Booklet #5A
July 14, 2015

POSSIBLE DEVELOPMENT STRATEGIES

5a

Overview

"The strongest principle of growth lies in the human choice …"

George Eliot
English Novelist

This booklet has been prepared ***to help guide discussion*** of possible "development" strategies for the 2016 Plan of Conservation and Development (POCD) for Darien, Connecticut.

The term "development" refers to how Darien might want to guide growth or change in the future. Development issues might include the following:

- Nodes and villages such as Downtown Darien and Noroton Heights (*to be addressed in a separate booklet*)
- Residential development
- Business / economic development
- Other development issues

The following pages suggest strategies, policies and tasks to be considered by the Planning and Zoning Commission (PZC). Some of the strategies come from the 2006 POCD, some have been recommended by other boards and commissions in Darien and others have been suggested based on research and analysis conducted as part of this planning process.

PZC members should review this information and evaluate whether the strategy, policies, and tasks might be appropriate for the POCD.

Residential Development

Business Development

RESIDENTIAL DEVELOPMENT

Preservation and enhancement of Darien's attractive living environment should be continued ...

Darien has long seen itself as a residential community and most of the land area of Darien is zoned and used for residential purposes. Preservation and enhancement of an attractive living environment should be continued.

A. Maintain Residential Character

Maintaining the residential character of the community is a key element of the Plan. A corollary to this is maintaining the character of residential neighborhoods by continuing to seek a balance between people's desires to improve / expand their homes and the impacts on their neighbors and the community.

Darien's zoning approach should continue to recognize the prevailing development pattern of:

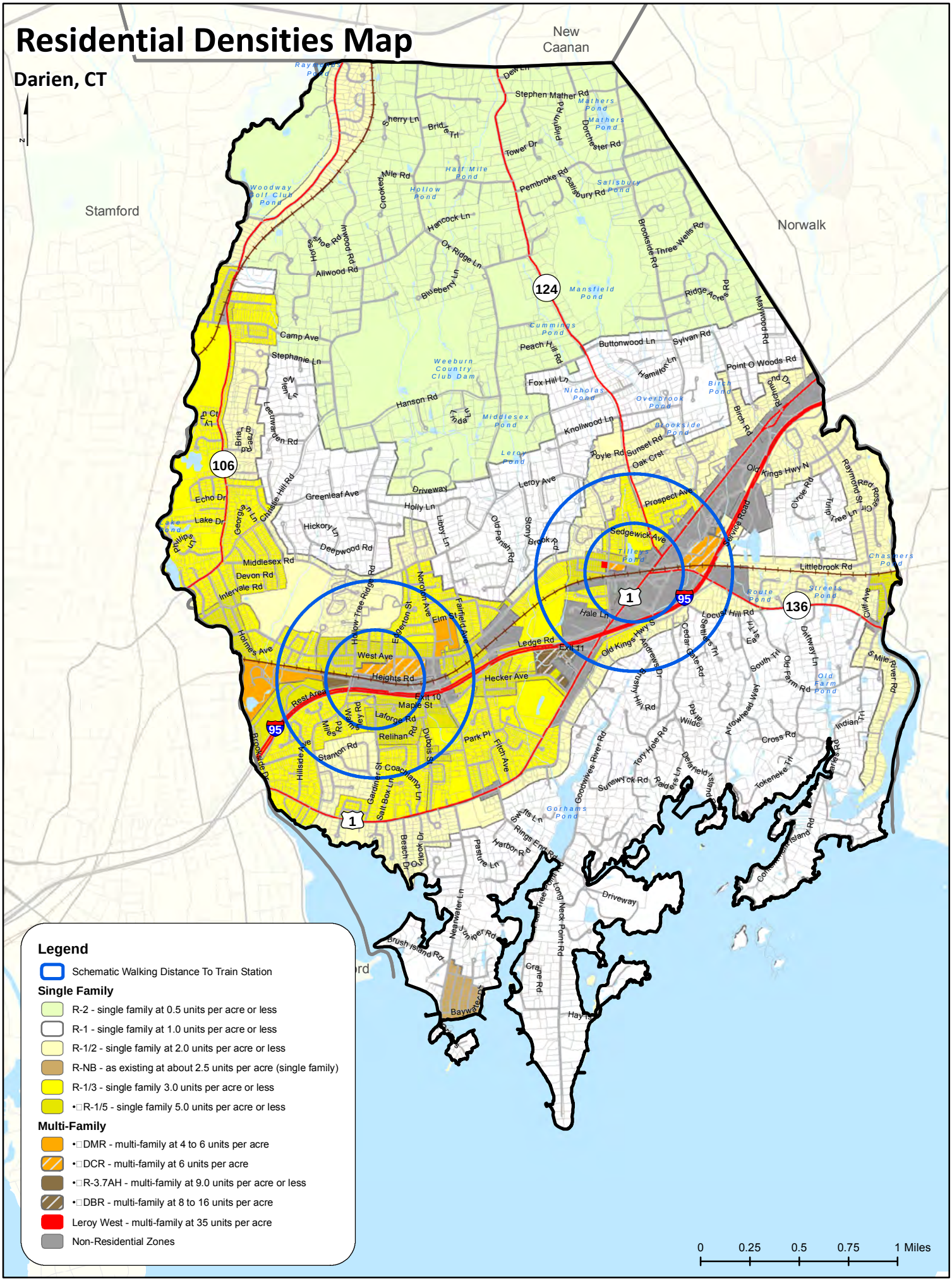
- Predominantly single-family development;
- A range of housing types to meet a diverse array of housing needs;
- Higher densities in and near downtown Darien and around the train station in Noroton Heights,
- Moderate densities in areas with bus service, and
- A reduction in density as distance from these centers increase.

Single-Family Home

Single-Family Home

Residential Densities Map

Darien, CT



As used in this booklet:

- A strategy is a "big picture" goal for Darien
- A policy is a guideline that helps accomplish the overall strategy (a policy does not generally have a specific end date)
- A task is a recommended action step that helps accomplish the overall strategy (a task has an end date or specific result)
- The "leader" is the organization or entity primarily responsible for implementation; "partners" are other groups that will assist with implementation.

A. Maintain Residential Character		
Possible Policies	**Leader**	**Partners**
1. Continue to maintain the character of Darien as a residential community which is primarily comprised of lower-density single-family neighborhoods.		
2. Maintain the basic organizational pattern of higher densities in and near downtown Darien and Noroton Heights and a reduction in density as distance from these centers increase.		
3. Within this overall framework, seek to provide for a range of housing types and densities to meet a diverse array of housing needs.		
4. Continue careful monitoring of land uses in and near residential areas to minimize impact on surrounding residential neighborhoods.		
Possible Initial Tasks		
5.		

Condominium
(Sedgewick Village)

Rental Apartment
(Avalon Darien)

Senior Housing / Housing Authority
(Old Town Hall)

Other Housing
(Atria Assisted Living)

B. Review Zoning Districts And Boundaries

Review Zoning Boundaries

When zoning was first instituted in Darien (1925), a number of zoning boundaries were established based on setbacks from road centerlines or natural features. This was considered to be the best approach at that time since a town-wide property line base map was not available in sufficient detail for this purpose.

