

Web Version

FOR PUBLICATION: THE ADVOCATE – ONE INSERTION – THUR, AUG 3, 2023

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

**Application 223-22-** Notice is hereby given that the Zoning Board of the City of Stamford, CT at its regular meeting held on Monday, July 31, 2023 UNANIMOUSLY APPROVED AS MODIFIED the application of the City of Stamford Zoning Board for a Text change to have a uniform definition for Substantial Renovations and Alterations in the Zoning Regulations and to clarify when requirements for providing sidewalks, electric vehicle charging and bicycle parking for existing developments are triggered.

**Proposed Text Change to Clarify “Substantial Renovation and Alteration”, amend the Bicycle Parking, Electric Vehicle and Sidewalk Regulations, and make Corrections to Table 12.6, Location of Parking Areas and Loading Spaces in Yards**

**ADD Definition “Substantial Renovation or Alteration” to Section 3.B. Definitions**

**Substantial Renovation or Alteration**

Substantial Renovation or Alteration means any combination of repairs, reconstruction, alteration, addition, renovation or other improvements (collectively, “Alterations”) to a Building, Structure, taking place during a five (5)-year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the Structure (excluding land value) at the start of such five (5)-year period. The five (5)-year period shall begin upon issuance of the building permit for the first Alteration of any Building or Structure. The market value of the Structure is (1) the appraised value of the Structure as shown on the tax records of the City of Stamford at the start of Alterations, or (2) in the case of damage, the appraised value of the Structure as shown on the tax records of the City of Stamford immediately prior to the time the damage occurred.

Substantial Renovation or Alteration does not include:

1. any improvement project required to comply with existing health, sanitary or safety code specifications which are the minimum necessary to assure safe living conditions and which have been previously identified by the local code enforcement official, or
2. any Alterations of a Historic Structure, provided that the Alterations will not preclude the structure's continued designation as a Historic Structure.

**DELETE Subsection 15.B.2.rr. and add [DELETED]**

**DELETE the last sentence in subsection 7.4.C.1.a.(2).**

**AMEND Section 7.4.C.1.a.(2) - Standards for All BMR Units – as follows**

**a. BMR Units Required.**

[...] specified in Subsections 7.4.C.2. and 7.4.C.3. below, notwithstanding any provision of these Regulations to the contrary.

(2) For ~~any~~ all *Substantial Renovation or Upgrades Alteration* of existing rental residential properties having ten (10) or more dwelling units prior to the renovation or upgrade and which have less than 5% BMR Units on-site (and for which no alternative means of meeting the BMR requirement pursuant to Subsection 7.4.D was made), there shall be a BMR requirement of 5% of all units existing following any such work (“Rehab Units”), affordable to Households at 65% of the AMI. Such Rehab Units shall comply with this Section 7.4; provided, however, that the applicant may make a fee-in-lieu payment pursuant to Section 7.4.D.3 without having to receive *Special Permit* approval by the Zoning Board. If, as part of such work, new units are also developed, then ~~then the number of required BMR Rehab Units may be reduced at a ratio of one new BMR unit = 1/2 BMR Rehab Unit.~~ S-such new units shall be subject to all of the requirements of this Section 7.4. ~~For the purposes of this Section 7.4., “Substantial Renovations or Upgrades” shall mean investments in a residential property within a five (5) year period exceeding 66% of the fair market or assessed value of such property prior to the beginning of the renovations or upgrades.~~

**ADD Definition for Alteration to Section 3.B. Definitions:**

**Alteration**

SEE: *Substantial Renovation or Alteration*

**ADD Definition for Renovation to Section 3.B. Definitions:**

**Renovation**

SEE: *Substantial Renovation or Alteration*

**REPLACE the terms “substantial reconstruction”, “substantial improvements” and “Substantial Renovations or Upgrades” with “*Substantial Renovation or Alteration*” throughout the regulations.**

**ADD new Subsection 12.B.5. as follows:**

### **12.B.5. Lighting**

All publicly accessible *Parking Areas* shall be lit at a minimum of 2 horizontal foot candles for all walkable areas and drive aisles and 0.5 horizontal foot candles for all other areas.

