

PROPOSED TEXT AMENDMENT

HISTORIC PRESERVATION **DATED 12-17-2020**

1. Add following definitions to Section 3 – Definitions – if any of these terms are already defined the terms defined herein shall replace the definitions approved

Note: single underline indicates new language

Contributing Structure or Site

A *Structure*, site or object adding to the historic significance of a property based on historic associations, historic architectural qualities or archeological values, as defined by the National Park Service¹. The *Structure*, site or object must be documented as a contributing resource on the National Register of Historic Places, a Local *Historic District* established pursuant to CGS Sec 7-147 or the City of Stamford *Cultural Resource Inventory*.

A *Non-Contributing Structure or Site* is a *Structure* or site located within a Historic District but lacks the features of a Contributing Structure or Site. A *Non-Contributing Structure or Site* may be developed, redeveloped, altered, expanded or otherwise modified pursuant to regulations applicable in the underlying Zoning District as delineated on the City of Stamford Zoning Map, but shall be subject to Historic Site and Architectural Plan Review pursuant to Subsection 7.3.B. of these Regulations.

Critical Reconstruction

Critical Reconstruction projects are infill *Developments* in areas developed prior to the effective date of these Regulations (November 30, 1951). The goal of *Critical Reconstruction* is to maintain or restore the fabric of the neighborhood by permitting buildings and building typologies that have been historically extant and are contextual in bulk and other characteristics with the neighborhood context. Historicizing architecture or adding historic building accessories to a *Building* shall not be considered *Critical Reconstruction*.

Cultural Resource Inventory (“Inventory”)

A list established and maintained by the City of Stamford Land Use Bureau, in consultation with *HPAC* that includes historically and architecturally significant districts, *Buildings*, *Structures*, artifacts, remains or other physical features affixed to the land within the City of Stamford that

¹ National Park Service, National Register Bulletin – How to Complete the National Register Registration Form (NRB 15), Washington, D.C., 1997, p. 37.

are at least 50 years old.

Development

A Development of a parcel or Lot, or a portion thereof, is the result of one of the following activities:

- the construction of a new Building or other Structure;
- the relocation of an existing Building or other Structure to another Zoning Lot;
- the establishment of a new open use, other than an Accessory Use;
- any activity resulting in soil or site disturbance including but not limited to grading, paving and landscaping; or
- any Redevelopment.

Fractional Numbers, Rounding of:

Unless specified otherwise in these Regulations, the following rules shall apply to the rounding of numbers:

1. No more than two decimal places shall be considered.
2. Regardless of the decimal value, density calculations shall always be rounded down.

Example: Lot Area = 1.6 acres, permitted density = 1 unit per acre
1.6 / 1 = 1.6 units; permitted density: 1 unit.

3. Regardless of the decimal value, parking requirements shall always be rounded up.

Example: Parking requirement = 1.67 spaces per unit, 2 units provided
1.67x2 = 3.34 spaces; parking requirement: 4 spaces.

Historic Building or Historic Structure (collectively “Historic Structure”)

Historic Buildings or Structures are Buildings or Structures: (1) listed or under consideration for listing as individual units on the National Register of Historic Places (16 USC 470a, as amended), ~~or~~ (2) which are contributing to a district listed or **are** under consideration for listing on said National Register ~~and-or~~ which have been determined by the State Historic Preservation Office ~~Board~~ or the Historic Preservation Council to contribute to the historic significance of such district, (3) are located within a Local Historic District established pursuant to CGS Section 7-147, or (4) are listed on the City of Stamford Cultural Resource Inventory.

Historic District

A Historic District is a defined area which: (1) is listed on the National, (2) is a Local Historic

District established pursuant to CGS Section 7-147, or (3) is listed on the City of Stamford Cultural Resource Inventory.

Historic Preservation Advisory Commission (“HPAC”)

Stamford’s Historic Preservation Advisory Commission (HPAC) is a Commission formed pursuant to Connecticut General Statutes Sections 7-147(a) through 7-147(y), and Sections C6-200-1 through C6-200-3 of the Charter of the City of Stamford to serve in an advisory role to officials, boards, commissions and departments of the City of Stamford regarding the protection of local cultural resources.