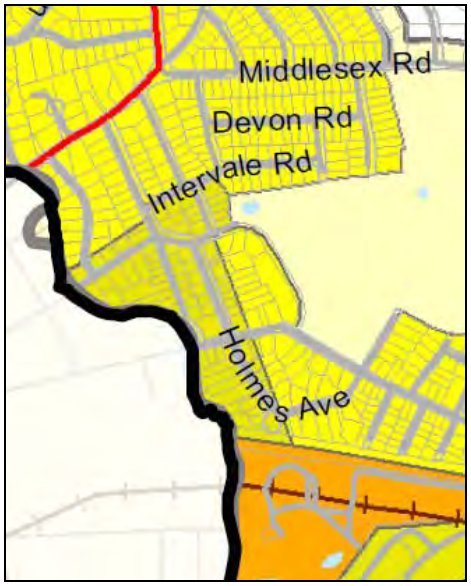
However, some of these zoning boundaries bisect a number of properties and this can create dilemmas in terms of dimensional requirements, permitted uses, or other provisions.

As was recommended in the 2006 POCD, the Planning and Zoning Commission should review and amend the zoning map, where appropriate, to place as many properties as possible into a single zoning district. Where there is a very deep lot however, placing the entire lot in one zoning district may not be as logical or as simple.

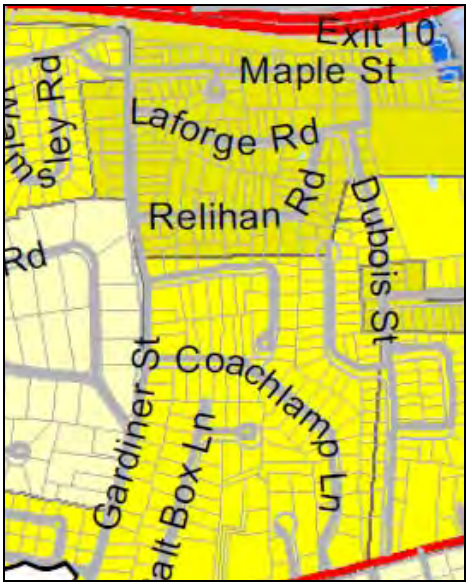
Areas which might be considered for alteration include, but are not limited to:

- Hoyt Street
- West Avenue;
- Holmes Avenue;
- Hollow Tree Ridge;
- Old Kings Highway South;
- Fairmead Road / Old Kings Highway North / Raymond Street;
- Hecker Avenue.

Holmes Avenue



Relihan Road



Split-Zone Lots

Section 315 of the Zoning Regulations states that:

> Where a lot in one ownership of record is divided by one or more zone boundary lines, regulations for the less restricted portion or portions of such lot ***shall not extend*** into the more restricted portion or portions. (emphasis added)

This means that there can be two separate set of dimensional or other requirements for the lot.

Review Zoning Districts

An analysis of lots sizes and zoning districts in Darien (see the map on page 9) indicates there are several areas where the prevailing lot sizes are smaller than the minimum lot size requirement in the zoning district. In such situations, the yard setbacks and other zoning requirements may reduce the usable area of the lot (since they may have been designed or intended for a larger lot).

While this might not be a consideration if the smaller lots were dispersed, it does seem that there are concentrations of smaller lots in certain areas. The Commission may want to revisit the zoning of these areas in order to relate the zoning requirements to the prevailing lot sizes.

The following tables illustrate how some of the zoning districts in Darien contain a large number of non-conforming lots (shaded in red):

Residential Lot Size Analysis (By Area)

	Zoning Districts						
Lot Size	**R-1/5**	**R-1/3**	**R-1/2**	**NRB**	**R-1**	**R-2**	**Total**
Less than 0.2 acres	260	204	33	23	20	15	**555**
0.20 to 0.32 acres	295	912	79	15	27	2	**1,330**
0.33 to 0.49 acres	70	608	258	29	45	7	**1,017**
0.50 to 0.99 acres	25	214	813	3	206	33	**1,294**
1.00 to 1.99 acres	1	12	123	0	1,227	214	**1,577**
2.00 to 3.99 acres	0	3	12	0	182	457	**654**
4.00 acres or more	0	0	2	0	36	34	**72**
Other	2	3	5	0	8	1	**19**
Total	**653**	**1,956**	**1,325**	**70**	**1,751**	**763**	**6,518**

Residential Lot Size Analysis (By Conformity)

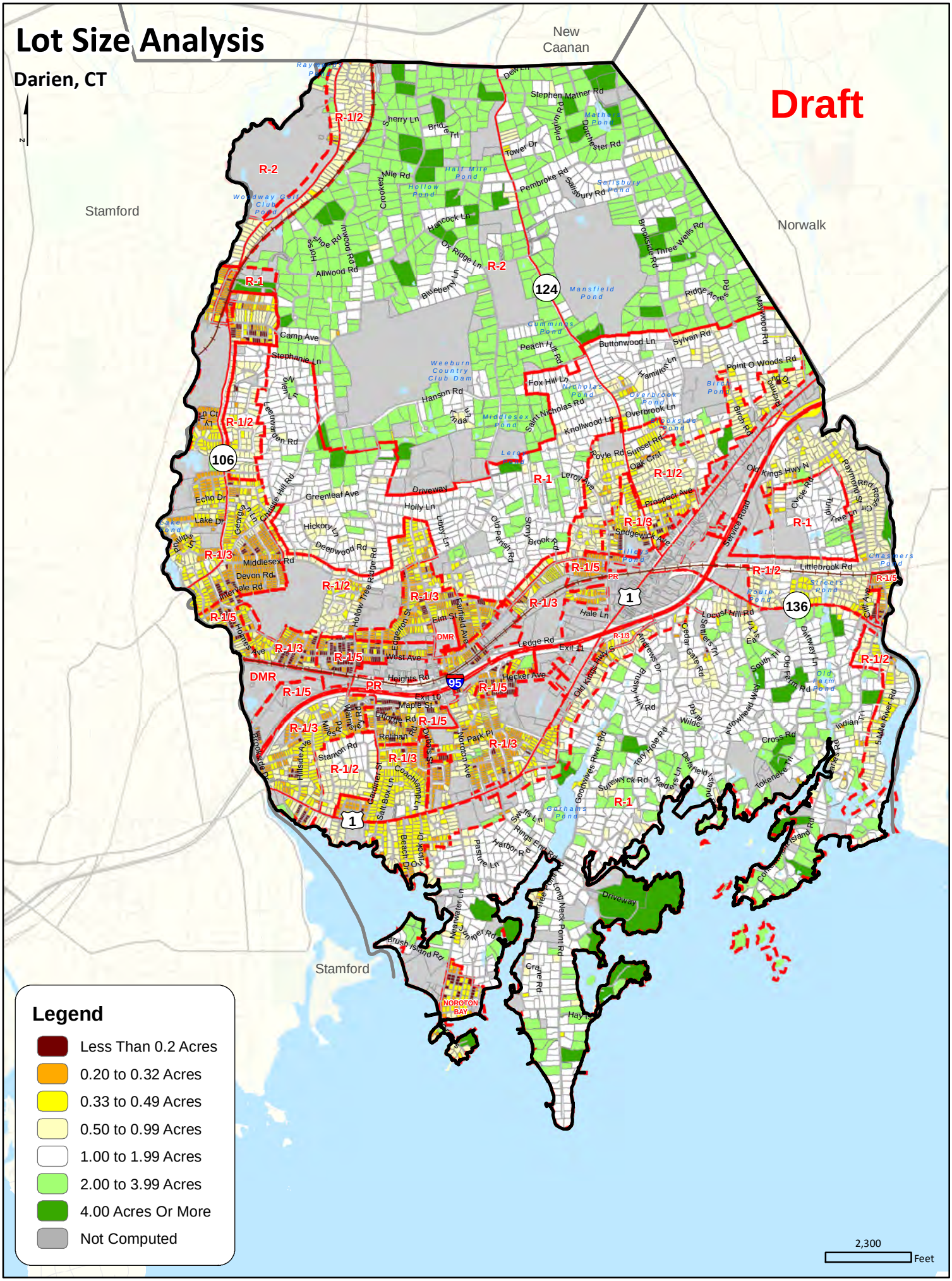
	Zoning Districts						
	R-1/5	**R-1/3**	**R-1/2**	**NRB**	**R-1**	**R-2**	**Total**
Under-Sized	260	1,116	370	67 +/-	298	271	**2,382**
Conforming	365 +/-	822 +/-	813	3 +/-	1,227	457	**3,687**
More than 2x The Minimum	26 +/-	15+/-	137	0	218	34	**430**
Other	2	3	5	0	8	1	**19**
Total	**653**	**1,956**	**1,325**	**70**	**1,751**	**763**	**6,518**