**AMEND Section 12.I. Shared Parking by adding a new Subsection 12.J.5. as follows:**

### **12.I. SHARED PARKING**

The shared use of parking may be permitted by administrative approval of the Zoning Board, where a finding is made by the Zoning Board that individual uses such as residential, office, and retail, experience peak parking demand at different times. In such case, the Zoning Board may authorize a reduction in parking to be provided by and solely for the use by Applicant, by recognizing the opportunity to share common *Parking Spaces*, including off-street public *Parking Facilities*. If approved by the Zoning Board, Applicant's parking obligation shall not change, but part of such obligation may be satisfied by shared parking. Shared parking may be considered for multiple uses on individual parcels, between two or more parcels, or for commuter parking in existing or proposed surface lots or structured *Parking Facilities*.

Any shared parking is subject to:

1. submission and approval by TTP of a shared parking analysis which accounts for how parking demand is expected to vary by time of day/day of week for each applicable use and the overall cumulative effect on peak parking demand between uses, parcels, commuter *Parking Facilities*, etc.;
2. Zoning Board and Transportation, Traffic, and Parking Bureau approval;
3. Zoning Board and Transportation, Traffic, and Parking Bureau ~~their~~ approval of a suitable *Parking Management Plan*; and
4. the execution of a legal agreement, recorded on the land records, approved in form and substance by the City Law Department and the Zoning Board, granting the Applicant the right to use a specified number of shared spaces and assuring the continued availability of the shared *Parking Spaces* on the affected properties. It shall be a condition of approval that the applicant provide the specified number of shared spaces prior to issuance of the first certificate of occupancy (which includes a partial or temporary CO) and that such spaces be maintained for the life of the project (at the initial location or a subsequent location approved by the Zoning Board staff and TTP).

The Electric Vehicle parking requirement pursuant to Section 12.L shall be met by applicant for all spaces for which the shared parking is sought including but not limited to at another location approved by the Zoning Board.

The Applicant shall also be required to submit semi-annual reports to the Land Use Bureau and Transportation, Traffic, and Parking Bureau on the actual usage of the shared *Parking Facility* for

the first two years and annually thereafter. The reduction of required on-site parking through the use of shared parking shall be effective only upon satisfaction of items (1a), (2b), (3e) and (4d) in this Subsection I. All required on-site and shared parking shall be provided and be available and accessible prior to issuance of a Certificate of Occupancy (which includes a partial or temporary CO) and thereafter for the life of the proposed development or use.

**AMEND Section 12.J.1 as follows:**

**12.J.1. Applicability**

*Bicycle Parking* is required for:

- a. All new residential *Developments* with 10 or more dwelling units;
- b. All new non-residential *Developments* of 5,000 square feet or more of *Gross Floor Area*;
- ~~e. All changes of use that would generate 10 or more dwelling units or 5,000 square feet of *Gross Floor Area* or more of a different use.~~
- ~~d. All additions for non-residential uses which would bring the total *Gross Floor Area* square footage to 5,000 square feet or more.~~
- ~~e. All additions to residential uses that would bring the total number of dwelling units to 10 or more, or additions of three (3) or more dwelling units to developments having 10 or more dwelling units.~~
- ~~f. All substantial renovations of either non-residential *Gross Floor Area* of 5,000 square feet or residential uses having 10 or more dwelling units.~~
- c. All additions, alterations, modifications or other work that increase the *Gross Floor Area* by ten percent (10%) or 5,000 sf, whichever is more;
- d. All *Substantial Renovations or Alterations*; or
- e. All changes in use that increase trip or parking generation, as set forth by the Institute of Transportation Engineers (ITE).

**AMEND Section 12.J.2.b as follows:**

**b. Class A *Bicycle Parking* Standards.**

[...]

In the event the number of required Class A *Bicycle Parking* spaces is ~~three~~ nine (9) or less, the Applicant may substitute Class B *Bicycle Parking*.

**AMEND Table 12.10 as follows:**

Use	Class A <i>Bicycle Parking</i>		Class B <i>Bicycle Parking</i>	
[...]				
<u>Hotels</u>	<u>1 per 10 guestrooms</u>		<u>1 per 20 guestrooms</u>	
<u>Industrial/Warehousing/Manufacturing</u>	<u>1 per 10,000sf</u> (first <u>75,000sf</u> )	<u>1 per 20,000sf</u> (for additional floor area in excess of <u>75,000 sf</u> )	<u>1 per 5,000sf</u> (first <u>50,000</u> <u>75,000 sf</u> )	<u>1 per 10,000</u> <u>sf</u> (for additional floor area in excess of <u>75,000 sf</u> )
All other non-residential uses	1 per 5,000sf (first 75,000sf)	1 per 10,000sf (for additional floor area in excess of 75,000 sf)	1 per 2,000sf (first <del>50,000</del> <u>75,000</u> sf)	1 per 5,000 sf (for additional floor area in excess of 75,000 sf)

