

# Proposed Text Amendment PLPZ 2018 00233



# PURPOSE OF AMENDMENTS

1. Reduce liability to the town
  - a) Special permit/special exception; and
  - b) Removing POCD\* as a standard to be met under special permit and special exception
2. Protect neighborhoods by promoting desirable land uses as noted in POCD
  - a. Preservation of historic structures

*\*POCD = Plan of Conservation and Development*



# SPECIAL EXCEPTION USES

- Horticultural, wildlife reservations, natural park areas.
- Clubs, recreational areas, fall-out shelters, community centers
- Commercial agricultural uses
- Cemeteries
- Religious and educational institutions
- Public utility uses
- Radio and television stations and towers
- The keeping of more than six (6) horses
- Construction and use of accessory structures involved in the operation of a public underground utility
- Emergency youth shelter
- Museums
- Auto detailing
- Car washes
- Gasoline filling stations or service stations
- Motor vehicle storage
- Radio and television transmitting facilities
- Veterinary establishments and kennels
- Warehousing and storage
- Wholesale establishments
- Motor vehicle repair
- Motor vehicle sales and service
- Private garages, barns, sheds, shelters, silos and other structures customarily accessory to residential estates, farms, or resident uses provided no accessory building shall exceed a certain size



# SPECIAL PERMIT USES

- Hospitals; clinics; nursing homes; homes for the aged; sanitariums; convalescent homes
- Health care facilities for the elderly
- Philanthropic or charitable institutions
- Group Living Facility for the Elderly
- Group Day Care Homes
- Resident Medical Professional Office
- Animal day care establishments
- Drive-through Banks
- Drive-through restaurants
- Congregate Housing
- Recreational facilities
- Restaurants
- Supermarkets
- Uses supportive to water-dependent uses in the WB zone
- Structures in excess of 40,000 cubic feet in volume in the Central Greenwich Impact Overlay Zone, the Post Road Impact Overlay Zone, the Waterfront Business Zone, Local Business (LB) Zone, or the Local Business Retail (LBR) Zones
- Structures in excess of 150,000 cubic feet in volume in all other zones



# REDUCE LIABILITY TO THE TOWN:

## Special permits/special exception

1. There is no difference under the law between a special permit and a special exception
2. Zoning Board of Appeals reviews special exceptions
3. Planning and Zoning Commission reviews special permits
4. The standards for each board (6-17 and 6-20) are very similar
5. Due to the volume threshold for special permits, special exception reviews may **ALSO** require a special permit review. Herein lies the potential conflict: Two boards reviewing the same application with very similar standards.



# REDUCE LIABILITY TO THE TOWN:

## Special permits/special exception

YEAR	Variances	Special Exceptions	Out of the total number of special exceptions, these were reviewed by both boards
2014	87	26	7
2015	96	28	6
2016	85	22	10
2017	83	25	10
<b>Total:</b>	<b>351</b>	<b>101</b>	<b>33</b>



YEAR	22 applications out of the 33 would have been reviewed by only P&Z, if the regulation had been amended as proposed	11 if the 33 applications would have remained with ZBA (10 of which would have remained in dual review)
2014	1	6
2015	5	1
2016	7	3
2017	9	1
<b>Total:</b>	<b>22</b>	<b>11</b>



# REDUCE LIABILITY TO THE TOWN:

## Special permits/special exception

Out of 101 S.E. Applications reviewed over the last 4 years, 22 would have been transferred to review by P&Z only:

22 comprises:

- 8 homes over 150k/indoor athletic
- 6 Country Clubs
- 4 Schools
- 3 religious institutions
- 1 Historic Overlay (50 River)

Out of the 11 that would have remained under ZBA, 10 of them were car dealerships and one was an accessory structure not on property with over 150k cfv



# REDUCE LIABILITY TO THE TOWN:

## Special Exception versus Special Permit Standards

1. A Plan of Conservation and Development (POCD) is a document intended to establish a common vision for the future of a community and then recommend policies and action steps that will help attain that vision. THE POCD IS NOT A REGULATORY DOCUMENT
2. The Zoning Regulations are regulations. **It is the SOLE DOCUMENT that the P&Z Commission and the ZBA must use to review special exception and special permit applications.**

POCD is developed first. The Zoning Regulations must be in keeping with the vision outlined in the Plan. Applications must then comply with the Zoning Regulations.





# REDUCE LIABILITY TO THE TOWN:

## Special Exception versus Special Permit Standards

### PLANNING:

Town Charter

1. Develop Plan of Conservation and Development (POCD)
2. Review Municipal Improvements against POCD
3. Subdivisions

### ZONING:

Ct. General Statutes

1. Zoning Regulations - implement the land use objectives of the POCD
2. Text amendments



# REDUCE LIABILITY TO THE TOWN:

## Special Exception versus Special Permit Standards



Vision: Top schools

Zoning: Height, setbacks

Site Plans/Special exceptions

POCD is developed first. The Zoning Regulations must be in keeping with the vision outlined in the Plan. Applications must then comply with the Zoning Regulations.



# PROTECT NEIGHBORHOODS: HISTORIC PRESERVATION

1. If the Commission approved the changes to who reviews the special permit/special exception, this will need to be reflected in the incentive section for historic overlays, which are designed to preserve and protect these precious resources that contribute so much to our community character.
2. The other proposed change is to allow special permit/special exception uses the same FAR incentive afforded to residential uses. This includes an additional 25% for structures on sites in the RA-4 or RA-2 residential zone and an additional 15% for structures on sites in the RA-1, R-20, R-12, or R-7 residential zones (requires special permit review)



# PROTECT NEIGHBORHOODS: HISTORIC PRESERVATION

There is no change proposed to authorizing office uses in residential zones other than the location of the sentence.

This option has been available as far back as the late 1970's. It was regulated under what was then called the Historical Residential Office Zone.

Existing HRO zones:

## HRO'S (Historic Residential Office)

- 183 East Putnam Ave the Columns Building (HRO) - offices
- 523 East Putnam Ave (HRO)– Edward Mead House (on Old Post Road and Indian Field Road) Sutton - offices
- 30 Milbank Ave- HRO- Pickering/Shannon house; Real Estate offices
- 211 River Road Extension Cos Cob- Ralph Peck Homestead - (HRO) office/residential
- 51 Church Street – Office/residential



# SUMMARY: PURPOSE OF AMENDMENTS

1. Reduce liability to the town
2. Protect neighborhoods by promoting desirable land uses:
  - a. Preservation of historic structures

