

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
August 2, 2016

Application Number: Proposed Amendments to the Darien Zoning Regulations (COZR #6-2016)
put forth by Noroton Heights Shopping Center, Inc., and FR Darien, LLC

Properties Affected: All properties within the Noroton Heights Redevelopment Zone.

Name and Address of Applicant's Representatives:	D. Bruce Hill, Esq. Law Office of Bruce Hill, LLC 30 Old King's Highway South PO Box 1103 Darien, CT 06820	Robert F. Maslan, Jr., Esq. Maslan Associates PC 30 Old King's Hwy South Darien, CT 06820
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Names and Addresses of Applicants:	FR Darien, LLC c/o Federal Realty Investment Tr. 1626 East Jefferson St. Rockville, MD 20852	Noroton Heights Shopping Ctr. 264 Heights Road Trust Darien, CT 06820
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Activity Being Applied For: Proposal to amend Section 680 *et. seq.* and the inclusion of a new subsection 687 (re: Public Plazas). These proposed amendments address redevelopment in the Noroton Heights Redevelopment ("NHR") Zone, and would allow for an increase in: number of stories of building height; building height in feet; Developed Site Area; and allow for larger dwelling units. Amendments are also proposed to Sections 905 (re: Joint Parking), by adding a new subsection 905.2 (re: Joint Parking in Mixed Use Developments). This will allow residential parking to be separated from non-residential parking. Amendments to subsection 907 (re: Parking Structures), would allow for subsurface parking without such being counted as stories, and will allow such subsurface parking structures to be located within minimum yard areas. The amendments to Sections 905 and 907 would apply to all zoning districts in Darien.

Date of Public Hearing: April 5, 2016 continued to May 3, 2016 then
immediately continued to May 5, 2016 and continued to May 24, 2016
Deliberations held on: June 7, 2016 and June 28, 2016 and July 26, 2016

Time and Place: 8:00 P.M. Auditorium Town Hall

Publication of Hearing Notices
Dates: March 25 and April 1, 2016 Newspaper: Darien News

Date of Action: August 2, 2016
Actions: DENIED IN PART AND ADOPTED IN PART WITH MODIFICATIONS
WITH AN EFFECTIVE DATE OF SUNDAY, AUGUST 28, 2016 AT 12:01 P.M.

Scheduled Date of Publication of Action: August 12, 2016
Newspaper: Darien News

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

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- the proposed zoning regulation amendments must be consistent with the 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 originally submitted subject application consists of:
 - a. Amendments to Section 680 *et. seq.* (Noroton Heights Redevelopment Zone--NHR). These proposed amendments address redevelopment in the NHR Zone, and will allow for an increase in: number of stories of building height; building height in feet; Developed Site Area; and allow for larger dwelling units;
 - b. The inclusion of a new subsection 687 (Public Plazas);
 - c. Amendments to Section 905 (Joint Parking), by adding a new subsection 905.2 (Joint Parking in Mixed Use Developments). This will allow residential parking to be separated from non-residential parking; and
 - d. Amendments to subsection 907 (Parking Structures). This will allow for subsurface parking without such being counted as stories, and will allow such subsurface parking structures to be located within minimum yard areas.The amendments to Sections 905 and 907 would apply to all zoning districts in Darien.
2. The NHR Zone is an overlay zone established in 2010. This overlay zone was created in response to an application by Tom Golden, who is the former owner of much of the property now owned by FR Darien, LLC. The applicants' submitted 11" x 17" sketches showing conceptual development reflecting that Noroton Heights Shopping Center owns 3.9+/- acres (172,340 square feet) within the Zone, and FR Darien, LLC owns 8.9+/- acres (387,736 square feet) within the Zone.
3. Public hearings were held on this application, where the applicants explained the proposal to the Commission. There were numerous letters and comments received from the general public.

ZONING REGULATION AMENDMENTS

PROPOSAL TO AMEND SECTION 680 ET. SEQ.

