

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 12, 2021

Application Number: Amendments to the Darien Zoning Regulations (COZR #7-2021)

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 Section 593 of the Darien Zoning Regulations to eliminate the reference to ‘Minimum Gross Floor Area of each Dwelling Unit’ and ‘Minimum Floor Area of each Dwelling Unit’ in the Leroy-West Affordable Housing Overlay Zone (LW). 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 *darienct.viewpointcloud.com*.

Date of Public Hearing: October 5, 2021

Time and Place: 7:30 P.M. Room 213 (Town Hall) and via GoToMeeting (Virtual)

Publication of Hearing Notices

Dates: September 23 & 30, 2021

Newspaper: Darien Times

Date of Action: October 12, 2021

Action: **ADOPTED WITH AN EFFECTIVE DATE OF, NOVEMBER 7, 2021 AT 12:01 P.M.**

Scheduled Date of Publication of Action:
October 21, 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 Section 593 of the Darien Zoning Regulations to eliminate the reference to ‘Minimum Gross Floor Area of each Dwelling Unit’ and ‘Minimum Floor Area of each Dwelling Unit’ in the Leroy-West Affordable Housing Overlay Zone (LW). These items in the Area and Bulk Requirement table within the LW Overlay Zone set a ‘Minimum Gross Floor Area of each Dwelling Unit’ as 1,600 square feet and a ‘Minimum Floor Area of each Dwelling Unit’ as 500 square feet.

PLANNING & ZONING COMMISSION
ADOPTED RESOLUTION
PROPOSED AMENDMENTS TO THE DARIEN ZONING REGULATIONS (COZR #7-2021)
PUT FORTH BY DARIEN PLANNING & ZONING COMMISSION
RE: ELIMINATION OF MINIMUM FLOOR AREA REQUIREMENTS
IN THE LEROY-WEST AFFORDABLE HOUSING OVERLAY ZONE (LW)
OCTOBER 12, 2021
PAGE 2

RECENT BILLS/LEGISLATION

2. The Commission notes that in early June 2021, the Connecticut Governor signed Public Act 21-29 into law with an effective date of October 1, 2021. The law prohibits 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(s).
3. As required by State Statute, the proposal was filed with the Darien Town Clerk and posted on the Town of Darien web site online at: www.darienct.viewpointcloud.com.

CONCERNS VOICED AT PUBLIC HEARING

4. At the public hearings, there were no members of the public who spoke regarding this application. No written public comments were received by the Commission on the application.

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

5. 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.”
6. The Commission therefore finds that the proposed modifications to Section 593 is consistent with the 2016 Town Plan of Conservation & Development. This amendment will also bring the Town of Darien into compliance with Public Act 21-29, which prohibits zoning regulations from establishing minimum floor area sizes. That bill was signed into law in June 2021 and took effect on October 1, 2021.

EFFECTIVE DATE

7. 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 November 7, 2021 at 12:01 p.m.

NOW THEREFORE BE IT RESOLVED that the Amendment to the Darien Zoning Regulations (COZR #7-2021) are hereby **ADOPTED**, subject to the foregoing and following modifications and understandings:

DELETIONS IN STRIKEOUT:

(Appendix C of the Zoning Regulations to be amended accordingly.)

PLANNING & ZONING COMMISSION
ADOPTED RESOLUTION
PROPOSED AMENDMENTS TO THE DARIEN ZONING REGULATIONS (COZR #7-2021)
PUT FORTH BY DARIEN PLANNING & ZONING COMMISSION
RE: ELIMINATION OF MINIMUM FLOOR AREA REQUIREMENTS
IN THE LEROY-WEST AFFORDABLE HOUSING OVERLAY ZONE (LW)
OCTOBER 12, 2021
PAGE 3

593. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of an application.

Minimum Lot Area	20,000 s.f.
Minimum Lot Frontage	100 feet
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Gross Floor Area of each dwelling unit	1,600 s.f.
Minimum Floor Area of each dwelling unit	500 s.f.
Minimum Front Yard (for dwelling units and accessory structures)*	5 feet
Minimum Side Yard (for dwelling units and accessory structures)	8 feet
Minimum Rear Yard (for dwelling units and accessory structures)	8 feet
Maximum Height in Stories	3 stories
Maximum Height in Feet	40 feet
Maximum Building Coverage	None
Maximum Density	16 total units
Minimum Front, Side, and Rear Yard for Drives	
Outside Parking and Utility Structures	None

Notes:

- a. * To be measured from the property line regardless of the width of the right-of-way. Section 363, “Visibility at Intersections,” and corresponding illustrations in Section 221 of the Regulations shall not apply.

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