

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
March 22, 2011

Application Number: Proposed Amendment to Zoning Regulations (COZR #1-2011)

Application Put Forth by: Darien Planning and Zoning Commission

Activity Being Applied For: Proposing to modify subsection 922 of the Darien Zoning Regulations--Permitted Signs (subsection 922c specifically addresses real estate signs). The changes affect the maximum sign size and permitted locations of such proposed signs.

Date of Public Hearing: February 15, 2011

Deliberations held on: March 1, 2011 and March 8, 2011

Time and Place of Public Hearing: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: February 4 & 11, 2011

Newspaper: Darien News

Date of Action: March 22, 2011

Action: **AMENDMENTS TO THE ZONING REGULATIONS
ARE ADOPTED WITH MODIFICATIONS
WITH AN EFFECTIVE DATE OF SUNDAY, JUNE 5, 2011 AT TWELVE NOON.**

Scheduled Date of Publication of Action:

April 1, 2011

Newspaper: Darien News

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

1. Subsection 922c of the Darien Zoning Regulations now reads as follows:
 - c. One (1) "For Sale" or "For Lease" sign per lot, not exceeding three (3) square feet in area. Only the words "For Sale", or "For Lease", followed by "By Broker" or "By Owner", followed by a telephone number may appear on the sign. All other identifying words, symbols, logos or characters are prohibited. The "For Sale" or "For Rent" signs shall be setback at least 30 feet from the edge of the road surface and shall not be affixed to any tree or utility pole within a public right-of-way.
2. The Commission notes that the subject application is essentially a change of three items within the current subsection 922c.
 - a) Increase of permissible sign size;
 - b) Elimination of content restrictions;
 - c) Modification of the allowable distance from street.
3. At the public hearing, the Commission heard testimony from: real estate brokers/realtors, the President of the Darien Board of Realtors, members of the Beautification Commission, as well as members of the general public. It was particularly helpful for the Commission to hear from all of these groups, and better understand the needs of the realtors as well as the desire of those in Town who wish to limit or restrict the size and placement of such signage.

PLANNING & ZONING COMMISSION
ADOPTED RESOLUTION
PROPOSED ZONING REGULATION AMENDMENTS
REGARDING SUBSECTION 922c—TEMPORARY REAL ESTATE SIGNS
MARCH 22, 2011
PAGE 2

4. In this resolution, the Commission will use the terms real estate agent, broker, listing agent, realtor, or property owner interchangeably.
5. It was noted that the existing regulations have been in place since 1988. They have not always been strictly enforced by the Planning and Zoning Office. The Commission believes that better compliance with the regulation can and should be the responsibility of both the Board of Realtors as well as the Planning and Zoning Office. By implementing a regulation that realtors can more easily abide by, it is expected that there will be full compliance with the new regulation.

The size issue.

6. With regard to maximum size sign allowed, the Commission heard testimony regarding the existing three foot maximum as well as the proposed five foot maximum. During the public hearing, Planning and Zoning Director Jeremy Ginsberg showed photographs of many real estate signs. In those, he noted that most real estate signs now installed in Darien are four feet in size—usually 2' x 2'.
7. Sometimes, additional “hangers” or hangdowns” are added. Those “hangdowns” generally measure 6 inches x 2 feet, or one square foot in size. A “hangdown” is often used by the listing agent to note supplemental information, such as “FOR RENT”, the broker’s name, or a web site address. The question for the Commission is whether to stick with the current three square foot maximum, or allow a five square foot maximum, or some size in between.”



This photograph, presented during the public hearing, shows a real estate sign with two “hangdowns”. As part of this decision, the Commission is allowing up to four square feet of signage, INCLUDING any desired “hangdowns”.