4. As noted above, these proposed amendments address redevelopment in the NHR Zone, and would allow for amendments to the following subsections:
 - a) 681. Background and Purposes
 - b) 682. Permitted Principal Uses
 - c) 683. Permitted Accessory Uses
 - d) 684. Principal Uses Requiring Special Permits
 - e) 685. Area and Bulk Requirements
 - f) 686. Special Controls

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SECTION 681 Background and Purposes

5. Relative to Section 681 Background and Purposes, the Commission agrees with the applicants' proposed wording changes and the justification thereof. The proposal "fine tunes" the existing wording now in the Regulations, and clarifies that new site development and redevelopment requires a Special Permit. Retail tenant changes (changing from one commercial sales and service use to another commercial sales and service use) would not require review or action by the Planning and Zoning Commission. The Commission adopts the applicants' wording as proposed.

SECTION 682 Permitted Principal Uses

6. Relative to Section 682 Permitted Principal Uses, the Commission again notes that the goal is to have simple as-of-right tenant changes approved via Zoning Permit and not require Planning and Zoning Commission review or action for such retail changes. This will also allow for office uses on an upper floor, and public and semi-public buildings. The Commission adopts the applicants' wording as proposed with the addition of "or floors" in Section 682 b.

SECTION 683 Permitted Accessory Uses

7. The proposed amendment to Section 683 Permitted Accessory Uses, is to specifically allow "the outdoor storage and sale of seasonal merchandise on a temporary basis". Examples of this include pumpkins, plants and gardening supplies, or other seasonal items for sale in front of a retail store or market. The Commission believes that it is important to understand and limit the types and area of outdoor products to be displayed and sold outside. The Commission agrees with including this use as a permitted accessory use in this overlay zone, and adopts the applicants' wording as proposed with the additions of "for products and in areas specifically approved by action of the Planning and Zoning Commission".

SECTION 684 Principal Uses Requiring Special Permits

8. The proposed amendments to Section 684 Principal Uses Requiring Special Permits, creates a list of uses in that are intended to be similar to the lists of uses in the DC Zone. It is noted that the applicants have inadvertently created some redundancies in the list—for example, Indoor recreational uses are listed as both e and i; Personal Service businesses are listed as both g and l; and uses d and k are similar. Thus, the Commission has modified the applicants' proposal to clarify the list and eliminate redundancies. The Commission also has clarified the applicants' proposal to specifically state that dwelling units are allowed by Special Permit on upper floors. This does not distinguish whether it is a commercial use or at-grade parking below it. The Commission is not allowing dwelling units at grade level, above underground parking, except for dwelling units that front on West Avenue.

SECTION 685 Area and Bulk Requirements

9. One new provision in Section 684 proposed by the applicant is to allow "All new site development and redevelopment under Section 680 of the Zoning Regulations." Thus, the proposed new developments will not be as-of-right, but rather, would require a Special Permit. The Commission will have to make the requisite findings under Section 1005. Thus, any size buildings to be constructed will require that those findings be made. The existing Section 685 Note c2 relates to

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an open space formula which is being superseded with the new public plaza requirement being put forth by the application. Thus, that can be deleted as well.

