

## SECTION 5 – DISTRICTS AND DISTRICT REGULATIONS

### 5.A. ARD ARCHITECTURAL REVIEW DESIGN DISTRICT\*<sup>19</sup>

#### 5.A.1. Purpose

The Architectural Review Design District (ARD District) is intended to implement the policies, goals and urban design principles articulated in the 2015 *Master Plan* regarding appropriate new architectural designs and the conservation and enhancement of the character of *Buildings*, sites, streetscapes and pedestrian environments. It is intended that these guidelines reflect or retain valuable elements of the City’s cultural, social, economic, political and architectural history. This is accomplished by the establishment of design standards that apply to new and existing architectural façades and review procedures which serve to preserve, restore and enhance these resources, improve property values, promote and support a high-quality retailing environment, and enhance the character and amenity of the downtown as the retailing, business, civic and cultural center of the City.

#### 5.A.2. Jurisdiction

The ARD District is an overlay District that shall apply to the construction or erection of all new *Buildings*, *Structures* or *Signs*, and to the reconstruction or alteration of existing building façades, *Structures* or *Signs*, and to exterior storage or exterior displays as defined in Subsection DD below, limited only to those portions that are visible from within the District from any *Street*, way, public pedestrian walkway or park. The requirements of the ARD District shall be in addition to other requirements of these Regulations and the standards and *Permitted Uses* of the underlying district in which the property is located. Except as specifically provided for herein, in case of conflict between the standards of the ARD District and other requirements of these Regulations, the more restrictive shall apply. (208-03)

#### 5.A.3. Building Standards

- a. New *Structures* and alterations of existing *Structures* and sites shall achieve a consistent and harmonious relationship to the streetscape. Storefront alterations shall reflect the architectural integrity of the complete *Building* and use, including proportions, materials, colors and textures that complement rather than compete with the overall façade.
- b. Storefronts and architectural façades shall serve to enliven the *Street* and provide a continuous “border of interest” by maintaining storefronts and window displays close to the outermost edge of the *Building* façade and by avoiding deep setbacks and dark alcoves.

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>19</sup> [Formerly Section 7.6. (224-07).]

- c. Storefront windows shall be kept as large as reasonably possible and glazing shall be of clear vision, glass only. Tinted glass is discouraged and reflective glass shall not be permitted.
- d. Building alterations to façade(s) should avoid covering any architectural feature original to the *Buildings*, including cornices, eaves, bases, sills, headers, ban course, columns, applied ornament or sculpture, molded terra-cotta, ornate stone or intricate brickwork. Alterations which add architectural articulation to *Buildings* otherwise lacking such features shall be encouraged.
- e. The lowest 24 feet of each building façade and site improvements significantly exposed to public view shall be constructed with high quality, durable exterior materials. Use of lesser quality materials, such as, but not limited to, masonite paneling, sheet tile, simulated brick, pegboard, vinyl and aluminum siding, external insulation and finish systems, plastic laminate and canopies and awnings made of vinyl are discouraged. For *Building* alterations, the use of natural materials that match the existing and/or original building materials is encouraged. This paragraph is not intended to discourage the use of high quality, durable and innovative materials.
- f. Preferred security systems are glass shock or breaker sensors or electronic alarms. Open grill gates when used shall be mounted within the store interior behind the window display with the gate housing hidden from view. Solid slat rolling gates or shutters, barbed wire and razor wire are prohibited.

#### 5.A.4. Sign Standards

Notwithstanding the standards of Section 13 of these Regulations, the following additional standards, restrictions and permitted signage shall apply within the ARD District:

- a. For property within the C-C, C-G, C-L, NX-D, RH-D and V-C zoning districts, the following special standards shall apply:
  - (1) The aggregate total area of all *Wall Signs* placed on the street front wall of a *Building*, exclusive of window *Signs* and blade *Signs* as herein defined, shall be limited to an area of one and one-half square feet for each lineal foot of building frontage, excepting that for an open-type *Sign* comprised principally of characters attached to the building façade and covering less than 50% of its encompassing plane area, the area of such encompassing plane may be increased to three (3) square feet for each lineal foot of building frontage.
  - (2) Window *Signs*, silk-screened or painted or applied vinyl on the surface of window glass, or displayed within one foot of the window surface, shall not cover more than 10% of the window at the ground floor and 20% of upper *Story* windows.
  - (3) Blade type *Signs* mounted perpendicular to the building façade are permitted, notwithstanding the standards of Section 13, and may extend over a public sidewalk provided they extend not more than three (3) feet from the *Building* and are made of durable material. Unless otherwise permitted by way of *Special Permit*, issued by the Zoning Board, blade *Signs* shall be a maximum horizontal dimension of three (3) feet and a

maximum vertical dimension of six (6) feet and shall be located not less than 90 inches above the sidewalk and shall not extend above the base cornice line of the *Building*. The aggregate total area of all blade *Signs* shall be limited to an area of one-half square foot for each lineal foot of Building frontage, provided that the area of a single blade *Sign* shall be limited to nine (9) square feet. The provisions of this Section do not apply to blade *Signs* on *Buildings* in the C-C district that are approved subject to the provisions of Section 2.E. and 11.H.1 of these Regulations. (218-49)

- b. Signage shall be designed to be compatible with the *Building*, in scale with the storefront and the intended viewer. Simple and clear designs maintaining strong contrast between letters and background and constructed of high quality materials are encouraged.
- c. Exterior illumination shall not be overly bright and should be non-glaring and inconspicuous. Internally illuminated *Signs* shall be limited to the illumination of characters only. The direct source of light shall be shielded from pedestrians' view. Flashing, revolving, intermittent or animated lighting is prohibited except as may be hereinafter permitted by way of *Special Permit*. Lighting such as: spotlights, flood lights, warm fluorescent, neon or incandescent lamp source is suggested. Mercury or sodium vapor lighting is prohibited.
- d. Wall mounted *Signs* mounted in the area of pedestrian circulation may not project more than 3 inches into the circulation zone.
- e. Directories and other directional signage placed on the exterior of a *Building* are discouraged and when possible, shall be located inside an entry way or vestibule.
- f. The use of awnings and canopies is encouraged provided the signage placed on them complies with the *Wall Sign* requirements of these regulations.
- g. *Signs* placed on the façade of the first five *Stories* of a *Building* shall not exceed the width of the storefront or other occupied frontage to which they relate, and shall in no case exceed a height of four (4) feet. Any *Sign* placed above the fifth *Story* that exceeds four (4) feet in height must be submitted to the Zoning Board for administrative review and approval. This subsection shall not apply to blade type *Signs* which are covered under subsection D.1.c above. *Signs* shall be placed in the natural, logical position on the *Building* and shall fit proportionately to the overall design of the façade, such as fit symmetrically above doorways or windows. (210-25)
- h. The use of effective display lighting is encouraged. Display lighting should not cause glare upon pedestrians.

#### **5.A.5. Exterior Storage and Display Standards**

At any property located within the Architectural Review Design District, no non-perishable items may be stored or displayed for sale except: i) within the exterior walls of a *Building* or *Buildings* located on said property; or, ii) during a sidewalk sale lasting no longer than seventy-two continuous hours and which such sidewalk sale may not be conducted until six (6) months has elapsed subsequent to the end of the preceding sidewalk sale. (208-03)

### 5.A.6. General Procedures

- a. Application shall be made on forms provided by the Zoning Board and shall contain scaled drawings and information indicating location, specification of materials, dimensions, colors, manner of fabrication and installation, and such other additional supporting facts and information as required by the Zoning Board or the Land Use Bureau Chief to fully review the proposal. Presentation of actual samples of the exterior architectural materials and colors is encouraged.
  - (1) The Zoning Board shall review and determine compliance with the standards of the ARD overlay district for all projects that are subject to issuance of a *Special Permit*, Site and Architectural Plans and Requested Uses, or Coastal Site Plan Approval.
  - (2) Within 30 days of receipt of a complete application, the Land use Bureau Chief shall issue a determination of compliance or non-compliance or may elect to refer the application to the Architectural Review Advisory Committee for an advisory recommendation. When the Land Use Bureau Chief issues a determination of non-compliance, the application shall be forwarded, at the applicant's request, to the Zoning Board for further review and determination. Failure of the Land Use Bureau Chief to issue a determination of compliance or non-compliance on a complete application within 60 days after receipt of the complete application shall result in automatic approval of the application as submitted, provided that the applicant may consent to one or more extensions of this time period, provided the total period of any such extension or extensions shall not exceed 60 days, or may withdraw the application.
  - (3) No application may be decided by the Zoning Board until after a public hearing, and the Board shall render a decision within sixty (60) days after such hearing.
  - (4) Determination of compliance shall not pertain to portions of the *Building* or building façade not included in the application.
- b. Applications may be referred to the Architectural Review Advisory Committee or any other appropriate agency or official for review and recommendation provided any such recommendation shall not be binding upon either the Zoning Board or the Land Use Bureau Chief, but shall be rendered in order to provide the Chief or Board with guidance in the performance of their duties.
- c. Where approval is required pursuant to this Section, no *Zoning Permit* shall be issued by the *Zoning Enforcement Officer* and no Building Permit shall be issued by the Building Department except upon approval of site and architectural plans by the Zoning Board or issuance of a determination of compliance by the Land Use Bureau Chief.
- d. Any approval for which a full Building Permit has not been issued within one (1) year from the approval date shall become null and void, provided that the Zoning Board, upon timely application, may for good cause shown grant not more than three one-year extensions of the period within which the Building Permits may be obtained. (209-035)

- e. The Architectural Review Advisory Committee referred to in Subsection 5.A.6.a(1) above shall consist of not less than three (3) individuals selected by the Land Use Bureau Chief after consultation with the Zoning Board. Such committee members shall possess sufficient expertise and qualifications, as determined by the Land Use Bureau Chief, to review architecture and building design. The function of the Architectural Review Advisory Committee shall be to be a resource to the Land Use Bureau staff in processing any application filed under this Section by providing technical support, advisory opinions and recommendations, at the discretion of the Land Use Bureau staff.
- f. Exemptions: The following activities are hereby exempted from this Section:
  - (1) Minor repairs and/or minor alterations, maintenance or replacement of portions of an existing *Building, Structure, Sign* or other site feature that would result in no significant impact on the design, character or visual appearance of the property.
  - (2) Seasonal decorations and special events not exceeding 45 days in duration.
  - (3) New signage or replacement of an existing *Sign*, not exceeding five (5) square feet in area.
- g. All references to the “Land Use Bureau Chief” shall mean the Land Use Bureau Chief or his/her designee. (204-35)

**5.B. B-D DESIGNED BUSINESS DISTRICT\*<sup>20</sup>**

Areas of land whether under single ownership or not may be converted to a B-D DESIGNED BUSINESS DISTRICT, under the following conditions:

**5.B.1. [Designation Criteria]**

The minimum area and qualifying standards for such a B-D DESIGNED BUSINESS DISTRICT shall be as follows:

- a. When contiguous to an RA-2, RA-1 or R-20 One Family Residence District for not less than twenty-five percent (25%) of the total distance of the boundary line of a parcel of land proposed for conversion to a Designed District: twenty (20) acres exclusive of public highways passing through said area.
- b. When contiguous to an RA-1 or R-20 One Family Residence District south of the Merritt Parkway for not less than twenty-five percent (25%) of the total distance of the boundary line of a parcel of land proposed for conversion to a Designed District: fifteen (15) acres exclusive of public highways passing through said area.
- c. When contiguous to an R-10 One Family Residence District for not less than twenty-five percent (25%) of the total distance of the boundary line of a parcel of land proposed for conversion to a Designed District: ten (10) acres exclusive of public highways passing through said area.
- d. When contiguous to an R-7<sup>1</sup>/<sub>2</sub> One Family Residence District or R-5 Multiple Family Residence District for not less than twenty-five percent (25%) of the total distance of the boundary line of a parcel of land proposed for conversion to a Designed District: eight (8) acres exclusive of public highways passing through said area.
- e. In the case of more than one (1) district abutting any area proposed for conversion to a B-D DESIGNED BUSINESS DISTRICT, the most restrictive contiguous district or districts as set forth under (a), (b), (c) and (d) above shall apply in determining the minimum area that may be converted to such B-D DESIGNED BUSINESS DISTRICT.
- f. When contiguous to a C-D DESIGNED COMMERCIAL DISTRICT and/or land owned by the State of Connecticut for not less than one hundred percent (100%) of the total distance of the boundary line of a parcel of land proposed for conversion to a Designed District; and having frontage of not less than one hundred feet (100') along a state highway: three-quarter (<sup>3</sup>/<sub>4</sub>) acres (80-023)

**5.B.2. [Permitted Uses]**

The following uses are permitted in a B-D DESIGNED BUSINESS DISTRICT: (See also

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>20</sup> [Formerly Section 9.E. (224-07).]

Subsection G of this Section)

Agencies, Real Estate, Insurance, Employment; Apparel Shops; Art & Antique Shops; Auto Service Stations; Automotive Equipment and Service Stores, restricted to the retail sale and service of new automotive tires; Bakeries, Retail; Banks; Barber, Beauty Shops; Book, Stationary Stores; Carpet and Floor Covering Sales, Retail; Child Day Care Services, Christmas Trees, Wreaths; Clothing Stores; Confectionery Stores; Copy and Communication Centers; Custom Tailor, Dressmaker, Milliner; Drug Stores; Dry Goods, Notions Store; Electrical and Manual Household Appliances (small) repair and service; Equipment Rental Store (residential); Feed & Seed Store, Retail; Financial Institutions; Florist; Food Shops, Retail; Food Catering, including preparation of all foods for off-premises consumption provided the number of persons working shall not exceed five (5); Furniture Display; Garden Center; Gift Shops; hardware, Electrical Appliances; Home Furnishings & Decorating; Ice Dispensing, Retail; Jewelry Stores; Laundry & Dry Cleaning Establishments, Retail, as defined in Section 3; Laundry, Cleaning, Dry Cleaning and Dyeing Agency; Laundry, Self-Service; Music Stores; Newsstand Variety Store; Offices, Business & Professional; Opticians, Repairs; Package Liquor Stores; Paint Store, Retail; Party Rental Store; Pawn Shop, Second Hand Store; Auction Store; Pet Store, including food and accessories; Photographic Studios, Camera Shops; Public Libraries or branches thereof, Redemption Center for Trading Stamps where merchandise and supplies are held for display, storage and distribution; Residential apartments, subject to the standards of subsection 3(f); Restaurant -- excludes entertainment but includes liquors; Safe Deposit Facility; Screen and Storm Doors; Windows, Porch Enclosures, Awnings (retail, sale, repair and installation); Shoe Stores, Shoe Repair Shop; Sporting Goods Stores; Tailor Shops; Textile Goods, Retail, provided the total *Gross Floor Area* devoted to such use does not exceed fifteen hundred (1,500) square feet; Wig Salon. (222-31)

### 5.B.3. [Standards]

In connection with the uses set forth in Subsection 5.B.2, the following standards shall apply:

- a. In general, *Parking Facilities* for patrons' cars should be provided at a ratio of three (3) or more square feet of off-street *Parking Space* for each square foot of the aggregate *Floor Area* of the *Buildings* in the project; where applicable, the provisions under Section 12 – Mobility may be applied.
- b. Merchandise or products shall not be stored or displayed outside any *Building*, except plants, shrubs and other growing products customarily sold in a nursery.
- c. All *Signs* shall conform with the sign regulations under Section 11.A through D subject to the following standards:
  - (1) The total area of any *Signs* placed on a *Building* shall not exceed two (2) square feet in area for each lineal foot of building frontage on the front wall of a *Building*, and thirty (30) square feet on each side or rear wall of a *Building*.

- (2) Signage may be permitted on one (1) freestanding canopy, provided such canopy is located not less than twenty-five (25) feet from a front *Property Line* and not more than twenty (20) feet in height and such signage is limited to thirty (30) square feet in aggregate.
  - (3) *Ground or Pole Signs* not more than thirty (30) square feet in area and ten (10) feet in height may be allowed, not to exceed one (1) such *Sign* per street frontage.
  - (4) *Ground or Pole Signs* not more than fifty (50) square feet in area and twenty-one (21) feet in height may be allowed, not to exceed one (1) such *Sign* per street frontage, provided that no side of the sign face shall exceed ten (10) feet in length.
  - (5) All *Signs* shall be placed to the rear of the front setback line.
  - (6) Any legally nonconforming *Sign* existing at the time of the adoption of these regulations, which does not meet the dimensional requirements stated herein may be updated and/or replaced provided no such nonconformities are exacerbated. (217-10)
- d. No *Building* shall exceed two and one-half (2<sup>1/2</sup>) *Stories* in height.
  - e. Lot size and *Yard* space shall be governed by the requirements for the C-N Neighborhood Business District in the SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF BUILDINGS of these Regulations.
  - f. Subject to approval by the Zoning Board, residential apartments may be permitted on the second floor above commercial uses, on *Lots* not to exceed 20,000 square feet in area. (99-029)

#### 5.B.4. [Procedure]

Within any B-D Designed District, applications requesting approval of any *Permitted Uses* or approval of site and architectural plans shall include all of the plans and information as specified by Section 2.D.3. of these Regulations. Such applications shall be submitted to and be subject to the approval of the Zoning Board in accordance with the specific standards and objectives of the District, the procedures and review standards of Section 2.D. Site Plan Review, and the general purposes and other applicable standards of these Regulations, who shall not approve same until after a public hearing.

No *Buildings* contiguous to property in other districts shall have a *Front Yard* or *Side Yard* less than specified in the SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT, AND BULK OF BUILDINGS, for the contiguous district. In no case shall a *Side Yard* measure less than one-half (<sup>1</sup>/<sub>2</sub>) the height of the *Building*. In the event that any Designed District is contiguous to more than one (1) district, the *Yard* requirements of the more restrictive district shall apply. Notwithstanding the above, the Zoning Board may by *Special Permit* grant a waiver of the requirements of this section and section 7.K, only for *Corner Lots* less than 10,000 square feet in area, provided that no *Building* shall be located within fifty (50) feet of any *Lot* within a more restrictive district. (97-007, 99-001)



**5.C. C-B COMMUNITY BUSINESS DISTRICT.<sup>21</sup>****5.C.1. Purpose**

The primary function of this district is to provide central concentrations of convenience goods and services as well as other commercial uses serving several neighborhoods. It is intended that only uses compatible with adjacent residential areas be permitted and that convenient and adequate parking be provided. *Parking Areas* are to be screened and made attractive through the use of landscaping.

**5.C.2. Permitted Uses.**

See Appendix A, Land Use Schedule. (223-30)

**5.C.3. Building Regulations.**

- a. Minimum *Lot Area*: 5,000 square feet
- b. Minimum *Frontage*: 50 feet
- c. Maximum *Building Coverage*: 40%
- d. Maximum *Building Height*: 4 *Stories*, 50 feet
- e. Minimum *Yards*: Front: 10 feet, Rear: 20 feet, Side: one side 6 feet, both sides 18 feet
- f. Maximum *FAR*: 0.5

**5.C.4. Sign Regulations.**

The regulations of Section 11.f regarding *Signs* in the C-N district shall apply.

**5.C.5. Special Parking Requirements**

Because these districts are located adjacent to multi-family residential districts it is anticipated that retail establishments will have a high degree of walk-in trade. Therefore, retail establishments, defined for purposes of this section only as establishments selling goods at retail directly to the general public, may provide parking at the minimum rate of 2 spaces per thousand square feet of *Gross Floor Area*. (84-026)

**5.C.6. Below Market Rate Requirements**

*Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations. (220-13)

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<sup>21</sup> [Formerly Section 4.B.5.]

**5.D. C-C CENTER CITY DISTRICT (224-07)**

All *Development* within the C-C Center City District shall be subject to the standards set forth in Appendices A and B of these Regulations.

**5.E. C-D DESIGNED COMMERCIAL DISTRICT\*** (221-20)<sup>22</sup>**5.E.1. Designation Criteria**

Where the excellence of the overall design in accordance with the criteria listed below warrants special consideration for modification of standards of the existing zoning district for the *Lot*, any *Development* or *Redevelopment* of *Lots*, or where a *Building* is being restored, repaired, or remodeled principally for uses listed herein, a property may be designated by the Zoning Board as a C-D DESIGNED COMMERCIAL DISTRICT provided that the following objectives are met.

- a. The proposed *Development* or *Redevelopment* is consistent with the *Master Plan*.
- b. The proposed *Development* or *Redevelopment* consists of such uses and such proportions as are most appropriate to its functional integration into the neighborhood.
- c. The proposed *Development* or *Redevelopment* site plan is so designed in its space allocation, orientation, materials, and to be complementary to the surrounding neighborhood.
- d. The proposed *Development* or *Redevelopment* is south of the Merritt Parkway.

**5.E.2. Minimum Area**

The minimum area to be designated a C-D DESIGNED COMMERCIAL DISTRICT shall be fifteen (15) acres. Any parcel smaller than said minimum acreage may be added to existing C-D Districts. No land may be removed from the C-D District if it results in such C-D parcel no longer meeting the minimum area size or any other zoning requirement. Land zoned C-D may be subdivided and internal *Property Lines* may be established where the resulting individual *Lots* do not conform to the *Coverage*, *Yard*, or *Floor Area Ratio* limitations of these Regulations, provided that the overall C-D zoned land being subdivided remains compliant. Prior to obtaining a Building Permit, the site plan depicting the new *Property Lines* with notes referencing the Zoning Board approval and an accompanying Zoning Data Chart, subject to approval of Land Use Bureau staff, shall be filed on the Stamford Land Records. (218-45)

**5.E.3. Permitted Uses**

The following are the uses permitted within the C-D DESIGNED COMMERCIAL DISTRICT. Any use in the C-D District shall be permitted only by *Special Permit*.

- a. Professional Offices; Professional Offices, Medical; Administrative Offices; Scientific Offices; Educational Offices; Statistical Offices; Executive Offices; Executive Home Offices; Engineering Offices; Sales Offices; Offices for Drafting Rooms;

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>22</sup> [Formerly Section 9.G. (224-07)] Appl. 217-01, permitting Gymnasium and Physical Culture Establishments by Special Permit in the C-D zoning district, was approved by the Zoning Board on May 22, 2018 and is currently under judicial review. If the Zoning Board's approval is affirmed by the court, the approved text will be inserted herein.

Experimental Engineering Research Laboratories; Experimental and Research Laboratories; Research and Development Laboratories.(206-11)

- b. School, Public.
- c. Single-Family, Two-Family and Multi-Family Dwellings in contiguous C-D districts with more than 50 acres, regardless of the size of the individual parcels.
- d. Assisted Living Facility.
- e. Senior Housing and Nursing Home Facility Complex.
- f. School, Non-Public.
- g. Colleges and Universities.
- h. Child Care Center.
- i. Group Day Care Home (223-10)
- j. *Accessory Structures* and *Accessory Uses* accessory to all the uses referred to in this section may include storage space for equipment, supplies, materials and motor vehicles; central heating systems; air-conditioning systems; power plants; water tanks or towers; refuse disposal system; training schools for employees; cafeterias; clinics; club houses or guest lodges for the use of residents, tenants and employees of the *Buildings*; such retail trade and service uses as are incidental to, and necessary for the comfort and convenience of, the residents, tenants and employees in the *Buildings*; assembly hall for meetings incidental to the business of the principal use or for civic meetings; playground for Child Care Center. (206-11)
- k. Independent Living Facility (224-06)
- l. Senior or Disabled Day Program (224-06)

There shall be no commercial manufacture or fabrication of products for sale except with respect to limited quantities of test or trial products or such models or prototypes as may be created and used on the premises in pursuit of the research, experimentation or development conducted in any laboratory.

**5.E.4. Standards**

In connection with the *Special Permit* uses set forth in Subsection 5.E.3. the following standards shall apply:

	<b>Non-Residential Uses and Mixed Uses (Non-Residential and Residential,)</b>	<b>Residential Uses<sup>3)</sup></b>
a. <i>Building Coverage</i>	12% three story <i>Development</i> 10% four story <i>Development</i>	25%
b. <i>Lot Coverage<sup>1)</sup></i>	40% three-story <i>Development</i> 35% four-story <i>Development</i>	40%
c. <i>Density</i>	0.40 <i>FAR</i>	12 units / 14 units per acre if all required <i>BMR Units</i> are provided

		on-site
d. <i>Building Height</i>	Lesser of 4 <i>Stories</i> or 60 feet	Lesser of 3 <i>Stories</i> or 35 feet
e. Setback from <i>Street Line</i>	50 feet	50 feet
f. Setback from <i>Property Lines</i> , except <i>Street Line</i>	100 feet if adjacent to single and two-family districts <sup>2)</sup> , 50 feet if adjacent to any other districts	Same as the <i>Rear Yard</i> requirement for each adjacent district but not less than 50 feet

- 1) Stone walls, sidewalks, pedestrian walkways, bike lanes and at grade patios, which in total do not exceed 5% of the total *Lot Area* shall be exempt.
- 2) RA-3, RA-2, RA-1, R-20, R-10, R-7½, R-6.
- 3) See Section 5.E.4.h for standards relating to Senior Housing and Nursing Home Facility Complex use.

**g. Parking.**

- (1) Parking shall be provided pursuant to Section 12 of these Regulations. *Parking Structures* shall only be permitted on *Lots* of thirty (30) acres or larger. New *Parking Structures* shall be set back at least 100 feet from any *Property Line* or *Street Line*;
- (2) The Zoning Board, by *Special Permit* approval, may exempt freestanding *Parking Structures* from *Building Coverage* and *Density* calculations only when all of the following conditions are met:
  - (a) *Parking Structures* shall not cover more than five percent (5%) of the *Lot Area*;
  - (b) *Lot Coverage* shall not exceed thirty-five percent (35%);
  - (c) *Floor Area Ratio* of all *Buildings*, exclusive of *Parking Structures*, shall not exceed 0.35;
  - (d) The height of the *Parking Structure* shall not exceed thirty feet (30') above average grade; and
  - (e) All *Parking Structures* shall be appropriately screened from view by Principal *Buildings*, topography, and/or landscaping to the satisfaction of the Zoning Board.
- h. Senior Housing and Nursing Home Facility Complex as a single use shall not exceed: seventeen percent (17%) *Building Coverage*; thirty-five percent (35%) *Lot Coverage*; the lesser of four (4) stories or 60' where 4-story elements are set back not less than 200' from the *Street Line* and 250' from residential districts, otherwise the lesser of three (3) stories or forty (40) feet; *Density* of fourteen (14) units per acre where the required *BMR Units* are provided on-site, *Density* of twelve (12) units per acre if the BMR requirement is satisfied by a fee-in-lieu payment based on 5% of the *Gross Floor Area* (less any permitted exclusions), provided however *Density* of fourteen (14) units per acre if the BMR requirement is satisfied

by a fee-in-lieu payment based on 5.5% of the *Gross Floor Area* (less any permitted exclusions) and the Applicant is a 501 (c) (3) nonprofit corporation. (222-08)

**i. Signage.** All Signs shall comply with Subsections 11.A. – 11.D. of these Regulations, and the City of Stamford Code of Ordinances. In addition, the following regulations shall apply:

(1) **Building Signs.** One (1) *Sign* may be affixed to each building wall facing each Street on which the *Lot* abuts. Each such *Sign* may not exceed sixty (60) square feet in area. *Signs* shall be placed either between (a) the top of the top floor row of windows and the top of the roof line or parapet wall, or (b) the top of the ground floor row of windows and the bottom of the second floor row of windows. *Signs* shall not extend above the roof line or parapet wall of the *Building*; provided, however that *Signs* are permitted on roof structures such as mechanical penthouses and bulkheads as long as they do not extend beyond the height or width of said roof structure. Where there are fully transparent curtain walls or no windows, the Zoning Enforcement Officer shall determine the location of the *Sign*.

(2) **Ground Signs.** There shall be one Ground *Sign* permitted for each curb cut. Ground *Signs* shall not exceed ten feet (10') in length or eight feet (8') in height. Directional signs not exceeding twelve (12) square feet in area or eight feet (8') in height shall be permitted as-of-right. The Zoning Board may, at its sole discretion as part of the Site and Architectural Plan Approval, allow an Applicant to substitute *Building Signs* for *Ground Signs*, provided that no *Ground Sign* shall exceed the dimensional parameters established as set forth above.

(3) **Flags.** *Flags* may be displayed on vertical or mast-arm flagpoles provided that no *Flag* shall exceed twenty-four (24) square feet in area and twenty-five feet (25') in height. Where there is more than one *Flag* per *Lot*, the aggregate square footage of the *Flags* combined shall not exceed seventy-two (72) square feet in area (200-32, 218-45)

**j. Below Market-Rate Housing Requirement.** All *Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations.

**k. Public Amenity Requirement.** *Publicly Accessible Amenity Space (PAAS)* shall be provided pursuant to Section 6 of these Regulations. (223-31)

### 5.E.5. Procedure

All *Development* and *Redevelopment* within the C-D District, shall be subject to a *General Development Plan*, pursuant to Subsections 5.L.7.b, c, d and 5.L.8.f., and to the Site Plan Review requirements pursuant to Section 2.D, unless Final Site and Architectural Plan Approval is granted for the entirety of the *Development* or *Redevelopment* at the time of the *Special Permit* approval.

Senior Housing and Nursing Home Facility Complex shall be subject to a *General Development Plan*, pursuant to Subsections 5.L.7.b, c, d and 5.L.8.f., and to the Site Plan Review requirements pursuant to Section 2.D, unless Final Site and Architectural Plan Approval is granted for the entirety of the *Development* or *Redevelopment* at the time of the *Special Permit* approval. (222-08)

**5.F. C-G GENERAL COMMERCIAL DISTRICT (224-07)**

All *Development* within the C-G General Commercial District shall be subject to the standards set forth in Appendices A and B of these Regulations.

**5.G. C-I INTERMEDIATE COMMERCIAL DISTRICT (224-07)**

All *Development* within the C-I Intermediate Commercial District shall be subject to the standards set forth in Appendices A and B of these Regulations.



**5.H. C-L LIMITED COMMERCIAL DISTRICT (224-07)**

All *Development* within the C-L Limited Commercial District shall be subject to the standards set forth in Appendices A and B of these Regulations.

**5.I. C-N NEIGHBORHOOD COMMERCIAL DISTRICT (224-07)**

All *Development* within the C-N Neighborhood Commercial District shall be subject to the standards set forth in Appendices A and B of these Regulations.

## 5.J. CSC-D COMMUNITY SHOPPING CENTER DISTRICT\*<sup>23</sup>

### 5.J.1. Purpose

The Community Shopping Center (CSC) District is intended to promote the rehabilitation, reconfiguration, and modernization of existing large Shopping Centers essential to the neighborhood and community shopping needs of the City of Stamford, with design controls to insure a compatible relationship to adjacent residential neighborhoods, and assurance that infrastructure impacts will be mitigated. The CSC District is intended to be applied to older Shopping Centers of unusual size which have been rendered legally non-conforming by virtue of a zoning change, and which are experiencing continuing decline due to outmoded configurations or architectural forms that require substantial reinvestment, and whose loss or further deterioration would adversely impact the public interest and economic vitality of the City. To this end the CSC District is hereby enacted, with the additional objectives as set forth below:

- a. To promote the protection and enhancement of existing retail Shopping Centers which are significant to the city's *Development* as centers outside of the central business district; and
- b. To encourage the rehabilitation and modernization of existing Shopping Centers providing essential shopping and personal services; and
- c. To encourage existing retail Shopping Centers to undertake a comprehensive effort to upgrade and unify their visual and architectural character, to improve landscaping and lighting systems to reduce impacts to adjoining residential *Development*, to improve the function, safety and convenience of vehicular and pedestrian circulation systems and parking, and to mitigate external traffic impacts and improve public infrastructure systems; and
- d. To provide improved site and architectural review standards and procedures to ensure that major changes in the intensity, function, occupancy, or appearance of such retail Shopping Centers are consistent with established land use policies of the area, are responsive to the needs of the community, and are sensitive to their impact on existing residential neighborhoods in the vicinity of the site; and
- e. To promote the reduction of zoning non-conformities.

### 5.J.2. Criteria for Designation

To qualify for designation as a CSC District, a tract of land must satisfy all of the following requirements:

- a. The proposed CSC site must contain a commercially zoned land area of not less than ten (10) acres, contiguous and undivided by City *Streets* and shall be owned in common by a single entity;
- b. The proposed CSC site must support an existing legally non-conforming commercial Shopping

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>23</sup> [Formerly Section 9.O. (224-07).]

Center containing not less than 100,000 square feet of active retail *Floor Area*, and not less than ten (10) contiguous stores;

- c. The proposed CSC site must be served by bounding *Streets* and other municipal services and utilities of sufficient capacity to safely accommodate the existing and proposed *Development*;
- d. The use and location of the proposed CSC site shall be consistent with all of the stated purposes and objectives of the CSC-D District, and shall be compatible with the land use policies and goals which have been articulated for adjacent areas.

### 5.J.3. Permitted Uses

All uses permitted in the C-L District shall be authorized within the Designed Community Shopping Center District, except the following uses shall be specifically prohibited: Auto Sales; Bed & Breakfast, Boarding, Rooming House; Summer Day Camp; Camp Ground; Car Wash; Clubs and Lodges; Clubs - Country Golf, Yacht or Beach; Colleges and Universities; Crematory; Funeral Home; Fire Station, Volunteer; all residential uses; Garage, Accessory; Garages; Public; Nursing Home; Public Utility Service Yards; Public Utility *Buildings*; Restaurant - Drive-in; Sand and Gravel Bank; Tennis Courts, Indoor.

Although not permitted in the C-L District, health and fitness clubs, gymnasiums, and physical culture establishments may be permitted in the CSC-D District by issuance of a *Special Permit* from the Zoning Board. The total amount of *Floor Area* devoted to office use shall not exceed the amount of office *Floor Area* existing at the time of the initial application for CSC zone change. New *Floor Area* created in excess of the total retail *Floor Area* existing at the time of the initial CSC zone change shall be initially occupied for retail purposes only, provided further that not less than 50% of such new *Floor Area* shall initially be devoted to retail food uses. The term retail, as used in this paragraph shall also include restaurants, banks, photo processing shops, photographic studio, beauty shops, shoe repair, copy centers, travel agencies, interior decorating shop, laundry and dry cleaners, party rental store, video rental stores, and other similar personal service uses. The term retail, as used in this paragraph, shall not include health and fitness clubs, gymnasiums, and physical culture establishments. (203-36; 216-04)

### 5.J.4. Development Standards

The following standards shall apply to all *Buildings, Structures* and uses within the CSC District, including existing *Structures*, provided that the requirements of Section 7.K of these Regulations shall not apply and that existing *Structures* shall not be required to comply with the CSC District *Yard* standards but shall be modified to comply with the CSC District height standards.

- a. **Minimum Lot size:** 10 acres
- b. **Minimum frontage:** 100 feet
- c. **Minimum Yards:** Front: 10 feet

Rear: 30 feet

Side: 10 feet, from residential district: 30 feet

- d. **Maximum Building Height:** 55 feet, as measured from the average established grade of the curb of adjoining *Streets*, provided that no less than 50% of the perimeter of the property directly abuts public *Streets*. Where less than 50% directly abuts public *Streets*, *Building Height* shall be measured from the average level of the finished ground surface adjacent to the exterior walls of the *Building*.
- e. **Maximum Building Coverage:** 45%, provided that canopies and other roof coverings over walkways and *Streets* shall not be included, and also parking *Structures*, suitably screened and landscaped, with roof or upper deck elevation not exceeding five (5) feet above average street grade shall not be included in the calculation of *Building Coverage*.
- f. **Maximum Floor Area:** total commercial *Floor Area* (exclusive of parking floors) shall not exceed the amount of *Floor Area* existing at the time of initial CSC District designation, provided that retail uses in the aggregate shall not exceed 80% of total *Floor Area*, and provided that individual retail food uses shall not exceed a *Gross Floor Area* of 60,000 square feet.

#### 5.J.5. Site Design and Architectural Criteria

Site and architectural plans shall conform to the application requirements and review standards of Section 2.D. of these Regulations and to the following additional standards and criteria:

- a. Access to and egress from a site shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on crosswalks or in intersections.
- b. *Parking Facilities* shall be arranged for the convenience and the safety of pedestrians and vehicles and shall be landscaped in an attractive manner so as to enhance the appearance of the site from adjacent and nearby properties and *Streets*. Subject to determination by the Zoning Board, any portion of a parking *Structure* whose elevation is above adjoining street grade, measured directly opposite the *Structure*, may be required to be set back up to one hundred and fifty (150) feet from that *Street Line*.
- c. If a CSC-D District is adjacent to a Residence District or a residential use, all facilities and *Buildings* shall be screened by appropriate *Fences*, walls and landscaping treatment. Subject to determination by the Zoning Board, all new *Buildings*, exclusive of parking *Structures*, may be required to be set back up to two hundred (200) feet from any *Street Line* which is bounded in its entirety by residentially zoned property.
- d. Not more than 15% of total retail *Floor Area*, in the aggregate, and no retail food use shall be accessed by principal pedestrian entrances facing any *Street Line* which is bounded in its entirety by residentially zoned property.
- e. Signage shall conform to the standards of the C-L District, except that one ground *Sign* or pole *Sign* may be located on each street frontage, and building wall signage may be aggregated

among levels of the same façade and/or may be allocated to the face or parapet of a parking structure provided such allocated signage is:

- (1) facing a public street;
  - (2) located not less than fifty (50) feet from a *Property Line*; and
  - (3) either facing the same street as the building façade from which signage rights are being derived or situated between said façade and the applicable street frontage; (200-32, 220-49)
- f. All site lighting shall be directed onto the site and shall be shielded from adjacent residential uses or zones and from the adjoining *Street*.
- g. Roof *Structures* and machinery shall be integrated into the design of the *Buildings*.
- h. New or additional *Buildings* shall be coordinated with the existing center by use of colors, materials and linear emphasis so as to constitute a single, coordinated whole recognizable as a unit.
- i. Consideration shall be given to maximizing retail uses at street or ground level in such a way as to promote an attractive pedestrian environment.
- j. Where public infrastructure systems, including but not limited to *Streets*, traffic signals and public utilities, are judged inadequate to service the requirements of the proposed *Development*, the Board may accept a bond or other binding agreement ensuring that such facilities will be improved in a timely manner, as determined by the Zoning Board.

#### **5.J.6. Parking Requirements**

Parking requirements shall be determined by the Zoning Board in accordance with the standards of Section 12 of these regulations, provided that the Board in its discretion may require a retail parking standard not to exceed six (6.0) spaces per 1,000 sq. ft. of *Floor Area*. Where a finding is made by the Zoning Board that individual uses such as theater, general office and others will experience peak parking demand at different times than the peak retail parking demand, the Zoning Board may authorize a reduction in parking by recognizing the opportunity for such uses to share common *Parking Spaces*. The general methodology entitled "Shared Parking", published by the Urban Land Institute in 1983 as amended may be used to determine such parking reductions, with additional consideration given to established patterns of uses of individual establishments. Off-site *Parking Facilities* on land within 100 feet of and in the same ownership as the proposed CSC-D zone may be used to meet required parking.

#### **5.J.7. Review Procedures**

All applications for the designation and *Development* of property within the CSC-D District shall conform to the review and application procedures of Section 5.L.7. and 5.L.8., except that references to *Water-Dependent Uses* shall apply only within the Coastal Area. Significant modifications of an approved CSC-D site plan shall only be considered by petitioning the Zoning

Board to rezone the property to the original underlying zone, coupled with a separate request to rezone the property to CSC-D and approve the amended site plan. (93-008)

## 5.K. C-WD COASTAL WATER-DEPENDENT DISTRICT.<sup>24</sup>

### 5.K.1. Purpose

The purpose of the district is to set aside and protect areas which have been or may be developed predominantly for water dependent industrial and commercial uses and to preserve and encourage such uses which are dependent upon water-borne shipping and receiving or otherwise require waterfront access. Certain other uses are permitted by *Special Permit* provided that no displacement of existing water dependent uses occurs. It is intended that all uses permitted shall conform with the provisions of federal, state and local coastal policies. It is hereby found and declared, further, that these regulations are necessary to encourage the most appropriate use of land and the balanced protection and *Development* of the waterfront, to encourage the preservation of significant *Structures* and features representing the historic pattern and scale of Stamford's waterfront heritage, to encourage the retention of employment opportunity associated with *Water-Dependent Uses*, and to promote the health, safety, and welfare of the community.

### 5.K.2. Authorized Uses

In a C-WD district a *Lot* or *Building* may be altered, arranged, designed, erected or used for any of the following purposes, subject to the issuance of a *Special Permit* in accordance with the standards of Subsections 5.K.4. and 5.K.6. herein:

- a. *Water-Dependent Uses* as defined in the Connecticut Coastal Management Act (CGS Section 22a-93(16)) except that provision of public access shall not be sufficient to determine water dependency.
- b. The following non-water dependent uses may also be approved by the Zoning Board subject to the additional standards of Subsections 5.K.5. and 5.K.8. herein (213-16):
  - (1) industrial uses
  - (2) Warehouses.
  - (3) Retail, office, multi-family residences, senior housing, service establishments, and *Accessory Uses* when such uses are subordinate, incidental and related to a *Water-Dependent Use* or part of the *Adaptive Reuse* of existing *Buildings*. Any retail use permitted hereunder shall comply with the standards for retail uses in the M-G zone.
  - (4) Facilities in the national interest, as defined in Section 22a-93(14) of the General Statutes.

### 5.K.3. Building Regulations

- a. Minimum *Lot Area*: 4,000 square feet
- b. Minimum frontage: 40 feet
- c. Maximum *Building Coverage*: 50 percent

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<sup>24</sup> [Formerly Section 4.B.6. (224-07).]



- d. Maximum *Building Height*: 4 Stories, 50 feet
- e. Minimum *Yards*: Front: 10 feet; Rear: 15 feet, from Mean High Water mark; Side: none, but at least 4 ft. if provided, Both Sides: 14 feet
- f. *Floor Area Ratio (FAR)*: 1.0

#### **5.K.4. Site Development Standards**

*Development* within the C-WD district shall conform to the following standards:

- a. Environmental impacts to coastal resources shall be suitably mitigated using best available technology;
- b. The siting of *Structures* and uses shall serve to protect and harmonize with the significant waterfront resources and unique characteristics of the site. The direct loss of significant natural resources or scenic values of the harbor area shall be mitigated by comparable on-site or off-site replacement
- c. Public views to and along the water shall be maintained and enhanced wherever possible through careful design and siting of *Structures*. Dedication of public *Accessways* or provision of walkways and similar public amenities shall be provided except where public safety would be at risk or where public access would conflict with the purposes set forth in Subsection 4.B.6.a above. Provision shall be made to prevent trespass onto adjacent private property from public access areas.
- d. Satisfactory public facilities such as vehicle access, water supply, sewage, and drainage shall be available with adequate capacity and capability to service the requirements of the site.
- e. Proposed *Structures* and uses shall conform with the standards of Section 9.B - Flood Prone Area Regulations, where applicable.

