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REPORT OF THE REFERRALS COMMITTEE

October 21, 2009

Committee Chairman Jack Halpert called the Monday, October 26, 2009 Referrals Committee meeting to order at 2:00 p.m. Also in attendance were Committee members, Mr. Robert Byrnes, Ms. Amy Harris, Mr. John Marr, Mr. Paul Settlemeyer and Mr. Michael Stashower. Mr. Benjamin Henson, Regional Planner of SWRPA was also present. Dr. Floyd Lapp, Executive Director of SWRPA participated via teleconference. The Committee recommends the following actions related to the referrals reviewed at the meeting which was adjourned at 2:39 p.m.:

Referral No. 09-53 – Text Amendment, Zoning Regulations, Ridgefield

Referrer: Ridgefield Planning & Zoning
Applicant: Ridgefield Planning & Zoning

Received: September 29, 2009
Hearing: November 4, 2009
Contact: Betty Brosius
Authority: 8-3b

Proposal: Amendments to Section 3.2.C.2 of the Ridgefield Zoning Regulations.

Description: The amendments are proposed to clarify that non-residential “public” uses on land owned or leased by the Town may be permitted with a Special Permit in the residential zones and also clarifies that “museums” are considered to be “institutional uses”. Text to be added is underlined; text to be removed is stricken –through:

3.2.C.2 – Special Permit Uses on Town-owned or Town-leased Land

2. Institutional Uses – Museums, educational, philanthropic, and religious uses, including residential or other uses customarily accessory to the above as determined by the Commission, and other public uses on land owned or leased by the Town of Ridgefield.

Staff Comments & Recommendation: The proposed amendments add museums and other public uses on land owned or leased by the Town to the list of uses customarily accessory to governmental uses which require Special Permit approval. The proposed changes do not appear to pose inter-municipal impacts.

Referral No. 09-54 – Text Amendment, Zoning Regulations, Ridgefield

Referrer: Ridgefield Planning & Zoning
Applicant: Ridgefield Planning & Zoning

Received: September 29, 2009
Hearing: November 4, 2009
Contact: Betty Brosius
Authority: 8-3b

Proposal: Amendments to Sections 3.5.F, 3.5.G and 3.6.C of the Ridgefield Zoning Regulations.

Description: The amendments are proposed to increase the permitted lot coverage and floor area for parcels with land area in excess of 2 acres. Text to be added is underlined; text to be removed is stricken –through:

3.5.F. – Maximum Lot Coverage

After May 1, 2007 (and as amended (date of adoption)), unless otherwise provided in these Regulations, the lot coverage (buildings) as defined in Sec. 2.2 (“Coverage” Related Terms) in any residential zoning district shall not exceed the following area:

<u>Lot Area</u>	<u>Allowed Lot Coverage</u>
Less than 7,500 SF	13% of the lot area
7,500 to 9,999 Sf	975 SF plus 10.0% of the lot area in excess of 7,500 SF
10,000 to 19,999 SF	1,225 SF plus 8.0% of the lot area in excess of 10,000 SF
20,000 to 43,559 SF	2,025 SF plus 6.0% of the lot area in excess of 20,000 SF
43,560 to 87,119 SF	3,440 SF plus 4.0% of the lot area in excess of 43,560 SF
87,120 to 130,679 SF	5,180 SF plus 3.0% <u>4.5%</u> of the lot area in excess of 87,120 SF
130,680 or more SF	6,490 <u>7,140</u> SF plus 2.0% <u>5.0%</u> of the lot area in excess of 130,680 SF

3.5.G. – Maximum Floor Area Ratio

After May 1, 2007 (and as amended (date of adoption)), unless otherwise provided in these Regulations, the floor area as defined in Sec. 2.2 (“Floor Area” Related Terms) of all buildings in any residential zoning district shall not exceed the following area:

<u>Lot Area</u>	<u>Allowed Floor Area</u>
Less than 7,500 SF	40% of the lot area
7,500 to 9,999 Sf	3,000 SF plus 12.0% of the lot area in excess of 7,500 SF
10,000 to 19,999 SF	3,300 SF plus 9.0% of the lot area in excess of 10,000 SF
20,000 to 43,559 SF	4,200 SF plus 7.0% of the lot area in excess of 20,000 SF
43,560 to 87,119 SF	5,850 SF plus 5.0% 6.0% of the lot area in excess of 43,560 SF
87,120 to 130,679 SF	8,030 <u>8,464</u> SF plus 4.0% <u>6.0%</u> of the lot area in excess of 87,120 SF
130,680 or more SF	9,770 <u>11,077</u> SF plus 3.0% <u>6.0%</u> of the lot area in excess of 130,680 SF

3.6.C – Lot Coverage Exceptions

1. The Commission may, by Special Permit, allow the maximum lot coverage on a residential lot parcel of less than two acres to be increased above the lot coverage limitation specified in Subsection 3.5.F provided that:

- a. A restriction shall be placed on the land records:
 - i. limiting the total building height on a portion of the lot that is or will be covered by a building to eighteen (18) feet and 1.5 stories, and
 - ii. encumbering with such limitation an area that is or will be covered by a building pursuant to the Special Permit which encumbered area is at least twice as large as the increased lot coverage allowed by the Commission, and
- b. no such lot coverage exception shall allow the total lot coverage to exceed one hundred forty percent (140%) of the area allowed for lot coverage by Subsection 3.5.F.

Staff Comments & Recommendation: The proposed amendments permit larger homes on all parcels of at least 2 acres (87,120 sq ft) in all residential zoning districts in Ridgefield. Ridgefield borders the Town of Wilton. The proposed changes appear to pose inter-municipal impacts. SWRPA recommends notification to the Town of Wilton of the proposed changes to its Zoning Regulations.

Referral No. 09-55 – Text Amendment, Zoning Regulations, Stamford

Referrer: Stamford Zoning Board – Land Use Bureau

Applicant: Sandak, Hennessey & Greco, LLP

Received: September 30, 2009

Hearing: November 9, 2009

Contact: Norman Cole

Authority: 8-3b

Proposal: Amendments to Article III, Section 7.6.E.4 and Section 9.M and Article V, Section 17.E and Section 19.2.4 of the Stamford Zoning Regulations.

Description: The amendments are proposed to increase the permitted extensions of time for zoning approvals. Text to be added is underlined; text to be removed is stricken –through:

Article III, Section 7.6.E.4 – Architectural Review Design District

Any approval for which a full building permit has not been issued within one (1) year from the approval date shall become null and void, unless an extension of time is applied for and granted, provided that no extension shall extend beyond ~~two~~ three years from the original approval date.

Article III, 9.M – Design Districts

No building permit shall be issued for construction shown on any site and/or architectural plans given final approval by the Zoning Boards after one (1) year has elapsed from the date of said final approval. In the case of R-D Designed Residential Districts where the proposed use is for twenty (2) or more dwelling units, individual building permits may be issued within three (3) years after the date of approval of the zone change to R-D. In addition, the Zoning Boards, upon timely application, may for good cause shown grant not more than ~~two~~ three one-year extensions of the time period within which building permits may be obtained.

Article V, Section 17.E – Zoning Permit

A Zoning Permit shall be valid for a period of one year only, unless the Zoning Boards of Zoning Board of Appeals has approved a phasing plan with a longer time period. ~~A Zoning Permit may be renewed for one additional year.~~ The Zoning Board or Zoning Board of Appeals shall have the authority to grant no

more than three additional one-year extensions provided the renewal is timely obtained ~~before the expiration of the initial permit~~ and a substantial amount of work on the project has been performed. This subsection 17-E shall not apply to Zoning Permits for signs.

Article V, Section 19.2.4.a – Variance

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~~ three one-year extensions of such time period.

