

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
June 22, 2021

Application Number: Amendments to the Darien Zoning Regulations (COZR #5-2021)

Name and Address of Applicant: Darien Planning & Zoning Commission
Darien Town Hall
c/o 2 Renshaw Road
Darien, CT 06820

Activities Being Applied For: Proposal to amend Sections 504, 525, 525.1, and 544 of the Darien Zoning Regulations to eliminate reference to required minimum square footage/floor area of residential dwelling units in the DBR, DMR, and 3.7AH zones. The full text of the proposed zoning regulation amendment is on file and available in the Town Clerk's office and the Planning and Zoning Office for inspection, and online at www.darienct.gov/pzcpendingapplications.

Date of Public Hearing: May 4, 2021 continued to June 8, 2021

Deliberations Held: June 8, 2021 and June 22, 2021

Time and Place: 7:30 p.m. online via GoToMeeting Darien Town Hall

Publication of Hearing Notices

Dates: April 22 & 29, 2021

May 27 & June 3, 2021

Newspaper: Darien Times

Date of Action: June 22, 2021

ADOPTED WITH AN EFFECTIVE DATE OF
SUNDAY, AUGUST 1, 2021 AT 12:01 P.M.

Scheduled Date of Publication of Action:
Thursday, July 1, 2021

Newspaper: Darien Times

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

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

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

THE COMMISSION'S PROPOSAL

1. The subject application is to amend Sections 504, 525, 525.1, and 544 of the Darien Zoning Regulations to eliminate reference to required minimum square footage/floor area of residential dwelling units in the DBR, DMR, and 3.7AH zones. These items in the Area and Bulk Requirement tables within those zoning districts set a "Minimum Floor Area of Dwelling Units" or "Minimum Floor Area of a Dwelling Unit" as 600 square feet.
2. It was specifically acknowledged during the public hearing that at this time, the Commission is not seeking to modify any requirements in the Leroy West Affordable Housing Overlay Zone

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(LW). The reason is that there is currently pending litigation regarding the property in that zone. It is possible that a similar subsequent proposal could be put forth over the next few months regarding the minimum floor area requirements now found in that zoning district.

RECENT BILLS/LEGISLATION

3. The Commission notes that during the application process the Connecticut State Legislature was considering Substitute House Bill Number 6107 that would prohibit zoning regulations from establishing "...a minimum floor area that is greater than the minimum floor area set forth in the applicable building, housing or other code..." In early June 2021, the Governor signed that bill into law as Public Act 21-29.
4. At the public hearings, it was noted that the Garden Homes project at 397 Boston Post Road, currently contains very small studio and one bedroom units. Some of those are as small as 400 square feet. That project is an example where unit sizes are less than 600 square feet in size.
5. As required by State Statute, the proposal was referred to the Cities of Norwalk and Stamford, the Town of New Canaan, and the State of CT DEEP. It was also filed with the Darien Town Clerk and posted on the Town of Darien web site online at www.darienct.gov/pzcpendingapplications. In an April 15, 2021 e-mail, WestCOG sent a comment noting that "the opinion of WestCOG staff is that the proposal is of local interest and with minimal inter-municipal impact. Therefore, it is not being forwarded to adjacent municipalities and the regional staff is making no comment. No other written public comments were received.

CONCERNS VOICED AT PUBLIC HEARING

6. At the public hearings, there were no members of the public who spoke regarding this application.

REQUIRED FINDING OF CONSISTENCY WITH 2016 TOWN PLAN OF CONSERVATION & DEVELOPMENT

7. There are two references in the 2016 Town Plan of Conservation & Development which relate to this application. These are as follows:
 - a. Page 106 Action Step #8 – "Evaluate and consider eliminating size restrictions for multi-family units and rely instead on building size and bulk standards."
 - b. Page 169 Action Step #7 – "Update Zoning Regulations to implement strategies, policies, and action steps in the POCD."
8. The Commission therefore finds that the proposed modifications to Sections 504, 525, 525.1, and 544, ARE consistent with the 2016 Town Plan of Conservation & Development. These will also bring the Town of Darien into compliance with Substitute House Bill #6107, which prohibits zoning regulations from establishing minimum floor area sizes. That bill has since been signed into law, and takes effect later on October 1, 2021.

