design, color and illumination of all Signs.
- l. Plans for storm drainage, water supply, sewage disposal, and a Soil Erosion and Sediment Control Plan as defined within Section 15.B. of these regulations.
- m. Properties located within regulated flood hazard areas shall submit preliminary architectural and engineering data demonstrating conformity with the standards of Section 15.B. of these Regulations.
- n. Such other additional information as may be deemed reasonably necessary by the Zoning Board to properly evaluate the application.
- o. A traffic impact and access study shall be submitted, prepared by a State of Connecticut Registered Professional Engineer qualified to prepare such studies, where required either by Section 12.A-9 of these Regulations or where considered necessary in the judgment of the City Traffic Engineer. At a minimum, the study shall include data and information on existing and projected average daily vehicle trips on nearby roads, peak hour traffic, distribution of such traffic to be generated, types of vehicles expected, existing and projected levels of service, adequacy of rights-of-way and travel ways, existing roadway capacity, traffic accidents, traffic generation data, the location of existing roads within 300 feet of the development site, traffic lights and intersections, sight line conditions, and recommended improvements needed to avoid undue congestion and provide for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, such study shall include the written findings and recommendations of the Connecticut Department of Transportation. (204-40)
- p. A drainage impact report shall be submitted, prepared by a State of Connecticut Registered Professional Engineer qualified to prepare such studies, in accordance with design criteria and methodologies as approved by the City Engineer. (204-40)

#### **19.D.4. Standards for Review**

In reviewing site plans the Zoning Board shall take into consideration the purposes of these Regulations, including the purposes of the applicable zoning district and the goals and policies of the Stamford *Master Plan*, the public health, safety and general welfare and convenience of the general public and the maintenance of property values. In its review the Board may modify a site plan or condition an approval to the extent necessary to conform the site plan to the following standards and objectives:

- a. Safe, adequate and convenient vehicular traffic circulation, operation, parking and loading, and pedestrian circulation, both within and without the site.
  - (1) The number, locations and dimensions of all vehicular and pedestrian access drives and walkways, *Parking Spaces*, drop-off and loadings areas, and provisions for handicapped access shall conform to the standards of Section 12 of these Regulations, to the adopted

design criteria and engineering practices of the Dept. of Traffic and Parking, and all other applicable standards. Such areas shall be constructed of suitable hard surface materials and maintained in good condition.

- (2) The number of vehicle access drives shall be minimized and shall be located and designed to provide safe and convenient turning movements and safe sightline as determined in accordance with the Geometric Highway Design Standards of the Conn. Dept. of Transportation.
  - (3) Area Streets and traffic controls shall be determined to have adequate capacity to service the site without causing undue congestion or hazardous conditions.
- b. The protection of environmental quality, landscaping of open space and harmony with existing Development. The Board shall take into consideration the following features and standards:
- (1) The location, height, design and materials of walls, fences, hedges and plantings shall be appropriate to the vicinity and shall suitably screen parking, loading, garbage collection facilities, outside storage areas, Accessway drives, utility installations and other such features; such landscaping shall be appropriate to the general character of the vicinity and consider the proximity and nature of abutting uses and the level of use of adjoining public Streets and walkways.
  - (2) All open space areas, exclusive of undisturbed natural areas, shall be suitably landscaped to the satisfaction of the Board. Site landscaping shall be performed at a minimum dollar value equivalent to one shade tree of 2.5 inch caliper for every two hundred (200) square feet of landscaped area. In multi-family Developments, open space shall be designed to provide functional outdoor living and play areas meeting the needs of intended residents.
  - (3) Soil erosion, sedimentation and the release of excessive dust shall be controlled through implementation of suitable short-term and long-term controls in accordance with the standards and procedures of Section 15.C.
  - (4) Site Development shall seek to preserve existing specimen trees, historic Structures and other significant natural features of the site. Accordingly, the premature demolition and site clearance of prospective development sites is specifically discouraged and may be taken into consideration in subsequent site plan reviews.
  - (5) Artificial lighting, and site generated noise, odors, particles and other disturbances shall be controlled to avoid interference with the use and enjoyment of neighboring properties. The location, height, design and arrangement of outside lighting shall be consistent with safety such as to avoid glare on any other Lot and to avoid hazards to traffic on any Street.
  - (6) Available public utilities shall be adequate in capacity to safely service the requirements of the site. Surface water drainage facilities shall be adequate to safely drain the site while minimizing the risk of downstream flooding and erosion. Where infrastructure capacity is judged not to be adequate the Board may accept a binding agreement to perform suitable

improvements.