#### **5.K.5. Criteria for Special Permits**

The following standards shall apply in addition to those found elsewhere in these regulations:

- a. No Special Permit shall be granted which will replace, adversely impact, or displace any *Water-Dependent Use* with a non-*Water-Dependent Use*. Any such use approved by Special Permit shall be so situated on the *Lot* that the water frontage is preserved for future *Structures* and/or uses requiring direct water access.
- b. Non-*Water-Dependent Uses* shall not exceed in the aggregate a *Floor Area Ratio* of 0.4, except as permitted in paragraph 4.B.6.h. below, and the *Floor Area* of all uses on the property shall not exceed a *Floor Area Ratio* of 1.0. (213-16)
- c. No Special Permit shall be granted which will locate a non-*Water-Dependent Use* on a site which is:
  - (1) physically suited for a *Water-Dependent Use* for which there is a reasonable demand, or
  - (2) identified for a *Water-Dependent Use* on the *Master Plan* or in any other plan of

development adopted by a city agency.

- d. No *Special Permit* shall be granted which will substantially reduce or inhibit existing public access to marine or tidal waters. *Special Permits* seeking *Adaptive Reuse* pursuant to Subsection 4B.6.h. below are required to enhance existing or create new public access to marine or tidal waters. Enhancements may include installation of paved walkways, curbing, fencing and other pedestrian safety improvements, lighting, landscaping, benches, trash receptacles, signage and/or similar methods for improving the public access experience. (213-16)
- e. No *Special Permit* shall be granted which conflicts with the policies and standards of the Connecticut Coastal Management Act, (CGS section 22a-90 et seq.) except as may be mitigated under subsection 10.4 (a) and (b).

#### **5.K.6. Coastal Site Plan Review**

All *Buildings*, uses and *Structures* within the C-WD district shall be subject to coastal site plan approval by the Zoning Board in accordance with the requirements and procedures established in CGS Section 22a-105 to 109 and Section 9.A of these Regulations.

#### **5.K.7. Variances**

No use *Variances* shall be granted to property located within the C-WD district.

#### **5.K.8. Adaptive Reuse**

Subject to a *Special Permit* by the Zoning Board, existing *Buildings* that may or may not conform to the *Floor Area* limitations of Section 10.5 above may be adaptively reused subject to the following standards:

- a. The *Gross Floor Area* of any *Adaptive Reuse* shall not exceed the prior existing *Floor Area*, except that expansion beyond the walls of the existing *Building* may be allowed, not to exceed two and one-half percent (2.5%) of the existing *Building Coverage* or *Floor Area*, provided such expansion is limited to exterior stairways, canopies, lobbies, or other architectural features and improvements which shall be in furtherance of *Adaptive Reuse* of the *Building* for modernization, aesthetic, safety, code compliance or sustainability purposes. Additional *Floor Area* may be added for *Water-Dependent Uses* provided that total *Floor Area* does not exceed a ratio of 1.0.
- b. *Residential Density* shall be determined by the allowable *Floor Area*, provided that the average *Floor Area* of *Dwelling Units* shall not be less than six hundred (600) square feet.
- c. *Below Market Rate Requirements: Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations. (220-13)

- d. The Zoning Board may reduce or waive the standards of Sections 12.A, 12.B, 12.C, and 12.D of these Regulations regarding parking requirements, dimensional standards and the setback of *Parking Spaces* from *Property Lines* and *Buildings* provided that any such reduction in required parking does not result in less than two (2) spaces per 1,000 gross square feet of *Building Area* for non-residential uses. Parking may be satisfied through the use of self-parking, valet, tandem, or other similar onsite or offsite parking management strategies. The applicant must demonstrate to the satisfaction of the Board that the proposed reductions in the parking standards for an *Adaptive Reuse* will not decrease existing parking ratios and will improve existing parking conditions, utilizing such methods as a *Parking Management Plan* or a Transportation Management Plan, or the use of shared parking, tandem parking or valet parking, demonstrating that parking will be sufficient for the subject uses.
- e. Notwithstanding paragraphs 5.K.2.b. and 5.K.8. herein, no *Special Permit* that establishes residential use shall be granted where said use will prohibit or further limit the operation of any authorized industrial use permitted in the C-WD zone on any site which as of July 1, 2013 was legally used for industrial purposes. For purposes of this section, “prohibit or further limit the operation of any authorized industrial use” shall include, but may not be limited to, a requirement that such use comply with the more restrictive transmitting standard under the Stamford noise ordinance.
- f. No *Special Permit* shall be granted for an *Adaptive Reuse* that will replace, adversely impact, or displace any *Water-Dependent Use* with a non-*Water-Dependent Use*. (213-16)

#### **5.K.9. Redevelopment** (218-29)

Subject to issuance of a *Special Permit* by the Zoning Board, an existing parcel or group of parcels, together with improvements thereon, may be redeveloped subject to the following findings and standards. The standards of this Section 10 shall apply to *Redevelopment* under this Section 10.9; provided however, that in the event of a conflict between a standard elsewhere in Section 10 and a standard in this Subsection 4.B.6.j., the standard in this Subsection 4.B.6.j. shall apply:

- a. Findings. In approving said *Special Permit* for *Redevelopment*, the Board shall find that the *Redevelopment* will result in:
  - (1) the remediation of property impacted by the presence of hazardous substances, contaminants or pollutants of the air, soil or ground waters;
  - (2) the construction of needed improvements to the Stamford waterfront, including marinas, public beaches and parks, public access to the waterfront and shorelines; especially those which provide public waterfront amenities and attractive walkways of general utility and associated infrastructure and rights of way; including, with the approval of the Zoning Board after consultation with the Harbor Management Commission, in-kind or cash contributions to achieve offsite improvements to operations, amenities and/or management of Stamford Harbor which, compared to any onsite harbor amenity being displaced, is determined by the Zoning Board to be superior to that being displaced; and

- (3) the maintenance, enhancement, or *Development* of marina facilities for recreational boating when not in conflict with navigation requirements or significant natural resources.
- b. Standards. Upon the Zoning Board making the findings specified in 5.K.9.a., the following standards shall apply to the *Redevelopment* for which the *Special Permit* is being sought:
- (1) Properties subject to the same *Special Permit* Approval may be treated as a single *Development* site for the purposes of calculating *Building Coverage*, *Floor Area*, and *Building Setbacks* to internal *Lot Lines*, provided that necessary agreements for siting of *Structures*, parking, access and/or the combination or transfer of development rights between individual parcels are documented and recorded on the Stamford Land Records.
  - (2) Minimum *Front Yards* shall be measured from the established curblineline. The *Front Yard* setback above 10 feet from average grade may be reduced to 5 feet.
  - (3) *Building Height* shall not exceed 4 *Stories* and 65 feet to the main roof and 75 feet to a partial fifth *Story* where the *Gross Floor Area* does not exceed 50% of the *Building* footprint.
  - (4) All *Floor Area* may be devoted to non-water dependent uses provided that:
    - (a) No pre-existing water-dependent *Floor Area* is eliminated by the *Redevelopment*; and
    - (b) Amenities such as, but not limited to, restrooms available for use by the general public are maintained at grade in association with any *Water-Dependent Use*.
  - (5) Accessory Garage Structure: Where an accessory garage Structure is proposed to increase parking capacity to levels not in excess as those provided in Section 12 of these regulations on one or more parcels, such Structure may be permitted, not to exceed 5 *Stories* and 50 feet in height, and shall be exempt from *Floor Area* calculations provided that:
    - (a) An area not less than 100% of the *Building Coverage* of such garage is provided onsite, in the form of landscaping, public access, and/or usable public open space, and further provided that not less than 70% of such area is located at grade; and
    - (b) Parking in such garage is made available to the general public for use during normal non-business hours including weekends. The shared parking for general public use shall be subject to approval by the Zoning Board (including hours for public use) at the time of the *Special Permit* approval and for *Minor Modification* by Zoning Board staff.
  - (6) The Zoning Board may reduce parking requirements in accordance with the standards of Subsection 5.K.8.d. above.

## 5.L. DW-D DESIGNED WATERFRONT DEVELOPMENT DISTRICT\*<sup>25</sup>

### 5.L.1. Purpose

The Designed Waterfront Development District (DW-D) is a flexible design district, subject to special standards and review procedures, intended to provide for and encourage the most appropriate use and *Development* of waterfront property, giving highest priority and preference to water dependent uses on sites that are physically suited for such uses and for which there is a reasonable demand, consistent with the policies of the Connecticut Coastal Area Management Act. Application of the Designed Waterfront Development District is intended to promote the following objectives:

- a. Protection and encouragement of existing and new *Water-Dependent Uses* and their essential supporting uses;
- b. Conservation of significant resources;
- c. Promotion of those uses which maximize the opportunity for public access to and enjoyment of waterfront areas without conflicting with viable existing *Water-Dependent Uses* or sites highly suitable for other *Water-Dependent Uses*;
- d. Encouragement of harbor revitalization measures that emphasize the waterfront as a public pedestrian district connecting the shorefront with the adjacent neighborhoods and the Central Business District;
- e. Protection of key public vistas and *Development* of visual access to coastal landscapes;
- f. Provide for new uses which are compatible with the seasonal cycle of water-based activities and those environmental hazards unique to the coastal area;
- g. Promotion of architecture and site development of design merit that makes best use of natural features, that harmonizes with the pattern and scale of the coastline, and that remains compatible with the surrounding architecture and pattern of *Development*, and that preserves significant *Structures* and features representing the historic pattern and scale of Stamford's waterfront heritage;
- h. Control of the type and intensity of *Development* to insure a positive impact on adjacent neighborhoods and the Central Business District, to encourage the retention of employment opportunity associated with *Water-Dependent Uses*, and to prevent adverse impact on municipal services and infrastructure capacities and capabilities.

### 5.L.2. Criteria for Designation of a Designed Waterfront Development District

In order to qualify for consideration as DW-D-Designed Waterfront Development District, a tract of land must satisfy all of the following requirements:

- a. **Zoning District.** The proposed site shall be located within the C-WD district.

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>25</sup> [Formerly 9.D. (224-07).]

- b. **Minimum Acreage.** The proposed site shall be equal to or greater than two (2.0) acres in area, contiguous and undivided by public *Streets*, and owned in common. (209-033)
- c. **Parcel Configuration.** The tract of land shall be bounded for a distance of one-hundred (100) feet or more by navigable water or waters which access a federal navigation channel, and shall have a minimum of fifty (50) feet of frontage on a public *Street* or an unobstructed fifty (50) foot wide right-of-way of adequate capacity to service the vehicle access requirements of the site. The site shall be contiguous, or may be connected by an easement or right-of-way, provided; said easement or right-of-way is a minimum of twenty-five (25) feet wide and a maximum of one hundred and fifty (150) feet in length; both parcels are bordered by navigable water or waters which access a federal navigation channel; the overall goals and policies of the Coastal Area Management Program are advanced by the project in that existing water dependent uses are preserved or enhanced and public access is improved or expanded; a determination is made by the Zoning Board that adequate automobile, pedestrian, and utility access is achieved; and a notice, approved by the Director of Legal Affairs prior to the issuance of a Building Permit, is recorded on the Stamford Land Records affecting the title to each parcel evidencing the fact that the *Development* on each parcel is regulated in relationship to *Development* on the other parcel. (201-21)
- d. **Infrastructure Impact.** The site shall be served by *Streets*, municipal services and public utilities of adequate capacity to service the requirements of the site. Where infrastructure capacity is judged not to be adequate, the Board may accept a binding agreement insuring that suitable improvements are scheduled to occur or will be performed by the applicant in a timely manner. No Building Permit shall be issued until such agreement has been accepted by the Zoning Board.
- e. **Land Use Objectives.** The intended use and location of the DW-D tract shall be consistent with the purposes and objectives of the District as set forth in subsection 1 above, and shall be consistent with the *Master Plan* designation of the site, and compatible with the land use planning policies and goals articulated for adjacent affected areas.

### 5.L.3. Permitted Uses

In the DW-D District, the following uses may be approved by issuance of a *Special Permit* when the Board, in its sole discretion, determines such uses to be appropriate:

- a. Uses permitted within the C-WD Coastal Water-Dependent District.
- b. The following additional uses (219-26):
  - Adult Use Cannabis Retailer (223-17(MOD))
  - Agencies – Real Estate, Insurance, Employment
  - Amusements – Outdoor Temporary, Circus, Fairs, etc.
  - Amusements – Outdoor, Theater, Pool, Arena
  - Apartment – Garden Type

- Apartment House or Dwelling
- Assembly of Parts, Retail only
- Assisted Living Facility
- Auto Parking Area, Commercial and Municipal
- Automotive Equipment and Service Stores
- Bakeries, Commercial and Wholesale
- Bakeries, Retail
- Bank and Financial Institutions
- Barber, Beauty Shops
- Bed & Breakfast
- Boarding House, Rooming House
- Boat Storage and Repair
- Boat, Marine Accessories, Outboard Motor Sales and Repairs
- Bottling Plant
- Building Materials, Sale and Storage
- Café, excludes Entertainment but includes Liquor
- Café, includes Entertainment and Liquor
- Camp, Summer Day
- Canvas Products Manufacturing
- Carpentry, Woodworking Shop
- Child Day Care Center
- Christmas Trees, Holly Wreaths and Similar Christmas Items, Sale thereof
- Clinics
- Clubs – Country, Golf
- Clubs and Lodges, Non-Profit
- Colleges and Universities
- Color Scanning Shop
- Commercial Apartment Building
- Community Center
- Contractor's Material and Equipment Storage Yard
- Drug Store
- Dwelling, Group or Town Houses
- Dwelling, Multiple
- Electronics Scientific Instrument Manufacturing
- Family Day Care Home
- Food Catering, including preparation of all foods for off-premises consumption provided that the number of persons working in any one location shall not exceed 5.
- Food Shops, Retail

- Garages, Bus and Taxi Service
- Garage, Accessory
- Garage, Public
- Glass Fabricators and Installation
- Golf Course, Miniature or Simulated
- Group Day Care Home (223-10)
- Hardware Store
- *Historic Site*
- Home Occupation
- Hotel, Extended Stay (223-30)
- Houses of Worship
- Ice Dispensing Service, Retail
- Ice Manufacturing and Storage
- Independent Living Facility (224-06)
- Jewelry Manufacturing
- Laboratories, Research
- Laundry, Cleaning and Dyeing Agency
- Laundry, Cleaning and Dyeing Establishment
- Laundry, Self Service, Dry Cleaning, Self Service
- Manufacture and Assembly of: Art Goods; Boxes; Candy; Clothing; Cosmetics; Drugs; Electrical Goods; Excelsior; Felt; Fiber; Firearms; Flavoring; Furniture; Glass Products; Hats; House, Office and Theatre Equipment; Ladders; Leather and Sporting Goods; Mattresses; Models, Tools and Appliances; Musical Instruments; Novelties; Paper Products; Perfumes; Playground Equipment; *Signs*; Staging; Stationery; Store and Office Equipment; Synthetic and Plastics Products; Textiles; Toilet Preparations; Toys
- Marijuana or Cannabis Delivery Facility (223-17(MOD))
- Marijuana or Cannabis Delivery Service (223-17(MOD))
- Marijuana or Cannabis Transport Facility (223-17(MOD))
- Millwork, Cabinet Work
- Newsstand, Variety Store
- Nursing Home
- Offices, Business and Professional
- Optical and Scientific Instruments Manufacturing
- Package Liquor Stores
- Paint Store, Retail
- Paint Stores, including Wholesale Paint Stores for Resale off Premises
- Passenger Terminals and Stations
- Pawn Shop, Second-Hand Store, Auction Store
- Personal Wireless Communication, Retail



- Personal Wireless Service Facility
  - Photo Engraving
  - Plumbing and Heating Shop
  - Printing, Job Shop, Publisher
  - Professional Offices, Accessory Use
  - Professional Offices, Medical
  - Professional Offices, Principal Use
  - Professional Pharmacy
  - Public and Charitable Agencies Institutions
  - Public Library or Branch thereof
  - Public Utility Buildings
  - Public Utility Service Yards
  - Public Utility Transformer and Pump Stations
  - Rag, Bag and Carpet Cleaning
  - Restaurant, Carry Out
  - Restaurant, excludes Entertainment but includes Liquors
  - Restaurant, Fast Food
  - Restaurant, includes Entertainment and Liquors
  - Sand and Gravel Bank, no Crushing
  - School, Non-Public
  - School, Public
  - Schools, Vocational and Secretarial
  - Senior or Disabled Day Program (224-06)
  - Ship and Boat Building
  - Shoe Repair Store
  - Sign Painting
  - Social Hall
  - Stone and Monument Works, Manufacturing, Display and Sale
  - Surgery Center/Out Patient
  - Taxidermist
  - Truck and Terminal, Classification *Building* or Yard
  - Upholsterer, 5 or less persons working on premises
  - Veterinary, Dog and Cat Hospital, Kennel
  - Wearing Apparel Fabrication and Processing
  - Welding Supplies and Equipment, including Welding Gases, Storage and Sale
  - Wholesale, Closed Storage *Building* and Warehouse
  - Yacht Club
- c. In approving a proposed use, the Board shall encourage the *Development* of marina facilities

for recreational and commercial boating, when not in conflict with navigation requirements or significant natural resources. Preference shall also be given to those uses that encourage public access, and provide public waterfront amenities, and attractive walkways of general utility.

- d. Except as provided for below, if a site contains an existing, viable *Water-Dependent Use*, as defined in the C-WD District regulations, such use shall be retained. No proposed use shall be approved that would adversely impact a *Water-Dependent Use* either through encroachment, relocation, interference, or the juxtaposition of incompatible activities.

The Board may authorize the modification reduction or elimination of an existing water dependent use provided that:

- (1) the Board considers comments from the State Coastal Management Office before such a decision is made;
- (2) the applicant can demonstrate to the satisfaction of the Board that such use is no longer economically viable under the existing zoning; any such claim to be supported by full disclosure of all pertinent information including but not limited to financial data regarding the water dependent use;
- (3) the applicant submits a professionally prepared market study and economic analysis of the site's potential to support a water dependent use under the existing zoning;
- (4) the applicant can demonstrate to the satisfaction of the Board that alternatives to the existing type or location of the water dependent use will allow an appropriate level of service or activity to continue in accordance with the objectives of this district and Stamford's Municipal Coastal Program.

#### 5.L.4. Development Standards

The following standards shall apply to the *Development* of property within the Designed Waterfront Development District:

- a. **Minimum Lot Size:** 10,000 sq. ft.
- b. **Minimum Frontage** or Right-of-Way Width: 50 feet
- c. **Maximum Building Coverage:** 30%

*Building Coverage* is defined to be the percent of *Lot Area* covered by *Buildings* or *Structures*, excluding for purposes of this calculation one *Story* public amenity *Buildings* not to exceed 3% of *Lot Area*, and floating docks, boardwalks, canopies and similar special *Structures* designed to encourage public access to the waterfront, and also excluding for purposes of this calculation the coverage of *Buildings* used exclusively for water dependent uses, not to exceed six percent (6%) of *Lot Area*. (206-28, 215-04)

- d. **Maximum Building Height:** 6 *Stories*, not to exceed 70 feet
- e. **Maximum Ground Coverage:** 60% Ground Coverage is defined to be the percent of *Lot Area* covered by *Buildings*, *Structures*, paved *Parking Areas* and other ground areas designed to accommodate vehicles (including but not limited to concrete, asphalt, stone or gravel),

excluding for purposes of this calculation one *Story* public amenity *Buildings* not to exceed 3% of *Lot Area*, and floating docks, boardwalks, canopies and similar special *Structures* designed to encourage public access to the waterfront, and also excluding *Parking Spaces* dedicated to the general public and access solely thereto, and also excluding parking *Structures* not exceeding one *Story* above average grade that are suitably landscaped and screened from view and substantially covered with landscaped *Usable Open Space* to the satisfaction of the Zoning Board, and also excluding for purposes of this calculation the coverage of impervious areas used principally for water dependent uses, not to exceed twenty percent (20%) of *Lot Area*. (206-28, 214-12, 215-04)

- f. **Maximum Floor Area Ratio:** 0.60. *Floor Area Ratio* as used in the DW-D District shall consist of the total *Gross Floor Area* of *Permitted Uses* contained within *Buildings*, including *Dwelling Unit* area but excluding the *Gross Floor Area* of *Water-Dependent Uses* and the *Floor Area* of parking *Structures* suitably enclosed and landscaped to the satisfaction of the Board, divided by the area of the *Lot*. Excluded from the calculation of *Floor Area Ratio* shall be the area of the *Lot* with elevation below the mean high water mark, the *Floor Area* of public amenity *Buildings*, the *Floor Area* of *Below Market Rate (BMR)* units provided in satisfaction of the minimum requirement of Section 4.i, below, and four times the *Floor Area* of any additional *BMR Units* provided to earn bonus *Residential Density*.

The Zoning Board, by issuance of a *Special Permit*, may authorize premiums of *Floor Area*, subject to the following standards:

- (1) **Brownfields.** To encourage the *Redevelopment* and re-use of property impacted by the presence of hazardous substances, contaminants or pollutants of the air, soil or ground waters, the Board may grant a premium of 1 square foot of *Structure Floor Area* for each \$100 remediation expenses, not to exceed 0.10 *FAR*.
- (2) **Off-Site Public Infrastructure and Public Access Improvements.** To encourage and facilitate the construction of needed improvements of public infrastructure systems, including public parks and facilities, public access to the waterfront, and roadways and rights-of-way, the Board may grant a premium of five square feet of *Structure Floor Area* for each \$100 of contributed funds or documented construction costs, not to exceed 0.50 *FAR*. (214-12)

In no case shall the *Gross Floor Area* of all uses, including *BMR Units* but excluding public amenity *Buildings* and parking *Structures* suitably landscaped and screened from view to the satisfaction of the Board, exceed an *FAR* of 1.25. (206-28)

- g. **Minimum Yards:** Front: 15 feet, provided however, that all parts of a *Building*, including balconies, shall be set back an amount equal to  $\frac{1}{2}$  their height, but not to exceed 25 feet.  
Rear - same as *Front Yard*  
Side - 10 feet (216-03)
- h. **Waterfront Setback.** In addition to satisfying other *Yard* requirements, no *Building* shall be located less than thirty (30) feet from the waterfront (mean high water mark), provided further,

however, that all parts of a *Building* shall be set back from the waterfront by an amount equal to 1.5 times their height. This requirement may be modified by the Board based on a finding that the special function, use or design of a *Structure* requires placement closer to the waterfront and is consistent with the purposes of the DW-D District.

All *Structures* existing at the time a property is zoned DW-D shall be permitted to remain in their existing locations and the Zoning Board may grant a reduction of the thirty (30) foot easement requirement of Section 5.L.5.b provided any such *Structure* does not conflict with the provision of meaningful public access along the waterfront. (215-04)

- i. **Below Market-Rate Housing Requirement.** *Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations.

On all DW-D sites, when all required *BMR Units* are provided on-site, a *Premium Density Bonus* not to exceed a total of 44 *Dwelling Units* per acre may be permitted with Zoning Board approval by *Special Permit*. (201-21; 203-18; 206-28; 214-12)

#### 5.L.5. Site Design and Architectural Criteria

*Development* within the DW-D Designed Waterfront District shall conform to the site plan review standards of Section 2.D. and the coastal site plan review standards and policies of Section 9.A. of these Regulations, and the following additional standards:

- a. **Mitigation of Environmental Impact.** Appropriate measures shall be taken to mitigate environmental impacts to coastal resources through sensitive design and implementation of best available technologies and methods for controlling pollutant discharges from the site. Where the Board authorizes encroachment or removal of any intertidal habitat, inland wetland or other natural resource, a suitable on-site or off-site habitat replacement program or alternative mitigation effort shall be provided.
- b. **Public Access to the Waterfront.** The design of waterfront improvements shall expressly encourage and invite public access through the development of uses, amenities, signage, and attractive walkways with general utility. Private use areas and vehicular traffic and parking shall be designed accordingly with preference to public pedestrian traffic. Public access shall be insured through the dedication of a permanent easement area encompassing the area of land extending from the mean high water mark, or limit of any walkway provided, to a point thirty (30) feet inland. The public access easement shall connect to any access easements on adjacent property and shall also be extended to a public *Street* or right-of-way in a manner providing safe and convenient public access. Access improvements shall provide for the efficient movement of future pedestrian traffic, shall provide for public safety and tenant security, shall logically connect site uses and activities, and shall link smoothly with existing public access facilities on adjacent property or terminate safely at the point where continuation of such facilities cannot be reasonably anticipated. Changes of paving materials and textures within public access areas should be well considered and provide a clear transition. (214-12)

- c. **Preservation and Enhancement of Visual Resources.** The design, placement, arrangement, setback, height and bulk of *Buildings* and *Structures* and related site improvements shall serve to protect and enhance visual access to the harbor from public rights-of-way, views along the water's edge, and the quality of principal public views of the overall site. No more than seventy (70) percent of the site length, measured parallel to the shoreline, shall be occupied by *Structures*. (214-12)
- d. **Attainment of Purposes and Objectives of the DW-D District.** Proposed site design, architecture and uses shall be fully consistent with the purposes and objectives of the DW-D District.
- e. **Parking Requirements.** The standards of Section 12 of these Regulations shall apply. The number of residential off-street spaces provided shall not be less than one and one quarter ( $1\frac{1}{4}$ ) spaces for each unit of one bedroom or less, one and one half ( $1\frac{1}{2}$ ) spaces for each two bedroom unit, or two (2) spaces for each unit of three bedrooms or more. However, when a mixed use *Development* is proposed, the Board may in its sole discretion authorize the reduction of parking standards, including the potential for shared spaces and off-site parking, pursuant to an approved *Parking Management Plan*. Boat slips reserved exclusively for use by residents of the project shall have no parking requirement. (206-28, 214-12)
- f. **Signage.** Signage shall be governed by the standards of the in Section 11.G. of these Regulations.
- g. **Lighting.** The location, height, design and arrangement of outside lighting shall be such as to avoid glare on any other *Lot*, to avoid hazards to traffic on any *Street*, and to prevent confusion to navigation.
- h. **Landscaping.** All areas of the tract not devoted to *Buildings*, *Structures* or other designed uses shall be suitably landscaped to the satisfaction of the Board. As a minimum, a ten (10) foot landscaped buffer area shall be provided for *Front Yards* and for not less than 75% of the site perimeter along *Side Yards*, provided those areas not meeting the ten (10) foot standard shall be suitably screened with *Fences* and/or walls. Such buffers may include walls or fencing. Additionally, not less than 20% of the area within thirty (30) feet of the waterfront shall consist of landscaped area. Landscaping shall be designed, provided and permanently maintained consistent with the design and visual quality criteria of the DW-D District and the protection of adjacent uses and neighborhoods. (214-12)
- i. Public and private areas of the site may be enhanced with works of art appropriate to their setting.
- j. **Other Governmental Approvals.** When site improvements or uses require separate approval by other municipal, state or federal units of government, evidence shall be submitted to the satisfaction of the Board demonstrating the capacity to attain such approvals in a timely manner. When issuance of any significant approvals is in question, the Board in its sole discretion may determine the application to be incomplete and may require evidence of such approval to accompany the application.

**5.L.6. Historic Preservation.**

In order to permit and encourage the preservation and adaptive re-use of historic *Structures* listed or eligible for listing on the National Register of Historic Places or the State Register of Historic Places, such *Structures* may be allowed to remain and shall be exempt from *Building Height* and *Building* setback standards. Such *Structures* shall be substantially preserved or restored in conformance with the Secretary of the Interior's standards for the rehabilitation of *Historic Buildings*. Where eligibility has not been determined by the State Historic Preservation Officer or the Director of the Connecticut Historical Commission, the Zoning Board may determine eligibility based on the recommendations of at least two independent, qualified historic preservation experts as provided by the applicant. (Alternate Standards deleted 214-12; Historic Preservation added 214-12)

## 5.M. HCD-D - HOSPITAL COMPLEX DESIGN\* (210-27)<sup>26</sup>

### 5.M.1. Purpose

Hospital Complex Design District (“HCD-D”) is a flexible design district, subject to special standards and review procedures, intended to provide for and encourage the coordinated and phased *Development* of large scale Hospitals and related uses and facilities.

### 5.M.2. Objectives

The Zoning Board may designate properties as a HCD-D provided that the *General Development Plan* is consistent with the following objectives:

- a. the purposes and goals of the underlying *Master Plan* Land Use Categories in which the properties are located;
- b. architectural and site development of design merit;
- c. principals of sustainable *Building* design and features appropriate for hospitals and the site;
- d. street and sidewalk networks designed to enhance pedestrian safety, minimize traffic impacts and provide attractive and convenient streetscapes within the HCD-D and on its borders; and
- e. adequacy of infrastructure.

### 5.M.3. Criteria for Designation

In order to qualify for HCD-D designation the proposed designated area must satisfy the following requirements:

- a. **Eligible Zoning Districts.** The subject property shall be located in one of the following zones at the time of redesignation to HCD-D: R-5, R-6, R-7<sup>1</sup>/<sub>2</sub>, R-MF, R-H, and/or RM-1.
- b. **Eligible Master Plan Categories.** The subject property shall be located in *Master Plan* Land Use Category #3 (Residential – Low Density Multifamily), Land Use Category #4 (Residential – Medium Density Multifamily) and/or Land Use Category #5 (High Density Multifamily).
- c. **Minimum Acreage.** Eight (8) acres not separated by public *Streets* or public rights of way.
- d. **Land Ownership.** The site may be in single or multiple ownerships, however all owners shall be signatories to the application (see sub-section 6.d below).

### 5.M.4. Permitted Uses (all by Special Permit):

- a. **Hospital.** A minimum of seventy five percent (75%) of the total *Floor Area* shall be a facility licensed by the State of Connecticut Department of Health as a hospital and having the facilities

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>26</sup> [Formerly Section 5.S. (224-07).]

and medical staff to provide for the prevention, diagnosis, care, research and treatment of a wide-range of acute conditions, chronic diseases or injuries.

- b. **Related and Supportive Uses.** Medical Professional Offices; Professional Pharmacy; Nursing Home; Residential Uses; Faculty and Staff Housing; Child Daycare Center; Physical Culture Establishment.
- c. **Accessory, Convenience Service Uses** (no single use shall exceed 2,500 square feet of *Gross Floor Area*). Churches & Religious Institutions; Bank & Financial Institutions; Barber, Beauty Shops; Book Store; Confectionery Store; Copy and Communication Center; Drug Store; Dry Goods, Notions Store; Florist Shop; Food Shops, Retail; Gift Shop; Laundry & Dry Cleaning Establishment, Retail; Newsstand, Variety Store; Optician, Repairs; Restaurant, excludes Entertainment & Liquor.
- d. **Helicopter Landing Facility.** A maximum of one (1) Helicopter Landing Facility may be located in the HCD-D for the restricted purpose of a medical emergency. As defined in section 68-1 of the Code of Ordinances of the City of Stamford, a medical emergency means an individual suffering from a bona fide life or limb threatening medical emergency. This use shall only be permitted on HCD-D sites greater than or equal to sixteen (16) acres. Said facility shall be located on the roof of a *Building* with a height of at least 90 feet above grade and the Helicopter Landing Facility shall be setback a minimum of 300 feet from all adjoining residential properties. Said authority shall be limited to landing and take-off attributed to a medical emergency and shall not extend to the permanent stationing of a helicopter in any HCD-D zoning district.

### 5.M.5. Standards

The following standards shall apply to the overall HCD-D Zoning Tract:

- a. **Minimum Lot Size.** Eight (8) acres of contiguous land. After the time of designation to HCD-D, additional parcels that are smaller than the minimum acreage that are contiguous to or, at the sole discretion of the Zoning Board, separated by a *Street* so long as the street right-of-way width does not exceed fifty (50) feet and some portion of the frontage of each parcel is directly opposite.
- b. **Floor Area Ratio (FAR).** The maximum allowed *Floor Area Ratio* shall be 1.25. In the HCD-D, *FAR* shall be defined as the total *Floor Area* of the *Building(s)* on any *Lot* including space used for Faculty and Staff Housing, divided by the total area of such *Lot*. Faculty and Staff Housing means *Dwelling Units* limited to occupancy by the Hospital employees and/or their immediate family members. The following shall be exempt from *FAR* calculations:
  - (1) The first four (4) floors above grade of any *Structured Parking Facility*, provided that the Zoning Board finds that the *Structured Parking Facility* is satisfactorily screened from public pedestrian views and adjacent residential properties.



- (1) Areas of any *Building* used for the storage or housing of utility, mechanical, central heating, air conditioning, or ventilation equipment of the *Building*.
- c. **Building Coverage.** Maximum *Building Coverage* shall not exceed 30%.
- d. **Building Height.** No *Building* shall exceed 75 feet provided; however, that in any HCD-D zoning district which is greater than sixteen (16) acres, one *Building* may be allowed up to 210 feet and one additional *Building* may be allowed up to 100 feet. Where multiple *Buildings* are connected, said height shall be measured from the perimeter of the individual *Building*. Mechanical space located on the roof, including elevator shafts or helicopter landing facilities, shall be excluded from this height calculation. (213-26)
- e. **Parking.** The following parking standards shall apply in the HCD-D Zone: one (1) *Parking Space* for every hospital bed, one (1) *Parking Space* for every hospital employee on campus during the peak shift. Parking for other uses in excess of 2,500 square feet shall be subject to the requirements of Section 12. The Zoning Board may in its sole discretion authorize the reduction or addition of parking based upon an analysis of the proposed uses, activities and hours of operation. The applicant may demonstrate utilization of techniques such as, but not limited to, valet parking, shared and off-site parking, shared automobiles, vans, jitneys, buses and bicycle transportation to satisfy any reduction in parking. The use of tandem parking and automobile stacking devices shall also be permitted in staff *Parking Areas* and *Parking Areas* used for valet parking services.
- f. **Setbacks.** All new *Buildings* or additions to existing *Buildings* constructed after January 1, 2010 shall be setback a minimum of fifty (50) feet from all arterial roads as identified in the *Master Plan* and a minimum of twenty five (25) feet from any other public *Street* or HCD-D property boundary; provided however, the Zoning Board may reduce said setback to not less than ten (10) feet from any side or *Rear Lot Line* for *Buildings* which do not exceed 45 feet in height. Any portion of a *Building* taller than 75 feet shall be setback a minimum of 100 feet from any boundary abutting a property zoned residential. Setbacks from internal *Property Lines* or parcel boundaries along private *Street* networks or internal lines shall not be required. Notwithstanding the above, the Zoning Board may approve, on a site-specific basis, the appropriate relationship of *Yard* requirements and separation of *Structures* on the site to each other with the object of assuring adequate light, open space, screening, landscape, safety and privacy for existing and proposed *Dwelling Units*, and overall urban design considerations. The requirements of, Section 7.K and 7.M of these Regulations shall not apply.
- g. **Signage.** Wall signage shall be permitted on all *Building* façades provided; however, aggregate signage shall not exceed one square foot in area for each lineal foot of *Lot Frontage* (1:1) in the HCD-D located along a public *Street*. Directional, wayfinding and emergency *Signs* including *Ground Signs*, not exceeding 60 square feet in area and 20 feet in height limited to one per driveway entrance and at key turning points inside the HCD-D as determined by the Zoning Board shall be exempt from said limitation. Signage shall be approved by the Zoning Board administratively during or following Final Site Plan review.

- h. **Landscape Standards.** The following landscape standards shall apply to all improvements constructed in a HCD-D after the adoption of this regulation:
- (1) Not less than 25% of the HCD-D zoning district at grade shall be improved as landscaped buffer areas. For purposes of this Subsection 5.h, landscaped buffer areas may include bike lanes, pedestrian walkways, pedestrian oriented hardscape and other similar improvements as approved by the Zoning Board.
  - (2) Landscaped buffer areas along all arterial *Streets* shall have a minimum width of twenty five (25) feet and a minimum width of ten (10) feet along all other boundaries. Required buffer areas shall be maintained as unoccupied landscaped open space and shall not be used for parking, driveways, or *Accessory Structures*, other than mechanical equipment, required curb cuts necessary to access the site, pedestrian walkways and similar improvements as approved by the Zoning Board.
  - (3) Vehicle *Parking Areas* shall be landscaped with islands, buffers and/or perimeter landscaping which shall be planted to the satisfaction of the Zoning Board.
  - (4) Notwithstanding any of the above, the Zoning Board may reduce, waive or, increase any standard contained in this Subsection 5.h. with the objective of assuring adequate light, open space, screening, landscape, safety and privacy for existing and proposed *Dwelling Units*, and overall urban design considerations.
- i. **Environmentally Sustainable Designs.** All *Buildings* constructed in a HCD-D after the adoption of this regulation shall be designed and constructed to meet Leadership in Energy and Environmental Design (LEED) basic certification standards established by the United States Green *Building Council* or a recognized equivalent industry standard.
- j. **Infrastructure Capabilities/Impact.** The site shall be served by *Streets*, public services and public utilities of adequate capacity to service the requirements of the site and use. Where infrastructure capacity is judged to not be adequate at the time of any application of HCD-D approval, the Board may place a condition on any approval requiring that suitable improvements be performed in connection with work authorized by such approval.

#### 5.M.6. Review Procedures

All applications for designation and *Development* of property within the HCD-D shall conform to the following procedures:

- a. **Application Procedures.** Upon receipt of an application, the Zoning Board and its staff shall review the submission for completeness and determine whether further information is required. The Zoning Board and/or its staff shall refer the application to the Planning Board and any other board, commission, department or official deemed appropriate. The Zoning Board may convene such technical staff at its discretion and confer with the applicant as necessary to develop information for a complete review of the application at a public hearing.

Except as described in Subsection 5.M.6.b below, no *Building* permit shall be issued for any improvement in an HCD-D zoning district pursuant to this regulation until the Zoning Board has approved an application requesting the following:

- (1) Designation of the property to the HCD-D zone;
- (2) Approval of a *General Development Plan*;
- (3) Approval of a *Special Permit* for all requested uses; and
- (4) Approval of a Final Site Plan.

Following a public hearing on an application for HCD-D designation, *General Development Plan* approval, *Special Permit* approval, and Final Site Plan approval, the Zoning Board shall act to approve, approve with modifications, or disapprove the subject application. The Zoning Board shall require that an approved *General Development Plan* and Certificate of *Special Permit* approval be recorded on the Stamford Land Records.

- b. **Administrative Review.** Notwithstanding anything provided above, once a property has been designated HCD-D and a Final Site Development Plan is approved, the following activities shall be subject to review of the Land Use Bureau Chief or his or her designee to ensure compliance with the HCD-D zone standards:

- (1) Interior alterations to any *Buildings*.
- (2) Minor repairs and/or minor alterations, maintenance or replacement of portions of an existing *Building, Structure, Sign* or other site feature that would result in no significant impact on the design, character or visual appearance of the property.
- (3) Reorganization or relocation of existing uses.

- c. The following activities shall be subject to Administrative Review by the Zoning Board provided that the Zoning Board may require an application and public hearing if it deems same necessary:

- (1) The exterior modifications of any *Building* which has the effect of adding less than 5,000 square feet of *Floor Area* to the *Building* and meets required setback standards.
- (2) Signage.
- (3) Subdivision of the HCD-D zoning tract.

- d. **Modification of General Development Plan.** Subsequent to the approval and recording of the *General Development Plan*, a request to make a significant modification of any approved *General Development Plan* shall be reviewed and acted upon by the Zoning Board following the procedures specified in subsection 6.a above, provided that the Board, in its sole discretion, may waive the public hearing and notice requirement for *Minor Modifications* of a *General Development Plan*.

- e. **Subdivision of Property.** Prior to the subdivision of any part of the HCD-D zoning tract, the Applicant shall file a written certification with the Zoning Board, executed by the Applicant, that the *Lot(s)* to be created, as well as all remaining *Lots* in the zoning tract, will remain in

compliance with the *GDP* approval and conditions and these Regulations. Further, the Applicant shall identify in the written certification the party responsible for completing construction of all public improvements and necessary infrastructure and providing required public services.

**5.M.7. Application Contents** (223-18)

**Application to Amend Zoning Map for Designation as HCD-D.** All applications for designation as HCD-D District shall be accompanied by and subject to the approval of a *General Development Plan (GDP)* pursuant to Section 2.J. of these Regulations.

**5.N. HT-D HIGH TECHNOLOGY DISTRICT\*<sup>27</sup>**

The Zoning Board, upon application in the manner prescribed herein, may designate any parcel and/or aggregation of parcels of land as an HT-D High-Technology District subject to the following requirements in this Section.

**5.N.1. Purpose**

The HT-D High-Technology District is intended to promote and maintain high technology and research uses in industrially zoned areas, which high technology and research uses require specialized infrastructure, technology and communications facilities and are dependent upon special structural features.

**5.N.2. Criteria for Designation**

To qualify for designation as an HT-D District, any parcel of land or aggregation of parcels must satisfy all of the following requirements:

- a. The proposed HT-D area must be comprised exclusively of land zoned M-L or M-G and consist of not less than five (5) acres, undivided by *City Streets*;
- b. The proposed HT-D area may be in single or multiple ownership, but must be developed and/or managed under a common *Development* or management scheme, as approved administratively by the principal planner or other designated representative of the Land Use Bureau, and all owners, contract purchasers or their authorized agents shall be signatories to the application for re-designation;
- c. The proposed HT-D area must be capable of supporting industrially used *Building(s)* containing not less than 200,000 square feet of aggregate space to be used in accordance with Subsection 3 below;
- d. The proposed HT-D area must be served by *Streets* and other municipal services and utilities of sufficient capacity to accommodate the existing and proposed *Development*; and
- e. The use and location of the proposed HT-D area shall be consistent with all of the stated purposes and objectives of the HT-D District, and shall be compatible with the land use policies and goals which have been articulated for the adjacent areas.

**5.N.3. Permitted Uses**

The following uses are permitted in the HT-D District:

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>27</sup> [Formerly Section 9.J. (224-07).]

- a. Industrial Uses. Industrial Uses are all uses currently permitted, in the same manner permitted, either as-of-right or by *Special Permit* in the M-G and M-L Districts except for the following uses which shall be prohibited in the HT-District: Sand & Gravel Banks; Auto Wrecking Areas, Junk Yards; Brick, Tile, Terra Cotta, Cement Block, Cast Stone Manufacturing; Casting, Foundry; Crematory; Meat Processing; Sand and Gravel Pits.
- b. Research and development uses: Colleges and Universities; Experimental Electronic Laboratories for the research, design, development, storage (as an *Accessory Use* only), servicing and assembly of light electronic and electrical mechanical equipment; Experimental Engineering Research Laboratories; Experimental and Research Laboratories; Research and Development Laboratories. (216-04)
- c. Child Day Care Services. (222-31)

#### 5.N.4. Development Standards

The following standards shall apply to all new and existing *Buildings, Structures* and uses within the HT-D District:

- a. **Minimum size of a single Lot within an HT-D area:** 0.5 acres
- b. **Minimum frontage** or right of way width: 25 feet
- c. **Minimum Yards:**
  - Front: 10 feet
  - Rear: 15 feet
  - Side: None required but if provided must be at least 4 feet
- d. **Maximum Building Height:** 60 feet / 4 *Stories*
- e. **Maximum Building Coverage:** 60%
- f. **Maximum Floor Area:** 1.0 *FAR*, but the total *Floor Area* devoted to business and professional office use in the HT-D District shall not exceed one-half ( $\frac{1}{2}$ ) the total area designated as an HT-D District and shall not exceed one-half ( $\frac{1}{2}$ ) the land area of any separately owned and controlled *Lot*.

