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REPORT OF THE REFERRALS COMMITTEE

September 2, 2008

Committee Chairman Jack Halpert called the meeting to order at 2:00 p.m. Also in attendance were Committee members Bob Byrnes, Amy Harris, Nathan Snyder, Michael Stashower and Margaret Wirtenberg. Paul Settelmeyer, Chair, Floyd Lapp, Executive Director, and Benjamin Henson, Regional Planner of SWRPA were also present. The Committee recommends the following actions related to the referrals reviewed at the meeting which was adjourned at 2:35 p.m.:

Referral No. 08-50 – Text Amendment, Zoning Regulations, Norwalk

Referrer: Norwalk Zoning Commission

Applicant: Norwalk Zoning Commission

Received: August 12, 2008

Hearing: September 17, 2008

Contact: Dori Wilson

Authority: 8-3b

Proposal: Amendment to *Article 120, Section 118-1220.C.13.a* of the Norwalk Building Zone Regulations which pertains to off-street parking requirements for banks and office buildings, specifically physicians, dentists and chiropractors' offices. The underlined text represents new language to be added to the regulations and text that is stricken through represents language to be deleted from the regulations.

Medical offices including physicians, dentists and chiropractors and related medical facilities: 1 parking space per 200 square feet of gross floor area; 5 parking spaces minimum ~~or 1 parking space per 200 square feet of active commercial floor area, whichever is greater.~~

Description: The amendment:

- Broadens the parking requirements to include all medical and related offices and not just physicians, dentists and chiropractors' offices;
- Alters the method for calculating the required minimum number of spaces to be based upon "gross floor area" instead of "active commercial floor area";
- Maintains a five space minimum requirement.

Staff Comments & Recommendation: The proposed changes expand the zoning regulations to encompass all medical uses. The *Buildings Zone Regulations of the City of Norwalk* define “floor area”, but not “active commercial floor area”. The changes sought by the proposed text amendments reduce the opportunity for misinterpretation and do not pose adverse inter-municipal impacts.

Referral No. 08-51 – Text Amendment, Zoning Regulations, Westport

Referrer: Westport Planning & Zoning Commission

Applicant: Westport Town Engineer’s Office

Received: August 18, 2008

Hearing: September 18, 2008

Contact: Michelle Frye

Authority: 8-3b

Proposal: Amendments to *Section 5-2 – Definitions (Fence or Walls)* and *Section 31-3 – Fences and Walls, Obstructions at Corners* of the *Westport Zoning Regulations and Subdivision Regulations*. The underlined text represents new language to be added to the regulations and text that is stricken through represents language to be deleted from the regulations.

5.2

Fence or wall: Any rigid barrier which serves to separate one portion of land from another and may serve to prevent intrusion. A wall or fence shall be located at least seven feet (7’) from the travel path of any street. (See §31-3, Fences and Walls, Obstructions at Corners)

31-3

Fences and Walls, Obstructions at Corners (see §5-2 Fence or Walls)

No fence or wall shall be located within seven (7) feet of the travel path of any street so as to maintain sight lines, provide for public safety, and facilitate roadway maintenance. On any lot, no planting, fence, ~~stone~~ wall, sign, building or other obstruction shall be extended within thirty (30) feet of any corner triangle formed by the intersecting right-of-way lines or protected street lines of any public or private street so as to interfere with traffic visibility around such corner. This restriction shall not apply to any building permitted by these regulations to extend within thirty (30) feet of any such corner.

Description: The amendments add the requirement that no wall shall be located within seven feet of the travel path of any street. The travel path includes the paved area where automobiles travel and not the entire right-of-way which includes pedestrian walkways (sidewalks). Also, all walls and not just stone walls will be restricted from being erected within any corner lot’s 30’ sight triangle.

Staff Comments & Recommendation: The changes sought by these amendments are intended to: allow sight lines to be maintained, facilitate roadway maintenance and provide for public safety and do not pose adverse inter-municipal impacts.

Referral No. 08-52 – Text Amendment, Zoning Regulations, Westport

Referrer: Westport Planning & Zoning Commission

Applicant: Richard Redniss

Received: August 19, 2008
Hearing: To be determined
Contact: Michelle Frye
Authority: 8-3b

Proposal: Amendment to *Section 6 – Non-Conforming Uses, Buildings and Lots* to create a new subsection *6-6 – Redevelopment of Split Zoned Properties*. The underlined text represents new language to be added to the regulations.

6-6 Redevelopment of Split Zoned Properties

6-6.1 Non-Conforming Buildings

Notwithstanding the above, on lots with a minimum of two hundred (200) feet of frontage on the Post Road containing three (3) or more acres zoned both GBD and Residence A at the time of the adoption of these regulations, a non-conforming building(s) and its uses may be allowed full or partial redevelopment, in either or both zones, provided the redevelopment shall result in the reduction, where applicable, of existing non-conformities of building coverage, total coverage, and floor area, for the entire site treated as a single zoning entity, subject to the following:

6-6.1.1 Redevelopment shall be pursuant to Special Permits and Site Plan review, consistent with §34, §35, §43, and §44, unless specifically modified by the Commission, as follows:

- (a) The requirement of Residential District Boundary setback per §24-4 shall not apply along the internal boundary line within the site; and
- (b) In the portion of the site zoned Residence A, floor area may be increased, provided, where applicable:
 - (i) The overall non-conforming floor area is reduced;
 - (ii) The overall non-conforming building coverage is reduced;
 - (iii) The overall non-conforming total coverage is reduced;
 - (iv) Non-conforming landscaped buffer strips are made to conform to the requirements of §35-2.4; and
 - (v) Undeveloped land in the Residence A zone is protected by a permanent conservation easement.

