

Web Version

FOR PUBLICATION: THE ADVOCATE – ONE INSERTION – FRI, SEPT 22, 2023

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

Application 223-31 – Notice is hereby given that the Zoning Board of the City of Stamford, CT at its regular meeting held on Monday, September 18, 2023 UNANIMOUSLY APPROVED AS MODIFIED the application of the City of Stamford Zoning Board for a Text change to increase the number of zoning districts where Publicly Accessible Amenity Space (PAAS) are required, to add a new type of amenity spaces (trails) and to make some minor adjustments to existing regulations.

**Amendments to Section 6, Design Standards for Publicly Accessible Amenity Space (PAAS)
as approved by the Zoning Board on 9/18/2023**

**SECTION 6 –DESIGN STANDARDS FOR PUBLICLY ACCESSIBLE AMENITY
SPACE (PAAS)¹**

6.A. PURPOSE AND APPLICABILITY

6.A.1. Purpose

The purpose of this Section is to provide requirements and design guidelines for all *Publicly Accessible Amenity Space (PAAS)* within the City of Stamford to assure consistency, usability and excellence in Urban Design.

6.A.2. Applicability

Publicly Accessible Amenity Spaces shall be required for any Development (excluding a change in use) as follows:

Zoning District	Minimum Lot size	Size of PAAS required (% of Zoning Lot Area)	Permitted PAAS
CC, C-D, C-G, DW-D, R-H, RH-D, TCD-D	1 acre	5%	Public Plazas, Through Block Connections, Publicly Accessible Waterfront Access, Publicly Accessible Parks, Community Rooms, Trails**

¹ [The Regulations for PAAS replace the previous Section 6 which regulated Accessory Buildings. The Accessory Building regulations were moved to Section 3.C. Definitions]

All waterfront*** properties in the CW-D, DW-D, R-H, RH-D, SRD-S, SRD-N, M-G, M-L zoning districts*	No minimum lot size	Based on the dimensional requirements in Subsection 6.C.3.	Publicly Accessible Waterfront Access
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* May be replaced with other types only if it conflicts with other water dependent uses under the Connecticut Coastal Management Act.

** Only Permitted when required PAAS is one acre or more in area.

*** Waterfront shall include both riverfront and shoreline on the Long Island Sound.

The requirement shall be met by one or a combination of the different types of PAAS provided for in Section 6.C. below.

6.B. GENERAL REQUIREMENTS FOR PUBLIC PLAZAS, THROUGH BLOCK CONNECTIONS, PUBLICLY ACCESSIBLE WATERFRONT ACCESS, PUBLICLY ACCESSIBLE PARKS AND TRAILS

All Publicly Accessible Public Plazas, Through Block Connections, Publicly Accessible Waterfront Access, Publicly Accessible Parks, and Trails shall meet the following requirements:

1. There shall be at a minimum a sign at each entrance point to the PAAS with no more than 60' 30" separation between signs, indicating at a minimum that the space is open to the public, the hours it is open and who is responsible for maintaining it. The size, material and contents of the sign shall be subject to approval by Zoning Board staff.
2. All PAAS shall be ADA accessible except as otherwise specified below.
3. All PAAS shall provide pedestrian access from a publicly accessible right of way or public easement. (223-31)
4. Property owner or manager shall ensure that the PAAS is well maintained in a condition which effectuates the purpose of this section, clean and litter free, and that trash receptacles are provided and regularly emptied.
4. All street furniture and fixtures shall be subject to final approval by Zoning Board and follow city specifications.
5. Deterrents to seating, such as spikes, rails or other impediments are prohibited within all PAAS unless otherwise approved by the Zoning Board. (223-31)
6. All paving shall be durable and non-slippery, and subject to approval by the Zoning Board, and follow city specifications.
7. All landscaping including plants and materials shall be subject to approval by the Zoning Board. Native and drought-resistant plants are strongly encouraged. (223-31)
8. A permanent, irrevocable public access easement, in form and substance approved by the City Law Department, shall be recorded on the land records for all required PAAS or for each PAAS for which a Zoning Bonus is sought. Modifications to a public access easement shall be subject to agreement by the easement grantor and grantee provided that such modification does not

significantly diminish or interfere with the public use of the *PAAS*. Public access easements related to Publicly Accessible Waterfront Areas shall also be referred to the Harbor Management Commission for review and recommendation where such area is within its jurisdiction.