Nothing contained herein shall preclude the ownership and conveyance of separately owned parcels in an HT-D designation area, provided that each such separately owned parcel(s) satisfies the development standards and architectural criteria in this Section 9.

Notwithstanding the provisions in the Development Standards, any parcel or aggregation of parcels with legal non-conformities with respect to *Lot Frontage, Building setbacks* or location of *Parking Spaces*, which existed in the underlying M-G or M-L zones, may be designated as an HT-D District, and such legal non-conformities shall be permitted to continue in said HT-D District. (203-32)

**5.N.5. Site Design and Architectural Criteria**

Site and architectural plans shall conform to the application requirements and review standards of Section 2.D. of these Regulations and to the following additional standards and criteria:

- a. An HT-D designation area shall have:
  - (1) redundant access to at least one fiber optic loop;
  - (2) not less than one back-up generator on the site, having a minimum size of 480 volts, 3 phase, 300 amp;
  - (3) Not less than ten percent (10%) of the *Lot Area* (exclusive of parking *Lot* islands and *Building* fringe landscaping) as open space;
  - (4) *Parking Facilities* and *Building(s)* which are landscaped in an attractive manner so as to enhance the appearance of the site from adjacent and nearby properties.
- b. Not less than fifty percent (50%) of the total square footage of the *Buildings* on the HT-D designation area shall:
  - (1) have access to multiple fiber optic telecommunication services;
  - (2) provide expanded electrical service exceeding standard office electrical service (e.g. exceeding 480 volt, 3 phase, 1600 amp service);
  - (3) be adaptable to accommodate live floor loads of not less than 125 pounds per square foot;
  - (4) have ceiling heights (measured floor to deck) of at least fourteen feet (14');
  - (5) have access to a loading dock.

**5.N.6. Parking Requirements**

Off-street parking shall be provided as follows:

- a. Parking for 2 vehicles for each one thousand (1,000) square feet or portion thereof of total *Floor Area* within an HT-D district;
- b. The location and dimensions of off-street parking shall comply with all other applicable requirements of Section 12.A;
- c. In no event shall parking exceed 3 spaces for each one thousand (1,000) square feet or portion thereof of total *Floor Area* within an HT-D district;
- d. In no event shall more than fifty percent (50%) of parking provided be within Structured parking; and any such *Structured* parking constructed within an HT-D district shall count against the non-office *FAR* permitted on site.

**5.N.7. Review Procedures.**

- a. The application for HT-D High-Technology District designation shall include the following:
  - (1) A written statement describing how the designation to HT-D High-Technology District will accomplish the purposes in Subsection 5.N.1 and a generalized time schedule for

staging and completion of the *Development*;

- (2) Application contents shall include all of the plans and information as specified by Section 2.D.3. of these Regulations.

All of the requirements set forth above shall be contained in site and architectural plans which shall be submitted to and be subject to the approval of the Zoning Board in accordance with the specific objectives of the HT-D District, the procedures and review standards of Section 2.D. Site Plan Review, and the general purposes and other applicable standards of these Regulations, which shall not approve same until after a public hearing.

- b. Within any HT-D High-Technology District, applications requesting approval of site and architectural plans shall include all of the plans and information as specified by Section 2.D.3. of these Regulations. Such applications shall be submitted to and be subject to the approval of the Zoning Board in accordance with the specific standards and objectives of the District, the procedures and review standards of Section 2.D. Site Plan Review, and the general purposes and other applicable standards of these Regulations.
- c. Subsequent to designation of a HT-D District, the establishment or change of uses of *Buildings* and the minor alteration of site and architectural plans or permitted *Signs* shall be subject to review and approval by the *Zoning Enforcement Officer*, provided that any establishment or change of use involving more than 10,000 square feet of *Building Floor Area* that would potentially exceed the 0.50 *FAR* of office use shall be subject to administrative review and approval by the Zoning Board. (201-04)



**5.O. IP-D DESIGNED INDUSTRIAL PARK DISTRICT\*<sup>28</sup>**

Areas of land whether under single ownership or not may be converted to an IP-D DESIGNED INDUSTRIAL PARK DISTRICT under the following conditions:

**5.O.1. Minimum Area**

The minimum area for such an IP-D DESIGNED INDUSTRIAL PARK DISTRICT shall be twenty (20) acres, exclusive of public highways passing through said area.

**5.O.2. Non-contiguous with RA-2 and RA-1 Districts**

No portion of the area sought to be converted to an IP-D DESIGNED INDUSTRIAL PARK DISTRICT shall be contiguous to an RA-2 or RA-1 One Family Residence District.

**5.O.3. Permitted Uses**

The following uses are permitted in an IP-D DESIGNED INDUSTRIAL PARK DISTRICT: (See also Subsection M of this Section). (215-12)

- a. Experimental Electronic Laboratories for the research, design, development, storage (as an *Accessory Use* only), servicing and assembly of light electronic and electrical mechanical equipment.
- b. Experimental Engineering Research Laboratories; Experimental and Research Laboratories; Research and Development Laboratories; Administrative Offices; Offices for Drafting Rooms; Educational Offices; Engineering Offices; Executive Offices; Executive Home Offices; Professional Offices; Sales Offices; Scientific Offices; Statistical Offices; Child Day Care Center. (95-021)
- c. Any use conducted entirely within a *Building* consisting of the non-retail sale of goods; the providing of professional, personal or commercial services; or the fabrication, assembling or other handling of the following products: cosmetic, pharmaceutical and related preparations; electrical, electronic and scientific instruments and related accessories; light synthetic and plastic products; models; optical instruments.
- d. Supplemental and *Accessory Buildings* and Uses accessory to all the uses referred to in Subsection C,3,(a),(b), and (c) above, which may include: assembly hall for meetings incidental to the business of the principal use or for civic meetings; cafeterias; central heating systems and air-conditioning systems, power and equipment required for their proper functioning; clinics; storage space for equipment, supplies, materials and motor vehicles; training schools for employees; enclosed pedestrian walkways; Group Day Care Home

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>28</sup> [Formerly Section 9.I.]

- Playground for Child Day Care Center. (94-024; 95-021; 223-10)
- e. Schools (without dormitories): Public, Non-Public, Secretarial & Vocational, and Colleges; (214-38)
  - f. Colleges and Universities. (216-04)

**5.O.4. [deleted]** (88-025)

**5.O.5. Signage**

In connection with the uses set forth in Subsection 5.O.3 above, one (1) *Sign* may be displayed for each *Building*, facing each *Street* on which the *Lot* abuts. Each such *Sign* may not exceed sixty (60) square feet in area, nor extend above the roof level of the *Building*. If a ground or *Pole Sign*, no side of the *Sign* face may exceed ten feet (10') in length, nor may any part thereof exceed twelve feet (12') in height. Such *Sign* shall not be illuminated by exposed tubes, bulbs or similar exposed light sources. There shall be no exterior spot-lighting or other illumination of any such *Sign* that would cause any glare observable within a Residential District. Where a *Parking Area* is provided on a *Plot*, additional *Signs* may be erected at the entrances and exits of such *Parking Area* provided the total surface area of all such *Signs* does not exceed twelve (12) square feet in area and no such *Sign* exceeds eight (8) feet in height. One (1) additional *Ground Sign* or *Wall Sign*, not exceeding sixteen (16) square feet in area and ten (10) feet in height when ground mounted, may be displayed on any *Plot*. This *Sign* may be erected on a temporary protective *Fence* on a property in the process of construction, demolition, remodeling or repair. *Flags*, each not to exceed twenty-four (24) square feet in area and twenty-five (25) feet in height, and in the aggregate not exceeding seventy-two (72) square feet in area, may be displayed on vertical or mast-arm flagpoles. (200-32)

**5.O.6. Parking**

*Parking Space* shall be provided on the *Lot* to accommodate company, employee and visitor motor vehicles, with at least one (1) car space for each two (2) employees or occupants for which the *Buildings* on the *Lot* are designed. *Parking Areas* shall be permanently improved and suitably screened with plantings, and shall be set back at least fifty feet (50') from all *Streets* located outside of the boundaries of a *Lot* and from all *Property Lines* outside of the Designed District area or from the boundary line of a Residential District. Required parking for school uses shall be determined by the standards of Section 12 of the Zoning Regulations. (79-005; 214-38, 216-20)

**5.O.7. Floor Area**

- a. *Floor Area Ratio*, shall not exceed a maximum of 0.25, except that portion of basements used for supplemental and *Accessory Uses* as described in Section 9-C-3.d shall be excluded from

the floor area calculations, and *Building Coverage* shall not exceed a maximum of twenty-five percent (25%). Such calculations shall be based only on the area of the *Lot* zoned IP-D, exclusive of land dedicated as public *Street* right-of-way and exclusive of land with elevation below the mean high water line. The site shall be contiguous, or, at the sole discretion of the Zoning Board, may be separated by a *Street* so long as the *Street* right of way width does not exceed 50 feet, the *Street* is not an accepted city *Street*, at least one and one-half acres of the site exists on each side of such *Street*, some portion of the frontage of each parcel is directly opposite the other, and the parcel which will incur less *Development* is bordered by waters or estuaries of Long Island Sound. In the event the Zoning Board shall allow the site to be separated by a *Street*, a notice shall be recorded on the Land Records evidencing the fact that *Development* shall be precluded on the affected parcel. Such notice shall be approved by the Director of Legal Affairs, and shall be recorded on the Stamford Land Records prior to the issuance of a *Building* permit. No *Building* shall exceed two (2) *Stories* in height or forty feet (40') in height. No *Building* shall be located at a distance less than fifty feet (50') from any *Street* on which the *Lot* fronts, nor less than one hundred feet (100') from a *Property Line* outside of the Designed District area or from the boundary line of a Residential District. Provided; however, by *Special Permit* approval of the Zoning Board, the setback requirement from any *Street* may be reduced to twelve feet (12') for any single *Story Building*, not exceeding twenty feet (20') in height, with a maximum *Floor Area Ratio* of 0.02. (76-002; 86-041; 95-003; 98-022; 99-032; 215-12)

- b. Enclosed or covered pedestrian walkways, not more than fifteen (15) feet in width at grade or elevated in areas necessary to maintain a level grade, solely for the purpose of pedestrian passage connecting to and facilitating access between separate *Buildings* on the same *Lot* or contiguous *Lots* in the I-PD District shall be exempt from the floor area calculations and *Building Coverage* provided all other provisions of Subsection 5.O.7 above are met. (94-024, 216-20)
- c. Notwithstanding the *Floor Area Ratio (FAR)* limitation stated above, when a principal *Structure* which is legally nonconforming as to *FAR* is to be demolished and replaced with a principal *Structure* designed to conform to Section 9.B Flood Prone Area Regulations, the *Floor Area Ratio* for the entire site shall not exceed the existing *Floor Area* to be demolished. (216-20)

#### **5.O.8. Multiple Uses in Buildings**

The uses permitted in this Subsection may be combined and carried on in the same *Building*.

#### **5.O.9. Application Procedures**

All applications for *Development* and *Redevelopment* within the IP-D District, shall be accompanied by and subject to approval of a *General Development Plan (GDP)* pursuant to Section 2.J. of these Regulations. (78-22; 223-18)

**5.P. M-D DESIGNED INDUSTRIAL DISTRICT\*<sup>29</sup>**

Areas of land whether under single ownership or not may be converted to a M-D DESIGNED INDUSTRIAL DISTRICT, under the following conditions.

**5.P.1. [Minimum Area]**

The minimum area and qualifying standards for such a M-D DESIGNED INDUSTRIAL DISTRICT shall be as follows:

- a. When contiguous to an RA-2, RA-1 or R-20 One Family Residence District for not less than twenty-five percent (25%) of the total distance of the boundary line of a parcel of land proposed for conversion to a Designed District: twenty (20) acres exclusive of public highways passing through said area.
- b. When contiguous to an RA-1 or R-20 One Family Residence District south of the Merritt Parkway for not less than twenty-five percent (25%) of the total distance of the boundary line of a parcel of land proposed for conversion to a Designed District: fifteen (15) acres exclusive of public highways passing through said area.
- c. When contiguous to an R-10 One Family Residence District for not less than twenty-five percent (25%) of the total distance of the boundary line of a parcel of land proposed for conversion to a Designed District: ten (10) acres exclusive of public highways passing through said area.
- d. When contiguous to an R-7<sup>1</sup>/<sub>2</sub> One Family Residence District or R-5 Multiple Family Residence District for not less than twenty-five percent (25%) of the total distance of the boundary line of a parcel of land proposed for conversion to a Designed District: eight (8) acres exclusive of public highways passing through said area.
- e. When contiguous to any other District except as otherwise provided for under (a), (b), (c) and (d): one (1) acre.
- f. When contiguous to any other District except as otherwise provided for under (a), (b), (c) or (d) of this subsection, and when the property is designated as Category 12 on the *Master Plan* at the time such M-D is designated, and when the property abuts on not less than sixty percent (60%) of its boundaries land in the M-D Designed Industrial District, M-G General Industrial District or M-L Light Industrial District: one (1) acre minimum.
- g. In the case of more than one (1) district abutting any area proposed for conversion to a M-D DESIGNED INDUSTRIAL DISTRICT, the most restrictive contiguous district or districts as set forth under (a), (b), (c) and (d) above shall apply in determining the minimum area that may be converted to such M-D DESIGNED INDUSTRIAL DISTRICT.
- h. When contiguous to a C-D DESIGNED COMMERCIAL DISTRICT and/or land owned by the State of Connecticut for not less than one hundred percent (100%) of the total distance of the

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>29</sup> [Formerly Section 9.H. (224-07).]

boundary line of a parcel of land proposed for conversion to a Designed District; and having frontage of not less than one hundred feet (100') along a state highway: three-quarter ( $\frac{3}{4}$ ) acres. (80-023)

### 5.P.2. [Permitted Uses]

The following uses are permitted in a M-D DESIGNED INDUSTRIAL DISTRICT: (See also Subsection J of this Section)

- a. Experimental Electronic Laboratories for the research, design, development, storage, servicing and assembly of light electronic and electrical mechanical equipment shall be permitted in the M-D Designed Industrial District.
- b. Professional Offices; Administrative Offices; Scientific Offices; Educational Offices; Statistical Offices; Executive Offices; Executive Home Offices; Engineering Offices; Sales Offices; Offices for Drafting Rooms; Experimental Engineering Research Laboratories; Experimental and Research Laboratories; Research and Development Laboratories.
- c. Supplemental and *Accessory Buildings* and Uses accessory to all the uses referred to in Subsection BBBB,2 may include storage space for equipment, supplies, materials and motor vehicles; central heating systems; air-conditioning systems; power plants; water tanks or towers; refuse disposal system; training schools for employees; cafeterias; clinics; club houses or guest lodges for the use of tenants and employees of the *Buildings*; such retail trade and service uses as are necessary for the comfort and convenience of the tenants and employees in the *Buildings*; assembly hall for meetings incident to the business or the principal use or for civic meetings; enclosed pedestrian walkways; Group Day Care Home and Child Day Care Center; and Playground for Child Day Care Center. (205-06; 223-10)
- d. Public School. (205-06)

*[The following Uses shall be permitted in the M-D District by Zoning Board Special Permit approval only:]*

- Adult Use Cannabis Retailer (223-17(MOD))
- Marijuana or Cannabis Cultivator (223-17(MOD))
- Marijuana or Cannabis Delivery Facility (223-17(MOD))
- Marijuana or Cannabis Delivery Service (223-17(MOD))
- Marijuana or Cannabis Micro-Cultivator (223-17(MOD))
- Marijuana or Cannabis Processing Facility (223-17(MOD))
- Marijuana or Cannabis Transport Facility (223-17(MOD))
- Marijuana Producer (223-17(MOD))

### 5.P.3. [Standards]

In connection with the uses set forth in Subsection 5.P.2 the following standards shall apply:

- a. Except for the uses set forth in Subsection 5.P.2.a herein, there shall be no commercial manufacture or fabrication of products for sale except with respect to limited quantities of test or trial products or such models or prototypes as may be created and used on the premises in pursuit of the research, experimentation or development conducted in any laboratory.
- b. *On-site Signs* are authorized on each *Plot* under the following conditions (200-32; 211-45):
- (1) The total area of any *Signs* placed on the wall of a *Building* with a *Yard* abutting a public *Street* providing vehicular access to the site shall not exceed two (2) square feet in area for each linear foot of *Building* façade. The total area of *Signs* placed on all remaining façades shall not exceed one (1) square foot in area for each linear foot of *Building* façade.
  - (2) Signage permitted under subsection one (1) above may be erected on top of a *Building* entrance canopy provided said signage does not project over the *Building* parapet or roof.
  - (3) Fabric, vinyl or metal banners projecting from the *Building* façade, not to exceed 30 square feet each with the number of banners not to exceed one for every twenty-five (25) linear feet of *Building* façade, are permitted and shall be excluded from the calculation in subsection one (1) above.
  - (4) One (1) *Ground Sign*, not exceeding fifty (50) square feet in area and eight (8) feet in height may be displayed at each vehicular entrance to the site. Up to two (2) additional *Ground Signs* subject to the same size restrictions may be placed at other locations within the site.
  - (5) *Flags*, each not to exceed twenty-four (24) square feet in area and twenty-five (25) feet in height, may be displayed on vertical or mast-arm flagpoles.
  - (6) Directional and wayfinding *Signs*, including *Ground Signs*, not exceeding fifteen (15) square feet and eight (8) feet in height are permitted and shall be exempt from any limitation.
  - (7) All signage, except for directional and wayfinding signage, shall be subject to administrative approval by the Zoning Board.
- c. *Parking Space* shall be provided on the *Lot* to accommodate company, employee and visitor motor vehicles; with at least one (1) car space for each three (3) employees or occupants for which the *Buildings* on the *Lot* are designed, or three (3) spaces per one thousand (1,000) square feet of net usable *Floor Area*, which *Parking Space* requirements shall be determined by the Zoning Board. The computation of "net usable *Floor Area*" as used in this subsection shall exclude from *Gross Floor Area* the following:
- (1) areas used for the storage or housing of mechanical or central heating and air conditioning equipment of the *Building*, and
  - (2) areas within the *Building* used for parking or pedestrian access.
- Parking Areas* shall be permanently improved and suitably screened with planting and shall be set back from all boundaries at least fifty feet (50') or in the case of any M-D Designed Industrial District described in Subsection 5.P.1.f herein, at least ten (10') feet.
- d. *Building Coverage* shall not exceed twenty-five percent (25%) in those M-D Designed Industrial Districts described in Subsection 5.P.1.a though e herein, and no *Building* shall

exceed three and one-half (3<sup>1/2</sup>) *Stories* in height in an M-D Designed Industrial District; except that on any *Lot* in an M-D Designed Industrial District, having an area of thirty (30) acres or more, *Building Coverage* of not more than fifty percent (50%) of the *Lot Area* shall be permitted provided no *Building* erected thereon shall exceed two (2) *Stories* in height. No *Principal Building* shall be located at a distance of less than fifty feet (50') from any *Street* on which the *Lot* fronts nor less than one hundred feet (100') from a *Property Line* or from the boundary line of a Residential District. Parking *Structures* not exceeding twenty (20) feet in height above the average grade and set back not less than fifty (50) feet from any *Property Line* may be allowed, provided that they are suitably screened to the satisfaction of the Zoning Board from abutting residential properties. In an M-D Designed Industrial District described in Subsection 5.P.1.f herein, *Building Coverage*, *Floor Area Ratio*, *Building Height*, *Lot* size and front and *Rear Yard* space shall be governed by the requirements of the M-G General Industrial District as set forth in Appendix B of these Regulations except in the case of a self-storage facility that does not provide direct accessible ground floor storage units and where its total coverage is less than thirty percent (30%), a *Floor Area Ratio* of up to 1.25 shall be permitted. In addition, *Side Yards* shall be provided and shall measure not less than the highest point of the *Building* adjacent to such *Side Yard* or twenty feet (20'), whichever is less. (211-39, 216-26)

The above-described, self-storage facilities that do not provide any direct accessible ground floor storage units, shall have one (1) *Parking Space* for every employee plus one (1) *Parking Space* for every 100 units provided at a point not more than 500 feet distant in a direct line from the nearest part of the *Building* served, and one *Loading Space* for every 1,000 units. (216-50)

- e. The uses permitted in this Subsection may be combined and carried on in the same *Building*.
- f. Notwithstanding the above, *Accessory Structures* (i.e. guard houses) to facilitate security and traffic control and internal new *Lot Lines* created within an approved M-D District shall be governed by requirements of the M-G General Industrial District as set forth in Appendix B of these regulations. (205-06)

#### **5.P.4. [Additional Permitted Uses]**

In addition to those uses specified in Subsection 5.P.2 herein, and notwithstanding the limitations contained in Subsection 5.P.3 herein, the following uses are permitted in a M-D DESIGNED INDUSTRIAL DISTRICT: (See also Subsection J of this Section).

- a. Any use conducted entirely within a *Building*, consisting of the sale of goods, the providing of professional, personal or commercial services, non-ferrous metal storage, or the manufacture, fabrication, assembling or other handling of products.
- b. Any use consisting of or related to the manufacture, production, processing, sale, distribution or other handling of concrete, including ready-mix concrete, and bituminous concrete.
- c. In the case of any M-D Designed Industrial District described in Subsection 5.P.1 herein, the Zoning Board in its sole discretion may authorize residential use consistent with R-5 standards

or in the case of any M-D Designed Industrial District described in Subsection 5.P.1.f herein, the Zoning Board in its sole discretion may authorize any further uses listed as permitted by right in the M-G District in Appendix A LAND USE SCHEDULE of these any further uses listed as permitted by right in the M-G District in Appendix A LAND USE SCHEDULE of these Regulations, upon a finding that the nature, proportion and arrangement of requested uses are appropriate for the integrated functioning of the planned *Development* and the surrounding neighborhood, and satisfy the review standards of Section 2.D. Site Plan Review and Section 2.C. Standards and Conditions (for *Special Permit* Uses). (205-06)

#### **5.P.5. [Application Procedure]**

Within any M-D Designed District, applications requesting approval of any *Permitted Uses* or approval of site and architectural plans shall include all of the plans and information as specified by Section 2.D.3. of these Regulations. Such applications shall be submitted to and be subject to the approval of the Zoning Board in accordance with the specific standards and objectives of the District, the procedures and review standards of Section 2.D. Site Plan Review, and the general purposes and other applicable standards of these Regulations, who shall not approve same until after a public hearing. A proposed public school use, on a separately subdivided parcel devoted exclusively to such use, shall be subject only to review and approval by the *Zoning Enforcement Officer* in accordance with applicable standards of the M-D District and these Regulations. (205-06)

No *Buildings* contiguous to property in other districts shall have a *Front Yard* or *Side Yard* less than specified in the SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT, AND BULK OF *BUILDINGS*, for the contiguous district. In no case shall a *Side Yard* measure less than one-half ( $1/2$ ) the height of the *Building*. In the event that any Designed District is contiguous to more than one (1) district, the *Yard* requirements of the more restrictive district shall apply. (97-007)



## 5.Q. M-G General Industrial District (217-12)<sup>30</sup>

### 5.Q.1. Purpose

The purpose of the M-G zoning district is to establish areas for a wide range of industrial uses. The M-G district allows the most intense industrial uses to operate in the City while separating them from susceptible uses to minimize potential negative impact. Performance standards for each use are defined in Section 3.

### 5.Q.2. Permitted Uses

In any M-G district a *Lot*, *Building*, or other *Structure* may be erected, altered, arranged, designed, or used, for the purposes and in the same manner as uses designated in Appendix A, Table I.

### 5.Q.3. Permitted Uses, Special Permit

The following uses shall be permitted by *Special Permit* pursuant to Appendix A, Table I; Adult Establishment; Auto Service Station; Auto Truck Storage Area; Auto Wrecking Area, Junk Yard; Automatic Car Wash Establishments; Beach Club; Chemical Mfg. & Storage; Child Day Care Center.<sup>31</sup>; Demolition Materials Recycling Facility; Emergency Shelter; Family Day Care Home; Fire Station Volunteer; *Historic Site*; Medical Marijuana Dispensary Facility; Microwave Transmission Facilities, Commercial Principal or *Accessory Use*; Official Emissions Inspection Station; Public Libraries or Branch thereof; Public Utility Generating Plant; Radio & Television Broadcasting Stations & Masts; Recycling Preparation Operation; Roller Skating Rink; Sand & Gravel Pit (No Crushing; Sorting, Bailing, Processing or Storage of Junk, Wood, Metal, Paper); School, Non-Public; Tennis Courts, Indoor; Yacht Club. See Section 8. – *Special Permit* Uses for *Historic Buildings*. (223-10)

### 5.Q.4. Building Regulations

- a. Minimum *Lot Area*: 4,000 square feet
- b. Minimum Frontage: 40 feet
- c. Maximum *Building Coverage*: *Corner Lot*: 90%, *Interior Lot*: 80%
- d. *Accessory Buildings*: 40% of *Rear Yard*
- e. Maximum *Building Height*: 50 feet
- f. Maximum *Building Stories*: 4 *Stories*

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<sup>30</sup> [Formerly Section 4.B.8. (224-07).]

<sup>31</sup> [Note: Application 222-31 removed Child Day Care Center from permitted uses in the M-G district as listed in Appendix A Table I]

- g. Minimum *Yards*: Front: *Street Line* 10 feet, Front: *Street* center 35 feet, Rear: 15 feet, Side: none required but if provided must be at least 4 feet.
- h. Maximum *FAR*: 1.0

The total *Floor Area* devoted to business and professional office use in Industrial Districts shall not exceed one-half ( $1/2$ ) the *Lot Area*, 0.5 *FAR*.

Self-storage, which is a low intensity industrial use with minimal traffic and parking impacts shall be allowed a *Floor Area Ratio* of 1.25 above grade with up to an additional 0.5 *Floor Area Ratio* permitted below grade, provided that the *Building* is setback 25' from a *Property Line* abutting a residential district and the height of the *Building* is limited to two (2) *Stories* above grade.

#### 5.Q.5. Parking Requirements

The regulations of Section 12 Automobile Parking and *Loading Space* shall apply.

#### 5.Q.6. Sign Regulations

The regulations of Section 11.I. regarding signage in the M-G and M-L shall apply.

#### 5.Q.7.g. Special Permit uses for Historic Buildings

See Section 8.D.2.c.

#### 5.Q.8. Buffer Requirements for Non-Industrial Uses (221-11)

Where a *Lot* in an M-G District abuts a *Lot* in any other District other than an M-D, M-G or M-L District, then, in addition to the requirements of Section 7.K. of these Regulations, the following buffer requirements shall apply to the common *Lot Lines*:

- a. All industrial uses, including storage of vehicles (except as set forth below) and material, within thirty feet (30') of the common *Lot Lines* shall be fully enclosed. Open surface parking of passenger vehicles and light trucks of 10,000 pounds Gross Vehicle Weight Rating (GVWR) or less are permitted.
- b. There shall be a ten foot (10') wide planted buffer designed to manage stormwater and to screen the uses located on the *Lot* in the M-G District. Such buffer shall be regularly maintained and meet at all times the requirements of the City of Stamford Anti-Blight regulations.
- c. There shall be a fully opaque *Fence* or wall not to exceed eight feet (8') in height in *Rear Yards* or six feet (6') in height in *Side Yards*. The *Fence* or wall must be located either in the center or the inward edge of the planting strip.

## 5.R. M-L LIGHT INDUSTRIAL DISTRICT (217-12).<sup>32</sup>

### 5.R.1. Purpose

The M-L zone allows light industrial uses which have higher performance standards compared to uses allowed in the M-G district.

### 5.R.2. Permitted Uses, as-of-right

In any M-L district a *Lot*, *Building*, or other *Structure* may be erected, altered, arranged, designed, or used, for the purposes and in the same manner as uses designated in Appendix A, Table I.

### 5.R.3. Permitted Uses, Special Permit

The following uses shall be permitted by *Special Permit* pursuant to Appendix A, Table I; Adult Establishment; Auto Service Station; Automatic Car Wash Establishments, Bowling Alleys; Beach Club; Camp, Trailer; Trailer Sales; Child Day Care Center<sup>33</sup>; Dwelling, Multiple; Emergency Shelter; Equipment Rental; Family Day Care Home; Fire Station Volunteer; Home Center; *Historic Site*; Hotel, Inn; Medical Marijuana Dispensary Facility; Microwave Transmission Facilities, Commercial; Principal or *Accessory Use*; Public Libraries or Branch thereof; Radio & Television Broadcasting Stations & Masts; Recycling Preparation Operation; Restaurant, Fast-Food; Roller Skating Rink; School, Non-Public; Tennis Courts, Indoor; Yacht Club; (223-10)

See also Section 8. – *Special Permit Uses for Historic Buildings*.

### 5.R.4. Building Regulations

- a. Minimum *Lot Area*: 4,000 square feet
- b. Minimum *Frontage*: 40 feet
- c. Maximum *Building Coverage*: *Corner Lot*: 90%, *Interior Lot*: 80%
- d. *Accessory Buildings*: 40% of *Rear Yard*
- e. Maximum *Building Height*: 50 feet
- f. Maximum *Building Stories*: 4 *Stories*
- g. Minimum *Yards*: *Front: Street Line* 10 feet, *Front: street center* 35 feet, *Rear*: 15 feet, *Side*: none required but if provided must be at least 4 feet.
- h. Maximum *FAR*: 1.0

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<sup>32</sup> [Formerly Section 4.B.9. (224-07)]

<sup>33</sup> [Note: Application 222-31 removed Child Day Care Center from permitted uses in the M-L district as listed in Appendix A Table 1]

The total *Floor Area* devoted to business and professional office use in Industrial Districts shall not exceed one-half ( $1/2$ ) the *Lot Area*, 0.5 *FAR*

#### **5.R.5. Parking Requirements**

The regulations of Section 12 Automobile Parking and *Loading Space* shall apply.

#### **5.R.6. Sign Regulations**

The regulations of Section 11.I regarding signage in the M-G and M-L shall apply.

#### **5.R.7. Special Permit Uses for Historic Buildings**

See Section 8.D.2.c.

#### **5.R.8. Buffer Requirements for Non-Industrial Uses (221-11)**

Where a *Lot* in an M-L District abuts a *Lot* in any other District other than an M-D, M-G or M-L District, then, in addition to the requirements of Section 7.K. of these Regulations, the following buffer requirements shall apply to the common *Lot Lines*:

- a. All industrial uses, including storage of vehicles (except as set forth below) and material, within thirty feet (30') of the common *Lot Lines* shall be fully enclosed. Open surface parking of passenger vehicles and light trucks of  $3/4$  tons or less are permitted.
- b. There shall be a ten foot (10') wide planted buffer designed to manage stormwater and to screen the uses located on the *Lot* in the M-L District. Such buffer shall be regularly maintained and meet at all times the requirements of the City of Stamford Anti-Blight regulations.
- c. There shall be a fully opaque *Fence* or wall not to exceed eight feet (8') in height in *Rear Yards* or six feet (6') in height in *Side Yards*. The *Fence* or wall must be located either in the center or the inward edge of the planting strip.

**5.S. MRD-D MILL RIVER DISTRICT\*<sup>34</sup>****5.S.1 [Purpose]**

The Mill River District (MRD) is a flexible, planned residential design district, subject to special standards and review procedures, intended to provide for and encourage the most appropriate use and *Development* of property, the preservation and enhancement of significant public open spaces and the expansion of public amenities and public access within the Mill River Greenbelt Corridor as defined in the *Master Plan*. The Mill River District is intended to implement the land use goals, development concepts and design recommendations as described in reports prepared by Sasaki Associates Inc. entitled "Stamford Mill River Corridor", dated January 1998 and "Stamford Mill River Corridor Design Guidelines", dated June 1999. The Mill River District is intended to promote the following objectives:

- a. Consistency with the *Master Plan* and the objectives of comprehensive municipal plans for *Redevelopment*, renewal, or neighborhood preservation and rehabilitation.
- b. Provision of housing and such other uses that will be supportive of and contribute to the vitality of the Central Business District and the West Side neighborhood.
- c. Protection and expansion of public access to the waterfront, and public open space amenities including attractive walkways of general utility.
- d. Conservation of significant natural resources and consistency with the policies of the Connecticut Coastal Area Management Act.
- e. Establishment of a public pedestrian district connecting the Mill River and harbor with the downtown and adjacent neighborhoods.
- f. Promotion of architecture and site development of design merit that makes best use of natural features, harmonizes with the pattern and scale of the Mill River Greenbelt Corridor, remains compatible with the surrounding architecture and pattern of *Development*, and is generally consistent with the Mill River Greenbelt Corridor Design Guidelines.
- g. Provision of Dwelling Units at below market rates.

**5.S.2. Criteria for Designation of a Mill River District**

In order to qualify for consideration as a MRD Mill River District, the proposed site shall be within the Mill River Corridor boundary as referenced on the Zoning Map and the area generally described below, with a minimum of fifty (50) feet of frontage on a public *Street*, and shall be comprised of land zoned R-5, R-MF, R-H, C-N, C-L or C-G. (202-15)

General Boundary Description: The Mill River District is generally bounded to the south by I-95, to the east by Washington Boulevard, to the west by Greenwich Avenue, West Main Street, Mill River Street, Schuyler Avenue and Adams Avenue, and to the north by West Broad Street. The

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>34</sup> [Formerly Section 9.P. (224-07).]

northerly boundary extends to the northerly limit of the UCONN parking garage and the limit of *Master Plan Category 5* immediately north of West Broad Street and those properties included within *Master Plan Amendment #381*. The westerly boundary extends to those properties included within *Master Plan Amendment #368* and *#370*. (205-36)

### 5.S.3. Permitted Uses

In the Mill River Design District, the following uses may be approved when the Board determines such uses to be appropriate:

- a. All uses permitted as-of-right or by *Special Permit* in the R-MF district.
- b. Neighborhood Commercial – neighborhood commercial and/or Professional Office uses may be approved on the ground floor only. For the purposes of this Section, neighborhood commercial shall include all uses permitted in the C-N zone.

### 5.S.4. Development Standards

Unless otherwise provided in Subsection 5.S.7. below, the following standards shall apply to the *Development* of property within the Mill River Design District: (214-27)

- a. **Residential Density.** The maximum *Residential Density* in the MRD District shall be determined by the Zoning Board based on the size, dimensions, topography and physical features of the land and the required dedication of waterfront public access and the desirable orientation and height of proposed *Buildings*. *Residential Density* shall not exceed seventy-five (75) Dwelling Units per acre (580 square feet of *Lot Area* per Dwelling Unit) prior to disposition of open space, provided that on parcels intended for *Redevelopment* by, for, or in cooperation with the Stamford Housing Authority, non-profit housing developers and/or the City of Stamford (the “City”) as residences for low or moderate income *Senior* and/or disabled persons, *Residential Density* shall not exceed one hundred and twenty-five (125) units per acre (350 square feet of *Lot Area* per Dwelling Unit). (205-29; 205-53)
- b. **Below Market Rate Dwelling Units.** *Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations (220-13).
- c. **Non-Residential Uses.** Non-residential uses shall not exceed a Floor/Area Ratio of 0.30 and shall not unnecessarily intrude upon or adversely impact adjacent residential uses.
- d. [*deleted*] (214-27, 223-08)
- e. **Building Coverage.** The total area occupied by principal *Structures* shall not exceed sixty percent (60%) of the site. Portions of parking *Structures* and other *Accessory Structures*, whether attached or free-standing, may cover an additional twenty-five percent (25%) of the site provided such *Structures* do not exceed twenty-five (25) feet above average grade (excluding parapet walls) and are suitably screened from pedestrian views. Above-grade parking floors and parking *Structures* shall be screened from pedestrian view by a suitable

combination of active uses, landscaping and architectural screens or solid panels, and shall be setback from adjacent waterfront public access areas a distance not less than the height of the parking *Structures*.

- f. **Building Setbacks.** *Building setbacks shall satisfy the following standards: Front Yard setback: 5 feet; Side Yard setback: 10 feet; Rear Yard setback: 20 feet. (214-27)*
- g. **Parking Requirements.** *The parking standards of Section 12.D of the Regulations shall apply, except as otherwise provided for herein. There shall be a minimum residential off-street parking requirement of one and one-quarter (1.25) spaces for each residential unit, or one space for every three (3) Dwelling Units reserved for occupancy primarily for Senior, special needs, handicapped or disabled persons with income less than 50% of the Area Median Income. Parking for non-residential uses shall be subject to determination by the Zoning Board and may be shared where the hours of the use of stalls would not be in conflict. The potential for shared use of parking stalls shall constitute an additional standard for consideration of parking reduction. Required parking may be provided off-site provided a determination is made by the Zoning Board that the location and availability of said parking is satisfactory. (202-15)*
- h. **Building Height.** *Building Height in the MRD District shall be determined by the Zoning Board based on the location, size, dimensions, and topography of the land, the proximity to waterfront public access, and the existing and planned architectural scale of other Buildings within the immediate vicinity. Building Height shall not exceed eight (8) Stories or ninety (90) feet, and shall be limited to three (3) Stories or forty (40) feet for that portion of any Building immediately adjacent to dedicated public open space along the Mill River. Building Height shall be consistent with the Stamford Mill River Corridor study and the Stamford Mill River Corridor Design Guidelines which recommend generally that Building Height not exceed six Stories fronting on the east side of Clinton Avenue, four Stories fronting on the west side of Clinton Avenue, and five Stories to the west of the Mill River. Special Building Height standards for C-G zoned sites are provided in Subsection 5.S.7.*

#### 5.S.5. Site Design and Architectural Criteria

*Development within the MRD District shall conform to the site plan review standards of Section 2.D. and the coastal site plan review standards and policies of Section 9.A. of these Regulations, Stamford Mill River Greenbelt Corridor Design Guidelines, and the following additional standards:*

- a. **Mitigation of Environmental Impact.** *Appropriate measures shall be taken to mitigate environmental impacts to coastal resources through sensitive design and implementation of best available technologies and methods for controlling pollutant discharges from the site*
- b. **Public Access to the Waterfront.** *Public access shall be insured through the dedication of real property or a permanent easement area encompassing the area of land necessary to accommodate the Mill River Park Riverwalk improvements as shown on the Mill River Park Middle Corridor Plan also known as The Mill River Collaborative Project Plan provided*

however that the easement area shall not be wider than 70 feet measured from the mean high water mark. Said dedication or easement shall be executed and delivered prior to issuance of a *Building* Permit. The limits of the public access area shall be subject to final determination by the Zoning Board to insure that the land is suitable and usable for its intended purpose. Within the dedicated public access area, improvements shall be designed and constructed to provide for passive recreation and enjoyment by the general public, with due consideration of public safety and the efficient movement of anticipated pedestrian traffic. Public access improvements shall be designed in conformance with standards and specifications as adopted by the Zoning Board establishing the required dimensions and materials of public walkways and approved lighting fixtures, benches, trash receptacles, landscape materials, and related fixtures and improvements. Improvements within the public access area shall be designed to link smoothly with existing and/or planned public access facilities on adjoining property or terminate safely at the point where continuation of such facilities cannot be reasonably anticipated. Private use areas and vehicular traffic and parking adjacent to the waterfront public access area shall be sensitively designed to minimize disruption or adverse impact. (216-24)

- c. **Preservation and Enhancement of Visual Resources.** The design, placement, arrangement, setback, height and bulk of *Buildings* and *Structures* and related site improvements shall serve to protect and enhance the quality of principal public views of the Mill River and associated public open spaces and establish attractive streetscapes within all public and private rights-of-way.
- d. **Signage.** Signage for non-residential uses shall be determined by the Zoning Board, as deemed appropriate to the project design, location and uses, and shall not exceed the standards of the C-N District set forth in Section 13-F of these Regulations. Signage for residential uses shall be limited to wall signage and shall not exceed a total of 60 square feet, subject to review by the Zoning Board. (214-27)
- e. **Lighting.** The intensity, location, height, design and arrangement of outside lighting shall be appropriate to the use and the needs for safety and security while avoiding direct glare on any other *Lot* and avoiding hazards to traffic on any *Street*. Streetscape lighting and lighting within public access areas shall be consistent with adopted City standards.
- f. **Landscaping.** All areas of the tract not devoted to *Buildings*, *Structures* or other designed uses shall be suitably landscaped to the satisfaction of the Board. Landscaping shall be designed, provided and permanently maintained, consistent with the Stamford Mill River Corridor Design Guidelines and the protection of adjacent uses and neighborhoods.
- g. **Other Governmental Approvals.** When site improvements or uses require separate approval by other municipal, state or federal units of government, evidence shall be submitted to the satisfaction of the Board demonstrating the capacity to attain such approvals in a timely manner. When issuance of any significant approvals is in question, the Board, in its sole discretion, may determine the application to be incomplete and may require evidence of such approval to accompany the application. Any approval outside the jurisdiction of the Zoning



Board that becomes a condition of approval shall be subject to the performance condition set forth in Subsection 5.S.7. below.

### **5.S.6. Non-Contiguous Land Parcels**

Within the MRD District, the Zoning Board may, in its sole discretion, authorize two or more non-contiguous parcels of land, separated only by a *Street*, that are owned in common to be considered merged for purposes of determining permitted residential *Density*, *Floor Area Ratio* and *Building Coverage*. In the aggregate, the parcels of land shall be not less than 30,000 square feet in area. A joint application for MRD District designation and joint application for approval of site and architectural plans and requested uses shall be filed for all affected parcels and reviewed concurrently, subject to approval by the Zoning Board pursuant to the standards and procedures of the MRD District. In approving such applications, the Zoning Board shall make a finding that the proposal is consistent with the *Master Plan* for the Mill River Greenbelt Corridor, provided that total residential *Density*, including *Density* permitted in accordance with subsection 5.S.7.a. below, shall not exceed 108 units per acre and *Floor Area* and *Building Coverage* shall not be increased by more than fifteen percent (15%) over what would otherwise be permitted on any individual parcel. Any approval providing for the joint *Development* of separate sites shall be implemented with a suitable easement or covenant, enforceable by the City of Stamford and filed on the City of Stamford Land Records. (216-24)

### **5.S.7. Special Residential Development Standards (216-24)**

In order to encourage the *Redevelopment* of land within the Mill River Corridor for residential purposes and the expeditious construction of public access improvements, the special standards set forth in (b) below shall apply to parcels that meet at least one of the following criteria in (a):

- a. Parcels that are (i) zoned C-G for at least 50% of their development site area or (ii) directly adjacent to the Rippowam River and jointly developed with a non-contiguous site (separated only by a *Street*) that is zoned C-G for at least 50% of its development site area or (iii) where at least 75% of the site is currently used for nonconforming commercial purposes and will be brought into conformity with the proposed *Development*.
- b. Special Standards:
  - (1) Commercial use shall not exceed a *Floor Area Ratio* of 0.30 and shall be limited to ground floor retail and service uses accessible to the general public.
  - (2) The total *Floor Area Ratio* for all uses shall not exceed three and one-half (3.5) for C-G zoned sites and jointly developed sites defined under subsection 6 above, and two (2.0) for sites with a nonconforming commercial use that will be brought into conformity with the proposed *Development*, excluding ground floor retail and service uses and resident amenity space and excluding portions of parking *Structures* that do not exceed twenty-five (25) feet

above grade (excluding parapet walls) or are fully integrated within the principal *Structure* and are suitably screened from pedestrian views.

