

WEB VERSION

**FOR PUBLICATION: THE ADVOCATE – TWO INSERTIONS – WED, APRIL 12, 2023
WED, APRIL 19, 2023**

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

Application 223-11- Notice is hereby given that the Zoning Board of the City of Stamford, CT will conduct a Public Hearing on **Monday, April 24, 2023 at 6:30pm** through a web and phone meeting to consider the application of the City of Stamford Zoning Board for a Text change to combine relevant regulations that are currently located in different sections of the regulations in one place, make some minor adjustments and delete regulations no longer needed.

Proposed Text Change to Amend Sections 7 Area and Supplemental Regulations, Amend Section 7.3., Historic Preservation, and Delete Section 7.7.

DELETE Sections 7.B. and 7.I. and AMEND Definition “Lot” in Section 3.B. “Defined Terms” as follows:

A parcel of land occupied or to be occupied by a *Building* or a group of *Buildings* and their *Accessory Uses*, or for storage space, including such open spaces as are required by these regulations and such other open spaces as are arranged, designed and/or used in connection with such *Buildings*.

Where a *Lot* is formed from part of a *Lot* already occupied by a *Building*, such subdivision shall be affected in such manner so as not to render the existing *Lot* or *Building* non-conforming and not to increase any pre-existing nonconformity. No permit shall be issued for the erection of a new *Building* on the new *Lot* thus created unless it complies with all the provisions of these Regulations.

Any *Lot* not meeting the minimum lot size requirement for the *Zoning District* in which such *Lot* is situated, and which *Lot* was in existence at the time of the adoption of these Regulations, may be used as a *Lot* for any purpose permitted in the *Zoning District*, provided that all other regulations prescribed for the *District* by these Regulations are complied with. (84-035)

DELETE Sections 7.C., 7.D. and 7.E. and AMEND Definition “Permitted Obstructions” in Section 3.B. as follows:

Permitted Obstructions (219-26)

Permitted Obstructions on Lots are physical features that are permitted in required *Yards* and in *Unobstructed Space* and shall include the following. Any *Structures*, *Buildings*, *Accessory Buildings* and physical features not listed in this Definition as a *Permitted Obstruction* and which are not *Principal Buildings* shall be considered *Accessory Structures*. *Permitted Obstructions* shall

not project beyond the *Street* or *Property Line* of the *Lot*, except for Awnings and Canopies as defined below.

The following shall be considered *Permitted Obstructions*:

- ~~*Accessory Structures* (permitted in *Side and Rear Yards Only*)~~
- **Air conditioning condensation units** for single- or two-family *Buildings* only, provided such units: (i) do not exceed four feet (4') in height from the average finished grade, (ii) do not extend more than four feet (4') from the *Building* wall, and (iii) are no closer than five feet (5') from any *Property Line*;
- **Arbors** or trellises;
- **Awnings** and other sun control devices above the first floor. All such awnings and other sun control devices shall (i) be limited to a maximum projection from a *Building* wall of thirty inches (30"); and (ii) have solid surfaces that, in aggregate, cover no more than 30% of the area of the *Building* wall (as viewed in elevation) from which they project. Such awnings may extend over a public sidewalk, *Alley* or public right-of-way, provided they meet the conditions set forth for "Awnings on the first floor";
- **Awnings and Canopies on the first floor** , whether fixed or retractable, may extend over a public sidewalk, *Alley* or public right-of-way, provided that every such awning (i) shall at its lowest point be at least seven feet (7') above the public sidewalk grade and finished grade of adjacent yard, *Alley* or public right-of-way, (ii) shall be set back a minimum of three feet (3') from the curb line, (iii) shall not extend above the sill of any windows of the second floor, (iv) shall not restrict or interfere with the free flow of pedestrian or vehicular traffic and (v) shall be removable to accommodate work within the public right-of-way (86-032, 207-61);
- **Balconies**, unenclosed, of a *Building* containing residences not extending more than four feet (4') into a required *Yard*; but no closer than five feet (5') from any *Interior Lot Line*;
- **Bicycle Parking Structure** (220-31);
- **Breezeways, Passageways**;
- **Chimneys**, projecting not more than twenty-four inches (24") from the *Building* wall;
- **Cornices** and similar architectural enhancements projecting not more than twenty-four inches (24") from the *Building* wall;
- **Driveways** pursuant to Section 12 of these Regulations;
- **Eaves**, gutters or downspouts projecting not more than twenty-four inches (24") from the *Building* wall;
- **Electric Vehicle charging facilities** pursuant to Section 12 of these Regulations not exceeding five feet (5') in height, and having a volume of no more than 15 cubic feet;