- (7) Adequate provision shall be made for emergency vehicle access, fire lanes, and safe fire flows, upon the recommendation of the Fire Marshall and the public water utility.
- (8) The arrangement, location, apparent bulk, architectural features, materials, texture and color of proposed Buildings and Structures shall establish an architectural character and overall site design compatible with the scale and general character of the vicinity.
- (9) Building setbacks and the configuration of open space shall be appropriate to existing Structures on adjoining properties and established patterns of use of side and *Rear Yard* areas, and to the existing physical conditions of the site.
- (10) No use shall be permitted that will cause or result in:
  - dissemination of dust, smoke, observable gas or fumes, odor, noise or vibration beyond the immediate site of the Building in which such use is conducted, or
  - unusual hazard of fire or explosion or other physical hazard to any adjacent Buildings, or
  - harmful discharge of liquid materials, or
  - unusual traffic hazard or congestion due to the type of vehicles required in the use or due to the manner in which traffic enters or leaves the site of the use.
- (11) All Buildings and grounds and other Structures shall be maintained in good repair and in safe, clean and sanitary condition. All landscaping required pursuant to an approved site plan shall be installed to the satisfaction of the Director of Parks and Recreation and shall thereafter be maintained in accordance with an agreement to be made part of the application of record, which agreement shall be enforced by the Zoning Enforcement Officer, upon advice of the Director. (88-025)

#### **19.D.5. Modification of Site and Architectural Plans (222-34)**

The modification of Site and Architectural Plans and/or Requested Uses approved under this Section shall be subject to the requirements of Section 19.D.2., except as follows:

- a. Any *Minor Modification* meeting the requirements of Section 19.H. may be approved by *Administrative Approval*; and
- b. Any modification which 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), and which change is *de minimis* as determined by the Land Use Bureau, may be approved by the Land Use Bureau without *Administrative Approval*.

#### **19.D.6. Validity (223-18)**

Final Site Plan approvals shall be valid for the period set forth in Section 8-3 of the Connecticut

General Statutes.

All Final Site Plans shall comply with the Zoning Regulations in effect at the time of the Final Site Plan approval, unless there is a valid *General Development Plan* approval in effect grandfathering certain approved items pursuant to Section 19.J.5 of these Regulations.

#### **19.D.7. [Additional Requirements for Historic Site and Architectural Plan Review]**

Developments that are subject to Historic Site and Architectural Plan Review pursuant to Section 7.3.B.1. shall submit the additional information required under Section 7.3.B.2. as part of the Site Plan Review required under Section 19.D. No fees in addition to those charged under Section 19.D. shall be required for a Historic Site and Architectural Plan review application. (222-34)

### **19.E. LARGE-SCALE DEVELOPMENT REVIEW<sup>23</sup>**

#### **19.E.1. Purpose**

The purpose of this Section is to ensure that large scale development is reviewed in a coordinated manner to insure that such development is comprehensively reviewed for compliance with the objectives and standards of these Regulations, and to provide for the safety and convenience of the general public as well as those using the subject site, and to insure that adequate provision is made for vehicular and pedestrian circulation, parking, landscaping, buffers, signage, lighting, drainage, utilities and other needs produced by the proposed *Development*. It is also intended, through the procedures established under this Section, that development impacts will be evaluated by the Zoning Board in light of the City's need to protect its natural, social, and cultural environment in accordance with the *Master Plan*, and to insure that adverse short-term and long-term *Development* impacts will be mitigated, including impacts associated with storm drainage, sanitary sewerage, traffic, demolition, sidewalks, on-street parking, unique site conditions and/or environmental resources, and environmental impacts to coastal resources and the ecosystems and habitats of Long Island Sound.