- (3) *Building Height* shall not exceed 125 feet.
- (4) The total area occupied by principal *Structures* shall not exceed sixty-five percent (65%) of the site. Portions of parking *Structures* and other *Accessory Structures* may cover up to an additional twenty percent (20%) of the site, as described in subsection 5.S.4.e above. When parking *Structures* are fully integrated within the principal *Structure* and suitably screened from pedestrian views, the total area occupied by all *Structures* shall not exceed eighty-five percent (85%).
- (5) Following *Special Permit* approval from the Zoning Board, the residential off-street parking requirement may be reduced to one (1) *Parking Space* for each residential unit of two bedrooms or less and one and one-quarter (1.25) spaces for each residential unit of three bedrooms or more. Any application for this *Special Permit* shall include a *Parking Management Plan* and may include parking management strategies including, but not limited to, valet, tandem, vehicle elevator, and/or stacked vehicles. (214-27)  
On sites that are within 500 feet of open space/public parks in the Mill River Corridor Boundary, no additional open space is required on the *Lot*. (214-27)
- (6) There shall be no required *Front Yard* or *Side Yard* setback provided the average sidewalk width for all street frontages is a minimum of 10 feet. However, on a site specific basis, the Zoning Board may increase the required setbacks to 5 feet in the *Front Yard* and 10 feet in the *Side Yard* for sites within the ARD after considering the relationship of *Yard* requirements and separation of *Structures* on the site to each other with the objective of assuring adequate light, open space, screening, landscape, safety and privacy for existing and proposed *Dwelling Units*, and overall urban design considerations. The requirements of Section 7.K. of these Regulations shall not apply. (214-27)

**5.S.8** [*deleted*] (223-18)

**5.T. MX-D MIXED-USE DEVELOPMENT DISTRICT\*** (213-06).<sup>35</sup>**5.T.1. [Objectives]**

Any parcel of land or aggregation of parcels of land contiguous to or within the Downtown Land Use Categories as delineated on the *Master Plan*, now zoned residential and commercial, and which is proposed to be developed, redeveloped or rehabilitated principally for residential uses and where the excellence of the overall design and residential amenities are such as to warrant special consideration for modification of the standards contained elsewhere in these regulations may be designated by the Zoning Board upon application and in the manner prescribed herein, as a MX-D MIXED USE DEVELOPMENT DISTRICT where a determination is made that the following objectives and minimum standards are met (213-06, 215-37):

- a. The proposed *Development* is consistent with the *Master Plan* and the objectives of comprehensive municipal plans for *Redevelopment*, renewal, or neighborhood preservation and rehabilitation.
- b. The proposed *Development* consists of housing and such other uses as will be supportive of and contribute to the vitality of the Downtown Land Use Category.
- c. The proposed *Development* consists of such proportions as are most appropriate to its functional integration into the neighborhood.
- d. The proposed *Development* site plan is so designed in its space allocation, orientation, materials, landscaping and other features as to produce a stable and desirable character, complementary to the surrounding neighborhood.
- e. The proposed *Development* includes active or passive recreational amenities that will provide a superior living and working environment for the residents and employees therein.

**5.T.2. Minimum Area**

The minimum site to be designated a MX-D MIXED USE DEVELOPMENT DISTRICT shall be two acres (87,120 square feet) in area and not less than twenty-five percent (25%) of the site shall have been zoned for commercial *Development* prior to the redesignation. The site may be in single or multiple ownership, however all owners, contract purchasers, or their authorized agents shall be signatories to the application for redesignation. The site shall be contiguous to or within the boundary of the Downtown Land Use Category as delineated on the *Master Plan* and may be separated by a *Street* so long as the *Street* right-of-way width does not exceed fifty (50) feet, and at least one acre (43,560 square feet) of land exists on each side of such *Street*, and at least one hundred (100) feet of the frontage of each parcel is directly opposite. (201-03, 205-18, 215-37).

Subsequent to the initial designation of a MX-D site, additional land may be designated and incorporated as an integral part of the MX-D *Development* at the discretion of the Zoning Board,

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>35</sup> [Formerly Section 9.C. (224-07).]

provided that the additional land is contiguous, regardless of its size, or is not less than thirty thousand (30,000) square feet in area and separated by a *Street* right of way not exceeding fifty (50) feet in width, and that the incorporation and *Development* of said property is consistent with the standards and objectives of the MX-D District. (93-015, 213-06)

### 5.T.3. Permitted Uses

The following *Permitted Uses* in a MX-D MIXED USE DEVELOPMENT DISTRICT shall be subject to Zoning Board authorization for each use as a part of site plan review and approval (213-06):

- a. Agencies; Apartment House or Dwelling; Dwelling, Two-Family; Apparel Shops; Art and Antique Shops; Assisted Living Facility ; Bakery; Banks; Barber, Beauty Shops; Book, Stationery Stores; Cafe; Camera Shop; Child Day Care Centers; Churches and Religious Institutions; Clubs and Lodges; Colleges & Universities; Confectionery Stores; Custom Tailor, Dressmaker; Drug Stores; Florist; Food Shops, Retail; Gift Shops; Hardware; Independent Living Facility (224-06); Laundry; Multiple Dwellings ; News stand, Variety; Offices, Business and Professional; Package Store; Photo Studio; Restaurant, Standard; Safe Deposit Facility; Senior or Disabled Day Program (224-06); Shoe Repair. (201-03, 215-37, 216-04)

### 5.T.4. Standards

In connection with the uses set forth in Section 5.T.3.a. above, the following standards shall apply:

- a. The maximum residential *Density* permitted in the MX-D MIXED USE DEVELOPMENT DISTRICT shall be governed by the maximum residential *Floor Area* permitted on the site.
- b. The maximum *Building Height* permitted in the MX-D MIXED USE DEVELOPMENT DISTRICT shall be one hundred and fifty (150) feet.
- c. The floor/area ratio definition found elsewhere in these regulations shall not be applicable to the MX-D MIXED USE DEVELOPMENT DISTRICT. The floor/area ratio of all uses permitted in the MX-D MIXED USE DEVELOPMENT DISTRICT shall not exceed three (3.0), except that portions of floors housing mechanical or central heating/air conditioning equipment, and *Structures* for parking either integrated into the *Building* and therefore hidden from view or with a roof not exceeding one *Story* or eleven (11) feet in height above grade and having only accessible landscaped *Usable Open Space* on their roof shall be exempt from the floor/area calculations. (213-06)
- d. Residential uses shall in the aggregate, constitute not less than two-thirds ( $\frac{2}{3}$ ) of the *Floor Area* of the *Development*, except in the case of infill *Developments* sites where there shall be no prescribed ratio.
- e. Non-residential uses shall be so located on the site to relate to uses of the Downtown Core and Downtown Corridor to the greatest extent possible, and shall not be so located as to unnecessarily intrude upon or adversely impact adjacent residential uses. New parking

*Structures* above grade shall be situated behind other street front uses, or be so located to permit substantial landscaping to mitigate adverse visual impacts. (205-18)

- f. *[deleted]* (213-06, 223-08)
- g. Above grade site coverage by major *Structures* shall not exceed forty (40) percent. The maximum permitted coverage by all *Structures* shall be fifty (50) percent except that only underground parking *Structures* with a roof a maximum of eleven (11) feet above grade pursuant to Section 3.c. above may cover an additional portion of the site, however the combined coverage shall not exceed seventy (70) percent.  
Above grade site coverage by all major *Structures* shall not exceed sixty percent (60%), when all proposed major *Structures* do not exceed five (5) *Stories* in height, and all parking is provided at or below grade with a parking deck roof elevation less than six (6') feet above average grade and landscaped as useable open space or adequately screened and hidden from view. Parking *Structures* satisfying this standard shall be exempt from coverage standards set forth elsewhere in this Section. (93-015)
- h. In general, non-residential *Structures* shall be governed by the requirements of the C-C District for front, side, and *Rear Yards* and residential *Structures* shall be governed by the requirements of the R-H District for front, side, and *Rear Yards*. However, the Zoning Board may approve, on a site specific basis the appropriate relationship of *Yard* requirements and separation of *Structures* on the site to each other with the objective of assuring adequate light, open space, screening, landscape, safety and privacy for existing and proposed *Dwelling Units*, and overall urban design considerations. The requirements of, Section 7.K of these Regulations shall not apply. (87-020, 93-015)
- i. There shall be a minimum residential off-street parking requirement of one and one-quarter stalls for each unit of one bedroom or less and one and one-half spaces for each unit of 2 bedrooms or larger, provided that upon *Special Permit* approval by the Zoning Board, parking may be provided at one and one-quarter spaces for each 2 bedroom unit. Parking for office use shall not be more than three (3) stalls per one thousand (1,000) gross square feet of *Development* but may be not less than 2.5 stalls per one thousand (1,000) gross square feet of *Development*, subject to approval by the Zoning Board in accordance with the procedures and criteria of Section 12.K of these regulations excluding the fee-in-lieu payment provision of Section 12.K. The potential for shared use of parking stalls shall constitute an additional standard for consideration of parking reduction. Parking for retail use shall not be required, except that parking standards under Section 12.D of these regulations shall apply for retail uses which exceed ten percent (10%) of the total *Floor Area* of the *Development*. Parking for other uses, where the hours of the use of stalls would not be in conflict, may be shared subject to review and approval by the Zoning Board. A minimum of  $\frac{2}{3}$  (two-thirds) of all required parking shall be situated below grade or integrated into the *Building* and entirely hidden from view. (209-016)
- j. **Below Market Rate Requirements.** *Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations. (201-03; 203-17; 205-18; 213-06; 220-13)

- k. **Historic Preservation:** In order to encourage the preservation and/or rehabilitation of historic *Buildings* as defined in Section 8.C.1 of these Regulations, where such *Buildings* are used by religious institutions and are located in the Downtown Core as defined in the Stamford *Master Plan*, the Zoning Board, by *Special Permit*, may authorize the following alternate standards, provided that the Board finds that said standards achieve the purpose of protecting and enhancing such historic *Buildings*:
- (1) **Building Height.** Where the subject property is located within five hundred (500') feet of the C-C Zoning District, maximum *Building Height* shall be two hundred sixty (260') feet.
  - (2) **Floor Area.** The maximum *Floor Area* shall comply with Section 5.T.4.c above; however, the following uses shall be exempt from said limitations: historic *Buildings* as defined in Section 8.C.1 of these Regulations; *Buildings* used for religious institutions, together not to exceed 0.15 *FAR*; *Structured* parking floors, satisfying Section 3, Definition 39.2 of these Regulations; and any required *Below Market-Rate Housing* units located within the project.
  - (3) **Parking.** Parking standards shall comply with Section 5.T.4.i above, except that the requirement may be met by valet parking, car elevators, tandem parking, or so-called “stacker parking” or any combination thereof, provided that there shall be not less than one (1) freely accessible self-parked space assigned to each *Dwelling Unit*.
  - (4) **Additional Uses.** In addition to the uses permitted pursuant to Section 5.T.3.a, the following additional use shall be permitted: Cemetery.
  - (5) A condition of any *Special Permit* granted pursuant to this Subsection 5.T.4.k, shall be that the applicant provide and record on the Land Records a historic preservation façade easement for all historic *Buildings* and such easement shall continue for so long as the benefit of the *Special Permit* remains in effect and shall be an obligation of all owners of the property.
  - (6) [*deleted*] (207-60; 220-13)

### 5.T.5. Infill Development

These MX-D regulations may also be applied in special circumstances to parcels of less than two acres located within or contiguous to the Downtown and Urban Mixed-Use Land Use Categories as delineated on the *Master Plan*. Such sites shall be considered *Infill Development* sites and shall be subject to the special standards contained herein. In the absence of a special *Infill Development* standard, the standards of the MX-D District shall apply. Application of these special *Infill Development* standards shall be used for the creation of new residential *Dwelling Units* in under-utilized areas of the downtown and may include the residential conversion of existing commercial *Buildings* including *Buildings* that do not conform to the standards of these *Infill Development* standards (213-06, 215-37).

- a. **Designation Criteria.** A parcel or parcels of land, to be eligible for designation as a MX-D *Infill Development* site, shall satisfy all of the following minimum criteria (213-06, 216-07):

- (1) At least twenty-five percent (25%) of the area of the site shall have been legally used for commercial purposes or vacant at the time of application for redesignation; Office *Buildings* previously converted to residential use shall also satisfy this requirement. (217-42)
- (2) Site area of at least 20,000 square feet; Site area of at least 10,000 square feet may be allowed in the Downtown when contiguous to existing MX-D zoned land, provided that such sites shall be limited to a *Floor Area Ratio* of one and one-quarter (1.25) as further described in b-ii below. (216-07)
- (3) At least fifty (50) linear feet of street frontage;
- (4) At least fifty percent (50%) of the site frontage shall be either vacant or used for parking at the time of the application, provided that the Zoning Board may waive such requirement when the proposed *Infill Development* requires the preservation and enhancement of existing housing and/or historic *Buildings* and diminishes the effect of commercial uses on the residential character of the site and surrounding *Streets*. Office *Buildings* previously converted to residential use shall also satisfy this requirement. (217-42)

**b. Standards.**

- (1) *Building Height*. For sites within the Downtown land use Category 11 or within the Urban Mixed Use land use Category 9 and within South End as delineated in the 2015 *Master Plan*, *Building Height* shall not exceed one-hundred and sixty-five (165) feet. For all other sites within the Urban Mixed Use land use category, *Building Height* shall not exceed ninety (90) feet except where existing commercial *Buildings* are adaptively reused for residential purposes and no increase in existing maximum *Building Height* occurs. (213-06, 215-37, 218-06)
- (2) *Floor Area Ratio*. The *Floor Area Ratio* of all uses, including non-conforming uses, shall not exceed two and one-half (2.5) and there shall be no net increase in commercial uses. The *Floor Area Ratio* definition of Section 5.T.4.c. shall apply except that parking *Structures* not exceeding one *Story* or eleven (11) feet in height above grade shall not require landscaped *Usable Open Space* on their roof. Resident amenity space (which shall be deed restricted), areas used for community/nonprofit space (which shall be deed restricted) and on-site BMR *Floor Area* shall be exempt from these *FAR* limitations. At the discretion of the Zoning Board, street-front parking garage floors converted to active *Floor Area* may also be exempt if such converted garage area does not exceed 0.2 *FAR* and serves to enhance the streetscape and pedestrian oriented frontage. (213-06, 218-06)
- (3) [*deleted*] (213-06, 223-08)
- (4) ***Building Coverage*** of all *Structures* shall not exceed eighty percent (80%) provided that the deed restricted areas used for community/nonprofit space shall be exempt from such calculations. (213-06, 218-06)
- (5) All uses on the site shall satisfy the parking requirements of the Section 9.C4.i, provided that only required new residential parking shall be subject to the requirement that a minimum of  $\frac{2}{3}$  (two-thirds) of parking shall be either (a) situated below grade or (b)

integrated into the *Building* and/or screened from sensitive views to the satisfaction of the Zoning Board. Notwithstanding the requirements of Section 5.T.4.i, pursuant to *Special Permit* approval of the Zoning Board, residential parking may be provided in conformance with Section 12.D.1c. (213-06)

- (6) **Below Market Rate Requirement.** *Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations. (213-06, 218-06; 220-13)
- (7) Signage shall be governed by the standards of the C-N District. Provided however, blade type Signs up to 30 square feet in size each and limited to one (1) sign per fifty (50) linear feet of Building frontage, mounted perpendicular to the front Building façade are permitted, within the property boundaries, subject to the standards of Section 11.F.1. Upon issuance of a *Special Permit* from the Zoning Board, the Zoning Board (i) may permit more than one (1) sign per fifty (50) linear feet of Building frontage and (ii) may permit such blade type Signs to extend over a public sidewalk and/or beyond the property boundaries, provided they extend not more than thirty (30) inches from the front Building façade, are non-illuminated, and are made of durable material. Such blade Signs shall be located not less than nine (9) feet and not more than thirty (30) feet above the sidewalk. (213-06, 221-31)

**5.T.6.** [*deleted*] (223-18)

**5.T.7.** [*deleted*] (223-18)



**5.U. NX-D NEIGHBORHOOD MIXED USE DESIGN DISTRICT (218-11).<sup>36</sup>**

**5.U.1. Purpose**

The Neighborhood Mixed Use Design District (NX-D) is adopted pursuant to Section 8-2 of the Connecticut General Statutes, as amended, and is intended to implement the policies, goals, and urban design principles articulated in the *Master Plan* of the City of Stamford, as amended. The NX-D is designed to maintain and facilitate the growth and expansion of small-scale light industrial, home and business service, wholesale distribution, arts production and related activities, live/work use, and general commercial service activities, while protecting existing housing and encouraging the *Development* of new businesses at a scale and *Density* compatible with the surrounding blocks. The general goals served by these regulations are to (i) encourage investment in mixed residential, commercial, and industrial neighborhoods by permitting expansion and new *Development* of a wide variety of uses in a manner ensuring the health and safety of people using the area, (ii) promote the opportunity for workers to live in the vicinity of their work, (iii) create new opportunities for mixed use neighborhoods, (iv) recognize and enhance the vitality and character of existing and potential mixed use neighborhoods, (v) promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and *Buildings*, and (vi) promote a vibrant commercial environment. Design controls, the establishment of use and design standards that apply to new and certain existing architectural façades , sites and *Buildings*, and review procedures, will all ensure a compatible relationship between commercial, light industrial, and residential areas.

**5.U.2. Authorized Uses**

In the NX-D, the following uses from Appendix A of these Regulations shall be allowed, as of right:

NX-D – Permitted As of Right Uses		Use Category***
1.4	Supportive Housing	R
2	Apartment – Garden Type	R
4	Apartment House	R
4.1	Auto Rental Service Facility	I
	Café	
9	Child Day Care Center	C
10	Christmas Trees, Holly Wreaths and similar Christmas Decorations; the temporary sale of, outdoors only, between the dates of Nov. 15 & Dec. 31	C
11	Churches & Religious Institutions	C
13.1	Clinic, Community Health Center	C
17	Community Center	C
18	Dwelling – Single Family	R
19	Dwelling – Two Family	R

<sup>36</sup> [Formerly Section 4.B.10. (224-07).]

19.1	Dwelling, Multiple	R
20	Dwelling-Group or Town Houses	R
20.5	Family Day Care Home	C
24.1	Group Day Care Home	C
24.2	Historic Site	C
25	Home Occupation	C
	Independent Living Facility (224-06)	
29	Nursing Home	C
31	Professional Offices, <i>Accessory Use</i>	C
32	Professional Offices, Medical	C
33	Professional Offices, Principal Use	C
34	Professional Pharmacy	C
42.1	Senior Housing and Nursing Home Facility Complex	R
44.1	Agencies – Real Estate, Insurance, Employment	C
49	Art & Antique Shops	C
60	Automotive Equipment & Service	I
62	Bakeries	C
64	Barber, Beauty Shops	C
78	Carpentry, Woodworking Shop	I
81	Christmas Trees, Holly Wreaths & Similar Christmas Decorations, the sale of	C
84	Color Scanning Shop, except no limit on employees in Industrial Districts	I
86	Confectionary Store	C
	Consignment / Thrift Store – sale of used items including apparel, shoes, books and other non-perishable goods	C
87.1	Copy and Communication Center	C
92	Drug Store	C
95	Electrical & Manual Household Appliances (small) repair & service	I
96	Electronics Scientific Instrument Mfg smaller than 5,000 square feet	I
	Fabric Store	C
99	Floor Covering Shop, Retail	C
100	Florist Shop	C
101	Food Catering, including preparation of all foods for off-premises consumption, providing the number of persons working in any one location shall not exceed 5 except no limit on employees in Industrial Districts	C
104	Food Processing, Wholesale, excludes Meat, Fish, Vinegar, Yeast, Fat	I
105	Food Shops, Retail	C
111	Gardening Supplies, Retail	C
114	Glass Fabricators & Installation smaller than 5,000 square feet	I
117	Gymnasium or Physical Culture Establishment	C
118	Hardware Store	C
119	Ice Dispensing Service, Retail	C
123	Interior Decorating Services, no Retail	C
126	Laboratories, Research smaller than 5,000 square feet	I
127	Laundry, Cleaning & Dyeing Agency	I
129	Laundry & Dry Cleaning Establishment, Retail	C
130	Laundry, Self-Service; Dry Cleaning, Self-Service	C
131	Machine Shop, Blacksmith Shop smaller than 5,000 square feet	I

132	Manufacture & Assembly, smaller than 5,000 square feet, of: Art Goods; Boxes; Candy; Clothing; Cosmetics; Drugs; Electrical Goods; Excelsior; Felt; Fiber; Firearms; Flavoring; Furniture; Glass Products; Hats; House, Office and Theatre Equipment; Ladders; Leather & Sporting Goods; Mattresses; Models, Tools & Appliances; Musical Instruments; Novelties; Paper Products; Perfumes; Playground Equipment; Signs; Staging; Stationery; Store & Office Equipment; Synthetic & Plastics Products; Textiles; Toilet Preparations; Toys	I
134	Metal Fabrication of Light Sheet Metal Ducts, Gutters, Leaders smaller than 5,000 square feet	I
135	Millwork, Cabinet Work smaller than 5,000 square feet	I
137	Newsstand, Variety Store	C
138	Offices, Business & Professional	C
138.1	Official Emissions Inspection Station	C
139	Optician, Repairs	C
140	Optical & Scientific Instrument Mfg	I
143	Paint Stores including Wholesale Paint Stores for Resale off Premises	C
145.1	Personal Wireless Communication – Retail	C
148	Photo Engraving	C
151	Plumbing & Heating Shop	I
152	Printing; Industrial; Wallpaper	I
153	Printing; Job Shop, Publisher	I
157	Rag, Bag & Carpet Cleaning	I
	Residential Care Facility (224-06)	R
158	Restaurant, includes Entertainment & Liquors	C
159.1	Restaurant, Carry-Out	C
164.1	Self-Storage Facility	I†
	Senior or Disabled Day Program (224-06)	
167	Shoe Repair Shop	C
169	Sign Painting	C
172	Stone & Monument Works, Mfg., Display & Sale smaller than 5,000 square feet	I
175	Tailor Shop	C
177	Taxidermist	C
177.1	Tennis Courts, Indoor	C
180	Upholsterer except no limitation on number of employees	I
184	Wearing Apparel Fabrication & Processing	I
185	Welding Supplies & Equipment Including Welding Gases, Storage and Sale	I
186	Wholesale, Closed Storage Bldg. & Warehouses	I

\*Denotes designation in Appendix A, schedule of *Permitted Uses*.

\*\*\*As used in this Section 4.B.10, and for purposes of applying the development standards in subsections 14.3 and 14.4 below, the designation “R” shall mean a residential use, the designation “C” shall mean a commercial use, and the designation “I” shall mean an industrial use.

†Provided that the *FAR* standard provided in Section 14.3 below for Commercial uses shall be applicable to Self-Storage Facilities.

In the NX-D, the following uses from Appendix A of these Regulations shall be allowed, subject to *Special Permit* approval by the Zoning Board, in accordance with the procedures and standards as set forth under Section 9 and Section 2 of these Regulations:

<b>NX-D – Permitted Uses by Special Permit</b>		<b>Use Category***</b>
	Adult Use Cannabis Dispensary (223-17(MOD))	C
3	Apartment Hotel	C
	Bed & Breakfast	C
5	Boarding House, Rooming House	R
23	Garages, Public	C
24	Garage, Accessory	C
	Marijuana or Cannabis Delivery Facility (223-17(MOD))	
	Marijuana or Cannabis Delivery Service (223-17(MOD))	
	Marijuana or Cannabis Transport Facility (223-17(MOD))	
30	Passenger Terminals & Stations	C
30.2	Personal Wireless Service Facility	C
37	Public Utility Buildings	I
38	Public Utility Transformer & Pump Stations	I
39	Radio & television Broadcasting Stations & Masts	I
42.15	Social Hall	C
50	Assembly of Parts, Retail Only	C
53	Auto Parking Area, Commercial & Municipal	C
54	Auto Sales Agency, New with Used	I
55	Auto Sales Area, Used	I
56	Auto Service Station (Gasoline Filling Station)(See Section 11)	I
57	Auto Truck Storage Area	I
59	Automatic Car Wash Establishments Subject to Section 11	I
68	Bottling Plant	I
72	Building Material, Sales & Storage	I
77	Canvas Products Mfg.	I
79	Casting, Foundry	I
87	Contractor's Material & Equipment Storage Yard & Building	I
96	Electronics Scientific Instrument Mfg. greater than 5,000 square feet	I
96.1	Equipment Rental, General	I
109	Garages, Public (See Section 11)(subject to the standards of Sect. 11.C.2 and 11.C.3;	C
110	Garages, Bus & Taxi Service (See Section 11)	C
114	Glass Fabricators & Installation greater than 5,000 square feet	I
126	Laboratories, research greater than 5,000 square feet	I
131	Machine Shop, Blacksmith Shop greater than 5,000 square feet	I
132	Manufacture & Assembly, greater than 5,000 square feet, of: Art Goods; Boxes; Candy; Clothing; Cosmetics; Drugs; Electrical Goods; Excelsior; Felt; Fiber; Firearms; Flavoring; Furniture; Glass Products; Hats; House, Office and Theatre Equipment; Ladders; Leather & Sporting Goods; Mattresses; Models, Tools & Appliances; Musical Instruments; Novelties;	I

	Paper Products; Perfumes; Playground Equipment; <i>Signs</i> ; Staging; Stationery; Store & Office Equipment; Synthetic & Plastics Products; Textiles; Toilet Preparations; Toys	
133	Meat Processing excluding Slaughtering, Curing & Smoking	I
134	Metal Fabrication of Light Sheet Metal Ducts, Gutters, Leaders	I
134.5	Microwave Transmission Facilities, Commercial; Principal or <i>Accessory Use</i> greater than 5,000 square feet	I
135	Millwork, Cabinet Work greater than 5,000 square feet	I
	Motel	C
150	Plating, Lacquering & Finishing of Metals	I
155	Public Utility Service <i>Yards</i>	I
159.2	Restaurant, Drive-In	C
159.3	Restaurant, Fast-Food	C
170	Sorting, Baling, Processing or Storage of Junk, Wood, Metal, Paper	I
172	Stone & Monument Works, Mfg., Display & Sale greater than 5,000 square feet	I
179	Truck & Terminal, Classification Bldg. and/or Yard	I

\*Denotes designation in Appendix A, schedule of *Permitted Uses*.

\*\*\*As used in this Section 4.B.10, and for purposes of applying the development standards in Subsections 4.B.10.c. and 4.B.10.d below, the designation “R” shall mean a residential use, the designation “C” shall mean a commercial use, and the designation “I” shall mean an industrial use.

**5.U.3. Development Standards** (223-08; 223-09)

Standard	Residential Uses		Mixed-Use (residential and commercial or industrial)	Commercial and Industrial Uses (no residential)
	<i>1 and 2 family Dwellings</i>	<i>Multi (3+) family Dwellings</i>		
<i>Minimum Lot Size</i>	5,000 square feet	6,000 square feet	5,000 square feet	10,000 square feet
<i>Minimum Frontage</i>	50 feet	50 feet	50 feet	50 feet
<i>Residential Density Divider</i>	Maximum of 2 families per <i>Plot</i>	1,000	1,000	N/A
<i>Maximum Building Height</i>	35 feet or 3 <i>Stories</i> , whichever is less	60 feet or 5 <i>Stories</i> , whichever is less, and provided that after 45 feet of height, the remaining portion of the <i>Building</i> is setback an additional 10 feet from any required setback	60 feet or 5 <i>Stories</i> , whichever is less, and provided that after 45 feet of height, the remaining portion of the <i>Building</i> is setback an additional 10 feet from any required setback	60 feet or 4 <i>Stories</i> , whichever is less, and provided that after 45 feet of height, the remaining portion of the <i>Building</i> is setback an additional 10 feet from any required setback
<i>Maximum Floor Area Ratio*</i>	N/A determined by <i>Building Coverage</i> and <i>Building Height</i>	1.5	1.5	1.0
<i>Front Yard Setback, measured from Curb Line</i>	No less than 15 feet, which must include a 5-foot planted buffer	No less than 15 feet, which must include a 5-foot planted buffer	No less than 10 feet. However, if there is no active ground floor use, the <i>Front Yard</i> setback shall be no less than 15 feet and include a 5-foot	No less than 10 feet. However, if there is no active ground floor use, the <i>Front Yard</i> setback shall be no less than 15 feet and include a 5-foot

			planted buffer	planted buffer
Minimum Side Yard Setback From Curb Line	No less than 10 feet	No Side Yard required within 70 feet of a Street Line; 10 feet beyond 70 feet of Street Line; if provided no less than 10 feet.	No Side Yard required within 70 feet of a Street Line; 10 feet beyond 70 feet of Street Line; if provided no less than 10 feet.	No Side Yard required within 70 feet of a Street Line; 10 feet beyond 70 feet of Street Line; if provided no less than 10 feet.
Minimum Rear Yard Setback	30 feet	20 feet	20 feet	10 feet
Maximum Lot Coverage	70%	85%	85%	90%
Maximum Building Coverage	30%	60% 70% on Corner Lots	60% 70% on Corner Lots	70% 80% on Corner Lots
Usable Open Space	N/A	A minimum of 75 square feet per Dwelling Unit	A minimum of 75 square feet per Dwelling Unit	N/A

**5.U.4. Additional Development Standards Applicable to Uses within the NX-D**

**a. Additional Development Standards for mixed-use Buildings**

- (1) Location of uses in *Mixed-Use Buildings* – For new mixed use *Developments* that include residential uses, and for *Buildings* proposed to be converted to mixed use *Developments* that include residential uses (“conversion *Buildings*”), commercial and/or industrial uses may only be located on the *Story* below the lowest *Story* occupied by Dwelling Units, or on the same level as the lowest level *Story* occupied by Dwelling Units provided that such commercial and/or industrial uses are located along a public street frontage, in front of any Dwelling Units. In no event may Dwelling Units be located below any commercial or industrial use in a new *Mixed-Use Building* or conversion *Building*.
- (2) In any new *Mixed-Use Buildings* occupied by residential uses or in any conversion *Buildings*, residential uses and commercial/industrial uses, shall have separate direct pedestrian entrances.

**b. Setback from Abutting Zones.** Where a *Lot Line* abuts a residential zoning boundary, a minimum setback of 10 feet shall be provided, and provisions of Section 7.K. of these regulations shall not apply.

**c. Building Use and Frontage**

- (1) To the extent practical and consistent with the operational requirements of the intended use, the ground floor use shall be commercial use that is oriented toward its primary street frontage.
- (2) The ground level of any *Building* shall be designed to promote the pedestrian scale of the overall *Development*.

- (3) New *Buildings* shall face the main street edge and include entrances, commercial storefronts, or lobbies, as applicable.
  - (4) New *Buildings* with ground floor residential uses shall be raised at least 2-feet above grade, and include screening of first floor residences.
  - (5) All uses authorized in the NX-D District under Subsection 4.B.10.b. above shall be located exclusively indoors, except for the following:
    - Automatic Car Wash Establishments Subject to Section 11
    - Auto Parking Area, Commercial & Municipal
    - Auto Rental Service Facility
    - Auto Sales Agency, New with Used
    - Auto Sales Area, Used
    - Auto Service Station
    - Auto Truck Storage Area
    - Christmas Trees, Holly Wreaths & Similar Christmas Decorations, the sale of
    - Christmas Trees, Holly Wreaths and similar Christmas Decorations; the temporary sale of, outdoors only, between the dates of Nov. 15 & Dec. 31
    - Garages, Bus & Taxi Service
    - Gardening Supplies, Retail
    - Passenger Terminals & Stations
    - Restaurant, Drive-In
    - Truck & Terminal, Classification Bldg. and/or Yard
- d. **Sidewalks and Street Trees.** Sidewalks and Street Trees shall be provided pursuant to Section 12.K. (223-09)
- e. **Façade Length and Articulation.** Any new *Buildings* that have a façade length or width of more than 50 feet facing a public *Street* or adjoining residential district shall be designed to break the façade design into smaller masses or length through the use of changes in the plane of the elevation, articulated entries or window bays or other design features to reduce the scale and perceived bulk of *Building* masses. *Building* façades may be articulated by using color, arrangement, or change in materials to emphasize the façade elements. The planes of the exterior walls may be varied in height, depth or direction. Long *Building* façades are encouraged to be broken up into lengths of approximately thirty feet (30') with sufficient *Building* articulation and architectural features such as reveals and piers and, and landscaping in limited instances, to avoid a monotonous or overpowering institutional appearance.
- f. **Transparency**
- (1) New *Buildings* with active ground floor commercial use(s), residential lobby or amenity space and having a *Front Yard* setback of less than 15 feet from the curb shall have a minimum of 70% transparent glass on the ground floor on the sides of the *Building* that front public *Streets*. This requirement shall not apply for new *Buildings* that are setback 15 feet or more from the curb.

- (2) New *Buildings* with active ground floor industrial use(s) and having a *Front Yard* setback of less than 15 feet from the curb shall have a minimum of 50% transparent glass on the ground floor on the sides of the *Building* that front such public *Streets*. This requirement shall not apply for new *Buildings* that are setback 15 feet or more from the curb.
- (3) Where metal security gates are proposed along a street frontage for active ground floor uses mentioned above, open grille gates are encouraged in lieu of solid metal gates.

**(7) Landscaping and Buffers**

- (a) A landscaped buffer at least 5 feet wide shall be maintained between properties with commercial or industrial improvements, and properties with residential improvements.
  - (b) Required buffer areas shall be maintained as unoccupied landscaped open space and may include required curb cuts necessary to access the site and pedestrian walkways and similar improvements as approved by the reviewing body.
- g. **Parking and Loading.** The amount, location and dimensions of parking and loading and dimensions of driveways shall satisfy the standards of Section 12 of these Zoning Regulations, as modified by the following special standards applicable to *Development* within the NX-D:
- (1) Parking shall not be permitted in a *Front Yard* or buffer area.
  - (2) All **loading areas** shall be incorporated into *Buildings*, and/or suitably screened by means of solid fencing or landscaping, or a combination of both, to mitigate visual impacts to adjoining properties. Landscape screening materials should be maintained at a minimum height of four (4') feet.
  - (3) All parking abutting residential uses along the side and *Rear Lot Lines* shall be buffered by a 5-foot wide planting strip.
  - (4) **Shared Parking.** The shared use of parking may be permitted, subject to *Special Permit* approval by the Zoning Board, where a finding is made that individual uses will experience peak parking demands at different times. In such cases, the Zoning Board may authorize a reduction in parking by recognizing the opportunity to share common *Parking Spaces*, including off-street public *Parking Facilities*, in accordance with the general methodology entitled "Shared Parking", published by the Urban Land Institute in 1983, as amended and updated. Shared parking may be considered for multiple uses on individual parcels as well as between two or more parcels, subject to Zoning Board approval of a suitable *Parking Management Plan* and legal agreement, recorded on the land records, assuring the continued availability of the shared *Parking Spaces* on the affected properties for the life of the proposed *Development* or use.
  - (5) **Bicycle Parking.** New *Buildings* shall provide secure, safe and enclosed bicycle parking as follows:
    - (a) Residential – 1 space per 4 Dwelling Units
    - (b) Commercial – 1 space per 7,500 square feet of *Floor Area*
    - (c) Industrial – 1 space per every three (3) employees of the *Building(s)* on the *Lot*.



Bicycle Parking shall be either located at-grade or reachable by ramps.

- h. **Curb Cuts.** The number and width of curb cuts leading to off-street parking and loading areas shall be minimized to enhance pedestrian safety and to preserve the opportunity for on-street parking. The consolidation and sharing of driveways and curb cuts between adjacent properties and interior connections between parking *Lots* and/or the use of shared *Parking Facilities* is strongly encouraged. The Land Use Bureau Staff or Zoning Board, as applicable, may authorize a reduction in parking of up to ten percent (10%) if the use of shared curb cuts is implemented. Curb cuts shall be a minimum distance of 50 feet from street corners and 30 feet from other curb cuts.
- i. **Delivery and Storage Areas.** All service areas, trash receptacles, mechanical equipment, vehicles or equipment that are adjacent to other *Lots* or a public *Street* shall, to the extent practicable be located away from *Streets*, or be hidden from street and pedestrian view by *Buildings*, *Fences* and landscape treatments, or a combination thereof. No such service area shall be located in the *Front Yard*.
- j. **Enclosed Storage.** Storage areas in the NX-D shall be fully enclosed. In no case shall solid waste storage as defined by state and local law be permitted on site.
- k. **Site Lighting.** Site lighting shall be limited to cut-off fixtures that do not create glare or extend light onto adjacent residential properties. All site lighting shall be directed onto the site and shall be shielded from adjacent residential uses or zones and from the adjoining *Street*.
- l. **Hours of Operation.** The Zoning Board may attach reasonable conditions to the hours of operation of commercial and light industrial businesses, deemed necessary to safeguard the surrounding neighborhood.
- m. **Noise.** The proposed use must be shown to be in compliance with Stamford Code of Ordinances Chapter 164 - City of Stamford Noise Control Ordinance.
- n. **Vibration, Dust, & Odors.** The dissemination of dust, smoke, observable gas or fumes, odor, or vibration shall be contained to the immediate site of the *Building* in which such use is conducted, and the Zoning Board may attach such reasonable conditions and safeguards deemed necessary to ensure same.
- o. **Traffic & Parking.** *Development* shall be designed to avoid unusual traffic hazards or congestion due to the type of vehicles required in the use or due to the manner in which traffic enters or leaves the site of the use, and the Zoning Board may attach such reasonable conditions and safeguards deemed necessary to ensure same.
- p. **Signage.** Signage. The design, location and size of signage for uses in the NX-D shall be governed by the definitions of these Regulations and by the design criteria and signage rights permitted in the Architectural Review Design District (Section 5.A. and Section 11.D. of these Regulations), except that the following special standards shall apply (221-18, 221-28):
  - (a) In the case of Industrial uses on properties adjacent to an Interstate highway roadway system, Wall Signs placed on the street front wall of a Building may not exceed eight (8) feet in height, and the Zoning Board, by administrative review, may allow one (1) Ground Sign or Pole Sign to be located along the frontage adjacent to the Interstate highway roadway system.

Such sign shall not exceed sixty (60) square feet in area and no side of the sign face shall exceed ten (10) feet in length. A decorative or ornamental base structure supporting such sign may be allowed, provided the face of such decorative or ornamental base structure does not exceed one hundred (100) square feet in area, the structure contains no lettering and is one (1) color, which color may be different than the color of the sign. No Pole Sign authorized by this section, together with any decorative or ornamental base, shall exceed twenty-one (21) feet in height. The right to one (1) Ground Sign or Pole Sign and Wall Signs not exceeding eight (8) feet in height, shall not increase the aggregate signage rights allowed in the NX-D set forth in Section 5.A.4.a. of these Regulations nor modify any other requirement. (221-18, 221-28)

- q. **Historic Buildings.** the standards of 8. of these Regulations shall apply to any *Buildings* located in the NX-D that qualify as historic, as provided for under said section.
- r. **Below Market Rate Requirements.** *Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations. (220-13)

#### 5.U.5. Application and Review Procedure

- a. Application shall be made on forms provided by the Zoning Board and shall contain the information required under Section 2.D. and, for applications requiring *Special Permit* approval, Section 2.C. of these Regulations, and scaled drawings and architectural design information indicating location, specification of materials, dimensions, colors, manner of fabrication and installation, and such other additional supporting facts and information as required by the Zoning Board or the Land Use Bureau Chief to fully review the proposal.
- b. Where approval is required pursuant to this Section, no *Zoning Permit* shall be issued by the *Zoning Enforcement Officer* and no *Building* permit shall be issued by the *Building Department* except upon Site Plan and/or *Special Permit* approval by the Zoning Board or issuance of Site Plan approval by the Land Use Bureau Chief, or designee, as defined in subsection 14.5-e.
- c. Any *Special Permit* and/or Site Plan approval, for which a full *Building* permit has not been issued within one (1) year from the approval date, shall become null and void unless the reviewing authority, upon timely application and good cause shown, grants not more than three (3) one (1) -year extensions of the expiration date.
- d. The Zoning Board and/or Land Use Bureau Chief may seek the recommendations of any town or regional agency or outside specialist with which it consults. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.
- e. **Reviewing Authority.**
  - (1) The Zoning Board shall review and determine compliance with the standards of the NX-D, for (i) all uses permitted by *Special Permit*, by issuance of *Special Permit* and Site Plan approval, and (ii) all uses permitted as-of-right with greater than 20,000 square feet of *Lot Area*, by issuance of Site Plan approval.

- (2) The Land Use Bureau Chief shall conduct an administrative site plan and architectural review and determine compliance with the standards of the NX-D, by issuance of Site Plan approval, for all uses permitted as-of-right having less than 20,000 square feet of *Lot Area*.
  - (3) *Minor Modifications* to *Special Permit* approvals or approved site and architectural plans hereunder shall be reviewed by Land Use Bureau Staff. All other modifications shall be subject to subparagraphs 5.U.5.e(1) and 5.U.5.e.(2) of this Subsection e. above.
- f. **Exemptions.** Notwithstanding the above, the following projects and activities shall be exempt from site plan and/or *Special Permit* review under this Section, but must comply with all standards of this Section and all other provisions of these Regulations:
- (1) Minor repairs and/or minor alterations, maintenance or replacement of portions of an existing *Building, Structure, Sign*, utility service or other minor *Structures* and site features that would result in no significant impact on the design, function, architectural character or visual appearance of the *Building, Structure* or property.
  - (2) Exterior architectural modifications that do not substantially alter the existing height, bulk or façade of an existing *Building* or *Structure* and do not increase *Building Floor Area*.
  - (3) New signage not exceeding five (5) square feet in area in the aggregate.
  - (4) Interior modifications that do not result in a change in use of the *Building*.