Note that *more than half* of the lots in the R-1/3 zone are non-conforming as to lot size. Town-wide, over 36 percent of all lots are non-conforming as to lot size.

Lot Size Analysis

Darien, CT

Draft

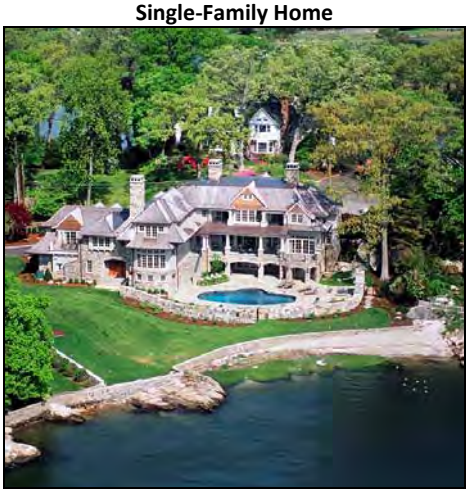


As part of the review of residential zoning districts and boundaries, the Commission might also review other regulatory provisions:

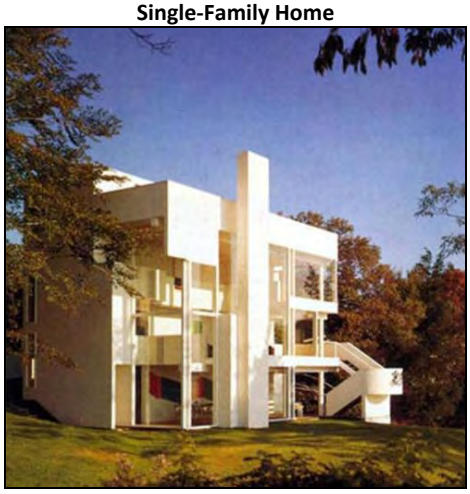
- Building Height (use of highest ridge and highest eave relative to cupolas, dormers, and other architectural features),
- Yard locations:
    - Front yard (FY) abuts street(s), anything touching FY is a side yard (SY), everything else is a rear yard (RY),
    - Front yard (FY) abuts street(s), yard most opposite longest FY is a RY, everything else is a SY,
    - Other
- FEMA floor elevations (consider adding one- to two feet)

B. Review Zoning Districts And Boundaries		
Possible Policies	**Leader**	**Partners**
1. Seek to reduce the number of areas that are non-conforming as to the minimum lot size requirement.		
2. Seek to reduce the number of residential properties split into multiple zoning districts.		
Possible Initial Tasks		
3. Review and rezone residential neighborhoods to make them more conforming as to the minimum lot size requirement.		
4. Review and amend the zoning map, where appropriate, to reduce the number of residential properties split into multiple zoning districts.		
5. Consider reviewing other residential regulations such as building height, yard locations, and floor elevations.		

Single-Family Home



Single-Family Home



C. Manage Bulk And Coverage

As was discussed as part of the "Conservation Strategies" booklet, some people have expressed concern that the size of some houses in the small-lot residential districts is "out-of-scale" with the character of the neighborhood and the community. Darien may wish to consider addressing building scale and massing, particularly in the small-lot residential districts.

The overall proportion of buildings to sites is something which has been talked about in Darien for some time. For example, the 2006 POCD made the following recommendations:

- Consider, review, or study amending the definition of Building Coverage to include all impervious surfaces, including all accessory buildings and impervious driveways, parking areas, walks, and terraces, or alternately create a maximum Developed Site Area within all residential zones. (2006 – Environmental Resources)
- Continue to evaluate and consider amending the existing building coverage and height restrictions to maintain the character of the community. (2006 – Housing)
- Consider establishing regulations regarding impervious surfaces coverage restrictions to maintain the character of the community. (2006 – Housing)

Planimetrics is in the process of evaluating the Assessor database for single-family homes in order to share information with the Commission on:

- **Building floor area**
- **Building coverage**
- **Impervious coverage**

It is hoped this information will be ready for the PZC meeting on July 14.

The tables on the following pages start to frame how Darien might start to regulate:

- Building floor area
- Building coverage
- Impervious coverage (note that "developed site area" does not apply to residential zones, per the definition)

Possible Approach to Floor Area, Coverage, and Setbacks

For Discussion Purposes Only At This Time

Building(s)	**Should Count To Impervious Coverage**	**Should Count to Building Coverage**	**Should Count to Floor Area**	**Minimum Yards Apply**
MAIN BUILDINGS / FEATURES:				
• The surface area covered by all buildings on the lot (buildings, garages, outbuildings, etc.) as measured to the outside surface of the outermost exterior walls.	Yes	Yes	Yes	Yes
• The Floor Area of all floors of all Buildings on the lot, as measured to the outside surface of the outermost exterior walls, except those areas specified below	Included above	Included above	Yes	Yes
• The Floor Area of an Attic which is a Half-Story or a Full Story	Included above	Included above	Yes	Yes
• The Floor Area of a Basement	Included above	Included above	Yes	Yes
• The Floor Area of a Cellar	Included above	Included above	No	Yes
• The Floor Area of an Attic which is NOT a Half-Story or a Full Story	Included above	Included above	No	Yes
ACCESSORY FEATURES:				
• Emergency generators, exterior HVAC equipment, pool equipment including concrete pads	Yes	No	No	Yes
• Above ground propane tanks (more than 125 gallons)	Yes	No	No	Yes
• Above ground propane tanks (up to 125 gallons)	No	No	No	No
• A ground-mounted dish antenna	No	No	No	Yes
• Small accessory or ornamental features such as a bird baths, well casings, dog houses, playscapes, tree houses, and other minor structures which do not require a building permit	No	No	No	No