#### **19.E.2. APPLICATION**

The requirements of this section shall apply to all property within the C-N, C-B, C-L, C-I, C-G, C-C, M-L and M-G zoning districts.

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<sup>23</sup> [formerly Section 7.5.]

### 19.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 19-3.2 and Section 19.D. of these Regulations and all other applicable zoning standards of these Regulations, provided that Section 7.K. shall not apply when adjacent to property developed under Section 7.R 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.E.4. Modification of Large Scale Development Plans (222-34)

The modification of Large Scale Development Plans approved under this Section shall be subject to the requirements of Section 19.E.3., except as follows:

- a. Any *Minor Modification* meeting the requirements of Section 19.H. may be approved by *Administrative Approval*; and
- b. Any modification which 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), and which change is *de minimis* as determined by the Land Use Bureau, may be approved by the Land Use Bureau without *Administrative Approval*.

### 19.F. PARKING MANAGEMENT PLANS (220-31)

#### 19.F.1. Purpose

The purpose of a *Parking Management Plan (PMP)* is to assure that sufficient parking is provided while optimizing the use of land and structures dedicated to parking, with the goal of balancing the supply and demand of parking as closely as possible. In addition, *PMPs*, by themselves or in conjunction with *Transportation Demand Management Plans*, are intended to discourage use of single occupancy passenger vehicles.

#### 19.F.2. Applicability

*Parking Management Plans (PMPs)* shall be required as follows:

- a. Applications pursuant to Subsection 12.D.1.c and 12.D.1.d – reduction of self-parking requirements;
- b. Applications pursuant to Section 12.I. – “Shared Parking”;



- c. All *Development* in the C-C, TCD and R-HD districts generating a parking requirement of 50 spaces or more;
- d. All applications pursuant to Section 19.E – “Large Scale Development Review”;
- e. All applications requiring a traffic study pursuant to Subsection 12.A.5; or
- f. All *Special Permit* applications pursuant to Section 19.C. unless waived by the Land Use Bureau Chief, or designee.

### 19.F.3. Standards

All *Parking Management Plans* shall, at a minimum, contain the following:

- a. A tabulation of *Parking Spaces* required by these Regulations and *Parking Spaces* provided by type of use and type of parking provided (e.g., vehicle parking, bicycle parking, parking for electric vehicles);
- b. Parking fees, if any, and if the parking is bundled or unbundled;
- c. Parking management techniques employed, including but not limited to self-parking, valet parking, stackers, car elevators, shared parking, etc., and, if different techniques are employed, the distribution of parking between these techniques;
- d. A scaled plan of the *Parking Facility*, prepared by a licensed surveyor or engineer, including, but not limited to:
  - (1) The size of *Parking Spaces*;
  - (2) The type of *Parking Spaces*, e.g., self-park, attended, handicapped, electric vehicle charging;
  - (3) The angle of *Parking Spaces*, if angled parking is provided;
  - (4) The width and direction of drive aisles and access ways;
  - (5) Curb cuts and access to public roads or other rights of way; and
  - (6) Landscaping requirements.
- e. Reporting requirements (frequency and information required);
- f. Contact information for the person(s) responsible for reporting usage; and
- g. Other pertinent information, as required by the Zoning Board, Land Use Bureau or the Transportation, Traffic and Parking Bureau.

### 19.F.4. Review Procedures

All *Parking Management Plans* shall be referred to the Transportation, Traffic and Parking Bureau

(TTP) for review Draft *PMPs* shall be reviewed in conjunction with Site and Architectural Plan, Large Scale Development Plan, or *Special Permit* approvals, as applicable, and referenced in the Certificate of Decision. In instances where a *PMP* is required for as-of-right developments without any other review actions by the Zoning Board, TTP and Zoning Board staff shall approve the *PMP* prior to issuance of a Building Permit. No final Certificate of Occupancy for an applicable *Development* under Subsection 19.F.2. shall be issued without a final *Parking Management Plan* approved by TTP, Land Use Bureau Staff and the Zoning Board. All final *PMPs* shall be recorded on the City of Stamford Land Records. Minor changes to final *PMPs* shall be approved administratively by Land Use Bureau staff after endorsement by TTP.