- Fences pursuant to Section 7.G of these Regulations meeting the definition of “Fences” in this Section 3.B.;
- **Fire escapes**, not extending more than six feet (6’) from the *Building* wall;
- **Flagpoles;**
- **Fountains:** ornamental fountains not exceeding: (i) six feet (6’) in height and diameter in RA-3, RA-2, RA-1, R-20, R-10, R-7¹/₂ and R-6 Districts, and on all lots supporting a one-, two-, three- or four-family *Dwelling* in all other Zoning Districts; and (ii) fifteen feet (15’) in height and diameter in all other Districts and on all lots that support more than four-family *Dwellings*. In no event shall a fountain be closer than five feet (5’) from any *Interior Lot Line*;
- **Light poles**, not exceeding eighteen inches (18”) in diameter;
- **Natural features**, comprised of area of land or water, or a combination thereof, which contain or consist of outstanding remnants or natural elements of surviving undisturbed natural ecosystems such as individual species of plant life, nests or rookeries, geological formations, or objects of special scientific, educational, aesthetic, or recreational character;
- **Overhanging portions of *Buildings*** above the first floor which project not more than twenty four inches (24”) from the *Building* wall; ~~In no case shall~~ provided that the lowest point of the projected portion shall be no less than seven feet (7’) about above-grade the ground beneath the projection of the *Building*. Supports for the projected portion of any *Building* are permitted ~~Obstructions within the required Front Yard,~~ provided that no support extends beyond the projection and that the total area occupied by such supports does not exceed 15% of the area underneath the projection;
- **Parking Areas** pursuant to Section 12 of these Regulations;
- **Porches:** One-Story permanently unenclosed porches, projecting no more than six feet (6’) into the required Yard;
- **Railings** required by the Building Code;
- **Ramps** and other physical features supporting access for persons with physical disabilities;
- **Recreational or play equipment;**
- **Steps**, provided that such steps access only the lowest *Story* of a *Building*;
- **Sculptures, Statuary and other freestanding artistic or decorative features:** not exceeding: (i) six feet (6’) in height and diameter in RA-3, RA-2, RA-1, R-20, R-10, R-7¹/₂ and R-6 Districts, and on all lots supporting a one-, two-, three- or four-family *Dwelling* in all other zoning districts; and (ii) fifteen feet (15’) in height and diameter in all other zoning districts and on lots that support more than four-family *Dwellings*. All sculptures, statuary and other freestanding artistic features shall be at least five feet (5’) from any *Interior Lot Line*;

- **Swimming pools** and pool decks, provided that they are: (i) not more than eight inches (8") above adjacent grade and (ii) no closer than five feet (5') from any Interior Lot Line. Swimming Pools shall not be permitted in Front Yards. Swimming pools and pool decks not meeting these requirements shall be deemed *Accessory Structures*;
- **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*;
- **Trees, brushes and other vegetation;**
- **Utility poles**, not exceeding eighteen inches (18") in diameter, including wiring and appurtenances; and
- **Walkways**, sidewalks, bike paths.