9. A landscape maintenance agreement, in form and substance approved by the City Law Department, shall be recorded on the land records for all required *PAAS* or for each *PAAS* for which a Zoning *Bonus* is sought.
10. All *PAAS* shall be documented in an online database maintained by the City of Stamford and the database shall include photographs and information about all *PAAS*s including location, access, amenities, features, hours and rules of conduct. Information required for the database shall be provided to Zoning Board Staff by the property owner/manager.
11. Applicant's plans for each *PAAS* shall be subject to Site Plan *Approval* by the Zoning Board.
12. In zoning districts where there is a *PAAS* requirement, such requirement may be satisfied, in whole or in part, by a fee-in-lieu cash contribution to a City of Stamford account dedicated to pedestrian and open space improvements, as designated by the Director of Administration, pursuant to *Special Permit* approval the Zoning Board. (222-26)
 - a. Granting of any such *Special Permit* is at the sole discretion of the Zoning Board. In making its decision, the Board shall consider (i) the nature and location of the subject property, including its existing and proposed uses, and (ii) the proximity to, and condition of, existing public open space, amenity areas or pedestrian infrastructure.
 - b. Where a fee-in-lieu cash contribution is utilized, applicant shall not be eligible for any Bonus Floor Area that may be associated with the provision of a *PAAS*.
 - c. Where the provision of waterfront access is required by these or other regulations, a fee-in-lieu cash contribution may not be utilized.
 - d. The fee-in-lieu cash contribution shall be calculated at a rate \$35 for each square foot of required *PAAS* area. The fee per square foot shall be automatically adjusted annually on January 1st of each year by the Construction Cost Index, as published by the Engineering News Record (ENR), with January 2022 as the base.
 - e. All fee-in-lieu payments under this section must be received prior to issuance of a building permit. (222-26)
13. Where possible, *PAAS* shall include sustainability features, such as stormwater management features (e.g., bioswales, retention ponds, pervious pavers), sustainable materials and renewable energy production. (223-31)
14. Subject to approval by the Zoning Board, *PAAS* may be exempt from the *Lot Coverage* requirements if such exemption is necessary to meet the requirements of this Section 6. (223-31)

6.C. ADDITIONAL REQUIREMENTS FOR CERTAIN PAAS

The following additional requirements shall also apply to the following *PAAS*s:

6.C.1. Public Plazas

A Public Plaza is defined as an open space maintained by the property owner for public use that meets the requirements set forth below:

- a. All plazas shall be open to the public from at least dawn to dusk.
- b. The ratio between the long side and the short side of the plaza shall not be more than 2.5:1.
- c. At least 25% of the plaza area shall be landscaped with plants.
- d. At least 50% of the plaza area shall be unshaded (except for shade from trees) for at least five (5) consecutive hours when the sun is lowest, on or around December 21 of each year at the time of approval.
- e. At least 80% of the plaza area shall be open to the sky, and at least 33% of such open area shall be shaded by canopy trees or movable shade *Structures* such as umbrellas, gazebos or similar.
- f. Up to 25% of the plaza area may be used as outdoor eating and drinking space as part of a restaurant or café or outdoor stand. A temporary increase in the maximum outdoor eating and drinking space (up to a maximum of 40% of the plaza area) may be approved by the Land Use Bureau Chief or his/her designee.
- g. At least 50% of the street frontage shall be open and unobstructed.
- h. At least one seating space shall be provided for every 60 sf of plaza area. The following shall qualify as seating space:
 - (1) Chairs, movable or fixed, including lawn chairs, stools, or similar;
 - (2) Benches, with or without back, with one seating space per two feet of bench width; If backs are provided, they should be at least 14 inches high and reclined or contoured for comfort;
 - (3) Linear seating on stonewalls or similar, at least 16 inches high (but no more than 201 inches high) and at least 18 inches deep, with one seating space per two (2) linear feet; and
 - (4) Other, as approved by the Zoning Board.
- i. Where a proposed development includes publicly accessible sidewalks within the boundaries of the subject property, such sidewalk areas may be counted toward any *PAAS* requirement, as determined by the Zoning Board in consultation with the Land Use Bureau and the Transportation, Traffic and Parking Bureau; provided, however, that the sidewalk area counted towards the *PAAS* requirement shall not exceed 5% of the required *PAAS* area. (222-26)
- j. All public plazas shall be lit at a minimum of 2 horizontal foot candles for all walkable areas and 0.5 horizontal foot candles for all other areas. All site lighting shall be directed downward. Bollard lights shall be 40” or less in height. All light sources mounted on or within buildings that illuminate the Public Plaza must be shielded from direct view. In the event of a conflict