**5.V. P PARK DISTRICT.<sup>37</sup>****5.V.1. Purpose**

The purpose of these districts is to set aside and protect areas that are publicly owned and designated as public parks, recreational facilities and open spaces and residential areas in near proximity to such district.

**5.V.2. Permitted Uses, as-of-right**

Uses and *Structures* permitted in these districts are those intended for active and passive recreational purposes as well as other customary park and educational uses and *Structures* incidental thereto, including but not limited to *Historic Sites*, public gatherings, public service and educational programs. Customary refreshment and service uses, incidental to the recreational use of a Park District, are permitted. All other business, commercial and municipal uses and *Structures* not directly incidental to the above *Permitted Uses* and *Structures* are prohibited.

**5.V.3. General Regulations**

All uses and *Structures*, including parking, shall be arranged and located to give protection to nearby residential property. Where the nature of the activities or facilities in the park present potential hazard or detriment to contiguous residential properties from noise, glare, odors, smoke, vibration, flying objects or traffic, protection to such contiguous residential properties shall be provided in the form of open space, *Fences*, walls, hedges, enclosures and/or by such other means as may be appropriate and effective to prevent or minimize such hazards.

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<sup>37</sup> [Formerly Section 4.B.4. (224-07).]

**5.W. P-D PLANNED DEVELOPMENT DISTRICT\*<sup>38</sup>****5.W.1. [Purpose]**

Any parcel of land or aggregation of parcels of land to be developed, redeveloped or rehabilitated principally for housing, and where the excellence of the overall design in accordance with the criteria listed below is such as to warrant special consideration for modification of standards contained elsewhere in these regulations may be designated by the Zoning Board, upon application the manner described herein, as a P-D PLANNED DEVELOPMENT DISTRICT where a determination is made that the following objectives are met:

- a. The proposed *Development* is consistent with the *Master Plan* and the objectives of comprehensive plans for *Redevelopment*, renewal or neighborhood preservation and rehabilitation by the City of Stamford.
- b. The proposed *Development* consists of such uses and such proportions as are most appropriate to its functional integration into the neighborhood.
- c. The proposed *Development* site plan is so designed in its space allocation, orientation, materials, landscaping and other features as to produce a stable and desirable character, complementary to the surrounding neighborhood.
- d. The proposed *Development* includes or supports the production of Dwelling Units available at less than market rates.

**5.W.2. Minimum Area**

The minimum site to be designated a P-D PLANNED DEVELOPMENT DISTRICT shall be 30,000 square feet in area and shall be so situated wholly or partially within the following boundary: beginning at a point on the intersection of West North Street and the Rippowam River, traveling south along the Rippowam River; east along Interstate 95; north along Clarks Hill Avenue; west along Broad Street, north along Grove Street; west along Hoyt Street and Linden Place; south along West Washington Avenue; and west along West North Street, to the point of beginning. (220-17)

**5.W.3. Permitted Uses**

The following *Permitted Uses* in the P-D PLANNED DEVELOPMENT DISTRICT shall be subject Zoning Board authorization for each as a part of its site plan review and approval:

- a. Hotel, Extended Stay; Apartment House or Dwelling; (223-30); Independent Living Facility (224-06)
- b. Neighborhood Commercial and/or professional office uses, provided that such uses shall be

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>38</sup> [Formerly Section 9.B. (224-07)]

located only on the ground floor and shall not, in the aggregate, exceed 5% of the *Gross Floor Area* of the *Building(s)*. For purposes of this section, neighborhood commercial uses shall include the following uses:

Apparel Shops; Art & Antique Shops; Banks and Financial Institutions; Bakery, Retail; Barber; Book, Stationary Stores; Camera Shop; Churches & Religious Institutions; Child Day Care Center; Churches and Religious Institutions; Clothing Store; Clubs & Lodges; Confectionery Stores; Copy and Communications Center; Custom Tailor; Drug Stores; Dry Goods Store; Florist; Food Shop, Retail; Gift Shops; Group Day Care Home; Hardware Store; Interior Decorating Shop; Jewelry Store; Laundry and Dry Cleaning, Retail; Offices, Business & Professional; Optician; Package Liquor Store; Personal Wireless Service Facility; Pharmacy; Photographic Studio; Public and Charitable Agencies; Restaurant, Standard; Schools; Senior or Disabled Day Program (224-06); Shoe Store; Shoe Repair; Sporting Goods, Retail; Textile, Retail; and Variety Store. (203-03; 223-10)

#### 5.W.4. Standards

In connection with uses set forth in Subsection 5.W.3.a. above, the following standards shall also apply:

- a. The maximum residential *Density* permitted in the P-D PLANNED DEVELOPMENT DISTRICT shall be seventy-five (75) Dwelling Units per acre (minimum 580 square feet of *Lot Area* per Dwelling Unit) on sites less than one acre. On sites of one acre (43,560 sq. ft.) or larger, the maximum *Density* shall be one hundred and eight (108) Dwelling Units per acre (minimum of 400 square feet of *Lot Area* per Dwelling Unit).
- b. The maximum *Building Height* permitted in the P-D PLANNED DEVELOPMENT DISTRICT shall be one hundred and ten (110) feet for sites under one acre and one hundred and seventy (170) feet for sites one acre or larger. Requirements found elsewhere in these Regulations regarding *Building Height* in the C-C Center City District shall apply in areas redesignated from the C-C District.
- c. For the purpose of these regulations, *Accessory Use* of the basement or ground floor, or portions thereof, or of independent *Structures* on the site for retail or other non-residential uses set forth herein shall be permitted subject to a limit of five percent (5%) of the *Gross Floor Area* planned for the *Development*.
- d. *[deleted]* (223-08)
- e. The total area occupied by principal *Structures* in the P-D PLANNED DEVELOPMENT DISTRICT may not exceed forty percent (40%) of the site. *Accessory Structures* may occupy an additional forty percent (40%) of the site, provided that site coverage of all *Structures* shall not exceed seventy percent (70%) and that accessory parking *Structures* do not exceed twenty feet (20') in height above the average grade excluding parapet walls, and include a landscaped roof with direct *Structured* access for the benefit of the residents of the *Development* as *Usable*

- Open Space.* Notwithstanding the above, where the total area occupied by all *Structures* including accessory parking *Structures* does not exceed 55% and all parking floors are suitably screened from sensitive public views, the Zoning Board may authorize increased height of accessory parking *Structures* not to exceed thirty-five (35) feet, may exempt the coverage of one-*Story* porches, porte cocheres, and balconies not to exceed three percent (3%), and may, on the roof of accessory parking *Structures*, approve the location of one-*Story* active recreation *Structures* which shall be exempt from height limitations. (87-018; 204-12)
- f. The restrictions of the R-MF Multiple Family Residence District, pertaining to *Front Yards*, *Side Yards* and *Rear Yards*, shall apply, provided that the Zoning Board may authorize a reduction in *Front Yard* setback for porches, porte cocheres, balconies and similar architectural features not exceeding a height of twenty feet above finished grade measured at the foundation. (204-12)
- g. There shall be a minimum residential off- street parking requirement of one space for each unit of one bedroom or less, one and one-quarter space for each two-bedroom unit and one and two-thirds space for each unit of three bedrooms or larger. Required parking for non-residential uses shall be as stipulated elsewhere in these regulations. The Zoning Board may grant a *Special Permit* to provide for a shared parking plan, or to authorize use of a valet parking system using vehicular elevator access and/or use of tandem *Parking Spaces*. All *Parking Spaces* to be provided pursuant to such *Special Permit* shall be provided at or prior to the issuance of Certificate of Occupancy. (84-043; 204-12, 220-17)
- h. *Below Market Rate (BMR) Dwelling Unit Standard.* *Below Market Rate Requirements: Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations. (203-16; 220-13)
- i. In the case of an *Extended Stay Hotel* where the usable area of the rooms intended for occupancy does not exceed an average of three hundred (300) net square feet each, and 24-hour on-site management services are provided, the Zoning Board may allow the following special standards in whole or in part as alternates to those listed above: (223-30)
- (1) *Floor Area Ratio (FAR)* shall not exceed three (3.0).
  - (2) The total area occupied by principal *Structures* shall not exceed sixty percent (60%) provided the *Principal Building* not exceed five (5) *Stories* and all parking be at or below grade with its roof elevation less than five (5) feet above grade and adequately screened and hidden from view. Accessory parking *Structures(s)* satisfying this standard shall be exempt from coverage and *FAR* standards.
  - (3) Open space of fifty (50) square feet per room intended for occupancy shall be provided at grade as specified in 3(d) above or in combination with adjacent accessible open space or parkland.
  - (4) Provided the *Building* is limited to five (5) residential *Stories*, the minimum *Yard* requirements shall be ten feet (10') for each front and *Side Yard*, and fifteen feet (15') for *Rear Yards*.
  - (5) As a minimum, one (1) *Parking Space* shall be provided per five rooms intended for

occupancy subject to final determination by the Zoning Board after consultation with the Department of Traffic and Parking. (92-002)

#### **5.W.5. Procedure**

The procedure to be followed in connection with applications for designation of P-D PLANNED DEVELOPMENT DISTRICT shall be as follows:

- a. Application and General Plans. Each application shall be accompanied by general site and architectural plans of the exterior of *Structures*, showing the intended *Development*, *Redevelopment* and/or rehabilitation of the land and *Structures* within the area to be redesignated; shall include a comparative analysis of specific characteristics of the proposed *Development* as they may differ from Appendix B, SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF *BUILDINGS* for the existing zone classification for the property; and shall include a request for authorization for specific uses intended for the *Development* in accordance with Subsection 5.W.3.a. of this Section; The application and general plans shall be sufficient in scope and character to determine that the objectives of the P-D PLANNED DEVELOPMENT DISTRICT will be met. Any proposed division of the site into separately-owned and operated units shall be indicated.
- b. The Zoning Board shall render a decision within ninety (90) days of receipt of the application unless an extension of time is agreed to by the applicant. An approval shall be construed to amend the requirements of these regulations insofar (and only insofar) as specific deletions, additions and changes are permitted which are related to the land and *Structures* proposed for the P-D PLANNED DEVELOPMENT DISTRICT.
- c. After the approval of the P-D zone change application and general plans, the applicant shall file final site and architectural plans with the Zoning Board, containing all of the plans and information as specified by Section 2.D. C of these Regulations. No *Building* permit for the proposed *Development* or any part thereof shall be issued until the Zoning Board has determined that final plans are in accordance with the application and general plans previously approved, and with the standards of Section 2.D. Site Plan Review and the general purposes and other applicable standards of these Regulations. Final site and architectural plans shall be acted upon by the Zoning Board within ninety (90) days after they are submitted to the Zoning Board unless an extension of time is agreed to by the applicant.

#### **5.W.6. Performance**

The applicant(s) shall secure a *Building* permit within one (1) year of the effective date of Zoning Board approval under Subsection 5.W.5.c. above. Upon failure to secure said permit, the modifications or amendments provided for in Subsection 5.W.5.a. as they pertain to the subject application shall become null and void, and the area zoning district classification shall revert to the zoning district classification previously existing. No Certificate of Occupancy shall be issued



until a written certificate of completion has been submitted by the applicant and accepted by the Zoning Board.

#### **5.W.7. Effectiveness**

Upon the effective date of Appl. 88-004 establishing Subsection 5.W.4.h - "*Below Market Rate Dwelling Unit Standard*", property already zoned P-D and holding a valid general site plan approval shall be entitled to secure final site and architectural plan approval and to complete the improvements and establish the uses authorized, consistent with the general site plan approval, without otherwise complying with the requirements of Subsection 5.W.4.h, provided that final site and architectural plan approval shall be secured within a period of three (3) years from the effective date of this amendment.

**5.X. RA-3, RA-2, RA-1 SINGLE FAMILY DISTRICTS, VERY LOW DENSITY<sup>39</sup>****5.X.1. Purpose**

The purpose of these districts is to set aside and protect areas which have been or may be developed predominantly for single family *Dwellings* on large *Lots* in a rural setting. Certain other uses are also permitted as-of-right or by *Special Permit* subject to adequate conditions and safeguards. It is intended that all uses permitted in these districts be compatible with single family *Development* and consistent with local *Street* characteristics, the use and protection of private water and sewer facilities (where public facilities are unavailable) and the level of other public services. It is hereby found and declared, further, that these regulations are necessary to the protection of these areas and that their protection is essential to the maintenance of a balanced community of sound residential area of diverse types.

**5.X.2. Permitted Uses**

See Appendix A, Land Use Schedule. (223-30)

c. [*deleted*] (223-30)

d. [*deleted*] (219-26)

**5.X.3. Building Regulations**

## a. RA-3 Districts

- (1) Minimum *Lot Area*: 130,680 sq. ft., designed to contain a circle 200 feet in diameter.
- (2) Minimum *Frontage*: 200 ft.
- (3) Maximum *Building Coverage*, all *Buildings*: 10%
- (4) Maximum *Building Height*: 3 *Stories*, may not exceed 35 feet
- (5) Minimum *Yards*: Front: 60 ft., Rear: 70 ft., Side: at least 35 ft. each side

## b. RA-2 Districts

- (1) Minimum *Lot Area*: 87,120 sq. ft., designed to contain a circle 200 feet in diameter.
- (2) Minimum *Frontage*: 200 ft.
- (3) Maximum *Building Coverage*, all *Buildings*: 10%
- (4) Maximum *Building Height*: 3 *Stories*, may not exceed 35'
- (5) Minimum *Yards*: Front: 60 ft., Rear: 70 ft., Side: at least 35 ft. each side

## c. RA-1 Districts

- (1) Minimum *Lot Area*: 43,560 sq. ft. designed to contain a circle 125 feet in diameter.
- (2) Minimum *Frontage*: 125 ft.
- (3) Maximum *Building Coverage*, all *Buildings*: 15%

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<sup>39</sup> [Formerly Section 4.B.1. (224-07)]

(4) Maximum *Building Height*: 3 *Stories*, may not exceed 35'

(5) Minimum *Yards*: Front: 40 ft., Rear: 60 ft., Side: one side 15', both sides 35'

- d. On *Lots* created by subdivision approved after the effective date of this Regulation exclusively accessed by private rights-of-way where the overall property is impacted by a FEMA flood zone, inland wetlands, steep slopes (incline of 15% or greater), or other significant natural resources, the minimum *Front Yard* along such private rights-of-way may be 50% of the requirement in paragraphs a., b. and c. above, and provided the limits of *Front Yard* reduction are stipulated as conditions of the subdivision approval and filed on the Stamford Land Records. (222-35)

**5.Y. R-20, R-10, R-7 1/2 SINGLE FAMILY DISTRICTS, LOW DENSITY**<sup>40</sup>**5.Y.1. Purpose**

The purpose of these districts is to set aside and protect areas which have been or may be developed predominantly for single family Dwellings. Certain other uses are also permitted as-of-right or by *Special Permit* subject to adequate conditions and safeguards. It is intended that all uses permitted in these districts be consistent with local *Street* characteristics and the level of public services. It is hereby found and declared, further, that these regulations are necessary to the protection of these areas and that their protection is essential to the maintenance of a balanced community of sound residential areas of diverse types.

**5.Y.2. Permitted Uses**

See Appendix A, Land Use Schedule. (223-30)

**5.Y.3. Building Regulations**

## a. R-20 District

- (1) Minimum *Lot Area*: 20,000 sq. ft., designed to contain a circle 100 feet in diameter.
- (2) Minimum Frontage: 100 ft.
- (3) Maximum *Building Coverage*, all *Buildings*: 15%
- (4) Maximum *Building Height*: 2 1/2 *Stories*, not to exceed 30'
- (5) Minimum *Yards*: Front: 40 ft., Rear: 50 ft., Side: one side 15', both sides 35'

## b. R-10 Districts

- (1) Minimum *Lot Area*: 10,000 sq. ft.
- (2) Minimum Frontage: 75 ft.
- (3) Maximum *Building Coverage*, all *Buildings*: 20%
- (4) Maximum *Building Height*: 2 1/2 *Stories*, not to exceed 30'
- (5) Minimum *Yards*: Front - 40 ft., Rear - 30 ft., Side: at least 10 ft. each side

## c. R-7 1/2 Districts

- (1) Minimum *Lot Area*: 7500 sq. ft.
- (2) Minimum Frontage: 60 ft.
- (3) Maximum *Building Coverage*, all *Buildings*: 25%
- (4) Maximum *Building Height*: 2 1/2 *Stories*, not to exceed 30'
- (5) Minimum *Yards*: Front: 30 ft., Rear: 30 ft., Side: at least 6 ft. each side

On *Lots* created by subdivision approved after the effective date of this Regulation and exclusively accessed by private right-of-way where the overall property is impacted by a FEMA flood zone,

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<sup>40</sup> [Formerly Section 4.B.2. (224-07).]

inland wetlands, steep slopes (incline of 15% or greater), or other significant natural resources, the minimum *Front Yard* along such private rights-of-way may be 50% of the requirement in paragraphs a., b. and c. above, but in no case less than 20', and provided the limits of *Front Yard* reduction are stipulated as conditions of the subdivision approval and filed on the Stamford Land Records. (222-35)

**5.Z. R-6 ONE- AND TWO-FAMILY DISTRICT**<sup>41</sup>**5.Z.1. Purpose**

The purpose of this district is to set aside and protect areas which have been or may be developed predominantly for one family or two family detached family Dwellings on separate Lots. It is the intent of these regulations to stabilize such neighborhoods and preserve the type of Dwelling Units and Density provided for. Certain other uses are also permitted as-of-right or by *Special Permit* subject to adequate conditions and safeguards. It is intended that new *Development* permitted in this district be harmonious and compatible with existing Dwellings. It is hereby found and declared, further, that these regulations are necessary to the protection of these areas and that their protection is essential to the maintenance of a balanced community of sound residential areas of diverse types.

**5.Z.2. Permitted Uses, as-of-right**

In any R-6 district a *Building* or other *Structure* may be erected, altered, arranged, designed or used and a *Lot* or *Structure* may be used as-of-right for any of the following purposes and no other:

- a. Single family detached Dwellings, two-family detached Dwellings; one per *Lot*. Multiple Dwellings are specifically prohibited.
- b. Public parks and playgrounds.
- c. Public school.
- d. Family day care homes.
- e. Group Day Care Home (223-10)

**5.Z.3. Permitted Uses, Special Permit**

The following uses shall be permitted by *Special Permit*:

- a. Camp, summer day; provided that such camps shall be operated only between the hours of 8 A.M. and 6 P.M. from June 1 to September 1. In considering a *Special Permit* for this purpose, the Board shall take into account the size of the parcel involved, the number of campers and the proximity of the camp to existing Dwellings. The Board may condition this use on adequate screening and placement of facilities so they do not interfere with the quiet use and enjoyment of surrounding properties.
- b. Cemeteries and Mausoleums.
- c. Child day care centers (223-10)
- e. Christmas trees, etc. temporary sale of by non-profit organizations. Sale is limited to outdoors only between the dates of November 15 and December 31. The granting of a *Special Permit* for this use shall include a condition requiring disposal of all debris left over from the sale of

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<sup>41</sup> [Formerly Section 4.B.3.]

such merchandise so that the premises will be left in reasonably clean condition after the last mentioned date of sale.

- f. Churches and other places of worship including an accessory parish house.
- g. Public library or branch thereof.
- h. Public utility transformer and pump stations.
- i. Public Youth Services Agency, R-6 District Only. (213-25)
- j. School, non-public.

**5.Z.4. Building Regulations**

- a. Minimum *Lot Area*:
 

Single Family Dwelling	5000 sq. ft.
Two Family Dwelling	6000 sq. ft.

On *Lots* of at least 5,000 sq. ft. but less than 6,000 sq. ft., there may be located by conversion a second Dwelling Unit in a single family dwelling existing as of June 24, 1986 or constructed or last modified as to total *Floor Area* at least five (5) years prior to the date of application under this section. Such second Dwelling Unit shall be limited to one (1) bedroom and no more than three (3) additional rooms, and may occupy the existing unexpanded useable *Floor Area* of any single floor, or if created by expansion shall be limited to 700 sq. ft. of useable area. *Building Coverage* (footprint) of the *Principal Building* shall not be increased by the conversion or subsequent to the conversion, except for exterior stairways required by the *Building Code*. Three (3) off-street, suitably screened and landscaped *Parking Spaces* shall be provided for such converted Dwellings, two of which may be provided in tandem.

- b. Minimum Frontage: 50 ft.
- c. Maximum *Building Coverage*, all *Buildings*: 25%
- d. Maximum *Building Height*: 2<sup>1</sup>/<sub>2</sub> *Stories*, not to exceed 30'
- e. Minimum *Yard*: Front: 25 feet, Rear: 30 feet, Side: at least 6 feet each side

**5.AA. R-5 MULTI-FAMILY, MEDIUM DENSITY DESIGN DISTRICT\*<sup>42</sup>****5.AA.1. Purpose**

The purpose of this district is to set aside and protect areas which have been or may be developed predominantly for medium density multi-family *Dwellings* of various types. Certain other uses are also permitted as-of-right or by *Special Permit* subject to adequate conditions and safeguards. It is intended that new *Development* permitted in this district be harmonious and compatible with existing *Buildings*. It is hereby found and declared further that these regulations are necessary to the protection of these areas and that their protection is essential to the maintenance of a balanced community of sound residential areas of diverse types.

**5.AA.2. Procedure**

All projects located on *Lots* of 30,000 square feet or more, and all applications for R-5 *Special Permit* uses shall be subject to approval of site and architectural plans by the Zoning Board. R-5 projects located on *Lots* of less than 30,000 square feet shall be subject to review and approval by the *Zoning Enforcement Officer*.

**5.AA.3. Permitted Uses, as-of-right**

In any R-5 district a *Building* or other *Structure* may be erected, altered, arranged, designed or used, and a *Lot* or *Structure* may be used as-of-right for any of the following purposes and no other:

- a. Dwelling - single family, two family and multifamily.
- b. Public parks and playgrounds.
- c. Public schools.
- d. Passenger terminals and stations.
- e. Family day care homes.
- d. Group Day Care Home (223-10)

**5.AA.4. Permitted Uses, Special Permit**

The following uses shall be permitted by *Special Permit*; the same uses and in the same manner as are permitted by *Special Permit* in the R-6 district and in addition:

- a. Colleges and Dormitories.
- b. *Historic Site*.

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>42</sup> [Formerly Section 9.M. (224-07).]



- c. Public and Charitable Agencies.
- d. Radio and Television Broadcasting Stations and Masts.
- e. Hospital Complex

#### 5.AA.5. Building Regulations

- a. **Minimum Lot Area:**
  - One Family Dwelling: 5000 sq. ft.
  - Two Family Dwelling: 6000 sq. ft.
  - Multi-family Dwelling: 9000 sq. ft.

On *Lots* of at least 5,000 sq. ft. but less than 6,000 sq. ft., there may be located by conversion a second Dwelling Unit in a single family dwelling existing as of June 24, 1986 or constructed or last modified as to total *Floor Area* at least five (5) years prior to the date of application under this section. Such second Dwelling Unit shall be limited to one (1) bedroom and no more than three (3) additional rooms, and may occupy the existing unexpanded useable *Floor Area* of any single floor, or if created by expansion shall be limited to 700 sq. ft. of useable area. *Building Coverage* (footprint) of the *Principal Building* shall not be increased by the conversion or subsequent to the conversion, except for exterior stairways required by the *Building Code*. Three (3) off-street, suitably screened and landscaped *Parking Spaces* shall be provided for such converted Dwellings, two of which may be provided in tandem.

- b. **Minimum Frontage:**
  - One or Two Family Dwelling: 50 ft.
  - Multi-family dwelling,  
*Lot Area* less than 30,000 sf.: 60 ft.
  - Lot Area* 30,000 sf. or more: 150 ft.
- c. **Maximum Building Coverage**, all *Buildings*: 30%
- d. **Maximum Building Height:**
  - 1 or 2 Family Dwelling: 2<sup>1</sup>/<sub>2</sub> *Stories*, may not exceed 30'
  - Multi-family Dwellings: 3 *Stories*, may not exceed 40'
- e. **Minimum Yards:**
  - Front: 20 ft.
  - Rear: 30 ft.
  - Side - 1 or 2 family dwelling: at least 6 ft. each side. Multi-family dwelling: Six feet (6') plus 6 inches (6") for each foot of length of an individual *Building* over forty-five (45'), measured parallel to the side *Lot Line*, not to exceed fifteen (15') feet. (99-004).
- f. **Minimum Lot Area per Dwelling Unit:**
  - For all *Lots* 30,000 square feet or more there shall be at least 2,500 square feet of *Lot Area* per dwelling.
  - For all *Lots* less than 30,000 square feet there shall be at least 3,000 square feet of *Lot Area* per Dwelling Unit.

- g. **Below Market Rate Requirement.** *Below Market Rate Requirements: Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations. A premium *Density* bonus not to exceed 22 Dwelling Units per acre on *Lots* with an area of 30,000 square feet or more may be permitted with Zoning Board approval by *Special Permit*, if all required *BMR Units*, except for fractional units, are provided on-site. (220-13)
- h. On *Lots* with an area of 30,000 square feet or more utilizing the *Premium Density* bonus set forth in Subsection 5.AA.5.g above, the Zoning Board may approve the following modifications of R-5 development standards:
- (1) useable open space shall be provided on-site, with the amount, location and design of such open space subject to determination and approval of the Zoning Board.
  - (2) maximum *Building Coverage* percentage may be increased to 33% if a one-car enclosed garage is provided for each unit or increased to 35% if a two-car enclosed garage is provided for each unit. (203-10; 220-13)

**5.BB. R-D DESIGNED RESIDENTIAL DISTRICT\*<sup>43</sup>****5.BB.1. [Purpose]**

The Zoning Board, upon application in the manner prescribed herein, may designate a specific area now designated for single family *Development* as R-D Designed Residential District. The intent of such designation shall be to provide possible alternatives to residential *Development* presently permitted under existing zoning. Zoning Board approval shall be based upon a determination that such a designation will be consistent with the objectives of the Comprehensive Plan of Zoning and the *Master Plan* and accomplishes all of the following purposes where applicable: (81-032)

- a. Preserves and protects exceptional terrain, natural beauty, or sites of historic interest from the insensitive placement of homes, roadways, utilities and appurtenances.
- b. Preserves streams, rivers and ponds as natural resources and prevents flooding, erosion and water pollution.
- c. Preserves wetlands, aquifers, topographical or soil features, marine and wildlife habitats and other features having conservation values.
- d. Preserves significant land area for open space and recreational purposes in perpetuity.
- e. Encourages the more efficient *Development* of the land so that resulting economies may inure to the benefit of those who need homes.

**5.BB.2. [Standards]**

The following standards shall apply to all property designated as R-D Designed Residential Districts:

- a. **Size and Development of Zone.** The minimum acreage required for designation as R-D Designed Residential District shall be not less than twenty-five (25) acres when situated in an RA-3 One Family Residence District; not less than fifteen (15) acres when situated in RA-2 One Family Residence District; not less than ten (10) acres when situated in RA-1 One Family Residence District; or not less than eight (8) acres when situated in R-20 or R-10 One Family Residence Districts. Said minimum acreages shall have been held as a single contiguous parcel of land, whether by one or successive owners, for at least three years prior to an application for a zone change to an R-D District. The foregoing sentence shall not, however, prohibit any parcel or parcels smaller than said minimum acreage being added to, and qualifying for R-D District designation, with a parcel possessing such minimum acreage. The total size of any R-D District, beyond the minimum required acreage, shall be determined at the discretion of the Zoning Board on an individual basis. All R-D Designed Residential district sites are to be comprehensively planned and developed. Land zoned R-7<sup>1</sup>/<sub>2</sub> One Family Residence District

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>43</sup> [Formerly Section 9.A. (224-07).]

shall not be eligible for designation as R-D Designed Residential District. (81-032; 82-029; 85-011; 88-011)

**b. Use Regulations:**

(1) **Principal Permitted Uses.** The principal *Permitted Uses* in any R-D Designed Residential District shall be those permitted in the zone in which the land was located prior to its conversion to a Designed Residential District except that *Dwelling Units* may be attached in groups of three (3) units or less. (81-032).

(2) **Accessory Permitted Uses.** The *Accessory Uses* permitted shall be:

(a) Those permitted in the zone in which the land was located prior to its conversion to an R-D Designed Residential District;

(b) Recreational facilities such as tennis courts, swimming pools and club houses to be used solely by residents of the proposed *Development*.

(3) **Special Permit Permitted Uses.** Notwithstanding standards contained elsewhere in these regulations, Senior Housing and Nursing Home Facility Complexes may be allowed pursuant to the standards contained in Section 4. and Section 5.BB.2.f.

c. **Density Standards.** The maximum number of *Dwelling Units* permissible in the R-D Designed Residential District shall not exceed ninety percent (90%) of the number obtained by dividing the gross acreage by the minimum *Lot* size permitted in the pre-existing zone, and may be less where a determination is made by the Zoning Board that physical and topographical features of the land would preclude attainment of such *Density* under prior existing zoning. (81-032; 203-04; 220-13)

d. **Maximum Building Area and Height Requirements.** The maximum *Building Area* and height requirements in the R-D Designed Residential District shall be the same as those in the zone in which the land was located prior to its conversion to an R-D Designed Residential District, except that if such land is contiguous to a more restricted zone for more than twenty-five percent (25%) of the total distance of its boundary lines, the requirements in such more restricted zone shall be adhered to.

**e. Area and Yard Requirements - Location and Structures**

(1) The placement of all *Principal Buildings* shall provide for a safe, efficient and harmonious grouping as well as adequate privacy by providing adequate front, side and *Rear Yards* subject to the approval of the Zoning Board. Every *Dwelling Unit* shall have direct vehicular access to a highway, right-of-way, or service drive, giving access to a public highway. Named service drives may be designated on the site plan, provided that all units are fully detached, and the names of such service drives be submitted for review and approval by the Planning Board, and associated addresses be assigned by the Director of Operations or designee and are recorded on the Stamford Land Records. (208-12)

(2) Structures shall be placed so as to fulfill the objectives of Subsection 5.BB.1 to minimize adverse effect on the environment, and so as to take advantage of meteorological and

ecological conditions.

- (3) No Building built on any *Lot* which is contiguous to residentially used property in RA-3, RA-2 and RA-1 One Family Residence Districts shall be erected nearer than eighty feet (80') to said contiguous *Property Line* nor nearer than fifty feet (50') to said contiguous property in the case of R-20 and R-10 One Family Residence Districts. "Building" shall include only the *Principal Building* and shall not include *Accessory Buildings* but no such *Accessory Building* shall be nearer than fifty feet (50') to any *Lot* used for residential purposes in RA-3, RA-2 and RA-1 One Family Residence Districts, nor nearer than thirty feet (30') to any *Lot* used for residential purposes in R-20 and R-10 One Family Residence Districts. (81-032; 85-011)
- (4) No attached Dwelling Unit Buildings built on any *Lot* which is contiguous to residentially used or residentially zoned property in RA-3, RA-2 and RA-1 One Family Residence Districts shall be erected nearer than one hundred fifty feet (150') to said contiguous *Property Line* nor nearer than eighty feet (80') to said contiguous *Property Line* in the case of R-20 and R-10 One Family Residence Districts. "Buildings" shall include only *Principal Buildings* and shall not include *Accessory Buildings* but no such *Accessory Building* shall be nearer than fifty feet (50') to any property used or zoned for residential purposes in RA-3, RA-2 and RA-1 One Family Residence Districts, nor nearer than thirty feet (30') to any property used or zoned for residential purposes in R-20 or R-10 One Family Residence Districts. (81-032; 85-011)

#### **f. Open Space Requirements**

- (1) **Area of Open Space Preserve.** Comprehensive site development plans for R-D Designed Residential District shall provide for open space preservation equal to thirty percent (30%) of the district when changed from RA-3, RA-2 and RA-1 One Family Residence Districts, and twenty percent (20%) of the district when changed from R-20 or R-10 One Family Residence Districts. When comprehensive site development plans specify attached Dwelling Units, such plans shall provide for open space preservation equal to fifty percent (50%) of the district when changed from RA-3, RA-2 and RA-1 One Family Residence Districts, and forty percent (40%) of the district when changed from R-20 or R-10 One Family Residence Districts. (81-032; 85-011)
- (2) **Character of Open Space Preserve.** Such areas shall encompass land having meaningful ecological, aesthetic and recreational characteristics, with access, shape, dimensions, locations, topography and nature and extent of improvements thereon suitable in the opinion of the Zoning Board to insure the conservation purposes specified in Subsection 5.BB.1. above.
- (3) **Use of Open Space Preserve.** Portions of open space preserves improved for active recreational purposes, including tennis courts, pools, club house, paved trails or play areas shall not exceed seven and one-half percent (7½%) of the area changed from R-D Designed Residential District from RA-3, RA-2 or RA-1 One Family Residence Districts and shall not exceed five percent (5%) of the area changed to R-D Designed Residential District

from R-20 and R-10 One Family Residence District. (85-011)

- (4) **Disposition and Preservation of Open Space.** The open space land shall be preserved and maintained solely for the purposes specified in Subsection A-1 above and in such a manner as may be acceptable to the Zoning Board. The method for effectuating such preservation and maintenance of open space land shall be limited to one of the following:
- (a) Establishment of a mandatory homeowner's association to own and maintain the land in common for the open space purposes intended; or
  - (b) Transfer of the land to a conservation trust or an institution, person, organization or other conservation-oriented entity together with the requisite requirements for maintenance of the land for the open space purposes intended; or
  - (c) Dedication of the land to the City of Stamford subject to acceptance by the City of such dedication.

The Zoning Board shall require the owner or owners of the open space land to execute, acknowledge and file in the Land Records of the City of Stamford such maps and documents as, in the opinion of the Corporation Counsel, will effectively create a trust, easement or covenant running with the land, for the benefit of the abutting Dwelling Unit owners and of the City, which:

- will be binding on all future owners of the open space land;
  - will not be affected by any subsequent changes in zoning;
  - may be enforced by adjoining property owners or the City by appropriate action in court for damage or equitable relief;
  - will be perpetual;
  - will assure appropriate maintenance of the open space land to the satisfaction of the Zoning Board;
  - shall provide that if maintenance, preservation and/or use of the open space land no longer complies with the provisions of the trust, easement or covenant, the City may take all necessary action to effect compliance and assess the costs against the owners in default;
  - shall provide that such trust, easement or covenant may not be modified, altered, amended or changed without written approval of the Zoning Board, and all
  - beneficiary property owners in the R-D Designed Residential District except in the case of city-owned land in which case Charter provisions shall apply.
- g. **Application Procedure.** The application for R-D Designed Residential District designation shall include the following:
- (1) A written statement describing how the designation to R-D Designed Residential District will accomplish the purposes under Subsection A-1 above; the proposed method of property ownership; a generalized time schedule for staging and completion of the *Development*; and the method of preservation and maintenance of intended open space

portions of the land.

- (2) Application contents shall include all of the plans and information as specified by Section 2.D.3. of these Regulations. (88-025)
- (3) Community Septic Systems
  - (a) At the discretion of the Zoning Board, for projects without access to public sanitary sewers that propose the use of community septic systems, applications for designation as R-D Designed Residential District may elect to follow the General Plan procedure outlined in Section 5.L.7. and 5.L.8, except that references to DW-D shall be construed as references to R-D and no pre-application review shall be required.
  - (b) The applicant shall submit written confirmation from the Connecticut Department of Environmental Protection, Water Compliance Division, that the proposed conceptual design of the community septic system(s) is capable of satisfying all applicable technical requirements and standards for construction, installation and maintenance as established by Connecticut Department of Environmental Protection, Water Compliance Division, including confirmation that on-site septic load testing has demonstrated adequate hydraulic capacity to support the proposed R-D *Development*.
  - (c) The applicant shall provide written confirmation from the Stamford Water Pollution Control Authority indicating approval of a preliminary management plan with sufficient legal and financial authority to insure the effective operation, maintenance and repair of the proposed community septic system.
  - (d) The applicant shall be required to reimburse the City of Stamford for the cost of a peer review of the site testing and design of the community septic system by an independent consulting engineers reporting to the Zoning Board. The applicant shall pay the City of Stamford for the full cost of this peer review prior to the Zoning Board acting on the application. (204-06)

All of the requirements set forth above shall be contained in site and architectural plans which shall be submitted to and be subject to the approval of the Zoning Board in accordance with the specific objectives of the R-D District, the procedures and review standards of Section 2.D. Site Plan Review, and the general purposes and other applicable standards of these Regulations, who shall not approve same until after a public hearing. Prior to the public hearing, the Zoning Board shall refer all plans to the Environmental Protection Board for review and comments. Subsequent to approval, proposed additions or modifications to *Principal Buildings*, or *Accessory Buildings*, shall also be subject to approval by the Zoning Board who shall require the applicant to notify abutting Dwelling Unit owners via certified mailing not less than fourteen (14) days prior to the next regular meeting of the Zoning Board at which time the applicant's plans and written comments (if any) of those persons notified shall be considered and a determination made whether a public hearing is required. (77-016; 81-032; 88-025)

- h. **Below Market Rate Dwelling Units Requirement.** *Below Market Rate* Requirements: *Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations (203-04; 220-13)



## 5.CC. R-H MULTIPLE FAMILY DESIGN DISTRICT, HIGH DENSITY\*<sup>44</sup>

### 5.CC.1. Purpose

The purpose of this multi-family design district is to set aside areas which have been and may be developed predominantly for high density high-rise *Dwellings*. It is intended that *Development* in these districts provide an attractive living environment and include open space for the use and enjoyment of tenants. The regulations are designed to insure that the highest intensity uses have a *Lot Area* adequate to meet the parking and open space requirements of these regulations.

In addition to *Dwellings*, the Zoning Board may by *Special Permit* authorize a limited amount of professional office and/or neighborhood retail space in certain *Buildings*. These uses are compatible with high *Density* housing and are intended to provide relatively small spaces for individual businesses serving the local community.

### 5.CC.2. Procedure

Applications for approval pursuant to the standards of paragraph 5.CC.5.c of this subsection and all applications for R-H *Special Permit* uses shall be subject to approval of site and architectural plans by the Zoning Board in accordance with the standards and procedures of Section 2.D. of these Regulations. All other R-H applications shall be subject to review and approval by the *Zoning Enforcement Officer*.

### 5.CC.3. Authorized Uses

In any R-H district a *Building* or other *Structure* may be erected, altered, arranged, designed or used, and a *Lot* or *Structure* may be used for all of the uses permitted as-of-right in the R-MF district.

### 5.CC.4. Special Permit Uses

At the discretion of the Zoning Board, the following *Special Permit* uses may be authorized upon a finding that the use is consistent with the purposes of the R-H Design District and these Regulations, and with the standards of Section 2.C.2:

- a. All uses permitted by *Special Permit* in the R-MF district.
- b. Neighborhood Commercial - On *Lots* over 43,560 square feet, neighborhood commercial and/or Professional Office uses may be approved on the ground floor only. In no case shall permitted professional office and neighborhood commercial *Development* in the aggregate exceed 10% of the *Gross Floor Area* of the *Building(s)*. For the purposes of this Section, neighborhood

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>44</sup> [Formerly Section 9.K. (224-07).]

commercial shall include all uses permitted in the C-N zone. (86-040, 88-025, 89-019)

- c. The design, location and size of signage for such neighborhood commercial and residential uses shall be approved by the Zoning Board, as it deems appropriate to the project design, location and use, subject to the following standards. Not more than two (2) ground mounted *Signs* (dedicated to neighborhood commercial or residential use), each not to exceed thirty (30) square feet in area and eight (8) feet in height, may be erected on any *Plot*. Wall signage placed on the ground floor commercial façade shall not exceed two square feet in area for each lineal foot of *Building* frontage occupied by commercial use, and notwithstanding Section 13-E in these regulations, on *Lots* over 43,560 square feet, residential signage will be allowed on the front wall of the *Building* only and shall not exceed twenty (20) square feet. This residential signage on the front wall of the *Building* shall not be illuminated and shall be located below the second floor of the *Building*. (205-43, 213-28)

### 5.CC.5. Building Regulations

- a. Standards for all *Lots* containing less than 20,000 square feet are the same as R-MF regulations for *Lots* less than 20,000 square feet including regulations pertaining to Apartment Buildings for the Elderly<sup>45</sup>.
- b. On *Lots* containing 20,000 square feet to 43,559 square feet the following regulations shall apply:
- (1) **Minimum Lot Area:** 20,000 square feet
  - (2) **Minimum Lot Area per dwelling unit:** 1,250 square feet
  - (3) **Minimum Lot Area per dwelling unit, Apartment Buildings for the Elderly:** 833 sq.ft.
  - (4) **Minimum Frontage:** 100 feet
  - (5) **Maximum Building Coverage, all Buildings:** 35 percent
  - (6) **Maximum Building Height:** 4 *Stories*, may not exceed 40 ft.
  - (7) **Minimum Yards:** Front: 15 feet  
Rear: 30 feet  
Side: One-half the height of the *Building* but need not exceed 15 feet each side.
- c. On *Lots* one acre or more (43,560 square feet) the following regulations shall apply:
- (1) **Minimum Lot Area:** One acre (43,560 square feet)
  - (2) **Minimum Lot Area per dwelling unit:** 725 square feet
  - (3) **Minimum Lot Area per dwelling unit, Buildings exclusively for Seniors** or consisting of one-room units, 484 square feet, subject to the issuance of a *Special Permit* by the Zoning Board; provided further, that where one room units are proposed said units shall not exceed

<sup>45</sup> [This Use was eliminated by application # 224-06 Refer to “Independent Living Facility” in Section 4.E. for Bonus Provisions for Senior Housing.]