**AMEND Section 12.K. SIDEWALKS AS FOLLOWS**

**12.K. SIDEWALKS**

**12.K.1. Applicability**

Sidewalks meeting the standards of this Section 12.K. shall be provided along all public and private roadways, subject to the exemptions set forth in Subsection 12.K.4, as follows:

- a. For all new *Developments* and *Redevelopments*;
- b. All additions, alterations, modifications or other work that increase the Gross Floor Area by at least ten percent (10%) or 5,000 sf, whichever is more;
- c. All Substantial Renovations or Alterations;
- d. All changes in use that increase trip or parking generation, as set forth by the Institute of Transportation Engineers (ITE); or
- e. ~~Renovations or alterations exceeding \$250,000 in cost, as determined by the Building Department, except single and two-family homes on individual lots; and~~
- e. As determined by the Zoning Board, for any application requiring a General Development Plan or Large-Scale Development Review, Site and Architectural Plan approval, Special Permit approval or any other Zoning Board approval.

## 12.K.2. Minimum Standards

[...]

## 12.K.4. Exemptions

a. The following shall be exempt from the sidewalk requirements of Subsection 12.K.1, but Subsections 12.K.4.a.(6)-(7) shall be subject to the fee-in-lieu requirement set forth in Subsection 12.K.4.c below:

- (1) Single or two-family properties on a cul-de-sac or dead-end street serving five (5) or fewer such properties.
- (2) Properties facing on *Alleys* or *Accessways*.
- (3) RA-3, RA-2, RA-1, R-20 and R-10 districts, unless they are located in R-D overlay districts, where sidewalks shall be required.
- (4) Redevelopment of individual single-family homes in built-up neighborhoods where no sidewalks exist.
- (5) Where there is currently a sidewalk of at least five (5) feet in width in a state of good repair meeting all ADA requirements.
- (6) A finding by the Zoning Board, pursuant to a Special Permit application, that:
  - (a) existing physical conditions do not allow for the construction of a sidewalk;
  - (b) the provision of a sidewalk would not serve the goal of providing a pedestrian network or safer pedestrian travel; or
  - (c) the provision of a sidewalk would create less safe conditions for pedestrians.
- (7) The cost of providing a sidewalk would exceed 20% of the cost of a *Development* or *Redevelopment* or other work performed, as determined by the Building Department, in connection with an alteration, modification, expansion or other work meeting the criteria of Section 12.K.1.

b. Sidewalks Requiring Third-Party (excluding City of Stamford) Permit or Permission (for example, within a State Highway Right-of-Way). No applicant shall be required to build a sidewalk where doing so will require that a permit or permission must be obtained from a third-party owner, agency or department over which neither the Zoning Board nor the applicant has any control unless such requirement was made reasonably conditional on favorable action by such third party. “Reasonably conditional” shall mean that the third party has the opportunity to review the sidewalk plans.

Where such requirement would not be reasonably conditional, applicant shall pay the fee-in-lieu

payment to the City or, with Zoning Board approval, where physically possible, will build the sidewalk on Applicant controlled property outside of, but as close as possible to, the area requiring such permit or permission.

c. Fee-in-Lieu Payments

(1) Applicant shall make a Fee-in-Lieu payment for sidewalks:

- (a) prior to issuance of a building permit if the Zoning Board approves a Special Permit pursuant to Subsection 12.K.4.a(6);
- (b) prior to issuance of a building permit if the applicant is exempt from the sidewalk requirement pursuant to Subsections 12.K.4.a(7);
- (c) prior to issuance of a building permit if the applicant is not required to build the sidewalk pursuant to Subsection 12.K.4.b; or
- (d) prior to issuance of the first certificate of occupancy (which includes a partial or temporary CO) if the applicant has not completed the required sidewalks prior to such issuance.

(2) Such fee-in-lieu payments shall be made to a City of Stamford account dedicated to sidewalks and pedestrian amenities, as determined by the Director of Administration.

Such fee-in-lieu payment shall be the lesser of:

- (i) linear feet of all street frontages x \$250; or
- (ii) 20% of the value of all *Development* or *Redevelopment*, additions, alterations or modifications or other work performed, as determined by the Building Department.