8. After reviewing the testimony, the Commission believes that changing the regulations to allow a maximum of four square feet would be appropriate, and that the five square feet proposed is too large, and is not being approved. The permitted four square feet includes any “hangdowns”. In other words, a resident or broker can install a three square foot sign with a single one square foot “hangdown”, or a two square foot sign with a total of two “hangdowns”; or just a four square foot sign with no “hangdowns”. The Commission believes that five square feet is too large, and that four square feet is an appropriate size. It was noted at the public hearing that most existing real estate signs in Town are now four square feet or less. Thus, existing signs can still be used. However, the four square foot size limit may eliminate the use of

PLANNING & ZONING COMMISSION
ADOPTED RESOLUTION
PROPOSED ZONING REGULATION AMENDMENTS
REGARDING SUBSECTION 922c—TEMPORARY REAL ESTATE SIGNS
MARCH 22, 2011
PAGE 3

“hangdowns”, since most existing signs are four square feet. **Listing agents have the discretion to determine how they wish to use their four square feet.** However, if a listing agent wants to have a “hangdown” showing a name or website, a smaller real estate sign must be installed. Four square feet is the maximum overall size for real estate signage under the new regulation.

9. The Commission believes that all “hangdowns” shall be properly installed and attached, and not be flapping or crooked.

The content issue.

10. The Commission agrees that removing any restrictions regarding content of real estate signs is appropriate. This wording in the existing regulations should be modified to eliminate any wording limits or restrictions.
11. At the public hearing, it was noted that the Town of New Canaan limits/restricts content of real estate signs, and that they have found general compliance with that regulation. In other words, listing agents have specific signs that they use for the Town of New Canaan, and the sign companies who do the installation know those regulations and generally comply with them. It was mentioned that there is no reason why those sign companies cannot know the specific real estate sign regulations in Darien, and comply with them.

The placement/location issue.

12. The existing regulations require that real estate signs be 30 feet from the edge of the road surface. In many cases, that puts the sign 15+ feet from the edge of the right-of-way, and fifteen feet onto the subject property. The proposed regulation allows the sign to be on the subject property, right up to the edge of the right-of-way, but not overhanging the right-of-way. This will actually allow such signs to be closer to the road than currently allowed. No part of the sign shall be in or overhanging the right-of-way. The Commission has decided that it would also be appropriate to have a minimum distance established for the space between the front edge of a sign and the actual edge of the pavement. This will ease compliance, as the distance can be measured at the site. Signs may not interfere with drivers’ sight lines. Blocking the view of the road creates a dangerous condition.
13. The Commission acknowledges that due to the size or shape of some properties, the placement of a temporary real estate sign may not be visible to passing drivers if the sign is placed as required by the regulation. The Commission notes that features such as stone walls, fences, and/or plantings may create privacy for a property owner, yet inhibit/restrict their ability to have a conforming temporary real estate sign. Nevertheless, signs must be installed as required by the regulation, or not at all.

Summary of Commission Findings

14. The Commission notes that the subject proposal is to allow Darien property owners to have temporary larger real estate signs on their property. While the Commission is not approving the proposed regulation amendment in its entirety as proposed, it is approving an increase in the permitted size of signs from three square feet to four square feet. The purpose of the one square

PLANNING & ZONING COMMISSION
ADOPTED RESOLUTION
PROPOSED ZONING REGULATION AMENDMENTS
REGARDING SUBSECTION 922c—TEMPORARY REAL ESTATE SIGNS
MARCH 22, 2011
PAGE 4

foot increase is to permit the continued use of existing four foot square real estate signs. Such signs cannot be supplemented by “hangdowns” under the new regulation.