Staff Comments & Recommendation: The proposed amendments are entirely clerical/administrative in nature and do not appear to pose inter-municipal impacts.

Referral No. 09-56 – Text Amendment, Zoning Regulations, Stamford

Referrer: Stamford Zoning Board – Land Use Bureau

Applicant: Redniss & Mead

Received: October 6, 2009

Hearing: November 9, 2009

Contact: Norman Cole

Authority: 8-3b

Proposal: Amendments to Sections 3 (Definitions) and 13 (Sign Regulations) of the Stamford Zoning Regulations:

Description: The proposed amendments include the following changes with text to be added underlined and text to be removed stricken-through:

94.1 Sign, Area

The total square footage area of the continuous perimeter enclosing the limits of writing, representation, emblem or other display on a sign, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, but not including any supporting framework, bracing or structures, provided that there is no written advertising copy on such framework, bracing or structures. When any sign permitted under this section has two (2) sign faces placed back to back against each other, or where the interior angle formed by two sign faces is sixty (60) degrees or less, and the sign faces are visible from opposite directions, the total surface area for such a sign is the surface area of only the largest of the two (2) sign faces. For any three-dimensional ground-mounted sign (i.e. cube) with up to five (5) sign faces, the total surface area for such a sign is twice (2x) the surface area of the largest sign face.

13.H.9

Where a building fronts on more than one street and is on a lot in excess of ~~three~~ two acres, the Zoning Board may permit a transfer of front wall signage rights to another front, side or rear wall of the building or to the wall of an attached garage that fronts on a street upon a finding that such transfer will result in

a sign or signs appropriate to the architecture of the building and which promotes identification of the building, and is consistent with the goals and policies of the Master Plan. Any such signage shall contain only the company name or logo of a person or entity having an ownership interest or the name or logo of the a tenant or tenants occupying the greatest not less than ten thousand (10,000) square feet of leasable floor area within the building, and shall not be used to promote a product line, services or like advertising. In addition, the Zoning Board may authorize, for the purpose of building identification, one ground mounted sign per four hundred (400) linear feet street frontage, each not to exceed eight (8) feet in width or depth, or twenty-one (21) feet in height, with an aggregate area, as described in Definition 94.1, not to exceed 0.75 square foot per linear foot of frontage on a public street. Notwithstanding paragraphs D(i) and H(7) above, such signs may be allowed within the front setback and Corner Visibility Areas, provided that the Zoning Board makes a finding that visibility will not be impaired. The Zoning Board may authorize the transfer of said signage rights and/or approval of said signs at such time as the initial approval of the building design or subsequently by issuance of a Special Exception. Once the transfer of such signage rights and/or location of ground signs have been approved, any future changes in number, size, location or display of such signage, within the established square footage limit, shall be subject to review and approval by the Zoning Board staff.

Staff Comments & Recommendation: The amendments to Section 3.A.94.1 are proposed to amend the definition of “sign, area” to include three-dimensional signs and their defined area. The amendments to Section 13.H.9 affect the Central City District North (CC-N) and Central City District South (CC-S) zoning districts, and have the following effects:

- Reducing the minimum applicable lot size from 3 to 2 acres;
- Whereas transfer of signage rights was previously limited to side or rear walls, permit transfer to another front wall;
- Permits multiple signs instead of a single sign to be included in the transfer;
- Permits display of multiple tenants instead of only one;
- Adding a requirement that said tenant(s) must occupy >10,000 sq. ft. within the building;
- Permits 1 ground sign for every 400 linear ft. of street frontage (max sign size 8 ft. x 21 ft. < 1.0 sq. ft. per linear ft. of street frontage on a *public* street);
- Grants transfer *and* approval authority to the Zoning Board; and
- Approval authority of all future changes in subject signage and signage rights to the Zoning Board

The proposed amendments have multiple effects to the signage requirements within the CC-N and CC-S zoning districts; however, these districts are located centrally in Stamford and do not contain land near Greenwich, New Canaan or Darien. No inter-municipal impacts are anticipated as a result of the adoption of the proposed changes.

