



PLANNING & ZONING DEPARTMENT

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ADOPTED AMENDMENT TO THE ZONING REGULATIONS NEW Section 5.6 "Neighborhood Business Zone" (NBZ)

REASONS and CONSISTENCY WITH THE POCD Proposed New Zone for Route 7 Neighborhood Business Zone

Sec. 8-3 of the CGS requires the Commission, when adopting a change to the zoning map or the text of the regulations, to "take into consideration the plan of conservation and development" and to "state on the record its findings on consistency of the proposed....change...of such regulations and boundaries with such plan."

REASONS:

A significant portion of properties surrounding the junction of Route 7 and Route 35 are legal non-conforming retail uses, due to the issuance of variances and/or the existence of uses predating zoning regulations. To ensure compliance of existing uses with the Town of Ridgefield's Zoning Regulations and to accommodate future economic growth patterns, the Planning and Zoning Commission proposes the creation of a Neighborhood Business Zone (NBZ) in a limited area encompassing six commercial lots at the intersection of Route 7 and Route 35.

The adoption of the NBZ will bring the majority of these currently non-conforming properties into compliance, ensuring proper Commission control of existing and potential land uses. Design standards will promote walkability within and between the properties, potential shared parking, and reduction of curb cuts through improved site planning. Reassessment of zoning is necessary for a municipality to be responsive to changing land use conditions, and creates congruency between zoning regulations, current uses and the Plan of Conservation and Development.

Data has been collected for existing businesses and uses to support the proposed list of permitted uses within the rezone area, and limitations on the size of retail businesses.

Definitions taken from the book, "The Latest Illustrated Book of Development Definitions"(2004) by Harvey Moskowitz and Carl Lindbloom state the following about neighborhood zoning:

Neighborhood Business Area: A commercial area, usually located on an arterial or collector street, providing convenience goods and services for residents of the surrounding area.... The major characteristic of the neighborhood business area is its scale.... Zoning can protect the scale of such areas by placing restrictions on the size of uses.

Area covered: The new zone will only be applicable to six properties currently in the B2 zone in the Route 7 corridor beginning at the intersection of Route 7 and Route 35 at 603 Danbury Road (Valero gas station), extending southeasterly on Route 35 to 590 Danbury Road (The Finch Building, now owned by Roche, Inc.) and southwesterly on Route 7 to 955 Ethan Allen Highway (John's Best Pizza).

Conformance with the 2010 Ridgefield Plan of Conservation and Development:

Consideration of the proposed zone change and text changes is consistent with recommendations in the POCD under "Zoning Considerations" for the Route 7 corridor, found on page 11-4 in the Ridgefield POCD, as follows:

Route 7 Corridor

Business zones along the Route 7 corridor generally reflect the Town's desire to avoid strip-style commercial development and large retail developments. The current zoning does not, however, reflect the reality that there are some pre-existing retail uses. Questions have been raised as to whether business development opportunities in this area are too limited by the restriction on retail use. While residents likely have varying ideas for the future of the Route 7 corridor, two points emerged from public input: (1) this area needs renewed attention to evaluate existing zoning, and (2) the Town should continue to prohibit large "big-box" retailers due to limited infrastructure.

To begin addressing the Route 7 corridor, a number of issues should be examined. The Town should conduct a zoning study for the Route 7 corridor that will:

- examine the amount of vacant land and development potential;
- look at ownership of parcels in the corridor;
- determine the types of business and other non-residential uses that might be appropriate; and
- consider revisions to zoning that will promote appropriate use of properties while controlling the scale and size of developments consistent with the limitations of transportation services and infrastructure.

The zoning regulations in Sec. 1.3.B.1 state the following in regard to "Boundary Interpretation" of the Zoning Districts:

1. If not clearly delineated on the Zoning Map, zone district boundaries shall be construed in the following sequence:
 - a. following the center line of a street, railroad, right-of-way, or easement;
 - b. following lot lines, such being lines of record at the time of adoption of these Regulations or relevant amendments hereto;
 - c. where zone boundaries are set back from street lines, they shall be considered as running parallel thereto, at distances shown or measured; and
 - d. following the lines of a particular physical feature including brooks, streams, floodplains, or steep slopes.

It is therefore appropriate for the Commission to consider the proposed changes to the zoning map, to make zone boundaries contiguous to property lines and/or following the center line of the street where applicable.

ADOPTED NEW ZONING FOR THE “Neighborhood Business Zone”

The amendment creates a new zoning district for a limited area at the intersection of Route 35 and Route 7, currently zoned B2, to bring pre-existing non-conforming uses into compliance with zoning regulations to the greatest extent possible, and to provide Planning and Zoning Commission oversight for future development changes and improvements.