10. The proposed amendments to the table and notes in Section 685 Area and Bulk Requirements, include changes to Items 8, 9, 11, 12, and 14 in the table. It also proposes to modify Notes a, b, and c, and adds a new Note d. These changes would allow an increase in: #8: number of stories of building height; #9: building height in feet; #12: Developed Site Area; and #14: an increase in floor area of dwelling units. The dimension in #11 regarding Front Landscape Depth is not proposed to be amended, but rather, a new Note d would be included after the table.
11. The applicants have **not** proposed amendments to subsection 685 #10, Maximum Building Coverage. That will remain at 35%. By comparison, there is no Building Coverage maximum in downtown (the CBD zone). Thus, any buildings and structures in the NHR Zone can cover a maximum of 35% of the property.
12. The applicants have also **not** proposed amendments to the building setbacks (yards) in subsection 685. Those will remain as existing. Those setbacks, in combination with the Maximum Building Coverage and Maximum Density in terms of Dwelling Units/Gross Acre, are all existing development limitations which now exist, are not proposed to change, and which will affect the final site plan(s) for development put forth by the applicants.
13. Relative to Building Height in Stories and Feet (#8 and #9 in the table), it was confirmed at the public hearing that this overlay zone now allows up to three (3) stories, 42 feet, if the Commission makes certain findings as required in subsection 685c. While this zone does not have a minimum height in stories or feet, and the applicants' did not propose a minimum height, the Commission strongly encourages all new buildings in this zone to have a minimum of two stories and twenty feet in height. This would better relate the buildings to each other. Page 90 of the Town Plan of Conservation & Development states that having a minimum building height will establish a pedestrian friendly street enclosure.
14. Commission members believe that the Noroton Heights business district should be secondary in terms of building height and density relative to downtown Darien/the CBD Zone. The buildings within this commercial zone should not be as great in height (in stories or in feet) as the buildings, and the density should be less than, that which is permitted in downtown Darien. The CBD Zone (section 656e of the Regulations) allows up to three (3) stories 35 feet if certain findings are made, and open space is provided. However, there is now a pending application to modify the zoning regulations and map in the CBD Zone, which could allow for greater height and density for select portions of the CBD zone that are directly adjacent to the Connecticut Turnpike (Interstate 95).
15. The NHR Zone Regulations now allow a maximum of two stories and 30 feet, and under Section 685 Note c, the Commission can now increase that to a maximum of three (3) stories and 42 feet if open space is provided and certain findings are made. The applicants have proposed a

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maximum of three (3) stories and 45 feet, with a possible increase to four (4) stories and 55 feet. That proposal was clarified in a May 19, 2016 letter from Federal Realty to the Commission, which puts additional limits on how much four (4) story building can be proposed. The applicants' proposal read as follows:

Note c2. Fourth stories shall be setback at least 140 feet from any street and 250 feet from West Avenue, and cover less than 5% of the total Lot Area of the site.

16. The Commission does not agree with the applicants' proposal that building height could be up to four (4) stories and/or 55 feet high, and thus, is not adopting the applicants' proposed changes to #8 in the Table in Section 685. The Commission does believe three (3) stories is appropriate. That is reflected in the changes to Section 685 #8. The Commission also believes that that in order to encourage first floor retail space with appropriate floor to ceiling heights, and to have appropriate second and third floor spaces, and to encourage peaked roofs or rooflines that will hide mechanical units, an increase from 42 feet to 45 feet is appropriate. That is reflected in the changes to Section 685 #9.
17. As a result, the Commission can not approve Note c2, since it relates to heights greater than 45 feet. The applicants' proposed new Note c3 (which will become c1); and and the applicants' c4 (which will be renumbered to become Note c2) are adopted, as proposed by the applicants, by the Commission.
18. The change in subsection 685 #11 and Note d would specifically allow sidewalks to be located within the front landscaped area, provided that they are appropriately landscaped. The Commission approves of that proposed amendment.
19. The applicants propose to amend subsection 685 #12, increasing the Maximum Developed Site Area from 80% to 90%. A portion of the definition of Developed Site Area in Section 210 of the Zoning Regulations reads as follows, "Building coverage plus the area covered by driveways, sidewalks, walkways, parking areas, terraces, patios, outside storage areas, loading and unloading areas, etc. shall be considered Developed Site Area."
20. In a May 19, 2016 letter to the Commission, Federal Realty (FR Darien LLC) suggested revised requests for the zoning regulation amendment. These were accompanied by revised site plans showing how such amendments could be implemented. The text amendments were as follows:
 - a) Relative to Building Height, allowing a fourth story with various limitations (a modified amendment to subsection 685 Note c2; and
 - b) Relative to Developed Site Area, changing the request from a maximum of 90%, to be a maximum of 85% (a modified amendment to subsection 685 Note e). This is with an interpretation that landscaped rooftops of below grade or partially below grade structures are exempt.
21. Along with that May 19, 2016 letter was some 11" x 17" schematics by Beinfield Architecture dated 5-16-2016. Those schematics reflect a developed site area of 84.7%. This is 4.7% greater

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than the existing regulations, and 0.3% less than the applicants' 85% maximum Developed Site Area proposal.

