

ARTICLE II

SECTION 2: SPECIAL RESIDENTIAL ZONES

2.1 Professional Office Overlay Zone (formerly Design District)

2.1.1 Statement of Purpose

To enhance the vitality and cohesion of designated areas by allowing an expanded list of approved professional office uses or such other uses as provided for herein in preexisting residential structures or new structures that demonstrate unified architectural character with single family homes in the immediate area.

2.1.2 Location

For purposes of this regulation, the Professional Office Overlay Zone shall be located:

1. Along White Plains Road (Rte. 127) from the intersection of Unity Road and White Plains Road, extending northwesterly to the intersection of Reservoir Avenue and White Plains Road,
2. Along east side of Main Street from the Merritt Parkway, extending southerly to the Bridgeport City line and along west side of Main Street from the eastern entrance access driveway of the Trumbull Mall southerly to the Bridgeport City line (this area shall be referred to as "**POOZ South**"), and
3. Properties at 17, 29 and 37 Church Hill Road and 7091 Main Street.

All properties having frontage on White Plains Road or lower Main Street or 7091 Main Street or an existing easement for access onto White Plains Road or lower Main Street or within the limited areas described above shall be included in the Professional Office Overlay Zone, except

that properties zoned for multi-family (such as condominiums, apartments and townhomes) and/or zoned for affordable housing shall not be included, unless otherwise provided for herein or are preexisting nonconforming multi-family structures such as two-family homes may be included.

2.1.3 Conditions

1. Parking shall be permitted in the rear yard and the side yard with landscaped buffers; parking is prohibited in a front yard, and side yard

parking shall be no closer to the street line than the dwelling; dwelling except in the case of a corner lot, which in such event, parking shall only not be permitted between the street and the entrance to the proposed or existing building facing Main Street or White Plains Road.

2. A minimum of four (4) off-street parking spaces shall be provided for each permitted use, except for funeral homes as specified in Section 2.1.4(a)(3) below. All professional office uses shall have parking at the rate of one (1) space per 200 square feet of Gross Floor Area of the area proposed for office use. No On-Street Parking shall be permitted. The Planning and Zoning Commission shall have the discretion to vary the parking requirements based on findings from the traffic/access/parking study required for properties located in the POOZ South or based on findings from an analysis provided by applicants and accepted by the Commission for properties located on the portions of White Plains Road and Church Hill Road that are included in this overlay zone.
3. Except in the case of funeral homes, any parking spaces above the one space per 200 square feet of Gross Floor Area shall be designed as "contingency parking", using a permeable pavement product such as "Grasscrete" that will preserve a lawn-like appearance while providing overflow parking. The Planning & Zoning Commission will have discretion to modify or waive this requirement if sufficient evidence of extenuating circumstances is provided.
4. All parking lots shall be designed such that they can be connected to existing or future parking lots on adjacent parcels, and no obstruction shall be placed to prevent the movement of vehicles between such adjoining parking lots. Wherever possible, the Commission shall consolidate driveways to serve multiple properties and to minimize curb cuts.
5. This use shall only be permitted in a home constructed after the effective date (July 13, 1995) of these regulations if the applicant can demonstrate, to the satisfaction of the Commission, within its sole discretion as part of the Special Permit approval process, that the new structure and the property it sits on will have the appearance of a residential property, and will be similar in character, height, size, scale, and have similar setbacks as the existing structures in the vicinity of the subject property.
6. Any structure on a single lot built after July 13, 1995 and proposed for professional office use shall be limited in size to the larger of either:
 - a. the size of the previous principal structure on the subject property(in terms of net useable square footage as shown on tax assessor's records) or
 - b. no more than 20% larger (in terms of net useable square footage as shown on tax assessor's records) than the average

size of the two residential structures adjacent to (on either side of) the subject property or the two residential structures located closest to the subject property if that property is located on a corner lot.

7. Any structure on a single lot built after July 13, 1995 and proposed for professional office use shall be limited in size to the larger of either:

- a. the size of the previous principal structure on the subject property (in terms of net useable square footage as shown on tax assessor's records) or office use shall be limited in size to the larger of either:
- b. no more than 20% larger (in terms of net useable square footage as shown on tax assessor's records) than the average size of the two residential structures adjacent to (on either side of) the subject property or the two residential structures located closest to the subject property if that property is located on a corner lot.

8. Consolidation of two (2) preexisting lots, both having been previously included in the Planned Office Overlay Zone, is permissible. No more than two lots may be consolidated. In the case of two consolidated lots, in areas other than POOZ South, the new structure proposed for professional office use shall be limited in size to the larger of either:

- a. 2,900 square feet (in terms of net useable square footage as defined by the tax assessor)
- b. no more than 20% larger (in terms of net useable square footage as shown on tax assessor's records) than the average size of the two residential structures adjacent to (on either side of) the subject property or the two residential structures located closest to the subject property if that property is located on a corner lot.