Historic Preservation Easement

A Historic Preservation Easement is a legal agreement between the property owner and the City of Stamford, approved by the City’s Law Department and recorded on the Land Records of the City of Stamford in which the property owner agrees to the maintenance, protection, rehabilitation and adaptive use of the historic features of building façade and property.

Historic Preservation Advisory Commission (HPAC)

Stamford’s ~~Historic Preservation Advisory Commission (HPAC) is a Commission formed pursuant to Connecticut General Statutes Sections 7-147(a) through 7-147(y), and Sections C6-200-1 through C6-200-3 of the Charter of the City of Stamford to serve in an advisory role to officials, boards, commissions and departments of the City of Stamford regarding the protection of local cultural resources.~~

Historic Preservation White List (“White List”)

The Historic Preservation White List is a registry of properties to be established and maintained by the City of Stamford Land Use Bureau in consultation with HPAC containing Buildings 50 years of age and older that are not considered historically significant. *Historic Structures* or *Historic Sites*, or [buildings or sites](#) which are listed in the National Registers of Historic Places or in the Cultural Resource Inventory [or which are deemed significant by the State Historic Preservation Office or the State Historic Preservation Council](#) shall be ineligible for being added to the *White List*.

Historic Site or Property (“Historic Site”)

Historic Site or Property are those properties [on which \(1\) a Historic Structure is located, \(12\); properties](#) listed or under consideration for listing as individual units on the National Register of

Historic Places (16 USC 470a, as amended), ~~or (32)~~ which are a part of a *Historic district District* listed or under consideration for listing on said National Register ~~and or~~ which have been determined by the State Historic Preservation ~~Board Office or State Historic Preservation Council~~ to contribute to the historic significance of such district, (4) are located within a Local Historic District established pursuant to CGS Section 7-147, or (5) are listed on the City of Stamford Cultural Resource Inventory.

HPAC

SEE Historic Preservation Advisory Commission

Non-Contributing Structure or Site

SEE Contributing Structure or Site

Qualified Historic Preservation Expert

A Qualified Historic Preservation Expert for the purpose of Section 7.3 is a person who satisfies either of the following requirements to the satisfaction of the Historic Preservation Advisory Commission or the Zoning Board.

1. A graduate degree in Architectural History, or Art History and Historic Preservation which include course work in American Architectural History, or a closely related field of study plus a minimum of two (2) years of full-time professional experience applying the theories, methods, and practices of Architectural History that enables professional judgments to be made about the identification, evaluation, documentation, registration, or treatment of historic properties in the United States; and evidence that demonstrates the successful application of acquired proficiencies in the discipline to the practice of historic preservation.
2. An undergraduate degree in Architectural History, or Art History and Historic Preservation which include course work in American Architectural History, or a closely related field of study, plus a minimum of four (4) years of full-time professional experience applying the theories, methods, and practices of Architectural History that enables professional judgment to be made about the identification, evaluation, documentation, registration, or treatment of historic properties in the United States; and evidence that demonstrate the successful application of acquired proficiencies in the discipline to the practice of historic preservation.

A closely related field of study may include American Studies, American Civilization, Architecture, Landscape Architecture, Urban and Regional Planning, Urban Studies, American History, and Public History.

Redevelopment

Any construction activity (including, but not limited to, clearing and grubbing, grading, excavation, and dewatering) within existing drainage infrastructure or at an existing site to modify, expand, reduce, add or otherwise change existing *Buildings* or *Structures*, grounds, or infrastructure.

Special Permit

A *Special Permit* is a discretionary approval by the City of Stamford Zoning Board or the Zoning Board of Appeals based on certain findings made by the approving Board, as outlined in Section 19.C. of these Regulations.

State Historic Preservation Office

Connecticut's *State Historic Preservation Office (SHPO)*, established under the Department of Economic and Community Development, administers a range of federal and state programs that identify, register and protect the *Buildings*, sites, *Structures*, districts and objects that comprise Connecticut's cultural heritage.