#### **19.F.5. Reporting Requirements**

The owner, tenant or property manager shall annually, not later than January 15, report on parking usage in writing and in a format prescribed by the Land Use and Transportation, Traffic and Parking Bureaus. Should the reports show an insufficient supply in parking, the owner, tenant or property manager shall submit strategies for increasing the parking supply to the Land Use and Transportation, Traffic and Parking Bureaus by no later than March 31<sup>st</sup> of such year for approval.

Non-compliance with the reporting requirements shall be deemed a Zoning Violation pursuant to Section 248 of the City of Stamford Code, and every day a report is submitted late shall be considered as separate violation pursuant to Subsection 248-2 of the City of Stamford Code.

#### **19.G. TRANSPORTATION DEMAND MANAGEMENT PLANS (TDMPs) (220-31)**

##### **19.G.1. Purpose**

The purpose of *Transportation Demand Management Plans (TDMPs)* is to effectively reduce the demand for *Parking Spaces* and promote alternative means of transportation including, but not limited to, biking, walking, mass transit, carpooling, etc.

##### **19.G.2. Applicability**

Transportation Demand Management Plans shall be required as follows:

- a. All new or re-development in the C-C, TCD and R-HD districts on Zoning Lots with 20,000sf or more in area;
- b. All applications pursuant to Section 19.E – “Large Scale Development Review”;
- c. All applications requiring a traffic study pursuant to Subsection 12.A.5; or
- d. All *Special Permit* applications pursuant to Section 19.C., unless waived by the Land Use Bureau Chief, or designee.

### 19.G.3. Standards

All *Transportation Demand Management Plans* shall, at a minimum, contain the following:

- a. A *Parking Management Plan* pursuant to Section 19.F. of these Regulations;
- b. A traffic study;
- c. Techniques to achieve at least twenty percent (20%) of employees or residents commuting to work by means other than a single occupied car, including, but not limited to, incentives for using mass transit, car pools, car share, telecommuting, bicycles or walking;
- d. For non-residential uses, techniques to reduce vehicular peak-hour traffic, including, but not limited to, staggered work hours or telecommuting;
- e. Review procedures to determine if expected reductions are achieved and procedures for adjusting *TDMPs* should the expected reductions not be achieved; and
- f. Other pertinent information, as required by the Zoning Board, Land Use Bureau or the Transportation, Traffic and Parking Bureau.

### 19.G.4. Review Procedures

All *Transportation Demand Management Plans* shall be referred to the Transportation, Traffic and Parking Bureau (TTP) for review. Draft *TDMPs* shall be subject to review and approval by the Zoning Board in conjunction with Site and Architectural Plan, Large Scale Development Plan, or *Special Permit* approvals, as applicable, and referenced in the Certificate of Decision. In instances where a *TDMP* is required for as-of-right developments without any other review actions by the Zoning Board, TTP and Zoning Board staff shall approve the *PMP* prior to issuance of a Building Permit. No final Certificate of Occupancy for an applicable development under Subsection 19.G.2. shall be issued without a final *Transportation Demand Management Plan* approved by TTP and Land Use Bureau Staff. All final *TDMPs* shall be recorded on the City of Stamford Land Records. Minor changes to *TDMPs* shall be approved administratively by Land Use Bureau staff after endorsement by TTP.

### 19.G.5. Reporting Requirements

Not later than January 15<sup>th</sup> of each year, the owner, tenant or property manager shall report in writing on the mode split of commuters in a format prescribed by the Land Use and Transportation, Traffic and Parking Bureaus. Should fewer than 20% of the building occupants use means of transportation other than a single occupied car, the owner, tenant or property manager shall, by March 31<sup>st</sup> of such year, submit proposals for increasing that share to the Transportation, Traffic and Parking and Land Use Bureaus for comments and approval.

Non-compliance with the reporting requirement shall be deemed a Zoning Violation pursuant to

Section 248 of the City of Stamford Code, and every day a report is submitted late shall be considered as separate violation pursuant to Subsection 248-2 of the Code.