750 square feet of living space. (86-040)

- (4) **Minimum Frontage:** 150 feet
- (5) **Maximum Building Coverage, all Buildings:** 35 percent
- (6) **Maximum Building Height:** 125 feet except that no accessory parking *Structure* or part of a *Principal Building* devoted to parking shall exceed ten feet in height. (92-009)
- (7) **Minimum Yards:** Front - 20 feet from *Street Line* and 45 feet from street center, except where a *Special Permit* is granted by the Zoning Board to permit neighborhood commercial uses, and where such uses occupy 50% or more of a building linear frontage, minimum setback may be reduced by the Zoning Board to 10 feet from *Street Line* and 35 feet from street center to encourage increased interaction with pedestrian traffic, notwithstanding any other requirements in these regulations. All side and *Rear Yards* shall be no less than one-third the height of the *Building* and in no case less than 10 feet. (86-040, 213-28)
- (8) **Parking** shall be provided as stipulated elsewhere in these Regulations; provided, however:
  - (a) the Zoning Board may grant a *Special Permit* pursuant to Section 12.D.1.b. to reduce the minimum number of residential spaces required, and where *Special Permit* is granted by the Zoning Board to permit and encourage neighborhood commercial uses, the Zoning Board may also authorize required parking for commercial uses to be satisfied completely, or in part, by the sharing of residential spaces. The general methodology entitled “Shared Parking”, published by the Urban Land Institute in 1983, as amended, may be used to determine the appropriateness of sharing, with additional consideration given to established patterns of uses of individual establishments. A *Parking Management Plan* (PMP) shall be submitted to and approved by the Zoning Board as a component of approval of any parking reduction submitted pursuant to Section 12.D.1.b. and/or any shared parking proposal. Said PMP shall demonstrate that the proposed parking ratio and/or shared parking arrangement adequately meet the needs of the *Development*, and there will be no adverse impact on adjacent properties or city *Streets*. Any future change of neighborhood commercial use shall require further administrative approval by the Zoning Board; and (213-28)
  - (b) parking for permitted restaurant uses may be reduced to the rate of no less than 4 spaces per 1,000 square feet subject to administrative approval by the Zoning Board. A *Parking Management Plan* (PMP) shall be submitted to the Zoning Board as a component of approval of any reduction. Any change of use shall require further administrative approval by the Zoning Board. (84-043, 211-37)
- (9) **Five and One-Half Story Development.** In the case of proposed *Development* not exceeding a maximum of five and one-half ( $5\frac{1}{2}$ ) residential *Stories*, where granted by *Special Permit* by the Zoning Board, the following modifications of R-H standards may be awarded:

- (a) *Building Coverage* may be increased to forty (40%) percent plus an additional five (5%) percent coverage may be permitted for one-*Story* open carports, open unscreened covered porches, gazebos, storage facilities and other one-*Story Accessory Structures* contributing to the residential character of the *Development*.
  - (b) Front setbacks may be reduced to not less than ten (10) feet on the ground floor and fifteen (15) feet on upper floors where such reductions will encourage diverse architectural articulation.
  - (c) Side and *Rear Yard* requirements may be reduced, unless within the scope of Section 7.K, but in no case shall be less than ten (10) feet.
  - (d) The requirements of Section 7.K may be waived, subject to a finding by the Board that the proposed arrangement of *Building Height*, setback and other relevant site features will better achieve the intent to protect adjacent residential *Development*. (89-019)
  - (e) Where proposed *Development* is within a *Downtown Master Plan Category*, the Zoning Board, by issuance of a *Special Permit*, may authorize *Building Coverage* to be increased to sixty percent (60%) and may exempt from the calculation of *Building Coverage* landscaped roof areas that are above parking *Structures* and/or ground floor uses and that are accessible to residents as *Usable Open Space*. (205-17)
- (10) **Below Market Rate Requirement:** *Below Market Rate Requirement: Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations. A premium *Density* bonus not to exceed 80 *Dwelling Units* per acre on *Lots* with an area of 43,560 square feet or more, may be permitted with Zoning Board approval by *Special Permit*, provided that all required *BMR Units*, except fractional units, are provided on site. (220-13)
- (11) On *Lots* with an area of 43,560 square feet or more utilizing the bonus *Density* set forth in subsection (10) above, the Zoning Board may approve the following modifications of R-H development standards:
- (a) front setback from street center may be reduced or waived.
  - (b) *Useable Open Space* shall be provided on-site, with the amount, location and design of such open space subject to determination and approval of the Zoning Board.
  - (c) *Building Coverage* may be increased up to five percent (5%).
  - (d) side and rear setbacks shall be not less than one-third the height of the *Building*, but need not exceed fifteen (15) feet.
  - (e) the requirements of Section 7.K may be reduced or waived. (203-11)

#### 5.CC.6. Screening of Parking.

- a. At least two-thirds of the total number of *Parking Spaces* provided for any *Building* constructed pursuant to Subsection 5.c of this Section shall be located below grade or enclosed within a *Building* or screened from pedestrian level views to the satisfaction of the Board. This

- requirement shall not apply to an Apartment Building for the Elderly.<sup>46</sup> (210-47)
- b. The following requirements shall apply to all *Parking Areas* for more than five (5) cars on any *Lot* of 20,000 square feet or more in the R-H District:
- (1) There shall be a buffer strip of land on the same *Lot* as the *Parking Area* located between the *Parking Area* and the *Property Line*. The buffer strip shall be at least three feet wide and shall not be encroached on or over by any part of a parked car.
  - (2) Said buffer strip shall be landscaped with dense evergreen planting of a species which normally grows to a height of at least four feet, at least two feet high at planting, designed to screen noises, odors, visibility and headlight glare in the *Parking Area* from the adjacent property. A suitable opaque *Fence* or wall at least five feet high may be substituted for the evergreen planting. In cases where a *Fence* or wall is provided, such wall or *Fence* shall be supplemented by landscaping. Landscaping shall consist of hedges or other ornamental plants supplemented by shade or flowering trees. There shall be at least one tree for each twenty-five linear feet of buffer area.
  - (3) All trees and plants required by this section shall be maintained in a healthy growing condition. Plant materials which do not meet this requirement shall be replaced by the property owner.

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<sup>46</sup> [This Use was eliminated by application # 224-06 Refer to “Independent Living Facility” in Section 4.E. for Bonus Provisions for Senior Housing.]

**5.DD. R-HD RESIDENTIAL DISTRICT, HIGH DENSITY.<sup>47</sup>****5.DD.1. Definition**

The Residential High Density District (R-HD) is defined as an area for predominantly transit-oriented, high-density, high-rise residential *Development* within *Master Plan Categories* 5 (High Density Residential), 9 (Urban Mixed-Use), 11 (Downtown) and 16 (Transit-Oriented Development District) which is comprised of a parcel or contiguous parcels 40,000 sf or larger. It is intended that *Development* in this district provides an attractive living environment and includes open space for the use and enjoyment of residents and visitors. Where appropriate, neighborhood retail and other services are also encouraged. The regulations are designed to ensure that the highest intensity uses have a *Lot Area* adequate to meet the parking and open space requirements of these regulations. (221-11)

**5.DD.2 Criteria for Designation as Residential High Density District**

The Zoning Board may map a parcel or contiguous parcels of 40,000 sf or larger within the appropriate *Master Plan Category* as a R-HD Zoning District. A parcel or parcels less than 40,000 sf, but located within *Master Plan Categories* 5, 9, 11 and 16 may only be designated a R-HD Zoning District if abutting an already existing R-HD Zoning District. (223-09)

**5.DD.3 Authorized Uses**

In any R-HD district a *Building* or other *Structure* may be erected, altered, arranged, designed or used, and a *Lot* may be used, for any of the following uses. Uses defined in Section 4 are noted with wide spacing text.

- Apartment – Garden Type
- Apartment House or Dwelling
- Assisted Living Facility
- Camp, Summer Day
- Child Day Care Center
- Christmas Trees, Temporary Sale
- Churches and Religious Institutions
- Clinics, Community Health Center
- Clubs and Lodges, Non-Profit
- Colleges and Universities
- Community Center
- Dormitory
- Dwelling Multiple

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<sup>47</sup> [Formerly Section 4.B.11. (224-07).]

- Dwelling-Group or Town Houses
- Group Day Care Home (223-10)
- *Historic Site*
- Independent Living Facility (224-06)
- Neighborhood Commercial – along designated Commercial Streets only. For the purposes of this Section, Neighborhood Commercial shall mean only those uses permitted as-of- right in the SRD-S Zoning District (including applicable area limitations), (ii) occupy not more than 0.75 FAR, and (iii) be located exclusively on the ground floor. No new standalone commercial Buildings shall be permitted; however existing commercial office Buildings may be allowed to remain provided they are not expanded by more than 10% of the existing *Floor Area* at the time of designation. (221-03, 221-11)
- Nursing Home
- Public and Charitable Institutions
- Public Library or any Branch thereof
- Public Utility Transformer and Pump Stations
- Residential Recreational Area
- School, Non-Public
- Schools, Public
- Senior Housing and Nursing Home Facility Complex (without any limitation as to minimum parcel size)
- Senior or Disabled Day Program (224-06)
- Supportive Housing (by Special Permit) (224-06)

**5.DD.4. Building Regulations (223-08)**

	<b>Lots less than one acre</b>	<b>Lots one acre or more</b>
<b>a. Minimum Lot Size</b>	5,000 sf	43,560 sf
<b>b. Minimum Street Frontage</b>	50 feet	150 feet
<b>c. Density - Floor Area Ratio</b>	2.5 (Premium FAR 0.25) <sup>6)</sup>	3.75 (Premium FAR 0.75) <sup>6)</sup>
<b>Residential Density Divider (RDD) / market rate</b>	1,000 sf	1,000 sf
<b>RDD / affordable housing, housing for Seniors</b>	800 sf	800 sf
<b>d. Building Coverage</b>	60% (80% Corner Lots)	80% (90% Corner Lots) 50% above a height of the lesser of 7 stories or 80 feet 30% above a height of the lesser of 12 stories or 135 feet
<b>e. Max. Building Height<sup>3), 4)</sup></b>	The lesser of 7 stories or 80 feet	The lesser of 12 stories or 135 feet (when located in <i>Master Plan Category 5</i> , and when located outside the STDA in <i>Master Plan Categories 9 and 11</i> )

		The lesser of 25 stories or 275 feet (when located within the STDA in <i>Master Plan Categories 9 and 11</i> ) <sup>4)</sup>
f. <b>Base Height</b> <sup>3)</sup>	Minimum: The greater of 3 stories or 35 feet Maximum: The lesser of 5 stories or 55 feet	Minimum: The greater of 4 stories or 45 feet Maximum: The lesser of 7 stories or 80 feet
g. <b>Street Wall Setback (measured from Street Line</b> <sup>3) 4)</sup> above <b>Base Height</b>	Minimum: 10 feet	Minimum: 15 feet
h. <b>Front Setback</b> <sup>3)</sup> from <b>Curb Line</b>	Minimum: 10 feet (15 feet on <i>Commercial Streets</i> ) Additional 5' planted buffer required when ground floor is used residentially <sup>5)</sup> Maximum: 20 feet (25 feet on <i>Commercial Streets</i> )	Minimum 10 feet (15 feet on <i>Commercial Streets</i> ) Additional 5' planted buffer required when ground floor is used residentially <sup>5)</sup> Maximum: 25 feet (30 feet on <i>Commercial Streets</i> )
i. <b>Side and Rear Setback</b> <sup>3)</sup>	None required within 70 feet of <i>Street Line</i> ; if provided at least 15 feet Minimum 15 feet beyond 70 feet of the <i>Street Line</i>	None required within 70 feet of <i>Street Line</i> ; if provided at least 15 feet Minimum: 15 feet beyond 70 feet of the <i>Street Line</i> (30 feet beyond 70 feet of the <i>Street Line</i> above a height of the lesser of 5 stories or 60 feet)
j. <b>Lot Coverage</b> (223-09)	Maximum 85% <sup>1)</sup>	Maximum: 90% <sup>1)</sup>

- 1) May be increased by up to 100% if additional coverage in excess of maximum *Lot Coverage* is provided either as pervious surface, such as permeable pavers, or green roof. (223-09)
- 2) [deleted] (223-08)
- 3) Any part of a *Building* exceeding a height of 85' or eight (8) stories, whichever is less, shall be set back at least 30' from the *Master Plan Category Boundary* when abutting land in *Master Plan Categories 1, 2, 3, 4, 6, 7, 8, 14 and 15* within Parking Category 1. Any part of a *Building* exceeding a height of 60' or five (5) stories, whichever is less, shall be set back at least 30' from the *Master Plan Category Boundary* when abutting land in *Master Plan Categories 1, 2, 3, 4, 6, 7, 8, 14 and 15* outside Parking Category 1. (221-11; 223-09)
- 4) Within the STDA in *Master Plan Categories 9, 11 and 16*, every portion of a *Building* exceeding a height of the lesser of 12 stories or 135' above the average finished grade shall be considered a "Tower". The minimum distance between individual Towers shall be no less in horizontal distance than 100', unless they are separated by a public street. Towers shall be set back at least 50' from any *Interior Lot Line*. Under no circumstances shall Towers cover more than 30% of the *Zoning Lot Area*. The floor plate of an individual Tower shall not exceed 15,000 sf up to a height of the lesser of 20 stories or 225' and 12,000 sf for portions above the lesser of 20 stories or 225'. No Tower floor plate shall be less than 7,500 sf, except for mechanical penthouses. (223-09)
- 5) Where the Street frontage is 75 feet or less and the adjacent *Buildings* are closer to the *Curb Line* than prescribed herein, the Front Setback may be reduced to the distance from the *Curb Line* to the existing *Building(s)*. However, no sidewalk shall be narrower than ten (10) feet on *Commercial Streets* and eight (8) feet on all other Streets.
- 6) [deleted] (223-09)
- 7) Where a *Lot* maintains a minimum of 150' of water frontage, not less than 50' of street frontage shall be required.



Existing vehicular easements/connections to public and private rights-of-way may continue to provide access and egress to the property. (221-03)

- k. **Parking.** The standards of Section 12 shall apply; provided, however, that within the Parking Category 1 for any non-residential use permitted in Subsection 5.DD.3. above or approved by the Zoning Board in accordance with Subsection 5.DD.5.e(8) below, the parking requirement is 2.0 spaces per 1,000 sf of *Floor Area*. The first 2,500 sf of each establishment shall be excluded from this requirement. The Standards of Section 12.D.1.c. shall also be applicable in the R-HD zoning district subject to *Special Permit* granted by the Zoning Board.
- l. **Below Market Rate Requirement.** *Below Market-Rate Housing: Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations.
- m. **Signage.** All Signage shall comply with the standards of Subsections 11.A.-11.E. of these Regulations. Where non-residential uses are provided on the ground floor on a Commercial Street, Subsection 11.F.(1-3) and Subsection 11.F.(7) shall apply for the frontage of such uses, provided that no sign shall be higher than 17' above the average finished grade of such frontage.
- n. **Public Amenity Requirement.** *Publicly Accessible Amenity Space (PAAS)* shall be provided pursuant to Section 6 of these Regulations. (221-03, 223-31)
- o. **Public Amenity Bonus.** If more *Publicly Accessible Amenity Space* is provided than the minimum amount required pursuant to Subsection h. above, then *Bonus Floor Area*, in addition to the *Floor Area Ratios* specified in table d. above, may be granted by the Zoning Board pursuant to Section 3.B., Definition "*Floor Area, Bonus*". (223-11)
- p. **Site Design**
  - (1) **Mitigation of Environmental Impact.** Appropriate measures shall be taken to mitigate environmental impacts to coastal resources through sensitive design and implementation of best available technologies and methods for controlling pollutant discharges from the site. Where the Environmental Protection Board or Zoning Board authorizes encroachment or removal of any inland wetland or other natural resource, a suitable on-site or off-site habitat replacement program or alternative mitigation effort shall be provided consistent with local, state, or federal permits as may be required and subject to approval of the Environmental Protection Board or the Zoning Board.
  - (2) **Landscaping.** All areas of the site not devoted to *Buildings*, Structures or other designed uses shall be suitably landscaped to the satisfaction of the Zoning Board. Landscaping shall be designed, provided and permanently maintained consistently with the design and visual quality criteria of adjacent uses and neighborhoods. Use of native plants and plants requiring little or no irrigation is strongly encouraged.
  - (3) **Exterior Lighting.** Exterior lighting, averaging not less than one-half (0.5) foot candles, shall be provided to ensure adequate and safe lighting of all pedestrian sidewalks, walkways and *Parking Areas* within the site and along the property frontage to the *Curb Line*. Lighting fixtures shall be appropriately shielded to prevent trespass lighting onto adjoining private property.

- (4) **Fencing.** Chain link fencing shall not be permitted. Fencing materials along public streets and other public rights-of-way shall be limited to tubular steel or wrought-iron-type milled steel pickets. Fencing alongside *Rear Yards* or within a *Lot* may be wood, steel pickets or any other *Fence* type approved by the Zoning Board.

q. **Architectural Design**

- (1) **Contextuality.** The architectural design of new *Buildings* or *Substantial Renovation or Alteration* or renovation projects shall be coordinated and compatible with the architectural context of the site and prevailing character of the surrounding areas. Design compatibility includes complementary Building style, form, size, colors and materials. Multiple *Buildings* on the same site shall be designed to create a cohesive visual relationship between the *Buildings*.
- (2) **Building Elements.** *Buildings* shall be designed to have a clear base, middle and top.
- (3) **Building Height.** Coordination of the height of new *Buildings* or *Substantial Renovation or Alteration* or renovation projects with the actual and apparent height of adjacent Structures is encouraged, especially where Buildings will adjoin or be close to each other. Coordination of *Building Height* can often be achieved by adjusting the height of a wall, cornice or parapet line to match that of the adjacent *Building*. Similar design linkages can be achieved to adjust apparent height by placing window lines, belt courses, and other horizontal elements in a pattern that generally reflects the same elements on neighboring *Buildings*.
- (4) **Building Volume.** *Buildings* shall be designed to reduce their perceived height and bulk by incorporating architectural strategies such as, but not limited to, dividing the building mass into smaller-scale components and providing articulation of all façades . Architectural strategies which create the appearance of a series of side-by-side *Buildings* or bays are encouraged on longer *Buildings*. Rooflines may be emphasized, for example, with a variety of roof forms, parapets, balustrades, and/or cornices. Where side elevations of *Buildings* are prominently exposed to pedestrian view from public streets, architectural strategies shall be employed to provide articulation of the façade and to diminish perceived height.
- (5) **Materials.** Changes in façade treatment from lower to upper levels shall occur along a horizontal line, with the visually-heavier treatment below the visually-lighter treatment. Paneling materials applied to one façade only, such as brick paneling, shall be extended around building corners to a logical break in plane, so as to look substantial rather than “pasted-on.”
- (6) **Façades.** Building façades shall be articulated by using color, arrangement or change in materials to emphasize the façade elements. The planes of the exterior walls may be varied in height, depth or direction. Long building façades are encouraged to be broken up into manageable lengths with sufficient building articulation and architectural features such as reveals and piers and, and landscaping in limited instances, to avoid a monotonous or overpowering institutional appearance. Retail Stores with building frontages exceeding

50' are encouraged to include architectural details and design elements to create the appearance of multiple storefronts. Building façades and site improvements significantly exposed to public view shall be constructed with high quality, durable exterior materials. This paragraph is not intended to discourage the use of high quality, durable and innovative materials.

- (7) **Screening of Roof Top Mechanicals.** Rooftop mechanical equipment shall be integrated into the design of the *Building* and set back at least 10' from all upper-level building façades , and effectively screened from view from street level.
  - (8) **Building Entrances.** The principal building entrance and front building façade shall be prominently located and visible from the street and shall not be oriented toward a parking *Lot*. A *Building* on a *Corner Lot* is encouraged to have its principal entrance facing the primary street. Where parking is located to the side or rear of a *Building*, or above the ground floor, a secondary entrance may be provided for direct access to the *Parking Area* or a walkway should lead to the primary entrance at the street. All entries should be well lit and shall include architectural treatment that heightens their visibility.
  - (9) **Storefronts.** Storefronts and architectural façades shall serve to enliven the street and provide a continuous “border of interest” by maintaining storefronts and window displays close to the outermost edge of the building façade and by avoiding deep setbacks and dark alcoves. Ground floor used for non-residential uses shall have a floor-to-ceiling height of at least 12'. Storefront windows and glazing shall be of clear vision glass only; tinted or reflective glass shall not be permitted. Storefront windows shall be as large as reasonably possible and are encouraged to have a minimum height of six feet (6') with a window sill of not more than three feet (3') above grade, and to occupy 75% or more of the building frontage on the street on the ground floor between the heights of 3' and 10'. Primary store entrances shall open to the street where possible. Where storefronts do not open to the street, building façades should be highly articulated with projections, recessions, windows, and other design elements to avoid blank, featureless areas.
  - (10) **Security Systems.** Preferred security systems are glass shock, breaker sensors or electronic alarms. Open grill gates when used shall be mounted within the store interior behind the window display with the gate housing hidden from view. Solid slat rolling gates or shutters, barbed wire and razor wire are prohibited.
  - (11) **Ground Floor Residences.** Ground floor residences shall not be permitted along Commercial Streets. Privacy measures shall be employed for ground floor residences along public sidewalks including, but not limited to, elevating the finished first floor a minimum of 24" above the finished grade of the sidewalk, installing reverse shades, introducing landscaped private terraces or implementing other screening measures. There shall be at least a five foot (5') wide planting strip between the sidewalk and each ground floor dwelling.
- r. **Sustainability.** All Buildings shall be required to employ sustainable building practices including: Energy Star rating for Building Efficiency; Efficient Appliances; energy sub

metering, use of cool roof surfaces; employ traffic demand management strategies as well as incentives for shared car usage; all as set forth in either of the following standards (i) US Green Building Council's LEED Silver (ii) Enterprise Green Communities Criteria Pre-Build (iii) Green Building Initiative's Green Globe (2 Globes). Applicants shall certify compliance with these requirements. As part of the review, Land Use Bureau staff may request from applicants, submission of specifications, certifications from qualified professionals or other documentation to verify the certification made by the applicant that it complied with these requirements.

#### **5.DD.5. Application and Review Procedure**

- a. **Application Format.** Applications shall be made on forms provided by the Zoning Board and shall comply with and contain the information required under Section 2.D. of these Regulations, and shall include scaled drawings and architectural design information indicating location, specification of materials, dimensions, colors, manner of fabrication and installation, and such other additional supporting facts and information as requested by the Zoning Board or the Land Use Bureau Chief to fully review the proposal. Presentation of actual samples of the exterior architectural materials and colors is required, except where it is determined that samples are not needed to provide assistance to the Zoning Board in making a decision.
- b. **Scope of Approval.** Where approval is required pursuant to this Section, no *Zoning Permit* shall be issued by the *Zoning Enforcement Officer* and no Building Permit shall be issued by the Building Department except upon Site Plan approval by the Zoning Board or the Land Use Bureau Chief, or designee, as defined in Subsection 4.B.11.m.4 below.
- c. **Validity of Approvals.** Any Site Plan approval for which a full Building Permit has not been issued within one (1) year from the approval date, shall become null and void unless the Zoning Board, upon timely application and good cause shown, grants not more than three one-year extensions from the expiration date.
- d. **Reviewing Authority**
  - (1) On parcels 20,000 sf and larger, the Zoning Board shall review and determine compliance with the standards of the R-HD District, by issuance of Site Plan approval pursuant to Section 2.D. of these Regulations, for all new construction, alterations, expansion, rehabilitation and change of use,
  - (2) On parcels less than 20,000 sf for as-of-right uses as defined in Subsection c. above, the Land Use Bureau Chief, or designee, shall review and determine compliance with the standards of the R-HD District for construction of *Buildings*, *Structures*, and *Accessory Structures*, including additions and alterations to existing *Buildings* and *Structures*,
- e. Pursuant to *Special Permit* approval following a public hearing, the Zoning Board may modify the requirements of the following subsections of this R-HD Regulation, based on the findings of Section 2.3 of these Regulations and the following additional findings:

- (1) **Subsection 5.DD.3.** (Authorized Uses). The Zoning Board may allow additional uses if it finds that these uses are compatible with the neighborhood character and would not create noise, light, parking or traffic conditions exceeding those of permitted as-of-right uses. Under no circumstances shall uses be allowed that are exclusively limited to M-L and/or M-G Districts.
- (2) **Subsection 5.DD.4.f.** (Base Height). The Zoning Board may modify the Base Height of a Building if such modification allows for better alignment with existing Buildings and Structures, or for design features that improve the overall appearance or quality of the Building.
- (3) **Subsection 5.DD.4.g** (Street Wall Setback). The Zoning Board may modify the Building Street Wall Setback from the Base Height if such modification allows for better alignment with existing Buildings and Structures, or for design features that improve the overall appearance or quality of the *Building*.  
For buildings or portions of buildings 5 stories or less or 60 feet or less, the Zoning Board may reduce side and/or rear setback requirements to no less than the permitted setback of the building on the adjacent property.
- (4) **Subsection 5.DD.4.h.** (Front Setback). The Zoning Board may modify the Front Setback if it finds that such modification:
  - allows for better alignment with existing Buildings and Structures, or for design features that improve the overall appearance or quality of the Building;
  - allows for landscaped exterior *Courts* or other Building or public open space elements that enhance the streetscape;
  - allows for drives or access to required off-street parking or pick-up and drop-off for Building residents or their guests; or
  - allows for the rational *Development* of the site because of specific site conditions and constraints.
- (5) **Subsection 5.DD.4.i.** (Side Setback). The Zoning Board may reduce the Side Setback for a shared *Lot Line* for buildings or portions of buildings not exceeding 5 stories or 60 feet, whichever is less, and which are exclusively used for parking, mechanical or storage space if it makes all the following additional findings:
  - The adjoining property is located in a zoning district with less restrictive Side Setback requirements;
  - The proposed Side Setback is at least as deep as required in the less restrictive district; and
  - The reduced Side Setback would not reduce the *Light and Air* for residential uses on the adjoining property to less than is required under these Regulations.
- (6) **Subsection 5.DD.4.i.** (Rear Setback). The Zoning Board may reduce the Rear Setback for a shared *Lot Line* for buildings or portions of buildings not exceeding 5 stories or 60 feet,

whichever is less, and which are exclusively used for parking, mechanical or storage space if it makes all the following additional findings:

- The adjoining property is located in a zoning district with less restrictive Rear Setback requirements;
- The proposed Rear Setback is at least as deep as required in the less restrictive district; and
- The reduced Rear Setback would not reduce the *Light and Air* for residential uses on the adjoining property to less than is required under these Regulations.

(7) **Subsection 5.DD.4.j.** (Pervious Surface). The Zoning Board may modify or waive Pervious Surface requirements in consultation with the Engineering Department and EPB based on considerations such as soil conditions, including but not limited to bedrock or contamination.

(8) **Subsection 5.DD.4.k.** (Non-Residential Parking). The Zoning Board may, in consultation with the Transportation, Traffic & Parking Bureau, reduce the Non-Residential Parking requirement if the applicant can demonstrate that the proposed parking or Traffic Demand Management measures meet the parking needs and will not have an adverse effect on traffic and parking conditions in the vicinity of the site.

**f. Exemptions.** The following projects and activities shall be exempt from Zoning Board site plan review under this Section, when determined by the Zoning Board or the Land Use Bureau Chief, or designee:

- (1) Minor repairs and/or minor alterations, maintenance or replacement of portions of an existing Building, Structure, sign, utility service or other minor Structures and site features that would result in no significant impact on the design, function, architectural character or visual appearance of the Building, Structure or property.
- (2) Exterior architectural modifications that do not substantially alter the existing height, bulk or façade of an existing *Building* or *Structure* and do not increase *Building Floor Area*.
- (3) Interior modifications that do not result in a change in use of the *Building*.

**5.EE. RM-1 MULTI-FAMILY, LOW DENSITY DESIGN DISTRICT\***<sup>48</sup>**5.EE.1. Purpose**

The purpose of this multi-family design district is to set aside and protect areas which have been or may be developed predominantly for low density multi-family *Dwellings* of various types. These districts may be located adjacent to single family districts and provide for a logical transition in *Density* between such districts and higher intensity zones. Certain non-residential uses are permitted as-of-right or by *Special Permit* by the Zoning Board, subject to adequate conditions and safeguards. It is intended that new *Development* permitted in this district be compatible and harmonious with existing *Buildings*. It is hereby found and declared further that these regulations are necessary to the protection of these areas and that their protection is essential to the maintenance of a balanced community of sound residential areas of diverse types.

**5.EE.2. Procedure**

All projects located on *Lots* of 30,000 square feet or more, and all applications for RM-1 *Special Permit* uses shall be subject to approval of site and architectural plans by the Zoning Board. RM-1 projects located on *Lots* of less than 30,000 square feet shall be subject to review and approval by the *Zoning Enforcement Officer*.

**5.EE.3. Authorized Uses**

In any RM-1 district a *Building* or other *Structure* may be erected, altered, arranged, designed or used, and a *Lot* or *Structure* may be used for any of the following purposes and no other:

- a. *Dwellings* - single family, two family and multi-family.
- b. Public parks and playgrounds.
- c. Public schools.
- d. Family day care homes.
- e. Child Day Care Center.(222-31)
- f. Group Day Care Home (223-10)

**5.EE.4. Special Permit Uses**

At the discretion of the Zoning Board, the following *Special Permit* uses may be authorized upon a finding that the use is consistent with the purposes of the RM-1 Design District and these Regulations, and with the standards of Section 2.C.2:

- a. the same uses authorized by *Special Permit* in the R-6 District.

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>48</sup> [Formerly Section 9.L. (224-07).]

- b. Hospital Complex.
- c. Nursing Homes.

#### 5.EE.5. Building Standards:

- a. **Minimum Lot Area:** 5000 sq. ft.
- b. **Minimum Lot Area per Dwelling Unit:** 3750 sq. ft.
- c. **Minimum Frontage:** 50 ft.
- d. **Maximum Building Coverage,** all *Buildings*: 25%
- e. **Maximum Building Height:** 2<sup>1</sup>/<sub>2</sub> *Stories*, not to exceed 30 ft.
- f. **Minimum Yards:** Front: 25 feet  
Rear: 30 feet  
Side: at least 10 feet each side (88-025)

#### 5.EE.6. Single Family Detached Units

Notwithstanding the above and *Yard* requirements contained elsewhere in these Regulations, for parcels proposed to be used exclusively for single family detached *Dwellings* and which parcels exceed 30,000 square feet in area and abut commercial or industrial zoned property, the Zoning Board in its sole discretion may approve a reduced *Front Yard* standard of not less than twenty (20) feet, a *Side Yard* standard of not less than six (6) feet, and a *Rear Yard* standard of not less than ten (10) feet for those portions of the property that directly abut commercial or industrial zoned land. Such approval shall only be granted based on a finding that the resulting plan is superior to one conforming to the conventional zoning standards, and that it will not impair the future *Development* of adjacent property. (93-006)

#### 5.EE.7. Accessory Buildings

on *Lots* of 10 acres or more, the Zoning Board may by *Special Permit* approve the appropriate relationship of *Building* setbacks, required parking, and separation from other *Structures* for *Accessory Buildings* limited to one *Story* and intended primarily to provide support services, community facilities and other similar *Accessory Uses* incidental to a residential *Development*. (99-022)

#### 5.EE.8. Below Market Rate Requirement

*Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations. A premium *Density* bonus not to exceed 15 *Dwelling Units* per acre on *Lots* with an area of 30,000 square feet or more, may be permitted with Zoning Board approval by *Special Permit*, provided that all required *BMR Units*, except fractional units, are provided on site. (220-13)



**5.EE.9. [Special Standards for Large Lots using Bonus Density]**

On *Lots* with an area of 30,000 square feet or more utilizing the bonus *Density* set forth in subsection 8 above, the Zoning Board may approve the following modifications of RM-1 development standards:

- a. front setback from street center may be reduced or waived.
- b. useable open space shall be provided on-site, with the amount, location and design of such open space subject to determination and approval of the Zoning Board.
- c. the requirements of Section 7.K may be reduced or waived. (203-09)

**5.FF. R-MF MULTI-FAMILY RESIDENCE DESIGN DISTRICT\***<sup>49</sup>**5.FF.1. Purpose**

The purpose of this district is to set aside and protect areas which have been or may be developed predominantly for high middle *Density* housing in low rise *Buildings*. Certain other uses are permitted as-of-right or by *Special Permit* subject to adequate conditions and safeguards. It is intended that new *Development* permitted in this district be harmonious and compatible with existing *Buildings*. It is hereby found and declared that these regulations are necessary to the protection of these areas and that their protection is essential to the maintenance of a balanced community of sound residential areas of diverse types.

**5.FF.2. Procedure**

All projects located on *Lots* of 20,000 square feet or more, and all applications for R-MF *Special Permit* uses shall be subject to approval of site and architectural plans by the Zoning Board. R-MF projects located on *Lots* of less than 20,000 square feet shall be subject to review and approval by the *Zoning Enforcement Officer*.

**5.FF.3. Permitted Uses, As-of-Right**

In any R-MF district a *Building* or other *Structure* may be erected, altered, arranged, designed or used, and a *Lot* of *Structure* may be used as-of-right for any of the following purposes and no other:

- a. Apartment Building for the Elderly<sup>50</sup> provided increase over as-of-right *Density* does not exceed fifty percent (50%)
- b. Apartment - Garden Type
- c. Apartment House
- d. Child Day Care Services. (222-31)
- e. Dwelling - Single Family, Two-Family, Multiple
- f. Garage, Accessory
- f. Home Occupation
- g. Professional Offices, Accessory Use
- h. School, Public

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>49</sup> [Formerly Section 9.N. (224-07).]

<sup>50</sup> [This Use was eliminated by application # 224-06 Refer to “Independent Living Facility” in Section 4.E. for Bonus Provisions for Senior Housing.]

**5.FF.4. Permitted Uses, Special Permit**

The following uses shall be permitted by *Special Permit*:

- a. Boarding House, Rooming House
- b. Camp, Summer Day
- c. Cemeteries and Mausoleums
- d. Christmas Trees, etc., Temporary Sale
- e. Churches & Religious Institutions
- f. Clubs and Lodges, Non-Profit
- g. Colleges and Dormitories
- h. Community Center
- i. *Historic Site*
- j. Hospital Complex
- k. Nursing Home
- l. Public and Charitable Agencies
- m. Public Library or Branch thereof
- n. Public Utility Transformer and Pump Stations
- o. Radio and Television Broadcasting Stations and Masts
- p. School, Non-Public
- q. Accessory on-grade parking for Surgical Center/Outpatient, provided such parking shall not exceed 20 spaces, is physically adjacent to the principal use, and the reviewing board shall find that at the time of the application it is unlikely or impractical for residential uses to occur on site. (95-017)
- r. Supportive Housing. (95-014)
- s. Auto Rental Service Facility. (See Section 7.N) (97-014)
- t. Clinic, Community Health Center (201-20)

**5.FF.5. A. Permitted Uses, Administrative Zoning Board Review.**

- a. Social Hall

**5.FF.6. Building Regulations**

- a. **Minimum Lot Area:** 5,000 square feet
- b. **Minimum Lot Area per dwelling unit:** For all *Lots* less than 20,000 square feet there shall be at least 2000 square feet of *Lot Area* per *Dwelling Unit*.  
On *Lots* of at least 5000 square feet but less than 6000 square feet there may be located by conversion a third *Dwelling Unit* in a *Building* existing as of September 1, 1983. Such *Dwelling Unit* shall be limited to one bedroom. No increase in *Building Coverage* shall be permitted except for exterior stairways required by the *Building Code*.  
For *Lots* 20,000 square feet or more there shall be at least 1,500 square feet of *Lot Area* per

Dwelling Unit.

- c. **Minimum Lot Area per dwelling unit, Apartment Building for the Elderly<sup>51</sup>:** An Apartment Building for the Elderly may be built on any *Lot* consisting of 8,000 square feet or more. Because these units tend to be smaller and require less parking, the *Density* for such *Buildings* may be increased. The minimum *Lot Area* per Dwelling Unit may be as follows:
- For all *Lots* of at least 8,000 square feet but less than 20,000 square feet there shall be at least 1,333 square feet of *Lot Area* per Dwelling Unit.
- For *Lots* 20,000 square feet or more there shall be at least 1000 feet of *Lot Area* per Dwelling Unit.
- The provisions of this paragraph 5.FF.6.c shall apply only to Apartment Buildings for the Elderly.
- d. **Minimum Frontage:** *Lots* less than 20,000 square feet: 50 feet  
*Lots* 20,000 square feet or more: 100 feet
- e. **Maximum Building Coverage, all Buildings:** *Lots* less than 20,000 square feet: 30 percent  
*Lots* 20,000 square feet or more: 35 percent
- f. **Maximum Building Height:** 4 *Stories*, may not exceed 40'
- g. **Minimum Yards:** Front: 15 feet  
Rear: 30 feet  
Side: *Lots* less than 20,000 square feet or 20,000 square feet or more utilizing the bonus *Density* set forth in subsection (h) below: one side 8 feet, both sides 18 feet.  
*Lots* 20,000 square feet or more not utilizing the bonus *Density* set forth in subsection (h) below: one-half the height of the *Building* but need not exceed 15 feet each side.
- h. **Below Market Rate Requirement:** *Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations. On *Lots* with an area greater than 20,000 square feet, a premium *Density* bonus not to exceed 40 Dwelling Units per acre may be permitted with Zoning Board approval by *Special Permit*, if all required *BMR Units*, except for fractional units, are provided on-site. (201-23; 203-14; 220-13)
- i. On *Lots* with an area of 20,000 square feet or more utilizing the premium *Density* bonus set forth in Subsection 5.E.5.h above, the Zoning Board may require useable open space to be provided on-site, with the amount, location and design of such open space subject to determination and approval of the Zoning Board. (201-23; 203-14; 220-13)

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<sup>51</sup> [This Use was eliminated by application # 224-06 Refer to “Independent Living Facility” in Section 4.E. for Bonus Provisions for Senior Housing.]

**5.FF.7. Screening of Parking.**

- a. The following requirements shall apply to all *Parking Areas* for more than five (5) cars on any *Lot* of 20,000 square feet or more in the R-MF District:
- (1) There shall be a buffer strip of land on the same *Lot* as the *Parking Area* located between the *Parking Area* and the *Property Line*. The buffer strip shall be at least three feet wide and shall not be encroached on or over by any part of a parked car.
  - (2) Said buffer strip shall be landscaped with dense evergreen planting of a species which normally grows to a height of at least four feet, at least two feet high at planting, designed to screen noise, odors, visibility and headlight glare in the *Parking Area* from adjacent property. A suitable opaque *Fence* or wall at least five feet high may be substituted for the evergreen planting. In cases where a *Fence* or wall is provided, such wall or *Fence* shall be supplemented by landscaping. Landscaping shall consist of hedges or other ornamental plants supplemented by shade or flowering trees. There shall be at least one tree for each twenty-five linear feet of buffer area.
  - (3) All trees and plants required by this section shall be maintained in a healthy growing condition. Plant materials which do not meet this requirement shall be replaced by the property owner. (99-004)

**5.FF.8. Office Use**

Legally nonconforming Professional Office uses, established between December 31, 1950 and January 1, 1985, within *Buildings* designed and constructed as office *Buildings* consisting of not less than 10,000 square feet in *Gross Floor Area* and on *Lots* of not less than 10,000 square feet, may be used for “Offices, Business & Professional” provided that no residential use exists within the *Building*, business operations generally take place during normal business hours, and that any service/commercial vehicles, which shall not exceed three-quarter ( $3/4$ ) tons in capacity, are covered by a *Building* or garage and suitably screened from a public *Street* and occupy not more than 20% of the required or provided parking, whichever is less. (215-08).

**5.GG. SRD-N SOUTH END REDEVELOPMENT DISTRICT, NORTH\*<sup>52</sup>****5.GG.1. Purpose**

The South End Redevelopment District, North (SRD-N) is a flexible design district, subject to special standards and review procedures, intended to provide for and encourage the land use planning and coordinated *Development* of large-scale mixed-use *Developments* that include the revitalization of industrial brown fields sites for properties located in the South End that are within, contiguous to, or separated by a street right-of-way from, a Downtown *Master Plan Category*. Application of the SRD-N Zoning District will be considered where a proposal meets the objectives and criteria set forth below, and where the mix of uses, architectural design, public amenities, and pedestrian oriented spaces are judged to be superior to a *Development* conforming to the standards of the underlying Zoning District(s).

**5.GG.2. Objectives**

The Zoning Board may designate properties as a SRD-N Tract provided that the *General Development Plan* for the property is consistent with the following objectives:

- a. The purposes and goals of Land Use Category 9 of the 2015 *Master Plan*;
- b. An integrated mixed-use *Development* consisting of a variety of housing types, styles and costs to promote housing choice and economic opportunity, with appropriate neighborhood retail and convenience services, office, hotel and other such uses that will contribute to the vitality of the South End;
- c. Incorporation of smart growth principles including “green” *Building* design, energy efficient development patterns, sustainability, and transit-oriented *Development* that emphasizes a mixture of uses and densities, active storefronts, collector support transit systems (including but not limited to jitneys, buses), pedestrian friendly design, the easy use of bicycles and scooters and reduced, shared and managed parking.
- d. *Street* and sidewalk networks designed to enhance pedestrian safety, lessen congestion, control speeding, and provide attractive and convenient streetscapes connecting to the Transportation Center and Downtown;
- e. Protection and enhancement of environmentally sensitive areas with due consideration to the preservation of significant *Historic Sites*;
- f. Control of the type and intensity of *Development* to insure a positive impact on adjacent neighborhoods and the Downtown, and to prevent unacceptable adverse impact on the Downtown, municipal services, available traffic capacities and infrastructure systems.

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>52</sup> [Formerly Section 9.R. (224-07).]

### 5.GG.3. Criteria for Designation of a SRD-N

In order to qualify as a SRD-N Zoning Tract, the land area must satisfy the following requirements:

- a. **Location.** The Zoning Tract shall be located within the South End Neighborhood, defined as that area of land bounded by the Metro North Railroad tracks to the north, the East Branch of Stamford Harbor to the east, the West Branch of Stamford Harbor to the west, and Long Island Sound to the south and shall be within, contiguous to, or separated by a street right-of-way from, a Downtown *Master Plan Category*.
- b. **Minimum Acreage.** The Zoning Tract shall be in single ownership at the time of the application, not less than twenty (20) contiguous acres in area not separated by existing Public *Streets*. Additional parcels may not be added to the Zoning Tract.
- c. **Infrastructure Impact.** The site shall be served by *Streets*, municipal services and public utilities of adequate capacity to service the requirements of the site. Where infrastructure capacity is judged not to be adequate, the Board may accept a binding agreement insuring that suitable improvements are scheduled to occur or will be performed by the applicant in a timely manner. No *Building* permit shall be issued until such agreement has been accepted by the Zoning Board.
- d. **Land Use Objectives.** The intended use and location of the SRD-N Zoning Tract shall be consistent with the purposes and objectives of the District as set forth in subsection 1 above, and shall be consistent with the *Master Plan* designation of the site, and compatible with the land use planning policies and goals articulated for adjacent affected areas.

### 5.GG.4. Uses In the SRD-N District:

- a. Uses permitted within the SRD-S District with the same *Floor Area* limitations contained therein; provided, however that a Package Liquor Store, when located in the same *Building* as a Food Shop, Retail, may be exempt from the 5,000 square foot *Floor Area* limitation when approved by the Zoning Board as part of a Final Site Plan Application. (208-37)
- b. **Large Format Retail.** A large format retail use is defined as a single retail tenant occupying not less than 40,000 square feet of *Floor Area*. Permitted large format retail uses are limited to: Drug Store; Electrical Appliances Store, Retail; Feed Stores, Hay, Grain; Food Shop, Retail; Gardening Supplies, Retail; Hardware Store; Home Center; Home Furnishings, Retail; Music Store; Office Supply Store, Retail; Pet Stores, Including Food & Accessories; and Sporting Goods Store, Retail (with not more than 40% apparel).
- c. **Prohibited Uses.** Department Stores; stores selling primarily apparel; Entertainment Centers; Theaters (live and movie); Home Furnishings, Retail (less than 60,000 sf); and specialty retailers carrying more than 10% jewelry.

