

## **Recommendations to the Assembly**

### **1. Spot Zoning.**

The assembly should take care not to spot zone real property. Spot zoning is the antithesis of comprehensive zoning, and it is contrary to the zoning ordinance and the comprehensive plan.

What is spot zoning? Spot zoning changes some aspects of an allowed use of a parcel of land contrary to the written municipal code.

Neither the planning and zoning commission nor the assembly has the authority to sport zone. In *Bartram v. Zoning Commission of City of Bridgeport*, 136 Conn. 89, 68A.2d 308 (Conn. 1949), the court ruled that “A court is without authority to substitute its own judgment for that vested by the statutes in a zoning authority.”

The assembly must legislate if it wants to change the comprehensive zoning ordinance. This ensures that the changes apply to everyone equally and not to one landowner at the public’s expense.

### **2. Residential General Zone.**

19.06.030 RG – Residential-general zone. Allow as permitted use, multi-family dwellings and apartment houses with three (3) or more units.

19.06.030 C. Minimum Lot Requirements. The allowable density in the introduction for (4 units and above) (26 units per 40,000 SF), or 1,538 SF per unit, does not match the allowable density later in the ordinance. For minimum lot requirements for all multifamily dwellings, please change it to 1,500 SF per unit.

19.06.030 D 2b. Minimum Building Setback Requirements. Change multifamily dwelling side yard setbacks to 5’.

19.06.030 E. Lot Coverage by All Buildings. Change to 70%.

### **3. Industrial-light zone.**

19.06.060 A 3e. Move allowable Residential dwelling units from conditional use to permitted use.

19.06.060 D 2. Minimum Building Setback Requirements. Change the side yard setback to 5’ and change the rear yard setback to 10’.