DELETE Section 7.F. and AMEND Definition "Accessory Building" in Section 3.B. "Defined Terms" as follows:

Any *Building* located on the same *Lot* as a *Principal Building* and devoted or intended to be devoted to a use, which is clearly incidental and customarily subordinate to the principal use. Any portion of a *Principal Building* devoted or intended to be devoted to an *Accessory Use* is not an *Accessory Building*. (219-26)

Any *Accessory Building* which is attached to the *Principal Building*, except by a *Breezeway*, and not more than five feet (5') in length shall comply in all respects with the requirements of these Regulations applicable to the *Principal Building*.

DELETE Section 7.G. Fences and ADD Definition "Fence" to Section 3.B. "Defined Terms"

Fence

A *Fence* is a physical barrier intended to prevent escape from or intrusion into an area or to mark a boundary. A *Fence* meeting the requirements of this definition shall be considered a *Permitted Obstruction* pursuant to Section 3.B. of these Regulations. For the purposes of these Regulations, walls that are not *Buildings* or *Retaining Walls* and function as a barrier shall be considered *Fences*. All *Fences* shall meet the following requirements:

- No *Fence* shall exceed six feet (6') in height in any *Front* or *Side Yard*, measured from the finished grade adjacent to both sides of the *Fence* or wall, whichever is lower.
- No *Fence* shall exceed eight feet (8') in height in any *Rear Yard*, measured from the finished grade adjacent to both sides of the *Fence* or wall, whichever is lower.
- All *Fences* shall comply with the Corner Vision Obstructions regulations pursuant to City of Stamford Code Section 214-27.1.

- d. The Zoning Board may, by *Special Permit*, authorize a *Fence* or wall of greater height within a *Front, Side* or *Rear Yard*, if it determines that the *Fence* or wall will not adversely impact any adjacent property or public *Street* (203-38).

This definition shall not prohibit the erection of a protective fence over six feet (6') high around any public utility substation, transformer station, pumping station or reservoir.

DELETE Section 7.J. and AMEND Definition “Alley” in Section 3.B. “Defined Terms” as follows:

Alley

An *Alley* is a passage or way, not over twenty feet (20') in width, open to public travel, which affords generally a secondary means of vehicular access to abutting *Lots* and is not intended for general traffic circulation. No vehicle entrance to any *Building* or improvement, which entrance opens into an *Alley*, shall be erected, constructed, or established nearer to the center of such *Alley* than a distance of fifteen feet (15').

DELETE Section 7.K. and ADD Definition “Yard” in Section 3.B. “Defined Terms” as follows:

Yard

A *Yard* is a space extending between the property lines of a *Lot* and a *Building* situated on such *Lot*. No *Building* or other *Structure* shall be permitted in any *Yard* unless permitted by these Regulations.

When a *Lot* adjoins a *Lot* in a more restrictive district, any adjoining *Side Yard* of such former *Lot* shall have minimum width equal to the required *Side Yard* in the more restrictive district, and any adjoining *Rear Yard* shall have a minimum depth equal to the required depth of the *Rear Yard* in the more restrictive district.

DELETE Section 7.L.

DELETE Section 7.M. and AMEND Definition “Lot, Corner” in Section 3.B. “Defined Terms” 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 ~~less~~ not more than 135 degrees.

In 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. (91-025)

DELETE Section 7.N.

DELETE Section 7.O. and AMEND Definition “Accessway Lot” in Section 3.B. “Defined Terms” as follows:

Accessway Lot

An *Accessway Lot* is a *Lot* shown on an approved subdivision map that does not satisfy the *Lot Frontage* requirement at the *Street Line* and that is served by an *Accessway*. (210-43)

Accessway Lots, each limited to one (1) single-family residence whether now existing or hereafter created, shall be permitted only in the RA-3, RA-2, RA-1 and R-20 Districts. The division between the *Accessway* and the remainder of an *Accessway Lot* shall be shown on any record map dated after August 1, 1959 by a dotted or dashed line. The area of each *Accessway Lot*, exclusive of its *Accessway*, shall conform to the area regulations for the District in which it is located. Its area shall be designated on any record map dated after August 1, 1959 as "exclusive of *Accessway*". Not more than two (2) abutting *Accessways* shall be permitted. Every *Accessway Lot* shall be so designed that a circle of the following diameter can be drawn within the boundaries of the *Lot*:

- two hundred feet (200') in a RA-3 or RA-2 District;
- one hundred fifty feet (150') in a RA-1 District; and
- one hundred twenty feet (120') in a R-20 District.