### 5.GG.5. Standards

The following standards shall apply to the overall SRD-N Zoning Tract as a whole. Subject to approval by the Zoning Board, individual parcels may exceed the standards and limitations contained herein provided the SRD-N Zoning Tract is in compliance with all standards.

- a. **Residential Density.** Fifty (50) Dwelling Units per acre, provided that total residential *Floor Area* shall not exceed an amount equal to 1,300 square feet times the maximum number of allowable Dwelling Units.
- b. **Non-Residential Floor Area.** Non-residential uses, in the aggregate, shall not exceed a 0.5 *FAR*, provided that:
  - (1) Retail uses shall not exceed a maximum of 0.375 *FAR*.
  - (2) The SRD-N shall include a Food Shop, Retail that is not less than 40,000 square feet.
  - (3) A maximum of five (5) Large Format Retail uses (excluding the Food Shop, Retail) shall not exceed a maximum of 0.25 *FAR*.
  - (4) Any Home Furnishings, Retail use shall be a minimum of 60,000 square feet.
  - (5) Up to 30,000 square feet of the outdoor area of a Garden Supplies, Retail use shall be exempt from the floor area limitations of this subsection.
  - (6) Office and/or hotel use shall not exceed a maximum of 0.15 *FAR*. Subject to Final Site Plan Approval by the Zoning Board, and notwithstanding any other provision of these regulations to the contrary, a hotel use approved as part of a *General Development Plan* may be converted to, or replaced by, a residential use, provided that the number and square footage of residential units proposed does not exceed the number and square footage of hotel rooms previously approved pursuant to a *General Development Plan*. (212-16)
  - (7) The *Floor Area* of *Structures* used for public purposes (i.e. accessory park *Structures*, public and private schools, clinics, firehouses, police substations, or similar public facilities) shall be included in all applicable zoning calculations; provided, however, that the *Floor Area* of said uses may be exempt from the calculation of permitted non-residential *FAR*, subject to determination by the Zoning Board.
  - (8) Above-grade *Structured* parking floors serving commercial or residential uses may be excluded from the calculation of permitted non-residential *FAR*, based on a finding by the Zoning Board that the garage *Structure* is covered and integrated into the *Development* behind active uses at the pedestrian level or screened from sensitive pedestrian level views to the satisfaction of the Board.
  - (9) For every one (1) square foot of Large Format Retail use, three (3) square feet of residential use shall be provided concurrently within the South End Redevelopment District (North and South combined).
  - (10) Cultural institutions, facilities and organizations, including public galleries, artist studios and display space, shall comprise a minimum of 5,000 square feet of *Floor Area* in the aggregate, and shall be located within the Zoning Tract or outside the Zoning Tract subject to Zoning Board approval.



- c. **Building Height.** *Building Height* shall not exceed one hundred and fifty five feet (155') as measured from average finished grade; provided however, that one *Building* up to two-hundred and twenty-five feet (225') in height may be permitted for every 10 acres of SRD-N Zoning Tract area. *Building* floors between one hundred and twenty-five (125) feet and one hundred and fifty-five (155) feet shall be limited to a maximum individual floor plate of 15,000 square feet and *Building* floors above a height of one hundred and fifty-five (155) feet shall be limited to a maximum individual floor plate of 12,000 square feet. (211-09)
- d. **Building Setbacks.** All *Buildings* shall be setback not less than five (5) feet from any public street right-of-way or not less than fifteen (15) feet from any established *Curb Line* as designated on the *General Development Plan*, whichever is greater, provided the Zoning Board may reduce or waive this requirement based on sound urban design principles. Setbacks from internal *Property Lines* or parcel boundaries along private street networks shall be determined by the Zoning Board consistent with sound urban design principles and where adequate light, open space, screening, landscape, safety and privacy of residential uses is maintained. The requirements of Section 7.K of these Regulations shall not apply.
- e. **Building Coverage.** *Building Coverage*, in the aggregate, shall not exceed fifty percent (50%) of the Zoning Tract provided that parking *Structures* exempt from *FAR* calculations pursuant to Subsection 5.b.8 above may cover an additional 20% of the Zoning Tract.
- f. **Open Space.** Ten percent (10%) of the Zoning Tract area shall be improved and dedicated as publicly accessible pedestrian-level open space, with the location and design of said open space subject to determination and approval by the Zoning Board. Said open space shall exclude any area used for vehicle circulation or parking, but may include other pedestrian ways, publicly accessible sidewalks on private land, and other publicly accessible at grade areas. All open space shall be unobstructed between the finished street level of such space and the sky, except that not more than ten percent (10%) of the total open space proposed in the SRD-N district may be roofed. Design shall encourage uses that are compatible with the public enjoyment of such open space, such as a bike rental facility, public restrooms, drinking fountains, picnic facilities and shelters, and food kiosks and vendors. Required open space shall include play areas suitable for pre-school children equal to not less than 10 square feet per *Dwelling Unit*. Such play areas may be located at the pedestrian-level on site or off-site within the South End in existing public parks, or on a roof, however, when located off-site or on the roof, such play areas shall not count toward the 10% at grade requirement.
- g. **Parking.** The standards of Section 12 shall apply, provided the Zoning Board may authorize a reduction of parking and loading, based on a finding that the proposed mix of uses will be adequately parked at all times, subject to the following minimum standards: 1.25 spaces per *Dwelling Unit*; 2.0 spaces per 1,000 square feet of office and/or retail *Floor Area*; and 0.75 spaces per hotel room. Required parking may be satisfied on adjacent parcels within the Zoning Tract. The Board may, pursuant to approval of a *Parking Management Plan*, approve the use of shared parking, tandem parking or valet parking.
- h. **Public Transportation.** The applicant shall implement and insure the ongoing maintenance

and operation of a jitney transit system providing convenient service to the Transportation Center and downtown shopping and entertainment locations, to encourage and support the reduction of on-site parking, consistent with Transit Oriented Development principles.

- i. **Below Market Rate Requirement.** *Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations. (209-09; 220-13)
- j. **Signage.** Signage shall comply with the standards of the C-N Zoning District except as modified and adopted by the Zoning Board in the SRD-N design guidelines, provided that a *Wall Sign* may be mounted above the established roof line on a parapet façade so long as said *Sign* does not extend above the parapet façade. (211-11)

#### 5.GG.6. Site Design and Architectural Criteria

All *Development* within the SRD-N District shall conform to the site plan review standards of Section 2.D.4. and the coastal site plan review standards and policies of Section 9.A. of these Regulations, and the following additional standards:

- a. **Mitigation of Environmental Impact.** Appropriate measures shall be taken to mitigate environmental impacts to coastal resources through sensitive design and implementation of best available technologies and methods for controlling pollutant discharges from the site. Where the Board authorizes encroachment or removal of any inland wetland or other natural resource, a suitable on-site or off-site habitat replacement program or alternative mitigation effort shall be provided consistent with local, state, or federal permits as may be required.
- b. **Landscaping.** All areas of the tract not devoted to *Buildings*, *Structures* or other designed uses shall be suitably landscaped to the satisfaction of the Board. Landscaping shall be designed, provided and permanently maintained consistent with the design and visual quality criteria of the SRD-N District and the protection of adjacent uses and neighborhoods.
- c. **Other Governmental Approvals.** When site improvements or uses require separate approval by other municipal, state or federal units of government, evidence shall be submitted to the satisfaction of the Board demonstrating the capacity to attain such approvals in a timely manner. When issuance of any significant approvals is in question prior to the issuance of a *Building* permit, the Zoning Board may determine that temporary mitigation and/or bonding may be required.
- d. **Architectural Design Principles.**
  - (1) Major public corridors shall be designed to reinforce their importance to the neighborhood by nature of *Building* façades, main entrances, streetscape, tree planting, and minimizing curb cuts, as well as to accommodate the bulk of pedestrian, bike, and vehicular travel.
  - (2) The *Development* shall have a continuous street and sidewalk network with street trees that connects to the existing street system. All publicly accessible open spaces shall also connect to the street system.
  - (3) New *Buildings* and alterations of existing *Structures* shall be sensitive to the pedestrian scale, as well as to the surrounding neighborhood character and streetscape.

- (4) New *Buildings* shall have major frontages and entrances on major *Streets* and open spaces. These frontages shall meet the sidewalk and shall not have publicly inaccessible spaces between the façade and the sidewalk. Large at-grade setbacks are discouraged except for the creation of special publicly accessible places and urban features identified within the *General Development Plan*.
- (5) The ground level of new *Buildings* and, to the extent possible, existing *Buildings* shall be designed to enliven the *Street* and promote the pedestrian scale of the overall *Development*.
- (6) Large expanses of blank walls shall be avoided on the exterior walls of all new *Buildings* and renovated *Structures* visible from public and publicly accessible places.
- (7) All parking *Structures* should be covered and integrated into the *Development* behind active uses at the pedestrian level or screened from sensitive pedestrian level views to the satisfaction of the Board.
- (8) The façades of all *Buildings* shall be constructed of high quality durable materials.

#### **5.GG.7. Procedures, Application Contents and Performance**

*Development* within the SRD-N shall conform to the Review Procedures, Application Contents and Performance requirements and standards of the SRD-S South End Redevelopment District, South zoning district. (206-60)

## 5.HH. SRD-S SOUTH END REDEVELOPMENT, SOUTH\*<sup>53</sup>

### 5.HH.1. Purpose

The South End Redevelopment District, South (SRD-S) is a flexible design district, subject to special standards and review procedures, intended to provide for and encourage the land use planning and coordinated development of large-scale mixed-use *Developments* that include the revitalization of industrial brown fields sites and the appropriate *Redevelopment* of significant waterfront properties, while giving highest priority and preference to *Water-Dependent Uses* and meaningful public access on waterfront sites, consistent with the policies of the Connecticut Coastal Area Management Act. Application of the SRD-S Zoning District will be considered where a proposal meets the objectives and criteria set forth below, and where the mix of uses, architectural design, public amenities, and pedestrian oriented spaces are judged to be superior to a *Development* conforming to the standards of the underlying zoning district(s). The SRD-S District is intended to permit flexibility in the design and phased *Development* of large tracts of property over time, with the review and approval of final site and architectural plans and requested uses for each phase of *Development* controlled and coordinated by a *General Development Plan* serving as the master plan for the overall *Development* of the SRD-S designated area.

### 5.HH.2. Objectives

The Zoning Board may designate properties as a SRD-S Tract provided that the *General Development Plan* for the property is consistent with the following objectives:

- a. The purposes and goals of Land Use Categories 5, 9 and 10 of the 2015 *Master Plan*; (220-28)
- b. An integrated mixed-use *Development* consisting of a variety of housing types, styles and costs to promote housing choice and economic opportunity, with appropriate neighborhood retail and convenience services, office, hotel and other such uses that will contribute to the vitality of the South End;
- c. Architecture and site *Development* of design merit that makes best use of natural features, that harmonizes with the pattern and scale of the coastline and with the architecture scale and character of surrounding *Development*, and provides appropriate transition and functional integration into the surrounding neighborhood including extensions of existing roadways;
- d. Protection and encouragement of existing and new *Water-Dependent Uses* and their essential supporting uses;
- e. Provision of publicly accessible open space with significant opportunity for public access to and enjoyment of waterfront areas without conflicting with viable existing *Water-Dependent Uses* or sites highly suitable for other *Water-Dependent Uses*;
- f. Incorporation of smart growth principles including “green” *Building* design, energy efficient development patterns, sustainability, and transit-oriented *Development* that emphasize a

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>53</sup> [Formerly Section 9.Q. (224-07).]

mixture of uses and densities, active storefronts, collector support transit systems (jitneys, buses), pedestrian friendly design, the easy use of bicycles and scooters and reduced, shared and managed parking.

- g. *Street* and sidewalk networks designed to enhance pedestrian safety, lessen congestion, control speeding, and provide attractive and convenient streetscapes connecting to the Transportation Center and Downtown;
- h. Protection and enhancement of environmentally sensitive areas, key public vistas and visual access to coastal landscapes, and areas of natural beauty.
- i. Harbor revitalization measures that emphasize the waterfront as a public pedestrian district connecting the shorefront with the adjacent neighborhoods and the Downtown and Mill River Greenbelt;
- j. Control of the type and intensity of *Development* to insure a positive impact on adjacent neighborhoods and the Downtown, and to prevent adverse impact on the Downtown, municipal services, available traffic capacities and infrastructure systems.

### 5.HH.3. Criteria for Designation

In order to qualify for designation as a SRD-S Zoning Tract, the proposed designation area must satisfy the following requirements:

- a. **Location.** The proposed Zoning Tract shall be located within the South End Neighborhood, defined as that area of land bounded by the Metro North Railroad tracks to the north, the East Branch of Stamford Harbor to the east, the West Branch of Stamford Harbor to the west, and Long Island Sound to the south.
- b. **Minimum Acreage.** The proposed Zoning Tract shall be in single ownership or control, not less than twenty (20) acres in area, comprised of one or more parcels separated by public *Streets*, provided that no individual parcel shall be less than 0.5 acres in area and one or more parcels shall be a minimum of twenty (20) acres. At the discretion of the Zoning Board, the Zoning Tract may also include other waterfront property connected by an easement or right-of-way, provided; said easement or right-of-way is a minimum of twenty-five (25) feet wide and a maximum of one hundred and fifty (150) feet in length. Private property to be deed restricted or conveyed for public purposes (i.e. parks, public and private schools, *Streets*, bike paths, clinics, firehouses, police substations, or similar public amenities) shall be included in the total land area.
- c. **Infrastructure Impact.** The site shall be served by *Streets*, municipal services and public utilities of adequate capacity to service the requirements of the site. Where infrastructure capacity is judged not to be adequate, the Board may accept a binding agreement insuring that suitable improvements are scheduled to occur or will be performed by the applicant in a timely manner. No *Building* permit shall be issued until such agreement has been accepted by the Zoning Board.
- d. **Land Use Objectives.** The intended use and location of the SRD-S Zoning Tract shall be

consistent with the purposes and objectives of the District as set forth in subsection 1 above, and shall be consistent with the *Master Plan* designation of the site, and compatible with the land use planning policies and goals articulated for adjacent affected areas.

#### **5.HH.4. Permitted Uses:**

- a. The following uses shall be allowed: Agencies - Real Estate, Insurance, Employment; Ambulance Facility, Non-Profit; Amusements - Outdoor Temporary, Circus, Fairs, etc; Amusements - Dance Hall, Billiard Parlor (Indoor); Amusements - Theatre, Pools, Arena (Outdoor); Supportive Housing (by Special Permit) (224-06); Apartment - Garden Type; Apartment Hotel; Apartment House; Art & Antique Shops; Auto Parking Area, Commercial & Municipal; Auto Sales Agency, New with Used; Bank & Financial Institutions; Boat, Marine Accessories; Outboard Motor Sales and Repairs; Boat Storage & Repair; Bowling Alleys; Brewery, Distillery; Cafe, includes Entertainment & Liquors; Cafe, excludes Entertainment but includes Liquors; Camp, Summer Day; Canvas Products Mfg.; Carpentry, Woodworking Shop; Child Day Care Center; Churches & Religious Institutions; Clinics; Clubs -Country, Golf, Yacht, Beach; Clinic, Community Health Center; Clubs & Lodges Non-Profit; Club - Swim and/or Tennis; Color Scanning Shop; Community Center; Copy and Communication Center; Drug Store; Dwelling - Single Family; Dwelling - Two Family; Dwelling-Group or Town Houses; Dwelling, Multiple; Emergency Shelter; Family Day Care Home; Fire Station Volunteer; Food Catering; Food Processing, Retail on Premises; Food Shops, Retail; Garage, Accessory; Garages, Public; Garages, Bus & Taxi Service; Gardening Supplies, Retail; Golf Course, Miniature or Simulated; Group Day Care Home; Home Occupation; Gymnasium or Physical Culture Establishment; Hotel (excluding a convention center/banquet facility as an Accessory Use); Ice Skating Rink – Indoor; Independent Living Facility (224-06); Inn; Laundry, Cleaning & Dyeing Agency; Laundry, Cleaning & Dyeing Establishment; Laundry & Dry Cleaning Establishment, Retail; Laundry, Self-Service; Dry Cleaning, Self-Service; Museum, Non-Profit; Nursing Home; Offices, Business & Professional; Paint Stores including Wholesale Paint Stores for Resale off Premises; Passenger Terminals & Stations; Personal Wireless Service Facility; Plumbing & Heating Shop; Prenatal Care & Transitional Residence; Professional Offices, Accessory Use; Professional Offices, Medical; Professional Offices, Principal Use; Professional Pharmacy; Public & Charitable Agencies; Public Libraries or Branch thereof; Public Utility Buildings; Public Utility Generating Plant, Public Utility Service Yards; Public Utility Transformer & Pump Station; Racquetball Facility; Radio & Television Broadcasting Stations and Masts; Rag, Bag & Carpet Cleaning; Residential Care Facility (224-06); Residential Recreational Area; Restaurant, includes Entertainment & Liquors; Restaurant, excludes Entertainment but

- includes Liquors; Restaurant, Carry-Out; Restaurant, Drive-In; Restaurant, Fast-Food; Roller Skating Rink; School, Non-Public; School, Public; Schools, Vocational & Secretarial; Senior or Disabled Day Program (224-06); Senior Housing and Nursing Home Facility Complex; Ship & Boat Building; Shoe Repair Shop; Sign Painting; Surgery Center/Out Patient; Tennis Court, Indoor; Veterinary Office; *Water-Dependent Uses*, as defined in CGS Section 22a-93(16). (222-31)
- b. The following uses are authorized provided that each such separate retail establishment shall not exceed 5,000 square feet of *Gross Floor Area*: Bakeries, Retail; Barber, Beauty Shops; Confectionery Store; Florist Shop; Hardware Store; Newsstand, Variety Store; Package Liquor Stores, such Package Liquor Store located within the SRD-S District shall be exempt from any separate distance contained in Section 14 of these Regulations. Such establishment shall not be within a thousand foot (1,000') radius of any other establishment being used for the sale of alcoholic liquor, under a package store permit; Optician, Repairs; Paint Stores, Retail; Photographic Studio; Sunglass Store; Tailor Shop. (217-38)
- c. The following uses are authorized provided that each such separate retail establishment shall not exceed 1,500 square feet of *Gross Floor Area*: Camera Shop; Gift shop; Jewelry Store; Stationery Store.
- d. Preservation of *Water-Dependent Uses*. Except as provided for below, if a site contains an existing, viable *Water-Dependent Use*, such use shall be retained. No proposed use shall be approved that would adversely impact a *Water-Dependent Use*. The Board may authorize the modification of an existing *Water-Dependent Use* provided that:
- (1) the Board considers comments from the Office of Long Island Sound Programs, Connecticut Dept. of Environmental Protection before such a decision is made;
  - (2) the applicant can demonstrate to the satisfaction of the Board that the modification of such use is warranted under pertinent sections of the Connecticut Coastal Area Management Act; any such claim to be supported by full disclosure of all pertinent information including but not limited to financial data regarding the *Water-Dependent Use*;
  - (3) the applicant can demonstrate to the satisfaction of the Board that alternatives to the existing type or location of the *Water-Dependent Use* will allow an appropriate level of service or activity to continue in accordance with the objectives of the SRD-S zoning district and Stamford's Municipal Coastal Program; and,
  - (4) the applicant submits a professionally-prepared market study and needs analyses of the site's potential to support a *Water-Dependent Use* under the existing zoning. The applicant shall be required to reimburse the City of Stamford for the cost of a peer review of the market study and analyses by an independent consultant reporting to the Zoning Board. The applicant shall pay the City of Stamford for the full cost of this peer review prior to the Zoning Board acting on the request to modify the existing *Water-Dependent Uses*.

### 5.HH.5. Standards

The following standards shall apply to the overall SRD-S Zoning Tract as a whole. Subject to approval by the Zoning Board, individual parcels may exceed the standards and limitations contained herein provided the SRD-S Zoning Tract is in compliance with all standards.

- a. **Residential Density.** fifty (50) Dwelling Units per acre, provided that total residential *Floor Area* shall not exceed an amount equal to 1,300 square feet times the maximum number of allowable Dwelling Units. Subject to Final Site Plan Approval by the Zoning Board, and notwithstanding any other provision of these regulations to the contrary, a hotel use approved as part of a *General Development Plan* may be converted to, or replaced by, a residential use, provided that the number and square footage of residential units does not exceed the number and square footage of hotel rooms previously approved pursuant to a *General Development Plan*. (213-35)
- b. **Non-Residential Floor Area.** Non-residential uses, in the aggregate, shall not exceed 0.23 *FAR*, provided that: (215-02)
  - (1) Retail uses shall not exceed 0.03 *FAR*.
  - (2) *Water-Dependent Uses* located in *Master Plan Category 10* shall be exempt from *FAR* calculations.
  - (3) Restaurant uses shall comprise a minimum of 10,000 square feet of *Floor Area* in the aggregate.
  - (4) Neighborhood retail and convenience services shall comprise a minimum of 20,000 square feet of *Floor Area* in the aggregate.
  - (5) Cultural institutions, facilities and organizations, including public galleries, artist studios and display space, shall comprise a minimum of 10,000 square feet of *Floor Area* in the aggregate, and shall be located within the Zoning Tract or outside the Zoning Tract within the South End, subject to Zoning Board approval.
  - (6) Above-grade *Structured* parking floors serving commercial or residential uses may be excluded from the calculation of permitted non-residential *FAR*, based on a finding by the Zoning Board that the garage *Structure* is covered and integrated into the *Development* behind active uses at the pedestrian level or screened from sensitive pedestrian level views to the satisfaction of the Board.
  - (7) The *Floor Area* of *Structures* used for public purposes (i.e. accessory park *Structures*, public and private schools, clinics, museums, cultural institutions, firehouses, police substations, or similar public facilities) may be exempt from the calculation of permitted non-residential *Floor Area*, subject to determination by the Zoning Board.
- c. **Building Height.** *Building Height* shall not exceed one hundred and fifty five feet (155') as measured from average finished grade; provided however, that one *Building* up to two-hundred and twenty-five feet (225') in height may be permitted for every 10 acres of SRD-S Zoning Tract area. *Building Height* shall be limited to fifty (50) feet on portions of the Zoning Tract within *Master Plan Category 10*. *Building* floors between one hundred and twenty-five (125)



- feet and one hundred and fifty-five (155) feet shall be limited to a maximum individual floor plate of 15,000 square feet and *Building* floors above a height of one hundred and fifty-five (155) feet shall be limited to a maximum individual floor plate of 12,000 square feet. (211-09)
- d. **Building Setbacks.** All *Buildings* shall be setback not less than five (5) feet from any public street right-of-way or not less than fifteen (15) feet from any established *Curb Line* as designated on the *General Development Plan*, whichever is greater, provided the Zoning Board may reduce or waive this requirement based on sound urban design principles. Setbacks from internal *Property Lines* or parcel boundaries along private *Street* networks shall be determined by the Zoning Board consistent with sound urban design principles and where adequate light, open space, screening, landscape, safety and privacy of residential uses is maintained. *Buildings* adjacent to coastal waters shall be set back a minimum of thirty (30) from the Mean High Water line, provided the Zoning Board may reduce or waive such requirement based on a finding that the special function, use or design of a *Building* or *Structure* requires placement closer to the waterfront and is consistent with the purposes of the SRD-S District. The requirements of Section 7.K. of these Regulations shall not apply.
- e. **Building Coverage.** *Building Coverage*, in the aggregate, shall not exceed forty percent (40%), provided that parking *Structures* exempt from *FAR* calculations pursuant to Subsection 5.b.5 above may cover an additional 20% of the Zoning Tract. *Building Coverage* is defined to be the percent of Zoning Tract covered by *Buildings* or *Structures*, excluding for purposes of this calculation piers, docks, boardwalks, canopies, incidental open space *Structures* and similar special *Structures* designed to enhance open space areas or encourage public access to the waterfront. *Water-Dependent Uses* located in Category 10 may be exempted from *Building Coverage* calculations.
- f. **Open Space.** Fifteen percent (15%) of the Zoning Tract area shall be improved and dedicated as publicly accessible pedestrian-level open space, with the location and design of said open space subject to determination and approval by the Zoning Board. Said open space shall exclude any area used for vehicle circulation or parking, but may include other pedestrian ways, boardwalks, publicly accessible sidewalks, and other publicly accessible at grade areas, hurricane barriers, and landscaped areas adjacent to Mean High Water. All open space shall be unobstructed between the finished street level of such space and the sky, except that not more than ten percent (10%) of the total open space proposed in the SRD-S district may be roofed. Design shall encourage uses that are compatible with the public enjoyment of such open space, such as a bike and boat rental facility, public restrooms, drinking fountains, picnic facilities and shelters, and food kiosks and vendors. Required open space shall include play areas suitable for pre-school children equal to not less than 10 square feet per *Dwelling Unit*. Such play areas may be located at the pedestrian-level on site or off-site within the South End in existing public parks, or on a roof, however, when located off-site or on the roof, such play areas shall not count toward the 15% at grade requirement.
- g. **Parking.** The standards of Section 12 shall apply, provided the Zoning Board may authorize a reduction of parking and loading, based on a finding that the proposed mix of uses will be

adequately parked at all times, subject to the follow minimum standards: 1.25 spaces per Dwelling Unit; 2.0 spaces per 1,000 square feet of office and/or retail *Floor Area*; 0.75 spaces per hotel room; and 0.5 spaces per boat slip. Required parking may be satisfied on adjacent parcels within the Zoning Tract. The Board may, pursuant to approval of a *Parking Management Plan*, approve the use of shared parking, tandem parking or valet parking.

- h. **Public Parking.** In addition to the parking standards of Subsection 5.g above, public surface parking shall be conveniently located to encourage public access to the waterfront and to ground floor commercial uses. Public parking shall be reserved for public use and provided at a rate of one quarter (0.25) space per 1,000 square feet of ground floor retail use plus one (1.0) space for every twenty (20) feet of frontage on the Stamford Harbor within *Master Plan Category 9*. On-street parking within existing public street right-of-ways may be used to satisfy the public parking requirement for ground floor retail uses.
- i. **Public Transportation.** The applicant shall implement and insure the ongoing maintenance and operation of a jitney transit system providing convenient service to the Transportation Center and downtown shopping and entertainment locations, to encourage and support the reduction of on-site parking, consistent with Transit Oriented Development principles.
- j. **Below Market Rate Requirement.** *Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations. (209-09; 220-13)
- k. **Signage.** Signage shall comply with the standards of the C-N Zoning District except as modified and adopted by the Zoning Board in the SRD-S design guidelines, provided that a *Wall Sign* may be mounted above the established roof line on a parapet façade so long as said *Sign* does not extend above the parapet façade. (211-11)

#### 5.HH.6. Site Design and Architectural Criteria

All *Development* within the SRD-S District shall conform to the site plan review standards of Section 2.D.3. and the coastal site plan review standards and policies of Section 9.A. of these Regulations, and the following additional standards:

- a. **Mitigation of Environmental Impact.** Appropriate measures shall be taken to mitigate environmental impacts to coastal resources through sensitive design and implementation of best management technologies and methods for controlling pollutant discharges from the site. Where the Board authorizes encroachment or removal of any intertidal habitat, inland wetland or other natural resource, a suitable on-site or off-site habitat replacement program or alternative mitigation effort shall be provided consistent with local, state, or federal permits as may be required.
- b. **Public Access to the Waterfront.** The design of waterfront improvements shall expressly encourage and invite public access through the development of uses, amenities, signage, and attractive walkways with general utility. Private use areas and vehicular traffic and parking shall be designed accordingly with preference to public pedestrian traffic. Unless waived or modified by the Board, public access shall be insured through the dedication of a permanent

easement area encompassing the area of land extending from the mean high water mark to a point thirty (30) feet inland or to the extent of any public access facilities and improvements, whichever is greater. The public access easement shall connect to any access easements on adjacent property and shall also be extended to a public *Street* or right-of-way in a manner providing safe and convenient public access. Access improvements shall provide for the efficient movement of future pedestrian traffic, shall provide for public safety and tenant security, shall logically connect site uses and activities, and shall link smoothly with existing public access facilities on adjacent property or terminate safely at the point where continuation of such facilities cannot be reasonably anticipated. Changes of paving materials and textures within public access areas should be well considered and provide a clear transition.

- c. **Landscaping.** All areas of the tract not devoted to *Buildings*, *Structures* or other designed uses shall be suitably landscaped to the satisfaction of the Board. As a minimum, 20% of the area within thirty (30) feet of the mean high water mark shall consist of landscaped area unless otherwise reduced or waived by the Board. Landscaping shall be designed, provided and permanently maintained consistent with the design and visual quality criteria of the SRD-S District and the protection of adjacent uses and neighborhoods.
- d. **Public Art.** Enhancement of public and private areas of the site with works of art appropriate to their setting is encouraged.
- e. **Other Governmental Approvals.** When site improvements or uses require separate approval by other municipal, state or federal units of government, evidence shall be submitted to the satisfaction of the Board demonstrating the capacity to attain such approvals in a timely manner. When issuance of any significant approvals is in question prior to the issuance of a *Building* permit, the Zoning Board may determine that temporary mitigation and/or bonding may be required.
- f. **Architectural Design Principles.**
  - (1) Major public corridors shall be designed to reinforce their importance to the neighborhood by nature of *Building* façades , main entrances, streetscape, tree planting, and minimizing curb cuts, as well as to accommodate the bulk of pedestrian, bike, and vehicular travel.
  - (2) The *Development* shall have a continuous *Street* and sidewalk network with street trees that connects to the existing *Street* system and the waterfront. All publicly accessible open spaces shall also connect to the *Street* system.
  - (3) New *Buildings* and alterations of existing *Structures* shall be sensitive to the pedestrian scale, as well as to the surrounding neighborhood character and streetscape.
  - (4) New *Buildings* shall have major frontages and entrances on major *Streets* and open spaces. These frontages shall meet the sidewalk and shall not have publicly inaccessible spaces between the façade and the sidewalk. Large at-grade setbacks are discouraged except for the creation of special publicly accessible places and urban features identified within the *General Development Plan*.
  - (5) New *Buildings* and, to the extent possible, existing *Buildings* shall have significant amount of transparent glass on the ground floor for non-residential uses fronting on public and

publicly accessible spaces. The ground level shall be designed to enliven the *Street* and promote the pedestrian scale of the overall *Development*.

- (6) Large expanses of blank walls shall be avoided on the exterior walls of all new *Buildings* and renovated *Structures* visible from public and publicly accessible places.
- (7) All parking *Structures* should be covered and integrated into the *Development* behind active uses at the pedestrian level or screened from sensitive pedestrian level views to the satisfaction of the Board.
- (8) The façades of all *Buildings* shall be constructed of high quality durable materials.

#### **5.HH.7. Review Procedures** (223-18)

All applications for designation of, and/or *Development* of property within, the South End Redevelopment District, South District (SRD-S) shall conform to the following procedures.

- a. **Application to Amend Zoning Map for SRD-S Designation and Approval of General Development Plan.** All applications to amend the Zoning Map to SRD-S shall be accompanied by and subject to approval of a *General Development Plan (GDP)* application pursuant to Section 2.J. [*Former Subsections b-c to be deleted*]
- b. **Conveyance of Property:** Prior to conveyance of any Block, the Applicant shall file a written certification with the Land Use Bureau, executed by the Applicant, that the Block to be conveyed, as well as all remaining Blocks in the Zoning Tract, will remain in compliance with the *GDP* approval and conditions and these Regulations. Further, the Applicant shall identify the party responsible for completing construction of all public improvements and necessary infrastructure and providing required public services. This obligation shall cease to apply for any Block which has received final site plan approval.

#### **5.HH.8. Application Contents:**

- a. **Application For SRD-S Designation and Approval of General Development Plan.** A petition for SRD-S designation and approval of *General Development Plan* and Coastal Site Plan Review shall include, as a minimum, fifteen (15) copies of the following information:
  - (1) **Written Application.** Written application on forms as prescribed by the Board including a project narrative describing the intended manner of *Development* of the site including the types of uses and the principal *Structures* and facilities to be established, a declaration and supporting data demonstrating generally how the project conforms with the purposes and criteria of the SRD-S District, and a declaration of other agency permits required.
  - (2) **Existing Conditions Survey.** An accurate survey of the site including the boundaries, dimensions and acreage of the site; the location and dimensions of *Buildings* and *Structures*, existing uses of *Structures* and land areas; existing site utilities and vehicle access; property ownership, *Structures*, uses and street elevations within 200 feet of the

site; land contours at a maximum of two-foot intervals and critical spot elevations; flood elevation data; the location of any easements of record; and the location of coastal resource areas based on accepted field mapping methods. Mapping accuracy of the existing conditions survey shall meet or exceeding the standards for a Class A-2 survey.

(3) **General Site Plans.** Site plans, on one or more sheets, drawn at a scale of not less than one inch = 50 feet, unless otherwise authorized by staff, and showing, at a minimum, the following information:

- (a) the proposed location, *Floor Area* and uses of *Structures*;
- (b) the proposed location and area of principal land uses and facilities;
- (c) existing and proposed land contours;
- (d) the general location and character of landscaped areas;
- (e) vehicle parking and loading areas, vehicle access and transportation systems;
- (f) public access amenities, facilities and services;
- (g) the boundaries of any *Streets*, open spaces, public access areas or other easements or land rights to be conveyed to the City;
- h) tabulation of all applicable standards of Subsection 5.HH.5, *Building* standards

(4) **General Architectural Plans.** Preliminary architectural drawings including general plan diagrams, exterior elevations, perspective drawings and renderings for general illustration of *Building* character and to generally establish the intended height, bulk, arrangement, setback and general character of *Principal Buildings* and *Structures*.

(5) **Design Guidelines.** Design information and specifications addressing conformance of the plans with the architectural design guidelines of Subsection 5.HH.6.f, above, to be incorporated as conditions of Final Site and Architectural Plans & Requested Uses or prior to the conveyance of any property, whichever comes first.

(6) **Utilities Report.** Preliminary plans and written report prepared by a qualified professional engineer specifying the means by which sewage disposal, water supply, storm water disposal, traffic and access requirements, and related services will be provided for the proposed *Development*. The level of information, data, and scope of analysis shall be sufficient to demonstrate the ability to comply with the requirements of these Regulations and the standards and criteria of other units of government having separate jurisdiction. Where feasibility of the proposed *Development* depends upon off-site improvements in infrastructure systems, a suitable improvement plan shall be provided.

(7) **Schedule of Improvements.** A proposed phasing plan and timetable shall be provided indicating the completion of major site improvements, the establishment of uses, and the general sequence of construction.

b. **Final Plan Submission.** An application for approval of final Site and Architectural Plans & Requested Uses shall be submitted in conformance with and including all of the information required by the approved *General Development Plan*. Fifteen (15) copies of all final plan materials shall be submitted and shall include at least the following:

(1) **Final Site Plan.** Plans, design details, and specifications satisfying the standards of

Section 2.D.3. of these Regulations.

- (2) **Architectural Plans.** Full floor plans and final exterior architectural designs, elevations, perspective renderings, and the materials, finishes and colors of proposed *Structures*.
- (3) **Utilities Plans.** Engineering design plans and specifications showing provisions for storm water drainage, water supply, sewage disposal, and traffic management, including the details of any improvements proposed within any public right-of-way or off-site.
- (4) **Landscaping, Grading and Erosion Control Plans.** Detailed plans showing the extent of any proposed excavation, dredging, grading or filling activities, including the intended timetable and sequence of such work and the means proposed to control erosion and sedimentation. Erosion controls shall conform to Section IV, Subsection 4.18 of the Subdivision Regulations. Final stabilization and landscaping plans shall include materials, specifications, plant design, and a suitable maintenance agreement.
- (5) **Legal Documentation.** Legal documentation, easements, covenants, guarantee agreements and assurances as required to implement the intent and purpose of the SRD-S District and the approved *General Development Plan*, including any provisions for public access and the protection of *Water-Dependent Uses*.

#### **5.HH.9. Performance**

The components of the *General Development Plan* shall be constructed in a timely fashion consistent with any approved phasing plan and timetable. The permit holder shall have two years from the approval of *General Development Plan* to submit application for approval of final Site and Architectural Plan & Requested Uses for the first phase of *Development*, subject to one-year extensions by the Zoning Board. Failure to submit acceptable final plans shall be sufficient grounds for the Board to revoke the *General Development Plan* approval and to restore the original zoning district designation(s) to the subject property. The permit holder shall have two years after Final Plan approval for any phase to obtain a *Building* permit, subject to one-year extensions by the Zoning Board. *Building* permits for all *Structures* and improvements shown on the *General Development Plan* approval shall be obtained within fifteen years of said approval. (206-59)

## 5.II. TCD-D TRANSPORTATION CENTER DESIGN DISTRICT\* (222-30).<sup>54</sup>

### 5.II.1. Purpose (222-30)

The Transportation Center Design District (TCD-D) is intended to encourage high-density mixed-use *Development*, provision of amenities for commuters, residents and employees, connectivity between Downtown and the South End and excellence in sustainable urban design in the vicinity of the Stamford Transportation Center (STC).

### 5.II.2. Zoning Tract (222-30)

The Zoning Board may designate a property or contiguous properties one acre or larger within *Master Plan Categories* 11 (Downtown) or 16 (Special Transit Oriented Development Area) as a TCD District. A parcel or parcels less than one acre located within *Master Plan Categories* 11 or 16 may only be designated a TCD District if abutting an already existing TCD District.

### 5.II.3. Permitted Uses (222-30)

In any TCD District, a *Building* or other *Structure* may be erected, altered, arranged, designed, or used, and a *Lot* may be used for any of the following uses:

- Agencies, Real Estate, Insurance, Employment
- Ambulance Facility, Non-Profit
- Art and Antique Shops
- Auto Rental Service Facility
- Auto Service Station
- Bakeries, Retail
- Bank and Financial Institutions
- Barber and Beauty Shops
- Book Store
- Boutique Fitness Studio
- Café, excludes Entertainment but includes Liquor
- Café, includes Entertainment and Liquors
- Camera Shop
- Child Day Care Center
- Christmas Trees, Temporary Sale
- Clinic
- Clinic, Community Health Center
- Colleges and Universities
- Community Center
- Confectionary Store

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\* Design District. The additional requirements of Section 1.B.6. shall apply.

<sup>54</sup> [Formerly Section 9.F. (224-07).]

- Copy and Communication Center
- Day Spa
- Drug Store
- Dwelling Multiple
- Dwelling - Group or Town Houses
- Family Day Care Home
- Florist Shop
- Food Processing, Retail on Premises
- Food Shops, Retail
- Garage, Accessory
- Garages, Public
- Gift Shop
- Group Day Care Home
- Gymnasium or Physical Culture Establishment
- Hardware Store
- *Historic Site*
- Home Occupation
- Hotel, Inn (excluding a convention center/banquet facility as an accessory use)
- House of Worship
- Ice Dispensing Service, Retail
- Independent Living Facility (224-06)
- Jewelry Store, Repairs
- Laboratories, Research
- Laundry and Dry-Cleaning Establishment, Retail
- Medical Marijuana Dispensary
- Music Store
- Museum
- Newsstand, Variety Store
- Nursing Home
- Offices, Business and Professional
- Optician, Repairs
- Package Liquor Store
- Personal Wireless Communication, Retail
- Personal Wireless Service Facility
- Pet Store and Pet Daycare
- Professional Office – Medical
- Professional Office – Principal Use
- Professional Pharmacy
- Photographic Studio
- Public and Charitable Institutions
- Public Library or any Branch thereof
- Public Utility Building
- Public Utility Transformer and Pump Station
- Residential Recreational Area



- Restaurant, Carry Out
- Restaurant, excludes Entertainment but includes Liquor
- Restaurant, includes Entertainment and Liquors
- Restaurant, Standard
- School, Non-Public
- School, Public
- School, Vocational and Secretarial
- Senior or Disabled Day Program (224-06)
- Senior Housing and Nursing Home Facility Complex (without any limitation as to minimum parcel size)
- Shoe Repair Shop
- Social Hall
- Sporting Goods Store, Retail
- Stationary Store
- Surgery Center / Outpatient
- Tailor Shop
- Veterinary Office

*[The following Uses shall require a Special Permit approval by the Zoning Board]*

- Adult Use Cannabis Retailer (223-17(MOD))
- Supportive Housing (224-06)

**5.II.4. Standards** (222-30)

The following standards shall apply to all *Buildings* and *Structures* within the TCD District

	<b>Zoning Lots less than one acre</b>	<b>Zoning Lots one acre and more</b>
a. Minimum <i>Lot</i> size	none	43,560 sf
b. Minimum <i>Lot Frontage</i>	40 ft	100 ft
<i>c. Density</i>		
<i>FAR</i> Commercial only	3.0	6.0
<i>FAR</i> Residential only and Mixed-Use residential – non-residential <sup>1)</sup>	4.0 ( <i>Premium FAR</i> 0.75)	7.5 ( <i>Premium FAR</i> 1.5)
<i>Residential Density Divider</i> <sup>2)</sup> / market rate	700 sf	800 sf
<i>Residential Density Divider</i> / affordable housing, housing for <i>Seniors</i> <sup>2)</sup>	550 sf	550 sf
d. <i>Building Coverage</i>	70% (80% <i>Corner Lots</i> ) 50% above a height of the lesser of 8 <i>Stories</i> or 85 feet	80% (90% <i>Corner Lots</i> ) 65% above a height of 8 <i>Stories</i> or 85 feet
e. Max. <i>Building Height</i> <sup>3)</sup>	Lesser of 15 <i>Stories</i> or 175 feet	Lesser of 15 <i>Stories</i> or 175 feet, Towers permitted pursuant to Subsection 5.II.5.

f. Front setback <sup>3)</sup> , measured from <i>Curb Line</i>	Minimum: 10 feet (15 feet on <i>Transit Center Access Streets</i> ); Maximum: 20 feet (25 feet on <i>Transit Center Access Streets</i> )	Minimum: 10 feet (15 feet on <i>Transit Center Access Streets</i> ); Maximum: 25 feet (30 feet on <i>Transit Center Access Streets</i> )
g. Setbacks from <i>Property Lines</i> <sup>2)</sup>	None required within 75 feet of <i>Street Line</i> ; if provided at least 15 feet Minimum 15 feet beyond 75 feet of the <i>Street Line</i> (30 feet beyond 75 feet of the <i>Street Line</i> above a height of the lesser of 8 <i>Stories</i> or 85 feet	None required within 75 feet of <i>Street Line</i> ; if provided at least 15 feet Minimum 15 feet beyond 75 feet of the <i>Street Line</i> (30 feet beyond 75 feet of the <i>Street Line</i> above a height of the lesser of 8 <i>Stories</i> or 85 feet
h. <i>Lot Coverage</i>	Maximum 90%	Maximum 95%
i. <i>Usable Open Space</i>	75sf per unit, but no less than a total of 500sf	

- 1) In order to qualify for the Mixed-Use *FAR* at least 40% of the *Gross Floor Area* on the *Zoning Lot* must be used for residential uses.
- 2) Applied to *Gross Residential Floor Area*.
- 3) Any part of a *Building* exceeding a height of eighty-five (85) feet or eight (8) *Stories*, whichever is less, shall be setback at least thirty feet (30') from the category boundary when abutting land in *Master Plan Categories* 1, 2, 3, 4, 6, 7, 8 and 15.