The area of the Neighborhood Business District (NBZ) begins at 603 Danbury Road (Valero gas station), and extends south on Route 7 to 955 Ethan Allen Highway (G09-0006, John's Best Pizza), and south on Route 35 to 590 Danbury Road (property of Roche, Inc.), to permit existing uses, typical neighborhood uses (goods and services), apartments over businesses, and limited retail uses. Design standards are proposed for new development.

The area includes the following properties and uses:

	Address	Assessor Lot#	Owner	Acreage	Current Use
1	590 Danbury Road 963 Ethan Allen Highway 967 Ethan Allen Highway	G09-0007	590 Danbury Road LLC	1.692± acres	Mixed retail, office, personal service, food service Offices Restaurant
2	598 Danbury Road	G09-0009	Windover Holdings, LLC	0.456± acres	Offices
3	603 Danbury Road	G09-0003	Seven Ridgefield Realty Corp.	1.364± acres	Gas Station Retail mini-mart
4	975 Ethan Allen Highway	G09-0010	975 Ethan Allen Highway LLC	0.548± acres	Retail sales
5	971 Ethan Allen Highway	G09-0008	Paul DeWitt	0.250± acres	Retail sales
6	955 Ethan Allen Highway	G09-0006	Maria Gardell, Trustee	1.050± acres	Restaurant

In Section 5 of the zoning regulations (“Business Zones & Uses”) add the following NEW Section 5.6:

5.6. NBZ – Neighborhood Business Zone

A. PURPOSE

The Neighborhood Business Zone is established to promote opportunities for mixed uses including retail stores of limited size, restaurants, offices, and other businesses providing goods and services to town residents in the vicinity of the Route 7 and Route 35 intersection in northeast Ridgefield. The zone also provides for apartments over businesses, and architectural and site design standards for all development in this important entryway into the Town of Ridgefield.

B. DESIGN STANDARDS COMPLIANCE AND ARCHITECTURAL REVIEW REQUIRED

All site plans and architecture for new construction in the NB Zone, including the remodeling of building exteriors, free-standing signs and wall signs in excess of 10 s.f., shall be reviewed by the Architectural Advisory Committee in accordance with the provisions of Subsection 9.3.G and the NB Design and Landscaping Standards found in subparagraph F of these Regulations.

1. The recommendations of the AAC shall be incorporated into the design unless otherwise modified by the Commission.

C. PERMITTED USES

The following uses are permitted within an existing building by:

- issuance of a Zoning Permit by the ZEO in accordance with Subsection 9.1.A provided that that no new floor area is created and/or added to the tenant space and no additional parking is required.
- approval of a Site Plan application by the Planning Director for a change of use in accordance with Subsection 9.1.C when new floor area, not to exceed 1,500 s.f., is added to tenant space within an existing building, and/or when additional parking is required for the proposed use.

If new floor area is constructed or if existing tenant space is increased by more than 1,500 s.f. or if there are changes in the exterior site plan for the property, the following uses may only be permitted by the Commission under a Special Permit or Revision to an existing Special Permit, unless administrative approval is authorized pursuant to Sec. 9.2.A.7.e.

1. Service establishment or personal service establishment.
2. Business, executive/professional, or medical office.
3. Retail stores of 1,500 s.f. or less in gross floor area of tenant space within an existing building.
 - a. Any area designated for outside display or storage shall be included as part of the 1,500 s.f. of area allowed.
4. Sit-down restaurant.
5. Food retail / serving establishment (such as a bakery, delicatessen, ice cream parlor, or coffee shop) with seating for fewer than fifteen (15) customers.
6. Ancillary retail sales of goods directly related and clearly incidental to the principal commercial use, service business, medical office or recreational use, provided that the display area for such retail sales shall not exceed the lesser of 10% of the gross customer area or 200 s.f..
7. Fitness center/ exercise facility/ dance studio/ facility for education in the arts.
8. Uses accessory to uses listed in Subsection 5.6.C when located on the same lot.

D. PERMITTED BY SPECIAL PERMIT (COMMISSION)

The following uses require approval of a Special Permit application in accordance with Subsection 9.2.A.