9.. The owner of a property approved for professional office use in this overlay zone may, but is not required to, live in and/or operate a professional office on the subject property. The owner may rent all or a portion of the premises for either residential or office use. The Planning and Zoning Commission shall have the discretion to allow more than one professional office use on the property.

- a) Building coverage shall not exceed 25%.
- b) Signage for funeral homes shall be limited to one per lot, no larger than twelve (12) square feet, ground lighting only, and set back a minimum of 10 feet from the property line; all other signage and shall not exceed six (6) square feet.
- c) Approval of an application for professional office use in POOZ South shall require a traffic/access/parking analysis. Applicants

shall be required to pay the cost of a study to be prepared by an expert selected by the Planning and Zoning Commission for the purpose of assessing traffic impact, ingress, and egress, parking and vehicular safety for the proposed use. The cost for this analysis shall not exceed an amount estimated by the Town Planner and Town Engineer to cover the cost of an independent traffic/access/parking analysis. The Commission, may, at its discretion, permit an alternative method or arrangement for funding a traffic/access/parking analysis.

- d) Approval of applications for professional office use in POOZ South shall be contingent upon the Planning and Zoning Commission accepting the results of the traffic/parking study described above and approving plans for the subject property showing proposed landscaping, signage, lighting, parking, driveway access and handicapped access.
- e) Structures in the POOZ South are to be considered for professional office use should be visible from the street. The front of the structure should be no more than 75 feet back from the street.

10.. The Planning and Zoning Commission shall have the discretion to deny a request for a professional office use in any of the areas where this zone applies if they determine based on all the information provided by an applicant, applicant's consultants, Town staff or consultants to the Town that a particular proposed application could have detrimental impacts on health or safety or general welfare of the surrounding residentially zoned area.

2.1.4 Permitted Uses

Professional persons in the following list shall be licensed by the State of Connecticut.

- a. Funeral Homes
 - (1) The minimum lot area shall be 4.5 acres.
 - (2) The minimum road frontage shall be 400 feet.
 - (3) A minimum of thirty (30) off-street parking spaces shall be provided.
 - (4) Funeral homes not existing as of August 19, 2009 shall not be permitted on lower Main Street.
- b. Attorneys at Law
- c. Accountants
- d. Architects
- e. Engineers and Surveyors

- f. Medical professional persons, which shall include doctors of medicine, dentistry, optometry, chiropody, podiatry, osteopathy, naturopathy, etc., Doctors: of Veterinary Medicine shall be included only as Veterinary Outpatient Clinics, as defined in Article I, Section 3, 182.
- g. Registered dietitians
- h. Psychologists
- i. Family therapists
- j. Social workers
- k. Nurse clinicians
- l. Insurance agents
- m. Other professional offices, including those not requiring a license from the State of Connecticut.
- n. Real estate offices

2.1.5 Application Procedure

An application for a Special Permit for a permitted use in a Professional Office Overlay Zone shall be made to the Planning and Zoning Commission in accordance with Article XV of these Regulations, and shall include, in addition to the information required by that Article, the following:

- a. A floor plan of $\frac{1}{4}$ inch to the foot showing proposed changes to the building; an accurate description of the proposed use, four sets of all drawings, including any proposed addition, elevations, and certified plot plan for the facility. These plans shall show the location of all buildings, building materials (if used), uses, parking areas, traffic access and circulation drives, open spaces, landscaping, exterior lighting, signage, and special features relating to the property.
- b. Applications for professional use in POOZ South shall be accompanied by a request for the Town to conduct a traffic/access/parking analysis as described in Section 2.1.3 of these regulations and a deposit in an amount to be determined by the Planning and Zoning Commission to undertake the analysis. If the analysis is completed for less than the deposit amount, the unspent portion will be returned to the applicant within 30 days from completion of the analysis.

2.1.6 Special Regulations for the Professional Office Overlay Zone South of the Merrit Parkway (POOZ South)

For those certain properties located in the POOZ South, the following special regulations shall apply and shall supersede any conflicting regulation in the POOZ zone.

- a. **Consolidation of lots.** Consolidation of preexisting lots in the Planned Office Overlay Zone South is permissible.
- b. **Building Coverage in the POOZ South.** Building coverage shall not exceed 50%.
- c.. **Additional Use.** The use of a Day Care Center or Facility is permitted by special permit, along east side of Main Street from the Merritt Parkway, extending southerly to the Bridgeport City line.

Notwithstanding anything to the contrary in the POOZ regulations, the provisions of this section shall control.

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