Referral No. 09-57 – Text Amendment, Zoning Regulations, Wilton

Referrer: Wilton Planning & Zoning Commission

Applicant: Wilton Planning & Zoning Commission

Received: October 19, 2009

Hearing: To be determined

Contact: Robert J. Nerney

Authority: 8-3b

Proposal: Amendments to add new Sections 29-2.B.107, 29-6.A.3.r, 29-6.B.3.w and 29-6.C.4.n to the Wilton Zoning Regulations.

Description: The amendments are proposed to establish regulations governing the location of package stores selling alcoholic products. Text to be added is underlined; text to be removed is stricken – through:

29-2.B.107 (Definitions)

107. Package Store: A space located within a fully-enclosed building used exclusively for the retail sale of alcoholic liquor conducted in compliance with Chapter 545 of the Connecticut General Statutes.

29-6.A.3.r – Design Retail Business District (DRB)

Package Stores licensed by the State of Connecticut and engaged exclusively in the retail sale of alcoholic liquor products subject to the provisions of Section 29-10 and the following requirements:

- (1) All sales and display of products shall be conducted within a fully enclosed building.
- (2) A package store shall not be allowed within:
 - a. 1,000 feet of any public or private school building or
 - b. 500 feet from any religious facility.
- (3) Subparagraph 2 herein above shall not be applied in a retroactive manner to any package store lawfully established in accordance with these regulations and the laws of the State of Connecticut.

29-6.B.3.w – General Business District (GB)

Package Stores licensed by the State of Connecticut and engaged exclusively in the retail sale of alcoholic liquor products subject to the provisions of Section 29-10 and the following requirements:

- (1) All sales and display of products shall be conducted within a fully enclosed building.
- (2) A package store shall not be allowed within:
 - a. 1,000 feet of any public or private school building or
 - b. 500 feet from any religious facility.
- (3) Subparagraph 2 herein above shall not be applied in a retroactive manner to any package store lawfully established in accordance with these regulations and the laws of the State of Connecticut.

29-6.C.4.n – Wilton Center District (WC)

Package Stores licensed by the State of Connecticut and engaged exclusively in the retail sale of alcoholic liquor products subject to the provisions of Section 29-10 and the following requirements:

- (1) All sales and display of products shall be conducted within a fully enclosed building.
- (2) A package store shall not be allowed within:
 - a. 1,000 feet of any public or private school building or
 - b. 500 feet from any religious facility.
- (3) Subparagraph 2 herein above shall not be applied in a retroactive manner to any package store lawfully established in accordance with these regulations and the laws of the State of Connecticut.

Staff Comments & Recommendation: The proposed amendments define “Package Store” uses and add them to the list of uses permitted within the DRB, GB and WC zoning districts. A portion of the DRB zoning district abuts land in Norwalk and a portion of the GB zoning district abuts land in Redding. As such, the proposed changes may pose inter-municipal impacts. SWRPA recommends notification to Norwalk and Redding of the proposed changes.

Referral No. 09-58 – Text Amendment, Zoning Regulations, Westport

Referrer: Westport Planning & Zoning

Applicant: Fitzpatrick, Fray & Bologna

Received: October 21, 2009

Hearing: December 10, 2009

Contact: Michelle Perillie

Authority: 8-3b

Proposal: Amendments to add new Section 32.18 of the Westport Zoning Regulations.