White List

See: *Historic Preservation White List*

2. Delete current definition for “Historic Site” in Section 3, Definitions

3. Amend Section 7.2 by adding a new Subsection 7.2.B.5 as follows:

5. Developments that are subject to Historic Site and Architectural Plan Review pursuant to Section 7.3.B.1. shall submit the additional information required under Section 7.3.B.2. as part of the Site Plan Review required under Section 7.2. No fees in addition to those charged under Section 7.2 shall be required for a Historic Site and Architectural Plan review application.

4. Delete current Section 7.3 “Special Exception Uses for Historic buildings”

5. Add section 7.3 “Historic Preservation” as follows:

Note: single underline indicates new language

SECTION 7.3 HISTORIC PRESERVATION

A. PURPOSE

The purpose of this Section is to:

1. Encourage the preservation, rehabilitation, enhancement and adaptive re-use of *Historic Structures* and *Ssites*, or which are listed in the National Registers of Historic Places or in the *Cultural Resource Inventory*; and
2. Support contextual *Development* and *Redevelopment* within *Historic Districts*.

B. HISTORIC SITE AND ARCHITECTURAL PLAN REVIEW

1. Applicability

a. *Historic Structures, Historic Sites and Contributing Structures in Historic Districts*

All proposed exterior alterations and additions to *Historic Structures* or *Historic Sites*, or *Buildings* or which are listed in the National Register of Historic Places or in the *Cultural Resource Inventory* shall be subject to Historic Site and Architectural Plan Review pursuant to the standards of Subsections 7.3.B.2.a. and 7.3.B.2.b. Landscaping or interior features of a *Structure* that are explicitly listed in the National Register of Historic Places or in the *Cultural Resource Inventory* shall be subject to review under this Section as well.

b. *New Construction in Historic Districts or Alterations to Non-Contributing Structures in Historic Districts.*

All new construction on sites in *Historic Districts* as well as additions or alterations to existing *Non-Contributing Structures* in *Historic Districts* shall be subject to Historic Site and Architectural Plan Review pursuant to Subsections 7.3.B.2.a. and 7.3.B.2.c. ~~The purpose of this review is not to limit any development rights provided under Zoning but to make sure to ensure that *Development* is compatible with the *Historic Structures* in the *Historic District*.~~

2. Review Procedures

a. Historic Site and Architectural Plan Review

(1) All Historic Site and Architectural Plan Review applications pursuant to this Subsection shall be referred to *HPAC* for review and recommendations. Whenever a *Qualified Historic Preservation Expert* is engaged, that expert shall present their findings to *HPAC* and the Zoning Board.

(2) All Historic Site and Architectural Plan Review applications shall require Administrative Review by the Zoning Board.

(3) Where Site and Architectural Plan Review pursuant to Sections 7.2, 7.5 or 9 of these Regulations is required, Historic Site and Architectural Plan Review shall be conducted in conjunction with such required review, following the respective standards of such sections.

(4) The following activities shall be exempt from review and the requirements under this Section after determination by the Land Use Bureau Chief, or designee, who may consult with *HPAC*, the Chairperson of *HPAC* or a *Qualified Historic Preservation Expert* in making this determination:

- (a) Minor modifications and repairs which include replacement of deteriorated elements of façade ~~with replicasin kind~~, ~~painting of siding in similar colors to existing~~, minor landscaping that does not substantially alter the appearance of the property, roof replacement in kind, window replacements in kind, etc. The intent is to retain the historic character of the *Building*.
- (b) Modifications to *Buildings* containing not more than two (2) Dwelling Units, which modifications (1) are not visible from any public right of way, (2) do not exceed the height or width of the *Historic Structure*, and (3) conform to the Zoning Regulations in the respective Zoning District.
- (c) Modifications and repairs to *Non-Contributing Structures* or Sites which do not significantly detract from the historical context.
- (d) Activities that do not require a review by the Zoning Enforcement Officer as part of the granting of a Permit by the Building Department, such as mechanical permits, including, but not limited to electrical or plumbing permits, or solar panels.
- (e) Activities that require a Zoning Permit only, such as fences, or certain *Accessory*

Structures not requiring a Building Permit.