## **19.H. ADMINISTRATIVE APPROVALS (222-34)**

### **19.H.1. Purpose**

The purpose of this Section is to set forth a procedure for consideration of requests for certain non-material approvals pursuant to these regulations or to approve *Minor Modifications* to 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* may only be permitted when:

- (1) Explicitly allowed by these Regulations; or
- (2) For *Minor Modifications* of (i) *Special Permits* (including Large Scale Development Review), (ii) Site and Architectural Plans and/or Requested Uses or (iii) other Zoning Board approvals.

b. A *Minor Modification* is a modification to an existing Zoning Board approval that meets the following requirements: (i) the modification sought is in compliance with the base zoning standards (i.e., without any premiums or bonuses) of the respective Zoning District; and (ii) the modification is a non-material change to an existing approval, including to the nature, scope or intensity of such approval. For modifications which do not meet the thresholds for *Minor Modifications*, a new application pursuant to Section 19 of these Regulations shall be required.

c. The Zoning Board reserves the right to determine whether a proposed modification meets the definition of a *Minor Modification* and the requirements of this Section 19.H.

### **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.

### **19.H.4. Procedures**

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

- a. Complete *Administrative Approval* applications 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; provided, however, if an application is referred under paragraph c. of this Subsection the scheduling may be delayed until receipt of referral comments;
- b. Any request for an *Administrative Approval* meeting the standards of this Section 19.H. may be approved by the Board at a regular meeting. However, the Zoning Board, at its sole discretion, may elect to hold a public hearing;
- c. *Administrative Approval* applications may be referred to other boards, departments, bureaus or agencies for review and recommendations; and
- d. In granting any *Administrative Approval* application, the Zoning Board may attach conditions and safeguards to protect or benefit general health, safety, welfare, and property values.

## **19.I. ZONING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE (223-16)**

### **19.I.1. Applicability**

- a. Except as otherwise provided in these Regulations or other applicable laws, a *Zoning Permit* and *Certificate of Zoning Compliance*, to be issued by the *Zoning Enforcement Officer* or their designee, shall be required for:
  - (1) the construction, reconstruction, erection, enlargement, extension, partial or full structural alteration or any other modification of any *Building* or *Structure* including *Signs*;
  - (2) any *Use* or change of *Use* of land, *Buildings* or other *Structures* including *Signs*, or part thereof;
  - (3) excavation for any *Building*, *Structure*, *Sign* or *Use*;
  - (4) construction, enlargement, extension, partial or full alteration or any other modification of any driveway or *Parking Area*, or walkways, patios or other *Lot Coverage* in excess of 200 square feet;
  - (5) any grading or regrading of a surface area in excess of 200 square feet or within 10 feet of a property line; and
  - (6) the installation of any drainage structures.
- b. No *Zoning Permit* or *Certificate of Zoning Compliance* shall be issued for any *Building*, *Structure*, *Sign*, driveway, *Parking Area*, *Use*, or other activity listed in subsection 19.I.1.a. above, that requires issuance of a *Special Permit*, approval of site and architectural plans and requested uses, Coastal Site Plan Approval, *General Development Plan* approval, or administrative approval under these Regulations until such approvals have been issued and are legally in effect.
- c. A *Zoning Permit* or *Certificate of Zoning Compliance* shall be rendered null and void if any substantial changes or alterations are made to the *Plot Plan*, *Building* plans and/or other supporting application documents after the issuance of the *Zoning Permit* or *Certificate of Zoning Compliance*.