The sidewalk cost per linear foot shall be increased automatically on every January 1<sup>st</sup> by the increase of the Construction Cost Index as published by the Engineering News Record with December 2022 as the base month.

**12.K.5. Modification of Requirements**

For *Redevelopment*, ~~and~~ adaptive reuse projects, renovations or alterations that are not subject to the exemptions in Subsection 12.K.4.a. and b., Zoning Board Staff, in consultation with the Transportation, Traffic and Parking Bureau, for as-of-right projects, or the Zoning Board, in instances where any approval is required, may approve more narrow sidewalks and may modify, or waive the requirement for a planting or amenity strip, if the applicant demonstrates to such staff or the Zoning Board, that existing conditions preclude the minimum sidewalk widths established in Section 12.K.2. Unless otherwise specified in this Subsection 12.K.5 or Subsection 12.K.3.d. ~~or 12.K.5.~~, a sidewalk shall not be less than five feet (5') wide.

### 12.K.6. Street Tree Planting Requirement

- a. Whenever sidewalks are required pursuant to Subsection 12.K.1., street trees shall be provided along all rights-of-way in accordance with the requirements of this Subsection 12.K.6. and the current City of Stamford Street Tree Planting Manual, as amended (the “Tree Manual”).
- b. [...]
- c. Where the Zoning Board determines, in consultation with the Transportation, Traffic and Parking or Engineering Bureaus, that it is not physically possible for the applicant to provide the required number of street trees, as specified in the Tree Manual, (for example, because of sight line issues, the presence of utilities or insufficient sidewalk width due to existing buildings), as certified by the Transportation, Traffic and Parking or Engineering Bureaus the property owner then prior to issuance of the Building Permit a Certificate of Occupancy, the property owner shall make a one-time lump sum payment of \$2,500 per tree that cannot be planted to an account specified by the Director of Administration for off-site tree plantings and replacement of damaged street trees. The amount of the payment shall be determined as follows:

$$\frac{[(\text{Street Frontage in feet (measured along the entire } \textit{Street Line}) / 25) - (1 \text{ tree for each corner})] \times \$2,500}{1} = \text{required payment}$$

The required payment shall be adjusted automatically on every January 1<sup>st</sup> by the increase in the Construction Cost Index as published by the Engineering News Record with December 2022 as the base month.

### AMEND Section 12.L.1 as follows:

#### 12.L.1. Applicability

The following standards shall apply when 10 or more off-street *Parking Spaces* are required (including shared parking spaces). ~~These requirements shall also apply to shared *Parking Spaces* used to satisfy required parking (i.e., Applicant shall meet these requirements (Electric Vehicle charging stations spaces, *Electric Vehicle Parking Spaces*, etc.) for the shared spaces.~~

Level 2 or higher *Electric Vehicle* charging spaces or similar technologies, equipped with adapters to allow charging for the widest range of different vehicle models, are required for:

- a. All new residential and non-residential *Developments*;
- b. All additions, alterations, modifications or other work that increase the *Gross Floor Area* by at least ten percent (10%) or 5,000sf, whichever is more;
- c. All comprehensive redesign of *Parking Areas* pursuant to Section 12.B.4;
- d. All changes in use that increase trip or parking generation, as set forth by the Institute of Transportation Engineers (ITE);

- e. For all parking facilities that are comprehensively redesigned pursuant Section 12.B.4; or
- a. ~~Renovations or alterations exceeding \$250,000 in cost, as determined by the Building Department, except single and two family homes on individual lots; and~~
- f. As determined by the Zoning Board, for any application requiring a General Development Plan or Large-Scale Development Review, Site and Architectural Plan approval, Special Permit approval or any other Zoning Board approval.

**AMEND Section 12.L.2.a. as follows**

- a. The number of Electric Vehicle charging spaces which shall be provided under Section 12.L.1 Level 2 or higher electric charging facilities, or similar technologies, as specified in the *Parking Management Plan*, shall be provided ten percent (10%) of the greater of (i) all parking spaces or (ii) the required number of parking spaces before any reduction, or such greater percentage required by Connecticut statutes, pursuant to Table 12.14. Where ADA Parking Spaces are required, charging facilities shall be provided for 10% of all such spaces. If 10% of the required ADA Spaces is a number smaller than one, at least one ADA compliant Charging Space shall be provided.

