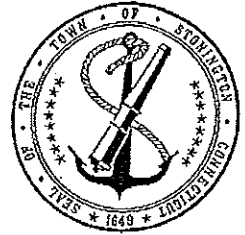


TOWN OF STONINGTON



Department of Planning
152 Elm Street
Stonington, Connecticut 06378
(860) 535-5095 • Fax (860) 535-1023

May 11, 2011

Calvin Brouwer
Town Clerk
Town of Ledyard
741 Col. Ledyard Highway
Ledyard, CT 06339

Subject: **PZ1111RA Masons Island Landing, LLC (John Casey) - Zoning Regulations Text Amendment to Section 1.2.2 Definitions, Specific: additions and/or changes include: Building, Principal; Floor; Floor Area Gross (GFA); Headroom, Structural; and Roofed Over Space.**

Dear Mr. Brouwer:

I am writing to inform you that the above-referenced application has been scheduled for a Public Hearing to be held at the **Mystic Middle School, 204 Mistuxet Ave., Mystic, Connecticut, on Tuesday, June 21, 2011.** Public Hearings are scheduled to begin at **7:30 p.m.**

The enclosed Notice of Public Hearing is being referred to your municipality in accordance with Section 8-3h of the Connecticut General Statutes. Should you have any questions, please feel free to contact the Department of Planning at 860.535.5095.

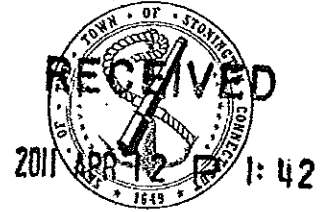
Sincerely,

A handwritten signature in cursive script that reads "Gayle Phoenix For".

Keith Brynes, AICP
Interim Director of Planning

cc: Charles Karno, AICP – Town Planner ✓

Enclosures: NPH & application



ZONING AMENDMENT APPLICATION FORM

FOR OFFICE USE ONLY

Application Number: PZ1111RA Receipt Date:

TOWN OF STONINGTON
PLANNING & ZONING

Application is for: MAP AMENDMENT TEXT AMENDMENT

Name of Applicant: Mason Island Landing LLC (John P. Casey, Esq., Agent)

Mailing Address: c/o Robinson & Cole LLP, 75 Eugene O'Neill Drive, New London, CT 06320

Telephone Number: 860-437-5000 (Robinson & Cole)

FOR AMENDMENTS TO THE ZONING REGULATIONS. Any person or persons who are property owners or residents in the Town may make written application for an amendment to these Regulations. Please attach copy of the proposal with all applicable Article references along with a statement as to why the amendment is being pursued. Fifteen (15) copies of the Application Form and attachment are required.

FOR AMENDMENTS TO THE ZONING MAP. Fifteen (15) copies of the following documentation is required: Application Form, a Class A-2 Survey giving boundaries must accompany each application for a change in zoning boundaries, a legal description of the property and a list of abutting owners, with their mailing addresses, and map, block and lot information as they will be informed in writing of the proposed change.

Assessor's information: Map Block Lot

Present Zoning District: Proposed Zoning District:

Reason for requesting the Zoning Map Amendment: (ATTACH SHEET IF NECESSARY)

Previous Petitions: Please list all previous petitions that have been made with respect to the above listed property(ies):

N/A

Robert F Zerava
Applicant's Signature

4/12/11
Date

Application of Mason Island Landing, LLC

Proposed Changes to Zoning Regulations

KEY:	Original Text Remain Unchanged
	<u>Proposed New Text</u>
	Proposed Deleted Text

ARTICLE I

PREAMBLE, ENACTING CLAUSE ZONING DISTRICTS, MAP AND DEFINITIONS

Add or amend the following definitions in Section 1.2.2:

1.2.2 DEFINITIONS

Building, Principal. The building or buildings on a lot that serve the principal use intended for that lot.

Floor. The top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. ~~The term does not include the floor of a garage used solely for parking vehicles.~~

Floor Area, Gross (GFA). The sum of the gross area of every floor of a building in a Roofed Over Space on a lot in both Principal and Accessory Buildings. The area of enclosed spaces shall be measured from the exterior faces of the walls or from the center line of a party or common walls wall separating two buildings, including (a) basement space; (b) attic space, whether or not a floor has been laid, over which there is structural headroom of six (6) feet six (6) inches or more; (c) floor space used for mechanical equipment with structural headroom of six (6) feet six (6) inches (d) roofed porches, breezeways, interior balconies and mezzanines; (e) any roofed over space such as a garage or carport for off-street parking accessory to a single family or two family dwelling not located in a cellar. **For the purposes of calculating Floor Area Ratio, Roofed Over Space used for stairwells, elevators, accessory water tanks, and cooling towers shall not be counted toward Gross Floor Area. For purposes of calculating accessory off-street parking and loading berth requirements for commercial uses, cellar space that is used for commercial uses shall be included for the purpose of**

calculating such requirements, even if not counted as Roofed Over Space for purposes of calculating Floor Area Ratio.

Floor area does not include: (a) cellar space (except that cellar space used for retail sales use shall be included for the purpose of calculating requirements of such use for accessory off-street parking spaces and accessory off-street loading berths); (b) elevator and stair bulkheads, accessory water tanks and cooling towers; (c) terraces, unroofed open porches, and steps; and (d) basements with structural headroom of less than six (6) feet six (6) inches.