For Discussion Purposes Only At This Time

Building Features	Should Count To Impervious Coverage	Should Count to Building Coverage	Should Count to Floor Area	Minimum Yards Apply
STEPS / STOOPS / ENTRIES:				
• Unroofed exterior steps, stairs, or landings (See ZR Section 351 and Section 354 for exceptions)	Yes	Yes	No	Yes
• Entryways for below grade access attached to the main Building (i.e. - basement hatchway doors	Yes	Yes	No	Yes
PORCHES :				
• Closed Porches (See ZR Section 351 for exceptions)	Yes	Yes	Yes	Yes
• Open Porches (or roofed exterior landings) (See ZR Section 351 for exceptions)	Yes	Yes	No	Yes
BALCONIES / DECKS:				
• Balconies	Yes	Yes	No	Yes
• Decks	Yes	No	No	Yes
ROOF EAVES / OVERHANGS:				
• Roof eaves / overhangs (See ZR Section 352 for exceptions)	No	No	No	No
• Gutters and leaders	No	No	No	No
CHIMNEYS				
• Chimneys	Yes	Yes	No	Yes
BOW OR BAY WINDOWS:				
• Bow / bay windows (See ZR Section 353 for exceptions)	Yes	Yes	Yes	Yes
AWNINGS:				
• Major Awnings	Yes	Yes	No	Yes
• Minor Awnings	No	No	No	No
OTHER BUILDING FEATURES				
• Columns, brackets, and pilasters	TBD	TBD	No	Yes
• Other architectural features (See ZR Section 355 for exceptions)	TBD	TBD	TBD	Yes

First 20 SF in Darien is exempted

Currently considered building coverage in Darien

Currently considered building coverage in Darien except for first 6 inches

For Discussion Purposes Only At This Time

Site Features	Should Count To Impervious Coverage	Should Count to Building Coverage	Should Count to Floor Area	Minimum Yards Apply
DRIVES / WALKS:				
• Covered walkways and breezeways as measured to the outside surface of the exterior walls or columns	Yes	Yes	No	Yes
• Porte cocheres or covered drive-ways	Yes	Yes	No	Yes
• Driveways	Yes	No	No	No
• Uncovered walkways	Yes	No	No	No
PATIOS:				
• Roofed Patios	Yes	Yes	No	Yes
• Open Patios	Yes	No	No	Yes
• Landscaped Terrace	No	No	No	Yes
• Paved Terrace (See ZR Section 361)	No	No	No	Yes
GAZEBOS / TRELLISES / PERGOLAS:				
• Gazebos	Yes	Yes	No	Yes
• Trellises / Pergolas / Arbors	No	No	No	Yes
FENCES / WALLS:				
• Fences or freestanding walls (xx feet or less in height) (See ZR Section 362)	No	No	No	No
• Fences or freestanding walls (more than xx feet high) (See ZR Section 362)	No	No	No	Yes
RECREATION FACILITIES:				
• Swimming pools or hot tubs (See ZR Section 364)	Yes	No	No	Yes
• At grade tennis courts, basketball courts, sports courts, or similar recreation surfaces (See ZR Section 366)	Yes	No	No	Yes
• Above grade recreation surfaces (See ZR Section 366)	Yes	Yes	No	Yes

Currently considered building coverage in Darien

Currently considered building coverage in Darien

At the present time, all residential zoning districts in Darien have the same maximum building coverage limitation of 20 percent. A number of communities vary the amount of building coverage depending on the zoning district. Darien may want to consider modifying this standard.

	Comparison With Some Other Communities				
	Low				**High**
R-1/5 8,712 SF	1,096 SF (12.6%) Ridgefield	1,306 SF (15%) Westport	1,432 SF (16.4%) Madison	1,742 SF (20%) Darien	2,081 SF (24%) New Canaan
R-1/3 14,520 SF	1,587 SF (10.9%) Ridgefield	2,128 SF (14.7%) Madison	2,178 SF (15%) Westport	2,468 SF (17%) New Canaan %	2,904 SF (20%) Darien
R-1/2 21,780 SF	2,132 SF (9.8%) Ridgefield	2,614 SF (12%) New Canaan	2,976 SF (13.7%) Madison	3,267 SF (15%) Westport	4,356 SF (20%) Darien
NRB 25,000 SF	2,325 SF (9.3%) Ridgefield	2,743 SF (11%) New Canaan	3,350 SF (13.4%) Madison	3,750 SF (15%) Westport	5,000 SF (20%) Darien
R-1 43,560 SF	3,440 SF (7.9%) Ridgefield	3,485 SF (8%) New Canaan	4,356 SF (10%) Madison	8,712 SF (20%) Darien	Not regulated Westport
R-2 87,120 SF	5,180 SF (5.9%) Ridgefield	5,227 SF (6%) New Canaan	8,712 (10%) Madison	17,424 SF (20%) Darien	Not regulated Westport

Greenwich regulates floor area and not building coverage.

Darien may also want to revisit the definition of building coverage. A number of communities separate "building coverage" (typically something which as three dimensions) from "impervious coverage" (typically something which has two dimensions).

B. Manage Bulk And Coverage		
Possible Policies	**Leader**	**Partners**
1. Address building bulk and coverage in the residential zones.		
Possible Initial Tasks		
2. Consider adopting floor area limitations in some or all residential zones.		
3. Consider adopting a building coverage limitation in some or all residential zones and which varies by district.		
4. Consider adopting an impervious coverage limitation in some or all residential zones and which varies by district.		

Definitions

Building Coverage: The combined percentage of the land covered by the roof area or outside dimensions of all structures on the lot including eaves and other similar projections. The first six inches (6") of building eave, and up to twenty (20) square feet for overhangs for stairs, stair landings, and stoops do not count toward Building Coverage.

[Building] Coverage shall include dwellings; garages; storage/accessory buildings; commercial buildings; porches; decks; covered courtyards and walkways; pools; tennis and other recreational courts; and other structures that are located on or above the ground. For pervious tennis courts and other pervious recreational courts located on lots in a commercial zone or on a residential lot with a Special Permit use thereon, only the largest such court shall count in Building Coverage.

Driveways, uncovered walks, patios, terraces and other at grade surfaces shall not be included in building coverage, but shall be included in the calculation of developed site area.

D. Consider Amending Use Provisions

The range of principal and accessory uses allowed in the residential districts seems reasonable and appropriate. The uses which are only allowed by Special Use Permit could have impacts on the adjacent residential uses and so the level of review which occurs as part of the Special Use process is necessary and reasonable.

There are two use provisions which the Commission may wish to consider some modifications to however:

- Home occupations
- Open space development

Consider Amending Home Occupation Provisions

An increasing number of people are working from home on a part-time or even full-time basis - either as a home-based businesses or telecommuting or as part of employment occurring elsewhere. Making provision for this should be considered as part of the POCD.