### 19.I.2. Application Standards for Zoning Permits

All applications for a *Zoning Permit* shall contain the following:

- a. A completed application form prescribed by the *Zoning Enforcement Officer*.
- b. A certified *Plot Plan*, drawn to scale, showing:
  - (1) the actual shape and dimensions of the *Lot* to be built upon;
  - (2) the exact size and location on the *Lot* of all existing *Buildings*, *Structures* and *Accessory Buildings*, driveways, *Parking Areas*, patios, pathways and other *Lot Coverage*, drainage structures and areas to be graded;
  - (3) the lines within which the proposed *Building* or *Structure* shall be erected or altered;
  - (4) the existing and intended Use of each *Building*, or part thereof, the number of families or housekeeping units that a *Building* shall be designed to accommodate; and
  - (5) such other information with regard to the *Lot* and its improvements and neighboring *Lots* necessary to determine and provide for the enforcement of these Regulations, as determined by the *Zoning Enforcement Officer* or their designee.
- c. The applicable application fee pursuant to the Fee Schedule.

### 19.I.3. Review Procedure

#### a. Zoning Permits.

- (1) All applications for *Zoning Permits* shall be reviewed by the *Zoning Enforcement Officer* or their designee.
- (2) The *Zoning Enforcement Officer* or designee shall grant or deny an application for a *Zoning Permit* within thirty (30) days from the date the completed application was filed with the Land Use Bureau unless an extension of time is authorized by the applicant. No application shall be deemed complete without the full application fee received.
- (3) An application for a *Zoning Permit* shall be denied if:
  - (a) the application does not comply with the requirements of these Regulations,
  - (b) ~~if~~ the application is incomplete, or
  - (c) ~~if~~ the application contains any false material statements or omissions.

Applicant shall be provided, in writing, with the reasons for the denial.

- b. **As-Built Survey for Foundations.** Upon completion of the foundation of any *Building*, the foundation of any addition to a *Building*, or a foundation of any *Structure* for which a *Zoning Permit* has been issued, and before proceeding any further with the construction of said *Building* or *Structure*, the holder of the *Zoning Permit* shall file with the *Zoning Enforcement Officer* an “as-built” survey prepared and certified by a licensed engineer or land surveyor. Such survey shall show said foundation and indicate the distances therefrom to the front, rear and *Side Yard* lines on the *Lot* on which the same is situated. This subsection 19.I.3.b. shall

not apply to *Zoning Permits* for *Signs* without a concrete foundation.

c. **Certificate of Zoning Compliance**<sup>24</sup>.

- (1) No land shall be occupied or used and no *Building* or *Structure* hereafter erected or altered shall be occupied or used in whole or in part for any purposes, until a *Certificate of Zoning Compliance* has been issued by the *Zoning Enforcement Officer*, or their designee. Such Certificate shall state that the premises, *Building*, *Structure* or other activities set forth in Subsection 19.I.1. complies with all terms and conditions of the *Zoning Permit*, with all terms and conditions of any applicable approval issued by the Zoning Board, Zoning Board of Appeals or Planning Board, and with all applicable provisions of these Regulations.
- (2) In order to obtain for a *Certificate of Zoning Compliance* there shall be filed with the *Zoning Enforcement Officer*, or their designee, an “as-built” survey prepared and certified by a licensed engineer or land surveyor. Such survey shall show the location of activities covered by the *Zoning Permit* and indicate the distances therefrom (a) to all *Buildings* and *Structures* on the *Lot* and (b) to the *Front*, *Rear* and *Side Yard* lines on such *Lot*.
- (3) Where the issuance of a Certificate of Occupancy is also required, request for a *Certificate of Zoning Compliance* shall be made at the same time or prior to a request for issuance of a Certificate of Occupancy.
- (4) The request for a *Certificate of Zoning Compliance* shall be acted upon within thirty (30) days of receipt of the request stating that the premises are ready for occupancy and receipt of all required documentation.
- (5) A request for a *Certificate of Zoning Compliance* shall be denied if:
  - (a) the request does not comply with the requirements of these Regulations,
  - (b) the request is incomplete, or
  - (c) the request contains any false material statements or omissions.Applicant shall be provided, in writing, with the reasons for the denial.

#### 19.I.4. Validity of Zoning Permit

A *Zoning Permit* shall be valid for a period of one year only, unless the Zoning Board or Zoning Board of Appeals has approved a phasing plan with a longer time period. A *Zoning Permit* may be renewed for one additional year, provided the renewal is obtained before the expiration of the initial permit and a substantial amount of work on the project has been performed.