15. The Commission is eliminating any content restrictions as part of this decision.
16. The Commission also notes that the subject proposal allows Darien property owners to place real estate signs closer to the road than current regulations allow. In general, this will allow signs to be 10-15 feet closer to the paved portion of the street.
17. So in conclusion, the Commission is allowing more signage closer to the road, which is what is desired by listing agents. At the same time, the Commission is hereby putting a stronger emphasis on enforcement of the regulations.
18. The Commission finds that the proposed regulation amendments, as modified, are consistent with the 2006 Town Plan of Conservation & Development as amended.
19. The Commission believes that it is incumbent upon the Darien Board of Realtors to work with its membership to assure compliance with the new regulations. While the Commission acknowledges that not all brokers or realtors are affiliated with or members of the Board of Realtors, the Board of Realtors will be of great assistance in enforcement of subsection 922c.
20. Subsection 922c on page IX-9 of the Zoning Regulations is proposed to be modified. The inside cover page, Table of Contents and Appendix C-Schedule of Amendments will also be modified accordingly.
21. The Commission hereby approves these regulation amendments with an effective date of Sunday, June 5, 2011 at noon. This will give staff the time to print new zoning regulations, file them with the Town Clerk and post them on the Town web site, give advance notice to townspeople, realtors, and the companies who place the realtors’ signs, of the upcoming change, and publish the approval in the local paper as required by law. It will also allow time for the Board of Realtors to work with local realtors and the sign companies that install such signs to become aware of the new regulations regarding real estate signs.

NOW THEREFORE BE IT RESOLVED that ***Proposed Amendments of the Darien Zoning Regulations*** to modify subsection 922 of the Darien Zoning Regulations--Permitted Signs (subsection 922c specifically addresses real estate signs) are hereby MODIFIED AND ADOPTED WITH AN EFFECTIVE DATE OF SUNDAY, JUNE 5, 2011 AT TWELVE NOON.

Existing wording:

- 1) Modify subsection 922 Permitted Signs (922c specifically addresses real estate signs).

Existing wording to be repealed:

- c. One (1) "For Sale" or "For Lease" sign per lot, not exceeding three (3) square feet in area. Only the words "For Sale", or "For Lease", followed by "By Broker" or "By Owner", followed by a telephone number may appear on the sign. All other identifying words, symbols, logos or characters are prohibited. The "For Sale" or "For Rent" signs shall be setback at least 30 feet from the edge of the road surface and shall not be affixed to any tree or utility pole within a public right-of-way.

PLANNING & ZONING COMMISSION
ADOPTED RESOLUTION
PROPOSED ZONING REGULATION AMENDMENTS
REGARDING SUBSECTION 922c—TEMPORARY REAL ESTATE SIGNS
MARCH 22, 2011
PAGE 5

The proposed wording for this subsection was:

Proposed wording:

- c. One (1) temporary "For Sale", "For Rent" or "For Lease" sign per lot, not exceeding five (5.0) square feet in area. One single sign may be back-to-back (double sided) provided the two faces are not visible from any individual vantage point. The temporary "For Sale", "For Rent" or "For Lease" sign shall not be affixed to any tree or utility pole within a public right-of-way. All parts of the sign shall be located on the property which is for sale, for rent, or for lease, and no part of the sign shall be within, on, or above a street right-of-way. No part of the sign shall be located more than eight (8) feet above the adjacent ground level.

The final wording adopted by the Commission (with the change from five square feet to four square feet) is:

- c. One (1) temporary "For Sale", "For Rent" or "For Lease" sign per lot, not exceeding four (4.0) square feet in area. One single sign may be back-to-back (double sided) provided the two faces are not visible from any individual vantage point. The temporary "For Sale", "For Rent" or "For Lease" sign shall not create a safety hazard by restricting a necessary sight line and shall not be affixed to any tree or utility pole within a public right-of-way. All parts of the sign shall be located on the property which is for sale, for rent, or for lease, and no part of the sign shall be within, on, or above a street right-of-way. No part of the sign shall be located more than eight (8) feet above the adjacent ground level and the front edge of the sign shall be at least 8 (eight) feet from the paved edge of the road surface (and outside of the right-of-way).

The inside cover page of the Zoning Regulations, the Table of Contents and Appendix C-Schedule of Amendments also shall be modified accordingly. This would be Amendment #32.