22. During the public hearing, the Commission discussed Developed Site Area, and whether credit should be granted for open space atop a structure. Their concerns with modifying Developed Site Area remains overdevelopment of the property. The Commission has decided not to grant the request to increase the maximum from 80% to 90%, and thus is not adopting that change to Item 12 in the Table. The Commission does, however, approve a change from 80% to 85%. The rationale is that by requiring public plaza space, there is an understanding that at least a portion of that is likely to be Developed Site Area. Also, it is not likely that the increase in Developed Site Area will increase on-site density or structures. The Commission does not believe that areas that are non-accessible by the general public, such as rooftop green spaces, should count as public plaza space. The Commission also believes that green spaces on roofs should count towards Developed Site Area, since they are atop of a structure.
23. At the public hearing, there was neighbor concern regarding the proposed number of dwelling units to be constructed on the subject properties. The Commission points out that there is no proposed change to subsection 685 #13 in the table, which relates to the maximum density in dwelling units/gross acre. That is now twelve (12) units/acre, and will remain 12 units/acre. Any density proposed by either applicants (or anyone else within the overlay zone) will need to comply with that provision.
24. During deliberations, the Commission discussed the fact that relative to subsection 685 #14, a 1,200 square foot size limit for dwelling units now exists. Rather than a change in regulation from 1,200 to 1,800 square feet as proposed by the applicants, one option would be to allow the Commission to grant additional unit size via a Special Permit. Thus, the Commission is establishing a Note e within subsection 685 to create that option. Thus, the 1,200 square foot limit would remain the same in the table, but the newly created Note e would allow larger size if the Commission makes certain findings. However, the Commission is not comfortable with an increase to a maximum of 1,800 square feet, and has modified that to be a maximum of 1,500 square feet. It should be noted that Section 686c. requires that if there are more than two dwelling units in any building, then at least 30 percent of the total number of such dwelling units shall be limited to one bedroom. The applicants have not proposed to amend that subsection. The Commission recognizes that these studio and/or one bedroom units which will comprise at least 30% of the on-site dwelling units, will all likely be smaller than 1,500 square feet in size. A May 4, 2016 letter from Federal Realty notes that their project, "...is proposed as one and two-bedroom apartments with an average size of approximately 1,000 square feet."

SECTION 686 Special Controls

25. The applicants propose to modify subsection 686a—Special Controls. They note within their application that "Some of the existing utility equipment and parking is located within the setback. This revision is intended to preserve the property owner's ability to maintain parking in the same areas with appropriate screening from abutting properties." The Commission agrees with this

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provision, and adopts it as put forth by the applicants. There are no changes put forth by the applicants to sections 686b-686f.

THE INCLUSION OF A NEW SUBSECTION 687 (PUBLIC PLAZAS).

26. This applicants have put forth a new provision that creates a new subsection 687 regarding public plazas. As noted in their application, this new section creates and defines a water feature requirement for public plazas. As noted in the applicants' application, "The concept is based on the plaza space in the Grove Street Plaza development, which functions as a focal point for the development, and as a public gathering place." Such plazas "...shall include seating and features such as a fountain, water cascade, or other water display, public art, or other comparable public amenity".
27. Currently, applicants can get greater height by providing open space in accordance with Section 685 Note c., with a formula that is the same as in the CBD zone—under section 656e. This regulation put forth by the applicants would allow the developers to build three (3) stories by special permit, not subject to a specific formula relating the amount of new development to the amount of public plaza provided, but rather, the third floor space could be obtained by providing plaza space relative to the size of the parcel being redeveloped.
28. The applicants have proposed a requirement in a new subsection 687a that reads as follows: "The total area of all on-site public plazas shall be not less than five (5) percent of the total area of the lot being redeveloped." The Commission believes that the five (5) percent number could be too small and result in many small isolated green spaces, rather than the desired plazas that better function as gathering places. Page 85 of the Town Plan of Conservation and Development has a policy to "seek to make the Noroton Heights business district a vibrant and dynamic place with a "sense of place". To accomplish that, the Commission modifies this proposal to include a minimum amount of public plaza of 10,000 square feet, and requires that at least one of the public plaza areas be no less than 3,500 square feet in size, which can fit a box of at least 35 feet by 35 feet in size. This will ensure that the public gathering space(s) and plaza space(s) function as a focal point for the development, and as a public gathering place, and allows this business district to become a vibrant and dynamic place.
29. The Commission acknowledges that this new subsection on public plazas relates back to Section 685 Note c, which the applicants proposed could allow extra building height (up to 4 stories and 55 feet) under certain conditions, but that additional building height has not been allowed herein. Thus, public plazas will now be required to increase building height to 3 stories and 45 feet.