EFFECTIVE DATE

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9. In order for to give time for the adopted changes to be filed with the Darien Town Clerk, posted to the Town web site, and new pages printed in the hard copies of the zoning regulations, the Commission hereby sets an effective date of Sunday August 1, 2021 at 12:01 p.m.

NOW THEREFORE BE IT RESOLVED that the Amendment to the Darien Zoning Regulations (COZR #5-2021) are hereby **ADOPTED**, subject to the foregoing and following modifications and understandings:

To summarize, the amendments are to eliminate any references or requirements regarding minimum floor area of dwelling units in the Area and Bulk Requirements in the following zoning districts:

- Section 504. Designed Business and Residential Zone (DBR Zone)
- Section 525. Designed Multi-Family Residential Zone (DMR Zone)
- Section 525.1. Designed Multi-Family Residential Zone (DMR Zone)
- Section 544. 3.7 Acre Hollow Tree Ridge Road Small Acreage Zone for Affordable Housing (3.7AH Zone)

NEW WORDING UNDERLINED AND BOLD; DELETIONS IN STRIKEOUT:
(Appendix C of the Zoning Regulations to be amended accordingly.)

All items in the chart after the item to be removed are to be renumbered so as to not have a numbering gap (i.e. If item #6 in the chart is to be removed, item #7 will become #6, etc.)

504. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	2 acres (87,120 sq. ft.)
2. Minimum Lot Frontage	150 (see Note a)
3. Minimum Lot Width (Average)	250
4. Minimum Lot Depth (Average)	200
5. Average Floor Area of All Dwelling Units	1200 ft. (See note e)
6. 6. Minimum Floor Area of Dwelling Units	600. ft.
7. 6. Minimum Front Yard	30
8. 7. Minimum Side Yard	25
9. 8. Minimum Rear Yard	25 (See Note b)
10. 9. Maximum Height	2 ½ stories or 28 ft. (See Note c)
11. 10. Maximum Building Coverage	20% (See Note d)
12. 11. Maximum Floor Area Ratio (Subsection 515)	0.30 (0.12 offices + 0.18 multi-family)

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13. 12. Maximum Building Size	8000 ft.		
14. 13. Maximum Dwelling Units/Building	10		
15. 14. Maximum Density	Senior Housing Standard	Incentive	Moderate Income Incentive
Dwelling Units/Gross Acre	8	12	+ 40% over standard
Bedrooms/Gross Acre	16	18	+ 40% over standard

Notes:

- a. Frontage shall be on either Boston Post Road, Old Kings Highway North or Leroy Avenue.
- b. If located within 100 feet of any residential zone, a 50 foot minimum rear yard shall be required.
- c. Occupancy shall be limited to two stories, and half of the basement (based upon one-half the total square footage of the first floor) may be occupied and finished as well.
- d. May be increased to 25% to permit senior housing or moderate income housing incentives. Total coverage of the site including accessory buildings, parking and other paved areas, terraces and pedestrian sidewalks shall not exceed 50% of the site area.
- e. The average floor area of all dwelling units may be increased from 1200 square feet to as much as an average of 1800 square feet provided the density and/or maximum number of dwelling units is reduced by 30%, so that the size, number and bulk of the buildings and related development is not increased due to the larger size of the units.

[Amended 12/31/2000; 6/30/2002]

525. Area and Bulk Requirements for Special Permit Uses (not including Affordable Housing Developments)

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	3 acres (130,680 sq. ft.)
2. Minimum Lot Frontage Any accessway must be a minimum of fifty (50) feet wide with paved, primary or main access drives twenty-six (26) feet wide and constructed to Town standards and secondary drives twenty-four (24) feet in width.	None
3. Minimum Lot Width (Average)	200
4. Minimum Lot Depth (Average)	200
5. Maximum Average Gross Floor Area of all Dwelling Units	1500 sq. ft. (see note a)

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6. Minimum Floor Area of Dwelling Units	600 sq. ft.
7. <u>6.</u> Minimum Front Yard	50
8. <u>7.</u> Minimum Distance Between Any Structure and Interior Access Drives	30
9. <u>8.</u> Minimum Side Yard	25
10. <u>9.</u> Minimum Rear Yard	50
11. <u>10.</u> Minimum Distance between any proposed structure and the nearest location of an existing or potential single-family detached residential parcel	100
12. <u>11.</u> Maximum Height	2 ½ stories or 28 feet
13. <u>12.</u> Maximum Building Coverage	20%
14. <u>13.</u> Maximum Floor Area Ratio (FAR)	0.15
15. <u>14.</u> Maximum Average Building Size	8,000 sq. ft.