Description: The amendments are proposed to modify occupancy requirements for historic structures and to require inspection and maintenance of historic structures prior to the issuance of the zoning permit. Text to be added is underlined; text to be removed is stricken –through:

32-18.9 – Permitted Uses of Historic Accessory Structure

32-18.92 Accessory Apartments: one historic accessory structure or portion thereof may be converted to allow the incorporation of one (1) additional dwelling unit on the premises subject to Special permit and Site Plan Approval in accordance with §43 herein, and all conditions associated with Section 11-2.4.12 Accessory Apartments except as modified herein:

- (a) Qualifications: no accessory apartment exists in the main dwelling unit nor does any other historic accessory structure contain a dwelling unit.
- ~~(b) Occupancy: the main dwelling unit or the historic accessory structure must be occupied by the principal owner of the property.~~
- (c) Eligibility: No age restriction.
- (d) Floor Area: the total floor area of the historic accessory structure used for a dwelling unit shall be the larger of the following:
 - i. The size of the historic accessory structure as of the effective date of this regulation.
 - ii. Up to 800 square feet, including additions to the original historic accessory structure.
 - iii. Up to 1,000 square feet, including additions to the original historic structure, if the unit is designated affordable in compliance with the affordability standards of Connecticut General Statutes Section 8-30(g) and is deed restricted on the Westport Land Records for 40 years as an affordable unit. (See 32-18.10).

32-18.9.3 Annual Certification: prior to the issuance of a Zoning Permit, a certificate in the form of an affidavit to verify that the principal owner is in residence or in possession or has inspected and performed necessary preservation maintenance of a special permit use. Thereafter, the principal owner shall submit such notarized affidavit to the Planning and Zoning Office by January 31st of each year as a requirement for the continuance of the Special Permit/HRS.

Staff Comments & Recommendation: The proposed amendments eliminate the requirement that either the main dwelling unit or the accessory apartment within an historic accessory structure be occupied by the principal owner of the property; and add the requirement that the principal owner must inspect and perform necessary preservation maintenance of subject property on an annual basis. The amendments affect all residential zoning districts. Residential districts about Weston, Wilton, Norwalk and Fairfield. As such, the proposed changes may pose inter-municipal impacts. SWRPA recommends notification to Weston, Wilton, Norwalk and Fairfield of the proposed changes.

Referral No. 09-59 – Text Amendment, Zoning Regulations, Greenwich

Referrer: Greenwich Planning & Zoning – Land Use Department

Applicant: Toscana Restaurant

Received: October 22, 2009

Hearing: December 12, 2009

Contact: Marek Kozikowski

Authority: 8-3b

Proposal: Amendments to Section 6-194(c) of the Greenwich Zoning Regulations.

Description: The amendments are proposed to clarify language pertaining to the location of alcoholic establishments in the Central Greenwich Business Retail (CGBR) zoning district. Text to be added is underlined; text to be removed is stricken –through:

6-194 – Location of Alcoholic Establishments

- (a) Every part of the location such use in a building in which alcoholic beverages are sold under a package store permit as defined by the Liquor Control Act shall be at least one thousand (1,000) feet distant from any other location of such use.
- (b) Every part of the location of such use in a building in which alcoholic beverages are consumed on the premises shall be (1,000) feet from any other location of such use in a building where alcoholic beverages are consumed on the premises under any class of permit as defined by the Liquor Control Act, except for restaurants with wine and beer permits in the GB Zone or package store or grocery/beer permits.
- (c) In the CGBR zone, the distance shall be at least four hundred (400) feet distant from any other location within the CGBR zone of such use in a building where alcoholic beverages are consumed on the premises under any class of permit except for package store or grocery/beer permits. Public areas of a tavern or restaurant selling alcoholic beverages under any permit as defined by the Liquor Control Act in the CGBR and CGIO zones are restricted to the ground floor of the building. (See Sec. 6-103.1 (B))
- (d) For definitions of tavern, restaurant, café see Liquor Control Act.
- (e) No Café Permits are permitted anywhere. No Club Liquor Licenses are permitted other than for Non-Profit Clubs.

Staff Comments & Recommendation: The proposed amendments clarify that the 400 feet distance requirement of 6-194(c) pertains to properties within the CGBR zoning district and not those of adjacent zoning districts. The CGBR zoning district does not contain any land near or adjacent to Stamford. No inter-municipal impacts are anticipated as a result of the proposed changes.

¹ 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.