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30. The Commission hereby adopts a new Section 687, with some changes to the applicants' proposal, including:
- increasing the minimum amount of plaza to be provided from 5% to: 5% or 10,000 square feet, whichever is greater (687a);
 - a minor change to note that any water feature or seating shall be maintained by the property owner and/or their representative(s) (687c);
 - requiring at least one of the public plazas to be 3,500 square feet in size, which can fit a box of at least 35' x 35' in size (687d);
 - to clarify that landscaped islands within a parking lot cannot count towards a public plaza unless they are 30 feet wide (687f);
 - to clarify that plazas cannot be in a required buffer unless it provides public access into the site (687f);

SECTION 905 Joint Parking

ADDING A NEW SUBSECTION 905.2 (JOINT PARKING IN MIXED USE DEVELOPMENTS).

31. This amendment will allow residential parking to be separated from non-residential parking, and allow such residential parking to be reserved for that specific use. The current policy is to not allow any reserved parking in a joint parking situation under Section 905. Commission members noted at the public hearing that only the commercial uses within the mixed-use development would be sharing the parking, since the residential units would have separate, reserved parking underground. Section 905.2 would apply to all mixed use developments including the Central Business District Zone (CBD). As specifically allowed under Section 905.1, in this zone, the Commission can waive up to a maximum of 50% of the required parking. That provision is not proposed to change.
32. The applicants noted that the proposed Regulation amendment would maintain the requirement for adequate joint parking for the commercial tenants and the visitors to those commercial spaces. This amendment does not allow for any reserved parking for non-residential uses. The Commission notes the importance of having sufficient on-site parking for projects in the Noroton Heights business district, since there is no municipal parking facility in Noroton Heights other than at the train station. The Commission therefore adopts a new Section 905.2 with the same wording as put forth by the applicants.

SECTION 907 Parking Structures

33. The application would allow for subsurface parking without such being counted as stories, and will allow such subsurface parking structures to be located within minimum yard areas provided they do not encroach into abutting properties or rights of way.
34. The Commission notes that since the submittal of this application by the applicants, a similar proposal to amend subsection 907 was submitted to, reviewed by, and adopted by the Commission. That was Amendment to the Darien Zoning Regulations put forth by Darien ALF Property, LLC/Maplewood Darien, 599 Boston Post Road (COZR #9-2016). The Commission adopted those amendments on May 24, 2016, and those took effect on June 19, 2016. This

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approval addressed the applicants' request in their application. Therefore, the Commission does not adopt the applicants' proposed amendments to Subsection 907.

CONCLUSIONS AND FINDINGS

35. As part of this request, the applicants have prepared informal site plans, sketches and building elevations for the Commission to better understand the implications of the proposal and the potential impacts of the zoning regulation amendments. Formal site plan and special permit review will be subsequently required to develop any of these properties within the overlay zone using Section 680. At that time, the Commission will review specific site plan issues such as parking, traffic, and stormwater management.

36. The application was referred to the Western Connecticut Council of Governments (WestCOG). Their comment is as follows: "The opinion of WestCOG staff is that the proposal is of local concern, but with minimal intermunicipal impact. Therefore it is not being forwarded to adjacent municipalities and the regional staff is making no comment."

37. To summarize, the Commission is **denying** the proposed amendments to:

- Section 685 Note c2;
- Amendments to Section 907

Those proposed changes are not consistent with the Town Plan of Conservation & Development.