Home occupations are presently allowed in the residential zones in several ways:

- Basic home occupations involving limited visits to the premises are allowed as-of-right (ZR Section 403.a)
- Professional office or a home occupation involving visits to the premises are allowed by Special Use Permit (ZR Section 405.a)

However, the regulations contain some limitations which the Commission may want to review:

Provision	Possible Consideration
The interior floor area for the home-based business is limited to 10 percent of the gross building area or 500 square feet, whichever is less	This may create a difficulty in a smaller housing unit and may discourage or prevent some businesses or result in non-compliance. Consider allowing a higher percentage as-of-right or through the Special Use Permit process.
Limited to one home occupation per dwelling unit	It is possible that spouses might each have a home-based business or that one person might have more than one home-based business. Consider allowing more than one business per dwelling unit provided the limitations on floor area and employees are followed.

Consider Expanding the Open Space Development Regulations

Open space development is an approach that allows for the same number of dwelling units to be built in a more flexible configuration provided that more open space is preserved. The Darien zoning regulations contain a section called "open space development" (ZR Section 1052) at the present time.

However, the Darien regulations *appear* to operate in a way to allow development on oversize lots when such development could not otherwise occur conventionally. The open space being "preserved" is actually just an easement rather than an open space dedication. To manage the impacts of this additional development, coverage is calculated based on "developable" area rather than total area of the site although the calculation also allows the open space and access roads to be used to calculate building coverage. This type of development is only permitted in the R-1/5 and R-1/3 districts and only when the development will use public water and public sewer.

Open Space Development On West Avenue

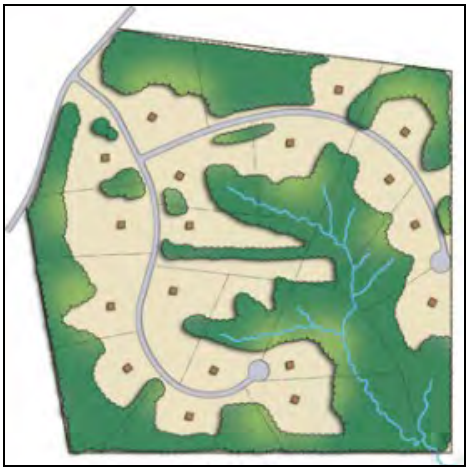
The "open space development" provision in Darien may be mis-named since it appears to be more an approach to allow development than it is an approach to preserve open space.

While Darien may wish to continue this approach, they may also wish to allow "open space development" in other parts of the community. In essence, it may make sense for Darien to have two open space development approaches:

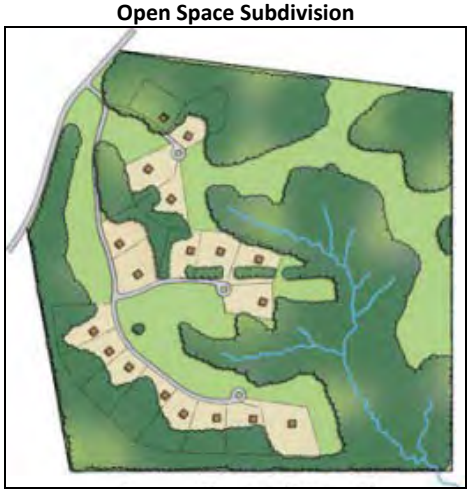
- one which is similar the existing regulations and is based on units on common land (with the open space in an easement), and
- one which is based on a more flexible approach where the homes end up on individual lots and the open space is dedicated for public use.

The graphics below illustrate how an open space development approach to an entire subdivision can result in the same amount of development but do it in an environmentally sensitive way that results in more open space being preserved.

Conventional Subdivision



Open Space Subdivision



Even though Darien is predominantly developed, having an "open space development" provision available could allow for significant open space preservation in certain critical situations. Darien might even consider requiring this for any subdivision of land in excess of a certain acreage.

D. Consider Amending Residential Provisions		
Possible Policies	**Leader**	**Partners**
1. Allow for appropriate home occupations.		
2. Encourage additional forms of "open space development" in Darien.		
Possible Initial Tasks		
3. Re-examine home occupation regulations to ensure that they are consistent with changing times and community needs and desires.		
4. Consider changing the Zoning Regulations to allow open space "subdivisions": a. in zones other than the R-1/5 and R-1/3 zones. b. with wells and septic systems provided that meaningful open space is preserved. c. with flexibility on yard setbacks on individual lots.		

E. Diversify Darien's Housing Portfolio

For many years, Darien has been a community dominated by owner-occupied, single-family detached homes. According to the 2010 Census:

- About 85 percent of all dwelling units in Darien were owner-occupied,
- About 91 percent of all units were single-family detached units.

However, Darien's population and housing needs have changed over the years. People have always sought housing that met their life-stage and lifestyle needs (location, cost, size, amenities, etc.) and Darien residents are no different. If the housing people seek is not available locally, they will choose to live elsewhere. The information in Booklet #2 (pp 8-10) on age composition and age-related migration indicates:

- More young families (35 to 55) with school age children
- Fewer young adults (ages 20 to 35)
- Fewer older adults (ages 55 and over)

Darien may not be "gaining" young people because they cannot find housing that is affordable and meets their needs. These may be people who are the sons and daughters of Darien residents or people that work in local businesses or people that provide services to Darien residents.

Similarly, Darien may be "losing" older residents because they also cannot find housing that meets their needs. As "empty nesters", they may wish to downsize to a smaller unit where there are fewer maintenance responsibilities and more amenities within walking distance. Although these people may have lived in Darien for years, there may come a time when their housing needs or desires may no longer be available locally.

Darien will always have a strong presence of single-family detached homes and will always strive to retain its single-family residential character. However, Darien can, at the same time, diversify its housing portfolio to meet a more diverse range of housing needs of present and future residents.

Younger Residents

Older Residents

Housing Options

Another way that Darien provides housing options is contained in Section 405e of the Darien Zoning Regulations. That section allows, by Special Permit, "living accommodations and/or dwelling units in conjunction with a Special Permit use where the applicant clearly demonstrates a reasonable safety, security or similar need to have an employee or specified number of employees reside on the premises".

This provision has been used to provide housing at:

- 3 local country clubs,
- 1 local horse club,
- 1 local yacht club, and
- several other uses such as local churches, a private school, and similar uses.

While these 100+ living accommodations are not included as part of the "affordable housing" count for Darien (since they are not "deed-restricted" at the present time), they do help meet the housing needs of local workers and organizations.

Overall Philosophy

The Town has made considerable progress in providing for a wide-range of housing, both affordable and market-rate. This has resulted from a number of policies and regulations that which allow such uses as condominiums, apartments on upper floors of buildings in downtown and in other zoning districts, assisted living facilities, and apartment complexes that include affordable units.

The Planning and Zoning Commission generally views a variety of housing options as an enhancement to Darien. The provision of various types of housing may allow opportunities for Darien residents who wish to "downsize"; may provide housing for those who want to rent; who need special kinds of housing; or who need housing assistance.

This philosophy should continue. Darien should continue to encourage a diverse range of housing in order to help:

- Address the housing needs of an aging population.
- Provide housing choices for existing residents so that they do not have to move elsewhere if their circumstances change.
- Offer more housing choices for younger people.
- Offer more housing choices for single people.
- Offer more housing choices for moderate income people who work in Darien.

Current Provisions

The chart on the following page summarizes which zoning districts allow multi-family housing. These provisions should be reviewed to ensure the Commission believes they are appropriate for the future.

Most of these locations are near to the train stations (Darien, Noroton Heights) or are on or near a bus transit line. The areas near the train stations would seem to have significant potential to diversify Darien's housing portfolio while having limited impacts on the community.