- (f) Installation of generators, fuel tanks or HVAC equipment that ~~do not~~ require a review by the ZEO.

b. Application Requirements for Historic Site and Architectural Plan Review

(1) Applicant shall provide the following information for the Historic Site and Architectural Plan Review for properties subject to Section 7.3 in addition to the submission requirements of Section 7.2:

- (a) Application form and fee, if applicable;
- (b) Elevations of *Building* existing facades visible from each public right-of-way and site survey showing currently existing conditions, including materials used on the façade and other *Building* and site features;
- (c) Elevations of proposed *Building* facades visible from each public right-of-way and site plan showing proposed conditions, including materials and colors to be used on the façade and other *Building* and site features;
- (d) If available, pictures, plans or other documentation showing the original condition and subsequent modifications of the *Building* and *Site*;
- (e) A narrative describing the proposed work and how it deviates from the original condition or attempts to bring the *Building* back to its original condition; and
- (f) Other pertinent information as may be requested by HPAC or the Zoning Board, e.g., request for Historic Tax Credits.

(2) At least 35 days prior to a meeting at which such matter will be discussed by the Zoning Board, the application shall be referred to HPAC for review and comment.

(3) The Zoning Board shall receive and consider HPAC's comments. The Board may accept-, ~~or~~ reject ~~or modify~~ or modify in full or in part any part of HPAC's report. The failure of HPAC to timely submit a report shall not prevent the Board from acting on the application.

(4) No Zoning Permit shall be issued for any property subject to Subsection B.2.b without Zoning Board approval of the Historic Site and Architectural Plan Review application.

(5) No certificate of zoning compliance shall be issued until the Land Use Bureau confirms that the as-built conditions meet the approved plans and a *Historic Preservation Easement*, if required, was recorded on the land records.

c. Site and Architectural Plan Review for Construction of New Structures or Alterations of Non-Contributing Structures in Historic Districts

(1) Applicant shall provide the following information for the Site and Architectural Plan Review in addition to the requirements of Section 7.2 (if applicable) for all new Structures or additions or alterations of Non-Contributing Structures in Historic Districts:

- (a) Application form and fee, if applicable;
- (b) For additions to and alterations of existing Structures, elevations of Building facades facing on or visible from each public right-of-way and site survey showing currently existing conditions, including materials used on the façade and other Building and site features;
- (c) Elevations of Building proposed facades facing or visible from each public right-of-way and site plan showing the proposed new Structure or additions and alterations, including materials and colors to be used on the façade and other Structure and site features;
- (d) Pictures of all adjacent Historic Structures or Sites and a plan or aerial showing how the proposed project relates to the adjacent Historic Structures;
- (e) A narrative describing the proposed work and how it relates to Contributing Structures in Historic Districts; and
- (f) Other pertinent information as may be requested by HPAC or the Zoning Board.

(2) At least 35 days prior to a meeting at which such matter will be discussed by the Zoning Board, the application shall be referred to HPAC for its review and comment.

(3) The Zoning Board shall receive and consider HPAC's comments. The Board may accept or reject in full or part any part of HPAC's report. The failure of HPAC to timely submit a report shall not prevent the Board from acting on the application.

(4) No Zoning Permit shall be issued for any property subject to Subsection B.2.a without Zoning Board approval of the Historic Site and Architectural Plan Review application.

(5) No certificate of zoning compliance shall be issued until the Land Use Bureau confirms that the as-built conditions meet the approved plans.

d. Procedures for Additions to the Cultural Resource Inventory.