Headroom, Structural. The vertical distance within a structure as measured from the floor or horizontal surface upon which a person could stand to the ceiling directly, above said floor or surface or, if there is no ceiling or if a drop ceiling is installed, to the bottom of the ceiling joists, rafters, trusses or framing members.

Roofed Over Space. For a Principal Building, the area of every floor under a roof in which (a) the structural headroom is six (6) feet six (6) inches or more; (b) more than half of its structural headroom is above the average finished grade of the ground adjoining the building; and (c) more than half of its structural headroom is above the base flood elevation as determined by the Flood Insurance Administration and shown on the Flood Insurance Rate Map. For an Accessory Building, the area of every floor under a roof. Roofed Over Space includes enclosed, unenclosed, or partially enclosed areas, as long as the area is under a roof. Roofed Over Space includes, but is not limited to, basements (if they meet the requirements in (a) through (c) above); attics (whether or not a floor has been laid, as long as the space meets the requirements in (a) and (b) above); breezeways; attached or detached garages; attached or detached carports; detached sheds or other accessory buildings; and porches with roofs. Roofed Over Space does not include the following areas if they are not under a roof: terraces, patios, porches, decks, areas under porches or decks, and steps.

Application of Mason Island Landing LLC Amendments to Zoning Regulations

Consistency Statements per Section 8.8.3 of the Zoning Regulations

Proposed Text Amendment

The purpose of the proposed text amendment is to clarify which building areas are counted toward Gross Floor Area (“GFA”) and, thus, subject to Floor Area Ratio (“FAR”) limits. The current regulations contain ambiguities about what building areas are, and are not, counted toward GFA. While applicable to all zoning districts in Town, it does not add or remove areas within a building from being counted toward GFA, nor change the FARs themselves. As such, the allowable bulk of buildings will not change.

The amendment accomplishes its purposes by adding “Roofed Over Space” as a defined term that will capture those areas of principal and accessory buildings that are counted toward GFA. The amendment proposes adding definitions for “Building, Principal” and “Headroom, Structural” to support the new Roofed Over Space term. The proposal also make revisions to the current definition of “Floor,” by removing a little used and confusing sentence about floors in garages. Lastly, given the use of the new Roofed Over Space term, the definition of GFA is proposed to be shortened and simplified.

For the reasons stated below, the proposal is consistent with the Plan of Conservation and Development, the Comprehensive Plan, and the general zoning purposes set forth in Section 1.0.1 of the Zoning Regulations.

Consistency with Plan of Conservation and Development (§ 8.8.3.1)

The goals and policy statements contained in the 2004 Plan of Conservation and Development (the “Plan”) are not directly applicable to this proposal, as the proposal does not seek to materially change the zoning regulations, but only clarifies the existing regulations. In particular, the proposal does not impact any of the major themes in the Plan (Community Issues, Protect Important Resources, Protect and the Enhance Villages, Guide Appropriate Development, Support Desired Growth, and Future Land Use Plan).

The only portion of the Plan that concerns GFA and FAR is related to the suggestion that the Town should discourage inappropriate building teardowns by having the Planning and Zoning Commission (“PZC”) review and possibly strengthen FARs in areas of Town susceptible to teardowns (Section 6 – Guide Appropriate Development, p. 6-24). In the Implementation Guide of the Plan (Section 9, p. 9-15), this goal is given a low priority. The current proposal, however, does not change the current FARs and does not increase the likelihood of teardowns because it only clarifies existing regulations.

The proposal is consistent with the suggestion in the Implementation Guide that the PZC “make the regulations more user-friendly.” (Plan, p. 9-4) While the Plan suggests that this be done in the context of a comprehensive review of the Zoning Regulations, it is nonetheless applicable

here, where the proposal will remove ambiguities and clarify existing regulations to make them more user-friendly.

Consistency with the Comprehensive Plan (§ 8.8.3.2)

The Comprehensive Plan is defined as the existing zoning map and zoning text, in combination with the actual pattern of built development that has taken place on the ground. The current proposal will not alter the zoning map or be in conflict with the actual development in the Town. As it will simply clarify ambiguities in the current regulations, without altering the substance of those regulations, the proposal is entirely consistent with the Comprehensive Plan.

Consistency with the General Zoning Purposes (§ 8.8.3.3)

The current proposal conforms to the general zoning purposes set forth in Section 1.0.1. in that, by clarifying what building areas are counted toward GFA, the proposal helps to regulate:

- height, number of stories, and size of buildings and other structures, the percentage of the area of the lot that may be occupied;
- form, proportion, and use of buildings, structures; and
- the erection, construction, reconstruction, alteration, or use of buildings or structures.

At the same time, the proposal will not negatively impact any if the following:

- congestion in the streets or safety from fire, panic and other dangers;
- the health and the general welfare of the people of Stonington;
- the provision of adequate light and air;
- the preservation of important natural inland and coastal resources;
- the prevention of overcrowding of land and the avoidance of undue concentration of population;
- the ability to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- the protection of historic factors and the character of the districts, the total consequent costs to the Town, and their particular suitability for particular intensity and form of use;
- the control of sedimentation, erosion caused by wind or water; and
- the conservation of the value of buildings and land and the most appropriate use of land throughout the Town.