#### 19.I.5. Variances and Appeals

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<sup>24</sup> Formerly Section 18. Certificates of Zoning Compliance.

Any person denied a *Zoning Permit* or a *Certificate of Zoning Compliance* or otherwise aggrieved by a decision of the *Zoning Enforcement Officer* or their designee may apply for a *Variance* from the Zoning Board of Appeals, and/or file a written appeal to the Zoning Board of Appeals within thirty (30) calendar days of the effective date of action by the *Zoning Enforcement Officer* or their designee. The procedures and standards for a *Variance* and an appeal, including the time limits for decisions of the Zoning Board of Appeals, are contained in Section 19.A.2. and 19.B. of these Regulations and Conn. Gen. Stat. § 8.7. Any adverse ruling of the Zoning Board of Appeals may be appealed to the Superior Court of Connecticut under Conn. Gen. Stat. § 8-8, *et seq.*, and other applicable laws. (200-32)

## **19.J. GENERAL DEVELOPMENT PLANS (GDP) (223-18)**

### **19.J.1. Purpose**

*General Development Plans (GDPs)* are required to establish the potential massing and maximum bulk of the anticipated Development, such as maximum Building Height, Density and Coverage. In addition, a *GDP* approval may cover other aspects of the Development which the applicant wishes to propose.

A goal of *GDPs* is to assess and, if necessary, mitigate anticipated development impacts and to assure that individual components of the development will form a cohesive whole and are well incorporated into the existing built environment. A *GDP* is also intended to provide approval to property owners on how a property can be developed.

### **19.J.2. Applicability**

a. *General Development Plans* shall be required as follows:

- (1) Where Final Site and Architectural Plan approval is required but is not yet sought for the entirety of the Development or Redevelopment (for example, a multi-Building or phased Development);
- (2) As required by these Regulations for particular uses.

b. Where a *GDP* is not required an applicant may apply for *GDP* approval in conjunction with (1) zoning map or text changes, or (2) with large scale development projects.

### **19.J.3. Standards**

All *General Development Plan* applications shall, at a minimum, contain the following:

a. **Application fee**, as established by the applicable fee schedule.



- b. **Written Application.** Written application on a Land Use Bureau form with a project narrative. The narrative shall include a description of the intended manner of the site development or redevelopment, including the types of uses and the size, densities and coverages of the principal Structures and facilities to be constructed, the number of curb cuts and parking requirements, and an analysis of Zoning conformance and compliance, and a list of other agency permits required. The application shall list on an exhibit each of the items (e.g., bulk, density, coverage) for which *GDP* approval is sought; items listed elsewhere, such as on a zoning data chart, shall not be deemed requested.
- c. **Existing Conditions Map.** A survey prepared by a surveyor licensed in Connecticut showing the location, boundaries, dimensions and acreage of the site, the location and dimensions of existing Buildings and Structures, existing uses of Structures and land areas, existing site utilities and vehicle access, information describing land elevations, flood hazards, coastal and natural resource areas, and information regarding Structures, uses and street elevations within 500 feet of the site.
- d. **General Site Development Plan.** A preliminary development plan drawn at a scale of not less than one inch = 30 feet, showing the proposed location, dimensions, floor area and uses of Structures and Buildings, and the proposed location and area of principal land uses and facilities, existing and proposed land contours, the general location of landscaped areas, Parking Areas, vehicle access, public access amenities and easements. Information addressing the conformance and compliance with these Regulations, including applicable Zoning District standards, shall be shown in tabular form and any intended subdivisions of the site shall be indicated. The goal is to define the maximum extent of the proposed development and establish site-specific development limitations.
- e. **General Architectural Plans.** Preliminary architectural drawings including massings, generalized floor plans and other descriptive information. The goal is to define the maximum extent of the proposed Development and Redevelopment, and to establish site specific development limitations.
- f. **Utilities Report.** Preliminary plans and written reports prepared by a qualified professional engineer specifying the means by which sewage disposal, water supply, stormwater disposal, traffic and access requirements, and related infrastructure and services will be provided for the proposed Development or Redevelopment. The level of information, data, and scope of analysis shall be sufficient to demonstrate compliance with the requirements of these Regulations and the standards and criteria of other government agencies having separate jurisdiction. Where feasibility of the proposed Development or Redevelopment depends upon off-site improvements in infrastructure systems, a suitable improvement plan and binding agreement shall be provided.
- g. **Schedule of Improvements.** A proposed timetable shall be provided indicating the completion of major site improvements, the establishment of uses, and the general sequence of construction.