(1) The following shall automatically be listed on the Cultural Resource Inventory: Historic Districts, Historic Structures, and Historic Sites ~~and all Structures and sites listed as Contributing Buildings in Historic Districts.~~

(2) ~~Additions of other Structures or sites to the Cultural Resource Inventory.~~ No Structure or

site, unless automatically listed on the *Cultural Resource Inventory* pursuant to Subsection 7.3.B.2.d.(1), shall be listed ~~without all of the following~~ unless the following requirements are met:

- ~~(a) an Completion of an Application form provided by the City of Stamford Land Use Bureau has been completed and an application fee, if applicable, is paid;~~
- ~~(b) the application has been reviewed by Land Use Bureau staff based on review criteria for historic or architectural significance established by the Land Use Bureau in consultation with HPAC;~~
- ~~(c) the property owner Unless the applicant seeking addition of the property to the Cultural Resource Inventory is the property owner, written notification must be given to the owner has been notified in writing at least 30 days prior to the scheduled HPAC public hearing, ~~unless the applicant seeking addition of the property to the Cultural Resource Inventory is the property owner-;~~~~
- ~~(d) HPAC A public hearing conducted by HPAC, and has duly noticed and conducted a public hearing pursuant to Section C6-40-11-of the City of Stamford Charter, as amended;~~
- ~~(e) A determination by HPAC has recommended that the Structure or site to be added to the Inventory is historically or architecturally significant.; Such recommendation shall detail the Structure's compliance with the current standards for designation on the National Register of Historic Places or the *Cultural Resources Inventory*, and justify any findings based on the Structure's or Site's architectural, social or other significance to the history of the City of Stamford; and~~
- ~~(f) Approval of the HPAC recommendation by the Zoning Board has administratively approved in full or in part the recommendation of HPAC.~~

The Land Use Bureau, in consultation with *HPAC*, may establish additional rules regarding the *Cultural Resource Inventory* and the application procedure to add *Structures* and sites to ~~the said~~ Inventory.

e. Procedures for ~~a~~ Additions to the *Historic Preservation White List*.

No property shall be added to the *White List* unless the following requirements have been met:

- (1) ~~Unless the applicant seeking addition of the property to the White List is the property owner, has been notified in writing~~ written notification must be given to the owner of such property at least 30 days prior to scheduled ~~Administrative Review by the Zoning Board~~ HPAC hearing; ~~unless the applicant seeking addition of the property to the Cultural Resource Inventory is the property owner;~~

~~(1)(2) A determination by HPAC has determined that the Structure or site is not historically or architecturally significant; and~~

~~(2)(3) Administrative Approval or denial of the H Zoning Board PAC has administratively approved in full or in part the recommendation by the Zoning Board by HPAC.;~~

The Land Use Bureau, in consultation with HPAC, may establish additional rules regarding the *Historic Preservation White List* and the application procedure to add *Structures* and sites to ~~said~~ the White List.

Historic Buildings that meet the requirements of Section Subsections 7.3.D.5 through 7.3.D.8 shall be automatically added to the *White List*.

C. SPECIAL USE, BULK AND DENSITY STANDARDS FOR HISTORIC STRUCTURES AND SITES

The provisions of this subsection 7.3.C. shall apply to all Historic Structures, as defined in Section 3 and Sites in Stamford. Properties which are not *Historic Structures or Sites* wishing to benefit from this Section 7.3.C. must be placed on the *Cultural Resources Inventory* pursuant to Subsection 7.3.B.2.d of these Regulations prior to applying for a Special Permit under this Section 7.3.C.

~~For Buildings not listed on either the National Register, a contributing Building in Local Historic District pursuant to CGS Section 7-147 or the Cultural Resources Inventory classified as , the Zoning Board, in consultation with HPAC, may determine eligibility based on the recommendation of a Qualified Historic Preservation Expert and with a recommendation by the Historic Preservation Advisory Commission, following the procedures outlined in Subsection 7.3.B.2.d of these Regulations. Such recommendations shall detail the Structure's compliance with the current standards for designation on the National Register of Historic Places or the Cultural Resources Inventory, and justify any findings based on the Structure's or Site's architectural, social or other significance to the history of the City of Stamford.~~

1. Special Permit Required for Special Standards

For *Historic Structures* and *Historic Sites*, the Zoning Board, at its sole discretion, may modify by *Special Permit* use, bulk, height, *Light and Air*, setback, coverage, density and parking standards based on the standards listed in this Section. All *Special Permit* applications pursuant to this Section shall be referred to *HPAC* and whenever a *Qualified Historic Preservation Expert* is employed, that expert shall present their findings to *HPAC* and to the Zoning Board. An application for *Special Permit* under this Subsection shall be required to meet the criteria of Section 19.C.2 and the following findings and conditions:

a. Proposed use and site plan are compatible with and implement the objectives and policies of