38. The Commission is **modifying and adopting** the proposed amendments to:

- Section 682 (with minor wording changes)
- Section 683 (with minor wording changes)
- Section 684 (with minor wording changes)
- Building Height in Stories (685 #8) by increasing from 2 to 3 stories (but not to 4);
- Building Height in Feet (685 #9), by increasing from 42 feet to 45 feet (but not to 55);
- Maximum Developed Site Area (685 #12) by increasing from 80% to 85% (but not to 90%);
- Maximum Floor Area of each Dwelling Unit (685 #14), by increasing from 1,200 square feet to 1,500 square feet by Special Permit (but not to 1,800). The Commission does limit all units to a maximum of two bedrooms.
- the applicants' proposal to establish a new section regarding public plazas in Section 687. Those modifications are noted in Findings #28 and #30, above.
- Section 905.2 (with wording changes)

As amended by the Commission, these changes are consistent with the Town Plan of Conservation & Development.

39. The Commission is **adopting as proposed by the applicants**, the amendments to:

- Section 681
- Section 685 #11
- Section 686

As adopted, these changes are consistent with the Town Plan of Conservation & Development.

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40. Page 83 of the 2016 Town Plan of Conservation & Development (POCD) reads as follows:
“The Noroton Heights business district has the potential to be so much more. The Noroton Heights business district can become a secondary village-type area in Darien and can become more of a pedestrian-oriented place with a broader variety of uses, including a residential component. The POCD recommends that the eventual “transformation” of the Noroton Heights business district into a pedestrian-friendly village-type area be pursued.”
41. Chapter 9 of the 2016 Town Plan of Conservation & Development is entitled, “Transform Noroton Heights Business District”. One of the Action Steps on page 92 of the Plan is to “Revisit the use and dimensional standards for Noroton Heights to provide appropriate guidance for development”.
42. As noted herein, the Commission is adopting many of the proposed amendments to Section 680 et. seq., (with some specific modifications made by the Commission as noted); and the addition of new subsections 687 and 905.2. The Commission hereby confirms that these proposals described herein, to modify the zoning regulations, are consistent with the Town Plan of Conservation & Development.

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NOW THEREFORE BE IT RESOLVED that Amendment to Darien Zoning Regulations (COZR #6-2016), is hereby adopted subject to the foregoing and following modifications and understandings:

NEW WORDING UNDERLINED, DELETIONS IN STRIKEOUT:

PROPOSED AMENDMENTS TO SECTION 680:

SECTION 680. NOROTON HEIGHTS REDEVELOPMENT ZONE (NHR)

681. Background and Purposes

The Noroton Heights Redevelopment Zone is an overlay zone intended to maintain the existing retail foundation of the Noroton Heights commercial district while encouraging the development of business and professional offices and dwelling units, including affordable units, in recognition of the zone's proximity to mass transit and Interstate 95. Business and professional offices will also be permitted. These regulations are intended to encourage development that promotes safe pedestrian access to businesses by residents within the zone and from adjacent residential neighborhoods. At the sole discretion of the Commission, increased building height may be permitted to encourage the use of architectural design features such as peaked roofs and dormers to soften the appearance from adjacent residential properties. The intent is to strengthen the viability of retail business in the Noroton Heights commercial district, to offer a broader range of housing and office space with convenient access to transportation, to foster pedestrian activity as fully as is practicable, and to reduce reliance on individual motor vehicles to access the retail businesses.

All ~~uses~~ new development within this overlay zone ~~are~~ shall require Special Permits. It is imperative ~~to~~ that new development properly manage and enhance stormwater management in this overlay zone. No development or redevelopment will be permitted if it will result in increased adverse stormwater impacts on adjacent properties or adjacent streets. Any development or redevelopment must address drainage, traffic and pedestrian safety issues in the area.

682. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Commercial sales and services.
- b. Business and professional offices, where such uses shall be located on the upper floor or floors of a structure.
- c. Public and semi-public buildings.
- ~~e. None.~~

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683. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs, as permitted in Section 920.
- b. Any building or use customarily incidental to a permitted use.
- c. Off-street parking and loading facilities in accordance with Section 900.
- d. The outdoor storage and sale of seasonal merchandise on a temporary basis for products and in areas specifically approved by action of the Planning and Zoning Commission.

684. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- ~~a. Commercial sales and services.~~
- a. All new site development and redevelopment under Section 680 of the Zoning Regulations.
- b. Business and Professional Offices on the first floor provided they are limited to those service types of uses such as real estate, insurance, and securities brokerages; leasing; mortgage banking; banking; travel services and the like.
- c. Public and semi-public uses.
- d. Protected Town Landmarks.
- e. Restaurants.
- f. Any permitted use involving the sale of prepared foods whether intended for consumption on or off the premises.
- g. Dwelling units located on upper floors.
- h. Indoor recreation facilities.
- i. Personal Service Businesses.

685. Area and Bulk Requirements

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

1. Minimum Lot Area	1/2 acre
2. Minimum Lot Width	150
3. Minimum Lot Frontage	150
4. Minimum Lot Depth	150
5. Minimum Front Yard	6 (See Note a)

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6. Minimum Side Yard	None (See Note b)
7. Minimum Rear Yard	25
8. Maximum Height in Stories	23 (See Note c)
9. Maximum Height in Feet	30 <u>45</u> (See Note c)
10. Maximum Building Coverage	35%
11. Minimum Front Landscape Depth.	6 (See Note d)
12. Maximum Developed Site Area	85%
13. Maximum Density Dwelling Units/Gross Acre	12
14. Maximum Floor Area of each Dwelling Unit	1,200 sq. ft. (see Note e)

Notes:

- a. Minimum front yard of 6 feet required, except that within 50 feet of abutting residentially zoned properties, the front yard setback shall be at least one-half that required in that Residential Zone. ~~No parking shall be permitted in front of any building unless the setback from the street line shall be at least 75-~~ the abutting residential zone.
- b. None, except as follows:
 - (1) If a side yard shall be provided, it shall be at least four feet, except where access to parking space shall be provided through a side yard, in which case the side yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet for each of the properties, provided the full 25 feet wide access shall be assured;
 - (2) Where a side yard abuts a Residential Zone, ~~it~~ the minimum side yard shall be equal to the side yard requirement of ~~said~~the abutting Residential Zone.
- c. (1) Buildings connected solely by basements or underground parking facilities shall be considered separate buildings for the purpose of calculating building height.
(2) If an applicant proposes a one or more buildings that are higher than two stories or 30 feet, such applicant will be required to provide one or more on-site, public plazas or parks as provided in Section 687 of the Zoning Regulations.

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~~e. The maximum building height shall be two stories and 30 feet, except that the Commission may specifically permit height to be increased to a maximum of three stories and 42 feet, provided that:~~

~~(1) The Commission finds that the unique use and design of the building combined with its location in the zone, the topography of that location, and the development plan for the building, will result in a project that will be appropriate for the community, and will not be detrimental to the reasonable use and values of adjacent properties. Where the zone abuts a Residential Zone the maximum building height shall be 2 stories and 30 feet as calculated from the average finished grade of the elevation abutting the residential zone. One level of underground parking shall not constitute a story.~~

~~(2) If an applicant proposes a building that is higher than two stories or 30 feet, such applicant will be required to provide open space per the provisions outlined within Section 656e of the Zoning Regulations.~~

d. Sidewalks shall be allowed within the front landscaped area provided that the Commission finds that landscaping such as trees, within or adjacent to the sidewalks is acceptable.

e. The Commission may increase the Maximum Floor Area of each Dwelling Unit from 1,200 square feet to a maximum of 1,500 square feet if they can make the required Special Permit findings in Section 1005a-g of the Darien Zoning Regulations. All dwelling units shall have no more than two (2) bedrooms. All on-site dwelling units shall comply with Section 686e of the Regulations.

686. Special Controls

a. At-grade parking areas may extend to within six (6) feet of a lot line except where it abuts a Residential Zone, in which case the minimum rear yard requirement set forth in Section 685 shall apply. Where pre-existing parking areas, structures or utility equipment are located closer to a lot line than required by this subsection (a), the Commission may approve new parking areas in the same location, provided that the Commission finds that adjacent screening shall be sufficient to minimize impacts to abutting properties.

b. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.

c. All uses shall be subject to Site Plan Approval in accordance with Section 1020.