between this Subsection and the Lighting Ordinance, the Lighting Ordinance shall take precedence. (223-31)

6.C.2. Through Block Connections

A Through Block Connection is defined as publicly accessible amenity space between *Buildings* or *Structures* connecting two or more public or private streets that meets the requirements set forth below:

- a. All Through Block Connections shall be open to the public for at least ~~12~~ 14 hours per day starting at 7:00am
- b. All Through Block Connections shall be at least 200 feet from the nearest intersection or through-block connection.
- c. All Through Block Connections shall be at least ~~12~~ 20 feet wide and, if covered with a roof, shall have a floor to ceiling height of at least ~~10~~ 12 feet.
- d. All Through Block Connections shall have a paved pedestrian or multiuse trail with a clear width of at least 10 feet. (223-31)
- e. All Through Block Connections shall include landscape, lighting and paving material which enhances the pedestrian experience.
- f. Any visible exterior blank walls along the Through Block Connection shall be treated with landscaping (vines), murals or other methods to add visual interest to the connection as approved by Zoning Board. Commercial advertising signs shall be prohibited unless the Through Block Connection provides direct access to a commercial use. In such case, the sign regulations of the respective district shall apply.
- g. All Through Block Connections shall be lit at a minimum of 2 horizontal foot candles for all walkable areas and 0.5 horizontal foot candles for all other areas. All light sources mounted on or within buildings that illuminate the Through Block Connection must be shielded from direct view. (223-31)

6.C.3. Publicly Accessible Waterfront Areas

A Publicly Accessible Waterfront Area is defined as open space adjacent or connected to the waterfront that meets the requirements set forth below. Amenities which are provided as part of a Publicly Accessible Waterfront Area shall be in addition to, and shall not replace or substitute for, other water-dependent uses required under the Connecticut Coastal Management Act (CCMA). In the case of a conflict between the CCMA and these requirements, the CCMA will take precedence. All Publicly Accessible Waterfront Areas shall meet the following requirements:

- a. Publicly Accessible Waterfront Areas shall be required on all qualifying properties with direct waterfront access. (223-31)

- b. Publicly Accessible Waterfront Areas shall be at least 30 feet in width, measured from the Coastal Jurisdiction Line or the bulkhead line. (223-31)
- c. All Publicly Accessible Waterfront Areas shall be open to the public from at least dawn to dusk.
- d. All Publicly Accessible Waterfront Areas shall have access from a public right of way at least 15 feet wide with a paved walkway with a clear width of 10 feet. Remaining areas shall be landscaped. Access to the waterfront shall be provided at least every 1,000 feet. (223-31)
- e. All Publicly Accessible Waterfront Areas shall provide a shorefront walkway or boardwalk that includes at least a 10-foot-wide unobstructed pedestrian pathway.
- f. All Publicly Accessible Waterfront Areas shall permit bicycles, subject to site conditions.
- g. All Publicly Accessible Waterfront Areas may also include (in addition to the shorefront walkway or boardwalk) a waterfront plaza comprised of landscaped areas connected to the waterfront walkway or boardwalk.
- h. All Publicly Accessible Waterfront Areas shall include landscape, lighting and paving material which enhance the pedestrian experience, as approved by the Zoning Board.
- i. All Publicly Accessible Waterfront Areas shall provide at least one seating space for every 75 sf of Publicly Accessible Waterfront Area.
- j. All Publicly Accessible Waterfront Areas shall ensure that waterfront walkways or boardwalks are constructed of high quality and durable material (such as wood, composite or textured concrete) unless otherwise approved by the Zoning Board.
- k. All Publicly Accessible Waterfront Areas shall include an interpretive sign every 100 feet along the shorefront walkway or boardwalk, as well as directional signage at each entrance of the publicly accessible waterfront areas.
- l. All Publicly Accessible Waterfront Areas shall include focal features such as water features, artwork, and sculptures within the landscaped areas.
- m. All Publicly Accessible Waterfront Areas shall have lighting at a minimum of 2 horizontal foot candles for all walkable areas and 0.5 horizontal foot candles for all other areas. All light sources mounted on or within buildings that illuminate Publicly Accessible Waterfront Areas must be shielded from direct view and directed downward. Bollard lights shall be 40” or less in height. In the event of a conflict between this Subsection and the Lighting Ordinance, the Lighting Ordinance shall take precedence. (223-31)