Stamford's Master Plan;

- b. Proposed use and site plan are superior to a plan conforming to the standard dimensional requirements and use standards of the underlying zoning district and will not impair the future development of the surrounding area;
- c. Proposed use and site and architectural plans serve to rehabilitate, restore, ~~replace—pursuant to Subsection 7.3.C.5 Critically Reconstruct,—~~ or preserve ~~significant~~ *Historic Structures* ~~and~~ *Sites*, and meet the *HPAC* requirements for Historic Preservation (once they are established and approved by *HPAC* and the Zoning Board), or the appropriate Standards and Guidelines of the Secretary of the Interior, as amended from time to time and published on the National Park Service website, as applied by *HPAC* and the Zoning Board; and
- d. The loss of said *Historic Structure* or *Historic Site* would be detrimental to the neighborhood character, *Historic District* or the cultural and historical heritage and identity of the City of Stamford.

Alternate standards approved by the Zoning Board pursuant to this section shall be restricted to the minimum amount deemed necessary to encourage preservation or rehabilitation of *Historic Structures* and *Historic Sites*. Nothing in this section shall be deemed to preclude the relocation and/or incorporation of such *Historic Structures* into a larger plan of development subject to Historic Site and Architectural Plan Review by the Zoning Board. A suitable *Historic Preservation Easement* shall be recorded to ensure that the continued maintenance of any such *Historic Structure* or *Historic Site* properties is in accordance with such Standards and Guidelines. Any subsequent alteration to the *Historic Structure* or *Historic Site* shall require administrative approval by the Zoning Board.

2. Use Standards

In addition to the uses permitted as of right or by *Special Permit* as otherwise provided in these Regulations, the Zoning Board may permit the following uses:

- a. In Zoning Districts prohibiting residential uses, *Historic Structures* may, in addition to the uses permitted in the respective district, be allowed all of the as-of-right and Special Permit uses permitted in R-MF, R-H and P-D Districts.
- b. Uses that were historically located in or on the *Historic Structure* or *Historic Site*, or non-historic uses which the *Historic Structure* or *Historic Site* lends itself to, provided that adverse impacts on neighboring uses, and in particular residential uses, including, but not limited to traffic, parking, noise, light, smell, vibration, run-off and pollution are minimal and minimized as determined by the Zoning Board.

3. Parking Standards

Parking for Historic Structures to be preserved shall be subject to approval by the Zoning Board based on the proposed use, the available information and a determination that the proposed plan provides for adequate parking in the vicinity and that no adverse impact will be created. Notwithstanding the other applicable parking standards of these Regulations, the Zoning Board, in its sole discretion, may approve the following minimum parking standards:

- a. No less than 0.5 Parking Spaces per dwelling unit, or less where permitted by these Regulations; provided, however, that no on-site parking shall be required if the Building is within 500 feet of a public parking garage or if sufficient on-street parking is available, as determined by the City of Stamford Transportation, Traffic and Parking Bureau; and
- b. No less than 0.5 Parking Spaces per 1,000 sf of gross floor area for non-residential uses, or less where permitted by these Regulations; provided, however, that no on-site parking shall be required for uses with a Gross Floor Area of 2,000 sf or less per establishment or if located within 500 feet of a public parking garage or if sufficient on-street parking is available, as determined by the City of Stamford Transportation, Traffic and Parking Bureau.

Where existing Gross Floor Area is not increased, and where either (i) all existing parking is retained, or (ii) the proposed use requires fewer parking spaces than other uses permitted as-of-right, parking requirements may be further reduced by the Zoning Board below the minimum standards set forth above.