1. For the purposes of this Section 5.II., the following shall be considered *Transit Center Access Streets* and Other Streets within the TCD district:

***Transit Center Access Streets***

- Atlantic Street
- Washington Boulevard
- Station Place
- Dock Street (aka the Urban Transit Way)
- Pacific Street, south of Dock Street (aka the Urban Transit Way)

***Other Streets***

All other streets within the TCD District

**5.II.5. Tower Regulations (222-30)**

On *Lots* one acre and larger, *Buildings* and portions of *Buildings* may exceed the maximum *Building Height* (“Towers”) established under Subsection 5.II.4.e. above, provided that the following requirements are met:

- a. The parcel has at least one frontage on a *Transit Center Access Street*, and the *Tower* is located within 500 feet of such *Street*, measured perpendicularly from the *Street Line*.
- b. The minimum distance between *Buildings* and portions of *Buildings* exceeding the maximum *Building Height* shall be no less in horizontal distance than 60 feet unless they are separated by a public street.

- c. *Buildings* or portions of *Buildings* exceeding the maximum *Building Height* shall be setback at least thirty (30) feet from any interior *Property Line*.
- d. *Buildings* or portions of *Buildings* exceeding the maximum *Building Height* shall not cover more than 30% of the *Zoning Lot* they are located on.
- e. All *Buildings* or portions of *Buildings* exceeding the maximum *Building Height* shall fit within a square measuring 200' by 200' below a height of 275 feet, and within a square measuring 175' by 175' for a height of 275 feet or more.

#### **5.II.6. Parking (222-30)**

- a. Parking shall be provided pursuant to Section 12 of these Regulations.
- b. In addition to the Regulations in Section 12, the following standards shall apply:
  - (1) **Transportation Demand Management Plan required.** A Transportation Demand Management Plan (TMP) pursuant to Section 2.G. is required for *Developments* on *Zoning Lots* 20,000 sf or more to effectively reduce the demand for *Parking Spaces* by at least twenty five percent (25%) and promote alternative means of transportation including, but not limited to, biking, walking, micro mobility measures, mass transit, carpooling, or car share. Shared Parking pursuant to Section 12.I., may be used to meet this requirement.
  - (2) **Support for Alternate Modes of Transportation.**
    - (a) For all residential uses within the TCD-D, parking shall be provided unbundled, except where bundled parking is required pursuant to Section 7. The monthly parking fee per space shall be no less than the cost of a monthly parking pass at the State-owned Stamford Transit Center garage.
    - (b) For all non-residential uses, either: (i) employees shall be provided with support for using alternate modes of transportation in an amount set forth in subsection (c) below, including but not limited to transit (such as TransitChek or similar programs), car or bike share, micro mobility initiatives, pedestrian or bike infrastructure or a combination thereof; or (ii) the landlord shall make a payment to the City in the amount set forth in subsection (d) below.
    - (c) The monthly total of such support provided to employees shall be not less than 50% of the then cost of a monthly parking pass at the State-owned Stamford Transit Center garage multiplied by the total number of *Parking Spaces* provided for the *Development*, including parking provided off-site (the "Base Amount"). Independently owned retail establishments with a *Gross Floor Area* of 5,000 sf or less shall be excluded from this requirement.
    - (d) Each January 15, as part of their TDMP reporting, landlord shall provide information and documentation detailing the amount of support provided to employees for alternate modes of transportation during the immediately preceding calendar year. Such information and documentation shall include a certified statement signed by an authorized representative of each tenant whose support amount is included in the report, detailing the amount of such support broken down by type (e.g., TransitChek, car sharing, etc.) If the Base Amount less the total amount of such documented support for the prior year is a positive number, then

the landlord shall pay to the City, by check included with such January 15<sup>th</sup> report, an amount equal to such difference plus 10%. Such amount shall be paid to a City of Stamford account dedicated to pedestrian, bicycle, or transit improvements, as determined by the Director of Administration.

- (3) **Parking Requirements for Small Retail Establishments, Cafes, and Restaurants.**  
Establishments with a *Gross Floor Area* of 2,500 sf or less shall be exempt from the parking requirement established pursuant to Section 12.
- (4) For **Buildings on Zoning Lots with 10,000 sf in Area or Less**, the Zoning Board may, by *Special Permit*, reduce or waive the parking requirement if it finds that:
  - (a) such *Lot* is located fully or partially within one thousand-foot (1,000') radius of a municipal or publicly accessible *Parking Garage*, as measured between the nearest point of the property and the primary entrance of said *Parking Garage*;
  - (b) is a *Mixed-Use Development*; and
  - (c) reduction or waiver of such requirements would not negatively interfere with traffic, on-street or off-street parking on or in the vicinity of such *Lot*.

**5.II.7. Signage** (222-30)

All Signage shall comply with the standards of Subsections 5.A.4.a.-h. and 11.H. (210-14, 217-48)

**5.II.8. Below Market-Rate Housing Requirement** (222-30)

- a. *Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations.
- b. For proposed *Developments* without residential *Floor Area* in the TCD District, *BMR Units* shall be provided by way of off-site construction of *BMR Units* and/or a fee-in-lieu payment, in accordance with the standards, definitions and procedures contained within Section 7.C.4.c and Section 7.C.4.d of these Regulations, pursuant to the following formula:

$$(\text{Gross SF of all Buildings} \times 15\%/1,000 \text{ SF}) \times 12\% \quad (210-14, 219-01)$$

**5.II.9. Site and Architectural Design** (222-30)

- a. Design Requirements for *Transit Center Access Streets* and other Streets within the TCD-D:

	<i>Transit Center Access Streets</i>	<b>Other Streets within the TCD-D</b>
<b>Ground floor Residences</b>	Not permitted	Permitted
<b>Non-residential ground floor uses, including residential amenity space</b>	Required	Permitted
<b>Screening of parking in buildings, ground floor</b>	Must be fully wrapped by active uses <sup>1)</sup>	Must be fully screened
<b>Screening of parking in</b>	Must be fully wrapped by active	Must be fully screened

<b>buildings above the ground floor</b>	uses <sup>1)</sup>	
<b>Parking permitted in Side Yard</b>	No	Yes
<b>Access to Parking Facilities</b>	Permitted only if no other Streets provide access to the property	Permitted
<b>Access to Loading Spaces and other curb cuts</b>	Permitted only if no other Streets provide access to the property	Permitted

<sup>1)</sup> At least 90% of the frontage must be wrapped; provided, however, that no more than 25’ of Building frontage may be unwrapped.

- b. **Landscaping.** All areas of the site not devoted to *Buildings*, *Structures* or other designed uses shall be suitably landscaped to the satisfaction of the Zoning Board. Landscaping shall be designed, provided and permanently maintained consistently with the design and visual quality criteria of adjacent uses and neighborhoods. Use of native plants and plants requiring little or no irrigation is strongly encouraged.
- c. **Exterior Lighting.** All exterior lighting shall meet the requirements of the City of Stamford Code.
- d. **Fencing.** Chain link fencing shall not be permitted. Fencing materials along public streets and other public right-of-ways shall be limited to tubular steel or wrought-iron-type milled steel pickets. Fencing along the side or *Rear Yards* or within a *Lot* may be wood, steel pickets or any other *Fence* types approved by the Zoning Board.
- e. **Contextuality.** The architectural design of new *Buildings* or *Structures*, or *Substantial Renovation or Alteration* or renovation projects, shall be coordinated and compatible with the architectural context of the site and prevailing character of the surrounding areas. Design compatibility includes complementary building style, form, size, colors and materials. Multiple buildings on the same site shall be designed to create a cohesive visual relationship between the *Buildings*. Architectural design shall be subject to approval by the Zoning Board.
- f. **Building Elements.** *Buildings* shall be designed to have a clear base, middle and top.
- g. **Building Height.** Coordination of the height of new *Buildings* or *Structures*, or *Substantial Renovations or Alterations* projects, with the actual and apparent height of adjacent structures is required, especially where buildings will adjoin or be close to each other. Coordination of *Building Height* can often be achieved by adjusting the height of a wall, cornice or parapet line to match that of the adjacent *Building*. Similar design linkages can be achieved to adjust apparent height by placing window lines, belt courses, and other horizontal elements in a pattern that generally reflects the same elements on neighboring *Buildings*.
- h. **Building Volume.** *Buildings* shall be designed to reduce their perceived height and bulk by incorporating architectural strategies including, but not limited to, dividing the building mass into smaller-scale components and providing articulation of all facades. Architectural strategies which create the appearance of a series of side-by-side buildings or bays are required on longer buildings. Rooflines may be emphasized, for example, with a variety of roof forms,

parapets, balustrades, and/or cornices. Where side elevations of buildings are prominently exposed to pedestrian view from public streets, architectural strategies shall be employed to provide articulation of the façade and to diminish perceived height.

- i. **Materials.** On facades visible from the public right-of-way, only high-quality materials shall be used, and the use of vinyl and aluminum siding as well as Exterior Insulation and Finish System (EIFS) or any similar system are prohibited. Changes in façade treatment from lower to upper levels shall occur along a horizontal line, with the visually heavier treatment below the visually lighter treatment. Paneling materials applied to one façade only, such as brick paneling, shall be extended around building corners to a logical break in plane, so as to look substantial rather than “pasted-on.”
- j. **Façades.** Building façades shall be articulated by using color, arrangement, or change in materials to emphasize the façade elements. The planes of the exterior walls may be varied in height, depth or direction. Long building facades shall be broken up into manageable lengths with sufficient building articulation and architectural features such as reveals and piers and, and landscaping in limited instances, to avoid a monotonous or overpowering institutional appearance. Large scale retail stores with building frontages exceeding fifty feet (50’) shall include architectural details and design elements to create the appearance of multiple storefronts. Building façades and site improvements significantly exposed to public view shall be constructed with high quality, durable exterior materials. This paragraph is not intended to discourage the use of high quality, durable and innovative materials.
- k. **Screening of Roof Top Mechanicals.** Rooftop mechanical equipment shall be integrated into the design of the building and set back at least ten feet (10’) from all upper-level building facades, and effectively screened from view from street level.
- l. **Building Entrances.** The principal building entrance and front building façade shall be prominently located and visible from the street and shall not be oriented toward a parking *Lot*. A *Building* on a *Corner Lot* shall have its principal entrance facing the primary street. Where parking is located to the side or rear of a building, or above-ground but below a building, a secondary building entrance may be provided for direct access to the *Parking Area* or a walkway should lead to the primary entrance. All entries shall be well lit and shall include architectural treatment that heightens their visibility.
- m. **Storefronts.** Storefronts and architectural facades shall serve to enliven the street and provide a continuous “border of interest” by maintaining storefronts and window displays close to the outermost edge of the building façade and by avoiding deep setbacks and dark alcoves. Any portion of the ground floor used for non-residential uses shall have a floor-to-ceiling height of at least twelve feet (12’). Storefront windows shall be kept as large as reasonably possible and glazing shall be of clear vision glass only. Tinted and reflective glass shall not be permitted. Storefront windows shall: (a) have a minimum height of six feet (6’) with a window sill of not more than three feet (3’) above grade, and (b) occupy seventy-five percent (75%) or more of the building frontage on the street on the ground floor between the heights of three feet (3’) and ten feet (10’). Primary store entrances shall open to the street except if not possible. Where

storefronts do not open to the street, building facades should be highly articulated with projections, recessions, windows, and other design elements to enliven the street and provide a continuous “border of interest”.

- n. **Security Systems.** Preferred security systems are glass shock, breaker sensors or electronic alarms. Open grill gates when used shall be mounted within the store interior behind the window display with the gate housing hidden from view. Solid slat rolling gates or shutters, barbed wire and razor wire are prohibited.
- o. **Ground Floor Residences on Non-Transit Center Access Streets.** Ground floor Dwelling Units shall be permitted on *Non-Transit Center Access Street*. Privacy measures shall be employed for ground floor Dwelling Units along public sidewalks including, but not limited to, elevating the finished first floor a minimum of 24 inches above curb level, installing reverse shades, introducing landscaped private terraces or implementing other screening measures. There shall be at least a five foot (5') wide planting strip between the sidewalk and ground floor dwelling.
- p. **Ground Floors on Transit Center Access Streets.** No Dwelling Units shall be permitted on ground floors on *Transit Center Access Streets*. Residential amenity space, however, may be permitted. All *Buildings* or portions thereof fronting on a *Transit Center Access Street* must meet the requirements of Subsection 5.II.10.m. “Storefronts”. At least 70% of the street frontage shall be occupied by active uses including residential amenity space. When a site is located on both a *Transit Center Access Street* and a non-Transit Center Access Street, all vehicular access for parking, loading and other “back of house” operations shall be located on the non-Transit Center Access Street unless deemed infeasible by the Zoning Board.

#### **5.II.11. Sustainability (222-30)**

All buildings shall achieve at least a B rating on the City of Stamford Sustainability Scorecard.

#### **5.II.12. Publicly Accessible Amenity Space Requirement (222-30, 223-31)**

*Publicly Accessible Amenity Space (PAAS)* shall be provided pursuant to Section 6 of these Regulations.

#### **5.II.13. Bonus for Publicly Accessible Amenity Space (222-30)**

If an applicant provides more amenity space than required pursuant to Subsection 5.II.12. above, *Bonus Floor Area*, in addition to the *Floor Area Ratios* specified in Subsection 5.II.4.c. above, may be awarded at the following rates:

- a. *Publicly Accessible Amenity Space (PAAS)* consisting of open space at ground level, pursuant to the standards of Section 6:

- (1) *Lots* less than 20,000 sf in area: 2 sf *Bonus Floor Area* for every 1 sf of *PAAS* up to 2,000sf of *Bonus Floor Area*;
  - (2) *Lots* at least 20,000 sf in area but less than one acre: 2 sf *Bonus Floor Area* for every 1 sf of *PAAS*, up to 4,000sf of *Bonus Floor Area*; or
  - (3) *Lots* one acre or larger: 2 sf *Bonus Floor Area* for every 1 sf of *PAAS*, up to 10,000sf of *Bonus Floor Area*.
- b. *Publicly Accessible Amenity Space* consisting of Community Space, pursuant to the standards of Section 6:
- (1) *Lots* less than 20,000sf in area: 4 sf *Bonus Floor Area* for every 1 sf of Community Space, up to 2,000 sf of *Bonus Floor Area*;
  - (2) *Lots* at least 20,000sf in area but less than one acre: 4 sf *Bonus Floor Area* for every 1 sf of Community Space, up to 4,000 sf of *Bonus Floor Area*; or
  - (3) *Lots* one acre or larger: 4 sf *Bonus Floor Area* for every 1 sf of Community Space, up to 20,000sf of *Bonus Floor Area*.
- c. *Publicly Accessible Amenity Space* consisting of commuter facility space.
- (1) *Lots* less than 20,000sf in area: 5 sf *Bonus Floor Area* for every 1 sf of commuter facility space, up to 5,000 sf of *Bonus Floor Area*;
  - (2) *Lots* at least 20,000sf in area but less than one acre: 5 sf *Bonus Floor Area* for every 1 sf of commuter facility space, up to 10,000 sf of *Bonus Floor Area*; or
  - (3) *Lots* one acre or larger: 5 sf *Bonus Floor Area* for every 1 sf of commuter facility space, up to 25,000sf of *Bonus Floor Area*.

Qualifying commuter facility space includes direct pedestrian connections to train platforms or the Transportation Center, public *Parking Areas* and areas for bus and shuttle operations, retail space serving commuters, lobby or circulation space, or other amenities as determined by the Zoning Board.

#### **5.II.14. Application and Review Procedure** (222-30)

- a. Applications for phased *Development* of property within the TCD District shall be accompanied by and subject to the approval of a *General Development Plan (GDP)*.
- b. Pursuant to *Special Permit* approval, the Zoning Board may modify the requirements of the following subsections of this Section, based on the findings of Section 2.C. and the following additional findings:
  - (3) Subsection 5.II.4.f. (Front Setback)
 

The Zoning Board may modify the maximum front setback if it finds that such modification:

    - (a) allows for better alignment with existing *Buildings* and *Structures*, or for design features that improve the overall quality of the *Building*;



- (b) allows for landscaped exterior *Courts* or other *Publicly Accessible Amenity Space* features that enhance the streetscape;
- (c) allows for drives or access to required off-street parking or pick-up and drop-off for building residents or their guests; or
- (d) allows for the more rational *Development* of the site because of site-specific conditions and constraints.

(4) Subsection 5.II.4.g. (Setback from interior *Property Lines*)

The Zoning Board may reduce the Setbacks from interior *Property Lines* beyond 75 feet of the *Street Line* for a shared *Property Line* for *Buildings* or portions of *Buildings* not exceeding one *Story* or 20 feet, whichever is less, if it makes all the following additional findings:

- (a) The adjoining property is located in *Master Plan Categories* 5, 9, 11 or 16;
- (b) The proposed Setback from the *Interior Lot Line* does not infringe on *Light and Air* requirements of any *Building* on adjacent properties; and
- (c) The ground floor is used exclusively for non-residential uses (including residential amenity space).

(5) Subsection 5.II.4.h. (*Lot Coverage*)

The Zoning Board may modify or waive pervious surface requirements if soil conditions, such as bedrock or contamination, make the provision of such pervious areas infeasible.

(6) Subsection 5.II.5.e. (Tower Geometry)

The Zoning Board may modify the shape of footprint of a *Building* or portion of a *Building* exceeding the maximum *Building Height*; provided that the proposed design is superior to an as-of-right design and that all other requirements of Subsection 5.II.5. are met.

(7) Subsection 5.II.9.a. Access to Parking

The Zoning Board may permit access to a *Parking Facility* from a Transit Center Access Street even if the site has access to a non-Transit Center Access Street if it finds that site conditions constrict access from the non-Transit Center Access Street of that it leads to a superior site plan.

c. **Exemptions.** The following projects and activities shall be exempt from Zoning Board review and approval under this Section, as determined by the Land Use Bureau Chief, or designee:

- (1) Minor repairs and/or minor alterations, maintenance or replacement of portions of an existing building, structure, sign, utility service or other minor structures and site features that would result in no significant impact on the design, function, architectural character or visual appearance of the building, structure or property;
- (2) Minor exterior architectural modifications that do not substantially alter the existing height, bulk or facade of an existing building or structure and do not increase building *Floor Area*;  
or
- (3) Interior modifications with no or insignificant increase in *Floor Area*.



**5.JJ. V-C VILLAGE COMMERCIAL DISTRICT (208-40, 218-25)<sup>55</sup>****5.JJ.1. Purpose**

The purpose of the Village-Commercial District (V-C District) is to promote the preservation and development of sustainable, transit-oriented and pedestrian friendly “Main Streets” for neighborhood centers. The regulation intends to assure that the *Development* of new *Structures* and uses is in context with the architecture and character of existing neighborhoods, *Buildings*, sites, streetscapes and pedestrian environments, appropriate with the scale and context of their respective neighborhoods. In order to protect surrounding one-family residential neighborhoods, land currently zoned RA-3, RA-2, RA-1, R-20, R-10, or R-7<sup>1</sup>/<sub>2</sub> shall not be rezoned to V-C. Land zoned R-6 or R-5 shall only be rezoned to V-C if the Zoning and Planning Boards find that that the V-C zoning would be compatible with and enhance the existing built environment.

**5.JJ.2. Authorized Uses**

- a. In the V-C Districts in Glenbrook and Springdale, on land within 125 feet of *Commercial Streets* as defined in Section 3, a *Lot* or *Building* may be altered, arranged, designed, erected or used for any use permitted within the C-N Neighborhood Commercial District, including C-N *Special Permit* uses, but specifically excluding Dwelling – Single Family; Dwelling – Two Family; Boarding House, Rooming House; Auto Service Station; Laundry, Cleaning & Dyeing Agency; Pawn Shop, Second-Hand Store, Auction Store and Medical Marijuana Dispensary Facility. In addition, “Community Center”, “Theatre” and “Ice Skating Rink, Indoor” shall be *Permitted Uses*, and “Café, excluding entertainment” shall be a use permitted by *Special Permit* provided that the provisions of Section 14 of these Regulations shall not apply to any “Café excluding entertainment” or “Restaurant excluding entertainment” within the V-C Districts. (223-09)
- b. In all V-C Districts, on land beyond 125 feet of *Commercial Streets* as defined in Subsection 4.B.7.c(12) below, the same uses as in the R-MF District shall be permitted. (223-09)
- c. In addition to paragraph a. above, the following uses may be allowed in all other V-C Districts within 100 feet of an *Commercial Street* as defined in Section 3 by *Special Permit* only: Café including Entertainment & Liquors; Clinic, Community Health Center; Colleges & Universities; Garages, Public; Hotel, Inn; Nursing Home; Surgery Center/Out Patient; Food Catering; Gymnasium or Physical Culture Establishment; Laboratories, Research; and Restaurant including Entertainment & Liquors. “Pawn Shop, Second-Hand Store, Auction Store” shall not be allowed.

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<sup>55</sup> [Formerly Section 4.B.7. (224-07).]

**5.JJ.3. Development Standards**

The following standards shall apply to the *Development* of property within V-C Districts:

	<b>V-C Commercial Street<sup>1)</sup> Glenbrook / Springdale</b>	<b>V-C Side Street<sup>2)</sup> Glenbrook / Springdale</b>	<b>V-C Commercial Street<sup>1)</sup> all other V-C Districts</b>	<b>V-C Side Street<sup>2)</sup> all other V-C Districts</b>
a. Minimum <i>Lot size</i>	5,000 sf	5,000 sf	5,000sf	5,000sf
b. Minimum <i>Lot Frontage</i>	50'	50'	50'	50'
c. Setbacks				
Front <sup>3)</sup>	15' (min.) 20' (max.)	10' (min.) 15' (max.)	15' (min.) 20' (max.)	10' (min.) 15' (max.)
Side (223-09)	none required within 70 feet of a <i>Street Line</i> if not abutting a single family district <sup>4)</sup> 10' beyond 70 feet of a <i>Street Line</i> ; 15' when abutting a single-family district <sup>4</sup> with a planted buffer of at least 5'; if provided, no less than 10'.	none required within 70 feet of a <i>Street Line</i> if not abutting a single family district <sup>4)</sup> 10' beyond 70 feet of a <i>Street Line</i> ; 15' when abutting a single-family district <sup>4</sup> with a planted buffer of at least 5'; if provided, no less than 10'.	none required within 70 feet of a <i>Street Line</i> if not abutting a single family district <sup>4)</sup> 10' beyond 70 feet of a <i>Street Line</i> ; 15' when abutting a single-family district <sup>4</sup> with a planted buffer of at least 5'; if provided, no less than 10'.	none required within 70 feet of a <i>Street Line</i> if not abutting a single family district <sup>4)</sup> 10' beyond 70 feet of a <i>Street Line</i> ; 15' when abutting a single-family district <sup>4</sup> with a planted buffer of at least 5'; if provided, no less than 10'.
Rear	30' when abutting a single-family district <sup>4)</sup> , 20' when abutting all other districts.	30' when abutting a single-family district <sup>4)</sup> , 20' when abutting all other districts.	30' when abutting a single-family district <sup>4)</sup> , 20' when abutting all other districts.	30' when abutting a single-family district <sup>4)</sup> , 20' when abutting all other districts.
d. Maximum <i>Building Height</i>	3 <i>Stories</i> or 35' whichever is less. However, on <i>Lots</i> with more than 60' fronting on an <i>Commercial Street</i> a maximum <i>Building Height</i> of 4 <i>Stories</i> or 45' whichever is less, may be permitted if the fourth floor is set back by at least 10' from the <i>Street Wall</i> , or	3 <i>Stories</i> or 35' whichever is less.	5 <i>Stories</i> or 55' whichever is less, exclusive of the height of roof or parapet to be determined by the Zoning Board; however, the fifth floor must be setback at least 10' from the <i>Street Wall</i> , or not cover more than 50% of the <i>Building</i> footprint.	4 <i>Stories</i> or 45', whichever is less; the 4 <sup>th</sup> floor, however, must be setback at least 15' from the <i>Curb Line</i>

	does not cover more than 50% of the <i>Building</i> footprint.			
e. Coverage (1) <i>Building Coverage</i> <sup>5)</sup>	55%	45%	65%	55%
(2) <i>Lot Coverage</i> (223-09)	75%	70%	85%	80%
f. Max. <i>Floor Area Ratio</i> <sup>6)</sup>	1.00 (residential only) 1.25 (all uses). Not more than 0.5 <i>FAR</i> of non-residential use shall be allowed. A bonus of 0.25 <i>FAR</i> shall be applied if all <i>BMR Units</i> , excluding fractional units, are provided on site. Said bonus <i>FAR</i> shall not be subject to <i>BMR</i> calculations. Fractional <i>BMR Units</i> shall be subject to a Fee-In-Lieu Payment as defined in Section 7.C.4. of these regulations.	1.00 A bonus of .25 <i>FAR</i> shall be applied if all <i>BMR Units</i> , excluding fractional units, are provided on site. Said bonus <i>FAR</i> shall not be subject to <i>BMR</i> calculations Fractional <i>BMR Units</i> shall be subject to a Fee-In-Lieu Payment as defined in Section 7.C.4. of these regulations.	1.50 (residential only) 1.75 (all uses) Not more than 0.5 <i>FAR</i> . of non-residential use shall be allowed. A bonus of 0.25 <i>FAR</i> shall be applied if all <i>BMR Units</i> , excluding fractional units, units are provided on site. Said bonus <i>FAR</i> shall not be subject to <i>BMR</i> calculations. Fractional <i>BMR Units</i> shall be subject to a Fee-In-Lieu Payment as defined in Section 7.C.4. of these regulations.	1.50 A bonus of .25 <i>FAR</i> shall be applied if all <i>BMR Units</i> , excluding fractional units, are provided on site. Said bonus <i>FAR</i> shall not be subject to <i>BMR</i> calculations Fractional <i>BMR Units</i> shall be subject to a Fee-In-Lieu Payment as defined in Section 7.C.4 of these regulations.

- 1) Standards apply for development parcels and parts thereof in all V-C districts within 125' of an *Commercial Street*. (223-09).
- 2) Standards apply for development parcel and parts thereof in all V-C districts on *Side Streets* more than 125' from an *Commercial Street* (223-09).
- 3) Front setbacks shall be measured from the established *Curb Line*. The maximum setback should only be applied if adjacent existing *Buildings* are setback by more than the minimum setback. For *Corner Lots* fronting on an *Commercial* and a *Side Street*, the front setback for the said *Side Street* shall apply from the intersection of the *Building* front wall on the *Commercial Street* with the *Side Street*.
- 4) For the purposes of this Section 11, Single-Family Districts are RA-3, RA-2, RA-1, R-20, R-10, R-7<sup>1</sup>/<sub>2</sub>, R-6, and R-5.
- 5) *Parking Structures* with roof or upper deck not more than five (5) feet above average finished grade, measured at the perimeter of the parking *Structure*, suitably enclosed and/or landscaped to the satisfaction of the Board, may be excluded from the calculation of *Building Coverage*.
- 6) Excluded from the *Floor Area* calculation are rooftop mechanical *Structures*, bulkheads and mechanical penthouses not exceeding more than 10% of the roof area and parking *Structures* that are below-grade or fully

enclosed within the *Building* behind solid façades , or with roof or upper-deck not more than five (5) feet above average finished grade measured at the perimeter of the parking *Structure*, suitably enclosed and/or landscaped to the satisfaction of the Board. Basement space where the underside of the finished ceiling is three feet or less above the average finished grade may also be excluded from the maximum *Floor Area Ratio* calculation. (215-26)

- g. **Residential Density.** Residential *Density* shall be determined by the maximum residential *Floor Area* permitted, provided that the average *Floor Area* of *Dwelling Units* shall be not less than six hundred and fifty (650) square feet. For *Developments* providing twenty percent (20%) or more of residential units as affordable units not exceeding 65 percent of the Stamford SMSA Median Income, the average *Floor Area* of units shall be not less than five hundred (500) square feet.
- h. **Below Market-Rate Housing.** *Below Market-Rate Housing* shall be provided pursuant to Section 7. of these Regulations. (220-13)
- i. **Parking, Loading and Vehicle Access.** Parking and *Loading Spaces* shall be provided pursuant to Section 12, except that for retail or personal service establishments the first 2,000sf of each establishment may be excluded from the parking requirements established in Section 12. (223-09)
- j. **Signage.** Signage within the V-C Districts within 100 feet of *Commercial Streets* as defined in Section 3 shall be governed by the definitions of these Regulations and by standards of the ARD District. For parcels or parts of parcels more than 100 feet from *Commercial Streets*, the residential *Sign* regulations shall apply.
- k. **Buffer Area.** If a *Lot Line* abuts a single family residential district, a planted buffer of at least 5' in width shall be provided along said *Property Line*. For the purposes of this Section, RA-3, RA-2, RA-1, R-20, R-10, R-7<sup>1</sup>/<sub>2</sub>, R-6, and R-5 districts are considered single family districts. Street trees and other landscaping located on private property shall count towards this requirement. Street trees and other landscaping located on private property shall count towards this requirement. (223-09)
- l. *[deleted]* (223-09)

#### 5.JJ.4. Site Design and Architectural Criteria

*Development* within the V-C District shall conform to the standards of Section 2.D. and Section 2.C of these Regulations, and the following additional design standards and criteria:

##### a. Site Design

- (1) *Buildings* are encouraged to be constructed close to the front *Property Line* or *Street Line* to maintain a continuous *Building* wall along the sidewalk, with minimum interruptions only for permitted driveways, provided that *Buildings* shall be located not less than fifteen (15') feet from the established *Curb Line* on an *Commercial Street* as defined in Section 3 or ten (10') from all other *Streets* to provide an adequate sidewalk width. *Buildings* may be set back further from the front *Property Line* to accommodate outside dining on retail

*Streets* or to provide small landscaped *Front Yards* to buffer ground floor residential uses or where necessary to align the *Building* with existing *Buildings* on adjoining properties, to accommodate an irregular *Property Line* condition, to accommodate an existing unique landscaping feature, or to create publicly accessible open space.

- (2) Surface parking shall be located to the rear of the *Principal Building*, with suitable landscaped islands and perimeter landscaped screening. Large surface parking *Lots* shall be divided with rows of landscaping no less than six feet (6') in width, to create parking "fields" of no more than 50 spaces each. Limited parking may be permitted along the side of the *Principal Building*, provided that no parking or access aisles shall be located in advance of any front *Building* façade on the *Lot* or on an adjoining parcel, and a dense landscaped buffer shall be provided with a minimum width of ten feet (10') and with plant materials maintained at a height of three (3') to four (4') feet, interrupted only by permitted driveways and walkways. Where a screening wall with a height of three (3') to four (4') feet is provided, the buffer width requirement may be reduced to five feet (5'). *Parking Spaces* on street corners are discouraged.
- (3) The number and width of curb cuts to off-street parking and loading areas shall be minimized to enhance pedestrian safety, to maintain an active *Street Wall* and to preserve the opportunity for on-street parking. The consolidation and sharing of driveways and curb cuts between adjacent properties and interior connections between parking *Lots* and/or the use of shared *Parking Facilities* is strongly encouraged.
- (4) Exterior lighting, averaging not less than one-half (0.5) foot candles, shall be provided to insure adequate and safe lighting of all pedestrian sidewalks, walkways and *Parking Areas* within the site and along the property frontage to the *Curb Line*. Lighting fixtures shall be appropriately shielded to prevent trespass lighting onto adjoining private property, unless specifically waived by the adjoining property owner.
- (5) All loading and service areas, trash receptacles and mechanical equipment shall be located away from *Streets* and/or suitably screened by means of solid fencing or landscaping, or a combination of both. Landscape screening materials should be maintained at a minimum height of four (4') feet.
- (6) Fencing materials along public *Street* rights-of-way shall be limited to tubular steel or wrought-iron-type milled steel pickets. Fencing along-side or *Rear Yards* or within a *Lot* may be wood, steel pickets or any other approved *Fence* type. Chain link fencing shall not be permitted.

#### **b. Architectural Design**

- (1) The architectural design of new *Buildings* or *Substantial Renovation or Alteration* projects, as defined in subsection 5.JJ.5.f., shall be coordinated and compatible with the architectural context of the site and prevailing character of the surrounding V-C District. Design compatibility includes complementary *Building* style, form, size, colors and materials.

Multiple *Buildings* on the same site shall be designed to create a cohesive visual relationship between the *Buildings*.

- (2) *Buildings* shall be designed to have a clear base, middle and top, with horizontal elements separating each.
- (3) Coordination of the height of new *Buildings* or *Substantial Renovation or Alteration* projects, as defined in subsection 5.JJ.5.f., with the actual and apparent height of adjacent *Structures* is encouraged, especially where *Buildings* will adjoin or be close to each other. Coordination of *Building Height* can often be achieved by adjusting the height of a wall, cornice or parapet line to match that of the adjacent *Building*. Similar design linkages can be achieved to adjust apparent height by placing window lines, belt courses, and other horizontal elements in a pattern that reflects the same elements on neighboring *Buildings*.
- (4) *Buildings* shall be designed to reduce their perceived height and bulk by incorporating architectural strategies such as, but not limited to, dividing the *Building* mass into smaller-scale components and providing articulation of all façades. On larger *Buildings*, the rooflines of *Buildings* can follow the variation in bay massing so as to appear as a series of side-by-side *Buildings* or bays. Rooflines shall be emphasized, for example with gabled or other pitched roof forms, parapets, balustrades, and/or cornices. Where side elevations of *Buildings* are prominently exposed to pedestrian view from public *Streets*, architectural strategies shall be employed to provide articulation of the façade and to diminish perceived height. (215-09)
- (5) Changes in primary wall material from lower to upper levels shall occur along a horizontal line, with the visually-heavier material below the visually-lighter material. Paneling materials applied to one façade only, such as brick paneling, shall be extended around *Building* corners to a logical break in plane, so as to look substantial rather than “pasted-on.”
- (6) *Building* façades shall be articulated by using color, arrangement, or change in materials to emphasize the façade elements. The planes of the exterior walls may be varied in height, depth or direction. Long *Building* façades are encouraged to be broken up into lengths of approximately thirty feet (30’) with sufficient *Building* articulation and architectural features such as reveals and piers and, and landscaping in limited instances, to avoid a monotonous or overpowering institutional appearance. Large scale retail stores with *Building* frontages exceeding thirty feet (30’) are encouraged to include architectural details and design elements to create the appearance of multiple storefronts.
- (7) Parking *Structures* shall be situated below grade, integrated into the *Principal Building* behind active uses or located to the rear of the *Principal Building* and suitably screened from sensitive pedestrian views and adjacent residential *Buildings*, with all exposed exterior walls faced with finished materials such as brick or masonry.
- (8) Rooftop mechanical equipment shall be integrated into the design of the *Building* and set back at least ten feet (10’) from all upper-level *Building* façades, and effectively screened from view from *Street* level.



- (9) The *Principal Building* entrance and front *Building* façade shall face the street frontage and sidewalk, and not be oriented toward a parking *Lot*. A *Building* on a *Corner Lot* shall have its principal entrance facing the primary *Street*. Where parking is located to the side or rear of a *Building*, a secondary entrance may be provided for direct access to the *Parking Area* or a walkway should lead to the primary entrance at the *Street*. All entries should be well lit and shall include architectural treatment that heightens their visibility.
- (10) Storefronts and architectural façades shall serve to enliven the *Street* and provide a continuous “border of interest” by maintaining storefronts and window displays close to the outermost edge of the *Building* façade and by avoiding deep setbacks and dark alcoves. Storefront windows shall be kept as large as reasonably possible and glazing shall be of clear vision glass only. Tinted glass is discouraged and reflective glass shall not be permitted. Storefront windows are encouraged to have a minimum height of six feet (6’) with a window sill of not more than three feet (3’) above grade, and to occupy seventy-five percent (75%) or more of the *Building* frontage on the *Street*. Primary store entrances shall open to the *Street* where possible. Where storefronts do not open to the *Street*, *Building* façades should be highly articulated with projections, recessions, windows, and other design elements to avoid blank, featureless areas.
- The floor to ceiling height of a non-residential ground floor shall be no less than twelve feet (12’).
- (11) *Building* façades and site improvements significantly exposed to public view shall be constructed with high quality, durable exterior materials. Use of lesser quality materials, such as, but not limited to, masonite paneling, sheet tile, simulated brick, pegboard, vinyl and aluminum siding, external insulation and finish systems, plastic laminate and canopies and awnings made of vinyl is discouraged. This paragraph is not intended to discourage the use of high quality, durable and innovative materials.
- (12) Windows on upper floors shall be residentially-scaled double-hung, casement or other multi-paned styles. Fixed-glass windows should not be used on the upper levels, nor shall painting over or otherwise obscure upper-*Story* windows.
- (13) *Buildings* shall have varied roof lines and materials. Peaked, mansard and other sloping roof types are encouraged. Flat roofs should be topped with cornices or decorative parapets.
- (14) Preferred security systems are glass shock or breaker sensors or electronic alarms. Open grill gates when used shall be mounted within the store interior behind the window display with the gate housing hidden from view. Solid slat rolling gates or shutters, barbed wire and razor wire are prohibited.
- (15) Sidewalks and Street Trees shall be provided pursuant to Section 12.K. (223-09)
- (16) **Ground Floor Residences.** Ground floor residences along public sidewalks shall generally have a minimum 24-inch floor elevation above, and 5-foot landscape buffer from, the adjoining public sidewalk. The 24-inch elevation may be waived or adjusted by the Zoning Board where impractical due to variations in grade or other factors.

**5.JJ.5. Application and Review Procedure**

- a. Applications shall be made on forms provided by the Zoning Board and shall contain the information required under Section 2.D. and Section 2.C of these Regulations, and scaled drawings and architectural design information indicating location, specification of materials, dimensions, colors, manner of fabrication and installation, and such other additional supporting facts and information as required by the Zoning Board or the Land Use Bureau Chief to fully review the proposal. Presentation of actual samples of the exterior architectural materials and colors is encouraged.
- b. Where approval is required pursuant to this Section, no *Zoning Permit* shall be issued by the *Zoning Enforcement Officer* and no *Building* permit shall be issued by the *Building* Department except upon Site Plan and *Special Permit* approval by the Zoning Board or issuance of Site Plan approval by the Land Use Bureau Chief, or designee, as defined in subsection 5.JJ.f.
- c. Any *Special Permit* and/or Site Plan approval, for which a full *Building* permit has not been issued within one (1) year from the approval date, shall become null and void unless the reviewing authority, upon timely application and good cause shown, grants not more than three one-year extensions of the expiration date.
- d. The Zoning Board and/or Land Use Bureau Chief may seek the recommendations of any town or regional agency or outside specialist, with which it consults, including, but not limited to, the regional planning agency, the municipality's historical society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.
- e. All applications for new construction and *Substantial Renovation or Alteration* in view from public roadways shall be subject to review and recommendation by an architect or architectural firm, landscape architect, or a Planner for the City of Stamford, as designated by the Land Use Bureau Chief, for consistency with V-C District and the character of the respective neighborhood. Alternatively, or in addition to the prescribed review procedure, the Zoning Board may designate a neighborhood association, Neighborhood Revitalization Zone Board, or Special Services District as the district consultant for applications in their respective neighborhood or jurisdiction as an Architectural Review Advisory Committee (ARAC). The ARAC shall consist of not less than three (3) individuals, including at least one architect, landscape architect, planner or other qualified professional. ARAC members shall be selected by the Land Use Bureau Chief after consultation with the Zoning Board and shall possess sufficient expertise and qualifications to review architecture and *Building* design. The ARAC shall review an application and report to the Planning and Zoning Boards within thirty-five days of receipt of the application. Non-submission of a review by an ARAC shall be considered as a positive recommendation by said Committee.

f. **Reviewing Authority**

- (1) The Zoning Board shall review and determine compliance with the standards of the V-C Districts, by issuance of *Special Permit* and Site Plan approval, for all substantial new construction, and reconstruction projects, and changes of use defined as follows:
  - (a) Establishment of a *Special Permit* use of *Buildings* and/or property, as defined in subsection 5.JJ.2.c. above.
  - (b) Construction of *Buildings, Structures, and Accessory Structures*, including additions and alterations to existing *Buildings* and *Structures*, resulting in an increase in gross *Building Floor Area* of more than twenty thousand (20,000) square feet or a project developing or altering forty thousand (40,000) square feet of land area.
  - (c) Changes in use comprising more than 5,000 square feet of *Floor Area* of a *Building* or *Structure* to a permitted V-C District use.
  - (d) Construction, reconstruction or alteration of a *Building* façade more than 50 feet in width, including signage, that exceeds thirty percent (30%) of the vertical plane area of any individual façade or portion of façade visible from within the V-C Districts from any public *Street*, roadway, public pedestrian walkway or park.
- (2) The Zoning Board shall administratively review and determine compliance with the standards of the V-C district for:
  - (a) Changes in use comprising 5,000 square feet or less of *Floor Area* of a *Building* or *Structure*.
  - (b) Construction of new or modification of existing driveways, *Parking Areas*, outside storage, signage, lighting, landscaping, *Fences*, walls, pedestrian walks and terraces, and related site features, that exceeds two thousand (2,000) square feet or thirty percent (30%) of site area.
  - (c) Construction, reconstruction or alteration of a *Building* façade less than 50 feet in width, including signage, that exceeds thirty percent (30%) of the vertical plane area of any individual façade or portion of façade visible from within the V-C Districts from any public *Street*, roadway, public pedestrian walkway or park.
- (3) The Land Use Bureau Chief, or designee, shall review and determine compliance with the standards of the V-C District for all other non-exempt projects, by issuance of Site Plan approval.

g. **Exemptions.** The following projects and activities shall be exempt from review under this Section:

- (1) Minor repairs and/or minor alterations, maintenance or replacement of portions of an existing *Building, Structure, Sign*, utility service or other minor *Structures* and site features that would result in no significant impact on the design, function, architectural character or visual appearance of the *Building, Structure* or property.
- (2) Exterior architectural modifications that do not substantially alter the existing height, bulk

- or façade of an existing *Building* or *Structure* and do not increase *Building Floor Area*.
- (3) Interior modifications that do not result in a change in use of the *Building*.