6.C.4. Publicly Accessible Parks

A Publicly Accessible Park is defined as an open recreation space that meets the requirements set forth below:

- a. All publicly accessible parks shall be open to the public from at least dawn to dusk.

- b. A publicly accessible park shall be designed to encourage use by the public and shall provide at least one main entrance which includes signage with the park name, special paving and landscaping.
- c. At least 50% of the area shall be landscaped with plants and allow for large contiguous natural areas.
- d. At least 50% the park area shall be unshaded (except for shade from trees) for at least 5 consecutive hours when the sun is lowest, on or around December 21 of each year.
- e. At least 80% of the park area shall be open to the sky, and at least 20% of the park area open to the sky shall be shaded by canopy trees or movable *Structures* such as umbrellas, gazebos or similar.
- f. All parks shall include a variety of seating, benches, lighting, drinking fountains, trash receptacles, landscape types and space for both active and passive recreation.
- g. Parks larger than one (1) acre shall include at least one restroom and play area for children. The play areas shall be located at least 25' from the street and shielded from parking areas and driveways.
- h. At least 50% of the street frontage shall be open and unobstructed.
- i. At least one seating space shall be provided for every 60 sf of park area, and shall comply with the standards for seating space in Subsection 6.C.1.h above.
- j. Publicly Accessible Parks shall be lit at a minimum of 2 horizontal foot candles for all walkable areas and 0.5 horizontal foot candles for all other areas. All light sources mounted on or within buildings that illuminate the Publicly Accessible Park must be shielded from direct view.

6.C.5 Community Rooms

Community Rooms are defined as publicly accessible spaces within buildings which meet the following requirements:

- a. All Community Rooms shall be ADA accessible and accessible to the general public via a separate entrance from a public street, which is not shared with the principal use, with prominent signage identifying the community space, its availability and its use policies.
- b. All Community Rooms shall include bathrooms designated for those using the Community Room.
- c. All Community Rooms shall be equipped with electrical and mechanical systems including plumbing and HVAC systems unless otherwise approved by the Zoning Board through the Community Room Plan.
- d. The minimum floor to ceiling height of community rooms shall be 12 feet.
- e. No rent shall be charged for the use of the Community Room. There shall be no charge for the use of utilities such as electricity, gas, sewer and water.
- f. The applicant shall submit a plan (Community Room Plan) specifying the hours of operation including if applicable, times at which access is limited for the public, list of prospective users, advertising strategies and information about the organization responsible for programming the

Community Room. Applicant's plans for all Community Rooms shall be subject to approval by the Zoning Board.

- g. Annual reports regarding the actual usage of the Community Room shall be provided to Zoning Board staff.
- h. There shall be a sign at each entrance point to the Community Rooms, indicating that the space is open to the public, the hours it is open and who is responsible for maintaining it. There shall be directional signs at least every 30 feet indicating the locations of the entrances. The size, material and contents of all such signage shall be subject to approval by Zoning Board staff.
- i. Property owner or manager shall ensure that the Community Room is well maintained in a condition which effectuates the purpose of this section, is cleaned regularly, litter free and that trash receptacles are provided and regularly emptied.
- j. A permanent, irrevocable public access easement, in form and substance approved by the City Law Department, shall be recorded on the land records for all Community Rooms which are required or for which a *Zoning Bonus* is sought. Such easement may be amended subject to agreement by the easement grantor and grantee provided that such modification does not significantly diminish or interfere with the public use of the Community Room.
- k. All Community Rooms shall be documented in an online database maintained by the City of Stamford and the database shall include information about all Community Rooms including location, access, amenities, features, hours, rules of conduct and photographs. Information required for the database shall be provided to Zoning Board Staff by the property owner/manager.