4. Development Standards

Historic Structures or Sites or lots where Historic Structures or Sites are located must meet the requirements for the underlying Zoning District. The Zoning Board may modify the development standards as follows:

a. **Density:**

- (1) In the R-6, R-7.5, R-10, R-20, RA-1, RA-2 and RA-3 Zoning Districts, increases in Floor Area Ratio (FAR), dwelling unit density and Building Area shall not exceed what is permitted as-of-right. Dwelling Unit density is calculated by dividing the Lot Area of the subject property by the minimum Lot Area requirement of the underlying Zoning District, regardless of the "Maximum Families Per Plot" limitation in Appendix B, Table III of these Regulations. If, by dividing the lot area by the maximum density permitted in a district, there is a fractional result of .75 or larger, a full additional unit may be permitted.
- (2) In all other Zoning Districts, the Floor Area Ratio or dwelling units per acre bonus for residential Buildings shall be limited to:
 - (a) where six (6) or fewer Dwelling Units are permitted as of right, the number of Dwelling Units or Floor Area in the Historic Structure, but no more than a fifty percent (50%) increase above the number of Dwelling Units or Floor Area permitted as-of-right; and

- (b) where seven (7) or more Dwelling Units are permitted as-of-right, the number of Dwelling Units or Floor Area in the Historic Structure, but no more than a twenty five percent (25%) increase above the number of Dwelling Units or Floor Area permitted as-of-right.

Example 1

Lot Area: 10,000 sf FAR 2.0 as-of-right

Maximum permitted Floor Area as-of-right: 20,000sf

Historic Building Floor Area: 18,000sf

Floor Area premium = Floor Area of historic building (18,000sf), but no more than 25% of as-of-right Floor Area permitted (5,000sf): Bonus = 5,000sf

Total permitted Floor Area, including Bonus: 25,000sf

Existing Floor Area currently used by Historic Building: 18,000sf

Remaining Floor Area available: 7,000sf (25,000sf-18,000sf)

Example 2

Lot Area: 10,000 sf FAR 2.0 as-of-right

Maximum permitted Floor Area as-of right: 20,000sf

Historic Building Floor Area: 3,000sf

Floor Area premium = Floor Area of historic building (3,000), which is less than 25% of as-of-right Floor Area permitted (5,000sf): Bonus = 3,000sf

Total permitted Floor Area, including Bonus: 23,000sf

Existing Floor Area currently used by Historic Building: 3,000sf

Remaining Floor Area available: 20,000sf (23,000sf-3,000sf)

- (c) Notwithstanding Subsection 7.3.C.4.a.(1) and (2) above, conversion of non-residential Floor Area to residential use in any Zoning District shall be permitted if the Floor Area of the existing Building is not increased and the average dwelling unit size is 800 square feet or more, even if the existing or resulting residential density exceeds the permitted density of the underlying Zoning District.

- (d) Bonus Floor Area for mixed-use and non-residential Buildings shall be limited to no more than twenty five percent (25%) of the permitted density.

(d)

- b. **Setbacks.** Rear yard setbacks may be reduced by no more than fifty percent (50%) of the required rear yard setback.
- c. **Height.** (1) In the R-7.5, R-10, R-20, RA-1, RA-2 and RA-3 Zoning Districts, Building

Height and Building setback standards for attached or detached additions may be modified to not exceed the height or setback of an existing feature of the *Historic Structure* that is legally non-conforming.

(2) In all other Zoning Districts, increase in height for attached or detached additions to the *Historic Structure*, shall be limited to the lesser of one (1) story or 15 feet where the maximum building height in the underlying Zoning District is the lesser of four (4) stories or 45 feet, and the lesser of two (2) stories or 25 feet where the maximum building height in the underlying Zoning District is five (5) stories or 55 feet or more.

- d. **Building Area.** Increases in *Building Area* shall be limited to no more than twenty five percent (25%) of the *Building Area* permitted as-of-right.
- e. **Light and Air.** In districts where the *Light and Air* requirement is 20 feet, the *Light and Air* requirement may be reduced to no less than 10 feet. In districts where the *Light and Air* requirement is 30 feet, said requirement may be reduced to no less than 20 feet.