Up-sizing

Down-sizing

Provisions For Multi-Family Housing In Darien

	If All Multi-Family	If Part Of Mixed Use	Affordable	Other	Location
Designed Business and Residence (ZR Section 500) Overlay	Allowed	Allowed	Incentive for moderate Income (see note 1)	Incentive for senior	2 locations (Leroy at Squab, Post Road East)
Designed Multi-Family Residential (ZR Section 520)	Allowed		Allowed (see note 1)		2 locations (Avalon and Alan O'Neill Homes)
3.7 Acre Zone (ZR Section 540)			**Required**		1 location (Hollow Tree at RR tracks)
Designed Community Residential (ZR Section 570) Overlay	Allowed		(see note 1)		1 location (Procaccini / Kensett)
Leroy West (ZR Section 590) Overlay			**Required**		1 location (Leroy at West)
Neighborhood Business (ZR Section 600)		Allowed (2nd floor existing bldg)	(see note 1)		3 locations (Tokeneke, Noroton, Noroton Hgts)
Design Business 1 (ZR Section 610)		Allowed (upper floors)	(see note 1)		3 locations (Hale, Grove, Post Road East)
Design Business 2 (ZR Section 620)	No	Allowed (2nd floor existing bldg)	(see note 1)	Assisted Living	1 location (Post Road East)
Designed Commercial (ZR Section 630)		Allowed (2nd floor existing bldg)	(see note 1)		3 locations (Goodwives, Koons lot, Noroton Hgts)
Central Business District (ZR Section 650)		Allowed (upper floors)	(see note 1)		1 location (Downtown)
Service Business (ZR Section 660)	Allowed (non-auto)	Allowed (non-auto)	(see note 1)	Assisted Living	4 locations (Ledge to Hecker, Ledge to West, Noroton Hgts, Camp Avenue)
Service Business East (ZR Section 670)		Allowed (non-auto)	(see note 1)		1 location - Post Road East
Noroton Heights Redevelopment (ZR Section 680)	Allowed	Allowed	(see note 1)		1 location (Noroton Hgts)
Design Office and Research (ZR Section 700)	No	No			3 locations (Library, Tokeneke, Parklands)
Office Business (ZR Section 710)	No	No			6 locations (3 on Kings Hwy South, Thorndal Circle, Quaker La., Noroton Ave.)

1. ZR Section 580 (Inclusionary Zoning) requires that any single-family subdivision of 5 or more lots and *any multi-family development* provide at least 12 percent of the units as below market rate or pay a fee-in-lieu-of-affordable-housing.

The Commission may wish to discuss allowing housing in some office areas

Housing Needs Of An Aging Population

Population projections indicate that Darien, like many other communities, will experience a marked rise in the number of older residents in the future. Since housing needs can change as people get older for health, economic, or lifestyle reasons, having a range of housing option can help ensure that residents will always be able to live in Darien if they so choose.

Possible Policy Options For Addressing The Housing Needs Of An Aging Population

Housing Options	Current Status	Possible Policy Options
1. Remain in current home with no use of Town services.	No restrictions	None required.
2. Remain in current home with use of local senior programs.	No restrictions	Maintain and enhance services for senior citizens (senior center, meals-on-wheels, dial-a-ride, etc.)
3. Remain in current home with elderly tax relief.	No restrictions	Maintain elderly tax relief programs.
4. Remain in current home but adapt home to meet needs.	Zoning regulations may inhibit modifications to address changing needs.	Consider allowing modifications to homes to accommodate renovations for an aging population (handicapped ramps, caregiver services, first floor additions, energy efficiency, etc.)
5. Remain in home with *accessory unit* for caregiver, and/or income.	Accessory units not permitted at present	Consider allowing accessory units
6. Move in with family in their home or *accessory unit*.	Accessory units not permitted at present	Consider allowing accessory units
7. Move to a market rate condominium or rental housing.	Modest availability in in Darien	Consider allowing for additional units in appropriate places and configurations to address potential future need / desire
8. Move to an age-designed market-rate housing development.	Modest availability in in Darien	Consider allowing for additional units in appropriate places and configurations to address potential future need / desire (ZR Section 430 – Active Senior Residential Overlay Zone adopted in October 2014)
9. Move to income-limited elderly housing development	Have existing units (with waiting period)	Consider ways of providing for more units to meet present and future community needs
10. Move to *institutional facility* providing some services: • congregate / assisted living / memory care • nursing / convalescent home	Permitted by Special Permit in the: • DB-2 zone • SB zone	Consider allowing in other zones as well

CASE STUDY

Accessory Apartments

Trumbull adopted the following regulations for accessory apartments. Since accessory apartments must be deed-restricted to affordable levels, they have gained a number of "housing unit equivalent points".

5. Temporary In-Law and Accessory Apartments

A. Statement of Purpose:

To provide additional affordable housing by giving owner-occupied homeowners the opportunity of maintaining a temporary apartment, and to protect stability, property values, and the single-family residential and visual character of a neighborhood by ensuring that temporary apartments conform fully to the standards and intent of the ordinance.

B. Definitions:

For the purposes of this Subsection only, the following terms shall be defined as follows:

(a) Accessory Apartment: a separate living unit that:

- (A) is attached to the main living unit of a house, which house has the external appearance of a single-family residence,
- (B) has a full kitchen,
- (C) has a bathroom with a tub/shower, sink, and toilet,
- (D) has a square footage that is not more than thirty per cent of the total square footage of the house,
- (E) has an internal doorway connecting to the main living unit of the house,
- (F) is not billed separately from such main living unit for utilities, and
- (G) complies with the building code and health and safety regulations.

(b) Basement Accessory Apartment: An accessory apartment any part of which is below the elevation of the finished grade of the ground adjacent to any part of the dwelling at the highest point of elevation;

C. Conditions:

(a) An accessory apartment must have at least three hundred (300) square feet of Livable Floor Area. Maximum size shall not exceed thirty (30%) per cent of the Livable Floor Area of the Principal Dwelling;

(b) At least one (1) Dwelling Unit in the converted single-family home shall be owner-occupied;

(c) In all cases, the accessory apartment conversion shall have the exterior appearance of a single-family home, and in no case shall additional front entrances be allowed. An accessory apartment shall not be located in a detached or accessory building;

(d) The design and size of the apartment must conform to all applicable standards in the health, building, and other codes;

(e) At least four (4) off-street parking spaces must be available;

(f) Prior to PZC approval, the local health authority must give approval that the dwelling, including the apartment, has sewage disposal capability, septic reserve area, and potable water availability in conformance with its current standards;

(continued)

(continued from previous page)

(g) Every accessory apartment approved under this section of the Zoning Regulations shall be deemed an "affordable housing unit" and shall be subject to the requirements of Section 8-30g(k) of the Connecticut General Statutes; e.g.
   i. The rental charge for the apartment shall not exceed thirty (30) per cent of the renter's income, where such income is less than or equal to eighty (80) per cent of the median income of the area;
   ii. A binding deed restriction containing covenants and restrictions in conformance with the Connecticut General Statutes Section 8-30g shall be recorded in the Trumbull Land Records; said restrictions shall be for a minimum period of forty (40) years from the date of original occupancy of the apartment;

(h) Each apartment shall have a full kitchen, be connected to the main living area of the house, and utilities shall not be billed separately from the main living unit of the house.