The record map shall include arcs demonstration that such a circle can be included within the *Lot*. On any *Accessway Lot*, the main dwelling and each *Accessory Building* shall be located at least: (a) the same distance from any two boundaries as is required of a main dwelling from the *Front* and *Rear Lot Lines* on an *Interior Lot* in the district, and (b) from each of the other boundaries, thirty feet (30') in an RA-3 or RA-2 District, twenty-five feet (25') in a RA-1 District, and twenty feet (20') in a R-20 District. In no event shall any *Building* on an *Accessway Lot* be located nearer to any *Street* than the minimum front setback regulations for the district in which it is located. (89-003, 210-43)

The standards of this Definition shall not prohibit the use of any access to a rear *Lot* if such access was shown as the legal access on a map of record filed in the Town Clerk's Office prior to August 1, 1959. (210-43)

MOVE Section 7.R. to footnote 6 in Appendix B and add footnote 6 to the following Districts in Appendix B, Table III: RM-1, R-5 and R-MF.

DELETE Section 7.S. and AMEND Definition “Floor Area, Bonus” in Section 3.B. “Defined Terms” as follows:

Floor Area, Bonus

Bonus Floor Area may be awarded to a *Development* if it incorporates certain desirable features, provides certain amenities or helps achieve policy and planning goals as laid out in the City’s *Master Plan* or other official policy documents. *Bonus Floor Area* may only be awarded by the Zoning Board, by Special Permit, as specified in these Regulations.

Under no circumstances shall the total of all applicable *Bonus* and *Premium Floor Areas* exceed 33% of the permitted *Base Floor Area*.

The Zoning Board may grant a Special Permit to authorize Bonus Floor Area and approve amenities for the benefit of the public in the C-L, C-G, CC, R-HD and TCD Districts, in addition to any required amenities, subject to the following standards and limitations:

<u>Amenity</u>	<u>Bonus</u>	<u>Minimum Amenity Required to Qualify</u>		<u>Maximum Bonus Floor Area Obtainable</u>	
		<u>Lots less than 1 acre</u>	<u>Lots 1 acre and larger</u>	<u>Lots less than 1 acre</u>	<u>Lots 1 acre and larger</u>
<u>Public Plazas pursuant to Sections 6.B. and 6.C.1.</u>	<u>1 sf additional Floor Area for each 1 sf of Amenity</u>	<u>500sf</u>	<u>2,500sf</u>	<u>1,000sf</u>	<u>5,000sf</u>
<u>Through-Block Connections pursuant to Sections 6.B. and 6.C.2.</u>	<u>1 sf additional Floor Area for each 1 sf of Amenity</u>	<u>500sf</u>	<u>2,500sf</u>	<u>1,000sf</u>	<u>5,000sf</u>
<u>Publicly Accessible Waterfront Areas pursuant to Sections 6.B. and 6.C.3.</u>	<u>4 sf additional Floor Area for each 1 sf of Amenity in excess of the required minimum amount.</u>	<u>Required minimum Amenity Area of at least 15 feet in depth must be provided along the entire length of the waterfront on average. Bonus is only provided for Amenity in excess of</u>		<u>5,000sf</u>	<u>10,000sf</u>