5. Replacements and Reconstructions

The Zoning Board may, at its sole discretion and by *Special Permit* under this Subsection C, apply the Standards of Subsection 7.3.C.4 to a *Historic Structure* where the historic façade or *Building* is replaced with a façade or *Building* which historically existed or for which there is substantial evidence, as determined by HPAC, to support the existence of such historic façade or *Building* on the site.certain *Developments* if the Board, in consultation with HPAC, finds that these projects meet the criteria for *Critical Reconstruction* as defined in Section 3 of these Regulations.

Historicizing architecture or adding historic building accessories to a *Building* that was not likely to have existed on a site shall be ineligible for a *Special Permit* under this Subsection.

6. Performance

Prior to issuance of a *Building Permit* for projects approved under this Subsection 7.3.C., the Land Use Bureau may require the applicant to post a bond to assure completion of the historic preservation work in accordance with the approved Historic Site and Architectural Plan. The amount of said surety shall be based on the cost of the proposed rehabilitation work, as determined by the Land Use Bureau, HPAC or a Qualified Historic Preservation Expert.

No Final Certificate of Occupancy shall be issued, and no bond shall be returned, for any *Development* or *Redevelopment* under this Subsection 7.3.C. unless:

- a. A Historic Preservation Easement is recorded on the City of Stamford Land Records; and
- b. The historic rehabilitation has been completed to the satisfaction of the Land Use Bureau and in accordance with approved Historic Site and Architectural Plans.

D. DEVELOPMENT LIMITATIONS FOR SITES WHERE HISTORIC STRUCTURES ARE DEMOLISHED

After [~~October~~ MONTH 1, 2020~~2021~~], when a Demolition-Permit is issued for a full or partial demolition of a *Historic Structure or Site* pursuant to Chapter 88 of the City of Stamford Code ~~is issued for a *Historic Structure*~~, development rights as defined for the respective zoning districts in these Regulations shall be limited to the lesser of (i) the development rights of the underlying Zoning District or (ii) the development rights used by such *Historic Structure* on the date of issuance of the Demolition Permit, unless one of the following requirements are met:

1. Applicant was granted a Special Permit by the Zoning Board that includes such demolition. In addition to the requirements of Section 19.C.2, when requesting such a *Special Permit*, Applicant shall provide information as to why the preservation of the *Historic Structure or Site* is not feasible and present evidence as to why the structure to be demolished is of little historic value. The *Special Permit* application shall be referred to HPAC for its review and comment at least 35 days prior to a meeting at which such matter will be discussed by the Zoning Board. The Zoning Board shall consider HPAC's comments. The Board may accept or reject in full or part any part of HPAC's report. The failure of HPAC to timely submit a report shall not prevent the Zoning Board from acting on the application;
2. The *Historic Structure or Site* is listed on the *Historic Preservation White List* on the date of issuance of the *Demolition Permit*;
3. Applicant was approved for a *Special Permit* that includes such demolition, pursuant to Subsection 7.3.C. of these Regulations;
- ~~3.4.~~ For partial demolitions, if the parts of the structure demolished are not classified as a *Historic Structure or Site*;
- ~~4.5.~~ The *Historic Structure or Site* was fully ~~destroyed~~, or ~~partially destroyed~~ or significantly damaged or ~~destroyed~~ (i.e., repair or reconstruction of the structure would exceed fifty percent (50%) of the structure's appraised value) by an Act of God; ~~Damage or Destruction as a result of insufficient or deferred maintenance ("demolition by neglect")~~, shall not be considered to have met this requirement;
- ~~5.6.~~ The *Historic Structure or Site* was fully ~~or partially~~ destroyed, or significantly damaged or ~~destroyed~~ (i.e., repair or reconstruction of the structure would exceed fifty percent (50%) of the structure's appraised value), by an accident. *Historic Structures or Sites* destroyed ~~by or~~ damaged by ~~gross negligence or accidents, or that are as~~ a result of insufficient or deferred maintenance ("demolition by neglect"), shall not be considered ~~to have met this requirement~~;
- ~~6.7.~~ The *Historic Structure or Site* is no longer considered historically significant by the National Register or the *State Historic Preservation Office*; or
- ~~7.8.~~ Applicant presented the demolition the State Historic Preservation Council and the final resolution of the matter allows such demolition.