D. Application Procedure

Application for Special Permit for a temporary apartment shall be made to the Planning and Zoning Commission in accordance with Article XV of these Regulations, and in addition to the information required that Article, shall include, but not be limited to, the following:

(a) A notarized letter of application from the owner(s) stating that he/they will occupy one of the dwelling units on the premises, except for bona fide temporary absences;

(b) A floor plan of one-fourth (¼) inch to the foot showing proposed changes to the building;

(c) The application shall include an accurate description of the proposed facility, drawings of any proposed addition, four (4) copies of a certified plot plan for the facility, and certification by the Town Sanitarian. These plans shall show the location of all buildings, uses, parking areas, traffic access and circulation drives, open spaces, landscaping, exterior lighting and special features relating to the property.

E. Renewal Requirements

(a) The effective period of the Special Permit shall be five (5) years. At the end of every five (5) years, renewal shall be granted upon receipt of certification, by the owner or his agent, to the Planning and Zoning Commission that the property remains the principal residence of the owner, and that all other conditions met at the time of the original application remain unchanged. The Planning and Zoning Commission may require a new application and a demonstration of compliance with all conditions necessary for a special use permit;

(b) Purchasers of homes that had Special Permits for temporary apartments who want to continue renting those apartments must reapply for a permit, and must demonstrate that all conditions prerequisite to obtaining the relevant permit, in particular their residence in the home, have been met;

(c) Special Permits for existing apartments shall only be renewed in accordance with this section.

Housing That Is More Affordable

While only about 3.4 percent of Darien's housing stock meets the State definition of affordable housing, Darien has made significant progress over the last decade or so. In fact, data reported by the Department of Housing indicates that Darien has at least 152 more affordable housing units than it did in 2002. Some of these units were created by the Town and some were created by private developers.

As a result, Darien accumulated enough "housing unit equivalent points" to obtain a four-year moratorium from the Affordable Housing Appeals Procedure starting in October 2010. Darien is now on the verge of obtaining a second moratorium.

Darien should continue these efforts.

E. Diversify Darien's Housing Portfolio		
Possible Policies	**Leader**	**Partners**
1. Continue efforts to diversify Darien's housing portfolio.		
2. Continue to consider ways to address the housing needs of an aging population.		
3. Continue to consider ways to provide for housing that is more affordable.		
4. Seek to locate higher density housing near the train stations (Darien, Noroton Heights) or on or near a bus transit line.		
5. Work with the Darien Housing Authority to help meet local housing needs.		
Possible Initial Tasks		
6. Consider adopting accessory apartment regulations.		
7. Review zoning provisions and locations for multi-family housing to ensure they are appropriate for the future.		
8. Evaluate and consider eliminating size restrictions for multi-family units and rely instead on building size and bulk standards.		
9. Consider an amnesty program for illegal apartments in Darien.		
10. When and where appropriate, seek to place deed restrictions on housing units that are accessory to Special Permit uses in order to count such units as "affordable housing" for as long as they exist.		

Affordable Housing Appeals

In 1989, Connecticut adopted the "Affordable Housing Appeals Procedure" (codified as Section 8-30g of the Connecticut General Statutes) which affects any municipality where less than ten percent of the housing stock is considered affordable (as defined in the statute).

As of 2014, about 3.8 percent of the housing stock in Darien (239 out of 7,074 units) met the State criteria and so Darien is subject to the statute.

Affordable Housing Stock

According to the State's Affordable Housing Appeals program, about 239 Darien housing units are considered "affordable":

Governmentally Assisted Units	136
Tenant Rental Assistance	7
CHFA/USDA Mortgages	1
Deed Restricted Units	95
Total Assisted Units	239

BUSINESS / ECONOMIC DEVELOPMENT

Business and economic development in Darien provides key benefits to the community...

Business and economic development in Darien provides three key benefits to the community:

- Jobs for residents of the community and the region,
- Goods and services for residents of the community and the region, and
- Net tax revenue which helps support community services.

For the purpose of the POCD, economic development includes any use which produces more in tax revenue than it requires in service costs (i.e. – produces net tax revenue). By this definition, some non-residential uses and some residential uses result in economic development to Darien.

Darien has an excellent regional location, a number of areas zoned for business development, and benefits from having some key locational advantages within the town:

- Two train stations (Darien and Norton Heights)
- Interstate 95 with 4 full or partial interchanges
- Boston Post Road (US Route 1)
- Bus transit services

Recommendations related to Downtown Darien and Noroton Heights are being prepared separately.

Local Retailer

Office Building

A. Promote Business / Economic Development

Business and economic development provide a number of advantages to the community and the Plan recommends that the community continue to promote and encourage appropriate business and economic development.

The range of principal and accessory uses allowed in the business districts seems reasonable and appropriate. The uses which are only allowed by Special Use Permit could have impacts on other uses and so the level of review which occurs as part of the Special Use process is necessary and reasonable.

As noted in the 2006 POCD:

> *The Commission should be hesitant to rezone existing commercial properties for other uses. The amount of commercial property in Darien is quite limited, and as … there is a desire for the community to have a mix of zones, and not be entirely residentially zoned. While [Darien] is and should remain primarily a residential community …, the quality of residential life in such a community is enhanced by well-planned commercial and other "support" uses within the Town.*

A. Promote Business / Economic Development		
Possible Policies	**Leader**	**Partners**
1. Continue to encourage business and economic development to provide jobs, provide goods and services, and enhance the tax base.		
2. Continue to work with the Chamber of Commerce and other organizations to promote economic growth of Darien.		
3. Continue to encourage vibrant commercial areas.		
Possible Initial Tasks		
4.		

B. Manage Business Development

Overall Character

As indicated in the "Conservation Strategies" booklet, architectural design influences the character of a community. Buildings that complement each other and are consistent with local architectural styles will enhance community character.

Darien has had an Architectural Review Board for some time. The Board reviews commercial developments and provides comments to the applicant and to the Commission. To aid in their work, they also prepared "Design Guidelines" to help applicants in the formative stages of project design.

These efforts to promote and encourage compatible design should continue.

Zones And Uses

Darien has a plethora of business zoning districts.

The Planning and Zoning Commission should undertake a review of the various zoning districts and their locations to determine if they are accomplishing what the community desires in an efficient way. The subtle distinctions between uses in some of the zoning districts (see the table on the facing page) and locations might be modified to better meet community goals and objectives.

The fact that there are about 25 separate and distinct business-zoned areas on the zoning map encompassing about 366 acres means the typical zone is 15 acres in size. Over the long term, it may be more viable for Darien to think about its broad performance objectives for each of the main business areas in the community and how to get the best results from each.