Notes:

- a. The average floor area of all dwelling units may be increased from 1500 square feet to as much as an average of 2000 square feet provided the density and/or maximum number of dwelling units is reduced by 30%, so that the size, number and bulk of the buildings and related development is not increased due to the larger size of the units.
[Amended 12/31/2000]

525.1 Area and Bulk Requirements for Affordable Housing Developments

The following requirements should be deemed to be the minimum or maximum requirements for Affordable Housing Developments, as defined in Section 524:

1. Minimum Lot Area	3 acres (130,680 sq. ft.)
2. Minimum Lot Frontage Any accessway must be a minimum of fifty (50) feet wide with paved, primary or main access drives twenty-six (26) feet wide and constructed to Town standards and secondary drives twenty-four (24) feet in width.	None
3. Minimum Lot Width (Average)	200 ft.
4. Minimum Lot Depth (Average)	200 ft.
5. Maximum Average Gross Floor Area of all Dwelling Units	1500 sq. ft. (see note a)
6. Minimum Floor Area of Dwelling Units	600 sq. ft.
7. <u>6.</u> Minimum Front Yard	50 ft.
8. <u>7.</u> Minimum Side Yard	25 ft.
9. <u>8.</u> Minimum Rear Yard	25 ft.

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10-9. Minimum Distance Between Any Proposed Structure and the nearest location of an Existing or Potential Single-Family Detached Residential Parcel	50 ft.
11-10. Maximum Height	2 ½ stories 28 feet
12-11. Maximum Building Coverage	20%
13-12. Maximum Floor Area Ratio (FAR)	0.20
14-13. Minimum Front, Side and Rear Yard for Drives, Outside Parking Spaces, and Utility Structures	None.

Notes:

- a. The average floor area of all dwelling units may be increased from 1500 square feet to as much as an average of 2000 square feet provided the density and/or maximum number of dwelling units is reduced by 30%, so that the size, number and bulk of the buildings and related development is not increased due to the larger size of the units.

544. Area and Bulk Requirements for Special Permit Use

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	2.0 acres
2. Maximum Lot Area	5.0 acres
3. Minimum Lot Frontage	50' accessway required to a public street and a second accessway for emergency purposes.
4. Minimum Lot Width (Average)	100'
5. Minimum Lot Depth (Average)	100'
6. Maximum Average Gross Floor Area of all Dwelling Units	1875 sq. ft.
7. Minimum Floor Area of a Dwelling Unit	600 sq. ft.
8-7. Minimum Front Yard	25'
9-8. Minimum Distance Between Any Structure containing dwelling units and Interior Access Drive	15'
10-9. Minimum Side Yard	12.5'
11-10. Minimum Rear Yard	25'
12-11. Minimum Distance between any proposed structure and the nearest location of an existing or potential Single-family detached residential parcel which is in a different zone	50'
13-12. Maximum Height (See Note a)	3-1/2 stories or 35 feet
14-13. Maximum Building Coverage	25%

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10. 14. a. Maximum Floor Area Ratio (FAR) for affordable housing use.	0.20
b. for Self-storage use (See Note a)	0.70
11. 15. a. Maximum Average Building Size for affordable housing use.	10,000 sq. ft.
b. for Self-storage use (See Note a)	120,000 sq. ft.
17. 16. a. Maximum Density for Affordable Housing	9 units per net acre (as defined in Section 545c)
18. 17. Open Space	At least 500 sq. ft. per dwelling unit minus any private terrace areas and balcony areas for the units
19. 18. Building Separation:	
Wall with windows to another wall with windows	25'
Wall with windows to wall without windows	10'

The effective date of these zoning regulation amendments is as listed on page 1 of this decision.