- h. Additional Information. The Zoning Board or Land Use Bureau may request additional information for the comprehensive review of a *GDP*.

#### 19.J.4. Review Procedures

- a. **Procedures.** All *General Development Plan* applications shall be reviewed pursuant to the standards and procedures for Site and Architectural Plans in Section 19.D. of these Regulations, including, but not limited to a public hearing. (A *General Development Plan* application or approval is not a Site Plan or Final Site Plan application or approval.)
- b. **Modifications of Previously-Approved General Development Plans.** Modification of a previously-approved *GDP* shall be subject to Administrative review and approval by the Zoning Board, pursuant to Section 19.H. of these Regulations. Modifications to *GDPs* not meeting the requirements of Section 19.H shall require submission of a new application for *GDP* approval.
- c. **Site and Architectural Plan Approvals Required.** All Development or Redevelopment proposed pursuant to a *GDP* shall require subsequent Site and Architectural Plan review and approval pursuant to Section 19.D. of these Regulations.
- d. The Zoning Board may, in its sole discretion, impose conditions or other requirements on its approval of a *GDP*.

#### 19.J.5. Term of Approval and Applicability of Zoning Regulations

- a. **Term of Approval.** Unless specified differently in the Conditions of Approval for the *GDP*, *GDPs* shall be valid for a period of five (5) years (the “original approval period”) from the effective date of the approval. The Zoning Board, at its sole discretion, may administratively extend a *GDP* up to two (2) times for no more than five (5) years for each extension. When all extensions are exhausted a new application shall be required pursuant to this Section.
- b. **Applicability of Zoning Regulations.** The Zoning Regulations and zoning district standards in effect on the effective date of the original *GDP* approval shall apply (i.e., be “grandfathered”), for the items, and only for such items, specifically listed as approved in the *GDP* approval (e.g., height, coverage, density) if Final Site and Architectural Plan approval for part or all of the Development covered by the *GDP* is granted within the original approval period.

For Developments that have not secured Final Site and Architectural Plan approval within the original approval period but have received valid and timely extensions of the *GDP* approval, the Zoning Board may by Special Permit, apply the Zoning Regulations in effect at the time of the original approval but only for the items specifically listed in the *GDP* approval, if it finds that:

- (1) the application for Special Permit was filed prior to expiration of the *GDP* extension;
- (2) adhering to the new Regulations would be an undue hardship; and
- (3) applying the Zoning Regulations in effect on the original date of the *GDP* approval would not have an adverse impact on neighboring properties.

In all other instances, where the Zoning Regulations or district standards for the items in the *GDP* approval have changed after the effective date of the *GDP* approval, the new Zoning Regulations and district standards shall apply for the project (for both items covered by the *GDP* approval and items not covered by the *GDP* approval).

- c. The *GDP* approval shall include a list of each of the approved items. Any item not specifically listed on such list in the *GDP* approval shall be deemed not approved and may not be considered “grandfathered”.

#### **19.J.6. Modification of General Development Plans**

The modification of *General Development Plans* approved under this Section shall be subject to the requirements of Sections 19.J.3. and 19.J.4, except as follows:

- a. Any Minor Modification meeting the requirements of Section 19.H. may be approved by *Administrative Approval*; and
- b. Any modification which will result in no change or result in a decrease from what was previously approved (where the requirement is governed by a maximum amount) or result in an increase (where the requirement is governed by a minimum amount), and which change is de minimis as determined by the Land Use Bureau, may be approved by the Land Use Bureau without *Administrative Approval*.

**SECTION 20.** [*deleted*] (223-07)

**SECTION 21.** [*deleted*] (223-07)

**SECTION 22.** [*deleted*] (223-07)