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- d. Display or storage of materials shall be in accordance with Subsection 373.
- e. If more than 2 dwelling units are provided in any building, then at least 30 percent of the total number of such dwelling units shall be limited to one bedroom.
- f. Structured parking per Section 907.

PROPOSED NEW SECTION 687:

687. Public Plazas

The Commission may permit building height to be increased as provided in Note (c) of Section 685, provided that the proposed development includes one or more on-site public plazas that meet the following criteria:

- a. The total area of all on-site public plazas shall be not less than five (5%) percent of the total area of the lot being redeveloped, or 10,000 square feet, whichever is greater.
- b. The public plaza shall be reserved from building coverage and shall be developed and maintained by the owner, and open to the general public, provided that the Commission may approve as public plazas areas covered by an upper floor of adjacent structures, or an upper floor connecting two structures, or by awnings, eaves or similar appurtenances.
- c. Public plazas in the Noroton Heights Redevelopment Zone shall include seating and features such as a fountain, water cascade, or other water display, public art, or other comparable public amenity which is maintained by the property owner or their representative in operating condition throughout the year, except when weather conditions prohibit such operation.
- d. The area of at least one public plaza shall be at least 3,500 square feet in size, which can fit a box of at least 35 feet x 35 feet in size.
- e. Public plaza features shall not be reserved for exclusive use by any occupant or tenant of the redevelopment site.
- f. Commonly used areas such as sidewalks, parking areas, and the like shall not be included in the calculation of the total area of on-site public plaza features. Landscaped islands within a parking lot cannot count towards a public plaza unless they are 30 feet wide. A public plaza cannot be in a required buffer unless it provides public access into the site
- g. For each public plaza, the Commission shall find that its location, layout, dimensions, landscaping, traffic, lighting, signage, drainage, utilities, and other features shall be in harmony with the convenient, orderly and attractive development of the Noroton Heights Redevelopment Zone.

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PROPOSED NEW SECTION 905.2:

905.2 Joint Parking in Mixed Use Developments

In mixed-use developments, the Commission may approve the reservation of on-site parking areas for residential tenants, provided that the Commission shall find that the remaining on-site parking shall be sufficient to meet the parking demand of the related residential parking uses (ie. Guests, deliveries, service providers) and non-residential uses covered by a joint parking arrangement.

The Commission is not approving the applicants' request to amend Section 907. For convenience of the reader, what is shown below are the amendments to Section 907 adopted in May 2016 by the Commission as part of Amendment of Zoning Regulations #9-2016 put forth by Maplewood:

907. Parking Structures

Parking structures (whether above or below ground; or understructure) shall be permitted in appropriate situations subject to approval of a Special Permit per Section 1000 et. seq., provided it is located below the finished elevation of surface parking or landscaped areas, or provided that the Commission makes an affirmative finding that, due to the location and/or design of the proposed use, no neighboring property will be adversely impacted by such **parking** structure. Any such parking structure shall be fully enclosed by or attached to a principal structure, and shall be limited to one story above the finished elevation of surface parking. In addition, appropriate measures shall be taken to minimize the street level view of such above ground, below ground, subgrade or understructure parking. The Commission **may** require the submission of a sketch plan which clearly compares alternative proposals for surface parking and a parking structure including landscaping or other screening.

The above-grade portion of aAny parking structure approved under this section shall be subject to the setback requirements of the principal structure. **The subsurface portion of a parking structure may be located within a minimum yard, provided that no portion of the structure shall encroach into an abutting property or right of way or adversely impact the root structure or root system of plantings on neighboring properties. Subsurface parking levels shall not constitute stories for purposes of calculating building height.** The design of any parking structure must architecturally blend in with surrounding design aspects and not delineate itself as a parking structure. No part of a parking structure or access thereto, serving a commercial use, can extend into a residential zone, or the buffer associated with such.