6-6.1.2 Where redevelopment is for a motel, hotel, motor inn, or tourist court, the Commission may determine that:

- (a) The size, location, and operation of “related eating facilities” and meeting room floor area warrants any additional parking spaces.

Description: The new subsection to §6 allows redevelopment of four existing non-conforming sites along Post Rd. in Westport with frontage over 200 ft. to be redeveloped in such a manner as to move toward compliance rather than fully meeting all requirements. The following four sites have been identified as those that will be affected:

- 399 Post Rd. W. (Citibank Shopping Center)
- 374 Post Rd. E. (Compo Acres Shopping Plaza)
- 1200 Post Rd. E. (Carriage Hill South)
- **1595 Post Rd. E. (Wesport Inn Hotel)**

Staff Comments & Recommendation: The regulations are written such that only these four sites will be affected, now and in the future. Of the four, only the Citibank Shopping Center site is near a neighboring community. Considering this, SWRPA recommends notification to the City of Norwalk Planning Commission and Zoning Commission of the proposed changes. Unless either Commission believes otherwise, the changes sought by these amendments do not appear to pose adverse inter-municipal impacts.

Referral No. 08-53 – Revisions, Subdivision Regulations, New Canaan

Referrer: New Canaan Planning & Zoning Commission

Applicant: New Canaan Planning & Zoning Commission

Received: August 21, 2008

Hearing: September 23, 2008

Contact: Steve Kleppin

Authority: 8-3b

Proposal: Revisions to the 1987 New Canaan Subdivision Regulations.

Description: Town Planner, Steve Kleppin, explains that the New Canaan Subdivision Regulations have not been updated since 1987 and that the proposed revisions do not affect lot sizes, and initiated primarily to:

- Conform with changes to Connecticut General Statutes;
- Address procedural changes to the subdivision process; and
- Update definitions and citations

Staff Comments & Recommendation: Considering the proposed changes are administrative in nature and do not affect land use, these amendments to not appear to pose any inter-municipal impacts; however, New Canaan borders Stamford, Darien, Norwalk and Wilton. SWRPA recommends notification to the municipalities of the proposed changes.

Referral No. 08-54 – Text Amendment, Zoning Regulations, Ridgefield

Referrer: Ridgefield Planning & Zoning Commission

Applicant: Ridgefield Planning & Zoning Commission

Received: August 22, 2008

Hearing: September 9, 2008

Contact: Betty Brosious

Authority: 8-3b

Proposal: Amendment to *Sections 5.2.C.9* and *5.3.C.7*. The underlined text represents new language to be added to the regulations and text that is stricken through represents language to be deleted from the regulations.

5.2.C.9 – Permitted Uses in the B-1 Zone

A single-family detached dwelling ~~conforming to the area requirements of the R-20 Zone,~~ provided that:

- a. The dwelling was in existence as of [insert date of adoption of amendment]; and
- b. The dwelling conforms to the area and bulk requirements of the R-20 Zone.

5.3.C.7. – Permitted Uses in the B-2 Zone

A single-family detached dwelling ~~conforming to the area requirements of the R-20 Zone,~~ provided that:

- a. The dwelling was in existence as of [insert date of adoption of amendment]; and
- b. The dwelling conforms to the area and bulk requirements of the R-20 Zone.

Description: The changes clarify that existing single-family residential uses in the B-1 and B-2 zoning districts may continue to be used and altered so long as they conform to the R-20 zoning requirements. The changes also clarify that *Sections 5.2.C.9* and *5.3.C.7.* do not permit R-20 residential uses to be constructed in the B-1 and B-2 zoning districts.

Staff Comments & Recommendation: A portion of a B-1 zoning district borders Wilton; however, the changes sought by these amendments do not appear to pose adverse inter-municipal impacts. SWRPA recommends notification to the Town of Wilton of the proposed changes.

Referral No. 08-55 – Text Amendment, Zoning Regulations, New Canaan

Referrer: New Canaan Planning & Zoning Commission

Applicant: New Canaan Planning & Zoning Commission

Received: August 26, 2008

Hearing: September 30, 2008

Contact: Steve Kleppin

Authority: 8-3b

Proposal: Amendment to *Section 3.4 – Permitted Accessory Structures.* See attachment #08-55 for proposed changes (shown in red).

Description: The proposed changes have three affects:

1) Establishing 1,000 sq. ft. maximum gross floor area requirements for the following permitted accessory structures:

Permitted by Zoning or Other Permit:

- Detached garage
- Minor detached accessory structure
- Accessory recreation structure

Permitted by Special Permit:

- Detached garage (that doesn't comply with Zoning Permit requirements)

2) Establishing that detached accessory residential structures, allowed by Special Permit, must comply with the setback requirements for principal structures in the applicable zoning district.

3) Establishing that accessory structures that would otherwise be permitted by a Zoning Permit, but exceed the above 1,000 sq. ft. gross floor area requirement may be permitted by a Special Permit and must comply with the setback requirements for principal structures in the applicable zoning district.

Staff Comments & Recommendation: The changes sought by these amendments affect all zoning districts in New Canaan, which borders Stamford, Darien, Norwalk and Wilton. While the changes sought do not appear to pose adverse inter-municipal impacts, SWRPA recommends notification to these municipalities of the proposed changes.

* SWRPA comments are advisory in nature and are meant to augment the referring community's own analysis of the application and in no way serve as a substitute. Whereas SWRPA comments evaluate conformity with the Regional Plan of Conservation & Development and may include additional observations, final recommendations of 'recommends Approval' or 'does not recommend Approval' are based exclusively on SWRPA's determination of whether or not inter-municipal impacts are anticipated.