

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
July 1, 2019

Application Number: Proposed Amendment to the Darien Zoning Map (COZM #1-2019)
Proposed Amendments to the Darien Zoning Regulations (COZR #1-2019)
put forth by the Town of Darien Planning & Zoning Commission.

Names and Address of: Darien Planning & Zoning Commission
Applicant(s): 2 Renshaw Road
Darien, CT 06820

Activity Being Applied For: Proposal to comprehensively amend, reorganize, and renumber the town's Business and Office Zone Regulations, consistent with the 2016 Town Plan of Conservation & Development. Article VI, Business Zone Regulations, is proposed to be moved to a new Article VII, Business and Office Zone Regulations (previously Office Zone Regulations), beginning at Section 720; Proposal to amend the Darien Zoning Map to reflect the text amendments; and to combine certain non-residential zones (SB-E, & SB; DB-1 & DB-2; DOR-1, DOR-5 & OB).

Date of Public Hearings: March 19, 2019, continued to April 11, 2019, continued to May 14, 2019
Deliberations Held: May 28, 2019, June 4, 2019, July 1, 2019

Time and Place: 8:00 p.m. Mather Center Café Extension (3/19 and 4/11 hearings),
Room 206 of Town Hall (5/14 hearing)

Publication of Hearing Notices

Dates: March 7, 2019 & March 14, 2019 Newspaper: Darien Times

Date of Actions: Monday, July 1, 2019

ZONING MAP AMENDMENT: ADOPTED WITH AN EFFECTIVE DATE OF
SUNDAY, AUGUST 11, 2019 AT 12:01 P.M.

ZONING REGULATION AMENDMENT: ADOPTED WITH MODIFICATIONS WITH AN
EFFECTIVE DATE OF SUNDAY, AUGUST 11,
2019 AT 12:01 P.M.

Scheduled Date of Publication of Action: Newspaper: Darien Times
July 11, 2019

The Commission has conducted its review and findings on the bases that:

- the proposed zoning map amendments and zoning regulation amendments must be consistent with the 2016 Town Plan of Conservation & Development for the Commission to adopt the amendments.

Following review of the submitted application materials and related analyses, the Commission finds:

1. The submitted subject application, put forth by the Town of Darien Planning & Zoning Commission, consists of:

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- a) A proposal to comprehensively amend, reorganize, and renumber the town’s Business and Office Zone Regulations, consistent with the 2016 Town Plan of Conservation & Development. Article VI, Business Zone Regulations, is proposed to be moved to a new Article VII, Business and Office Zone Regulations (previously Office Zone Regulations), beginning at Section 720.
- b) A proposal to amend the Darien Zoning Map to reflect the text amendments; and to combine certain non-residential zones (SB-E, & SB; DB-1 & DB-2; DOR-1, DOR-5 & OB).

ZONING MAP AMENDMENTS

- a) The following non-residential zoning districts are proposed to be merged:
 - 1. Combining the SB and SB-E Zones into the SB Zone
 - 2. Combining the OB, DOR-1 and DOR-5 Zones into the DO Zone
 - 3. Combining the DB-1 and DB-2 Zones into the DB Zone
- b) As noted within the zoning booklets prepared by Planimetrics leading up to the formal submittal of this application by the Planning & Zoning Commission, these non-residential zones are similar in nature. Many of the proposed map and regulation amendments put forth are an outgrowth from recommendations within the 2016 Town Plan of Conservation & Development.

ZONING REGULATION AMENDMENTS

- 2. The business zoning update is intended to help address the following policy issues:
 - a) Address the existing “Convenience Food Service” issue by creating new restaurant categories which will not limit or restrict indoor seating.
 - b) Combine certain business zones within the community
 - a) Combine the SB and SB-E Zones into the SB Zone
 - b) Combine the OB, DOR-1 and DOR-5 Zones into the DO Zone
 - c) Combine the DB-1 and DB-2 Zones into the DB Zone
 - c) Amendments to the Municipal Use Zone (MU) (Section 420) to clarify the nature of the MU Zone as an overlay zone.
 - d) Allow restaurants in the Neighborhood Business (NB) Zone, where traditionally, they have never been allowed, but restaurants do now exist (Jennifer’s Kitchen, Mama Carmelas, Papa Joes, Roost).
 - e) Allowing personal service uses by Special Permit in the Designed Commercial (DC) Zone. Traditionally, personal service uses required a Special Permit.
 - f) Amend the parking requirements and add new parking requirements for certain categories (Modify Sections 904, 906, 908, 944).
 - 1. Delete certain requirements such as for “Dinner Theater”;
 - 2. Parking requirements to reflect new categories of food service.
 - g) Greatly expand uses within Darien’s office zones, allowing three-story buildings, and reducing the number of office zones from three to one.
 - h) Clarifying drive-through uses - what zones should allow drive-through restaurants and which zones should allow drive-through or drive-up banks.
 - i) Clarify which zones will specifically allow parking structures.
- 3. The business zoning sections of the Regulations are to be renumbered as follows:

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Prior Section Number	New Section Number
600 - Neighborhood Business Zone (NB)	780 – Neighborhood Business Zone (NB)
610 - Designed Business One Zone (DB-1)	760 – Designed Business Zone (DB)
620 - Designed Business Two Zone (DB-2)	760 – Designed Business Zone (DB)
630 - Designed Commercial Zone (DC)	770 – Designed Commercial Zone (DC)
640 – (none)	
650 - Central Business District Zone (CBD)	720 - Central Business District Zone (CBD)
660 - Service Business Zone (SB)	750 - Service Business Zone (SB)
670 - Service Business East Zone (SB-E)	750 - Service Business Zone (SB)
680 - Noroton Hts. Redevelopment Zone (NHR)	740 - Noroton Heights Business Zone (NH)
690 – CBD – Corbin Sub-Area	730 – CBD – Corbin Sub-Area (CBD-CS)
700 - Designed Office / Research Zones (DOR)	790 – Designed Office Zone (DO)
710 - Office Business Zone (OB)	790 – Designed Office Zone (DO)

4. During the public hearing, one of two items which sparked the most public comments was the changes presented regarding the Municipal Use (MU) zone. That zone is now in Section 420 of the Zoning Regulations. The Commission believes that the changes put forth regarding the MU zoning regulations are appropriate, and consistent with the 2016 Town Plan of Conservation & Development. The subject application does not change which properties that the MU Zone would be applied to. That is the subject of a separate, related application, also put forth by the Darien Planning & Zoning Commission (Amendments to the Darien Zoning Map (COZM #3-2019).
5. It was noted that the MU Zone would be applied to properties that are municipally-owned or used for municipal purposes. This could allow greater flexibility regarding setbacks, height and building coverage. However, implementing MU Zone standards would require that the use be considered a Special Permit use.
6. At the public hearing, there was also concern regarding changes to the Service Business (SB) zone, and how a potential merging with the SB-E zone into one combined, Service Business zone could affect current limits and restrictions on Permitted Principal Uses and Principal Uses Requiring a Special Permit. During deliberations, the Commission believes that it would be appropriate to maintain a provision now in Section 664b and 674b of the Regulations (within the current SB and SB-E zones), which reads as follows:
 - b. Restaurants provided that at least 1,200 square feet of indoor space shall be devoted to customer tables and seating area.*
Thus, this provision, which will now be included in the combined zone, will not be changing.

CONSISTENCY WITH THE 2016 TOWN PLAN OF CONSERVATION & DEVELOPMENT

7. Chapter 11 of the 2016 Town Plan of Conservation & Development is entitled “Guide Business and Economic Development”. Within that chapter, there are recommendations to modifying some of the existing zoning districts to better meet community goals and objectives.

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8. The changes to the parking standards are consistent with recommendation 11 on page 112 of the Town Plan which reads as follows: “Review the parking requirements in the zoning regulations.”
9. The Commission finds that the proposed zoning map amendments are consistent with the 2016 Town Plan of Conservation & Development (the POCD or “Town Plan”).
10. The Commission finds that the proposed zoning regulation amendments are consistent with the 2016 Town Plan of Conservation & Development (the POCD or “Town Plan”).

NOW THEREFORE BE IT RESOLVED that Amendment to the Darien Zoning Map (COZM #1-2019), is hereby adopted as follows:

- A. The Commission specifically adopts the zoning map amendments as shown on the following attached Zoning Map, dated August 11, 2019 submitted as part of this application. The map amendments, shown on 11” x 17” in color as part of the submitted application, are solely to merge the zoning districts as noted above. No individual parcel changes are proposed.

NOW THEREFORE BE IT RESOLVED that Amendment to Darien Zoning Regulations (COZR #1-2019), is hereby adopted with modifications as follows:

- A. The Commission specifically adopts the zoning regulation amendments as shown in the following attached pages of the Darien Zoning Regulations.

Proposed Zoning Regulation amendments (Sections 210, 311, 420, 600, 610, 620, 630, 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 790, 904, 906, 932, 943, 944, 1112) and associated related changes to the inside cover page, Table of Contents and Appendix ‘C’ of the Regulations.

- B. As noted above, the Commission is “carrying over” the provisions of Sections 664b and 674b into the new, combined SB zone. That provision will be included in the new zoning district.
- C. While one of the proposals under consideration was to eliminate Hotels, Motels and Inns as a use (and change other associated regulations regarding that use), during deliberations, the Commission decided to NOT amend the regulations regarding Hotels, Motels and Inns.

These amendments to the Darien Zoning Regulations shall become effective at 12:01 P.M on Sunday, August 11, 2019.