**~~Table 12.14 Required Level 2 Charging Facilities~~**

<b><del>Number of required <i>Parking Spaces</i></del></b>	<b><del>Minimum Number of charging spaces</del></b>
<del>10-19 required <i>Parking Spaces</i></del>	<del>1</del>
<del>20-49 required <i>Parking Spaces</i></del>	<del>3</del>
<del>50-99 required <i>Parking Spaces</i></del>	<del>5</del>
<del>100+</del>	<del>1 additional charging space for each 25 required <i>Parking Space</i> increment in excess of 99 spaces</del>

- b. ~~A charging space may count as one half ( $\frac{1}{2}$ ) of a required off street *Parking Space*. Provided, however, if Applicant provides double the number of required charging spaces, then each charging space shall count towards required off-street parking~~
  - b. Charging Spaces shall be used exclusively by *Electric Vehicles* for charging only.
- c. Charging stations shall be equipped with adapters to allow charging for the widest range of different vehicle models.
- d. ~~For each charging space, there shall be one reserved *Parking Space* for *Electric Vehicles* only. These reserved *Parking Spaces* shall count towards required off-street parking.~~

- d. Charging Spaces shall count towards the off-street parking requirement; provided however that charging spaces not equipped with adapters to allow charging for the widest range of different vehicle models shall not count towards the off-street parking requirement.
- e. Charging spaces ~~and reserved *Parking Spaces for Electric Vehicles*~~ shall be conveniently located and as closely as possible to the entrances of residential, office and other buildings.
- f. There shall be no charges or fees for the use of Electric Vehicles as compared to conventional gas-powered vehicles except for the cost of electricity to charge such vehicles. If there is an extra fee for electricity said fee shall not exceed the net cost charged by the utility for the electricity used plus a convenience cost of no more than 10% of the electricity cost.
- g. The signs used for identifying Electric Vehicle ~~Parking Spaces~~ and Charging Spaces shall be compliant with the City of Stamford Curb Regulations Style Guide, as amended.
- h. In every Parking Facility required to provide Electric Vehicle Charging ~~and Parking Spaces~~ there shall be directional signs guiding potential users to said spaces using the symbology below (Figure 12.14). If a Parking Facility is open to the general public, then all Electric Vehicle Charging ~~and Parking Spaces~~ must also be available to the public, and all directional signs in the public right-of-way shall indicate that Electric Vehicle charging ~~and parking~~ is available.
- i. A charging space shall meet the dimensional standards of Section 12.A.1., provided that the width of an Electric Vehicle Charging Space shall not be reduced to less than eight feet six inches (8'6") and that tandem parking shall not be permitted for *Electric Vehicle charging spaces in Group Parking Facilities*. ~~depth requirements as laid out in Table 12.2 of this section. The minimum width of a charging space shall be at least ten feet (10'), measured at right angles to the direction of the stall.~~

[remainder of Section unchanged]

**AMEND Table 12.6 as follows:**

**Table 12.6 Location of *Parking Areas* and *Loading Spaces* in Yards**

Zoning District	<i>Parking Areas</i> and <i>Loading Space</i> permitted in Front Yard between the <i>Building Lines</i>	<i>Parking Areas</i> and <i>Loading Space</i> permitted in Front Yard outside the <i>Building Lines</i>	<i>Parking Areas</i> and <i>Loading Spaces</i> permitted in Side Yards	<i>Parking Areas</i> and <i>Loading Spaces</i> permitted in Rear Yards
RA-3, RA-2, RA-1, R-20 <u>C-D, IP-D, HT-D</u>	YES	YES	YES	YES
R-10, R-7 <sup>1/2</sup> , R-6, R-5 (lots less than 7,500 square feet only)	NO	NO <sup>1)</sup>	NO <sup>1)</sup>	YES
<del>C-D, IP-D, HT-D</del>	<del>YES</del>	<del>YES</del>	<del>YES</del>	<del>YES</del>
<del>CC, C-G, NX-D, V-C</del>	<del>YES</del>	<del>NO</del>	<del>YES</del>	<del>YES</del>
All other Zoning Districts	<del>YES</del> <u>NO</u>	<del>NO</del> <u>YES</u>	YES	YES

<sup>1)</sup> A turn-around area for one (1) vehicle not exceeding 175sf in area may be permitted.

Effective date of this Decision: August 15, 2023.

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

Dated at the City of Stamford this 3<sup>rd</sup> day of August 2023.