		<u>required minimum amount.</u>			
<u>Community Room, pursuant to Sections 6.B. and 6.C.5.</u>	<u>3 sf additional Floor Area for each sf of Community Room</u>	<u>400sf</u>	<u>1,250sf</u>	<u>500sf</u>	<u>2500sf</u>
<u>Commuter Facility Spaces pursuant to Sections 6.B. and 6.C.6.</u>	<u>4 sf additional Floor Area for each 1 sf of Commuter Facility Space</u>	<u>1,000sf</u>	<u>1,000sf</u>	<u>5,000sf</u>	<u>5,000sf</u>
<u>Child Day Care Services</u>	<u>2 sf additional Floor Area for each 1 sf of Child Day Care Services</u>	<u>500sf</u>	<u>1,000sf</u>	<u>1,000sf</u>	<u>2,500sf</u>
<u>Mill River Park, Public Access</u>	<u>1 sf of additional Floor Area for each 1 sf of public access or conservation easement provided within the designated Mill River Corridor</u>	<u>n/a</u>			
<u>Mill River Park, Land Conveyance</u>	<u>7 sf of additional Floor Area for each 1 sf of land conveyed in fee at no cost to the city or for each \$100* paid to Mill River Park within the designated Mill River Corridor</u>	<u>n/a</u>			
<u>Mill River Park, additional Building Height</u>	<u>10 sf of permitted Floor Area may be located above a height of 350' within the CC District for each \$100* paid to Mill River Park. No Building shall exceed a height of 400'.</u>	<u>n/a</u>			

* Amount shall be adjusted each year on January 1st based on the construction price index as published in the Engineering News Record (ENR) with January 2020 as the base month.

AMEND Section 4.B.11.i., Public Amenity Bonus, as follows:

If more *Publicly Accessible Amenity Space* is provided than the minimum amount required pursuant to Subsection h. above, then *Bonus Floor Area*, in addition to the *Floor Area Ratios* specified in table d. above, may be granted by the Zoning Board pursuant to Section 3.B., Definition “Floor Area, Bonus”. [Remainder to be deleted]

AMEND title of Section 7 to read “SECTION 7 – DELETED and moved to Section 3.B Defined Terms”

AMEND Section 7.3.B.2.c.(1) as follows:

[...]

- (c) the property owner has been notified in writing at least 30 days prior to the scheduled HPAC meeting at which the matter will first be discussed, unless the applicant seeking addition of the property to the *Cultural Resources Inventory* is the property owner;
- (d) the Land Use Bureau has not received a written objection from the property owner prior to or at the Zoning Board public hearing to the listing on the *Cultural Resources Inventory*. If no written objection by the property owner is received prior to or at the public hearing, the property owner will be deemed to have consented to the listing on the *Cultural Resources Inventory*;
- (e) ~~HPAC~~ the Zoning Board has duly noticed and conducted a public hearing pursuant to Section C6-40-11-of the City of Stamford Charter, as amended;

[...]

- (g) the Zoning Board has ~~administratively~~ approved in full or in part the recommendation of *HPAC*.

Amend Section 7.3.B.2.c. – Historic Preservation - by adding a new Section 7.3.B.2.c.(5) as follows:

(5) When a *Qualified Historic Preservation Expert* is engaged for an application which includes adding a *Building* or *Site* to the *Cultural Resources Inventory* in conjunction with a *Special Permit* application pursuant to Section 7.3.C., or deleting a *Building* or *Site* from the CRI, the Applicant shall be responsible for paying for the services of such expert.

AMEND Section 7.3.C. as follows:

7.3.C. SPECIAL USE, BULK AND DENSITY STANDARDS FOR HISTORIC STRUCTURES AND SITES

The provisions of this subsection 7.3.C. shall apply to all *Historic Structures* and *Sites* in Stamford listed on the *Cultural Resources Inventory*. Properties which are not *Historic Structures* or *Sites* wishing to benefit from this Section 7.3.C. must be placed on the *Cultural Resources Inventory* pursuant to Subsection ~~7.3.B.2.d~~ 7.3.B.2.c of these Regulations prior to or simultaneously with applying for a *Special Permit* under this Section 7.3.C.

**DELETE Section 7.7. Special Stamford Transportation Center and Commuter Parking and
ADD “DELETED”**

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 12th day of April 2023