1. Construction which results in new floor area.
2. Municipal or other governmental uses, including public parking and recreational facilities.
3. Food retail / serving establishment (such as a bakery, delicatessen, ice cream parlor, or coffee shop) with seating for fifteen (15) or more customers.
4. Retail uses in excess of 1,500 s.f. of gross floor area of tenant space.
 - a. No single retail tenant space shall total more than 2,500 s.f., of gross floor area, including any area designated for outside storage or display of retail merchandise.
5. Any change in use, building structure, gross floor area (including outdoor display or storage of retail merchandise), or parking configuration of any single retail business or tenant space where the gross square footage of retail area (including outside display or storage of retail merchandise) is in excess of 2,500 s.f., legally existing at the time of the creation of the Neighborhood Business Zone on (*date of amendment*) provided that:
 - a. Existing retail gross floor area (including any area used for outside storage or display of retail merchandise) shall not be increased.
6. Gasoline station provided that:
 - a. The lot contains at least thirty thousand (30,000) square feet.
7. Apartment dwelling units located over street level businesses, the density of which shall be based on available parking for the mixed uses, as determined by the Commission, provided that:
 - a. the building shall be no taller than 3 (three) stories;
 - b. units shall be no smaller than 800 s.f. in gross floor area;
 - c. units shall be constructed to meet ADA (Americans with Disabilities) requirements;
 - d. adequate public water supply or well, and septic disposal system or sewer service shall be provided on the lot;
 - e. adequate off-street parking shall be provided on the premises for the residential and non-residential uses.
8. Educational or philanthropic uses.
9. Veterinary hospitals conducted under the personal administration of a licensed veterinarian.
10. Uses accessory to uses listed in Subsection 5.6.D when located on the same lot.

E. DIMENSIONAL STANDARDS

Minimum lot size	10,000 square feet
Minimum frontage	50 feet
Maximum building coverage	65 percent
Maximum total coverage (buildings, driveways, parking areas, and other impervious surfaces)	90 percent
Minimum front yard setback for buildings	The average of the front-yard setbacks of abutting principal structures or as otherwise approved by the Commission
Minimum side yard setback	None required, but 3 feet if provided
Minimum rear yard setback	None required, but 3 feet if provided
Minimum buffer /setback where property abuts a residential zone	See Subsection 7.1.E of these Regulations
Maximum average building height	40 feet*

*Where apartments are constructed in 3 (three-story) buildings per Section 5.6.C.7, the maximum average building height shall be no greater than 45 (forty-five) feet.

F. ADDITIONAL STANDARDS

1. See requirements below and refer to Section 7.0 of these Regulations for additional provisions related to parking, loading, landscaping, signage, and other standards.
2. The Planning Director may refer any Site Plan for Change of Use application to the Commission for review and/or action.
3. Required NBZ Landscaping and Site Design Standards: Unless otherwise authorized by the Commission, the following minimum design standards shall apply:
 - a. The applicant shall provide evidence of consent from the CTDOT for any construction of sidewalks, driveways, or other work within the highway right-of-way.
 - b. The location of any sidewalks shall provide continuity with existing sidewalks on neighboring properties, and/or shall be planned for appropriate connection to future sidewalks, considering topography and other physical restraints.
 - c. Parking lots shall be arranged to allow interconnection with adjoining commercial properties to the extent possible, to reduce curb cuts and to allow mutual and reciprocal use parking spaces.
 - d. Service yards and refuse storage areas shall be screened to preserve the streetscape and shall include trees, shrubs, lawns, ornamental fencing, walls, and gravel where appropriate.
 - e. Landscaping plans for new development projects shall be prepared by a licensed landscape architect, and plant materials shall be selected to enhance the building setting and the pedestrian environment.

4. Required NBZ Architectural Review: Unless otherwise authorized by the Commission, all site plans and landscaping plans for new construction, and architectural plans for buildings, exterior renovations and modifications to existing structures and properties within the NBZ zone shall be reviewed by the Architectural Advisory Committee and shall be subject to the minimum standards in 5.6.F.3, above, and the following:
 - a. The applicant shall demonstrate how the proposed development enhances the character and streetscape of the commercial corridor.
 - b. Architectural focal points and repeating architectural details shall be incorporated into the design to increase visual interest.
 - c. Elements and materials that reflect the New England Classical and New England Village character are encouraged.
 - d. Rear entry to buildings from parking lots at the rear of the site is encouraged, with buildings situated close to the front yard setback line.
 - e. Larger buildings should be broken up using different materials, rooflines, and massing.
 - f. Lighting shall be designed in conformance with Sec. 7.8 in the zoning regulations, with uniformity of design throughout the site.
 - g. Wall signage on multi-tenant developments shall utilize uniform sign frames against the building for individual tenant signage, and may include a larger plaza identification sign on the building.
5. Curb Cut and Access Management: To the extent possible, all changes to parking lots and access drives shall be consistent with the Ridgefield *Route 7 Access Management & Curb Cut Study* dated July 2011, prepared as part of the *Route 7 Transportation and Land Use Study* for HVCEO and SWRPA by Fitzgerald & Halliday.
 - a. Curb cuts on major highways shall be minimized, and internal drives shall be designed to connect multiple buildings and uses.

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