6.C.6. Commuter Facility Spaces

Commuter Facility Spaces are defined as publicly accessible spaces serving commuters including direct pedestrian connections to train platforms or the Transportation Center, parking and operations areas for bus and shuttle operations, retail space, lobby and circulation space.

The applicant shall submit a plan specifying the hours of operation, and the organization responsible for maintaining the Commuter Facility Space, subject to approval by Zoning Board.

6.C.7. Trails (223-31)

A trail is a walkway through mostly natural areas allowing for the enjoyment of the natural environment.

All Trails provided as *Publicly Accessible Amenity Space* shall meet the following minimum requirements:

- a. Trails shall only be permitted if the required area for a *PAAS* is 30,000 sf or more.
- b. The Trail Area shall be determined by property lines. Where no property line exists the trail area shall be demarcated by a line 25 feet from the edge tread of the outermost trail.

- c. There shall be one parking space provided for every 10,000 sf of trail area for the first 430,000 sf. The *Parking Area* shall meet the dimensional requirements of Section 12, be located at the trail head and improved with gravel or other pervious materials.
- d. At the trail head there shall be a shelter with an area of at least 100 sf with trash receptacles, a bench at least six feet in width and a trail map. Interpretative maps and information are strongly encouraged.
- e. All Trails shall have pedestrian access from a publicly accessible right of way by a five-foot wide sidewalk.
- f. All Trails shall have a tread width of at least three feet. There shall be clearing of at least 24” in width on either side of the trail tread. The clearing height shall be no less than 10’ and clearing areas shall be regularly cleaned and maintained.
- g. The Trail surface shall consist of either paving, compacted aggregate or wood chips.
- h. All Trails shall be well marked. Signage shall be provided at least at every intersection or crossing.
- i. At least 30% of the Trail length must be level with continuous surfaces or with inclines less than 8.33% and accessible for people with limited mobility. Such portions of the Trail must be continuous and directly accessible from the parking and pedestrian access area. The surface of these Trail areas shall be level pavement or compacted aggregate. The remainder of the Trail is not be subject to the accessibility requirement. This requirement may be modified by *Special Permit* approval if the Board finds that site topography would prohibit such trail design and would lead to a significant impact on the natural environment.
- j. One six-foot wide bench shall be provided for every 500 feet of Trail length. Benches may be grouped at overlooks or similar areas.
- k. There shall be a dog waste station at each trailhead.
- l. All trails shall be unlit to protect the natural environment. Limited lighting at the trail head may be permitted for safety and security reasons.

6.D. REVIEW PROCEDURES FOR PUBLICLY ACCESSIBLE AMENITY SPACE

6.D.1. Site and Architectural Plan and / or Requested Uses Review Required

All PAAS shall be subject to Site and Architectural Plan and / or Requested Uses review pursuant to Section 19.D. of these regulations.

6.D.2. No Building Permit without Site Plan Review

Where approval of PAAS is required pursuant to this Section 6, no Zoning Permit shall be issued by the *Zoning Enforcement Officer* and no Building Permit shall be issued by the Building Department except upon Site Plan approval by the Zoning Board.

6.D.3. Additional Findings for Special Permits

Pursuant to *Special Permit* approval following a public hearing, the Zoning Board may modify the requirements of this Section 6, based on the findings of Section 19.C of these Regulations and the following additional findings:

- a. **Subsection 6.C.1.b.** (Ratio between plaza sides). The Zoning Board may allow modifications to this requirement if it finds that this would allow for a better overall design of the plaza and associated development.
- b. **Subsection 6.C.1.d. and 6.C.4.d.** (Limitation on *PAAS* covered in shade). The Zoning Board may allow modification to this requirement if it finds that shadows cast by pre-existing *Buildings* and *Structures* impact the amount of unshaded area available.
- c. **Subsection 6.C.1.e.** (Minimum open area, shaded area). The Zoning Board may allow modification of the minimum shaded area/canopy requirement for plazas smaller than 1,000 sf if it finds that required lines of sight at street intersections would prohibit plantings or if it finds that the proposed design is superior to a design following the requirements of this subsection.
- d. **Subsection 6.C.1.h., 6.C.3.i. and 6.C.4.i.** (Minimum seating). The Zoning Board may allow modification of seating requirement for plazas 1,000 sf or smaller in size or, in waterfront areas, if it finds that due to shoreline conditions along the waterfront public access areas, such as topography, elevation and presence of existing structures, the requirements of these subsections cannot be met. (223-31)
- e. **Subsection 6.C.3.c.** The Zoning Board may allow modification of minimum dimensions for Publicly Accessible Waterfront Areas if it finds that based on shoreline conditions such as topography, elevation and presence of existing structures, the requirements of this subsection cannot be met. (223-31)
- f. **Subsection 6.C.3.c.** The Zoning Board may waive the requirement for access to a public right-of-way if it finds that a required Publicly Accessible Waterfront Area is less than 100 feet wide, and access to a public right-of-way is provided through abutting Publicly Accessible Waterfront Areas. (223-31)
- g. **Subsection 6.C.3.f.** (Shorefront walkway/boardwalk dimension and amenity strip). The Zoning Board may allow modification of minimum dimension and amenity requirement of the shorefront walkway along portions of the shoreline if it finds that based on shoreline conditions such as topography, elevation and presence of existing structures, the requirements of this subsection cannot be met.
- h. The Zoning Board may permit additional types of *PAAS* if it finds that the proposed amenity meets the minimum size requirement and would be equal to or superior in design or function than one of the types of *PAAS* listed in Section 6.C.3. above. (223-31)
- i. For adaptive reuse sites where existing *Buildings* and *Structures* would interfere with these Regulations, the Zoning Board may modify the requirements of this Section 6 to accommodate

site conditions. If existing site conditions necessitate a reduction in size of the PAAS, applicant shall make a fee-in-lieu contribution for such reduction pursuant to Subsection 6.B.13. above. (223-31)

ADD Subsection 6.E. Bonus for Providing PAAS

Bonus Floor Area may be awarded by the Zoning Board by Special Permit to a *Development* where the amount of *PAAS* provided exceeds the minimum amount required to qualify for such bonus as set forth in the definition of *Floor Area, Bonus* in Section 3.

AMEND Section 4.B.11.h., R-HD District, as follows:

h. Public Amenity Requirement

~~On Zoning Lots one acre or larger, at least five percent (5%) of the *Lot Area* shall be provided as a *Publicly Accessible Amenity Space*. Portions of public sidewalks within the front setback pursuant to Section 4.B.11.d(8) on Applicant's property shall count towards this requirement. Public Access to the waterfront, meeting or exceeding the standards of Section 6, where required by the Master Plan, shall be provided and counted toward this requirement. (221-03)~~

Publicly Accessible Amenity Space (PAAS) shall be provided pursuant to Section 6 of these Regulations.

AMEND Section 9.F.12., TCD-D District, as follows:

9.F.12. Publicly Accessible Amenity Space Requirement (222-30)

~~On Zoning Lots one acre or larger, at least five percent (5%) of the *Lot Area* shall be provided as a *Publicly Accessible Amenity Space*. Those portions of the public sidewalk located on Applicant's property shall count towards this requirement, pursuant to the design requirements in Section 6 of these Regulations.~~

Publicly Accessible Amenity Space (PAAS) shall be provided pursuant to Section 6 of these Regulations.

AMEND Section 9.G.4.k, C-D-District, as follows:

k. Public Amenity Requirement. ~~For all *Development* or *Redevelopment* projects filed after December 1, 2021 at least five percent (5%) of the *Lot Area* shall be provided as a *Publicly Accessible Amenity Space* pursuant to Section 6 of these Regulations. Trails on Applicant's property shall count towards this requirement.~~

~~Public Access to the waterfront, meeting or exceeding the standards of Section 6, where required by the Master Plan, shall be provided and counted toward this requirement.~~

Publicly Accessible Amenity Space (PAAS) shall be provided pursuant to Section 6 of these Regulations.

Effective date of this Decision: October 4, 2023.

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

Dated at the City of Stamford this 22rd day of September 2023.