Local Market

Restaurant

	Nodes		Business						Office	
	CBD	NHR	NB	DB-1	DB-2	DC	SB	SB-E	DOR	OB
Retail-Type Uses										
Commercial sales / services	P*	SU	P	SU		P	SU*			
Commercial sales / service (external storage)					SU		P*	P*		
Retail sales (bulky products)					SU					
Hospitality-Type Uses										
Restaurants	SU	SU				SU	SU	SU		
Sale of prepared food	SU	SU	SU			SU				
Dinner theaters										SU
Hotels and inns							SU			
Office-Type Uses										
Business and professional offices	P/SU*	SU		P/SU	P/SU	P/SU				P
Financial Service offices	SU*	SU*								
Executive and administrative offices									SU	P
Research and design laboratories									SU	P
Civic-Type Uses										
Public and semi-public uses	P	SU	P	P	P	P	P*	P*		
Clubs or lodges	SU			SU	SU					SU
Educational, philanthropic, cultural uses									SU	
Churches and other places of worship										SU
Service-Type Uses										
Personal Service Businesses	SU	SU	SU	SU	SU	SU				
Indoor recreation facilities		SU		SU	SU	SU	SU	SU		
Veterinary hospitals, clinics / kennels							SU			
Automotive services							SU			
Catering Business							SU			
Automotive services								SU		
Other Uses										
Railroad stations and mass-transit facilities	P									
Home improvement contractors								SU		
Protected Town Landmarks	SU	SU	SU	SU	SU	SU	SU	SU		SU

Note – Some residential uses not listed

Access Management

Access management refers to strategies to maintain roadway capacity (and reduce congestion) by controlling and sharing driveway. This is particularly relevant on major roadways and in commercial areas where turning movements are greatest. Access management has been used on a number of roadways around Connecticut and would seem to have direct applicability to commercial roadways in Darien.

The Commission may wish to consider adding a special section into the regulations regarding access management principles.

Area Which May Have Potential For Access Management

Local Business

Restaurant

Parking

The parking standards for some of the business uses do not appear to correlate well with information on parking utilization prepared by the Institute of Transportation Engineers (ITE), the American Planning Association (APA), the Urban Land Institute (ULI), and others. Some standards in Darien's regulations appear to require more parking than might be necessary and some appear to require less parking than might be necessary.

Parking Surplus?

Regulatory Provisions

As part of the review of business zoning regulations, the Commission might also review other regulatory provisions:

- Clarifying the definitions of "commercial service" versus "personal service",
- The requirement for external storage or activity in the Service Business zone
- Signage regulations

Local Office

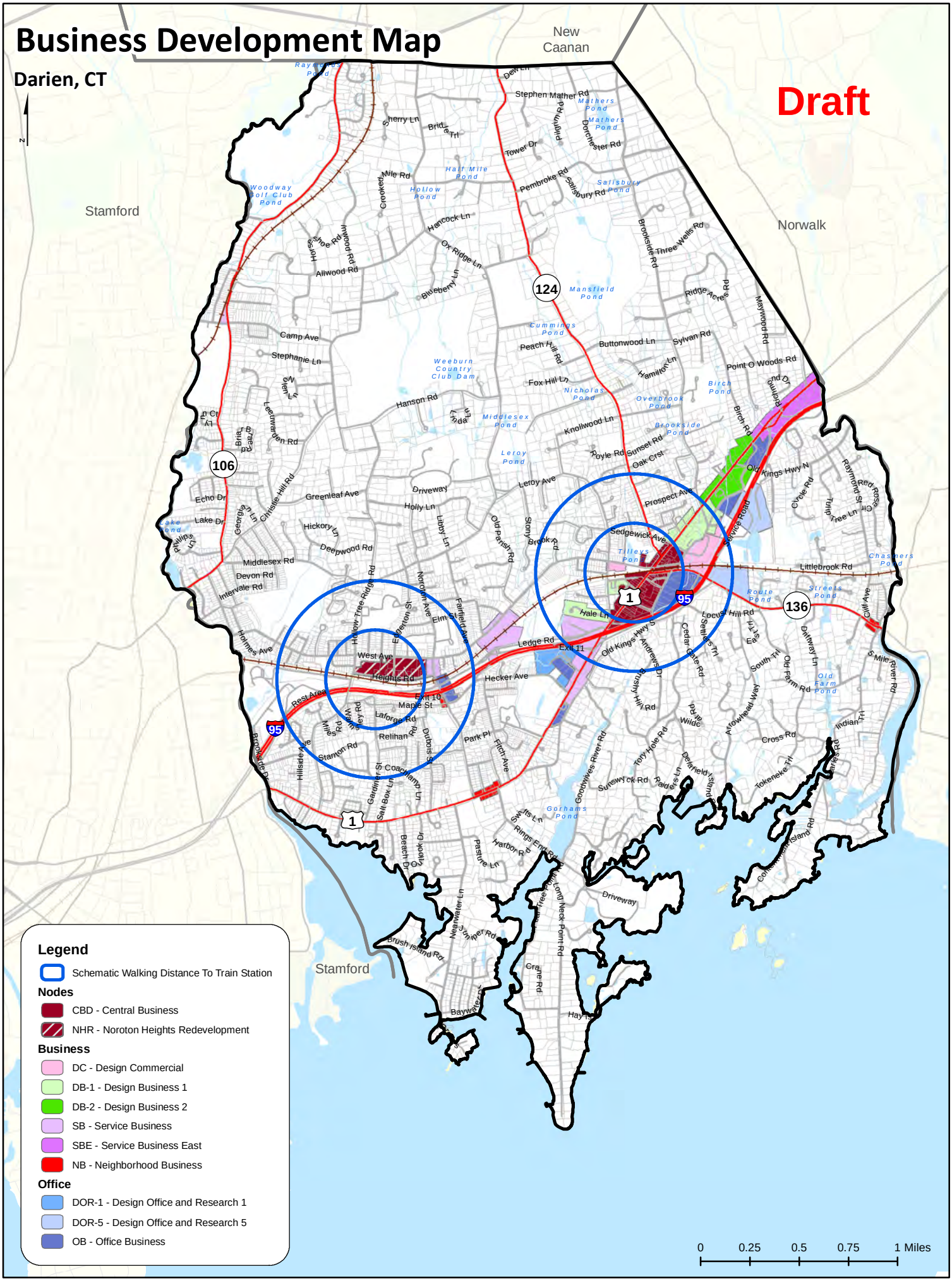
Restaurant

B. Manage Business Development		
Possible Policies	**Leader**	**Partners**
1. Keep future commercial development consistent with the existing small-town New England character of Darien.		
2. Continue to enhance the design of buildings and sites through the design review process.		
3. Encourage adaptive reuse of existing buildings and sites.		
4. Enhance the function of the roadway through access management in business areas.		
5. Encourage coordination between property owners/developers to minimize curb cuts, and encourage cohesive development in all commercial zones.		
6. Seek to limit business impacts and intrusion on adjacent residential properties and streets.		
7. To encourage pedestrian access, continue to require sidewalks and pedestrian amenities (such as benches) in all commercial areas and in front of all commercial properties.		
Possible Initial Tasks		
8. Review of the various zoning districts and their locations to determine if they are accomplishing what the community desires in an efficient way.		
9. Review the Zoning Regulation requirement that commercial sales and service in the Service Business zone require "external storage or activity."		
10. Establish an access management section in the zoning regulations applicable to development in all areas.		
11. Review the parking requirements in the zoning regulations.		

Business Development Map

Darien, CT

Draft



Notes & Comments

Planimetrics
70 County Road, Simsbury, CT 06070 860-913-4080